

**State of Rhode Island**

**Public Utilities Commission**

**Minutes of Open Meeting Held on July 14, 2022**

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Thursday, July 14, 2022, at 10:00 A.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, Todd Bianco and Luly Massaro.

- I. Chairman Gerwatowski called the Open Meeting to order at 10:00 A.M. A quorum was present.
- II. **Docket Nos. 4933 & 5254 – Newport Water Division** - These dockets relate to 1) Newport Water’s second step and final step rate increase under the Multi-Year Rate Plan approved by the Commission (in Order No. 23855) and 2) Newport Water’s petition for approval of new rates to recover costs associated with the payment of credit card, debit card and voice transaction fees (Electronic Payment Transaction Fees). The utility submitted on July 8, 2022, revised compliance tariffs setting forth the new tariffs approved by the Commission at the June 21, 2022 Open Meeting. After review, Commissioner Revens moved to approve the compliance filing. Commissioner Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- III. **Docket No. 4237 – The Narragansett Electric Co. d/b/a Rhode Island Energy** – Pursuant to the statutory mandate and Commission Orders, The Narragansett Electric Co. submitted on February 17, 2022, its 2022 Contact Voltage Annual Report. Commissioner Gerwatowski summarized the Division’s recommendations submitted and supported approval. Chairman Gerwatowski moved that the Commission approve the series of motions listed below:
  - That the Narragansett Electric Company shall continue the testing schedule for completing 20% of the Designated Contact Voltage Risk Areas in FY 2023.
  - That the Narragansett Electric Company shall continue its current process for conducting mobile surveys.
  - That the Narragansett Electric Company shall monitor IEEE Standard P1695 and inform the Commission of any changes or other actions involving P1695.
  - That the Narragansett Electric Company shall perform post-mitigation testing on Company-owned assets by manually testing the areas where previous remediation work was completed after the prior year’s mobile survey.
  - That the Narragansett Electric Company shall continue to compare current year survey results in the Designated Contact Voltage Risk Areas with company-owned assets against results from the same DCVRAs from prior years.

- That the Narragansett Electric Company shall notify municipalities that own streetlights of the increasing trend in mobile events.
- That the Narragansett Electric Company shall continue to investigate why Osmose’s shunt reading process is producing results so dramatically different than in prior years with prior vendors.
- That the Narragansett Electric Company shall continue reporting requirements and develop a comparison of results from the same DCVRA between new results and prior results for the DCVRA in order to gain more insight into even differences between testing technologies.

Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- IV. Docket No. 22-07-GE - The Narragansett Electric Co. d/b/a Rhode Island Energy** – The Narragansett Electric Co. submitted a tariff advice to establish a new, temporary tariffs to provide a bill credit to all the Company’s electric and gas distribution customers as agreed in the Settlement Agreement, dated May 19, 2022, by and among PPL Corporation, PPL Rhode Island Holdings, LLC (PPL Corporation and PPL Rhode Island Holdings, LLC, collectively referred to as “PPL”), and Peter F. Neronha, Attorney General of the State of Rhode Island. Per the Settlement Agreement, \$32.5 million in bill credits to be allocated to electric customers and \$17.5 million to be allocated to gas customers. Chairman Gerwatowski moved the suspend the tariff advice filing for 60 days beyond the proposed effective date of August 1, 2022. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The Chairman noted that suspension should not be interpreted as a rejection. This filing (coupled with another filing by the Company’s petition to forgive \$43 million arrearage to low-income and protected customers) represent good news for ratepayers. The Commission needs additional time to address the manner and timing of how each of these benefits are implemented and delivered to the ratepayers. Temporary suspension was necessary to work out the particulars and consider the timing of the credits consistent with certain global economic events and anticipated higher prices for both electric and gas this coming winter. and to review outstanding data requests.

- V. Docket No. 5256 - Repeal of Regulation 810-RICR-50-00-1, Minimum Efficiency Standards for Certain New Products Sold in the State of Rhode Island (Rules)** – The Commission reviewed the rulemaking record. Following the notice of repeal, no comments were received in opposition to the repeal. The effective date of the repeal will be simultaneously with the effective date of the Office of Energy Resources new regulation. Chairman Gerwatowski moved to repeal the Minimum Efficiency Standards for Certain New Products Sold in the State of Rhode Island, Regulation 810-RICR-50-00-1. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- VI. Docket No. 4695 – Orbit Energy LLC’s (Facility)–** This docket was on the agenda for the staff to update on the status and progress of the Facility’s compliance

requirement to file quarterly fuel reports to maintain continued eligibility as a biomass renewable energy resource.

