

**STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION**

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**THE NARRAGANSETT ELECTRIC  
COMPANY D/B/A RHODE ISLAND  
ENERGY’S PROPOSED GREEN BUTTON  
CONNECT, HOME AREA NETWORK,  
AND GRID EDGE COMPUTING PLANS**

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) Docket No. 25-19-EL  
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**THE NARRAGANSETT ELECTRIC COMPANY D/B/A RHODE ISLAND  
ENERGY’S MOTION TO STRIKE TESTIMONY**

Pursuant to Rule 1.16 of the Rhode Island Public Utilities Commission (the “Commission”) Rules of Practice and Procedure, 810-RICR-00-00-1.1 *et seq.* (the “Commission Rules”), The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”) hereby moves that the Commission strike: (1) the Pre-Filed Direct Testimony of Daniel Roesler submitted on behalf of Mission:Data Coalition (“MDC”) (the “Roesler Testimony”), (2) the Pre-Filed Direct Testimony of Brian James Walsh submitted on behalf of MDC (the “Walsh Testimony”), and (3) the portions of the Pre-Filed Direct Testimony of Michael E. Murray submitted on behalf of MDC located at 16:14-18:11, 27:24-33:13, and 33:16-38:10 (the “Improper Murray Testimony”) (collectively, the Roesler Testimony, Walsh Testimony, and Improper Murray Testimony are referred to as the “Pre-Filed Testimony”).

Intervenor MDC submitted the Pre-Filed Testimony to the Commission for filing on December 5, 2025. For the reasons set forth in this motion, the Pre-Filed Testimony is irrelevant to the matters currently before the Commission and represents an improper and impermissible attempt to expand the scope of this proceeding. The Commission, therefore, should strike the Pre-Filed Testimony and reiterate the narrow limits of this docket in advance of the hearing scheduled for December 17, 2025.

This docket addresses the Company’s Green Button Connect (“GBC”), Home Area Network (“HAN”), and Grid-Edge Computing Plans made as a compliance filing in accordance with Ordering paragraph 16 of the Report and Order in Docket No. 22-49-EL (defined below). The Commission accordingly limited the scope of this docket to Ordering paragraph 16 “and any items directly related to data governance or customer data.” Rather than commenting on the Company’s Plans, however, MDC seeks reconsideration of the decisions already made by the Commission and demands that the Company advance technologies or other data-sharing solutions that are neither part of the Plans before the Commission in this docket, nor part of the Company’s AMF Business Case.<sup>1</sup> The Pre-Filed Testimony reveals a clear effort to collaterally attack Ordering paragraph 16 of the Report and Order and improperly expand the scope of this docket. The Commission should reject this improper attempt and strike the Pre-Filed Testimony.

The Commission also should strike the Roesler Testimony because Mr. Roesler has a self-interest in the positions that he and Mr. Murray have advanced. According to Mr. Roesler’s resume, attached to the Roesler Testimony, Mr. Roesler is the founder of UtilityAPI, Inc. (“UtilityAPI”) and served or continues to serve as its Chief Innovation Officer as recently as this year. In addition to UtilityAPI being an MDC coalition member, UtilityAPI provides GBC services and competes directly with the Company’s GBC vendor, VertexOne. Mr. Roesler’s criticisms of VertexOne’s GBC implementation for the Company’s affiliate in Kentucky, combined with Mr. Murray’s recommendation that the Commission order the Company “to procure a new GBC platform through a competitive solicitation” (Improper Murray Testimony 16:14-17), exude self-interest by MDC, Mr. Murray, and Mr. Roesler in advancing UtilityAPI’s

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<sup>1</sup> The AMF Business Case refers to the “Advanced Metering Functionality” meter technology and implementation plan proposed by the Company in Docket No. 22-49-EL, *In re Rhode Island Energy Advanced Metering Functionality Business Case and Cost Recovery Proposal*.

competitive business interests. In seeking to intervene in this docket, MDC adopted the mantle of the public interest and disclaimed any representation of “its supporters or their direct interests.” MDC Mot. Intervene 2. The Pre-Filed Testimony belies that claim. The Commission should not allow this blatant promotion of self-interest to distract this proceeding.

For the reasons stated below, the Company respectfully requests that the Commission strike the Pre-Filed Testimony.

