

**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

**CONSERVATION LAW FOUNDATION'S
REPLY TO RHODE ISLAND ENERGY'S OMNIBUS RESPONSE**

I. Introduction

The Conservation Law Foundation (CLF) hereby responds to the Omnibus Response of the Narragansett Electric Company d/b/a Rhode Island Energy to Motions to Intervene. CLF averred in its motion that it 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). In its Omnibus Response, Rhode Island Energy (the Company or utility) states numerous times that it does not oppose CLF's intervention or that of other, similarly situated advocates including Acadia Center and the George Wiley Center. Omnibus Response at 1-2, 5, 7, 13, 15. The Company does, however, request "that the Commission appropriately cabin the participation of these parties to the proper scope of this proceeding, which is whether the Commission should approve Rhode Island Energy's request for full-scale deployment of AMF throughout its electric service territory—not dictating how the Company should use AMF technology in its day-to-day operations if the Commission does approve the request." *Id.* at 2 (emphasis in original). It also states that "the Commission should appropriately define the scope of this proceeding to be an evaluation of the Company's AMF Business Case and limit the participation of parties to that scope to avoid expanding this proceeding into a broad,

stakeholder-input gathering proceeding that will unnecessarily delay final resolution.” *Id.* at 5.

In a January 12, 2023, email to counsel, captioned “Dkr. 22-49-AMF - Deadline to Reply to Objections/Limitation of Scope,” the Chief of Legal Services for the Public Utilities Commission (PUC or Commission), Ms. Cynthia Wilson-Frias, stated that the Commission would allow each movant to file a reply to the Omnibus Response on or before January 19, 2023. The email indicated that the replies should identify the movant’s specific interest in the docket, to allow the Commission “to determine whether [that] interest will be directly affected by the decisions made in this matter or whether [it] will, instead, be affected by future decisions related to AMF.” The email further provided that:

replies may address any portion of the Company’s Objection/request for limited scope of intervention. However, movants are directed to the Commission’s Procedural Rule 1.14.C which states, in part, that the contents of a Motion to Intervene shall include “the position of the movant in the proceeding.” To the extent a movant has not included such information, the reply shall include more specificity of their position to support their proposed intervention. The movant should specifically identify which component of the Company’s proposal in this matter the movant is planning to address through testimony or a position statement. The reply should explain how its interest will be directly affected by a decision with respect to the need for AMF investment, the design of the Company’s proposal, and the cost recovery. The movant should, if not already done, explain why its interest will not be represented by the Division.

II. CLF’s Interest in This Proceeding

Intervention in PUC proceedings is governed by PUC Rule 1.14. CLF has “an interest [in this proceeding] of such nature that intervention is . . . appropriate.” Rule 1.14(B). CLF’s participation in this proceeding will be in the public interest within the meaning of PUC 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.” CLF’s interest in this proceeding is based on the fact that it 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).

As provided in its mission statement, CLF is committed to protecting New England's environment for the benefit of all people. As stated in its Strategic Plan, CLF is "focused on driving forward a future that is equitable and healthy for all, while also confronting the most urgent environmental threats in the here and now." CLF Strategic Plan 2020-2025, *available at* <https://www.clf.org/wp-content/uploads/2021/06/2020%E2%80%932025-CLF-Strategic-Plan.pdf>. Among its strategic goals is "[e]stablish[ing] New England as a national climate leader and accelerat[ing] a just clean energy transition." *Id.*

CLF noted in its motion that 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. It further noted that CLF has a keen interest in ensuring that the Company's actions are consistent with the requirements of the Act on Climate, and that it could aid the Commission in its application of the provisions of the Act on Climate. Throughout its AMF Business Case filing, beginning in its accompanying cover letter, the Company repeatedly emphasizes the critical importance of AMF to Rhode Island's ability to meet the emission reduction requirements of Act on Climate and allowing greater customer control over energy use, which advances those same goals.

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 that state's Global Warming Solutions Act. *Kain v. Dep't of Env't Prot.*, 49 N.E.3d 1124 (Mass. 2016). Experienced, knowledgeable advocates like CLF should be encouraged to participate in proceedings seeking PUC approval for ratepayer-

supported investments in AMF. In such proceedings, the PUC must ensure that those investments include parameters to ensure the highest and best use of that investment to advance electrification, a cleaner grid, manage load, and reduce customer costs. CLF can assist the Commission in doing so; and that is in the public interest.

CLF is supportive of AMF deployment in Rhode Island and has no interest in delaying this proceeding. CLF recognizes as well as the Company does the importance of AMF and the need for realizing its promised benefits. In its long history of involvement in PUC dockets, CLF has not disrupted or inappropriately delayed proceedings, but rather engaged substantively to help ensure that substantial utility investments such as those proposed here are designed and sufficiently regulated and monitored to meet state policy objectives affecting energy, environment, climate and equity.

III. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene be granted and that its participation not be limited.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorneys,

/s/ Margaret E. Curran
Margaret E. Curran (#2916)
Conservation Law Foundation
235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
Tel: (401) 228-1904
Fax: (401) 351-1130
mcurran@clf.org

/s/ James Crowley
James Crowley (#9405)
Conservation Law Foundation
235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
Tel: (401) 228-1905
Fax: (401) 351-1130
jcrowley@clf.org

CERTIFICATE OF SERVICE

I certify that, on January 19, 2023, an electronic version of this document, Conservation Law Foundation's Reply to Rhode Island Energy's Omnibus Response, was served via electronic mail to all members of the current service list. On January 24, 2023, an edited original and four hard copies of this document were hand delivered to the Public Utilities Commission and the edited version was emailed to the service list. The edits altered only formatting problems, nothing of substance was changed.

/s/ Margaret E. Curran