

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on August 11, 2021

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held on Wednesday, June 10, 2021 at 1:00 P.M. in Hearing Room A, 89 Jefferson Boulevard, Warwick, Rhode Island to discuss, deliberate, and/or vote on the following dockets.

In attendance: Chairman Ronald Gerwatowski, Commissioner Abigail Anthony, Commissioner John Revens, Cynthia Wilson-Frias, John Harrington, Todd Bianco, Emma Rodvien, Alan Nault, Rudolph Falcone and Luly Massaro.

- I. Charmain Gerwatowski called the Open Meeting to order at 1:00 P.M. A quorum was present.
- II. **Minutes of Open Meeting held on June 29, 2021** - Chairman Gerwatowski moved to approve the Minutes of Open Meeting held June 29, 2021. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- III. **Applications for Eligibility as a Renewable Energy Resource** – The Commission reviewed and voted on the applications for eligibility as a Renewable Energy Resource submitted in the following dockets. All these facilities are operational and have been assigned a NEPOOL GIS ID number. PUC consultant recommended approval of the applications without conditions.

Docket No. 5162 – Constellation Solar Rhode Island, LLC (Applicant) - The Applicant applied for eligibility of the Roger Williams University – Greene Lane at Middletown generation unit, a 0.952 MW AC (1.1376 MW DC) solar facility located in Middletown, Rhode Island as a New Renewable Energy Resource. Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve the application. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Docket No. 5163 – Constellation Solar Rhode Island, LLC (Applicant) - The Applicant applied for eligibility of the Roger Williams University – Melville at Portsmouth generation unit, a 3.0 MW AC (3.924 MW DC) solar facility located in Portsmouth, Rhode Island as a New Renewable Energy Resource. Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve the application. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Docket No. 5129 – Wallingford Renewable Energy LLC (Applicant) - The Applicant applied for eligibility of the Wallingford I generation unit, a 4.99 MW AC (6.81 MW DC) solar facility located in Wallingford, Connecticut as a New Renewable Energy Resource. Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve the application. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Docket No. 5130 – Wallingford Renewable Energy LLC (Applicant) - The Applicant applied for eligibility of the Wallingford II generation unit, a 4.99 MW AC (6.81 MW DC) solar facility located in Wallingford, Connecticut as a New Renewable Energy Resource. Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve the application. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Docket No. 5131 – Wallingford Renewable Energy LLC (Applicant) - The Applicant applied for eligibility of the Wallingford III generation unit, 4.99 AC (6.84 DC) solar facility located in Wallingford, Connecticut as a New Renewable Energy Resource. Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve the application. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

IV. **Docket No. 4770 – The Narragansett Electric Co. d/b/a National Grid** – The Commission reviewed the Company’s revised Direct Current Fast Charging Discount Pilot Provision (Tariff) submitted pursuant to the Commission’s Open Meeting Decision on July 27, 2021. The revised Tariff changes the expiration date of the current tariff to August 31, 2021. Chairman Gerwatowski moved to approve the Company’s compliance filing. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

V. **Docket No. 5077 – The Narragansett Electric Co. d/b/a National Grid** – The Commission reviewed the record relating to National Grid’s proposal to revise the Company’s electric tariff entitled Standards for Connecting Distributed. After deliberation of the outstanding issues, the following votes were made:

Change to Tariff Definition

Chairman Gerwatowski moved that the Company’s compliance filing change the terms Electric Power System and EPS to Electric Distribution System and EDS and that the definition is properly footnoted to refer to the EPS and EDS in the IEEE Standard 1547 (for reference, see PUC response to data requests 1-1 and 1-3, dated June 3, 2021). Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved that the Company’s compliance filing to change the definition of Affected System as indicated in the Company response to PUC data request 1-2, which includes deleting the term “neighboring” and adding a clarification that the transmission system in Rhode Island is owned by Narragansett Electric and operated by NEP. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved that Company’s compliance filing includes amendments to the tariff and the Interconnection Services Agreement (ISA) which address circumstances when a retail customer initially executes the ISA but then it becomes known that the ownership of the facility will be in another entity and that the ISA is either assigned, re-executed and amended to reflect the new ownership arrangement. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Pre-Application Reports

Commissioner Anthony moved to adopt the graduated fee schedule based on system size as proposed by Northeast Clean Energy Council (NECEC). Chairman Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Commissioner Anthony moved that the Commission require the continuation of the compliance reporting requirements that were adopted in Docket 4763 related to pre-application reports to monitor the activity. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Ombudsperson Provision

