

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on February 11, 2022

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Friday, February 11, 2022, at 11:00 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, John Harrington, Alan Nault, Todd Bianco and Luly Massaro.

I. Chairman Gerwatowski called the Open Meeting to order at 11:00 A.M. A quorum was present.

II. **Docket No. 5224 – Narragansett Bay Commission (NBC)** - NBC filed a petition to implement new raters to recover costs associated with the payment of credit card, debit card and voice transaction fees (Electronic Payment Transaction Fees) for effect February 19, 2022. Noting the Commission needs to investigate and conduct hearing, Chairman Gerwatowski moved to suspend NBC’s proposed rates. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

III. **Docket No. 5212 – City of Newport** – In this docket, the City of Newport and Good Energy, L.P., the municipal aggregator, filed a petition for approval of proposed Community Electricity Aggregation Plan (Plan) submitted pursuant to R.I. Gen. Laws § 39-3.1.2. The Division of Public Utilities and Carriers (Division) weighted in on this and recommended approval. The following motions were made:

Chairman Gerwatowski moved to approve the City of Newport’s Petition for Approval of Community Aggregation Plan. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to require the City of Newport and Good Energy, L.P., to conduct at least one workshop with a relevant local agency which may be the local Community Action Program. Commissioner Revens seconded the motion and the motion unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to require that, within two years from approval of the Community Aggregation Plan, the City of Newport and/or Good Energy, L.P., shall provide written notice to the Commission and Division that the Plan has been implemented, describing with particularity all parts of the Plan that have not been implemented. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to require that all filings made to the Public Utilities Commission pertaining to this matter shall be filed with reference to the instant docket number with a copy to all parties to the service list then on file with the Clerk of the Public Utilities Commission. Commissioner Revens seconded the motion and the motion unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to require the City of Newport to comply with the reporting requirements adopted by the Public Utilities Commission on November 5, 2021. Commissioner Revens seconded the motion and the motion unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to require the first Annual Report be filed thirteen months following the implementation of the City of Newport's aggregation plan. Commissioner Anthony seconded the motion and the motion unanimously passed. **Vote 3-0.**

- IV. Docket No. 5233 – Liberty Power Holdings, LLC -** Liberty Power Holdings is an Obligated Entity having an obligation to comply with the RI Renewable Energy Standard for Compliance Year 2020. The Commission issued a warning letter to Liberty Power Holdings, LLC to provide further evidence that it is compliance with the Renewable Energy Standard by February 10, 2022. No reply was received from Liberty Power.

The Commission considered to make a finding whether Liberty Power Holdings, LLC is out of compliance with the RES for Compliance Year 2020. Pursuant to R.I. Gen Laws § 39-26-6(b) and § 39-1-27.1(c)(9), should the PUC find that Liberty failed to comply with the RES for Compliance Year 2020, the PUC may approve liquidation of Liberty's financial assurance held jointly by the PUC and Division. After a summary of the travel of this docket, Chairman Gerwatowski made the following motions:

- (1) Move to find that Liberty Power has failed to comply with the Renewable Energy Standard for Compliance Year 2020.
- (2) Move to penalize Liberty Power, pursuant to R.I. Gen. Laws § 39-26-4 and § 39-1-27.1(c)(9) and 815-RICR-30-05-1.3A(9)(b), in the amount of \$250,000 for violating the provisions of R.I. Gen. Laws § 39-26-4.
- (3) Move that the Commission designate the Chairman to claim release of the full amount of the license or the permit bond; and
- (4) Move to direct the Commission Clerk to transmit this Order in this matter to the Division of Public Utilities and Carriers for enforcement action under its Rules Applicable to Nonregulated Power Producers as it deems necessary

Commissioner Anthony seconded the motion, and the motion was unanimously passed. **Vote 3-0.**

- V. Approval of Minutes of Open Meeting was postponed.
- VI. There being no further business to discuss, the Chairman adjourned the Open Meeting at 11:10 A.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/131344792>.