

**REVITY ENERGY LLC
RIPUC DOCKET NO. 23-38-EL
PETITION FOR ACCELERATION
WEAVER HILL PROJECTS
MAY 22, 2024
WITNESS: RYAN PALUMBO**

**PRE-FILED SURREBUTTAL TESTIMONY OF RYAN PALUMBO
ON BEHALF OF REVITY ENERGY LLC**

MAY 22, 2024

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1 **Q. Please state the reasons for this surrebuttal testimony?**

2 The purpose of this surrebuttal testimony is to respond to the April 10, 2024 Pre-Filed
3 Testimony of Matthew Ursillo (provided on behalf of Green Development LLC) (“Green Pre-
4 Filed Testimony”), the April 17, 2024 Pre-Filed Direct Testimony of Gregory L. Booth, PE
5 (provided on behalf of the Rhode Island Division of Public Utilities and Carriers) (“Division
6 Pre-Filed Testimony”), and the May 9, 2024 Joint Pre-Filed Rebuttal Testimony of Eric
7 Wiesner and Ryan Constable (provided on behalf of The Narragansett Electric Company d/b/a
8 Rhode Island Energy (“Company Pre-Filed Rebuttal Testimony”).

9 **Q. Have you reviewed the Pre-Filed Testimony to which you are responding?**

10 Yes, I have.

11 **Q. In the Green Pre-Filed Testimony, Mr. Ursillo stated that during Green’s**
12 **interconnection process, Green “was informed by the Company that in order to do so it**
13 **would be required to make upgrades necessary to serve other customers.”¹ Did Revity**
14 **have a similar experience during its interconnection process for the Weaver Hill**
15 **Projects?**

16 Yes. The Company required Revity to make certain upgrades necessary to serve other
17 customers including to (1) overbuild a 9-way duct bank instead of a 6-way duct bank on
18 Weaver Hill Road from Manhole 5 to Manhole 6 to support an additional feeder for the
19 Company’s substation; (2) perform an additional 400 to 450 feet of excavation of an additional
20 depth of 1.5 feet to 2.5 feet; (3) perform supplemental blasting, hammering and rock

¹ Green Pre-Filed Testimony at p. 6:3-5.

1 processing; and (4) procure additional conduit, concrete, labor and materials to perform items
2 (1), (2) and (3).

3 In the first week of March of 2023, the Company agreed to cost-sharing reimbursement for
4 the ductbank and associated upgrades necessary for the Weaver Hill substation. The Company
5 agreed to begin conducting monthly meetings with Revity to discuss the scheduling and
6 progress of system upgrades for the Weaver Hill Projects and the substation. During the March
7 2023 monthly meeting, the Company and Revity discussed cost-sharing for the Weaver Hill
8 substation and the timing for when the Company would file the petition to approve the
9 reimbursement. During the August 23, 2023 monthly meeting, Revity and the Company
10 discussed the Company’s petition for Weaver Hill Substation cost-sharing reimbursement and
11 the Company stated that its rates and regulatory groups were “crunching numbers” and that
12 cost recovery would not be achievable until April 2024. During the September 20, 2023
13 monthly meeting, Revity and the Company discussed the Weaver Hill substation cost sharing.
14 During the November 27, 2023 monthly meeting, Revity and the Company discussed the
15 Weaver Hill substation cost sharing and the meeting minutes reflect that the Company had
16 filed the Petition on October 17, 2023 and “cost recovery [is] pending RI PUC decision.” On
17 December 19, 2023, Revity and the Company again discussed the Weaver Hill substation cost
18 sharing.

19 **Q. In the Division Pre-Filed Testimony, Mr. Booth testified that the “Tariff**
20 **reimbursement requires the determination of the need date and if the project is intended**

1 **within five years of the start of an Impact Study, then reimbursement is applied.”² Do**
2 **you agree?**

3 No. Section 5.4(c) of the Tariff states that the “Company will consider a system
4 modification to be an accelerated modification if such is otherwise identified in the Company’s
5 work plan as a necessary capital investment to be installed within a five-year period as of the
6 date the Company begins the impact study of the proposed distributed generation (DG) project
7 (defined as an Accelerated Modification).” The upgrades must be identified in the Company’s
8 ISR filing as a necessary capital investment (which these upgrades were) and the upgrades
9 must be installed within a five-year period (which these upgrades were). Section 5.4 of the
10 Tariff makes no reference to when the project is “intended” and the only “project” referenced
11 in Section 5.4 is the DG project.

