



Marisa Desautel
marisa@desautelbrowning.com

November 8, 2024

VIA Hand Delivery and Email
RI Public Utilities Commission
Stephanie De La Rosa, Commission Clerk
89 Jefferson Blvd
Warwick, RI 02888

RE: PUC Docket No. 24-45-EL

Dear Ms. De La Rosa,

Enclosed please find a Motion to Intervene filed on behalf of the Town of Middletown in the above-referenced matter. Thank you for your anticipated attention to this matter.

Sincerely,



Marisa Desautel, Esq.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE PUBLIC UTILITIES COMMISSION**

In re: Needs Advisory Opinion to EFSB :
regarding SouthCoast Wind Energy, LLC's : **PUC Docket No. 24-45-EL**
Application for a License to Construct :
Major Energy Facilities (Portsmouth, RI) :

MOTION TO INTERVENE BY TOWN OF MIDDLETOWN

I. INTRODUCTION

NOW COMES the Town of Middletown (“Town”), by and through its undersigned counsel, and pursuant to the Rhode Island Public Utilities Commission’s Rules of Practice and Procedure (801-RICR-00-00-1, et. seq.) hereby moves the Rhode Island Public Utilities Commission (“PUC” or “Commission”) that the Town be allowed to intervene in the above-captioned Docket.

II. INTERVENTION STANDARD

Intervention in proceedings before the PUC is governed by Rule 1.14 of the Commission’s Rules of Practice and Procedure (801-RICR-00-00-1.14), which states:

“Subject to the provisions of these rules, 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. Such right or interest may be:

- (1) A right conferred by statute.
- (2) 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.)
- (3) Any other interest of such nature that movant's participation may be in the public interest.”

FACTS

1. On May 31, 2022, the Applicant, Mayflower Wind Energy LLC, aka SouthCoast Wind

Energy, LLC, (“Applicant” or “SouthCoast”), filed an application to construct transmission facilities necessary to connect its offshore wind generation facility to a regional transmission system to be located in Somerset, Massachusetts (the “Application”).

2. According to the Applicant, the proposed facility will be capable of generating up to 2,400 MW.
3. The Application seeks approval of the following facilities:
 - i. Two (2) - HVDC 20-mile submarine export cables that will run up the Sakonnet River, passing just offshore of the Town;
 - ii. Anticipated intermediate landfall of the Applicant’s cables is currently proposed on the northeastern shore of Portsmouth, Rhode Island, a municipality directly across the Sakonnet River from the Town;
 - iii. After anticipated landfall the cables are planned to cross the Town of Portsmouth underground, and transition back offshore in Mount Hope Bay;
 - iv. Two (2) HVDC 2-mile onshore export cables within a single onshore cable route that will traverse Portsmouth underground;
 - v. Two (2) landfall work areas are also proposed on Aquidneck Island for horizontal directional drilling activities:
 - 1) One (1) on the northeast shore of Portsmouth, and
 - 2) One (1) on the northwest shore.
 - vi. A proposed “Noticed Variation” by the Applicant, which, if considered and approved by the board as an alternative to the current proposal, “would facilitate the future delivery of additional power from the Mayflower Wind offshore generation facility by “right-sizing” certain transmission facilities.”
4. As indicated in Figure 7-1 of the Application, the Applicant’s proposed cable route is located less than one (1) mile off the coast of the Town. (*See Application at p. 292, Figure 7-1*).
5. According to the Applicant, “offshore export cable installation and burial methods ... will cause temporary disturbances to the seafloor within the ECC ... The offshore export cable burial techniques will temporarily displace sediments that may result in resuspension within the water column.” (*See Application at Section 8.1.14*).
6. On October 4, 2022, after motions and proceedings before the Energy Facility Siting Board (the “Board”), the Board granted the motions to intervene of both the Town of Little

Compton and the Town of Middletown for the purpose of, and in recognition of, the local economic impacts of SouthCoast’s application and the resultant activities that would occur on the surface of the Sakonnet River during periods of construction, maintenance, and decommissioning of the undersea cable. Also, the Board recognized the Town’s interest in proceedings regarding changing the cable route to alternatives in which the cable would traverse within or in close proximity to the borders of the Town.

