

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: THE NARRAGANSETT ELECTRIC COMPANY :
d/b/a RHODE ISLAND ENERGY'S :
PROPOSED FY 2025 ELECTRIC :
INFRASTRUCTURE, SAFETY AND :
RELIABILITY PLAN : Docket No. 23-48-EL**

**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 21, 2023, The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”) filed its Fiscal Year 2025 Electric Infrastructure, Safety and Reliability (“ISR”) Plan. Although the Company has indicated “general concurrence” by the Division of Public Utilities and Carriers (the “Division”) after making refinements and consulting with the Division since at least October 13, 2023, there is no indication that the Company and the Division came to full agreement on the Company’s plan prior to its filing. *See* Filing Correspondence (December 21, 2023) at Page 1. Pursuant to R.I. Gen. Laws § 39-1-27.7.1(d)(4), “[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 2024 through March 2025 with respect to, *inter alia*: capital spending on electric infrastructure; operation and maintenance (“O&M”) expenses on vegetation management; O&M expenses on system inspection; and other costs related to maintaining the safety and reliability of the electric distribution system. The Company proposes some \$192.6 million in capital spending (including \$51.7 million implementing Advanced Metering Functionality (“AMF”)). The ISR Plan also addresses the revenue requirement, rate design, and bill impacts 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. This includes the related Commission Docket No. 22-49-EL, which considered and conditionally approved the Company’s implementation of AMF, where the Attorney General intervened and participated as a full party. 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 ISR Plan is fully vetted and that any potential impacts and/or alternatives are carefully considered. This includes careful consideration of financial impacts, the Company’s plans for implementation of AMF and its related obligations, and other impacts related to the State’s

compliance with 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 10, 2024

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January 2024, the original and five hard copies of this Motion were sent, via electronic mail and courier, 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/ Nicholas Vaz _____