

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held March 30, 2010

Attendees: Chairman Elia Germani, Commissioner Mary Bray, Commissioner Paul Roberti, Patricia Lucarelli, Cindy Wilson-Frias, Sharon Colby Camara, Alan and Nault, Nick Ucci. Staff Patricia Lucarelli and Luly Massaro were not present.

Chairman Germani called the open meeting to order at 11:00 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Competitive Telecommunications Service Providers

The following companies filed an application registration for authority to provide telecommunications service in Rhode Island. The Division has reviewed the applications and recommends approval of:

4157 – tw telcom data services llc

4156 – Bellerud Communications, LLC

After review, Chairman Germani entertained a motion to approve the applications and Commissioner Bray moved to approve the applications. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The following companies filed revisions to their existing tariffs. The Division has reviewed the tariff filings and recommends that they be allowed to go into effect without suspension:

3807 – Matrix Telecom, Inc. (tariff filing 3/16/10)

3381 – DSCI Corp. (tariff filings 3/10/10)

2486 – MCImetro Access Transmission (tariff filing 3/11/10)

2262(P16) – Legacy Long Distance International (tariff filing 3/11/10)

2262(P7) – MCI Communications (tariff filing 3/11/10)

2262(A6) – SBC Long Distance LLC (tariff filing 3/17/10)

2262(Q2) – Affinity Network Inc. (tariff filing 3/16/10)

2262(O2) – NOS Communications, Inc. (tariff filing 3/16/10)

2262(P2) – NOSVA Limited Partnership (tariff filing 3/16/10)

After review, the Commission followed the Division's recommendation that the tariff filings be allowed go into effect without suspension.

4147 – Verizon Rhode Island – Verizon filed on March 1, 2010 a tariff filing to increase selected Private Line and Data Services. The Division has reviewed the tariff filing and recommends that it be allowed to go into effect without suspension. After review, Chairman Germani entertained a motion to approve Verizon's filing and Commissioner Bray moved to approve. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

3544 – Verizon Rhode Island – Verizon filed for approval an Amendment to Interconnection Agreement (ICA) entered between and DIECA Communications d/b/a Covad Communications. The Division has reviewed the ICA amendment and

recommends adoption of the ICA amendment. After review, Chairman Germani entertained a motion the ICA amendment and Commissioner Bray moved to approve. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4155 - Oldport Marine Services, Inc. – Oldport Marine filed on March 10, 2010 proposed harbor shuttle service rate and cruise ship tender service rate for the 2010 Summer Season. The Division filed a letter supporting approval of the tariff filing. Commissioner Germani entertained a motion to approve Oldport Marine’s tariff filing and Commissioner Bray moved to approve. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4152 - Interstate Navigation Co. – Interstate Navigation filed on March 3, 2010 a request to change fast ferry service rates effective May 1, 2010 along with motions seeking expedited approval, a waiver from RIGL 39-1-11, and exemption from filing requirement of Commission’s rules. The Division filed a letter indicating that it did not object to Interstate Navigation’s proposed new rates and tariff.

After review, Commissioner Germani entertained a motion to approve Interstate’s tariff filing. Also, to approve Interstate’s request for expedited approval, grant a waiver from RIGL 39-1-11 and exemption from Commission’s rules. Commissioner Bray moved to approve Interstate’s filing as submitted. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4160 – Access to Public Records Regulations – Chairman Germani moved to initiate a rulemaking docket for the purpose of adopting proposed “Access to Public Records Regulation”. The regulation establishes rules and procedures applicable to access public records maintained by the Commission. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4034 – National Grid (NGrid) – NGrid filed on February 16, 2010 a final Accelerated Replacement Program Plan (ARP) proposal providing a description of replacement projects to be performed within the targeted amount of investments for the fiscal year 2011. The Division filed comments summarizing its review and expressing concern with the manner in which leak devices occur. Without waiving its concern, the Division supported approval of NGrid’s ARP for FY 2011.

After review, Commissioner Germani entertained a motion to approve NGrid’s ARP for FY 2011 and Commissioner Bray moved to approve. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4111 – National Grid – This docket relates to the Commission’s review National Grid’s Proposed Town of New Shoreham Project (Project) Pursuant to Pursuant to R.I.G.L. § 39-26.1-7. Based on law, the Commission’s role is to approve or disapprove a Purchase Power Agreement (PPA) executed between National Grid and Deepwater Wind Block Island, LLC (on December 9, 2009). The proposed PPA, if approved, will provide for the development of a renewable energy resources project of 30 megawatts or less that includes a proposal to enhance the electric reliability and environmental quality of the

Town of New Shoreham including provisions for an undersea transmission cable that would interconnect the Town of New Shoreham and the mainland of Rhode Island. The Commission reviewed the record and deliberated on the issues:

- Finding whether the Project conforms to the statutory requirements – Chairman Germani moved to find that the Project conforms to the statutory requirements. The basis for finding is that the Project meets the following criteria that it:
 - 1) is a newly developed renewable energy resource
 - 2) will enhance the electric reliability of the Town of New Shoreham
 - 3) will enhance the environmental quality of the Town of New Shoreham
 - 4) includes a transmission line between Block Island and the mainland.

Commissioner Bray concurred and moved to approve the motion. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- Finding whether the Purchase Power Agreement is commercially reasonable – The Commission reviewed the terms and pricing of the PPA and found that it was not commercially reasonable.
 - 1) Chairman Germani moved to find that the terms of the PPA are consistent with what an experienced power market analyst would expect to see in transactions involving newly developed renewable energy resources with the caveat that the parties should reconsider the assignment clause. Commissioner Bray concurred and moved to approve the motion. Commissioner Roberti seconded and the motion was unanimously passed. **Vote 3-0.**
 - 2) Commissioner Bray moved to find that the pricing in the PPA is not what an experienced power market analyst would expect to see in transactions involving newly developed renewable energy resources. Chairman Germani concurred and moved to approve the motion. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Finding whether the Project will provide other direct economic benefits to the State – Chairman Germani moved to find that from an economic perspective, the Project will not provide direct benefits to the State. Commissioner Bray concurred noting that the evidence did not support the finding of other direct economic benefits.

Commissioner Bray suggested that the Commission open a docket to review a cable from Block Island to the mainland. Chairman Germani noted that National Grid expressed an interest in being willing to do that. Commissioner Roberti indicated that Block Island's needs need be addressed separately from the offshore wind projects.

A transcript of the Commission's March 30, 2010 open meeting discussion relating National Grid's Docket No. 4111 is available at the office of the Commission Clerk.

The open meeting adjourned at 11:57 A.M.