

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In Re: The Narragansett Electric Company, d/b/a Rhode Island Energy's 2025 Last Resort Service Procurement Plan.

Docket No. 24-20-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. 24-31-EL. CLF’s participation in this proceeding will be in the public interest within the meaning of PUC Rule 1.14(B)(3).

On June 4, 2024 the Narragansett Electric Company, d/b/a RI Energy, (the “Company”) filed its 2025 Last Resort Procurement Plan to modify its plan for procurement of sufficient electricity to meet forecasted demand in future years. The primary change to the previous procurement plan was to increase by 5% the portion of the supply that is purchased on the ISO-NE spot market. This change necessitated an alteration of the percentage of load procured during each of the four auctions that the Company conducts to secure supply. On July 18, 2024, the Company responded to various Data Requests from the Division of Public Utilities and Carriers (the “DPUC” or “Division”), that sought further evaluation of the market analysis that was done to support the increase in spot market purchases and the procurement tranches that the Company uses within its auctions. Additionally, in preparing those response, the Company identified an error in it is initial filing and recalculated the look-back analysis of what could have been saved if these

changes were in place for previous periods, which is intended to show that this in the interest of ratepayers.

Pursuant to PUC Rule 1.16(B), on August 16, 2024, CLF contacted the Company, to determine if there was an objection to CLF's proposed intervention in this Docket. After discussion, the Company indicated that it will not object to the 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); Dockets No. 4770 (the most recent gas and electricity distribution rate case) and 4780 (the concurrent Power Sector Transformation case); Docket No 22-42-NG (Commission advisory opinion re: the Company's application to construct a LNG Vaporization Facility); Docket No. 22-49-EL (advanced metering functionality); Docket No. 23-48-EL (FY 2025 electric infrastructure, safety and reliability plan); and Docket No. 23-49-NG (FY 2025 gas infrastructure, safety and reliability plan). 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).

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 how our energy distribution system and supply sources impact our climate and environment. 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.

CLF recognizes that it has not historically intervened in dockets addressing LRS rate structure or procurement plans. Generally, CLF defers to the effective work of Commission and Division staff to fully vet the procurement plans proposed by the Company and ensure that proposed rates are consistent with that plan. However, we are seeing investigations in other jurisdictions about the assumptions and purposes of rate structures in conjunction with commodity purchasing and resale into the retail market. See MA Interagency Rates Working Group, [Near-Term Rate Strategy Draft Report Executive Summary](#), (August 12, 2024).¹ This type of evaluation is seeking to balance affordability of distribution and commodity costs with the need for rapid decarbonization in order to meet state climate mandates. CLF believes that the PUC and Company are engaged in an analogous review, though it is currently a piecemeal in form and constrained by the topics of each individual docket. Here, through the Company’s LRS Procurement Plan, there should be an exploration of the climate impact of this procurement strategy and the market signals it sends to retail customers, as the Company has only indicated that it considered the emissions reductions requirements of R.I. Gen. Laws § 42-6.2-1 et seq, and there is no indication of what followed that consideration.

¹ Slides are available at <https://www.mass.gov/doc/near-term-rate-strategy-presentation-executive-summary/download>.

It appears Rhode Island has come to an intersection of new and emerging market forces that are likely to change how Rhode Islanders procure and consume electricity supply. According to the most recent inventory of greenhouse gas emissions in Rhode Island, as of 2021 electricity consumption accounted for 18.4% of total emissions, the third largest sector with 1.95 million metric tons of carbon dioxide equivalent being emitted. RI Dept. of Env. Mgmt., 2021 Rhode Island Gross Greenhouse Gas Inventory 3-4 (June 2024).² This represents a significant factor in our collective emissions and due consideration must be paid to modeling and evaluating how these changing market forces and price signals will impact energy consumption and its attendant greenhouse gas emissions.

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.

² The inventory is available at <https://dem.ri.gov/environmental-protection-bureau/air-resources/rhode-island-greenhouse-gas-inventory>. A relevant excerpt is provided in Attachment A.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the original and nine copies of this Motion and attached Notice of Appearance of Counsel were sent via First Class Mail to the Public Utilities Commission. In addition, the motion was provided electronically to the Service List for Docket 24-20-EL (updated 8/12/24). I certify that all the foregoing was done on August 16, 2024.

*/s/ James Rhodes*_____

Attachment A

Short-Term Trends

TRANSPORTATION

At 37.7% (3.98 MMTCO₂e), the majority of Rhode Island's emissions continue to stem from transportation. Gasoline- and diesel-powered passenger vehicles represented 84.6% of transportation emissions and were responsible for 31.9% of the Rhode Island's overall emissions in 2021. As the electricity consumption sector decarbonizes, transportation emissions continue to occupy a larger share of statewide emissions. In 2021, transportation emissions rebounded as pandemic-related social and economic restrictions eased. Aviation emissions increased 241.1%, likely attributable to a 78% increase in passenger traffic at Rhode Island T.F. Green International Airport from 2020 levels.¹ Highway vehicle emissions slightly increased by 0.8% and non-road source emissions from marine craft, rail, and construction equipment increased by 10.5%. DEM customized EPA's Motor Vehicle Emissions Simulator (MOVES) model with state-specific vehicle miles traveled (VMT) data provided by the Rhode Island Division of Statewide Planning to robustly estimate highway vehicle emissions. As with past inventories, DEM continued to report aircraft emissions from the Rhode Island Airport Corporation for aviation and leveraged fuel sale data from the Energy Information Administration (EIA) to estimate non-road source emissions.

RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL HEATING

Emissions from residential heating comprised 20.4% (2.15 MMTCO₂e) of total emissions in 2021, the state's second largest individual sector. Residential heating is sometimes referred to as part of the "buildings" sector, which also includes commercial and industrial heating. Natural gas-, oil-, and propane-fired space heating, water heating, and cooking equipment are the most common sources of residential heating emissions in Rhode Island. Emissions from wood burning stoves are also included in this sector.² Residential heating emissions increased 12.5% in 2021, mainly due to New England experiencing a slightly colder and snowier winter compared to 2020. Winter weather and residential heating fuel consumption are strongly correlated through heating degree days (HDDs).³ In 2021, the coldest months of January, February, and December accumulated 5.8% more HDDs than the same three months in 2020.⁴ Annually, 2021 accumulated 40 less HDDs than 2020, a consequence of the Providence area's warmest year on record.⁵

Combined emissions from residential, commercial, and industrial heating were 3.65 MMTCO₂e in 2021.

ELECTRICITY CONSUMPTION

In 2021, Rhode Island's third largest source of emissions was from electricity consumption, which contributed 1.95 MMTCO₂e, or 18.4% of total emissions. Electricity consumption emissions originate from power plants connected to the New England electric grid that serve Rhode Island customers. Between 2020 and 2021, electricity consumption emissions increased by 12.5%. Competitive markets and state laws determine where renewable and non-renewable electricity is counted. Each New England state has a renewable energy goal that incrementally covers the amount of electricity used each year with renewables. As adjacent states claim higher quantities of existing renewable energy for their own consumption, less is available to each state. Since 2019, significant amounts of nuclear energy that was previously divided amongst each New England state has been claimed by individual states for climate goals or have retired from operation. The non-renewable electricity consumed in Rhode Island has thus become more carbon intensive, increasing emissions from this sector.

Rhode Island’s commitment to the 100% Renewable Energy Standard (RES)⁷ has resulted in the state procuring large quantities of renewable energy, especially from offshore wind projects. The state’s electricity consumption emissions will decrease as these resources begin to generate power. However, this decrease will not be steady. DEM expects annual fluctuations in electricity consumption emissions prior to reaching 100% renewable energy in 2033 based on New England’s fleet of power plants and other states’ ability to procure renewable energy. See the Technical Appendix for details on electricity consumption emissions calculations and the impact of biogenic emissions.²

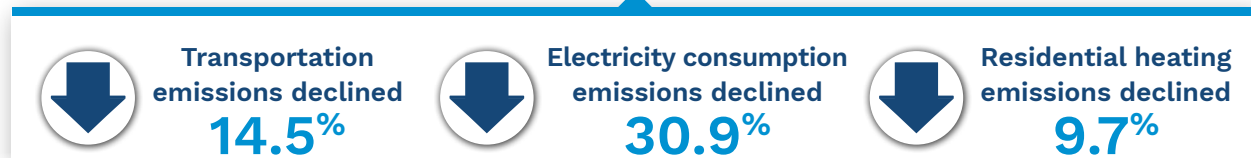
OTHER SECTORS

Industrial processes and product use (IPPU) emissions constituted 5.4% of 2021’s total emissions (0.57 MMTCO₂e). In Rhode Island, hydrofluorocarbon (HFC) leaks from refrigeration, air conditioning, and aerosols contribute 99% of all IPPU emissions. Fugitive methane leaks from Rhode Island’s natural gas distribution system emitted 0.26 MMTCO₂e in 2021, a slight decrease of 2% from 2020 levels. National Grid, former operator of the state’s gas distribution system, replaced 52 miles of leak-prone gas mains and 1,848 gas services as part of its annual Gas Infrastructure, Safety, and Reliability Plan for 2021.⁸ The waste sector (1.1% of total) includes emissions from decaying organic matter at the Central Landfill in Johnston and the 19 wastewater treatment facilities throughout Rhode Island. Emissions from agriculture (0.2% of total) represent methane emissions from livestock and nitrous oxide emissions from fertilizer applied to soil. Carbon dioxide sequestered by natural and working lands, formerly referred to as “land use, land use change, and forestry”, offset 7.4% of gross emissions in 2021.

Long-Term Trends

Rhode Island’s commitment to climate change mitigation and investment in renewable energy sources, along with regional economic trends, have decreased emissions substantially since 1990.

LARGEST SECTOR TRENDS



The implementation of the RES, conversion to more efficient heating fuels, and technological advances in landfill gas collection are examples of significant strides taken towards net-zero emissions. Fugitive methane leaks from natural gas distribution also continue to decline (-21.0%) as antiquated cast iron and unprotected steel gas mains and services are replaced with plastic or protected steel counterparts. Conversely, the widespread replacement of ozone-depleting substances with high global warming potential HFCs have magnified IPPU emissions by 0.49 MMTCO₂e since 1990. Emissions from hard-to-decarbonize marine craft, rail, and construction equipment have collectively increased by 20.4%. Rhode Island’s natural and working lands continue to be converted to developed lands. Consequentially, the state’s ability to naturally sequester carbon dioxide has shrunk by 14% in the last 31 years.