
State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on January 20, 2023

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Friday, January 20, 2023 at 2:30 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, Patricia Lucarelli, John Harrington, Alan Nault, Todd Bianco, Emma Rodvien, Alan Nault and Luly Massaro.

- I. Chairman Gerwatowski called the Open Meeting to order at 2:30 A.M. A quorum was present.

- II. **Approval of Minutes of Open Meetings** – After review, Chairman Gerwatowski moved to approve the Minutes of the Open Meeting held on September 28, 2022 and Minutes of the Open Meeting held on December 22, 2022. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- III. **Docket No. 5202 - The Narragansett Electric Co. d/b/a Rhode Island Energy** - This docket relates to the Company’s 2022 Renewable Energy Growth (REG) Program approved by the Commission in this docket. Pursuant R.I. Gen. Laws § 39-26.6-20(b), Rhode Island Energy filed notice that it has selected three (3) commercial scale solar projects in the Third Enrollment REG Program Open Enrollment. The Company filed for approval of the Certificates of Eligibility (COEs) for the projects selected. Chairman Gerwatowski moved to approve the Certificates of Eligibility filed from the Third Enrollment. Commissioner Anthony seconded the motion and the motion and the motion was unanimously passed. **Vote 3-0.**

- IV. **Docket No. 22-50-EL – The Narragansett Electric Co. d/b/a Rhode Island Energy** - At the December 20, 2022 Open Meeting, the Commission approved Rhode Island Energy’s tariff advice filing to create a new tariff that will govern the utilization of Regional Greenhouse Gas Initiative (“RGGI”) auction proceeds to provide bill credits to customers in the A-60 rate class in the month of February 2023 (Feb RGGI Tariff). On January 12, 2023, the Company filed a request that the Commission find the Company’s interpretation of the approved Feb RGGI Tariff is acceptable, meaning that the eligible group of customers will be all A-60 customer who are issued a bill in February regardless of whether or not they were enrolled in the A-60 rate class during the November and December 2022 billing periods. Then on January 19, 2023, the Company filed an updated tariff and requested approval of the Feb RGGI Tariff to avoid any ambiguity. After review, Chairman Gerwatowski to moved approve the amended tariff as filed on January

19, 2023. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0**

- V. **Docket No. 22-49-EL – The Narragansett Electric d/b/a Rhode Island Energy** – On November 18, 2022, Rhode Island Energy (Company) filed an updated AMF Business Case. As part of that filing, the Company sought confidential treatment of certain documents, in particular, its Benefit Cost Analysis (BCA) Model comprising a narrative Guidance document and a set of Excel spreadsheets. The Company cited R.I. Gen. Laws Sec. 38-2-2(4)(B), maintaining that the documents constitute “commercial or financial information” to which the APRA public disclosure requirements do not apply. The documents have been granted preliminary confidential treatment by the Chairman subject to a ruling of the full Commission. The Chairman has questioned whether the narrative document (Attachment H) which was redacted in full, should be given confidential treatment in full.

The Chairman noted that the Company’s motion for confidential treatment discussed the BCA Model, an excel spreadsheet, but not the Attachment H which is the narrative associated with the excel spreadsheet. Back in December, Commission Counsel contacted the Company to notify the Commission’s concern with the manner the document was filed, not providing redactions to what might be confidential numbers. The Company is put on notice that the filing is not adequate. If the Commission voted today, it would not grant confidential treatment because the motion was not supported. The narrative attachment is an important document but the Company’s motion discussion revolved around the BCA Model and not Attachment H.

