

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held May 5, 2011

Attendees: Chairman Elia Germani, Commissioner Mary Bray, Commissioner Paul Roberti, Cindy Wilson-Frias, Amy D'Alessandro, Sharon Colby Camara, Nick Ucci and Luly Massaro. Staff Patricia Lucarelli and Dilip Shah were not present.

Chairman Germani called the open meeting to order at 2:05 P.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

1725 – Rules Governing the Termination of Residential Gas and Electric Utility Service –

The Commission reviewed the George Wiley Center's request to extend the moratorium to July 1 and the responsive pleadings filed by the Division, Pascoag Utility District and National Grid. After review, Chairman Germani moved to reject the Wiley's request to extend the winter moratorium to July 1. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.** Commissioner Bray however requested National Grid to consider implementing the following proposal and requested a reply by May 9: Through July 1, 2011, allow protected customers not yet terminated but who have received a termination notice and who have an arrearage balance of either \$600 or less for electric or \$1200 or less for gas and who have made at least three payments during the winter moratorium to renegotiate a new 12 month payment plan with no down payment if they call the Company prior to being terminated.

Competitive Telecommunications Service Providers

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:

2426 – TCG Rhode Island (tariff filing 3/31/11)

3059 – Broadview Networks, Inc. (tariff filing 4/7/11)

2262(P7) – MCI Communications Services, Inc. (4/18/11)

After review, the Commission followed the Division's recommendation that the tariff filing be allowed to go into effect.

2262(G1) – Reliance Communications International, Inc. - The company ceased operations and requested that its authority to transact be rescinded. After review, Chairman Germani moved to rescind the authority to transact of Reliance Communications. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4232 – National Grid – The Commission reviewed The Energy Council of RI's (TEC-RI) Motion to Dismiss National Grid's Petition to establish a docket to review the use of backup rates and the responsive pleadings submitted by the Division and National Grid. After review, Chairman Germani moved to reject TEC-RI's Motion to Dismiss. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4206 – National Grid – The Commission reviewed National Grid's Motion to Transfer Backup Rates Testimony submitted by TEC-RI to Docket No. 4232 and the responsive pleadings

submitted by TEC-Environment Northeast. After review, Chairman Germani moved to grant National Grid's Motion to Transfer Backup Rates Testimony. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4204 - Canandaigua Power Partners LLC (Company) – The Commission review the company's renewable energy resources (RES) application seeking certification for the Cohocton and Dutch Hill Wind Farm, as an eligible combined wind energy generation unit. After review, Commissioner Bray moved to find that the applicant meets the requirement for a unit-specific bilateral contract and moved to approve the company's application for certification of the Cohocton and Dutch Hill Wind Farm Generation Units. Commissioner Roberti seconded the motion and motion was unanimously passed. **Vote 3-0.**

With respect to other RES applications that are "on hold", if there is an affiliate transaction in the future, Applicants are required to provide the following information:

- (1) Certification from the applicant that none of the counterparty affiliates to the unit-specific bilateral contracts are subject to cost of service/rate of return regulation by the RIPUC;
- (2) Evidence of authorization by FERC to market/sell power at market based rates (by tariff or FERC order); and
- (3) A copy of an organizational chart showing the relationship between the affiliates.

The Commission unanimously agreed and approved the filing requirements for future applicants. **Vote 3-0.**

City of Newport Water Division – Newport Water's filed on April 18, 2011 a Motion for Exemption from Filing Requirement to utilize a different test year than that required by the PUC Rule 2.6(b). No objection was received. After review, Commissioner Bray moved to grant Newport Water's Motion for Exemption as requested. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4243 – City of Newport Water Division – Newport Water filed on April 19, 2011 proposed rates designed to generate additional revenues in the amount of \$3,509,382 for effect May 19, 2011. Commissioner Bray moved to suspend Newport Water's proposed rates to conduct discovery and hearing on the proposal. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The open meeting adjourned at 2:30 P.M.