

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: ISSUANCE OF ADVISORY OPINION TO ENERGY
FACILITY SITING BOARD APPLICATION TO CONSTRUCT
LNG VAPORIZATION FACILITY ON OLD MILL LANE.

Docket No. 22-42-NG

MOTION TO INTERVENE OF ACADIA CENTER

By its attorney, Acadia Center hereby moves pursuant to Rule 1.14 of the Rhode Island Public Utilities Commission (Commission) Rules of Practice and Procedure (“Rules”) to intervene in the above-captioned proceeding. Acadia Center is a non-profit research and advocacy organization that has been working in the public interest for over 20 years with a long history working on energy and environment issues on behalf of Rhode Islanders, consistent with the meaning of Rule 1.14 (B)(3). Further, Acadia Center will be directly affected by the outcome of this proceeding, and its interests are not adequately represented by existing parties, consistent with the meaning of Rule 1.14(B)(2). Accordingly, Acadia Center respectfully asks the Commission to grant this petition to intervene, and in support of its motion, states:

1. On May 19, 2021, petitioner The Narragansett Electric Company (TNEC) filed an application with the Energy Facility Siting Board (EFSB or Board) seeking approval to mobilize and operate a Liquified Natural Gas (LNG) facility at Old Mill Lane in Portsmouth, RI, without need for subsequent waivers.
2. In response, the Board opened EFSB Docket SB-2021-04.
3. Acadia Center filed a motion to intervene and was granted intervenor status in Docket SB-2021-04.

4. The Board subsequently required¹ TNEC to file a supplemental application by April 4, 2022, identifying the long-term permanent solution to the capacity and vulnerability issues on Aquidneck Island, among other things. The Board stayed the proceedings until such filing was made.
5. TNEC filed the supplemental application on April 1, 2022, and the Board conducted a preliminary hearing on July 25, 2022.
6. At an Open Meeting on August 24, 2022, the Board ruled on the issues to be considered and designated various state agencies, including the Commission, to issue advisory opinions as memorialized in Order 156. The Commission accordingly initiated this Docket 22-42-NG.
7. On October 18, 2022, TNEC notified the EFSB that Algonquin Gas Transmission, LLC, anticipates replacing the lateral gas transmission pipeline servicing Aquidneck Island but did not specify whether Algonquin was replacing the pipe with similarly sized infrastructure or was altering the nature and/or capabilities of the infrastructure which may or may not have an impact on the Commission and Board's respective evaluations of the Old Mill Lane LNG project.
8. On November 17, 2022, the Commission held a pre-hearing conference establishing the procedural schedule, including a deadline of December 1, 2022, for motions to intervene. TNEC indicated it would not object to the intervention of parties engaged in the related SB-2021-04 proceedings.

About Acadia Center

9. Acadia Center is a non-profit research and advocacy organization committed to advancing the clean energy future through data-driven research, innovative policies, and market-based solutions. Acadia Center has become a central public interest voice in Rhode Island energy issues, on topics including, but not limited to, energy efficiency, natural gas infrastructure, climate planning, electric vehicles,

¹ For brevity and clarity here, Acadia Center has omitted discussion of the various temporary Energy Facility Siting Act emergency waivers granted to TNEC to operate the facility while the full application is evaluated.

energy storage, distributed generation, grid modernization, advanced metering functionality, and system reliability procurement.

Basis for Intervention: Direct Interest

10. Rule 1.14(B) of the Commission's Rules states "subject to the provisions of this part, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission." Further, Rule 1.14(B)(2) goes on to state that such a right or interest may be an "interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding."
11. Acadia Center's interests are directly affected by the issues in this proceeding and cannot be adequately represented by any other party. Acadia Center's status as a settling party to the ongoing implementation of the settlement in Dockets 4770 and 4780, our efforts regarding the annual and 2021-2023 Three-Year Energy Efficiency (EE) and System Reliability Procurement (SRP) plans, our participation in Docket 5099, the FY 2022 Gas Infrastructure, Safety, and Reliability Plan, our intervention in Division Docket D-21-09, our extensive engagement on Aquidneck Island's energy future, and our commitment to building environmentally-friendly and consumer-friendly energy systems and ensuring the alignment of utility programs with state policy requirements may all be directly impacted by this proceeding, binding Acadia Center with the decision.
12. Acadia Center has a substantial interest in advancing policies and decisions that achieve the state's greenhouse gas (GHG) emissions reduction targets required by the 2021 Act on Climate law—specifically a 45% reduction below 1990 levels by 2030, 80% below 1990 levels by 2040, and net-zero emissions by 2050. As Rhode Island's gas and electric utilities will necessarily play a significant role

in reducing GHG emissions from energy distribution networks, this docket and the related Board proceedings also represent a critical opportunity to evaluate whether petitioners' plans to maintain and expand long-lived fossil fuel infrastructure meets public health and safety goals, as well as the state's carbon reduction requirements under Rhode Island General Law §42-6.2. This direct proceeding also presents a critical opportunity to evaluate whether viable, alternative approaches could reduce and/or ultimately eliminate the need to operate the Old Mill Lane LNG facility.

