

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held January 9, 2017

Attendees: Chairperson Margaret Curran, Commissioner Herbert DeSimone, Commissioner Marion Gold, Patricia Lucarelli, Cynthia Wilson-Frias, Maggie Hogan, Alan Nault, Sharon Colby Camara, Todd Bianco and Luly Massaro.

Chairperson Curran called the Open Meeting to order at 2:30 P.M. in the first-floor hearing room of the Public Utilities Commission (PUC). A quorum was present.

Approval of Minutes of Open Meeting held on January 5, 2017. Commissioner DeSimone moved to approve the minutes. Commissioner Gold seconded the motion. The motion was passed. **Vote 3-0.**

4680 – Narragansett Bay Commission (NBC) – NBC submitted on December 9, 2016, a filing to amend its Terms and Conditions of service tariff. Specifically, NBC's seeks to amend the Water Shut-off and Disconnect Fee, methodology for calculating the billing of Output Meters, and a provision for providing abatement when the use of an abatement meter is not feasible. The Division's submitted a memorandum summarizing its review of the filing and recommending approval. Commissioner DeSimone moved for approval of the tariff as submitted. Commissioner Gold seconded the motion. The motion passed. **Vote 3-0.**

4025 – City of Newport Water Division - On its most recent decision following review of the PUC's Order on remand in this docket, the Supreme Court requested that the PUC identify and certify how much of the \$1,584,171 has been paid back to the City of Newport by Newport Water Division. Atty. Wilson-Frias summarized the travel of the docket that led to the disagreement in this case.

After a review of the court's opinion, which discusses the evidence in Docket 4025, which is based on the record in Docket 4025 and it made no reference to any other docket, Chairperson Curran moved to certify that \$578,754 was repaid in Fiscal Year 2008. FY 2008 was the Rate Year set in Docket No. 3818 and the twelve-month period reviewed in Docket No. 4025 for defining, identifying, and quantifying efficiencies realized by Newport Water. The repayment figure was derived from subtracting the payables owed to the City of Newport from the Newport Water Department on June 30, 2008 (\$1,005,417) from the payables owed to the City of Newport on June 30, 2007 (\$1,584,171). Commissioners DeSimone and Gold concurred with Chairperson Curran. Commissioner DeSimone seconded they motion noting that the scope of the PUC's review is narrow, limited and confined to the record in Docket No. 4025 as such record remanded to the PUC by the Supreme Court. **Vote 3-0.**

The PUC instructed the Clerk to certify the record to the court reflecting the numbers that were decided at the open meeting.

4645, 4649, 4650 & 4662 – WED Energy Development LLC, Town of West Warwick and Narragansett Bay Commission (collectively, Applicants) – After review, the PUC acknowledged receipt of the Applicants’ Joint Proposed Renewable Energy Credit Disaggregation Plan, found it to be timely and in compliance with the PUC's Order issued on December 30, 2016. Chairperson Curran moved to approve the Joint Proposed Renewable Energy Credit Disaggregation Plan. Commissioner Gold seconded the motion. The motion passed. **Vote 3-0.**

4681 – Rhode Island Convention Center Authority (RICCA) - Commissioner DeSimone was recused from the open meeting due to his relationship with Atty. Leach and this filing.

The RICCA submitted on December 14, 2016, a Petition for Declaratory Judgment seeking a ruling that the RICCA is a “public entity” as that term is defined in the Rhode Island Net Metering statute at R.I. Gen. Laws § 39-26.4-2(15). The PUC issued a notice of the filing and deadline to file comments. No comments or objection have been received. After review, Chairperson Curran moved to declare that the RI Convention Center Authority is a public entity under R.I. Gen. Laws § 39-26.4-2(12). Commissioner Gold seconded the motion and the motion passed. **Vote 2-0.** The effective date of this ruling is January 10, 2017 in conformance with the new law and filed with the Secretary of State pursuant to R.I. Gen. Laws § 42-35-8.

The Open Meeting adjourned at 2:58 P.M.