

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on November 2, 2023

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held November 2, 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, Alan Nault, Christopher Caramello and Luly Massaro.

- I. Commissioner Gerwatowski called the Open Meeting to order at 2:30 P.M. A quorum was present.
- II. **Docket No. 23-32-EL - The Narragansett Electric Co. d/b/a Rhode Island Energy (Rhode Island Energy or Company) - Bid Result from October 2022 Request for Proposal for Long-Term Contract for Offshore Wind Energy Pursuant R.I. Gen. Laws § 39-31-10.**

On September 27, 2023, The Company filed a letter and testimony with the Public Utilities Commission (PUC) asserting that the bid received as a result of the October 2022 procurement was unlikely to lead to contracts that meet all of the requirements of the Affordable Clean Energy and Security Act (ACES), specifically, R.I. Gen. Laws §§ 39-31-6 and 39-31-10(d) and explaining why it should not be required to negotiate a contract. As part of its testimony, the Company's witness noted that the bidder had withdrawn its interconnection application from the ISO-NE queue.

The issue before the PUC in this matter is governed by R.I. Gen. Laws § 39-31-6(d) which states:

If the electric distribution company determines that the bids are unlikely to lead to contracts that meet all of the requirements of this section and § 39-31-6, it shall submit a filing to the commission together with testimony to explain why it should not be required to negotiate a contract. The commission shall review and rule on the filing within ninety (90) days, which review shall include soliciting input from the agencies required to provide advisory opinions to the commission, and public comment. If the electric distribution company fails to show that the bids are unlikely to lead to a contract that meets all the requirements of this section and § 39-31-6 the commission may order the utility to proceed with negotiations as set forth in subsection (c) of this section. (emphasis added).

On October 18, 2023, the PUC published a Notice of Filing, Intervention, and Public Comment Hearing. The deadline to file a Motion to Intervene was October 27, 2023.

On October 27, 2023, Baystate Wind, LLC (Baystate), the sole bidder, filed with the PUC a Motion to Intervene. In accordance with the PUC's procedural rules governing interventions, Baystate provided as its position in the proceeding that they sought intervention to request that this docket be closed because it had withdrawn its bid. Baystate provided a copy of its letter advising Rhode Island Energy of the bid withdrawal.

At this Open Meeting, the PUC reviewed Baystate's Motion to Intervene and letter advising of its bid withdrawal. There are no bids for consideration before the PUC. Under the circumstances there is no decision for the PUC to make, thus the case is moot. After review, Commissioner Anthony moved to dismiss with prejudice. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.** Hearing scheduled on November 6, 2023 is cancelled.

- III. **Renewable Energy Resource Eligibility Applications** – The Commission reviewed and voted on the application for eligibility as a Renewable Energy Resource submitted in the following dockets:

Docket No. RES-23-17 – Rhode Island Solar Renewable Energy IV, LLC's (West Array) application for eligibility of the Rhode Island Solar Renewable Energy IV, LLC (West Array) Generation Unit located in Tiverton, Rhode Island as New Renewable Energy Resource. Commissioner Anthony moved to accept the PUC consultant recommendation to conditionally approve. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The next two dockets were taken together. PUC consultant recommended approval of the applications. Commissioner Anthony moved to approve the applications. The motion was seconded by Commissioner Revens. The motion was unanimously passed. **Vote 3-0.**

Docket No. RES-23-32 – Captona – A Street 1 – Johnston, LLC's application for eligibility of the A Street 1 – Johnston Solar Facility generation unit located in Johnston, Rhode Island as a New Renewable Energy Resource.

Docket No. RES-23-33 – Captona – A Street 2 – Johnston, LLC's application for eligibility of the A Street 2 – Johnston Solar Facility generation unit located in Johnston, Rhode Island as a New Renewable Energy Resource.

- IV. **Approval of Open Meeting Minutes** – Commissioner Anthony moved to approve the Minutes of Open Meeting held on May 31, 2023, June 22, 2023, August 24, 2023, September 14, 2023, September 26, 2023, September 28, 2023, October 12, 2023 and October 25, 2023. Commissioner Revens seconded the motion, and the motion was unanimously passed. **Vote 3-0.**

- V. There being no further business to discuss, the Chairman adjourned the Open Meeting adjourned at 2:40 P.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/133143855>.