



# STATE OF RHODE ISLAND

## Public Utilities Commission

89 Jefferson Boulevard  
Warwick, Rhode Island 02888  
(401) 941-4500

Chairman Ronald T. Gerwatowski  
Commissioner Abigail Anthony  
Commissioner John C. Revens, Jr.

### MEMORANDUM

To: Service List in Docket No. 22-08-GE  
From: Cynthia G. Wilson-Frias, Chief of Legal Services  
Date: August 16, 2022  
Re: Docket No. 22-08 Arrearage Forgiveness Procedural Update

The Commission does not find a hearing necessary in this docket. Therefore, the August 30, 2022, hearing is canceled.

#### Further Inquiry:

In the recent round of position memoranda, two parties provided memoranda on the legal question presented, agreeing with the Company's position and analysis that the proposal does not violate R.I. Gen. Laws Sec. 39-2-2 or 39-2-3.

In his comments, the Attorney General, while supporting the proposal made by the Company, stated, "However, to the extent that the Commission sees fit to alter this payment plan in some other non-discriminatory plan to ensure \$43.5 million in arrearage forgiveness for low-income and protected customers, the Attorney General – while reserving the right to comment on any proposed plan - notes that the overriding concern should be distribution of the full \$43.5 million in forgiveness secured in the Settlement Agreement without unreasonable delay in implementation. It should be noted that RIE has also expressed that it would not object to a different arrearage forgiveness plan, so long as the forgiveness did not exceed \$43.5 million. See Response to PUC 1-16(d)" (AG Mem. at 5).

In the George Wiley Center's Memorandum, again, while supporting the Company's proposal, noted that: "As described in Rhode Island Energy's responses to PUC 1-12 and 1-13, the current plan would utilize Settlement Agreement arrearage funds (the \$43.5 million) to apply a credit to eligible customer accounts, even if those accounts have been paid in whole or in part by ARPA funds administered by Rent Relief RI. As ARPA fund payments are confirmed to be credited to Settlement Agreement arrearage forgiveness eligible customers' accounts through the manual verification process described in the Rhode Island Energy response to PUC 1-10, those funds could be offset from the \$43.5 million Settlement Agreement arrearage forgiveness fund. The portion of the \$43.5 million that is thus conserved by the offset could be made available for AMP

down payments for the hypothetical Customer B profile discussed in PUC 1-16: those who would have been eligible for Settlement Agreement arrearage forgiveness had they documented their protected status prior to March 31, 2022. These consumers would not be eligible for full arrearage forgiveness, but they would nonetheless be supported in a pathway, consistent with state statute, towards forgiveness through the AMP. The company has indicated its willingness to consider using the available funds identified in the Settlement Agreement to assist these additional customers in Section (d) of its response to PUC 1-16.” (GWC Mem. at 9-10).

The Commission encourages Rhode Island Energy, the Attorney General, and the George Wiley Center to engage in further discussions on the Wiley Center’s concept to reallocate funds that would otherwise be applied to accounts identified on or about March 31, 2022, as eligible for arrearage forgiveness, but which arrearages were subsequently paid in whole or in part from ARPA funds. Rhode Island Energy would need to determine whether such a proposal is technically feasible and whether there are any other adjustments that would need to be taken to effectuate the concept. The Attorney General and Rhode Island Energy, of course, would also need to determine whether the concept would be consistent with the intent of their settlement. Finally, Rhode Island Energy would need to provide the Commission with a clear explanation of the initial funding amount and subsequent administration.

Rhode Island Energy should report back to the Commission on the status of such discussions and whether there will be any changes to the Company’s proposal. Ideally, Rhode Island Energy should advise the Commission by August 25, 2022, if there will be NO change to the proposal. I realize that is very soon, but we have an Open Meeting scheduled for the afternoon of August 30, 2022, and because CAP agencies typically open within the next six weeks or so, we want to provide certainty to customers and the CAP agencies as they assess LIHEAP applications as soon as possible. If the proposal does warrant further discussion, please advise of the proposed timeline for the parties to finish the work and report back.