



**STATE OF RHODE ISLAND**

**DIVISION OF PUBLIC UTILITIES & CARRIERS**

Legal Section  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888  
(401) 941-4500  
(401) 941-9207 - Fax

October 24, 2024

Ms. Stephanie De La Rosa, Clerk  
R.I. Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, R.I. 02888

Re: Docket 24-33-EL  
“Petition of the Town of North Kingstown for Approval of North Kingstown’s Community Aggregation Plan Docket”

Dear Ms. De La Rosa:

The Division of Public Utilities & Carriers (“Division”) hereby submits its comments concerning the Town of North Kingstown’s (“Petitioner”) Community Aggregation Plan filed with the Public Utilities Commission (“Commission”) pursuant to R.I. Gen Laws §39-3-1.2. The Division’s review focused principally on: (i) compliance of the Petitioner’s Community Aggregation Plan with the requirements of R.I. Gen Laws §39-3-1.2 and (ii) consistency with the Commission’s prior orders in other Aggregation Plan Dockets, to wit No. 5042 (City of Central Falls); No. 5047 (Town of Barrington); No. 5061 (City of Providence); No. 5062 (Town of South Kingstown); No. 5169 (Town of Portsmouth); No. 5212 (City of Newport); No. 22-10-EL (Town of Narragansett); No. 23-36-EL (Town of Middletown); and No. 24-24-EL (Town of Westerly).

In its filing, the Petitioner sets forth its compliance with the requirements of R.I. Gen Laws §39-3-1.2. On November 28, 2022, in accordance with R.I. Gen Laws §39-3-1.2 (a)(1), the Petitioner passed a Resolution authorizing the plan. The resolution specifically authorizes the Town Manager to research and develop a plan under which all eligible customers (residences and businesses located within the Town of North Kingstown) will be automatically enrolled in the program unless such customers “opt-out” of the plan.<sup>1</sup>

The Plan provides for its own development<sup>2</sup>, as well as the operation and governance of the aggregation program. The Plan properly identifies the classes of customers that may participate

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<sup>1</sup> Filing at Attachment 1 (Sept. 3, 2024); <https://ripuc.ri.gov/Docket-24-33-EL>.

<sup>2</sup> The Petitioner advertised the notice of public hearing for the Plan scheduled for Monday June 24, 2024 in “The Independent” newspaper on Thursday, June 6 and Thursday June 14, 2024, which satisfies the advertising

in the Plan<sup>3</sup>; contains a statement of universal access<sup>4</sup> and equitable treatment<sup>5</sup> for all applicable customers; identifies the organizational structure of the Plan<sup>6</sup>; identifies the Plan's operations<sup>7</sup>; identifies the Plan's funding and sets forth a process for establishing rates<sup>8</sup>; identifies the process for allocation costs among Plan participants<sup>9</sup>; sets out the methods of entering and terminating agreements with other entities<sup>10</sup>; establishes the rights and responsibilities of the participants<sup>11</sup>; provides the method for entering and terminating agreements with other entities<sup>12</sup>; designates the method for terminating the Plan<sup>13</sup>; identifies the terms and conditions under which retail customers who have chosen to opt-out may take service from the aggregated entity<sup>14</sup>; and reserves for the the Town the right to terminate the Plan by placing customers on Last Resort Service ("LRS").<sup>15</sup>

The Plan appropriately describes customers rights once the Plan has been approved. More specifically, the Plan identifies that customers may elect to receive retail supply from another licensed Supplier or the electric distribution company.<sup>16</sup> The Plan provides that, 30 days after the aggregated entity is operational, ratepayers who have not elected an alternative supplier will be

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requirements set forth in R.I. Gen Laws §39-3-1.2 (d) that the matter be advertised at least once per week for two consecutive weeks in a newspaper of general circulation in the jurisdiction. The Public Hearing was conducted on June 24, 2024. The Council adopted the plan on August 5, 2024.

<sup>3</sup> Plan at 3, Section II.A, "*Applicable Classes.*" Also Plan at Attachment 6, Section 1.12 *Eligible Customers*-Residential, commercial, industrial, municipal or other consumers of electricity located within the geographical boundaries of the Municipality who receive Last Resort Service as of the Effective Date ("Last Resort Service Customers"), or New Customers that subsequently become eligible to participate in the Program at one or more locations within the geographic boundaries of the Municipality. The residential class is comprised of rates A-16, A-60; the commercial class is comprised of rates C-06, G-02, S-05, S-06, S-10, and S-14; and the industrial class is comprised of rates B-32 and G-32. Eligible customers shall exclude: (1) Last Resort Customers who have asked their Local Distributor to not enroll them in competitive supply; (2) Last Resort Service Customers enrolled in a program that prohibits switching to a competitive supplier and (3) customers receiving competitive supply service.