**I. RELEVANT FACTS**

This docket arises from, and serves to implement a portion of, the Company’s AMF Business Case. The Company filed its AMF Business Case with the Commission on November 18, 2022. Following an approximately ten-month review, on September 27, 2023, the Commission voted at an open meeting to authorize the Company to deploy an AMF-metering system for the electric distribution system subject to several conditions. The Commission issued a written Report and Order on May 20, 2025. *See* Report and Order, No. 25353, *In re Rhode Island Energy Advanced Metering Functionality Business Case and Cost Recovery Proposal*, Dkt. No. 22-49-EL (Pub. Utils. Comm’n May 20, 2025) (hereinafter the “AMF Order”).

As part of the AMF Order, the Commission required metrics relating to “Planning and Transparency for Customer-Facing Technologies.” *See* AMF Order 21. Specifically, the Commission required that, “[t]he Company’s proposals, consistent with Ordering paragraph 16, shall be filed within two months of the start of meter installation and will be considered in a contested case. It will be important to understand the technical issues around data governance and customer access to data.” *Id.* at 22. Paragraph 16 of the AMF Order identified specific elements that the Company’s GBC, HAN, and grid-edge computing plans (collectively, the “Plans”) must address. *Id.* at 27.

Consistent with the AMF Order, the Company made a compliance filing with the Commission on May 12, 2025, to provide the Plans. The Commission subsequently opened the above-referenced docket to review the Plans.

The Commission established August 8, 2025, as the deadline for any motions to intervene. MDC moved to intervene on August 8, 2025.<sup>2</sup> On August 18, 2025, the Company timely filed an Omnibus Response to the Motions to Intervene. In it, the Company objected to MDC's intervention and asked the Commission to deny MDC's motion to intervene. *See* Omnibus Resp. 6-8. The Company also requested that the Commission clarify and limit the scope and purpose of this docket to what was identified by the Commission in the AMF Order. Specifically, the AMF Order identified as the purpose of the current docket "to understand the technical issues around data governance and customer access to data" as set forth in the Plans. AMF Order at 22. As outlined by the Company in its Omnibus Response, the relevant considerations in this docket are (1) whether the Plans provide appropriate safeguards for the privacy and security of customer data and (2) how and when customers will have access to their data and the ability to share it with third parties of their choosing. *See* Omnibus Resp. 3.

On August 21, 2025, the Commission held an open meeting to review the motions to intervene and the Company's Omnibus Response (the "Open Meeting"). At the Open Meeting, the Commission acknowledged the Company's concern that this docket not become a "fishing expedition." The Commission allowed the motions to intervene, including that of MDC, but explained the narrow and specific scope of this docket and limited all parties to that scope.

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<sup>2</sup> The Conservation Law Foundation, George Wiley Center, and Good Energy, L.P. also moved to intervene. The Rhode Island Office of Energy Resources provided notice that it intended to intervene as of right. *See* R.I. Gen. Laws § 39-1-27.9.

Specifically, the Commission limited the scope of the docket to Ordering paragraph 16 of the AMF Order “and any items directly related to data governance or customer data.”

The Commission held a technical session on October 29, 2025. During the session, the Company responded to extensive questioning from parties, including MDC, relating to GBC, HAN and the Sense application, and the Company’s framework for assessment of future grid-edge computing technologies. Following the technical session, MDC requested that the Commission hold a hearing, purportedly to address MDC’s concerns with the “integrity and credibility” of the Company’s Green Button Alliance certification for its GBC platform. The Commission established December 5, 2025, as the deadline for intervenors to file testimony, December 12, 2025, as the deadline for the Company to final any rebuttal testimony, and scheduled a hearing for December 17, 2025.

MDC’s Pre-Filed Testimony submitted on December 5, 2025, ventures far beyond the scope of this docket. Specifically, the Pre-Filed Testimony addresses the following topics:

- The Roesler Testimony, sponsored by the founder, board member, and current or immediately past Chief Innovation Officer of UtilityAPI – a direct competitor of the Company’s GBC vendor – offers his subjective opinion regarding the functionality of the GBC platform of the Company’s affiliates, Louisville Gas and Electric Company and Kentucky Utilities Company (together, “LG&E”). Notably, although Mr. Roesler purports to rely in large part on documents or information gathered by MDC in rendering his opinion, the Roesler Testimony fails to specifically identify or provide those materials. The Roesler Testimony also opines on the GBC function blocks that the Commission should direct the Company to use to facilitate aggregations of distributed resources participating in

ISO New England, notwithstanding that this falls outside the scope of the approved AMF Business Case.