12 **Q. In the Green Pre-Filed Testimony, Mr. Ursillo stated that the planned System**
13 **Improvements at issue here were included in prior Company Infrastructure Safety and**
14 **Reliability (ISR) filings.³ Do you agree?**

15 Yes. The Company’s December 20, 2021 Electric Infrastructure, Safety, and Reliability
16 (ISR) Plan FY 2023 Proposal (Docket No. 5209) identified concerns and recommended
17 solutions for Central RI West:

18 Concerns: a number of circuits require reconductoring due to reliability,
19 contingency, capacity, or asset condition concerns (2230 line, 54F1, 63F6, etc.);

² Division Pre-Filed Testimony at p. 10:14-16.

³ Green Pre-Filed Testimony at p. 8:8-11.

1 three stations require equipment replacement/upgrades due to asset condition
2 concerns (Coventry, Hope and Division St).

3 Summary of Recommended Solutions:

- 4 • Replace equipment identified at Coventry #54, Hope #15, and Division St.
5 #61 to address safety and asset condition issues.
- 6 • Replace equipment at Anthony, Natick, and Warwick Mall, and complete
7 reconductoring on the 2230 and 2232 23kV lines to address the Drumrock
8 23kV system concerns.
- 9 • Extend portions of the 35kV system and install a new modular substation
10 at Weaver Hill Rd to relieve 54F1 and 63F6 circuits and address the Kent
11 County 35kV system concerns.⁴

12 The Commission approved the Company's ISR Plan effective April 1, 2022. In the Division's
13 Pre-Filed Testimony (on pages 7-8 of 17) in the pending matter, Mr. Boothe testified as
14 follows:

15 **Q. THE COMPANY STATES ON PAGE 21 OF ITS PETITION THAT THE**
16 **WEAVER HILL ROAD SUBSTATION IS IN THE FY 2023 ISR PLAN**
17 **DOCKET 5209 AND THAT THE CENTRAL RI WEST AREA STUDY**
18 **EVALUATED THE ISSUES AND PROPOSED THE SOLUTION. IS THAT**
19 **AN ACCURATE CHARACTERIZATION?**

⁴ Company's December 20, 2021 Electric Infrastructure, Safety, and Reliability Plan FY 2023 Proposal (Book 1 of 2) at p. 36.

1 A. I find that characterization very misleading. The Weaver Hill substation and sub-
2 transmission construction were not FY 2023 ISR Plan projects but only referenced
3 as a potential future project. However, the FY 2023 ISR Plan was filed December
4 20, 2021 during the finalization of the Central RI West Area Study which is dated
5 September 2022. It would have been speculative to include the Weaver Hill project
6 in the FY 2023 ISR Plan. While the Area Study does show Weaver Hill as a solution
7 for a potential 2035 problem, the project would not be constructed now since there
8 are much less expensive interim solutions and the actual loads and overloading are
9 not occurring at this time or in the near term.⁵

10 The 2023 ISR Plan filed by the Company in December of 2021 clearly stated the concerns
11 regarding the Central RI West and the recommended extending “portions of the 35kV system
12 and install a new modular substation at Weaver Hill Rd to relieve 54F1 and 63F6 circuits and
13 address the Kent County 35kV system concerns.” These solutions were proposed two and a
14 half years ago, the Commission approved the ISR Plan (effective April 2022) and the Company
15 required Revity to implement those solutions in order to be allowed to interconnect its Weaver
16 Hill Projects. The Company’s December 22, 2022 Proposed FY 2024 Electric Infrastructure,
17 Safety and Reliability Plan (ISR) (Docket No. 22-53-EL) expanded on the problems and
18 proposed solutions in Central RI West:

19 **Problem:** There are predicted loading and voltage concerns on certain

⁵ Division Pre-Filed Testimony at pp. 7:21-8:12.

