



STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

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Peter F. Neronha
Attorney General

January 13, 2023

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

***In Re: The Narragansett Electric Company d/b/a Rhode Island Energy Gas Infrastructure,
Safety and Reliability Plan FY2024 Proposal
Docket No. 22-54-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 :
COMPANY d/b/a RHODE ISLAND ENERGY :
GAS INFRASTRUCTURE, SAFETY AND :
RELIABILITY PLAN FY 2024 PROPOSAL : **Docket No. 22-54-NG**

**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

On December 22, 2022, The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”) filed its Fiscal Year 2024 Gas Infrastructure, Safety and Reliability (“ISR”) Plan. The Company has indicated that it is filing its ISR Plan pursuant to R.I. Gen. Laws § 39-1-27.7.1(d)(4), which provides that “[i]f the company and the division cannot agree on a plan, the [C]ompany shall file a proposed plan with the [C]ommission and the [C]ommission shall review and, if the investments and spending are found to be reasonably needed to maintain safe and reliable distribution service over the short and long term, approve the plan within ninety (90) days.” The ISR Plan addresses the Company’s proposed activities from April 2023 through December 2024 with respect to, *inter alia*: maintaining and upgrading the gas delivery system through proactively replacing leak-prone pipe; upgrading the gas delivery system’s custody transfer stations, pressure regulating facilities, and peak shaving plants; responding to emergency leak situations; and addressing infrastructure conflicts that arise out of state, municipal, and third-party construction projects. The ISR Plan proposes some \$388.53 million in capital investment, including \$18.33 million related to cost of removal. The ISR Plan also addresses the revenue requirement (a proposed \$122,288,995 over 21 months), rate design, and bill impacts (including an expected average annual bill increase of \$113.88 or 6.6%) related to the Company’s proposal.

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 the Company’s Gas ISR Plan is fully vetted and that any potential impacts and/or alternatives are carefully considered. This includes careful consideration of financial impacts, as well as impacts related to significant investments in the State’s gas infrastructure in light of the Act on Climate’s greenhouse gas emission reduction mandates. *See* R.I. Gen. Laws § 42-6.2-9.

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: January 13, 2023

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of January 2023, the original and five hard copies of this Motion were sent, via electronic mail and first-class mail, 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