

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

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| IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A RHODE ISLAND ENERGY TARIFF ADVICE TO AMEND THE NET METERING PROVISION – PROPOSAL FOR ADMINISTRATION OF EXCESS NET METERING CREDITS | Docket No. 23-05-EL |
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**REVITY ENERGY LLC’S UNOPPOSED MOTION FOR LEAVE TO FILE AN
UNTIMELY MOTION TO INTERVENE PURSUANT TO RULE 1.13 OF THE RHODE
ISLAND PUBLIC UTILITIES COMMISSION RULES OF PRACTICE AND
PROCEDURE**

By its attorney, Revity Energy LLC (“Revity”), hereby seeks leave to file this (untimely but unopposed) motion to intervene in the above-captioned proceeding pursuant to Rule 1.13 of the Rhode Island Public Utilities Commission (RIPUC) Rules of Practice and Procedure.

1. Revity Energy LLC (“Revity”) is a Rhode Island-based, foreign limited liability company in the business of utility-scale photovoltaic solar energy system development—what the Company refers to, in its Tariff Advice filing, as “stand alone projects.”

2. Rule 1.13(b)(2) of the RIPUC Rules of Practice and Procedure 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” which interest may include having “consumers served by the applicant, defendant, or respondent”

3. Revity, and/or its duly-organized affiliates, have executed net-metering financing arrangements with eligible offtakers to sell those offtakers the net-metering credits generated by Revity-owned and -operated facilities throughout Rhode Island. More specifically, Revity and/or its affiliates have executed in excess of fifteen (15) net-metering financing arrangements, or similar virtual net-metering contracts and, therefore, to the extent that the Commission is considering

changing the way that Revity's customers' credits are accounted for, Revity has standing under Rule 1.13(b)(2).

4. The Company's Tariff Advice filing characterizes Revity's business model as follows:

The other type of net metering configuration is referred to as a stand-alone, when the electrical energy and power is generated at a net metering system site for the purpose of generating net metering credits. There is no onsite load to offset the generation, so the net metering credits are applied to the electric bills of eligible credit recipients referred to as "oftakers." If the off-taker is a municipality or other specialized off-taker given preference by the Net Metering Statute, a net-metering financing agreement may be executed.

(Page 7 of 19). "For standalone configurations, the credits are transferred to off-taker accounts based on the customer's allocation as presented through Schedule B of the Net Metering Tariff" and the "credit balance on accounts can be used to offset all charges on the bill." (Page 9 of 19).

5. Generally speaking, the Company accurately characterizes the "standalone" business model and the Company also correctly acknowledges that the "Net Metering Statute does not address the Volumetric Method, or any specific method, for reconciling net metering costs." (Page 14 of 19).

6. The Company's Tariff Advice filing seeks approval of changes including requiring "a stand-alone net metering project that is required to allocate net metering credits to eligible credit recipients via Schedule B," such as those owned and operated by Revity and/or its affiliates, "to allocate as close to 100% of the credits as possible before the project receives authority to interconnect." (Page 12 of 19).

7. The Company states that "[r]equiring the percentage allocation of credits equal to 100% will ensure that unused credits do not bank on the host account, unable to be used" and "[r]equiring that the Schedule B estimated generation to consumption ratio equal no greater than

100% will help minimize the number of accounts requiring a billing charge, and/or minimize the value of the billing charge.” (Page 14 of 19). “The consumption shall be the sum of all off-taker account’s three-year historic average.” (*Id.*)

8. While the Tariff Advice filing, at various points, does indicate that the changes being sought are aimed at solving the issue of excess credit balances prospectively, depending on how the Commission resolves the Company’s Tariff Advice filing, there could be financial impacts on Revity’s current contractual counterparties.

9. Revity understands that, on April 28, 2023, the Commission announced that the deadline to file for intervention in this matter would be May 5, 2023. Rule 1.13(d) permits the Commission to “authorize a late filing” for “good cause shown.” Revity was not on the service list for this matter and did not learn of the intervention deadline until May 7, 2023. Revity’s intervention will not cause any undue prejudice to the existing party(ies). Revity fully understands that, pursuant to Rule 1.13(f), it will be “bound by the agreements reached and orders entered in the proceedings prior to [its] intervention” and, moreover, Revity is not seeking to broaden the issues presented by the original Tariff Advice filing.

10. Pursuant to Rule 1.15(b), the “movant shall make a good faith effort to determine whether a motion will be opposed.” Undersigned counsel spoke to the Company’s counsel on May 8 and the Company’s counsel confirmed that the Company would not oppose this Motion.

11. Please direct service of correspondence, pleadings and rulings in connection with this proceeding to:

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WHEREFORE, for the foregoing reasons, Revity respectfully requests that the Commission **GRANT** Revity's Unopposed Motion for Leave to File an Untimely Motion to Intervene Pursuant to Rule 1.13 of the Rhode Island Public Utilities Commission Rules of Practice and Procedure.

REVITY ENERGY LLC

/s/ Nicholas L. Nybo _____
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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.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission.

Nicholas L. Nybo
 Nicholas L. Nybo
 May 9, 2023

**Docket No. 23-05-EL Rhode Island Energy – Net Metering Provision, RIPUC No. 2268
 Service List updated May 9, 2023**

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