State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on December 3, 2024

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held December 3, 2024, at 2:00 P.M. in Hearing Room A, 89 Jefferson Boulevard, Warwick, Rhode Island to discuss, deliberate, and/or vote on the following dockets.

In attendance: Chairman Ronald Gerwatowski, Commissioner Abigail Anthony, Commissioner John Revens, Todd Bianco, Alan Nault, Cindy Wilson-Frias, John Harrington, and Stephanie De La Rosa. (Chairman Gerwatowski was excused for matter V on the Open Meeting agenda docket No. 24-45-EL)

I. Chairman Gerwatowski called the Open Meeting to order at 2:03 P.M. A quorum was present.

II. **Docket No. 23-37-EL - The Narragansett Electric Co. d/b/a Rhode Island Energy (Company) Petition for Acceleration Due to DG Project – Tiverton Projects**

Docket No. 23-38-EL - The Narragansett Electric Co. d/b/a Rhode Island Energy (Company) Petition for Acceleration Due to DG Project – Weaver Hill Projects – The Commission took up these dockets after the Commission had previously required the parties to file memoranda addressing whether interest should apply, the applicable rate of interest, and, if interest applies, when the calculation of interest should commence on any amounts refunded by RIE to Revity and Green Development. On November 4, 2024, the Commission heard oral arguments.

After a brief discussion, Chairman Gerwatowski stated that if the parties can come to an agreement, then the matter of interest would become moot, but if the parties could not come to an agreement, then the Company could appear before the Commission with one of the interconnection customers and the Commission could address interest at that time. Chairman Gerwatowski suggested not taking any action and to defer this matter. Commissioner Anthony and Revens agreed and, no motion was required.

III. **Consent Agenda –** All items listed within the Consent Agenda are considered routine by the Commission and are ordinarily enacted by one motion. There is no separate discussion of these items unless a member of the Commission requests, in which event the item will be removed for separate consideration later in the agenda. As noted below, the agenda included applications for eligibility as a

Renewable Energy Resource and PUC consultant's recommendation on the applications.

IV.

Docket #	Applicant	Filing
RES-24-42	200 High Point Portsmouth RI Solar, LLC	Application for eligibility of the 200 High Point Portsmouth RI Solar LLC Generation Unit, a 0.70 MW AC (0.81754 MW DC) solar energy facility located in Portsmouth, Rhode Island. PUC consultant recommends conditional approval.
RES-24-43	Central Pike Solar, LLC	Application for eligibility of the Central Pike Solar Generation Unit, a 0.9 MW AC (0.99663 MW DC) solar energy facility located in Johnston, Rhode Island. PUC consultant recommends conditional approval.
RES-24-44	Quaker Lane Self Storage	Application for eligibility of the Quaker State Self Storage Solar Generation Unit, a .14 MW AC (.1891 MW DC) solar energy facility located in Kingstown, Rhode Island. PUC consultant recommends approval.
RES-24-45	Evans Findings Co, Inc.	Application for eligibility of the Evans Findings Co Solar Generation Unit, a .24 MW AC (.3029 MW DC) solar energy facility located in East Providence, Rhode Island. PUC consultant recommends approval.

No further review or discussion was needed. Commissioner Revens moved to approve the items on the Consent Agenda, Commissioner Anthony seconded the motion. The motion was unanimously passed. **Vote 3-0**.

V. **Docket No. 24-45-EL –The Public Utilities Commission (Company)** – The Commission next took up this docket, in which Commission was designated by the Energy Facility Siting Board (EFSB) to render an advisory opinion in Docket No. SB-2022-02, SouthCoast Wind Energy, LLC'S application to construct facilities associated with the SouthCoast Wind Project in Portsmouth. On November 8, 2024, the Towns of Middletown and Little Compton each filed Motions to Intervene which were objected to by SouthCoast Wind, LLC on November 18, 2024.

The Commission was directed to provide an advisory opinion as to the need for the portion of the cable that traverses Rhode Island waters, whether it is 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, and whether it will provide a benefit to the regional electric system. The Commission has not been asked to opine on environmental, health, or socioeconomic benefits because

those are the responsibility of other advisory agencies. Ultimately, the EFSB has the final determination of all these issues.

Rule 1.14.B of the Commission's procedural rules governs interventions:

Who may Intervene.

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.

The Motions of the Towns were identical but for the movant's names so they can be taken up together.

Analysis

1. The Towns of Middletown and Little Compton did not have a statutory right to intervene, nor did they assert one.

2. Taking the elements of the second grounds for intervention out of order, first, it was clear the Towns were not bound by the Commission's action in this proceeding where the interest was advisory in nature only. If they disagree with the Commission's recommendation on a finding of need at the lowest reasonable cost to consumers, they can address it with the EFSB.

   As grounds for asserting they had an interest which may be directly affected and which is not adequately represented by existing parties and/or that their participation is in the public interest, the Towns pointed to their proximity to the project, specifically citing economic impacts, health impacts, recreational and aesthetics to the Towns. Such concerns did not appear to fall within the Commission's jurisdiction in this matter.

   To the extent the Towns' motions may have tangentially touched on cost concerns with the project, the Towns did not assert a unique cost impact on their consumers from the project that would have been different from the rest of the state's population. Thus, the participation of the Division of Public Utilities and Carriers should be sufficient to represent their interests as electric consumers.

Commissioner Revens moved to Deny the Town of Middletown and Town of Little Compton's Motions to Intervene, Commissioner Anthony seconded the motion, and the motion was unanimously passed. **Vote 2-0**.

VI. Commissioner Revens adjourned the Open Meeting at 2:12 P.M. A web video of the Open Meeting discussions can be accessed at https://video.ibm.com/recorded/134115964