STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888

In Re:	**The Narragansett Electric Company d/b/a Rhode Island Energy's Petition for Approval of Amendment to Firm Natural Gas Transportation Service Agreement with Manchester Street, L.L.C.**	:	**DOCKET No.: D-25-14**

ADVOCACY SECTION'S MEMORANDUM
ON ISSUE OF SUBJECT MATTER JURISDICTION OF DIVISION
UNDER R.I. GEN. LAWS § 39-2-5(2)

I. INTRODUCTION

On June 6, 2025, The Narragansett Electric Company d/b/a Rhode Island Energy (the "Company") filed a petition with the Rhode Island Division of Public Utilities and Carriers ("Division") seeking approval of an amendment to the Firm Natural Gas Transportation Service Agreement with Manchester Street, L.L.C. (the "Customer") (Amendment No. 2"). The petition was filed in accordance with the requirements of R.I. Gen. Laws § 39-2-5(2) and Rule 1.13(A) of the Division's Rules of Practice and Procedure (815-RICR-00-00-1.13(A)) ("Division Rules"). In its filing, the Company requests that the Division approve the amendment and extension to the original firm natural gas transportation service agreement between the Company and the Customer approved by the Division on June 12, 2015, in Docket No. D-15-04 ("Agreement"), and Amendment No. 1 to the Agreement dated June 15, 2015.

At the July 21, 2025 pre-hearing conference on this matter the Hearing Officer requested memorandums of law on the issue of subject matter jurisdiction of the Division to review this matter under R.I. Gen. Laws § 39-2-5(2).

II. FACTS

The Advocacy Section incorporates and adopts by reference the facts as stated in section "I. Background" of the Company's petition.

III. JURISDICTION

The Division has jurisdiction over this matter pursuant to R.I. Gen. Laws § 39-2-5(2).

IV. DISCUSSION

A. The Division has Jurisdiction Over this Matter Pursuant to R.I. Gen. Laws § 39-2-5(2).

1. The Wording of R.I. Gen. Laws § 39-2-5(2) is Clear and Unambiguous and expresses a clear and sensible meaning.

The Rhode Island Supreme Court has made clear the standard for interpreting the meaning of a statute. To ascertain a statute's meaning, "[the] ultimate goal is to give effect to the General Assembly's intent." In re Proposed Town of New Shoreham Project, 25 A.3d 482, 504 (R.I. 2011). "When the language of a statute is unambiguous and expresses a clear and sensible meaning, there is no room for statutory construction or extension, and [the court] must give the words of the statute their plain and obvious meaning. * * * Such meaning is presumed to be the one intended by the Legislature * * *." Id. at 505 (quoting Wayne Distributing Co. v. Rhode Island Commission for Human Rights, 673 A.2d 457, 460 (R.I.1996)).

R.I. Gen Laws § 39-2-5. "Exceptions to anti-discrimination provisions," states, in part:

> The provisions of §§ 39-2-2 — 39-2-4 shall be subject to the following exceptions:
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> ***
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> **(2) With the approval of the division, any public utility may** give free transportation or service, upon such conditions as the public utility may impose, or **grant special rates** therefor to the state, to any town or city, or to any water or fire district, and to the officers thereof, for public purposes, and also **to any special class or classes of persons**, not otherwise referred to in this section, **in cases where the same shall seem to the division just and reasonable, or required in the interests of the public, and not unjustly discriminatory**.

(Emphasis Added.)

The language of R.I. Gen. Laws § 39-2-5(2) is clear and unambiguous and expresses a clear and sensible meaning. Therefore, the Division must give the words of the statute their plain and obvious meaning. There is no room for statutory construction or extension.

2. The Division Must Construe R.I. Gen. Laws § 39-1-3 and § 39-2-5 so that Both Statutes Are Given Effect.

While there may be some initial ambiguity about how R.I. Gen. Laws § 39-1-3 and § 39-2-5 effect each other, the Division must construe them so that both statutes are given effect.

Pursuant to R.I. Gen. Laws § 39-1-3. "Commission and division established — Functions of commission — Administrator," "[t]he [C]ommission shall serve as a quasi-judicial tribunal **with jurisdiction, powers, and duties to *** hold investigations and hearings involving the rates, tariffs, tolls, and charges** ***." (Emphasis added.)

As noted above, § 39-2-5 states that the Division may approve special rates to any special class or classes of persons in cases where the Division deems them just and reasonable, or required in the interests of the public, and not unjustly discriminatory.

The Rhode Island Supreme Court has stated that when it comes to statutory construction, "[t]he clear preference is for the court to construe the statutes so that both may be given effect." Rhode Island Higher Education Assistance Authority v. Rhode Island Conflict of Interest Commission, 505 A.2d 427, 430 (R.1.1986). "[E]very attempt should be made to construe and apply them so as to avoid the inconsistency." Asadoorian v. Warwick School Committee, 691 A.2d 573, 580 (R.1.1997).

In the instant matter, the Division must interpret § 39-1-3 and § 39-2-5 to give effect to both. This means that the Division must interpret § 39-2-5(2) as providing the Division jurisdiction

to review exceptions to the anti-discrimination provisions of §§ 39-2-2 — 39-2-4. The Division must then also interpret § 39-1-3 to allow for certain statutory exceptions to the Commission's general authority over rates, tariffs, tolls, and charges.

3. Division Acknowledged Jurisdiction Over this Matter in Its Review and Order in Division Docket No. D-15-04, Which Approved the Original Agreement with Manchester Street, LLC in 2015.

The Division has previously taken jurisdiction over this same issue in 2015 in Docket D-15-04 when it approved the original Agreement with Manchester Street, LLC pursuant to R.I. Gen Laws § 39-2-5. See Order 21936. § 39-2-5 has not been amended since 2011 and no other statutes have been enacted since that date that would affect the Division's jurisdiction.

V. CONCLUSION

Based upon the reasons stated above, the Division has jurisdiction, pursuant to R.I. Gen. Laws § 39-2-5(2), to review the Petition submitted by Rhode Island Energy in this matter.

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RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS,
ADVOCACY SECTION

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