1 Hopkins Hill and Coventry substation feeders. The loading
2 concerns include feeders predicted to be near or in excess of
3 thermal ratings. The voltage concerns are similarly at or
4 below guidelines. These same feeders are approaching
5 contingency load-at-risk limits. Furthermore, many of the
6 area feeders have circuit frequency and duration metrics
7 above system averages.

8 **Preferred Plan:**

Install a new substation on Weaver Hill Rd. This work
9 extension of the 3309 and 3310 lines from Noosneck Hill
10 and Weaver Hill Roads in West Greenwich to a Rhode Island
11 Energy owned property on Weaver Hill Rd, installation of a
12 new transformer and one modular feeder position, and
13 installation of distribution line equipment to transfer
14 portions of the Coventry 54F1 and Hopkins Hill 63F6
15 circuits.

16 **Alternate Plan:**

Install a new substation on Bell Schoolhouse Road (Pine Hill
17 substation). This work includes extension of the 3310 line
18 from Route 3 north of Route 102 to a Rhode Island Energy
19 owned property at the intersection of New London Turnpike
20 and Bell Schoolhouse Road, Exeter referred to as Pine Hill
21 substation. The work also includes the installation of a new

1 34.5 kV line from the new Wickford Junction substation to
2 Pine Hill substation, installation of a new transformer and
3 one modular feeder position, and installation of distribution
4 line equipment to transfer portions of the Coventry 54F1 and
5 Hopkins Hill 63F6 circuits.⁶

6 The Company's December 21, 2023 Proposed FY 2025 Electric Infrastructure, Safety,
7 and Reliability Plan (Docket No. 23-48-EL) provided as follows:

- 8 • Weaver Hill Road Substation – The Central Rhode Island West Area Study
9 recommended installing a new substation on Weaver Hill Road due to overload
10 concerns. This work will include extending the 3309 and 3310 lines for 1.7
11 miles, installing a transformer and one feeder position, and installing
12 distribution line work for a new feeder.⁷

13 Revity materially relied on the Company's filings and the Commission's approval of the 2023
14 ISR Plan insofar as Revity has incurred millions of dollars in costs to construct the System
15 upgrades ordered by the Company.

16 **Q. Had the Company's prior December 20, 2021 ISR Plan FY 2023 Proposal been**
17 **rejected by the Commission in Docket No. 5209, how (if at all) would that have changed**
18 **Revity's approach to the interconnection of its Weaver Hill Projects?**

⁶ Company's December 22, 2022 Proposed FY 2024 Electric Infrastructure, Safety, and Reliability Plan (21-Month Filing April 2023-December 2024) (Book 1 of 2) at p. 95.

⁷ Company's December 21, 2023 Proposed FY 2025 Electric Infrastructure, Safety, and Reliability Plan at p. 40.

1 If the Commission had denied the Company’s recommendation to build the Weaver Hill
2 substation and associated infrastructure upgrades in 2022, Revity would have refused to
3 incorporate the upgrades in its ISA scope of work and insisted that its Weaver Hill Projects be
4 interconnected without those upgrades. If the Company had refused to proceed with the
5 interconnection absent those upgrades, Revity would have availed itself of its rights under
6 Section 5.4(d) of the Tariff which provides that “Renewable Interconnecting Customers may
7 also petition the Commission directly if the Renewable Interconnecting Customer believes that
8 it has been incorrectly charged for an Accelerated Modification under Section 5.4.”

9 **Q. Are there any other Commission Docket matters which inform Revity’s positions**
10 **in this matter?**

11 Yes. On October 31, 2017, the Company filed its Tariff Advice to amend the Standard for
12 Connecting Distributed Generation Tariff (R.I.P.U.C. 2180) adding “a provision to Section
13 5.4, Separation of Costs to distinguish between costs for system improvements to the
14 Company’s EPS to serve the interconnecting customer and other customers, and the costs for
15 system modifications.”⁸ On March 28, 2018, the Division filed a Memorandum in Docket No.
16 4763 stating that Section 5.4 “will do nothing to limit free riders that take advantage of the
17 accelerated modification” and “[t]he outer years of a five-year Capital Plan tend to vary
18 significantly as new information is accumulated from year-to-year, the specific projects,
19 project scope and their associated costs are highly variable which potentially leads to

⁸ Company’s October 31, 2017 Letter to Division in Docket No. 4763 at p. 3.

