

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held on August 28, 2019

An Open Meeting of the Public Utilities Commission was held on Wednesday, August 28, 2019 at 11:00 A.M. in Hearing Room A, 89 Jefferson Boulevard, Warwick, Rhode Island to discuss, deliberate and/or vote on the following dockets.

Present: Chairperson Margaret Curran, Commissioner Marion Gold, Commissioner Abigail Anthony, Margaret Hogan, John Harrington, Todd Bianco, Alan Nault, and Luly Massaro.

- I. Chairperson Curran called the Open Meeting to order at 11:00 A.M. A quorum was present.
- II. **Docket No. 4809 – The Narragansett Electric Co. d/b/a National Grid** –National Grid submitted proposed Standard Offer Service Rates for the Residential Group and Commercial Groups for the months of October 2018 through March 2020 and proposed Standard Offer Service Rates for the Industrial Group for the months of October 2019 through December 2019. The Division submitted a memorandum finding the proposed rates to be correctly calculated and in compliance with the procurement plan approved in this docket. After review, Commissioner Gold moved to approve National Grid’s proposed Standard Offer Service rates as submitted. Chairperson Curran seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- III. **Docket No. 4956 – The Narragansett Electric Co. d/b/a National Grid and Energy Development Partners, LLC (EDP)** – Discussion of this docket was postponed.
- IV. **Docket No. 4964 – Agera Energy LLC** – This docket relates to Agera Energy’s Renewable Energy Standard Compliance Filing for Year 2018. The compliance filing included a Motion for Protective Treatment of Confidential Information that was submitted on July 16, 2019. The compliance filing was subsequently revised on August 16, 2019. After review, the PUC made the following motions:

Chairperson Curran moved to grant Agera Energy’s Motion for Protective Treatment of Confidential Information. Commissioner Gold seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairperson Curran moved to find that Agera Energy failed to comply with the 2018 Renewable Energy Standard for Compliance Year 2018. Agera Energy’s obligation for Compliance Year 2018 was met in part by banked Renewable Energy Certificates (RECs) from Compliance Year 2017. After accounting for these banked RECs, Agera Energy still has an unsettled obligation. Agera Energy has provided no additional evidence to establish that the company has eligible RECs to meet its obligation for 2018, and staff has confirmed that Agera Energy’s NEPOOL-GIS

account has no remaining RECs eligible to be retired. Agera Energy has also not made Alternative Compliance Payments to the Rhode Island Commerce Corporation to settle the outstanding obligation. Commissioner Gold seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairperson Curran moved to find that the amount of Alternative Compliance Payments owed to the Renewable Energy Development Fund far exceeds the amount of the Letter of Credit on file with the PUC and Division of Public Utilities and Carriers. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairperson Curran moved to penalize Agera Energy, pursuant to R.I. Gen. Laws § 39-26-4 and § 39-1-27.1(c)(9) and 815-RICR-30-05-1.3A(9)(b), in the amount of \$250,000 for violating the provisions of R.I. Gen. Laws § 39-26-4. Commissioner Gold seconded the motion and the motion was unanimously passed **Vote 3-0.**

Chairperson Curran moved to designate herself to demand release of the full amount of the Letter of Credit dated September 20, 2018 Commissioner Gold seconded the motion and the motion was unanimously passed **Vote 3-0.**

Chairperson Curran moved to find that once the demand is made for the full amount of the Letter of Credit and the funds are released, Agera Energy will be out of compliance with the Division of Public Utilities and Carriers' Rules Applicable to Nonregulated Power Producers and, accordingly, cannot enroll new customers. Commissioner Gold seconded the motion and the motion was unanimously passed **Vote 3-0.**

Chairperson Curran moved to find that remittance of the funds available under the Letter of Credit does not in any way relieve Agera Energy from its remaining obligation to the Renewable Energy Development Fund. Commissioner Gold seconded the motion and the motion was unanimously passed **Vote 3-0.**

Chairperson Curran directed Ms. Massaro to transmit this Order to the Division of Public Utilities and Carriers for enforcement action under its Rules Applicable to Nonregulated Power Producers. Commissioner Anthony seconded the motion and the motion was unanimously passed **Vote 3-0.**

- V. There being no further business to discuss, Chairperson Curran moved to adjourn the Open Meeting at 11:12 A.M. A web video of the Open Meeting discussion can be accessed at <http://www.ustream.tv/channel/WqQyXw296dg>.