

**State of Rhode Island**

**Public Utilities Commission**

**Minutes of Open Meeting Held on May 31, 2023**

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Wednesday, May 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, Commissioner John Revens, Cynthia Wilson-Frias, Patricia Lucarelli, Alan Nault, Todd Bianco and Christopher Caramello.

- I. Commissioner Gerwatowski called the Open Meeting to order at 10:00 A.M. A quorum was present.
- II. **Approval of the Open Meeting Minutes** - After review, Commissioner Revens moved to approve the Minutes of Open Meeting held on March 29, 2023 and May 15, 2023. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- III. **Docket No. 4994 – Providence Water Supply Board (Providence Water)** - This docket relates to Providence Water’s compliance filings submitted under the Multi-Year Rate Plan approved by the Commission (in Order No. 23928). Providence Water filed on May 2, 2023, a Petition to Amend Multi-Year Rate Plan to delay implementation of the Step Three increase from July 1, 2023 to July 1, 2024. There being no objection received, Commissioner Anthony moved to approve the Providence Water’s Petition. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- IV. **Docket No. 4604 – Office of Energy Resources (OER)** - This docket relates to OER’s budget requests to perform program and ceiling price development for the Renewable Energy Growth Program. On April 12, 2023, OER in collaboration with the Distributed Generation Board, filed a budget request of \$79,120 to retain the services of a consultant to develop ceiling prices for the 2024 Renewable Energy Growth Program. The Division filed a memorandum stating that it does object to OER’s funding as requested. After review, Commissioner Anthony moved to approve OER’s request. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- V. **Docket No. 22-53-EL - Rhode Island Energy’s FY 2024 Electric Infrastructure, Safety, and Reliability Plan (ISR) and Docket No. 22-54-NG Rhode Island Energy’s FY 2024 Gas ISR Plan** - During the Commission’s review of RI Energy’s FY 2024 Electric and Gas ISR filings, the Company raised an issue not previously addressed directly by the Commission, namely whether an investment not previously included in an approved ISR plan could later be included

in the reconciliation of costs such that the Company would receive the same cost recovery as if the investment had been included in the previously approved plan. The Commission sought legal memoranda from the parties to each of the dockets on this issue. The Commission reviewed the issue and the parties' positions. The Commission discussed the issue and the legal/regulatory standard to be applied to such situations. The Chairman handed out draft motions for consideration at a future Open Meeting. He explained each motion for discussion purposes. No votes were taken. Commission Counsel will circulate the draft motions to the parties.

- VI. At 10:36 A.M., Chairman Gerwatowski acting in his capacity as the Chairman of the Energy Facility Siting Board (EFSB) recused himself from participating in the discussion of the next docket, Docket No. 22-42-NG, The Narragansett Electric Co. The Chairman and Patricia Lucarelli as counsel for the EFSB left the Open Meeting.
- VII. **Docket No. 22-42-NG – The Narragansett Electric Co.** – In this docket, the Energy Facility Siting Board designated the PUC to render an advisory opinion regarding The Narragansett Electric's supplemental application to its May 19, 2021 application to construct and operate a portable liquified Natural Gas (LNG) Vaporization Facility at Old Mill Lane in Portsmouth, Rhode Island.

Commissioner Anthony explained that in this docket, the Commission is charged with the task to render an advisory opinion to the Energy Facility Siting Board as to (1) the need for the proposed facility; (2) whether it is cost justified; (3) the expected duration of the need, with and without a hypothetical island-wide moratorium on new retail gas connections; and (4) provide an estimate a range of hypothetical emissions impacts if an island-wide moratorium on new gas connections was imposed, considering the alternative heating choices available to the public. After review, Commissioner Anthony offered the following motions:

- 1) Commissioner Anthony moved recommend to the EFSB that RI Energy has shown that there is a need for LNG vaporization on Aquidneck Island to meet the winter capacity constraint now and in the short-term, even if an island-wide moratorium on new connections were to be imposed. Commissioner Revens seconded the motion. The motion was unanimously passed. **Vote 2-0.**
- 2) Commissioner Anthony moved that the PUC recommend to the EFSB that RI Energy has not shown there is a permanent need for LNG vaporization on Aquidneck Island and that the PUC recommend that the EFSB issue a license subject to periodic demonstration of continued need by the Company through five-year reviews commencing in 2028. Commissioner Revens seconded the motion. The motion was unanimously passed. **Vote 2-0.**
- 3) Commissioner Anthony moved that the PUC recommend to the EFSB that the proposal to operate LNG vaporization facilities at Old Mill Lane to meet the winter capacity constraint represents the least cost solution to the need compared to the alternatives examined by the Company. Commissioner Revens seconded the motion. The motion was unanimously passed. **Vote 2-0.**

- 4) Commissioner Anthony moved that the PUC advise the EFSB, that based on Olney's testimony and White's testimony, that the available heating choices under a moratorium are reasonably electric heat or home heating oil, and given their testimony, those heating choices may have an impact of -7 to 44,000 tons of CO2 equivalent compared to seasonal trucking. Commissioner Revens seconded the motion. The motion was unanimously passed. **Vote 2-0.**
- VIII. There being no further business to discuss, the Chairman adjourned the Open Meeting adjourned at 10:52 A.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/132815301>