



March 30, 2022

VIA HAND-DELIVERY AND EMAIL

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

Re: Request for Commission Staff Dispute Resolution Assistance Pursuant to Section 9.2(b) of The Narragansett Electric Company Standards for Connecting Distributed Generation, R.I.P.U.C. No. 2244

Dear Ms. Massaro:

Revity Energy LLC (“Revity”), hereby requests assistance from the Rhode Island Public Utilities Commission (the “Commission”) staff to resolve a project-specific interconnection dispute under the Narragansett Electric Company (“National Grid”) Standards for Connecting Distributed Generation, R.I.P.U.C. No. 2244 (the “Tariff”) in accordance with Section 9.2(b) of the Tariff. Specifically, Revity believes that National Grid’s actions and interpretations violate the Tariff and applicable law by refusing to finalize an interconnection service agreement for multiple distributed generation projects under development by Revity. As described in this written request for dispute resolution assistance, Revity is entitled pursuant to the Tariff to the prompt delivery and full execution of interconnection service agreements that reflect the real-time interconnection metrics of its projects.

By letter dated November 4, 2021, Revity initiated dispute resolution procedures pursuant to Section 9(a) of the Tariff related to a Revity-controlled project on Robin Hollow Road in West Greenwich, Rhode Island (the “Project” and the Weaver Hill Road developments hereinafter the “Projects”). Revity’s dispute relates to the Interconnection Services Agreements (the “ISAs”) required to interconnect the Projects. Principally, this dispute arises from Revity’s complaint that the interconnection costs incurred by a third-party developer were being unreasonably imposed upon Revity, as a subsequently interconnecting customer, by National Grid, without National Grid undertaking any significant review of a budget prior to the interconnection work. The dispute resolution process is focused on the extent to which National Grid has conducted due diligence review of the third-party developer’s interconnection costs. During the dispute resolution process, a separate (albeit related) issue arose of whether National Grid has any authority in the first place to cost-collect for a private developer’s self-performed interconnection work. Representatives from Revity and National Grid participated in a conference call on December 14, 2021 to discuss

these issues. During that call, Revity and National Grid discussed changing Revity's cost allocation to account for another interconnecting developer and National Grid discussed revising Revity's civil cost payment obligations to back-end those obligations and allow the parties to proceed through a RIPUC tariff interpretation process. Following that conference call, the representatives continued their communications regarding the allocable share of the interconnection costs for Revity as well as other details related to the ISAs for the Project.

On February 4, 2022, National Grid transmitted to Revity revised ISAs for the Weaver Hill projects. On February 7, Revity responded with substantive comments to those draft ISAs. Revity did not receive a response to that correspondence and, on February 18, Revity filed a Declaratory Judgment Petition with the RIPUC pursuant to R.I. Gen. Laws § 42-35-8 (Docket No. 5235). That Petition seeks RIPUC's interpretation of the discrete question of whether National Grid is legally authorized to participate in cost-collection of self-performed interconnection civil work; however, since that filing, National Grid has been entirely non-responsive as to the Weaver Hill ISAs.

The only substantive communications that Revity has received from National Grid since Revity's filing of the Declaratory Petition have had to do with a payment required for the 1000kmil cable necessary for the Weaver Hill interconnection. Revity made that payment, totaling \$806,400, on February 25, 2022. Revity has repeatedly attempted to address and finalize the outstanding issues with the draft ISAs. For example, on March 7, 2022, Revity's President emailed National Grid's interconnection manager seeking to clarify final points on the Weaver Hill ISAs (such as the lineal feet analysis, the participation of a third developer in the interconnection path, and a minor landscaping item) but, as of the date of this letter, Revity has not received a substantive response. Revity had been informed by a National Grid representative that the commencement of a RIPUC tariff interpretation petition would not stay the interconnection application process; most recently, Revity was so informed when it paid \$806,400 to National Grid for materials required for this interconnection route. However, on March 23, Revity was told that National Grid would not be providing the ISAs for execution until the Declaratory Judgment Petition is disposed of. Revity believes that National Grid's position and refusal to finalize the ISAs violates the Tariff provisions requiring the company to provide executable ISAs.

The primary issue presented in this project-specific dispute is the fact that National Grid refuses to bring the ISAs for the Project to completion since Revity filed its February 18, 2022 Petition for Declaratory Judgment seeking an interpretation of the Tariff from this Commission as to National Grid's authority to cost-collect from a private developer self-performing the interconnection work. Revity has agreed to an ISA that provides for payments that assume, *arguendo*, that National Grid has such authority thus allowing National Grid to proceed with the ISAs without any financial risk related to Revity's Petition. Stated differently, if the Commission determines that National Grid can cost-share, it will have Revity's payments in hand and, if the Commission determines that National Grid cannot cost-share, it merely needs to return Revity's payments (or, depending on the timing of the Commission decision, simply not collect the final, outstanding payments). In fact, National Grid and Revity discussed back-ending certain payments to avoid the need to return payments depending on the RIPUC's determination. The first issue presented during the initial dispute resolution process was National Grid's willingness, assuming

it has a role in cost-sharing, to review and provide the documents justifying the self-performing developer's costs related to the interconnection civil work. That issue has been partially resolved and, now, the only two items that need to be addressed before the ISAs can be signed are: (1) changing the *pro rata* share for Revity from 67% to 57% (to account for the interconnection of a third developer) and (2) changing the total engineering, permitting, procurement and construction duration from 72 weeks to 52 weeks in accordance with the Tariff. These are ministerial issues that should have been quickly addressed so that the ISAs can be finalized and signed.

Unfortunately, it has become clear that National Grid is acting as if Revity's Declaratory Judgment Petition has resulted in a standstill of the ISA process. National Grid's position is inconsistent with the Tariff. National Grid should not be permitted to halt the ISA process simply because a customer has exercised its right to ask the Commission for a regulatory interpretation of the Tariff. If National Grid is allowed to proceed in this fashion, all projects on the Weaver Hill interconnection route would have to be stayed until the RIPUC decides the appropriate role for the utility in the cost-sharing process. Indeed, that logic would result in the freezing of applications for ISAs anytime a petition for tariff interpretation is filed. That logic also serves as a significant deterrent to customers bringing petitions for interpretation to the RIPUC in the first place.

National Grid should not be permitted to delay the ISA process simply because Revity has availed itself of the adjudicatory function of the Commission through a Declaratory Judgment Petition. The question of whether National Grid has the authority to participate in cost-collection where developers self-perform civil work is an important question for the industry and Revity should not be punished by having presented that question to the Commission. An executed ISA is crucial to financing and other critical elements of the solar development process (which National Grid knows) and it appears that National Grid is using that as a pressure point to leverage Revity to withdraw its Declaratory Judgment Petition. Revity is entitled to an ISA that reflects the real-time interconnection metrics of the project and those ISAs should be delivered forthwith. Unfortunately, given National Grid's intransigence, Revity must avail itself of the Section 9.2(b) process.

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

Regards.



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