Commissioner Revens moved to reject the Office of Energy Resources (OER) proposed ombudsperson language for incorporation into the tariff. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.** The Commission found that as described in the proposal, it exceeded the scope of what was described by NECEC's witness at the hearing as the intent. It appeared from the hearing testimony that the MA model is reasonable. The tariff does already describe a process by which an ombudsperson could be used in Section 9.2. The description of ombudsperson pilot is too different from the role adopted by the MA DPU in 21-16. Exhibit A to NECEC's comments described a much different role than set forth by the MA DPU in a recent order. As drafted, the ombudsperson would "oversee the Company's administration of interconnection and help ensure that the interconnection process works efficiently to serve the purposes of Rhode Island's energy plan and policy goal." It also stated that "The ombudsperson will oversee any and all elements of the interconnection process and will, where confidentiality is not compromised, offer recommendations to the Company and the Commission about opportunities to mitigate or avoid future complaints and disputes." These tasks appear to exceed dispute resolution activities as described by the MA DPU. The Commission indicated that the tariff should not defined the manner in which the Commission allocates staff and resources. Finally, as drafted, the language would provide that OER would contract for an ombudsperson and provide the Commission reasonable access. The Commission agreed with the Division's June 24th memo that this appears to delegate all elements of interconnection to OER's jurisdiction. The Commission agrees with the Division that it has no authority to delegate its jurisdiction to OER. The role of serving goals of the energy plan and policy goals is broader and different than dispute resolution. As noted below, the Commission is open to continue working on ombudsperson role and 9.2 but did not support the proposal as drafted.

Chairman Gerwatowski moved to require the Company to review the record, including transcripts, to incorporate all agreed clean up language and formatting changes and to submit a compliance filing on or before August 25, 2021. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to approve the tariffs incorporating the modifications the Commission addressed today with an effective date of September

1,2021. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The Commission identified outstanding issues that will need further review:

- (1) Final accounting for system modifications; the data the company is providing and supporting; this is not just a DG issue, but has been an issue raised in other CIAC conversations
- (2) DAF cost responsibility – These are O&M costs that arise in FERC jurisdictional tariffs. Chairman Gerwatowski characterized this as a “sticky issue.” There have been disputes associated with it. Not providing an answer about it now, but will take a deeper dive. The Commission does not have jurisdiction over the federal tariff but we do have jurisdiction over how costs are allocated for retail cost recovery.
- (3) Transparency in planning (transmission level versus distribution level)
- (4) Any additional reporting requirements

VI. Docket No. 5076 – The Narragansett Electric Co. d/b/a National Grid – The Commission reviewed the record, discussed and voted on the Company’s initial savings, goals, and strategies for years 2022-2023. At an Open Meeting on December 28, 2020, the Commission voted to defer approval of the savings, goals, and strategies for years 2022-2023 until after a review of the Company’s compliance filing. The compliance filing was submitted on January 29, 2021. After consideration, Commissioner Anthony moved to approve the Company’s initial savings, goals, and strategies for 2022-2023 as presented in National Grid’s compliance filing. Chairman Gerwatowski seconded the motion. **Vote 2-0.** Commissioner Revens abstained.

VII. Docket No. 5127 – The Narragansett Electric Co. d/b/a National Grid – This docket relates to National Grid’s annual changes to various tariffs. The Commission discussed two matters.

- (a) Net Metering Program - At the time when the Commission reviewed the filing, the Commission asked the Company how the net metering program was administered. The Commission did not take any action regarding the net metering program but reserved the issue for further consideration. Chairman Gerwatowski expressed that there may be some corrections to be made on a going forward basis for transparency purposes to make sure the program is administered consistent with the statute and the Commission’s understanding. Commissioner Anthony noted her commitment to make sure that the net metering program is administered correctly and transparently, and that the tariff is transparent and repeatable.
- (b) Block Island Transmission Cable – Chairman Gerwatowski noted that there was an indication of discussions between National Grid and the Division regarding the charges for the cable. The Commission would like a progress report from the parties on this issue. The Commission requested that Commission Counsel make an inquiry to National Grid and the Division for an update on the status of those discussions.

VIII. As the Chairman of the Energy Facility Siting Board, Chairman Gerwatowski recused himself from participation in Docket No. 5151. He departed from the Open Meeting.

IX. **Docket No. 5151 – Revolution Wind LLC Advisory Opinion to the Energy Facility Siting Board**– In this docket, the Commission was designated to provide the Energy Facility Siting Board (Board) with an advisory opinion as to the need and cost justification for the proposed Revolution Wind Project currently pending before the Board. The following motions were made:

Commissioner Anthony moved that the Commission advise the Board that there is a need for the proposed project to connect the proposed Revolution Wind Project to the onshore electric transmission system, should the application to construct and operate the Revolution Wind Project, presently pending with the Bureau of Ocean Energy Management, be approved. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 2-0.**

Commissioner Anthony moved that the Commission advise the Board, that based on the representations of the parties and the information presented, the proposed Facilities are expected to transmit energy from the offshore generation source of the Revolution Wind Project to the mainland at the lowest reasonable cost to the consumer consistent with the objective of ensuring that the construction and operation of the proposed Facilities will be accomplished in compliance with all the requirements of the laws, rules and regulations, and should advise the Board, that it should verify that the large generator interconnection agreement complies with these representations. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 2-0.** The parties represented the large generation interconnection agreement provides that Revolution Wind is responsible for decommission and removal costs but they have not entered into that agreement yet. Commissioner Anthony noted that the motion urges the Board to confirm and clarify the terms of the large interconnection agreement once it is signed.

X. There being no further business to discuss, the Open Meeting adjourned at 2:06 P.M.