

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

**In Re: The Narragansett Electric
Company d/b/a National Grid
(Portable LNG Vaporization Project
Old Mill Lane, Portsmouth, RI)**

Docket No. SB-2021-04

**THE RHODE ISLAND ATTORNEY GENERAL'S
COMMENT CONCERNING EMERGENCY WAIVER**

NOW HERE COMES the Attorney General for the State of Rhode Island, Peter F. Neronha, and hereby provides the following comments for consideration in light of the Acadia Center and Conservation Law Foundation's ("CLF") *Proposed Conditions to Extension of Emergency Waiver* and the Town of Middletown's *Objection to the Narragansett Electric Company's Petition for Waiver*:

As noted at the August 12, 2021 Preliminary Hearing in this matter, the Attorney General appreciates that the issue of The Narragansett Electric Company d/b/a National Grid's ("National Grid") *Petition for Waiver Extension*, filed on May 19, 2021, is separate and apart from the pending application filed by National Grid with the Energy Facility Siting Board ("EFSB") in the above-captioned docket, or any future applications that may be filed in response to the urgent need for National Grid to identify and implement a responsible long-term solution to potential natural gas distribution issues on Aquidneck Island.

With the coming winter fast approaching, the Attorney General acknowledges the difficulty of navigating the issues presented and weighing any potential approvals and/or conditions. It is unfortunate that the EFSB once again finds itself considering a temporary stop-

gap waiver to the natural gas distribution problems on Aquidneck Island – continued operation of the portable liquified natural gas (“LNG”) facility on Old Mill Lane in Portsmouth, Rhode Island (the “Facility”).

As the EFSB and all parties hereto are well-aware, the customers served by National Grid on Aquidneck Island experienced a natural gas outage in January 2019 that unacceptably left many without heat for over a week. This cannot be allowed to happen again. However, it is now time for National Grid to complete its study and propose a final solution to this significant problem.

In the almost three years following that incident, National Grid has yet to identify a long-term solution for the people of Aquidneck Island, and has instead proceeded with business as usual, asking for temporary approvals to operate the Facility each winter. Even National Grid’s Application to Alter Major Energy Facility recently filed in the within docket requests only temporary relief until such time as National Grid can identify a long-term solution and provide a more complete and informative application. As noted time and again, although this application is characterized by National Grid as “temporary” it requests open-ended approval and does not propose any way to hold National Grid (or its successor(s)) accountable should the company fail to identify and advance proposals for long-term solutions.

To this end, the Attorney General would like to acknowledge and echo the concerns expressed by the Acadia Center, CLF and Middletown in their recent filings. There is growing concern that National Grid has repeatedly delayed the opportunity for the EFSB and the State to consider long-term solutions to this problem that properly weigh all of the germane energy, environmental and safety issues.

Additionally, continued waivers and temporary approvals only allow issues to continue and potentially compound. To allow repeated inaction by National Grid to become the status-quo

would be a disservice to the people of Rhode Island, especially those persons of Aquidneck Island who are affected by the operations of the Facility and deserve an opportunity to voice their concerns and have them properly considered. We urge the EFSB to address the future and to consider all conditions to any waiver approval it may find appropriate, including the conditions suggested by other parties in this docket. It is essential to avoid this type of “emergency” request becoming an annual status quo, and to ensure a path forward has been determined prior to the 2022-2023 winter. Moreover, National Grid must not continue to delay development of a responsible long-term plan.

Respectfully submitted,

THE STATE OF RHODE ISLAND

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By:

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I certify that on this 24th day of August 2021, the original and four hard copies of the within were hand-delivered to:

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/s/ Nicholas M. Vaz