

BEFORE THE
STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD

In Re: The Narragansett Electric Company d/b/a
National Grid Application for a License to Mobilize
And Operate a Liquefied Natural Gas Vaporization
Facility at Old Mill Lane (Portsmouth, RI)

No. SB-2021-04

**DIVISION OF PUBLIC UTILITIES AND CARRIERS' MEMO IN RESPONSE TO THE
MOTIONS REGARDING WAIVER CONDITIONS**

Following the first part of the preliminary hearing, the Town of Middletown, Acadia Center, and the Conservation Law Foundation (the "CLF") filed motions regarding the petition for extension of waiver of licensing requirements for the 2021-2022 winter. The facilities for which waiver is being requested are the same facilities under consideration in the full application. Both the petition and application were filed on May 19, 2021. At the hearing, the Division of Public Utilities and Carriers (the "Division") expressed that it had no objection to the waiver for the 2021-2022 winter. The motions filed post hearing have done nothing to change the position of the Division with respect to the waiver request for the 2021-2022 waiver. Winter will be here in a few months and with no viable alternative, the Division sees no other option to ensure that there is a contingency in the case of an emergency to ensure that ratepayers are kept warm during the coldest days of the year.

The Town of Middletown's objection states that it is lacking in information on whether the request is subject to resurrection in the following years and the number of extensions allowed to such a waiver. It wants more information and the opportunity to request conditions on any waiver extension. The Division anticipates that when the EFSB decides the full application, it will not only determine whether the facility may continue to exist at this site, but also under what

conditions, if any. The Division submits that any conditions to be attached to the future continuation of the project should be determined during the proceedings for the full application not during the proceedings for the 2021-2022 winter waiver.

Acadia Center and CLF filed a motion with proposed conditions to the extension of the waiver. The proposed conditions requested was a temporary gas moratorium with no legal basis provided for such a condition to be imposed by a body that deals solely with the siting of projects. The Division does not believe the proposed conditions to be appropriate.

The Division does not object to the waiver as filed for the winter 2021-2022 and believes that any application of conditions should arise out of the full application proceedings.

Respectfully Submitted,

THE DIVISION OF PUBLIC UTILITIES AND
CARRIERS

By Its Attorney:

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CERTIFICATE OF SERVICE

I certify that on August 24, 2021, the within was electronically served upon the parties on the service list (attached) for Docket SB-2021-04 and that the original and seven (7) hard copies were hand delivered to the Coordinator of the Energy Facility Siting Board at 89 Jefferson Boulevard, Warwick, RI 02888.

/s/ Ellen Ullucci

SB-2021-04 The Narragansett Electric Company d/b/a National Grid Application for License to Mobilize and Operate a Liquefied Natural Gas (LNG) Vaporization Facility at Old Mill Lane (Portsmouth, RI)

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