1 uncertainty regarding what is and what is not an accelerated project.”⁹ On April 27, 2018, the
2 Company filed a Reply to the Division’s March 28 Memorandum responding to these concerns
3 stating that “the Company will honor any Accelerated Modification set forth in an
4 Interconnection Service Agreement (ISA) even if the ultimate ‘need’ is later than forecasted in
5 the Capital Plan to provide certainty to the DG developer community, provided the Company
6 receives cost recovery for the remaining cost of the modification.”¹⁰ On January 4, 2019, the
7 Commission issued its Report and Order in Docket No. 4763 approving the Company’s Tariff
8 Advice subject to certain modifications.

9 On October 22, 2020, the Commission opened Docket No. 5077 considering the
10 Company’s Tariff Advice to revise the Standards for Connecting Distributed Generation
11 (R.I.P.U.C. No. 2244) including further revision to Section 5.4. On January 8, 2021, Gregory
12 Booth filed a letter with the Commission regarding Docket No. 5077 and, with respect to
13 Section 5.4, stated that the “ISR Plan process is a better forum for establishing what constitutes
14 a System Modification – those changes to the system for the benefit of the interconnecting
15 customer, and a System Improvement – those changes that benefit the overall system used to
16 provide service to the Company’s customers” and the “ISR Plan process already addresses
17 certain capital projects which benefit distributed energy resources and are appropriately
18 socialized because they cannot be effectively directly assigned.”¹¹ In the Division Pre-Filed
19 Testimony in this matter, Mr. Booth now testifies that “just because the Company may desire

⁹ March 28, 2018 Memorandum of Daymark Energy Advisors in Docket No. 4763 at p. 2.

¹⁰ Company’s April 27, 2018 Reply in Docket No. 4763 at p. 2.

¹¹ Booth’s January 8, 2021 Letter in Docket No. 5077 at p. 4.

1 a project be included in the ISR Plan does not mean it is actually needed at that time.”¹² In his
2 January 8, 2021 letter filed in Docket No. 5077, Mr. Booth stated that “I would support System
3 Modification[s] being classified as System Improvement[s] by the Company, if each project
4 could be directly identified and linked to a specific project contained in a previously filed five-
5 year Area Study, subject to final approval for inclusion in rates through the ISR Plan
6 process.”¹³ On February 2, 2021, the Company filed its Reply Comments to the Division’s
7 Comments in Docket No. 5077 and, responding to Mr. Booth’s comment regarding Section
8 5.4, stated that “Mr. Booth considers the ISR process to be a better forum for establishing what
9 constitutes a System Modification and notes that the ISR Plan process already addresses certain
10 capital projects that benefit DG are appropriately socialized” and further stating that “the
11 Company would look to fund some portion of a System Modification through an upcoming
12 ISR in the event that a portion of the System Modification benefited the Rhode Island customer
13 base at large.”¹⁴

14 For years, the Division has taken the position that system upgrades need to be approved
15 through the ISR Plan process to avoid “uncertainty regarding what is and what is not an
16 accelerated project.” The Company has stated that it “will honor any Accelerated Modification
17 set forth in an Interconnection Service Agreement (ISA) even if the ultimate ‘need’ is later
18 than forecasted in the Capital Plan to provide certainty to the DG developer community,
19 provided the Company receives cost recovery for the remaining cost of the modification.” The

¹² Division Pre-Filed Testimony in Docket No. 23-38-EL at p. 11:1-2.

¹³ Booth’s January 8, 2021 Letter in Docket No. 5077 at p. 4.

¹⁴ Company’s February 2, 2021 Reply Comments to Division Comments in Docket No. 5077 at pp. 7-8.

