

**State of Rhode Island**

**Public Utilities Commission**

**Minutes of Open Meeting Held on August 11, 2022**

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Thursday, August 11, 2022, at 10:00 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, Todd Bianco and Luly Massaro.

- I. Chairman Gerwatowski called the Open Meeting to order at 10:000 A.M. A quorum was present.
  
- II. **Docket No. 5202 – The Narragansett Electric Company d/b/a Rhode Island Energy (Company)** – This docket relates to the Company’s 2022 Renewable Energy Growth (REG) Program approved by the Commission in this docket. Pursuant R.I. Gen. Laws § 39-26.6-20(b), the Company selected five (5) commercial scale solar projects in the First Enrollment REG Program Open Enrollment. The Company requested approval of the Certificates of Eligibility (COEs) for the projects selected. After review, Chairman Gerwatowski moved to approve the Certificates of Eligibility commercial scale projects listed in the Company’s filing. Commissioner Anthony seconded the motion and the motion was unanimously passed **Vote 3-0**.
  
- III. **Docket No. 22-10-EL – Town of Narragansett** – In this docket, the Town of Narragansett 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 Commission discussed outstanding issues.

The Division expressed concern with the Town’s name product finding that it created confusion. The Town submitted a revised plan changing the product offering name and making other non-substantive edits. The PUC agreed with the name changes made by the Town.

The Commission expressed concern whether there are sufficient notice provisions for rate changes during the term of the program for those who have not opted out. Commissioner Revens referenced several provisions of the statute expressing concern that the way the statute is written, it’s not clear we have the authority to require the aggregator to communicate with their customers, that when the customer has enrolled, the customer knows clearly and unambiguously in some form on their bill, the price to compare if there is better option for LRS then the aggregator’s price. It is not clear we have authority. Not clear that the municipalities that have adopted these programs have read the statute through clearly and whether they are aware what could happen to their ratepayers when the

customer signs up for aggregation, then there is price change and how to opt out. He opined that a press release or website posting is not in any way sufficient to properly notify a ratepayer. He is willing to approve the plan because it met the requirements of the statute but wants to leave it open for further discussion to make sure ratepayers know and have clear opportunity to opt out when the LRS rate is a better price.

Commissioner Gerwatowski concurred that the aggregation law limits the Commission's authority. It seems the legislative intent was to hand the decisions to local communities and limits how far we can go to protect ratepayers in that instance. Not much the Commission can do about it. Agreed that in the future, if we see problems, we can have a technical session and discuss it with all of the towns at once. There are limits to what we can enforce.

Commissioner Anthony raised the question, if the Commission was going to require notice, should it be required of all competitive suppliers. This touches on something that is frustrating, caught in a place of limbo. The policy of state is competitive retail electric supply but it has not been able to move into a robust competitive market because we have a 24-month laddering LRS procurement which goes out and competitive suppliers are not going to buy supply for the customers they haven't secured. Thus, we are always in a place where the competitive suppliers and the LRS are not on equal footing and in some way, this hampers the development of a robust competitive market.

After review and discussion, Chairman Gerwatowski summarized the motions:

- a.) It is moved to approve the Town of Narragansett's Petition for Approval of Community Aggregation Plan as revised on August 10, 2022. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- b.) It is moved to require the Town of Narragansett 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 Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- c.) It is moved to require that, within two years from approval of the Community Aggregation Plan, the Town of Narragansett and/or Good Energy, L.P., shall provide written notice to the Commission and Division of Public Utilities and Carriers that the Plan has been implemented, describing with particularity all parts of the Plan that have not been implemented. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- d.) It is 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 Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- e.) It is moved to require the Town of Narragansett to comply with the reporting requirements adopted by the Public Utilities Commission on November 5, 2021.

Commissioner Revens moved and Commissioner Anthony seconded. The motion was unanimously passed. **Vote 3-0.**

- f.) It is moved to require the first Annual Report be filed thirteen months following the implementation of the Town of Narragansett's aggregation plan. Commissioner Revens moved and Commissioner Anthony seconded. The motion was unanimously passed. **Vote 3-0.**

- IV. **Docket No. 22-09-WW – Providence Water Supply Board** – In this docket, Providence Water petitioned the Commission for approval to recover cost associated with the payment of credit card, debit card and voice transaction fees (Electronic Payment Transaction Fees). Providence Water seeks to recover by way of a transfer from its Restricted Revenue Reserve, approximately \$836,565 for Electronic Payment Transaction fees incurred from June 2020 to April 2022 and any fees incurred thereafter until the Commission renders a decision in this docket. Additionally, Providence Water seeks to recover by way of a monthly surcharge, \$741,241 on a going forward basis to cover the payment of these fees on an annual basis.

There being no issues of controversy, Chairman Gerwatowski summarized:

- a.) It is moved that Providence Water be authorized to withdraw from the restricted revenue reserve account the actual accrued total of waived electronic payment processing fees incurred from the month ending April 30, 2020 through August 31, 2022. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- b.) It is moved to require Providence Water to file within thirty (30) days of the transfer, a compliance filing supporting the amount transferred. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- c.) It is moved to approve Providence Water's request to include a charge of \$0.78 per bill, effective on September 1, 2022, which amount is expected to recover \$741,241 per year to cover Electronic Transaction Fees on a going forward basis through the next general rate case. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**
- d.) It is moved to require Providence Water to continue to track its actual electronic payment processing fees and perform a true-up of the expenses against recoveries for effect July 1, 2023 if such a true-up was not performed as part of a general rate filing for effect on or about that same date. The results of the true-up shall be filed for review by the Commission to either credit over-recoveries or request to withdraw under-recoveries from the restricted revenue reserve account. Commissioner Anthony moved and Commissioner Revens seconded. The motion was unanimously passed. **Vote 3-0.**

- V. **Docket No. 22-03-RES – Coventry Lumber LLC** – The Company applied for eligibility of the Coventry Lumber, 0.3 MW AC (0.392 MW DC) solar energy Generation Unit located in Coventry, Rhode Island as a New Renewable Energy Resource. After review, Chairman Gerwatowski moved to accept the consultant's

recommendation for full approval of the application. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

VI. **Telecommunications Service Providers** – The following Companies ceased or intend to cease operations and submitted a request that the Commission cancel their registration to conduct business as provider of telecommunications service in Rhode Island:

- 2262(L18) – X2Comm, Inc. d/b/a DC Communications – The Company sent notice in May to ensure that customer had enough time to migrate services to another provider.
- 2262(Z19) – Network Service Billing, Inc. – The Company represented that it has no customer or revenue in RI
- 2262(Y19) - Communications Network Billing, Inc. - The Company represented that it has no customer or revenue in RI.

After review, Chairman Gerwatowski moved approve the requests to cancel the registrations of each Companies. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

VII. There being no further business to discuss, the Chairman adjourned the Open Meeting at 10:27 A.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/132016562>.