

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held July 26, 2012

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

Chairman Germani called the open meeting to order at 2:00 P.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Minutes of Open Meetings held on June 12, June 21 and July 11, 2012 – After review, Commissioner Bray moved to approve the minutes. Commissioner Roberti seconded the motion and the motion was unanimously approved. **Vote 3-0.**

Competitive Telecommunications Service Providers

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

2618 - AT&T Corp. (tariff filings 7/3 & 7/13/12)

2426 - TCG Rhode Island (tariff filing 7/13/12)

3028 – Qwest Communications of Delaware LLC (tariff filing 7/13/12)

3663 – Budget PrePay, Ind. (tariff filing 7/10/12)

3735 - YMax Communication Corp. – On June 1, 2012, YMax filed a tariff revision to implement the FCC's Order Step 1 Transitional Intrastate Switched Access. The tariff filing was allowed to go into effect without suspension. AT&T filed on June 29, 2012 a Motion to Reopen the Proceeding of YMax's Communication Corp. Regarding the Automatic Approval Tariff Application maintaining that YMax's tariff is in violation of the FCC's order. Verizon filed a letter in support of AT&T's motion. YMax filed an objection to AT&T's motion. In view that there was no discovery conducted on the matter, Chairman Germani moved to treat AT&T's motion as a petition for investigation; however, the YMax's rates will remain in effect during the pendency of this investigation. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4341 - Pascoag Utility District – Pascoag filed on July 6, 2012, an application to implement new rates designed to generate additional operating revenues in the amount of \$584,145. Commissioner Bray moved to suspend the proposed tariffs to conduct investigation and hearing on the rate application. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4338 – Narragansett Electric d/b/a National Grid – National Grid filed on July 3, 2012 a tariff advice filing to amend R.I.P.U.C. No. 2081, Long-Term Contracting for Renewable Energy Provision. Commissioner Bray moved to suspend the proposed tariff advice to conduct

discovery into the proposal. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4076 – Narragansett Electric d/b/a National Grid v. Town of Hopkinton, et al – This docket relates to the Commission’s review of National Grid’s Petition Pursuant to RIGL 39-1-30 seeking review and preemption or modification of a zoning amendment adopted by the Town of Hopkinton on July 20, 2009. National Grid and Town of Hopkinton filed on July 18, 2012 a Joint Motion for Approval of a Settlement Stipulation. The settlement resolves the location for the construction of a new substation in Hopkinton. After review, Chairman Germani entertained the following motions: 1) to approve the Settlement Stipulation and 2) to invalidate the July 29, 2009 amendment to the Hopkinton Zoning Ordinance only as to the parcel of land located on Ashaway Road in Hopkinton and identified as Plat 2, Lot 38, so as to allow construction of an electric substation on the property. Commissioner Bray moved to approve the motions. Commissioner Roberti seconded the motions and the motions passed. **Vote 3-0.**

4325 - Granite Reliable Power LLC (Company) – The Company filed an application for certification of the Granite Reliable Wind Project, a 99 MW wind farm located in Coos County, NH, as an eligible New Renewable Energy. After review, Commission Bray moved to approve the application. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4025 - Newport Water Division – This docket relates to Newport Water’s rate application filed in December 2008. The Commission issued a Report & Order on March 29, 2010. The Order was appealed to the Supreme Court by Portsmouth Water and Fire District. The Supreme Court's issued a decision on January 9, 2012 remanding the case to the Commission.

Atty. Wilson-Frias summarized that upon her dissemination (by e-mail) of a chart regarding the Supreme Court’s remand decision to the Service List, attorney for PWFD replied to communicate his disagreement with the decision chart. Chairman Germani moved to review the matter once again, the order, on a de novo basis without reference to the document prepared by Atty. Wilson-Frias and to rule on the matter sometime in the future. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The open meeting adjourned at 2:15 P.M.