

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on January 31, 2023

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Tuesday, January 31, 2023, 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, John Harrington, Emma Rodvien, Todd Bianco, Alan Nault, Christopher Caramello and Luly Massaro. Commissioner Revens was not available to attend the Open Meeting.

- I. Chairman Gerwatowski called the Open Meeting to order at 10:00 A.M. A quorum was present

- II. **Docket No. 22-33-EE – The Narragansett Electric d/b/a Rhode Island Energy**
– This docket relates to the Rhode Island Energy’s 2023 Energy Efficiency Program, budgets and associated energy efficiency charge. Pursuant to Commission’s ruling at the December 20 and 22, 2022 Open Meetings, the Company submitted updated compliance filing on January 23, 2023. The Division submitted a position that it has reviewed the updated compliance filing and recommends approval. There will be no rate adjustment to the gas system benefit charge previously approved by the Commission. The following motions were made:
 - Commissioner Anthony moved to approve the updated compliance filing and Chairman Gerwatowski seconded the motion. The motion was unanimously passed. **Vote 2-0.**
 - Chairman Gerwatowski moved to approve an electric Energy Efficiency rate of \$0.00956/kWh for effect for usage on or after April 1, 2023. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

- III . **Docket No. 22-32-RES – Sunwave USA Holdings, Inc.** – On September 29, 2022, the Commission issued an Order finding that Sunwave USA Holdings (Sunwave) failed to comply with the Renewable Energy standard for Compliance Year 2021. Sunwave had an unsettled 2021 REC obligation of 646 RECs and did not make the required Alternative Compliance Payment (ACP) to the Renewable Development Fund to settle its outstanding obligation. The Commission imposed a penalty for failure to comply. On January 20, 2023, Sunwave submitted a motion to reopen the proceeding and requested that the Commission reduce the penalty imposed on the Company. Sunwave maintains it has made the ACP for \$46,841.46 for Compliance Year 2021 and an additional payment \$3,088.94 (the equivalent of 41 RECs) for Compliance Year 2022.

Acknowledging that the Company has complied, Chairman Gerwatowski moved to approve Sunwave's Motion for Relief from the Order. Based on the circumstances in this matter, including the negative effects of COVID-19 that led, in part, to Sunwave's default at ISO-NE and other negative effects on Sunwave's business, and Sunwave's late compliance with its obligations for Compliance Year 2021 and its early compliance with its obligations under Compliance Year 2022, and the policy of the State of Rhode Island in support of renewable energy, the Commission finds that there was excusable neglect and other reasons justifying relief from its prior Order and now reduces the penalty to \$10,000. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

- III. The Chairman adjourned the Open Meeting at 10:08 A.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/132501819>.