- VI. **Docket No. 22-51-RES – 1400 Bald Hill Solar, LLC (Company)** - The Company applied for eligibility of the 1400 Bald Hill Solar Generation Unit solar energy facility located in Warwick, Rhode Island as a New Renewable Energy Resource. Chairman Gerwatowski asked for a motion to accept PUC consultant’s recommendation to conditionally approve the application and Commissioner Anthony moved. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- VII. **Docket No. 22-55-TL – Nuso, LLC (Company)** - The Company submitted an application for approval to transact as a provider of telecommunications service, VoIP (Class VI). The applicant also requested for confidential treatment of the Company’s financial statements. The Division submitted a memo summarizing its review and recommended approval. After review, the following motions were made:

- Chairman Gerwatowski moved to approve the request for confidential treatment of the Company’s financial statements and Commissioner Revens so moved. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Chairman Gerwatowski moved approve the application to transact as a non-CLEC Class VI, Voice over Internet Protocol (VoIP) Provider and Commissioner

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

VIII. Docket No. 22-58-TL – Service Area 5 Cable, LLC d/b/a i3 Broadband (Company) - The Company submitted an application for approval to transact as a provider of telecommunications service, Competitive Local Exchange Carrier (Class I). The applicant also requested for protective treatment of confidential information of the Company’s financial statements. The Division submitted a memo summarizing its review and recommended approval. After review, the following motions were made:

- Chairman Gerwatowski moved to approve the motion for confidential treatment of the Company’s financial statements and Commissioner Anthony so moved. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Chairman Gerwatowski moved approve the application to transact as a CLEC, Class I Provider and Commissioner Anthony so moved. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

IX. Docket No. 22-53-EL Narragansett Electric Co. d/b/a Rhode Island Energy (Proposed FY 2024 Electric ISR Plan) and Docket No. 22-54-NG RI Energy (Proposed FY 2024 Gas ISR Plan) - On December 22, 2022, the Narragansett Electric Company d/b/a Rhode Island Energy (Company) filed its Proposed FY 2024 Electric Infrastructure Safety and Reliability Plan and Proposed FY 2024 Gas Infrastructure Safety and Reliability Plan with the Public Utilities Commission (Commission). The plans as filed were 21-month plans which the Company represented consist of a 9-month period from April 1, 2023 through December 31, 2023 and a 12-month period from January 1, 2024 through December 31, 2024. The statute, R.I. Gen. Laws § 39-1-27.7.1(d), requires all gas and electric distribution companies at the beginning of each fiscal year to consult with the Division of Public Utilities and Carriers (Division) regarding a spending plan for the following fiscal year. By means of a Briefing Memorandum issued on January 3, 2023, Rhode Island Energy and the Division of Public Utilities and Carriers were directed to brief the following question on or before January 17, 2023. “How are the Proposed 21-month plans that span two fiscal years (FY 2023 and FY 2024) filed as the FY 2024 Proposed Electric Infrastructure Safety and Reliability Plan and the Proposed FY 2024 Gas Infrastructure Safety and Reliability Plan made by Rhode Island Energy on December 22, 2022 consistent with the statutory requirement to file a spending plan for the following fiscal year?” RI Energy and the Division filed their respective memoranda. The Commission reviewed the memoranda.

Chairman Gerwatowski summarized the background, statute and history of the ISR tariffs and ISR Plans. The Chairman noted that the company is out of compliance with the tariffs and fiscal year requirements. The change in the ISR fiscal year was not sought when the Company and Division began discussions and negotiations. Instead, the Company filed its plan with the Commission without seeking a waiver prior to negotiating a plan. In conclusion, the filing is deficient. The Company needs

to make a supplementary filing that includes schedules and budgets that aligns with the tariff. The Commission agreed that changing the ISR fiscal year to calendar year would disrupt the process and agreed that the ISR FY April – March be kept as is.

Chairman Gerwatowski moved that Commission finds that both Rhode Island's filings in Dockets 22-54-NG and 22-53-EL are inconsistent with the tariff requirements and therefore deficient. The Company is directed to file supplementary schedules and spending budgets and rates that reflect an ISR FY from April 1, 2023 through to March 31, 2024. Supplementary schedules relating to revised spending budgets are due January 27 and the rate schedules due by February 3. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- X. There being no further business to discuss, the Chairman adjourned the Open Meeting at 3:00 P.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/channel/WqQyXw296dg>.