<sup>4</sup> Plan at 3, Section II.B "*Universal Access & Equitable Treatment*" sets forth the term of Universal Access, guaranteeing that all customers in the Applicable Classes will be included in the program under equitable terms.

<sup>5</sup> Plan at 3, Section II.B "*Universal Access & Equitable Treatment*" sets forth the term of Equitable Treatment.

<sup>6</sup> Plan at 4, Section III, "*Program Description & Organizational Structure*", identifies the following as having a specific role in the development, implementation, operation, and oversight of the Plan: Town Council, Town Manager, Aggregation Consultant, Competitive Supplier, and Buying Group.

<sup>7</sup> Plan at 5-8, Section IV, "*Program Operations*" sets forth the following general steps after approval of the Plan: (1) Issue a Request for Proposals ("RFP") for power supply and select a competitive supplier; (2) implement a public information program, including a 30 day opt-put period; (3) enroll customers and provide service, including quarterly notifications.

<sup>8</sup> Plan at 8, Section V. "*Program Funding*" identifies the primary costs of the program will be the charges of the competitive supplier for power supply. Administrative costs will be funded through a per kilowatt hour of \$0.001 as an Aggregation Fee.

<sup>9</sup> Plan at 8, Section VI. "*Rate Setting and Cost Allocation Among Participants*" provides that prices, terms and conditions may differ among classes. The frequency of price changes will be determined through the competitive bidding process.

<sup>10</sup> Plan at 9, Section VII "*Entering and Terminating Agreements*" referencing Section IV.A, "Issue an RFP for Power Supply and Select a Competitive Supplier" sets forth the process for entering, modifying, enforcing, and terminating all agreements associated with the Plan.

<sup>11</sup> Plan at 9, Section VIII "*Rights and Responsibilities of Program Participants*" establishes, among other things, the right of all participants to "opt-out" of the Program, without charge.

<sup>12</sup> Plan at 10, Section IX, "*Extension or Termination of Program*"

<sup>13</sup> Id.

<sup>14</sup> Plan at 8, Section IV.C "*Enroll Consumers and Provide Service*" permits opt back-ins.

<sup>15</sup> Plan at 10, Section IX, "*Extension or Termination of Program*" provides for placing customer on LRS after termination of Plan.

<sup>16</sup> Attachment 3 provides notification to customers on competitive supply that they may have received the Plan information in error and directs customer on steps to retain alternative competitive supply.

transferred to the aggregated entity, subject to an opt-out provision. Following adoption of the Plan, the Plan provides that any retail customer may opt-out and choose any supplier or provider of the customer's choice.<sup>17</sup> The Plan requires that the aggregated entity must fully inform participating customers in advance of automatic enrollment that they are to be automatically enrolled and have the right to out-out of the aggregation Plan.<sup>18</sup> The Plan provides that participating ratepayers must be informed of all charges that are to be made<sup>19</sup>, provides for full disclosure of the LRS rate<sup>20</sup>, identifies how customers may access LRS<sup>21</sup>, and requires that the Plan must be made available to ratepayers without penalty if they were previously on LRS.<sup>22</sup>

For the foregoing reasons, the Division believes the Plan complies with all the requirement of R.I. Gen Laws §39-3-1.2 and recommends approval of the North Kingstown Community Aggregation Plan, as presented.

Respectfully Submitted:

/s/ Margaret L. Hogan, Esq.

RI Division of Public Utilities & Carriers  
89 Jefferson Boulevard  
Warwick, R.I. 02888  
Tel (401) 780-0120  
[Margaret.l.hogan@dpuc.ri.gov](mailto:Margaret.l.hogan@dpuc.ri.gov)

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<sup>17</sup> Plan at 9, Section VIII "*Rights and Responsibilities of Program Participants.*" Also see Attachment 3.

<sup>18</sup> Plan at 6-7, Section IV.B "*Implement Public Education Campaign*" describes initial outreach and a consumer notification letter which will include an opt-out reply card and envelope. Also see Attachment 3.

<sup>19</sup> Plan at 7, Section IV.B "*Implement Public Education Campaign*", Consumer Notification Letter, shall prominently state the supply prices, including any additional fees and shall compare the prices to those offered by Rhode Island Energy's Last Resort Service. Also see Attachment 3.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*