Todd Bianco summarized the travel that led to the Commission issuing a warning letter to rescind eligibility for failure to comply with the Renewable Energy Standard and filing quarterly report to measure the fuel generated by the facility. The company had submitted quarterly reports that included irregularities, including low heat rates. Then the Commission was not receiving quarterly reports. Staff requested for information so that we could be assured, not just how much and what the measurements are, but that we can trust that the facility is burning eligible compliant fuel. The facility was given time to respond. A warning letter was sent on April 6, 2022. The facility was unresponsive. The Commission sent a notice to decertify on June 13, 2022. The company responded immediately. On June 24, 2022, staff meet with the owners of the facility, got them back on track and identified four items they needed to provide: 1) an explanation how they plan to keep compliant with the reporting filing, 2) an as built diagram to look at the building and see that the only reasonable way the facility can get fuel is from biogas, 3) an update on the changes they are going to make so there are no irregularities in the numbers reported; so they need software and equipment, and 4) how they calculate the methane concentration. The facility has sent the actual diagram and staff is confident that the only way they are producing fuel is with biogas. There is more that they need to do but for now, however, staff is comfortable allowing the facility to mint RECs tomorrow. The facility is on track and communications will be maintained so the facility remains fully in compliance with the requirement of the Commission's Order and RES Rules. For now, there needs to be no further consideration by the Commission until next quarter. If the facility falls off the work plan identified, than staff will bring the matter to the Commission for consideration to rescind eligibility of the facility.

Regarding a work plan schedule for the facility to comply with the requirements, staff reported that prior to the next quarter, the facility should provide items 1, 3 & 4 stated above. All these requirements have to be met by next quarter to maintain compliant.

- VII. **Renewable Energy Resource Eligibility Applications** – The following Companies submitted application for eligibility as a renewable energy resource. These facilities have not yet achieved commercial operations. PUC consultant recommended conditional approval of:

**Docket No. 5248 – Quarry Hill Properties LLC's** application for eligibility of the 67A Tom Harvey's generation unit, a 0.200 MW AC (0.24910 MW DC) solar facility located in Westerly, Rhode Island as a New Renewable Energy Resource.

**Docket No. 5249 – Kearsarge Smithfield LLC's** application for eligibility of the Kearsarge Smithfield generation unit, an 8.0 MW AC (11.86164 MW DC) solar facility located in Smithfield, Rhode Island as a New Renewable Energy Resource.

After review, Chairman Gerwatowski moved to accept the consultant's recommendation to conditionally approve the applications. Commissioner Anthony seconded the motion. The motion was unanimously passed. **Vote 3-0.**

- VIII. **Docket No. 5235 – Revity Energy LLC(Petitioner)** - In this docket, the Petitioner (Revity Energy) seeks a declaratory judgment interpreting its rights and obligations and the scope of the electric distribution company's authority under both Rhode Island law and the approved interconnection tariff of The Narragansett Electric Company d/b/a Rhode Island Energy (RI Energy). Specifically, the Petition seeks rulings regarding Section 5.3 of R.I.P.U.C. No. 2244, the Interconnection Tariff, and R.I. Gen. Laws § 39-26.3-4.1(a) & (c) regarding interconnecting customer cost responsibility and cost allocation for certain system modifications. The primary issue raised by the Petition is whether certain provisions relating to project cost sharing among renewable generators apply in instances where an interconnecting, renewable energy customer (or its developer) performs system modifications which are then relied upon by a subsequent interconnecting renewable energy customer or commercial customer.

Green Development, LLC was granted intervention. Revity, RI Energy, Green Development, and the Division of Public Utilities and Carriers submitted memoranda on this issue after the submission of Agreed Facts by Revity, Green Development, and RI Energy and an exchange of discovery. Oral argument was held on June 23, 2022.

The Petitioner sought a declaration to the following:

(A) Pursuant to R.I. Gen. Laws § 39-26.3-4.1 and the Interconnection Tariff, as well as past practice, the electric distribution company (RI Energy) is not authorized to participate in or otherwise enforce the allocation, collection or socialization of costs incurred by a private developer in the self-performance of the civil work for the interconnection required for newly installed PSES projects. After consideration, Chairman Gerwatowski moved to deny the petitioner's request on Declaration A. For declaration (A). Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

(B) - All civil interconnection work and related equipment (including all rights, title and interests in and to same) self-performed by a private developer, once completed, is presumed to be automatically donated, assigned, and conveyed by the developer (or its affiliate, as the case may be) to the electric distribution company (RI Energy) and, thereafter, the electric distribution company has a legal obligation to interconnect any subsequent facility as necessary to accomplish the purchase and sale of electricity generated therefrom. Finding that the request is incomplete, Chairman Gerwatowski moved to decline to make a ruling on declaration B. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- IX. The Chairman adjourned the Open Meeting at 11:05 A.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/131937929> and <https://video.ibm.com/recorded/131937866>