



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS

Legal Section
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 941-4500
(401) 941-9207 - Fax

May 24, 2023

Ms. Luly Massaro
Public Utilities Commission
89 Jefferson Boulevard
Warwick, R.I. 02888

Re: Docket 4604- 2024 Renewable Energy Growth (REG) Program Year Ceiling Price
Development -Scope of Services and Budget Request

Dear Ms. Massaro:

Attached, please find the Division's filing for the above reference docket.

Very Truly Yours,

/s/Margaret L. Hogan, Esq.

cc: Linda D. George, Esq., Administrator, DPUC
John S. Spirito, Esq. Deputy Administrator, DPUC
Christy Hetherington, Esq., Chief Legal Counsel, DPUC



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS

Legal Section
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 941-4500
(401) 941-9207 - Fax

MEMORANDUM

To: Chairman Ronald T. Gerwatowski
Commissioner Abigail Anthony
Commissioner John C. Revens, Jr.

From: Margaret L. Hogan, Esq.

Re: Docket 4604- 2024 Renewable Energy Growth (REG) Program Year Ceiling Price
Development -Scope of Services and Budget Request

Date: May 24, 2023

On April 12, 2023, the Rhode Island Office of Energy Resources, (“OER”) in consultation with the Rhode Island Distributed Generation Board (“DG Board”), filed a request for approval to perform program and ceiling price development for the 2024 Renewable Energy (“RE”) Growth Program. In its request, the parties noted that the DG Board approved the submission of this request at its meeting held on March 27, 2023. The filing seeks approval for a total budget of \$79,120.00.

In fulfillment of their statutory responsibilities for ceiling price development, OER and the DG Board have contracted with Sustainable Energy Advantage, LLC (“SEA”), a long-time vendor for this program. In its supporting documentation, SEA indicated that its budget is comprised of a base fee of \$65,000 for the contracted scope of work, plus additional contingent funding of \$14,120.00 to ensure sufficient resources for rebuttal testimony and work in responding to data requests, if applicable. SEA states that the budgetary values “represent caps on the cost to ratepayers of SEA’s services” and reminds the Commission that in a scenario where SEA’s services exceed the cap, SEA does not invoice for this work.

SEA’s proposal discussed the historical invoicing for this program and noted that in recent years, the Division of Public Utilities and Carriers (“Division”), while participating in a “stakeholder” process, has not agreed with the proposed ceiling prices, resulting in a contested case proceeding before the Commission. As such, SEA requests a sufficient contingent budget should the 2024 plan result in the need for rebuttal testimony by SEA and the participation in responses to data requests. SEA also notes

that its rates for the contingent portion of its work are projected to increase 3.5% from its approved budgeted amount for program year 2023. The Division finds this increase to be reasonable.

The Division acknowledges that its position on the ceiling price reviews in recent years could be described as “contested” but submits that the Division does not review the filing as a “stakeholder” per se, but rather as a regulatory agency. As such, it is expected and appropriate that the Division’s position, after the “stakeholder” process, may not agree with the ceiling prices set forth in the filing. The Division submits that a robust evidentiary process is in accord with its statutory responsibilities and agrees that SEA should be appropriately compensated for work that it undertakes on OER’s and the DG Board’s behalf. Therefore, the Division asserts no objection to the funding request, as filed.

cc: Linda D. George, Esq., Administrator, DPUC
John Spirito, Esq., Division Deputy Administrator
Christy Hetherington, Esq., Division Chief Legal Counsel