

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 MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE PRE-FILED TESTIMONY AND/OR A RESPONSE TO THE TARIFF ADVICE TO AMEND NET METERING PROVISION – PROPOSAL FOR ADMINISTRATION OF EXCESS NET METERING CREDITS

Revity Energy LLC (“Revity”), by and through undersigned counsel, hereby files this Motion for Extension of Time Within Which to File Pre-Filed Testimony and/or a Response to the Tariff Advice to Amend Net Metering Provision – Proposal for Administration of Excess Net Metering Credits (“Tariff Advice”). Revity respectfully requests an additional thirty (30) days from August 25, 2023, within which to file its Pre-Filed Testimony and/or other response to the Tariff Advice.

In support of the Motion for Extension, Revity states as follows:

1. The Rhode Island Public Utilities Commission’s (“Commission”) July 7, 2023 Revised Procedural Schedule set the following schedule: Technical Session on August 16, 2023; Pre-Filed Testimony on August 25, 2023; Reply Testimony from RIE on September 1, 2023; and a full hearing on September 21, 2023.¹

2. The Commission held the Technical Session on August 16, 2023 during which significant questions about the Tariff Advice were raised and, after which, the Commission issued

¹ The Commission did not set a deadline for legal memoranda in response to the Tariff Advice but, presumably the time for Pre-Filed Testimony would also be the time for those memoranda to be filed.

its Second Set of Data Requests to RIE. On August 22, 2023, MassAmerican Energy LLC (“MAE”) issued a Second Set of Data Requests to RIE. On August 23, RIE responded to PUC 2-1, PUC 2-2, 2-3, 2-6, 2-7 and 2-8. On August 24, RIE responded to PUC 2-4 and 2-5. As of the date of this filing, RIE has yet to respond to MAE’s August 22, 2023 Second Set of Data Requests.

3. MAE 2-2 asked RIE to “[p]lease clarify how the capacity factor is used to calculate excess renewable net metering credits” which was an area of inquiry that was the subject of substantial discussion during the August 16, 2023 Technical Session. RIE has yet to respond to that Data Request.

4. While the Commission’s August 23, 2023 Memorandum states that this matter has been pending since February 15, 2023 (which is true), the substantial majority of information provided regarding the Tariff Advice has come in the last ten (10) days through the Technical Meeting and RIE’s responses to Data Requests.²

5. For example, on August 23, 2023, RIE issued its Response to PUC 2-2 which set forth historical data reflecting that the capacity factor for solar installations is 17.31%. This data is provided in support of RIE’s request to establish a 16.1% assumed capacity factor for its proposed excess net-metering credit regime. Revery would ask for more time to be able to study the historical data cited by RIE in support of that assumed capacity figure and also to have the benefit of RIE’s response to MAE 2-2 (among its other Data Requests).

6. Revery’s primary position in this docket matter, after reviewing the documents presented at this juncture, is that the excess renewable net-metering credit regime established in R.I. Gen. Laws § 39-26.4-2(7) does not apply to virtual net-metering credits. More specifically,

² The Commission’s August 23, 2023 Memorandum states that “if the parties intended to submit pre-filed testimony, it was due by August 23, 2023” The deadline for pre-filed testimony set forth in the July 7, 2023 Revised Procedural Schedule was August 25, 2023.

R.I. Gen. Laws § 39-26.4-2(7) defines an “excess renewable net-metering credit” as “a credit that applies to an eligible net-metering system or community remote net-metering system for that portion of the production of electrical energy beyond one hundred percent (100%) and no greater than one hundred twenty-five percent (125%) of the renewable self-generator’s own consumption at the eligible net-metering system site or the sum of the usage of the eligible credit recipient accounts associated with the community remote net-metering system during the applicable billing period.” R.I. Gen. Laws § 39-26.4-2(7) further states that the “Commission shall have the authority to make determinations as to the applicability of this credit to specific generation facilities to the extent there is any uncertainty or disagreement.”

7. The excess renewable net-metering credit provision only applies to credits on accounts for renewable self-generator’s own consumption or accounts associated with a community remote net-metering system. This provision does not apply to third party off-taker accounts associated with a non-community remote net-metering system.

8. RIE’s Tariff Advice is proposing a new methodology that could potentially impact upwards of 10,178 connected net-metering accounts. Thus, it seems prudent that, before participants are required to file their pre-filed testimony or other responses to a Tariff Advice with such potential impact, those participants have access to the Company’s responses to all outstanding data requests.

WHEREFORE, for the foregoing reasons, Reivity respectfully requests an additional thirty (30) days from August 25, 2023, within which to file its Pre-Filed Testimony and/or other response to the Tariff Advice.

REVITY ENERGY LLC

/s/ Nicholas L. Nybo
Nicholas L. Nybo (#9038)
Senior Legal Counsel
REVITY ENERGY LLC AND AFFILIATES
117 Metro Center Blvd., Suite 1007
Warwick, RI 02886
Tel: (508) 269-6433
nick@revityenergy.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion 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
August 25, 2023

**Docket No. 23-05-EL Rhode Island Energy – Net Metering Provision, RIPUC No. 2268
Service List updated August 25, 2023**

| Parties' Name/Address | Email |
|--|--|
| The Narragansett Electric Company d/b/a Rhode Island Energy Andrew Marcaccio, Esq. Celia B. O'Brien, Esq. 280 Melrose Street Providence, RI 02907 | AMarcaccio@pplweb.com COBrien@pplweb.com JScanlon@pplweb.com SBriggs@pplweb.com BLJohnson@pplweb.com NSucci@rienergy.com |
| Division of Public Utilities & Carriers Margaret L. Hogan, Esq. | Margaret.L.Hogan@dpuc.ri.gov Christy.Hetherington@dpuc.ri.gov John.bell@dpuc.ri.gov Joel.munoz@dpuc.ri.gov Paul.Roberti@dpuc.ri.gov Machaela.Seaton@dpuc.ri.gov Ellen.golde@dpuc.ri.gov |

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|---|--|
| | |
| Gregory Booth | gboothpe@gmail.com |
| Mike Brennan | mikebrennan099@gmail.com |
| Office of Energy Resources (OER) Chris Kearns | Albert.Vitali@doa.ri.gov nancy.russolino@doa.ri.gov Christopher.Kearns@energy.ri.gov Shauna.Beland@energy.ri.gov Matthew.Moretta.CTR@energy.ri.gov Anika.Kreckel@energy.ri.gov Steven.Chybowski@energy.ri.gov Nathan.Cleveland@energy.ri.gov William.Owen@energy.ri.gov jkennerly@seadvantage.com cbrown@seadvantage.com |
| File an original & 9 copies with: Luly E. Massaro, Commission Clerk Rhode Island Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888 | Luly.massaro@puc.ri.gov John.harrington@puc.ri.gov Alan.nault@puc.ri.gov Emma.Rodvien@puc.ri.gov Todd.bianco@puc.ri.gov |
| MassAmerica Energy d/b/a Gridwealth Seth H. Handy, Esq. HANDY LAW, LLC 42 Weybosset Street Providence, RI 02903 | seth@handylawllc.com quincy@gridwealth.com |
| Matt Sullivan, Green Development | ms@green-ri.com |
| Christian F. Capizzo, Esq. | cf@psh.com |
| Frank Epps, EDP | Frank@edp-energy.com |
| Peter Baptista | peter@capcomgrp.com |
| Nick Hemond | nhemond@darroweverett.com |
| Mackenna Phelps | MPhelps@nautilussolar.com |
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