1 Company and the Division consider the ISR Plan process to be the better forum for establishing
2 what constitutes a System Modification compared to a System Improvement and the Company,
3 through its December 20, 2021 Electric Infrastructure, Safety, and Reliability (ISR) Plan FY
4 2023 Proposal (Docket No. 5209), identified the Weaver Hill substation and associated
5 infrastructure as capital system upgrades necessary for the safety and reliability of the grid in
6 the Central Rhode Island area.

7 **Q. In the Company Pre-Filed Rebuttal Testimony, Messrs. Wiesner and Constable**
8 **testified that “it would be challenging to identify a significant distributed generation**
9 **(‘DG’) project that could be fully installed within five years from the start of an Impact**
10 **Study” because the “interconnection study process for sites similar to Weaver Hill’s site**
11 **considered in this Petition can span many years”, the ASO “process can create similar**
12 **timelines” and “the planning and full construction of projects identified within area**
13 **studies can span many years considering the study time, the process time to introduce**
14 **and request approval with an ISR Plan, and the practical design, procurement, and**
15 **resourcing times.”¹⁵ Do you agree?**

16 Yes, I agree. For example, on December 5, 2018, the Company issued its System Impact
17 Study for Distributed Generation Interconnection to the Company’s 12.47 kV System for
18 Revity affiliated Natick Solar LLC’s (f/k/a Southern Sky Renewable Energy Rhode Island,
19 LLC) 6.250 MW system on Phenix Avenue in Cranston, Rhode Island. Natick Solar began the
20 municipal planning process for the proposed development on November 9, 2018, Natick Solar

¹⁵ Company Pre-Filed Rebuttal Testimony at pp. 6:7-9; 9:10-16.

1 received master plan approval for the development from the Cranston Plan Commission on
2 February 11, 2019 but, since then, the proposed development has been delayed by four
3 Superior Court appeals.¹⁶ At the time of this testimony, the proposed development is being
4 reviewed by the Rhode Island Superior Court in *Natick Solar LLC, et al. v. Michael E. Smith,*
5 *et al.*, PC-2023-05457.

6 As another example, on April 29, 2021, the Company issued its System Impact Study for
7 Distributed Generation Interconnection to the Company’s 34.5 kV System for Revity’s 10.225
8 MW system on 35 Frontier Road in Ashaway, Rhode Island. The ASO No. 2 Study for Western
9 Rhode Island began on April 13, 2020 and included Revity’s Frontier project. The ASO No. 2
10 Study was completed on January 30, 2021 and the associated Proposed Plan Applications were
11 presented at the February 16, 2021 NEPOOL RC meeting and were approved by ISO-NE on
12 March 4, 2021. Revity’s proposed Frontier system was continued to the ASO No. 3 Study for
13 Western Rhode Island which began on August 17, 2021. Revity received Development Plan
14 Review approval from the Hopkinton Planning Board on October 21, 2020. Revity’s approval
15 was subject to review by the Rhode Island Superior Court in *Revity Energy LLC v. Hopkinton*
16 *Zoning Board of Review, et al.*, WC-2021-0526 which review concluded on February 2, 2023.
17 In January of 2024, the Company reported that its timeline to complete ASO Study No. 3 was
18 June 2024. ASO Study No. 3 involves 117 MWs of solar interconnection and it would be
19 highly unlikely that interconnection service agreements could be finalized and the

¹⁶ *Holly Zevon, et al. v. Southern Sky Renewable Energy RI Natick Ave – Cranston LLC, et al.*, PC-2019-6129; *Daniel Zevon, et al. v. Carl Swanson et al.*, PC-2021-06995; *Holly Zevon, et al. v. Ronald Rossi, et al.*, PC-2022-02502; *Natick Solar LLC, et al. v. Michael E. Smith, et al.*, PC-2023-05457.

1 interconnection work would be completed by April of 2026. Revity agrees with the testimony
2 of Messrs. Wiesner and Constable in the Company’s Pre-Filed Rebuttal Testimony, “[a]
3 narrow interpretation of the Tariff may result in limited to no opportunity for shared cost under
4 the statutory acceleration provisions, which is inefficient for distribution planning and
5 infrastructure construction that may be beneficial to both distribution customers and
6 interconnecting customers.”¹⁷

7 Furthermore, Revity has had experience with Company system upgrades for which the
8 equipment has years-long lead times (as one example, a synchronous condenser) which further
9 delay installation beyond the developer’s control.

