

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: THE NARRAGANSETT ELECTRIC CO. D/B/A :
NATIONAL GRID'S GAS INFRASTRUCTURE, : Docket No. 5210
SAFETY AND RELIABILITY PLAN FY 2023 :**

**DIVISION OF PUBLIC UTILITIES AND CARRIERS' REQUEST
FOR THE COMMISSION TO POSTPONE ITS OPEN MEETING DELIBERATION
AND VOTE IN DOCKET NO. 5210 SCHEDULED FOR SEPTEMBER 13, 2022, AND
FOR THE COMMISSION TO CONDUCT EVIDENTIARY HEARINGS
ON THE ISSUES FRAMED IN RECORD REQUEST 23 AND DISCUSSED IN THE
AUGUST 30, 2022, MEMORANDUM**

The Division of Public Utilities and Carriers (“Division”) respectfully requests the Public Utilities Commission (“Commission”) to: (i) postpone its Open Meeting deliberation and vote in the above matter scheduled for September 13, 2022, and (ii) conduct evidentiary hearings on the issues framed in Record Request 23 and discussed in the Memorandum dated August 30, 2022 (“Memorandum”) in accordance with a reasonable procedural schedule that is mutually convenient to the Division and other interested parties.

In support of the Division’s request, the Division notes that while the Commission generally mentioned some of its concerns in advance of the June 1, 2022, hearing, the precise issues discussed in the Memorandum were only first formally framed for the Division when the Commission propounded a Record Request on June 1, 2022 (“Record Request 23”) *after* the last hearing in Docket No. 5210 had concluded. The Division provided its response to the Commission’s Record Request on June 15, 2022. No other hearings after the June 1, 2022, hearing have taken place in Docket No. 5210.

The Memorandum acknowledges that any deliberation and vote by the Commission must be “based on the evidence.”¹ Yet because Record Request 23 was formally propounded after the hearings in Docket No. 5210 had concluded, the Division did not have an opportunity to retain expert consultant(s), to prepare and submit direct testimony or to be heard on the precise issues framed by Record Request 23 or discussed in the Memorandum.

Even if the Division had been able to interpolate the precise areas of Commission inquiry prior to June 1, 2022, the Division could never have adequately prepared for that hearing as if it were an opportunity to present evidence on the issues framed by Record Request 23. First, the Notice for the June 1, 2022, hearing was forwarded to the Division on May 23, 2022, only seven days before the hearing transpired—hardly enough time for the Division to retain expert consultants, prepare and receive discovery, and the like. Second, the Notice hardly framed the issues with the precision with which they ultimately were conveyed to the Division by Record Request 23. In pertinent part, that Notice provided:

At an Open Meeting on March 29, 2022, the Commission approved a budget for the Company’s Gas ISR Plan. The Commission conditionally approved a revenue requirement which included forecasted recovery for main replacements scheduled for FY 2023, to be collected through ISR rates subject to refund and subject to further review of the Company’s Proactive Main Replacement Program. At this hearing, the Commission will continue examination of the Company’s lag in performance regarding the timing of abandoning leak prone pipes that are intended to be replaced in the Proactive Main Replacement Program, including a review of the reasons for the lag, the apparent lack of incentive for timely abandonment, and the ratemaking implications relating to the application of the used and useful standard.

Although the Division takes issue with a number of the assumptions and conclusions contained in the Memorandum, the Division appreciates the Memorandum’s comprehensive attempt to synthesize the record that transpired prior to the Commission’s propounding Record

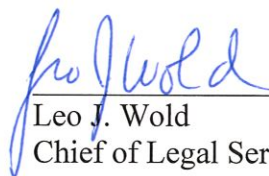
¹ Mem. dated August 30, 2022 at 7.

Request 23. But all that exists of a post-June 1, 2022, evidentiary record is the parties' responses to that request. That can hardly be considered a well-developed record; one that should be relied upon by the Commission when it is about to embark on such a momentous change of regulatory precedent; or one that has been generated as a result of universally acknowledged administrative procedures applicable to proceedings such as Docket No. 5210. Absent the creation of a well-developed evidentiary record through accepted administrative procedures, the Division believes the proposed change of regulatory precedent could have unintended consequences that will be detrimental to ratepayers.

Based on the foregoing, the Division respectfully requests that the Commission postpone its Open Meeting deliberation and vote in the above matter scheduled for September 13, 2022, and conduct evidentiary hearings on the issues framed in Record Request 23 and discussed in the Memorandum in accordance with a reasonable procedural schedule that is mutually convenient to the Division and other interested parties.

Respectfully submitted,

Division of Public Utilities and Carriers



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CERTIFICATE OF SERVICE

I certify that copy of the within motion was e-mailed to the Service List in Docket No. 5210 on September 12, 2022.