13. Acadia Center has considerable experience and expertise in matters relating to Rhode Island energy efficiency, demand response, and beneficial electrification policy—all of which are critical components to avoiding the construction and/or continued operations of ultimately unnecessary gas infrastructure, such as the Old Mill Lane LNG facility. Acadia Center remains an active participant of the Energy Efficiency (EE) Technical Working Group and System Reliability Procurement (SRP) Technical Working Group. Acadia Center also continues to work with TNEC to advance EE and SRP efforts and is involved in ongoing discussions with TNEC and Aquidneck Island policymakers and stakeholders regarding the communities' preference to reduce gas dependency on Aquidneck Island. Acadia Center's interests in those proceedings, and the resources expended through our involvement to encourage and obtain TNEC commitments to develop non-pipeline alternatives to gas infrastructure expansions could be damaged by exclusion from this docket.
14. Acadia Center has also invested significant resources in developing and publicizing an Alternatives Analysis for Aquidneck Island's long-term energy needs.

Basis for Intervention: Public Interest

15. The Commission's Rule 1.14(B)(3) also states that such a right or interest to intervene may also include "any other interest of such nature that movant's participation may be in the public interest."

Acadia Center’s staff has a combined several decades of experience on the design and implementation of consumer-friendly and climate conscious policies, energy efficiency, utility innovation, and clean energy technologies. Acadia Center has the capacity and organizational commitment to advance climate and energy policy in Rhode Island that will further a clean environment and protect ratepayers from incurring unnecessary risk and costs.

16. Acadia Center experts have researched and written extensively about utility policy reforms and investments for a distributed energy future vital to reducing fossil fuel dependency, including its 2015 resource, “UtilityVision”² and 2021 resource, “Reforming Energy System Planning for Equity and Transformation”³ (RESPECT). Acadia Center’s breadth of experience in regulatory proceedings across the Northeast is a valuable resource for the public interest of all Rhode Islanders.
17. Acadia Center has also invested significant resources in developing and publicizing an Alternatives Analysis for Aquidneck Island’s long-term energy needs that demonstrates the facility in question in this matter, as well as other new gas infrastructure proposed by TNEC, are not in the public interest and are unnecessary to meet energy needs of the future. The Commission’s advisory opinion will contribute to the Board’s evaluation of petitioner’s application which, if ultimately approved, could expose the people of Rhode Island to prolonged fossil fuel dependency, greater health and safety dangers from gas infrastructure, additional ratepayer risks, and failure to achieve greenhouse gas reductions required under state law.
18. Acadia Center has also studied the operational procedures of the Old Mill Lane facility and believes alterations to TNEC’s plans could mitigate near-term impacts on the host and adjacent communities

² <https://acadiacenter.org/resource/utilityvision/>

³ <https://acadiacenter.org/work/respect/>

while the Company pursues a more beneficial demand reduction and electrification pathway that ultimately eliminates the need for routine operation of Old Mill Lane.

19. Accordingly, Acadia Center's intervention is necessary and appropriate under both Rule 1.14(B)(2) and Rule 1.14(B)(3) of the Commission's Rules of Practice and Procedure. Acadia Center respectfully requests the Commission approve its motion to intervene in the above referenced matter.

Service of any correspondence or pleadings in connection with these matters should be directed to:

Henry (Hank) Webster (RI Bar #9540)
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WHEREFORE, based on the foregoing reasons, ACADIA CENTER asks that the Commission grant its Motion to Intervene.

Respectfully submitted,

ACADIA CENTER

By its attorney,



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Dated: November 30, 2022

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MILL LANE.

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NOTICE OF APPEARANCE OF COUNSEL

Pursuant to Rule 1.5 of the Rhode Island Public Utilities Commission's Rules of Practice and Procedure, please enter my appearance on behalf of Acadia Center, in the above-captioned proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

Pursuant to Public Utilities Commission Rules 1.8 and 1.6(G), I certify that an electronic copy of the Motion to Intervene and Notice of Appearance of Counsel were served, via electronic mail, to all parties on the service list for this Docket on November 30, 2022.

Respectfully submitted,



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