

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on September 29, 2022

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held Thursday, September 29, 2022, at 12:00 P.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 and Todd Bianco.

- I. Chairman Gerwatowski called the Open Meeting to order at 12:00 P.M. A quorum was present.

- II. **Docket No. 22-32-RES – Sunwave USA Holdings, Inc. -** Sunwave USA Holdings, Inc. is an Obligated Entity having an obligation to comply with the RI Renewable Energy Standard for Compliance Year 2021. The Commission issued a warning letter to Sunwave USA Holdings, Inc. to provide its compliance filing and make its required Alternative Compliance Payments under the Renewable Energy Standard by September 28, 2022. At this Open Meeting, the Commission will make a finding whether Sunwave USA Holdings, Inc. is out of compliance with the RES for Compliance Year 2021. Pursuant to R.I. Gen Laws § 39-26-6(a)(5) and § 39-1-27.1(c)(9), should the PUC find that Sunwave USA Holdings, Inc. failed to comply with the RES for Compliance Year 2021, the PUC may approve liquidation of Sunwave’s financial assurance held jointly by the PUC and Division of Public Utilities and Carriers as a penalty for non-compliance.

After a summary of the case and deliberation, the following motions were made:

(a) Chairman Gerwatowski moved to find Sunwave USA Holdings failed to comply with the Renewable Energy Standard for Compliance Year 2021. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

(b) Based on the fact that the Commission has not received any response from Sunwave USA Holdings, USA, Commissioner Revens moved to sanction Sunwave, pursuant to R.I. Gen. Laws §39-6-6 and-§ 39-1-27.1(c)(9) and 810-RICR-40-05-2, in the amount of \$93,682.00 for violating the provisions of the Renewable Energy Standard R.I. Gen Laws 39-26-1 Chairman Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 3-0.**

(c) Chairman Gerwatowski, as the Chairman, moved to designate himself to demand the release of \$93,682.00 of the surety bond dated September 25, 2019 to satisfy the sanction. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

(d) Chairman Gerwatowski moved to direct Commission staff to transmit this Order to the Division of Public Utilities and Carriers for enforcement action under its

Rules applicable to Nonregulated Power Producers. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

III. 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 two (2) commercial scale solar projects in the Second Enrollment REG Program Open Enrollment. The Company requested approval of the Certificates of Eligibility (COEs) for the projects that were selected. After review, Chairman Gerwatowski moved that the Commission approve the award of the COEs identified in the Company’s second enrollment report. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

IV. There being no further business to discuss, the Chairman adjourned the Open Meeting at 12:20 P.M. A web video of the Open Meeting discussion can be accessed at <https://video.ibm.com/recorded/132152642>.