

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

The Narragansett Electric Company d/b/a Rhode Island Energy - FY 2025 Electric Infrastructure, Safety and Reliability (“ISR”) Plan
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Docket No. 23-48-EL

**MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation (“CLF”), pursuant to Public Utilities Commission (“PUC” or “Commission”) Rule of Practice and Procedure 1.14(B), hereby moves to intervene in Docket No. 23-48-EL. CLF’s participation in this proceeding will be in the public interest within the meaning of PUC Rule 1.14(B)(3).

On December 20, 2023, The Narragansett Electric Company d/b/a Rhode Island Energy (the “Company”) filed with the Commission its “Proposed FY 2025 Electric Infrastructure, Safety and Reliability Plan.” In response, the PUC opened this Docket.

Pursuant to PUC Rule 1.16(B), on January 19, 2024, CLF contacted the Company, the Division of Public Utilities and Carriers (the “Division”), and the Rhode Island Attorney General (“RIAG”) to determine whether any of these parties has an objection to CLF’s proposed intervention in this Docket. The Company, Division and RIAG all indicated that they have no objection to CLF’s intervention.

II. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule 1.14. CLF bases its motion on the provisions of Rule 1.14(B)(3), which states that a party may intervene where “appropriate” if

the party has “any . . . interest of such nature that movant’s participation may be in the public interest.”

III. The Intervenor

CLF is New England’s leading environmental advocacy organization. Since 1966, CLF has worked to protect New England’s people, natural resources, and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island office of CLF is located at 235 Promenade Street, Suite 560, Providence.

CLF promotes clean, renewable, and efficient energy production and heating throughout New England and has an unparalleled record of advocacy on behalf of the region’s environmental resources. In the course of its 58-year history, CLF has been a party in the landmark case where the United States Supreme Court ruled that the Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, *Massachusetts v. E.P.A.*, 127 S. Ct. 1438 (2007); CLF has obtained an injunction to stop oil and gas drilling in the environmentally sensitive Georges Bank, *Conservation Law Foundation v. Sec’y of the Interior*, 790 F.2d 965 (1st Cir. 1986); CLF has litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required twenty public transit projects in and around Boston, including the construction of additional subway and rail lines, *Conservation Law Foundation v. Romney*, 421 F. Supp. 2d 344 (D. Mass. 2006); and CLF has successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters, *Conservation Law Foundation v. Evans*, 211 F. Supp.2d 55 (D.D.C. 2002).

Additionally, CLF has a long history of productive participation in dockets before the Commission. These include Docket No. 4111 (the first of two dockets concerning Deepwater

Wind’s proposed Block Island demonstration wind project); Docket No. 4185 (the second of two dockets concerning Deepwater Wind’s proposed Block Island demonstration wind project); Docket No. 4600 (concerning the development of goals for the future electric system and a benefit-cost framework for proposals before the PUC); and Dockets No. 4770 (the most recent gas and electricity distribution rate case) and 4780 (the concurrent Power Sector Transformation case). CLF has also submitted public comments in prior Gas ISR dockets, *see* Docket No. 5099, and is an active participant and member of the stakeholder group in Docket No. 22-01-NG (the Commission’s ongoing investigation into the future of the state’s gas distribution system in light of the Act on Climate). With respect to investments in Rhode Island’s electric distribution system, CLF participated in the Docket 22-49-EL (RI Energy’s business case for investment in Advanced Metering Functionality [“AMF”])

IV. CLF’s Interest in This Proceeding

As an organization committed to using the law to protect New England’s environment and combat the climate crisis, CLF has extensive experience in energy law and policy. As discussed above, CLF has participated productively in many previous PUC dockets related to energy and utility planning generally, and the electric and gas distribution systems specifically. As a result of its history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

The resolution of this docket could have implications for the state’s ability to meet the statutory mandates of the Act on Climate, R.I. Gen. Laws §§ 42-6.2-1–12, and its ability to do so at the least cost to utility consumers.¹ CLF has a keen interest in ensuring that the Company’s

¹ The Act on Climate sets mandatory, enforceable carbon emissions reduction requirements for Rhode Island of 45% below 1990 levels by 2030; 80% below 1990 levels by 2040, and net-zero emissions by 2050. R.I. Gen. Laws § 42-6.2-2(a)(2). Section 8 of the Act on Climate confers the power, the duty, and the obligation on the Commission to consider the climate change implications of proposals that come before it. R.I. Gen. Laws § 42-6.2-8.

actions are consistent with the requirements of the Act on Climate. The investments described in this proposal are the result of policy directives contained in the final order of Docket 22-49-EL, RI Energy’s AMF business case, in which CLF was a party. As such, CLF has a separate and distinct interest in whether the proposed ISR expenditures are consistent with previous decisions and directives. CLF has extensive experience related to the creation, implementation, and interpretation of statutes mandating emissions reductions throughout New England, including successful litigation to require Massachusetts to create and implement regulations to meet its carbon emissions reduction mandates under its equivalent of the Act on Climate—the Global Warming Solutions Act. *See Kain v. Dep’t of Env’t Prot.*, 49 N.E.3d 1124 (Mass. 2016).

Moreover, the participation in this proceeding of a public interest organization such as CLF will serve the public interest. *See, generally*, John E. Bonine, *Public Interest Environmental Lawyers: Global Examples and Personal Reflections*, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene in this Docket be granted.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorney,

/s/ James Rhodes

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NOTICE OF APPEARANCE OF COUNSEL

Pursuant to Rule 1.5 of the Rhode Island Public Utilities Commission’s Rules of Practice and Procedure, please enter my appearance on behalf of Conservation Law Foundation in the above-captioned proceeding.

Respectfully submitted,

/s/ James Rhodes
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CERTIFICATE OF SERVICE

I certify that the original and five copies of this Motion and attached Notice of Appearance of Counsel were sent via First Class Mail to the Public Utilities Commission. In addition, a PDF version of this Motion was served electronically on the Company, Division, RIAG and OER. I certify that all of the foregoing was done on January 22, 2024.

/s/ James Rhodes