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October 27, 2020

**BY ELECTRONIC MAIL AND FIRST CLASS MAIL**

Luly E. Massaro, Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888  
*luly.massaro@puc.ri.gov*

**Re: Docket 5073 – Retail Energy Supply Association Petition for Implementation of Purchase of Receivables Program**

Dear Ms. Massaro,

Enclosed please find NRG Energy, Inc.'s Motion to Intervene in the above-referenced docket.<sup>1</sup>

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at 617-342-6884.

Very Truly Yours,

*/s/ Ryan M. Murphy*

Ryan M. Murphy

Enclosures

cc: Docket 5073 Service List

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<sup>1</sup> Per Commission counsel's update on October 2, 2020 concerning the COVID-19 emergency period, NRG Energy, Inc. is submitting an electronic version of this filing. NRG Energy, Inc. will provide the Commission Clerk with six (6) hard copies of the enclosures.

**STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION**

**IN RE: RETAIL ENERGY SUPPLY** :  
**ASSOCIATION (RESA) – PETITION FOR** :  
**IMPLEMENTATION OF** : **DOCKET NO. 5073**  
**PURCHASE OF RECEIVABLES PROGRAM** :

**MOTION TO INTERVENE OF NRG ENERGY, INC.**

NRG Energy, Inc. (“NRG”) hereby respectfully requests that the Public Utilities Commission (“Commission”) grant NRG’s intervention in the above referenced docket pursuant to 810-RICR-00-00-1.14. The reasons for intervention are set forth in this Motion to Intervene (“Motion”). In accordance with 810-RICR-00-00-1.16(B) and based on a pre-conference that occurred on October 7, 2020, as well as NRG’s discussions with the Retail Energy Supply Association (“RESA”), it is NRG’s belief that this Motion will not be opposed.

**INTRODUCTION**

1. On September 16, 2020, RESA filed a Petition with the Commission, pursuant to 810-RICR-00-00-1.11, for Implementation of a Purchase of Receivables (“POR”) Program in Rhode Island.

2. The Commission established the above-referenced docket to review RESA’s Petition. On October 7, 2020, the Commission held a pre-conference and set an October 27, 2020 deadline for interventions in this proceeding.

3. In accordance with R.I. Gen. Laws § 39-1-27.13, the Commission “may implement a purchase of receivables program where the electric distribution company purchases the receivables of a nonregulated power producer at a discount rate that is then offset from the monthly payments the electric distribution company makes to the nonregulated power producer

if the commission finds that the benefits of the program to ratepayers would exceed the costs to ratepayers.”

4. NRG’s subsidiary, XOOM Energy Rhode Island, LLC (“XOOM”), operates as a nonregulated power producer (“NPP” or “supplier”) in Rhode Island. As a supplier, XOOM sells electricity to residential and small non-residential customers in the competitive retail market.

5. If RESA’s Petition is approved by the Commission, NRG would have the opportunity to participate in Rhode Island’s POR Program, meaning that the electric distribution company (“EDC”) would purchase its account receivables, at a discounted rate, regardless of whether the EDC has collected the owed monies from customers.

### **LEGAL STANDARD**

6. Intervention in Commission proceedings is governed by 810-RICR-00-00-1.14, which provides that “any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission.” See 810-RICR-00-00-1.14(B).

7. It is appropriate for the Commission to grant a motion to intervene when (1) the right of intervention is conferred by statute; (2) a movant may be bound and its interests may be directly affected by the proceedings, and those interests are not adequately represented by existing parties; or (3) the movement holds an interest of such nature that the movant’s participation may be in the public interest. See 810-RICR-00-00-1.14(B)(1) through (3).

### **ARGUMENT**

8. NRG is seeking intervention pursuant to 810-RICR-00-001.14(B)(2) and (B)(3). With a subsidiary operating as a supplier, NRG has an interest in facilitating the development of

Rhode Island's competitive retail market and views the implementation of a POR Program as a critical component of the market's success. Additionally, if a POR Program is implemented, NRG will be directly affected by the details concerning the calculation of the discounted rate and the development of other parameters concerning supplier participation in the POR Program.

9. Although NRG supports RESA's Petition, RESA cannot adequately represent its interests in this proceeding. NRG has experiences in other states that may be unique and may add constructively to the proper design of the POR Program in Rhode Island. Further, even as to RESA members, the Petition notes that the positions taken are that of the organization and that RESA does not represent the views of any particular member. Also, NRG may have an interest in responding to proposals offered by other parties to revise the terms proposed by RESA.

### **CONCLUSION**

For all of the foregoing reasons, NRG Energy, Inc. hereby respectfully requests that the Commission grant its Motion to Intervene in this proceeding as a full party.

Respectfully submitted,

*/s/ Ryan M. Murphy*

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Date: October 27, 2020

Attorneys for NRG Energy, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below on October 27, 2020.

*/s/ Ryan M. Murphy*

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Ryan M. Murphy, Esq.

### **Docket No. 5073 – Retail Energy Supply Associations Petition for Implementation of Purchase of Receivables Program - Service List updated 9//30/2020**

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