10 Lastly, Section 5.4(c) of the Tariff states that the Company must identify System
11 Modifications in the Impact Study. The Division’s interpretation of cost reimbursement would
12 require the developer to begin installation when the impact study is commenced; however, the
13 developer does not know what system modifications are being required until the impact study
14 is completed.

15 **Q. In the Division Pre-Filed Testimony, Mr. Booth testifies that the “Weaver Hill**
16 **project, even if implemented as the Company identified in its Area Study with higher**
17 **loads than are actually occurring, will not be installed until 2027 or later” and the**
18 **“installation date for the Weaver Hill project is well beyond the five-year limitations**
19 **period that determines if a capital investment is ‘accelerated’ under the plain language**

¹⁷ Company Pre-Filed Rebuttal Testimony at pp. 9:20-10:2.

1 **of Section 5.4 of the Interconnection Tariff” and “DG reimbursement, therefore, is not**
2 **available.”¹⁸ Do you agree?**

3 No. Mr. Booth states that “the Weaver Hill substation would have been delayed well
4 beyond 2027 to 2035 or later” and the “year 2027 in service date, if even achieved, is more
5 than five years after the 2019 start of the Impact Study, and thus outside the Tariff.”¹⁹ As for
6 the System Improvements required for the Weaver Hill Projects, the Interconnection Tariff has
7 no time limitation for the reimbursement of System Improvements. As for System
8 Modifications required for the Weaver Hill Projects, Section 5.4(c) of the Tariff states that the
9 “Company will consider a system modification to be an accelerated modification if such
10 modification is otherwise identified in the Company’s work plan as a necessary capital
11 investment to be installed within a five-year period as of the date the Company begins the
12 impact study of the proposed distributed generation (DG) project (defined as an Accelerated
13 Modification)” and the “Company will identify the Accelerated Modification and the cost
14 thereof in the impact study.” The only work that needs to be completed within the five-year
15 window is the work identified in the Impact Study. The Weaver Hill substation was not
16 identified as part of the scope of work. The Company/Reivity Impact Study required Reivity to
17 perform certain System Modifications and those Modifications were all completed within a
18 five-year window.

¹⁸ Division Pre-Filed Testimony at p. 7:15-20.

¹⁹ Division Pre-Filed Testimony at p. 9:12-14.

1 **Q. Please detail the timeline for Revity’s self-performance of the interconnection**
2 **system upgrades required by the Company for the Weaver Hill Project.**

