



STATE OF RHODE ISLAND

Public Utilities Commission

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Chairman Ronald T. Gerwadowski
Commissioner Abigail Anthony
Commissioner John C. Revens, Jr.

MEMORANDUM

To: Seth Handy, Esq.; Nick Nybo, Esq.; Service List in Docket No. 23-05-EL
From: John Harrington
Date: 8/23/23
Re: PUC Docket No. 23-05-EL – Tariff Advice to Amend the Net Metering Provision

Memorandum

I. Procedural History

On February 15, 2023, The Narragansett Electric Company d/b/a Rhode Island Energy (Company or RIE) filed a tariff advice to amend the Company's Net Metering Provision, R.I.P.U.C. No. 2268, which would supersede the existing Net Metering Provision, R.I.P.U.C. No. 2257, effective April 1, 2023. The Company stated in its filing that the submittal was in response to an Open Meeting held by the Public Utilities Commission ("PUC") on December 7, 2022, and represented the Company's proposed solution to improve the administration of excess net metering credits on a go-forward basis.

The Commission issued a Procedural Schedule on April 28, 2023, setting a deadline for intervention of May 5, 2023, and a deadline for objecting to intervention of May 10, 2023. The Office of Energy Resources (OER) filed a Notice of Intervention on May 3, 2023, and MassAmerican Energy LLC d/b/a Gridwealth Development (MAE) filed a Motion to Intervene on May 5, 2023. Revity Energy LLC (Revity) filed an Unopposed Motion for Leave to File an Untimely Motion to Intervene on May 9, 2023.¹ No parties filed objections to intervention.

The Division served data requests on the Company on April 12, 2023. The Company responded on May 3, 2023. The Commission served its first set of data requests on the Company on June 21, 2023. The Company responded on July 7, 2023.

On July 7, 2023, the Commission issued a Revised Procedural Schedule setting forth the date for a technical session (August 16, 2023), the date for parties to file pre-filed testimony, if

¹ Revity counsel certified that he had spoken to the Company's counsel on May 8 and the Company's counsel confirmed that the Company would not oppose this Motion.

any (August 25, 2023), and the date for the Company to file reply testimony, if any (September 1, 2023). The Hearing was set for September 21, 2023.

Thereafter, MAE served its first set of data requests on the Company on July 21, 2023. The Company responded on August 11, 2023. Revery and OER did not serve any data requests in this docket.

The Commission convened the staff-led technical session to examine, *inter alia*, the Company's responses to data requests on August 16, 2023. Immediately following the technical session, the Commission issued a second set of data requests to the Company, with a response date of August 23, 2023.

On August 22, 2023, MAE issued its second set of data requests to the Company. On August 23, 2023, counsel for MAE emailed Commission counsel requesting an extension of "at least 30 days" to file its pre-filed testimony. Later that morning, counsel for Revery emailed Commission counsel stating that Revery "seconds" MAE's counsel's request.

II. Procedure

The Company proposed the tariff advice in response to the Commission's directive to address the specific issue of its administration of excess net metering credits on a go-forward basis. This matter has been pending since February 15, 2023. MAE and Revery intervened in the docket on May 5 and May 9, respectively. The Revised Procedural Schedule, issued on July 7, 2023, provided that, if parties intended to submit pre-filed testimony, it was due by August 23, 2023, and the hearing was scheduled for September 21, 2023.

Given that the upcoming hearing is less than 30 days from now, MAE and Revery's request for a 30-day extension to file pre-filed testimony would, if granted, necessitate a rescheduling of the hearing date. Therefore, the Commission is suspending the deadline to file pre-filed testimony pending the outcome of the following procedure. MAE and Revery may file a Motion and Memorandum by noon on Friday, August 25, 2023, setting forth the specific issues that each needs additional time to address and the reasons why they were not able to address them within the time provided in the procedural schedule. The Commission will hold a hearing on Monday, August 28, 2023, at 1:00 p.m. to hear oral arguments on any Motion filed. Any other Parties can raise objections to, or otherwise address, the Motions at the hearing.

cc: Commissioners
Linda George, Administrator DPUC