7. After proceedings before the Board, on July 13, 2023, the Board ordered the proceedings brought pursuant to the Application filed stayed until the earlier to occur of (i) October 1, 2024, or (ii) a filing by the Applicant to lift the stay and reopen the proceedings.
8. On September 11, 2024, SouthCoast filed with the Board a Motion to Lift Stay and Reopen Proceedings, a Motion to Expedite, a Motion for Confidential Treatment, and an Updated Application. Accordingly, the Board granted applicable motions, and requested advisory opinions.
9. The scope requested by the Board of Rhode Island Public Utilities Commission’s advisory opinion is: “(i) the need for the proposed Facilities; and (ii) whether the Facilities are expected to transmit energy from the offshore generating source of the SouthCoast Wind Project to the mainland at the lowest reasonable cost to the consumer consistent with the objective of ensuring that the construction and operation of the proposed Facilities will be accomplished in compliance with all of the requirements of the laws, rules, and regulations. Further, to the extent the Commission determines the Facilities are needed, the Commission also is directed to evaluate whether the offshore wind source being served by the Facilities will benefit the regional electric system and associated markets and, as a result, bring benefits to Rhode Island.”
10. R.I.G.L. §39-26.1-8(b) provides that the “commission shall hold proceedings to review the proposal contained in the application. In reviewing the application, the commission shall determine whether the proposal is in the best interests of electric distribution customers in Rhode Island. In making this determination, the commission shall consider the following factors: (i) The economic impact and potential risks, if any, of the proposal on rates to be charged by the electric distribution company; (ii) The potential benefits of stabilizing long-term energy prices; (iii) Any other factor the commission determines necessary to be in the best interest of the ratepayers.”

GROUNDS TO INTERVENE

11. The Town’s interests may be directly affected by the outcome of these proceedings and the advisory opinion; said interests of the Town are not adequately represented by existing parties.
12. The Town can best indicate the unique interests as a close neighbor to the proposed project who faces economic impacts from the installation and maintenance of the undersea cable. The Town anticipates that the project will cause direct impacts to recreation, revenue, navigation, fishing activities and the environment in their communities; the Town interests in regard to the economic impact directly relate to the need for the proposed facilities and

the relative cost to the customers and consumers in their towns. In addition, the Town has an interest in the evaluation of benefit of the electricity to Rhode Island as weighed by the detrimental costs associated with the construction, maintenance and decommissioning of the undersea cable. Such costs to the consumers residing within the Town should be assessed by the PUC, consistent with the request for an advisory opinion that the energy be provided at the lowest possible cost to the consumer.

13. The Applicant's proposal will negatively affect navigation as the Town is a stopover point for boats heading east to Martha's Vineyard and Nantucket, and that require safe harbor in deteriorating weather conditions. This has an economic component and cost to the consumers within the Town.
14. The Applicant's proposal may include subsea hazards along the Town's coastline, including but not limited to the installation, operation, maintenance and decommissioning of the cables themselves, as well as any electromagnetic field emitted from the cables while in operation such the Town should be allowed as an intervening party to ensure that the Applicant's data is credible, or supplemented as necessary. Again, these harms identified may have an economic impact.
15. The Applicant's proposal is likely to affect views, water access, and navigation during installation, operation, maintenance, and decommissioning of the proposed cables as well as associated project turbines and platforms, which will be visible, such that granting the Town's Motion is in the public interest.
16. Said disturbances during cable installation under the seabed along the coast of the Town are likely to affect the Town's shoreline, its restaurants, recreational activities, commercial shellfishing and lobstering, as well as navigation related interference including but not limited to: buoys; vessel traffic safety; damage to fishing gear, and the environment such that the Applicant has already identified the Town as a stakeholder. (*See Application at Pg. 4-19; Section 4.7.1 – Agency and Stakeholder Engagement; Table 4-9.*)

POSITION OF THE TOWN

17. For the reasons stated herein, the Town has valid concerns about the environmental effects from seafloor disturbance, sedimentation, and ongoing safety of buried cables related to the Applicant's proposed construction, installation, operation, maintenance, and decommissioning activities.
18. Anticipated impacts to recreation and commerce could affect the Town's shoreline uses and planned activities including, but not limited to, navigation and fishing, boating, mooring, restaurants, swimming, and community events.
19. The Town is further concerned about the impact on views from the Town by construction activities.

20. These concerns are all associated local economic impacts from SouthCoast's Application and the resultant activities, as was already found by the Board in its decision of October 4, 2022.

CONCLUSION

For these reasons, and as the Town's interests are of such nature that intervention is necessary and appropriate, the Town respectfully requests that its Motion to Intervene be granted.

Dated: November 8, 2024

Respectfully submitted:



Marisa A. Desautel, Esq. (#7556)
Desautel Browning Law
38 Bellevue Ave., Suite B
Newport, RI 02840
Tel. (401) 477-0023
marisa@desautelbrowning.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on November 8, 2024, a true and accurate copy of the within motion was served via electronic mail to the service list for PUC Docket No. 24-45-EL, updated 10/29/24, and mailed to the PUC via electronic and first-class USPS mail.