- The Walsh Testimony discusses extensively and in great technical detail “direct data upload” functionality, which is not within the scope of the approved AMF Business Case or the Plans. The Walsh Testimony also discusses a “local real-time access” application, another technology that is neither part of the approved AMF Business Case nor included in the Plans.
- The Improper Murray Testimony advises the Commission to order the Company to scrap its GBC Plan altogether, start over with a new GBC platform procured through a competitive solution, and “consider participating in a regional data-sharing platform.” Murray Testimony 16:14-18:11. The Improper Murray Testimony also recommends that the Commission order the Company to support a “local real-time access” application. *Id.* 27:24-33:13. Finally, the Improper Murray Testimony recommends that the Commission require the Company to develop a plan for implementing “direct data upload.” *Id.* 33:16-38:10. In advocating for “direct data upload,” Mr. Murray goes so far as to opine that this functionality is necessary to avoid antitrust law violations. *Id.* 36:18-38:10. Mr. Murray acknowledges, however, that he is “not a lawyer” and therefore lacks a foundation on which to offer the Commission a legal opinion. *Id.* 37:6.

None of the Pre-Filed Testimony falls within the narrow scope of this docket. The Rebuttal Testimony of William Hennegan, filed concurrently with this motion, describes in

greater detail the scope of the Plans as related to the approved AMF Business Case. The Company therefore files this Motion to Strike the Pre-Filed Testimony.

## **II. ARGUMENT**

The Commission may appropriately grant a motion to strike where the challenged subject matter pertains to matters immaterial to the issues before the Commission. *See Long v. Dell, Inc.*, 93 A.3d 988, 1005-06 (R.I. 2014) (affirming order granting motion to strike affirmative defenses because the defenses were not applicable to the issues before the court). Here, the Pre-Filed Testimony (1) exceeds the narrow scope of the proceeding, (2) is immaterial to the Commission’s evaluation of the Company’s Plans, and (3) improperly seeks to advance MDC’s own self-interest and that of its members.

First, this docket is limited to Ordering paragraph 16 of the AMF Order “and any items directly related to data governance or customer data.” None of the items discussed in the Pre-Filed Testimony – whether regional data platforms, “local real-time access” applications, or “direct data upload” functionality – fall within Ordering paragraph 16 or directly relate to data governance or customer data. Plainly dissatisfied with the Commission’s AMF Order, MDC’s Pre-Filed Testimony seeks to reconsider matters squarely addressed and decided in Docket No. 22-49-EL. This gambit falls well outside the narrow scope articulated by the Commission for this docket.

Second, the information contained in the Pre-Filed Testimony is immaterial to the Commission’s consideration of the issues before it. The purpose of this docket is to analyze the GBC, HAN, and Grid-Edge Computing Plans filed by the Company, not debate the merits of hypothetical alternatives that at least in some instances – for example, with respect to regional data platforms – extend even beyond the Commission’s jurisdiction. The Pre-Filed Testimony is

extraneous to the issues before the Commission and represents an impermissible expansion of the scope and record of this docket.

Third, the Roesler Testimony is plainly self-interested and should be stricken on that ground as well.<sup>3</sup>

Fourth, the Improper Murray Testimony at 36:18-38:10 should be stricken for the additional reason that it lacks an appropriate supporting foundation. Mr. Murray's unfounded legal conclusions will not aid the Commission in understanding the evidence at the hearing or determining any facts in issue. *See* R.I. R. Evid. 702; Commission Rule 1.23(A) (stating that "the rules of evidence as applied in civil cases in the Superior Courts of this state shall be followed to the extent practicable").

The Commission noted at the start of this docket during the Open Meeting that it should not become a "fishing expedition." The Pre-Filed Testimony goes well beyond even that concern and essentially seeks reconsideration of issues raised, discussed, and decided in the AMF Business Case. The Company therefore respectfully requests that the Commission strike the Pre-Filed Testimony.

#### **IV. CONCLUSION**

For these reasons, the Company respectfully requests that the Commission grant this motion and strike (1) the Pre-Filed Direct Testimony of Daniel Roesler submitted on behalf of MDC, (2) the Pre-Filed Direct Testimony of Brian James Walsh submitted on behalf of MDC, and (3) the portions of the Pre-Filed Direct Testimony of Michael E. Murray submitted on behalf of MDC located at 16:14-18:11, 27:24-33:13, and 33:16-38:10.

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<sup>3</sup> To the extent the Commission denies the Company's motion to strike, the Company reserves its rights to challenge the Roesler Testimony at the hearing for failure to identify or produce the documents and information on which Mr. Roesler relied in reaching his stated opinions.

Date: December 12, 2025

Respectfully submitted,

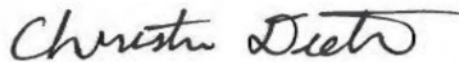
The Narragansett Electric Company d/b/a Rhode  
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By its attorney,



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**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2025, I sent a copy of the foregoing to the service  
list by electronic mail.

