

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Petition of PPL Corporation, PPL Rhode Island :
Holdings, LLC, National Grid USA and The :
Narragansett Electric Company for Authority :
To Transfer Ownership of The Narragansett : Docket No. D-21-09
Electric Company to PPL Rhode Island :
Holdings, LLC and Related Approvals :

ORDER

(In response to the EDP's Motion for Reconsideration)

Whereas: The Rhode Island Division of Public Utilities and Carriers ("Division") previously issued an Order in the instant docket, specifically, Order No. 24109, issued on August 19, 2021. That previously issued Order is inextricably linked with this Order, and accordingly shall be adopted as the introduction to this Order and, by necessity, incorporated by reference. As the travel of this docket is lengthy and complicated, the Division will skip all discussion of this travel in the instant Order, relying instead on the incorporation of the above-identified Order as a comprehensive prologue, thereby permitting the Division to limit its focus to the outstanding motion.

Whereas: On September 7, 2021, EDP filed a Motion for Reconsideration of Order No. 24109, wherein EDP requests that the Division reconsider its decision by taking steps to correct certain inaccuracies in the record.

Whereas: In support of their Motion, the EDP argues that the hearing officer inadvertently failed to address EDP's Motion to Strike "the defamatory and factually inaccurate statements made by PPL's Legal Counsel about EDP" during

the hearing conducted on July 15, 2021.¹ EDP made the motion during the July 15, 2021 hearing. EDP identifies the statements in issue as contained in the transcript at “Page 89 Line 12 through Page 92 Line 4.”² EDP argues that the “[f]ailure to strike the defamatory and factually inaccurate statements from the official transcript, leaving false statements as part of the official record, harm EDPs [sic] actual and potential, financial and business agreements, both present and future, EDP’s reputation and credibility with the Division and the renewable energy community at large.” EDP now reiterates its previous requests that the Division strike the “offending language” from the official transcript.³

Whereas: On September 7, 2021, the hearing officer, through the Division’s Clerk, directed Counsel for PPL to provide a responsive pleading that addresses EDP’s claim and request to strike.⁴

Whereas: On September 17, 2021, Counsel for PPL submitted an objection to EDP’s motion, arguing that the motion should be denied due to its lateness in relation to the hearing and also on the merits. Specifically, PPL argues that motions for consideration must be filed within ten (10) days of the issuance of the decision. PPL observes that in this case, EDP was nine days late.

PPL also argues that the inaccurate record language in issue has already been addressed and corrected through arguments made by EDP’s and PPL’s counsel during the July 15, 2021 hearing. PPL notes that it admitted during the

¹ Motion for Reconsideration, pp. 1-2.

² Id., p. 2.

³ Id.

⁴ The request from the Clerk was made via email, copied to the service list. That same day, Counsel for PPL confirmed receipt and acknowledged that he would respond as directed.

hearing “that EDP was not the party involved in the appeal to the Supreme Court....”

PPL also argues that “there is no mechanism to strike argument from a hearing transcript.” PPL argues that this type of “striking” is distinguishable from striking testimony at trial; a “motion to strike at trial does not alter the transcript.”

Whereas: The Division has considered EDP’s request for reconsideration and PPL’s objection thereto and finds that while it would be inappropriate to alter the official transcriptional record of this docket, as requested by EDP, it is clear to the Division that EDP was inaccurately portrayed and labelled by PPL in its oral arguments during the July 15, 2021 hearing. The Division accepts EDP’s then rebuttal that “EDP is not at the Supreme Court, was not involved in recent legislation vetoed by the Governor, did not advocate for transferring costs in this intervention and is not doing an end run around.”⁵ The Division finds that the record produced before the Division during the intervention proceedings does not provide any substantive evidence to back such initial assertions by PPL.

Accordingly, the Division will provide the corrections EDP seeks through the findings contained in this decision; the transcript shall not be amended. The Division also wishes to make it clear that it did not deny EDP’s motion to intervene in this docket based on the inaccuracies discussed herein. The rationale for the Division’s decision to deny intervention status to EDP is fully explained in Order No. 24109, *supra* and is affirmed.

Now, therefore, it is

⁵ Tr. 110, July 15, 2021.

(24231) ORDERED:

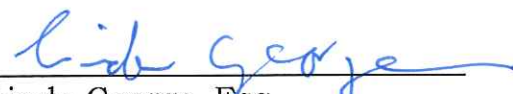
1. That Order No. 24109 is incorporated by reference.
2. That EDP's September 7, 2021 Motion for Reconsideration, is hereby denied in part and approved in part. The motion is denied as to the request to strike arguments memorialized in the transcript from the July 15, 2021 hearing. The motion is approved as to EDP's request to correct the record regarding certain claims made by PPL during the same hearing, as discussed and identified herein.
3. That the Division's previous decision to deny EDP's motion to intervene in this docket is affirmed.

Dated and Effective at Warwick, Rhode Island on September 22, 2021.

Division of Public Utilities and Carriers



John Spirito, Jr., Esq.
Hearing Officer

APPROVED: 

Linda George, Esq.
Administrator