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December 30, 2022

Via Electronic Mail and First Class Mail

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888
luly.massaro@puc.ri.gov

RE: Docket No. 22-49-EL – The Narragansett Electric Co. d/b/a Rhode Island Energy’s Advance Metering Functionality (“AMF”) Business Case

Dear Ms. Massaro:

Enclosed please find the Motion to Intervene of Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC (collectively, the “NRG Retail Companies” or “NRG”) for filing in the above-captioned docket. NRG will also provide the original and nine (9) hard copies of the enclosure to the Commission Clerk via First Class Mail.

Thank you for your attention to this matter. Please contact me with any questions or concerns.

Sincerely,

/s/ Craig R. Waksler

Craig R. Waksler

Enclosures

cc: Service List Docket No. 22-49-EL (via email only)

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: The Narragansett Electric Co. d/b/a Rhode Island Energy’s Advanced Metering Functionality Business Case : : **Docket No. 22-49-EL** : :

MOTION TO INTERVENE OF DIRECT ENERGY BUSINESS, LLC, DIRECT ENERGY BUSINESS MARKETING, LLC, DIRECT ENERGY SERVICES, LLC, RELIANT ENERGY NORTHEAST, LLC AND XOOM ENERGY RHODE ISLAND LLC

Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC, (collectively, “the NRG Retail Companies” or “NRG”¹) hereby respectfully request that the State of Rhode Island Public Utilities Commission (“Commission” or “PUC”) grant NRG’s intervention in the above referenced docket pursuant to 810-RICR-00-00-1.14 (“Rule 14”). The reasons for intervention are set forth in this Motion to Intervene (“Motion”).

INTRODUCTION

1. On November 18, 2022, The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”) filed its Advanced Metering Functionality Business Case with the Commission. The filing provides a detailed proposal for full scale deployment of Advanced Metering Functionality (“AMF”) across the Company’s service territory in Rhode Island.

¹ NRG Energy, Inc. is a Delaware corporation with principal offices located at 804 Carnegie Center, Princeton, NJ 08450. NRG Energy, Inc. is the leading integrated energy and home services company in North America serving over six (6) million customers. Powered by its customer-focused strategy, NRG Energy, Inc. generates electricity and provides energy solutions and natural gas to millions of customers through its diverse portfolio of retail brands. A Fortune 500 company operating in the United States and Canada, NRG Energy, Inc. delivers innovative solutions while advocating for competitive energy markets and customer choice, working towards a sustainable energy future.

2. As described in the Company’s filing, its proposal is intended to replace existing electric automated meter reading (“AMR”) meters, address State climate mandates, and meet evolving customer expectations by allowing customers to make more informed energy choices.

3. The NRG Retail Companies operate as nonregulated power producers (“NPPs”) in Rhode Island, and specifically in the Company’s service area. As NPPs, the NRG Retail Companies sell electricity to residential and non-residential customers in the competitive retail market.

4. On December 16, 2022, the Commission issued a Procedural Schedule and Briefing Question (“Procedural Schedule”) in the above-captioned proceeding, establishing a filing deadline of Friday, December 30, 2022 for all motions to intervene and providing a schedule for submission of testimony and hearings.

5. Through this Motion, NRG seeks to intervene in this proceeding pursuant to the Commission’s Procedural Schedule and Rule 14.

LEGAL STANDARD

6. Intervention in Commission proceedings is governed by Rule 14, which provides 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).

7. It is appropriate for the Commission to grant a motion to intervene when: (1) the right of intervention is conferred by statute; (2) the movant has an interest which may be directly affected and which is not adequately represented by existing parties, and movant may be bound by the Commission’s action in the proceeding; or (3) the movant holds any other interest of such

nature that the movant's participation may be in the public interest. 810-RICR-00-00-1.14(B)(1)-(3).

ARGUMENT

8. NRG meets the standards for intervention set forth in Rule 14. Operating as electric NPPs in Rhode Island Energy's service territory, the NRG Retail Companies satisfy the standard for intervention because they possess "an interest which may be directly affected and which is not adequately represented by existing parties," and as to which the NRG Retail Companies "may be bound by the Commission's action in the proceeding." 810-RICR-00-00-1.14(B)(2).

9. NRG is well positioned to participate in this proceeding and has a significant interest in facilitating the development of Rhode Island's competitive electric retail markets. Moreover, two brand affiliates of NRG Energy, Inc., Direct Energy Business, LLC and Direct Energy Services, LLC (collectively, "Direct Energy"), were active participants in Docket No. 4600, Investigation into the Changing Electric Distribution System, which produced a framework for evaluating the benefits and costs of investments in traditional utility infrastructure, energy efficiency, demand response, renewable energy, and innovative technologies. Further, Direct Energy actively participated as a member of the stakeholder committee, where Direct Energy contributed input and viewpoints from the competitive retail market perspective. Many of the issues in the Docket 4600 proceeding that were examined by the Commission in Docket No. 4770 and Docket No. 4780 served to advance the Rhode Island AMF and Grid Modernization proceedings and related stakeholder processes dating back to the inception of the Power Sector Transformation Vision and Implementation Plan in CY2018.²

