

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: THE NARRAGANSETT ELECTRIC CO.
D/B/A RHODE ISLAND ENERGY'S ADVANCED
METERING FUNCTIONALITY ("AMF")
BUSINESS CASE**

DOCKET NO. 22-49-EL

**RESPONSE OF THE GEORGE WILEY CENTER TO
THE RHODE ISLAND ENERGY OMNIBUS RESPONSE
TO MOTIONS TO INTERVENE**

The George Wiley Center responds to the Omnibus Response of Rhode Island Energy as follows:

I. Intervention

Although Rhode Island Energy raises direct interest, standing and timeliness concerns in its response to the Wiley Center Motion to Intervene, it expressly and repeatedly states that it does not object to the intervention by the Wiley Center. Rhode Island Energy Omnibus Response, pp. 2,7, 13, and 15.

Pursuant to Rule 1.14(E), a Motion to Intervene that is not objected within 10 days is deemed granted. Notwithstanding that the George Wiley Center Motion to Intervene is not objected to, and thus should be deemed granted by action of the Rule, the Wiley Center here clarifies the issues discussed in the Rhode Island Energy Response in order to reinforce why it is an appropriate intervenor as a full party to the docket.

The Wiley Center has not asserted an inchoate, general, or puerile "interest" in the topic of AMF case. Instead, the Wiley Center asserts a specific and non-conjectural risk of injury that it

faces if not granted status as a party intervenor. The asserted interest of low-income consumers who are George Wiley Center members is of the nature that confers standing. It is “concrete and particularized . . . and . . . actual or imminent, not conjectural or hypothetical.” As Rule 1.14(B)(c) expressly states, **consumers** served by the applicant are a specific group that can assert a direct interest that is not adequately represented by existing parties such as government agencies, which are charged with balancing many competing interests. The low-income consumers of the George Wiley Center have a risk of injury in this docket that is not conjectural nor hypothetical. If the Commission approves the AMF application without ensuring that the business case protects low-income consumers from excessive and unjustified additional costs, low-income consumers will be uniquely harmed since many already find the existing costs of their bill unaffordable. On the other side of the equation, if the business case analysis, after full consideration of all evidence presented in the docket, demonstrates that the benefits of AMF are greater than the costs that will be eligible for recovery, low-income consumers have an elevated interest in the granting of the application since they will be uniquely harmed by the inability to access a new technology that may help them, disproportionately to other more affluent consumers, to face the costs of their utilities in the future.

In addition, low-income consumers are disproportionately harmed by the impacts of climate change and most frequently reside in areas that are directly impacted by heightened environmental degradation. Thus, the approval of the AMF application is of heightened importance to low-income consumers if the evidence supports a positive cost-benefit analysis overall.

The direct impact of the approval or denial of the AMF application on low-income consumers is significant and will have a higher impact, positive or negative, on low-income consumers than on other rate-payers. The risk of harm to low-income consumers in this docket is not adequately represented by existing parties. Although the Division is charged with analyzing

and evaluating impacts on ratepayers, the Division must balance the impacts on all classes of rate-payers and cannot prioritize the potential harm to low-income consumers over the considerations of impact on other classes of rate-payers. The unique vulnerability of low-income ratepayers to added costs without sufficient commensurate benefit *or* to the improper denial of an application for important technology that can be vital to consumers in lowering future costs while assisting the state in meeting climate change mitigation goals can only be represented properly, fully and without countervailing consideration of other competing interests by the George Wiley Center.

The Wiley Center advocates with a laser focus on low-income consumers. It has unique expertise to do so, and is capable of bringing forward the unique perspectives and evidence of the very real injuries and suffering that low-income consumers face when unable to meet the costs of utility service or when deprived of tools to mitigate high utility costs and environmental degradation in ways that no other party to the proceeding can bring a sole focus to. The Wiley Center will participate in the docket as an intervenor without constraints imposed by balancing the interests of other parties and will solely focus on the very particularized needs of consumers who already struggle to meet current utility costs and who, uniquely among other classes of consumers, have a high personal and familial stake in environmental harm reduction. Particularized representation of low-income consumers by the Wiley Center in this docket is unobjected to and is in the public interest because the Wiley Center represents specific, vulnerable members of the public who face unique challenges that other ratepayers do not face and who are not the sole focus and priority of any other party to the docket.

II. Scope

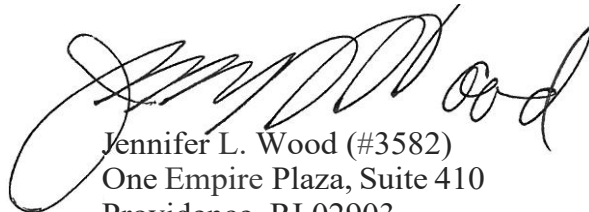
The Wiley Center understands it to be the sole purview of the Commission to define the scope of the docket *for all parties to the docket* and will be bound by that definition as a party

intervenor. The Commission is the sole decisionmaker about all matters relating to scope, relevance and admissibility of evidence in Commission proceedings. Like every other party to the docket, the Wiley Center expects to be bound by the rulings of the Commission during the proceeding as to the extent and nature of matters that are relevant and in scope to the docket. The Wiley Center would also expect to be excluded, just as any other party to the docket would be, from introducing evidence or argument that is beyond the scope of the docket as defined by the Commission in rulings throughout the proceeding. To the extent that the Omnibus Response of Rhode Island Energy does not object to the intervention of the Wiley Center, the Attorney General, the Office of Energy Resources, the Acadia Center and the Conservation Law Foundation but is perhaps asking the Commission to grant some secondary status that is less than that of a full party intervenor to these intervenors that have indisputably met the requirements of Rule 1.14, that is inappropriate and has no basis in law or past precedent in Commission dockets. Under the Commission's rules intervenors not objected to within ten days become parties – and all parties are bound by the same rules of evidence, materiality, and relevance in the proceeding. The Wiley Center accepts without reservation the constraints and governance of scope of the proceedings that the Commission will place on *all* parties equally.

The Wiley Center expects to limit its inquiry and argument in this docket to a full examination of the evidence introduced by Rhode Island Energy in support of its application and any other evidence deemed admissible by the Commission in the course of the proceeding. The Wiley Center has never, in its long history of participation in Commission dockets as a party intervenor, juxtaposed evidence or argument for purposes of seeking to impermissibly expand the scope of a docket beyond the bounds imposed by the Commission nor to participate in any way that would delay the efficient and timely resolution of the proceeding. The Wiley Center expects to

participate fully in the docket, evaluate and analyze all evidence presented in support of the proposition that the benefits of the AMF proposal exceed the costs through the very specific lens of low-income consumers and to present argument and/or evidence to either support the granting of the application or to oppose its approval based on all evidence adduced in the docket. Low-income consumers have an elevated interest in gaining access to the enhanced functionality of AMF if the costs are sustainable for those who already struggle to pay their utility bills. Low-income consumers similarly have a disproportionately heightened interest in the mitigation of environmental degradation. These will be key considerations in the representation of low-income consumers by the Wiley Center in this docket and the Wiley Center should thus be granted intervenor status as a party bound by the same rules as every other party.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2023, I sent a true copy of this document by electronic mail to the parties in the Docket Service List as of January 20, 2023. Hard copies will be served via regular mail to the Clerk of the Public Utilities Commission.

