



DESAUTEL LAW

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July 11, 2022

VIA USPS AND ELECTRONIC MAIL

Emma Rodvien, Coordinator
Rhode Island Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888
Emma.Rodvien@puc.ri.gov

**RE: Docket No. SB-2021-04 – The Narragansett Electric Company d/b/a National Grid
Application for a License to Mobilize and Operate a Liquefied Natural Gas (LNG)
Vaporization Facility at Old Mill Lane (Portsmouth, RI)**

Dear Ms. Rodvien:

Enclosed herewith for filing relative to the above-referenced matter please find the Town of Middletown's Memorandum Requesting an Advisory Opinion from the Rhode Island Office of Energy Resources. The original and seven (7) copies have been sent this day via USPS.

Thank you for your attention to this matter.

Sincerely,

Marisa Desautel, Esq. *(red)*
Enclosures

Cc: Service List (via electronic mail)

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

**IN RE: NARRAGANSETT ELECTRIC COMPANY :
APPLICATION FOR A LICENSE TO MOBILIZE :
AND OPERATE A LIQUIFIED NATURAL GAS : DOCKET NO. SB-2021-04
VAPORIZATION FACILITY AT OLD MILL LANE :
(PORTSMOUTH, RHODE ISLAND) :**

**THE TOWN OF MIDDLETOWN’S MEMORANDUM REQUESTING
AN ADVISORY OPINION FROM THE RHODE ISLAND OFFICE OF
ENERGY RESOURCES**

Now comes The Town of Middletown (hereinafter referred to as the “Town”), by and through its counsel, and hereby requests that The Rhode Island Energy Facility Siting Board (hereinafter referred to as the “EFSB”) seek an Advisory Opinion from the Rhode Island Office of Energy Resources (hereinafter referred to as the “OER”) in the above-referenced docket.

In support of this request, the Town relies on the State’s Energy Facility Siting Act, Rhode Island General Law §42-98-9, which provides for procedures for review and the rendering of Advisory Opinions on issues before the EFSB. RIGL §42-98-9 states as follows:

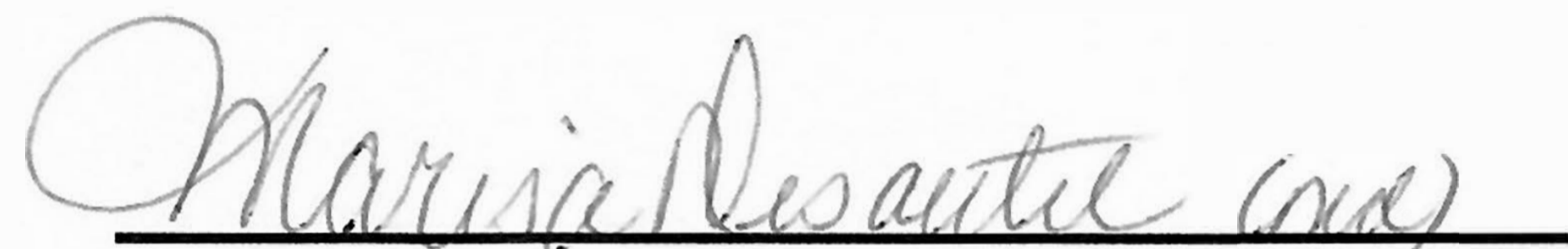
“(b) The board shall consider as issues in every proceeding the ability of the proposed facility to meet the requirements of the laws, rules, regulations, and ordinances under which, absent this chapter, the applicant would be required to obtain a permit, license, variance, or assent. The agency of state government or of a political subdivision of the state which, absent this chapter, would have statutory authority to grant or deny the permit, license, variance, or assent, shall function at the direction of the board for hearing the issue and rendering an advisory opinion thereon”

The above-quoted section of law supports the recommendation of the Town that the OER be engaged to render an Advisory Opinion in this case. The State enacted RIGL §42-6.2-1, *et. seq.* the Rhode Island Act on Climate, which statute creates an executive climate change coordinating

council (the "council") comprised of officials from state agencies, including the commissioner of the Office of Energy Resources. The Act on Climate is a law contemplated by the Energy Facility Siting Act and, as a result, "the ability of the proposed facility to meet the requirements of the [Act on Climate]" will need to be considered. RIGL §42-98-9. Since OER is the state agency with expertise designated under the Act on Climate, it follows that OER is the appropriate party to issue an Advisory Opinion on whether the subject facility meets the requirements of the Act on Climate.

WHEREFORE, for the foregoing reasons, the Town of Middletown respectfully suggests that the EFSB requests an Advisory Opinion from OER in this matter.

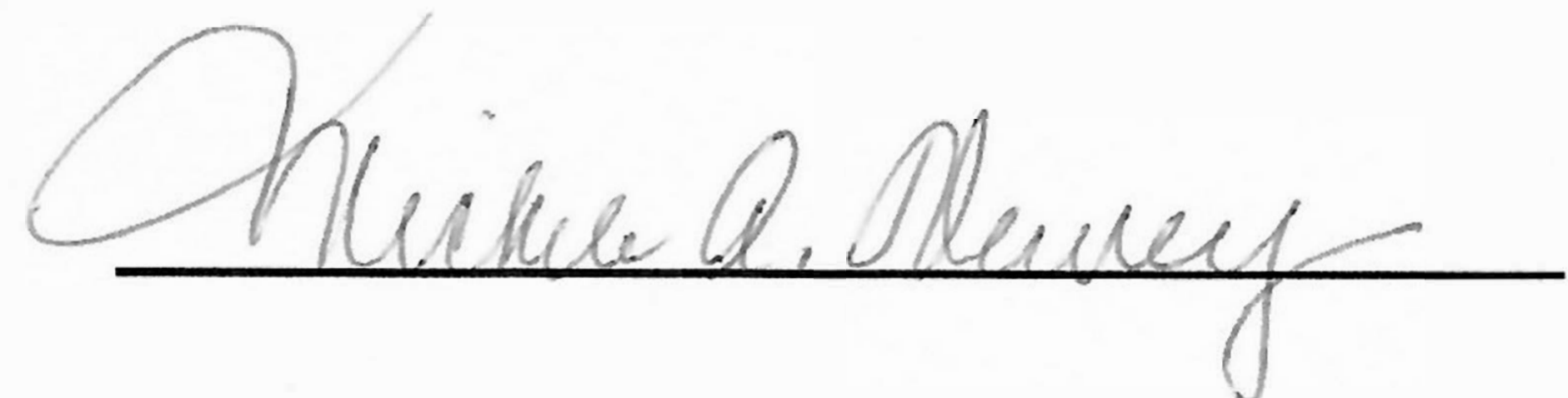
Respectfully submitted,
Town of Middletown
By its Attorney



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CERTIFICATION

I, the undersigned, hereby certify that I filed an original of the within Memorandum with the EFSB and sent a true copy, via electronic mail, of the within Memorandum, to the parties listed on the distribution list for Docket SB-2021-04, on this 11th day of July, 2022.



SB-2021-04 The Narragansett Electric Company d/b/a National Grid Application for License to Mobilize and Operate a Liquefied Natural Gas (LNG) Vaporization Facility at Old Mill Lane (Portsmouth, RI)

Updated May 12, 2022

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