

PARTRIDGE SNOW & HAHN LLP

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August 29, 2019

Ms. Luly Massaro
Commission Clerk
State of Rhode Island
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 4956 - Energy Development Partners and The Narragansett Electric Company d/b/a National Grid Dispute Resolution Pursuant to Section 9.2 of RIPUC No. 2180

Dear Ms. Massaro:

On behalf of Energy Development Partners, LLC (“EDP”), enclosed is an original and seven (7) copies of EDP’s Objection to Motion To Intervene And Protest of Green Development, LLC filed on August 26, 2019 in the above-captioned matter.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,



Christian F. Capizzo

CFC:dad
Enclosures
cc: Docket No. 4956 Service List

3628127.1/16240-2

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION

Energy Development Partners, LLC and The)	
Narragansett Electric Company d/b/a)	Docket No. 4956
National Grid Dispute Resolution Pursuant to)	
Section 9.2 of RIPUC No. 2180)	

ENERGY DEVELOPMENT PARTNERS, LLC
OBJECTION TO MOTION TO INTERVENE AND
PROTEST OF GREEN DEVELOPMENT, LLC

I. INTRODUCTION

Energy Development Partners, LLC (“EDP”) pursuant to Rhode Island Public Utilities Commission (the “RIPUC”) Rules of Practice and Procedure 1.14 (E), hereby objects to the Motion to Intervene and Protest of Green Development, LLC (“Green”) filed on August 21, 2019 in the above-captioned matter (the “Motion”). The RIPUC should deny the motion because it fails to state a sufficient basis for Green to intervene in this narrow request for dispute resolution between EDP and the Narragansett Electric Company d/b/a National Grid (“National Grid”).

II. LEGAL STANDARD

Rule 1.14 of the RIPUC Rules of Practice and Procedure sets forth the basis for Intervention in RIPUC proceedings. The rule provides that any person may move to intervene in any proceeding before the RIPUC upon a showing of the following right to intervene or interest of such nature that intervention is necessary:

1. A right conferred by statute;
2. An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the RIPUC’s action in the proceeding; or
3. Any other interest of such nature that movant’s participation may be in the public interest.

III. ARGUMENT

A. Green will not be directly affected by the outcome of this proceeding.

Green's motion to intervene should be denied because they do not have standing under the RIPUC's regulations to claim intervenor status. As noted above, the RIPUC's regulations require a person to demonstrate that they have a right to intervene if such right or interest may be:

- 1) a statutory right;
- (2) a demonstration that they have an interest which may be directly may be bound by the RIPUC's action in the proceeding; or
- (3) a demonstration that their participation is in the public interest.

Green has failed to provide any evidence that it meets any of criteria for intervention. Green fails to cite any statutory right to intervene, nor have they provided any evidence as to why their participation is in the public interest. Instead, Green claims they have a particular interest not represented by the parties to the proceeding, and that they may be bound by the RIPUC's action in this proceeding. Green makes this claim, despite the fact that, according to National Grid, they have initiated their own separate dispute resolution process with National Grid.

Notwithstanding Green's argument, this proceeding is a request for RIPUC Staff dispute resolution assistance between EDP and National Grid pursuant to Section 9.2 of the Standards for Connected Distributed Generation (the "Tariff"). The dispute concerns applications submitted by EDP to National Grid for the interconnection of EDP's solar projects and the failure of National Grid to issue Interconnection Services Agreements ("ISA") to EDP in response to its applications. The issues before the RIPUC Staff for dispute resolution assistance are narrow: whether National Grids non-issuance of an ISA can be resolved by the Parties entering into a modified ISA that is consistent with the terms of the Tariff.

As a result of the dispute resolution process, National Grid developed the “modified ISA” in an attempt to resolve EDP’s dispute. Specifically, the modified ISA, is National Grid’s attempt to resolve its non-issuance of ISAs for EDP’s solar projects and address EDP’s need to obtain executed ISAs to secure timely financing and meet other contractual obligations for its projects. Furthermore, it is EDP’s understanding, that National Grid is not seeking to utilize the modified ISA for other developers, nor has National Grid requested approval to revise the Tariff.

IV. CONCLUSION

In conclusion, RIPUC action on the Parties dispute resolution process and proposed resolution of the same in the form of a modified ISA will not circumvent the dispute resolution provisions of the Tariff as alleged by Green. Accordingly, the RIPUC should deny Green’s petition to intervene in this proceeding given that it has not demonstrated standing to do so and the fact that they initiated a separate dispute resolution process, under the Tariff, with National Grid that is currently pending.

ENERGY DEVELOPMENT PARTNERS,
LLC

By Their Attorneys,

PARTRIDGE SNOW & HAHN LLP



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Dated: August 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2019, I sent a copy of the within to all the parties set forth on the attached Service List by electronic mail and copies to Ms. Luly Massaro, Commission Clerk, by electronic mail and regular mail.



Narragansett Electric Co. d/b/ National Grid and Energy Development Partners Request for Dispute Resolution Assistance – Docket No. 4956
Service List Updated 8/29/2019

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