



STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

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Peter F. Neronha
Attorney General

December 1, 2022

Luly Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Blvd.
Warwick, RI 02888
Luly.massaro@puc.ri.gov

RE: *IN RE: The Narragansett Electric Co. d/b/a Rhode Island Energy Issuance of Advisory Opinion to Energy Facility Siting Board Regarding The Narragansett Electric Co. Application to Construct LNG Vaporization Facility*
Docket No. 22-42-NG

Dear Ms. Massaro:

Enclosed please find for filing an original and five (5) copies of the Attorney General's Motion to Intervene in the above-referenced docket.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Nicholas Vaz

Special Assistant Attorney General
nvaz@riag.ri.gov

Enclosures

Copy to: Service List

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: THE NARRAGANSETT ELECTRIC CO. :
d/b/a RHODE ISLAND ENERGY ISSUANCE OF :
ADVISORY OPINION TO ENERGY FACILITY SITING : Docket No. 22-42-NG
BOARD REGARDING THE NARRAGANSETT :
ELECTRIC CO. APPLICATION TO CONSTRUCT LNG :
VAPORIZATION FACILITY :

THE ATTORNEY GENERAL OF THE STATE OF RHODE ISLAND’S
MOTION TO INTERVENE

NOW COMES Peter F. Neronha, Attorney General of the State of Rhode Island (“Attorney General”), and hereby moves to intervene with full-party status in the above-captioned proceeding in accordance with Rule 1.14(B) of the Public Utilities Commission’s (the “Commission”) Rules of Practice and Procedure (the “Commission Rules”).

I. Standard of Review

Commission Rule 1.14(B) states that “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.” 810-RICR-00-00-1.14(B). Further, such right or interest may be:

- a. A right conferred by statute.
- b. 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. (The following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)
- c. Any other interest of such a nature that movant’s participation may be in the public interest.

810-RICR-00-00-1.14(B)(1)-(3). As explained below, the Attorney General has a statutory right to intervene and is in a unique position to represent the interests of the State and the public such that intervention is both necessary and appropriate.

II. Basis for Intervention

The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”), filed with the Energy Facility Siting Board (“EFSB”) a Supplemental Application to its May 19, 2021 Application to operate a portable liquified natural gas (LNG) vaporization facility (the “facility”) on Old Mill Lane in the Town of Portsmouth Rhode Island. The Attorney General has already intervened in the EFSB’s Docket SB-2021-04 considering that Application and Supplemental Application.

R.I. Gen. Laws § 42-98-9(d) states: “(d) The public utilities commission shall conduct an investigation in which the division of planning of the department of administration, the governor’s office of energy assistance and the division of public utilities and carriers shall participate and render an advisory opinion as to the need for the proposed facility.” Through this docket, the Commission will ultimately conduct that investigation and render its advisory opinion. EFSB Order No. 156 further outlined the issues to be considered in preparing an advisory opinion concerning the facility.

In this docket, the Attorney General seeks to represent the interests of the ratepayers and the public as a whole. He is in a unique position to represent these interests and should be permitted to do so. The Attorney General is, pursuant to § 42-9-6 of the General Laws of Rhode Island of 1956, as amended, the “legal advisor of all state boards, divisions, departments, and commissions and the officers thereof....” He is also the public officer charged with representing the State of

Rhode Island, the public interest, and the people of the State. This includes representation with respect to environmental, electric or gas industry matters, as well as consumer protection matters. Additionally, the Attorney General “has a common law duty to protect the public interest.” State v. Lead Indus., Ass'n, Inc., 951 A.2d 428, 471 (R.I. 2008) (*quoting* Newport Realty, Inc. v. Lynch, 878 A.2d 1021, 1032 (R.I. 2005)).

It should also be noted that the Attorney General has been granted full-party status in prior proceedings before the Public Utilities Commission involving public utility operations and rates. Moreover, the legislature and courts have recognized role of the Attorney General as an intervenor on behalf of the state or its citizens as customers of the public utility. *See e.g.* R.I. Gen. Laws § 39-1-19(b), *see also* Narragansett Elec. Co. v. Harsch, 117 R.I. 395, 405 n. 6 (1977).

Participation by the Attorney General in the instant proceeding is sanctioned by law and consistent with the public interest. The Attorney General seeks to intervene to ensure that this proposed project is fully vetted and that any potential impacts related to the project are carefully considered. Additionally, the Attorney General has conferred with the Company and the Company has indicated that it does not object to the Attorney General’s intervention in this docket.

III. Conclusion

For the reasons set forth herein, the Attorney General respectfully requests that the Public Utilities Commission grant his Motion to Intervene in this proceeding.

Respectfully submitted,

PETER F. NERONHA
ATTORNEY GENERAL OF THE
STATE OF RHODE ISLAND

By his Attorney,

/s/ Nicholas M. Vaz
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Dated: December 1, 2022

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December 2022, the original and nine hard copies of this Motion were sent via in hand-delivery to Luly Massaro, Clerk of the Division of Public Utilities and Carriers, 89 Jefferson Boulevard, Warwick, RI 02888. In addition, electronic copies of the Motion were served via electronic mail on the service list for this Docket on this date.

/s/ Ellen Golde