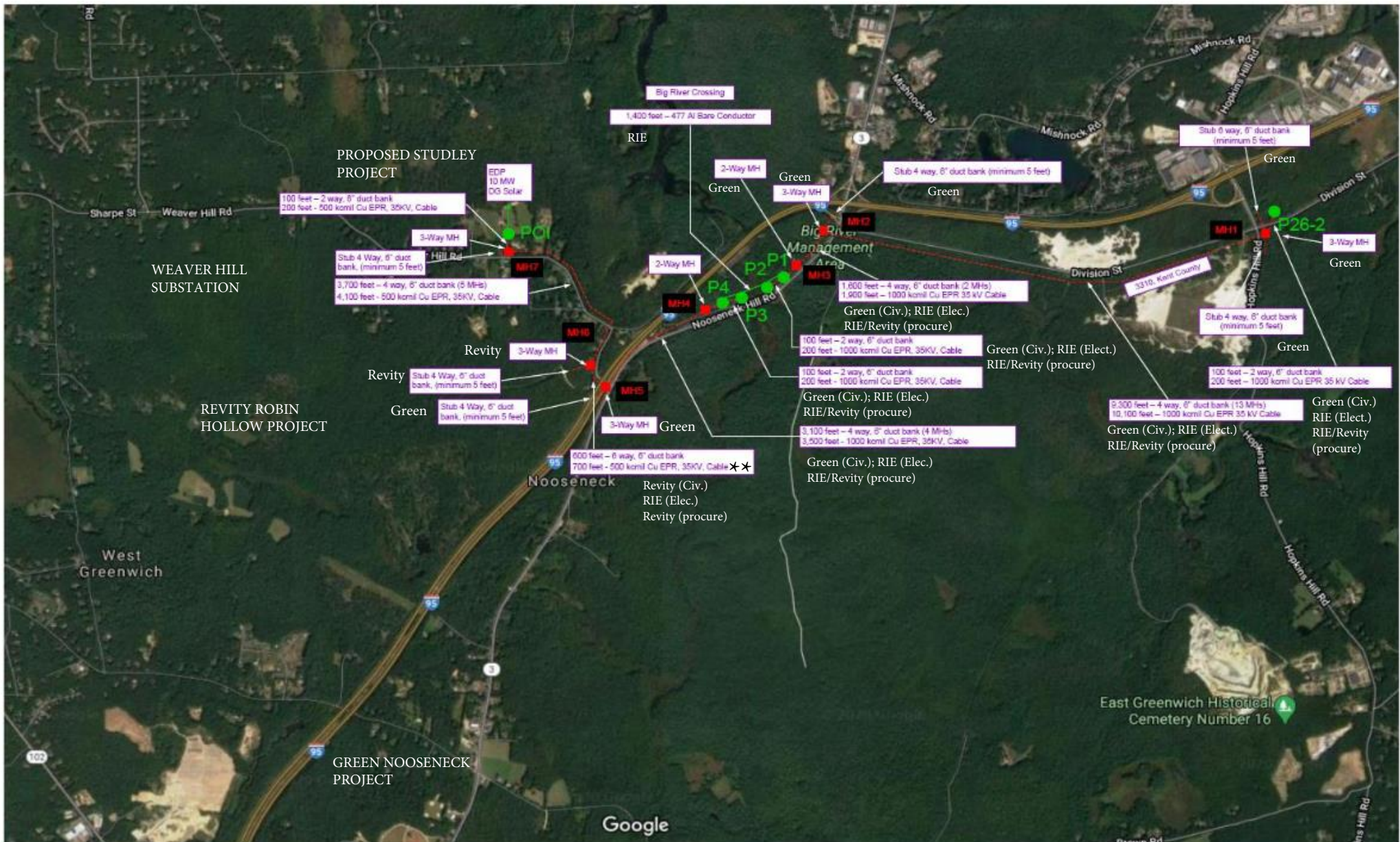
3 Revity and its Company-approved subcontractors, Asplundh Construction, LLC
4 (Asplundh) and Rosciti Construction Co., LLC (Rosciti), began self-performing the system
5 upgrades required by the Company for the Weaver Hill Project on July 17, 2023 and Revity
6 authorized Rosciti to begin underground work for the Weaver Hill Project on September 6,
7 2023. Revity authorized Asplundh to begin overhead upgrade work on November 2, 2023.
8 Revity and Rosciti completed the statement of work for the civil manhole and duct bank work
9 on November 7, 2023. Revity and Asplundh completed all underground upgrade system work
10 on or before November 30, 2023. Revity and Rosciti returned on April 24, 2024 to complete
11 road milling, paving and stripping.

12 Attached are Exhibits RPP-1 and RPP-2 identifying the system upgrades performed in the
13 Weaver Hill area by Revity, Green and the Company.²⁰ RPP-1 and RPP-2 do not contain every
14 upgrade that was ultimately required by the Company for the Weaver Hill Projects
15 interconnection.

16 **Q. Does this conclude your testimony?**

17 Yes.

²⁰ The map reflected in Exhibit RPP-1 comes from Figure B-2 of the September 20, 2022 Energy Development Partners Interconnection Study (attached as Exhibit EJRS-3 to the Company’s October 17, 2023 Pre-Filed Joint Testimony of Erica Russell Salk and Stephanie A. Briggs (Page 172)). The map reflected in Exhibit RPP-2 comes from Figure B-2 of the April 21, 2021 Revity Energy Interconnection Study (attached as Exhibit EJRS-2 to the Company’s October 17, 2023 Pre-Filed Joint Testimony of Erica Russell Salk and Stephanie A. Briggs (Page 123)).



** This was a 1000 kcmil cable and a 9 way duct bank

Exhibit RPP-1

