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March 27, 2023

VIA HAND DELIVERY & ELECTRONIC MAIL

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket No. 22-42-NG – Issuance of Advisory Opinion to EFSB re RIE Application to Construct an LNG Vaporization Facility on Old Mill Lane, Portsmouth, RI

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company (the “Company”), I have enclosed the Company’s Objection to Question 3-12 of the Third Set of Data Requests Issued by the Rhode Island Division of Public Utilities and Carriers (the “Division”).

Thank you for your attention to this matter. If you have any questions, please contact me at (401) 709-3351.

Sincerely,



George W. Watson III

Enclosures

cc: Docket 22-42-NG Service List

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: THE ISSUANCE OF ADVISORY OPINION)
TO THE ENERGY FACILITY SITING BOARD)
REGARDING THE NARRAGANSETT ELECTRIC)
COMPANY APPLICATION TO CONSTRUCT) DOCKET NO. 22-42-NG
AN LNG VAPORIZATION FACILITY ON)
OLD MILL LANE, PORTSMOUTH, RHODE ISLAND)

**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY
OBJECTING TO DATA REQUEST DIVISION 3-12**

The Narragansett Electric Company (the “Company”) hereby objects, pursuant to Section 1.19(C)(3) of the Public Utilities Commission (the “PUC”) Rules of Practice and Procedure, 810-RICR-00-00-1.19(c)(3) (the “Rules”), to the Division of Public Utilities and Carriers’ (“Division”) Data Request 3-12 from the Division’s Third Set of Data Requests. As basis for its objection, and for reasons explained in further detail herein, Data Request Division 3-12 (“Division 3-12”) is irrelevant to the proceeding in the above-referenced docket and the Company’s response is not likely to result in the discovery of admissible evidence.

Background

The Company submitted an application to the Rhode Island Energy Facility Siting Board (“EFSB” or the “Board”) for a license to construct and operate a mobile liquefied natural gas (“LNG”) facility at its property located at 111 Old Mill Lane, Portsmouth, Rhode Island (the “Project”) to address natural gas capacity constraints and capacity vulnerability on Aquidneck Island. As part of the Board’s review of the Company’s application, the Board has sought an advisory opinion from the PUC pertaining to the need for the Project.

On March 17, 2023, the Division issued its Third Set of Data Request directed at the Company. Division 3-12 asks the Company to:

- a. Document the growth in numbers of customers and service volumes by rate class that has resulted from the Company's Southern RI Gas Expansion program in each calendar year since the start of that program;
- b. Document the Company's projected growth in numbers of customers and service volumes by rate class that the Company expects to result from the Southern RI Gas Expansion program for each of the next 10 years;
- c. Identify by year the impacts in terms (sic) of added customers and service volumes for Aquidneck Island that the Company expects its Southern RI Gas Expansion program will produce.

Standard of Review

Commission Rule of Practice and Procedure 1.19(C)(3) requires objections to data requests "in whole or in part on the ground that the request is unreasonable and/or the material is not relevant or not permitted or required by law" to be made by motion no later than ten (10) days after service of the request.¹ The rule further states that the relevancy of a request will be determined under the standards used for such determinations under Rule 26 of the Superior Court Rules of Procedure. *Id.* Rule 26 states that discovery may be had with respect to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." Super. Ct. R. Civ. P. 26(b)(1). In order to be considered relevant, a discovery request must be reasonably calculated to lead to the discovery of admissible evidence. *See Travelers Ins. Co. v. Hindle*, 748 A.2d 256, 260 (R.I. 2000). If requests do not meet this standard, they are improper and beyond

¹ 810-RICR-00-00-1.19(C)(3).

the scope of permissible discovery. *Id.* Further, under Super Ct. R. Civ. P. 26, discovery may be limited if:

(A) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;

(B) The party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

(C) The discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under subdivision (c).²

Argument

The Company objects to Data Request 3-12 on the grounds that the information requested is irrelevant to the issue before the PUC and is unlikely to lead to discovery of admissible evidence. The Company believes that the Division's reference to the Southern RI Gas Expansion program, is a reference to the Southern RI Growth Reinforcement Project - EFSB Docket No. SB-2018-06, which is not part of the Aquidneck Island natural gas distribution system. The EFSB docketed the Company's application for the Southern RI Growth Reinforcement Project in November 2018, and it is currently operational. As noted on the first line of the siting report in Docket No. SB-2018-06, that project serves "[t]he southern Rhode Island service territory, [which] includes the cities, towns and villages of Warwick, West Warwick, East Greenwich, Coventry, Cranston, Exeter, Kingston, Narragansett, North Kingstown, South Kingstown, Scituate, Wakefield, West Greenwich and West Kingston, and is served by the Cranston Take Station." The Project, as described in the Company's application, is

² R.I. Super. Ct. R. Civ. P. 26(b).

proposed to serve Aquidneck Island (i.e., the towns of Middletown and Portsmouth and the City of Newport) and is served by the Portsmouth Take Station.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY**

By its attorneys,



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Dated: March 27, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Company’s Objection to the Division of Public Utilities and Carriers Data Request 3-12 was delivered to the Service List associated with the Docket via electronic mail this March 27, 2023.



**Docket No. 22-42-NG – Needs Advisory Opinion to EFSB regarding Narragansett Electric LNG Vaporization Facility at Old Mill, Portsmouth, RI
Service List update 2/13/2023**

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