

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

The Narragansett Electric Co. d/b/a Rhode Island Energy's
Advanced Metering Functionality ("AMF") Business Case

Docket 22-49-EL

**MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation ("CLF"), pursuant to Public Utilities Commission ("PUC" or "Commission") Rule of Practice and Procedure 1.14(B), hereby moves to intervene in this Docket.

On August 24, 2018, the PUC approved an Amended Settlement Agreement in Dockets 4770 (the most recent gas and electricity rate case) and 4780 (the concurrent Power Sector Transformation case). CLF was an intervenor in those proceedings and a party to the Amended Settlement Agreement. Between 2018 and 2021 the Narragansett Electric Company (the "Company") developed an Advanced Metering Functionality ("AMF") business case and Grid Modernization Plan ("GMP") pursuant to the Amended Settlement Agreement. The Company convened a stakeholder advisory group to aid in the development of the AMF business case and the GMP. CLF participated in this group as a stakeholder. On November 18, 2022, the Company¹ filed an AMF business case with the PUC including a detailed proposal for the

¹ Ownership of the Narragansett Electric Company was transferred from National Grid USA to PPL Rhode Island Holdings, LLC between the rate case and the filing of the AMF business case. *See* R.I. Division of Public Utilities and Carriers Docket No. D-21-09.

deployment of advanced meters across its electric service territory in Rhode Island. The PUC subsequently docketed the proposal and assigned Docket Number 22-49-EL.

CLF's participation in this proceeding will be in the public interest within the meaning of PUC Rule 1.14(B)(3). Moreover, CLF will be directly affected by the outcome of this proceeding and its interests are not adequately represented by the existing parties, within the meaning of Rule 1.14(B)(2).

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources, and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 235 Promenade Street, Suite 560, Providence.

CLF promotes clean, renewable, and efficient energy production and heating throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. In the course of its 55-year legacy, CLF has been a party in the landmark case where the United States Supreme Court ruled that the Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, *Massachusetts v. E.P.A.*, 127 S. Ct. 1438 (2007); CLF has obtained an injunction to stop oil and gas drilling in the environmentally sensitive Georges Bank, *Conservation Law Foundation v. Sec'y of the Interior*, 790 F.2d 965 (1st Cir. 1986); CLF has litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required twenty public transit projects in and around Boston, including the construction of additional subway and rail lines, *Conservation Law Foundation v. Romney*, 421 F. Supp. 2d 344 (D. Mass. 2006); and CLF has successfully

advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters, *Conservation Law Foundation v. Evans*, 211 F. Supp.2d 55 (D.D.C. 2002).

Additionally, CLF has a long history of participation in PUC dockets related to energy concerns, renewable resources, distribution system policy, and rates. These include Docket No. 4111 (the first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); Docket No. 4185 (the second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); Docket No. 4600 (concerning the development of goals for the future electric system and a benefit-cost framework for proposals before the PUC); Docket No. 4822 (reviewing National Grid's request for proposals for contracts for up to 400 megawatts (MW) of newly developed renewable energy resources); and Docket No. 4929 (reviewing National Grid's contract for the purchase of energy and renewable energy certificates from a proposed 400 MW offshore wind farm).

Importantly CLF was a full party to Docket No. 4770 (the most recent gas and electricity rate case) and Docket No. 4780 (the concurrent Power Sector Transformation case), and has participated in the Power Sector Transformation stakeholder advisory group formed to advise the Company on the development of its AMF business case and GMP.

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule 1.14. CLF bases its motion on the provisions of Rule 1.14(B)(3), which states that a party may intervene where "appropriate" if the party has "any . . . interest of such nature that petitioner's participation may be in the public interest." Additionally, CLF and its members will be directly affected by the outcome of this proceeding and its interests are not adequately represented by the existing parties, within the meaning of Rule 1.14(B)(2).

IV. CLF's Interest in This Proceeding

As an organization committed to using the law to protect New England's environment and combat the climate crisis, CLF has extensive experience in energy law and policy. As discussed above, CLF has participated, without objection from any party, in many previous PUC dockets related to energy concerns and energy resource siting. Of particular relevance to this proceeding, CLF was a full party to Dockets 4770 and 4780 and has participated in the Power Sector Transformation stakeholder advisory group formed to advise the Company on the development of its AMF business case and GMP. As a result of its history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket. CLF anticipates being able to present information that will be directly relevant to this proceeding, useful to the PUC, and in the interest of the public.

The resolution of this docket could have implications for the State's ability to meet the statutory mandates of the Act on Climate, R.I. Gen. Laws §§ 42-6.2-1–12. This statute sets mandatory, enforceable carbon emissions reduction requirements for Rhode Island of 45% below 1990 levels by 2030; 80% below 1990 levels by 2040, and net-zero emissions by 2050.² It could also influence how the State's major electric utility may position itself to reach net-zero emissions by 2050. CLF has a keen interest in ensuring that the Company's actions are consistent with the requirements of the Act on Climate, and it can aid the Commission in its application of the provisions of the Act on Climate. CLF has extensive experience related to the creation, implementation, and interpretation of statutes mandating emissions reductions throughout New England, including successful litigation to require Massachusetts to create and implement regulations to meet its carbon emissions reduction mandates under its equivalent of the Act on

² Section 8 of the Act on Climate confers the power, the duty, and the obligation on the Commission to consider the climate change implications of proposals that come before it. R.I. Gen. Laws § 42-6.2-8.

Climate—the Global Warming Solutions Act. *Kain v. Dep't of Env't Prot.*, 49 N.E.3d 1124 (Mass. 2016).

Moreover, the participation in this proceeding of a public interest organization such as CLF will serve the public interest. *See, generally*, John E. Bonine, *Public Interest Environmental Lawyers: Global Examples and Personal Reflections*, 10 *Widener L. Rev.* 451 (2004) (emphasizing the constructive and salutary role of public interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene in this Docket be granted.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorneys,

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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 Conservation Law Foundation in the above-captioned proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the original and four copies of this Motion and attached Notices of Appearance of Counsel were filed with the Public Utilities Commission. In addition, a PDF version of this Motion was served electronically on the service list of this Docket, as that list was provided by the PUC on December 16, 2022. I certify that all of the foregoing was done on December 30, 2022.

/s/ James Crowley_____