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November 22, 2011

Ms. Luly Massaro, Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: Docket No.: 4288  
Rhode Island Distributed Generation Standard Contract

Dear Luly:

Enclosed for filing please find an original and nine (9) copies of the Report of the Office of Energy Resources dated November 21, 2011.

Sincerely,



Peter V. Lacouture

PVL:mmv  
Enclosures

cc: Mr. Kenneth F. Payne



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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: RHODE ISLAND OFFICE OF ENERGY  
RESOURCES' PROPOSED DISTRIBUTED  
GENERATION STANDARD CONTRACT,  
CLASSES AND CEILING PRICES

DOCKET NO. 4288

**Distributed Generation Standard Contract  
Report of the Office of Energy Resources  
November 21, 2011**

The purpose of this report is to respond to the request of the Public Utilities Commission ("PUC" or "Commission") for (i) a list of any disagreements among stakeholders over the form of contract, and (ii) a list of attendees at the sessions which the Office of Energy Resources ("OER") convened among the stakeholders since the PUC's November 9 technical session<sup>1</sup>.

(i) The OER through counsel has polled the parties to Docket 4288 regarding their positions on the contract as filed on November 18, 2011. The parties to Docket 4288 are the Rhode Island Office of Energy Resources ("OER"), the Division of Public Utilities and Carriers (the "Division"), National Grid, the Conservation Law Foundation ("CLF"), the Washington County Regional Planning Council ("WCRPC"), Alteris Renewables, Inc, ("Alteris"), Constellation Commodities Group/Constellation New Energy ("Constellation"), and CME Energy LLC ("CME"). In sum the parties to Docket 4288 support the form of the DG Standard Contract which was filed with the Commission on November 18th.

During the course of the discussions, some of the other stakeholders have expressed support for the contract while others have expressed some on-going reservations. On-going issues that have been expressed include several that were discussed at the November 9 technical session (contract simplification and use of the Vermont or California contracts as a model.) The other primary issue is a result of the statutory language of § 39-26.2-7(2)(iv) which provides that if the facility has not generated "the output proposed in its enrollment application within 18 months after execution of the contract, the contract is automatically voided and the performance guarantee is forfeited." While most of the participants agreed that this remedy is harsh, a modification of the requirement would involve legislative action and could not be accomplished through contract language. Alteris may submit a memorandum indicating some "persisting concerns" for future consideration.

(ii) The attendees at the two sessions convened by OER are listed in the table below. (OER did not circulate an attendance list so the listing is based on recollections of OER and its counsel.)

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<sup>1</sup> The request from PUC counsel identified meeting dates of November 9 and 21. In fact the stakeholders met at the PUC on the afternoons of November 9 (immediately following the technical session) and November 16.

Dkts 4277 & 4288 Service List	11/9/11(PM) meeting	11/16/11 meeting
Kenneth F. Payne RI Office of Energy Resources	X	X
Peter V. Lacouture, Esq. Robinson & Cole LLP	X	X
John A. Langlois, Esq. Dept. of Administration		
Thomas R. Teehan, Esq., Madison N. Milhous and Corinne Abrams National Grid	X	X
Leo Wold, Esq. Dept. of Attorney General		
Jon Hagopian, Esq. Dept. of Attorney General		X
Steve Scialabba, DPUC		X
Jerry Elmer, Esq. Conservation Law Foundation		X
Richard Hahn Lacapra Associates		
Alan M Shoer, Esq. Adler Pollock & Sheehan P.C.	X	X
Mike McElroy, Esq. Schacht & McElroy		X
Joseph E. Donovan, Esq. Constellation Energy Resources, LLC		
Bryan S. Miller, VP Energy Policy Constellation Energy		
Jeffrey W. Garrison, Regulatory Associate Constellation Energy		
Daniel Allegretti, VP Energy Policy Constellation Energy Commodities		
Al Pereira, LaCapra Associates		
Laurence W. Ehrhardt		
Chris Lanen		
Julian Dash, RIEDC		
Kristie Caltabiano, Tecta Solar		
Fred Unger, Hartwood Group	X	X
Robert J. Tomey, Conanicut Energy LLC	X	X
Michelle Mulcahy, Alteris, Inc.		
Christopher Kearns, Governor's Policy Office	X	
James Schwartz, Independence Solar		
Karl Munzel	X	X
Karina Lutz	X	X
Stephan Wollenberg		
Seth Handy, Esq.	X	X
Paul Raducha		
Kevin Stacom	X	X
Omay Elphick, Alteris, Inc.	X	X
Kirt Mayland		
Brian Dunphey		
Dan Richardson	X	X

Respectfully submitted,

Rhode Island Office of Energy Resources

By its attorneys,  
Robinson & Cole LLP



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within Report of OER was sent by e-mail to the Docket 4288-4277 service list this the 21 day of November, 2011.