² See Petition of Narragansett Electric Co. d/b/a National Grid for Approval of its Proposed Power Sector Transformation Vision and Implementation Plan, Docket No. 4780; Narragansett Electric Co. d/b/a National Grid

10. NRG has a substantial and direct interest in ensuring that the design and timely deployment of AMF as well as the design of the Company's essential back-office systems like its Customer Information System ("CIS") and new meter data management system will accommodate the needs of NPPs, including NRG, and will enhance the timeliness and quality of customer usage data. NRG has the managerial and operational experience and ability to assess how the Company's proposal could impact retail competition in the Company's service territory as well as directly impact the operations and business interests of the NRG Retail Companies and their ability to facilitate innovative customer solutions.

11. It is important that deployment of AMF and design of the Company's back-office systems provide NPPs with timely access to quality customer data. NRG has a substantial interest in participating in this proceeding given the critical importance that well-functioning customer usage data access practices play in creating a robust and sustainable competitive market. CIS and companion IT architecture that will be developed by the Company as part of its AMF implementation plan will determine how granular customer usage data are accessed and shared going forward among non-utility stakeholders. Simply put, if the Company proceeds to develop its new CIS without first consulting and engaging with NPPs, including NRG, municipal aggregators, and other key stakeholders, there is a real risk that the Company will unilaterally develop AMF and related back-office architecture uniquely beneficial to the interests of Rhode Island Energy but may be operationally incompatible with third-party systems or may result in imposing prohibitively expensive system upgrades to third parties. Additionally, the Company's proposals may significantly impact access to timely, quality customer data, which is necessary for NRG's operations and business interests.

Updated Advanced Metering Functionality Business Case and Grid Modernization Plan, Docket Nos. 5113 and 5114.

12. Further, as the Commission considers the Company's AMF proposal, it should examine whether the proposal will enhance the timeliness and quality of customer usage data and meet the needs of NPPs, in order to further advance the goal of enabling retail electric customers to obtain the benefits of properly functioning and effectively competitive retail markets.

13. Additionally, NRG has an interest in ensuring that the proposals of other parties advanced through testimony, legal arguments, or settlement discussions do not adversely impact the ability of the NRG Retail Companies to effectively operate as NPPs in the Company's service territory. The proposals in this proceeding may also materially impact NRG's business and customer interests in Rhode Island, as well as its ability to advance new retail market enhancements.

14. NRG's interests in this proceeding are unique from and not adequately represented by other parties that have or may seek to intervene, including other individual NPPs or other organizations interested in electric competition in Rhode Island in general and in the Company's service territory in particular. The NRG Retail Companies have unique business models and their interests and perspectives are unique. As such, NRG's interests in this proceeding cannot be adequately represented by other NPPs with different business models and different customer target markets.

15. As NPPs in the Company's service territory, the NRG Retail Companies will be bound by the action of the Commission in this proceeding and any determination that may impact the competitive markets. Thus, the Commission's actions regarding Rhode Island Energy's proposals may have a substantial impact on NRG's future involvement in the electric retail markets and its ability to develop innovative products and services for its customers.

16. NRG's intervention is also in the public interest. 810-RICR-00-00-1.14(B)(3). NRG has the experience and resources to aid the Commission in evaluating the Company's proposal and its potential impact on the retail competitive electric markets and, to the extent necessary, crafting reasonable modifications to the Company's proposals. Accordingly, NRG's participation in this proceeding is clearly in the public interest.

17. The State of Rhode Island General Assembly determined, in passing the Utility Restructuring Act of 1996, that it is in the public interest to promote competition in the electric industry.³ More recently, in 2018, the General Assembly recognized the "importance of competitive choice in electric generation service."⁴ It is clear that the General Assembly has made the policy determination that electric competition is beneficial and it is in the public interest for the Commission to promote the development of a retail electric market. A favorable market fosters competition among entities seeking to develop and offer products and services tailored to the preferences of consumers. NRG's intervention is in the public interest as changes to the Company's metering system, data access, and related back office systems could impact the retail market and need to be evaluated and addressed in this proceeding.

³ R.I. Gen. Laws § 39-1-1(d).

⁴ R.I. Gen. Laws § 39-1-27.13(a).

CONCLUSION

For all of the foregoing reasons, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC, hereby respectfully request that the Commission grant their Motion to Intervene in this proceeding as a full party.

Respectfully submitted,

/s/ Craig Waksler

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Date: December 30, 2022

Attorneys for Direct Energy Business, LLC,
Direct Energy Business Marketing, LLC, Direct
Energy Services, LLC, Reliant Energy Northeast,
LLC and XOOM Energy Rhode Island LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below on December 30, 2022.

/s/ Craig R. Waksler

 Craig R. Waksler, Esq.

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Docket No. 22-49-EL Advanced Meter Functionality (AMF)
Service list updated 12/23/2022

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