

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ENERGY FACILITY SITING BOARD**

**IN RE: THE NARRAGANSETT ELECTRIC        :**  
**COMPANY d/b/a NATIONAL GRID            :**  
**E-183 115 kV TRANSMISSION             :**                   **DOCKET NO. SB-2003-01**  
**LINE RELOCATION PROJECT                 :**

**CITY OF EAST PROVIDENCE’S RESPONSE TO ENERGY FACILITY SITING  
BOARD’S DATA REQUESTS DATED DECEMBER 3, 2014**

1. Please list any coordinated steps that have been taken by the City of Providence, the City of East Providence, the Attorney General (the Parties), and/or National Grid to comply with Section IID and/or other sections of the Settlement Agreement.

Response No. 1: The City of East Providence respectfully submits as follows:

IID1-there was a general route selected. *See document attached hereto as Exhibit 1.* East Providence submits that Narragansett did not finalize the Underground Alignment for a number of reasons, including the fact that Narragansett did not provide a design, construction grade estimate of the direct and indirect cost and expenses for the construction of the underground alignment.

IID2-*See above.*

IID3-East Providence submits that this date was superseded by legislation. As far as East Providence is concerned, Narragansett has identified the property that would be utilized for a transition station. Narragansett has recently indicated that it may need easements of some sort relative to certain waterfront property. However, East Providence has not received an answer from Narragansett from this regard. *See E-mail correspondence attached hereto as Exhibit 2.*

IID4-East Providence that submits that there were no coordinated efforts to achieve these steps before January 15, 2005 and that date has been superseded by legislation.

IID5- East Providence that submits that there were no coordinated efforts to achieve these steps before March 1, 2005 and that date has been superseded by legislation.

IID6-East Providence that submits that there were no coordinated efforts to achieve these steps before June 1, 2005 and that date has been superseded by legislation.

IID7-East Providence is not aware of any steps taken by Narragansett in this regard.

IID8-East Providence submits that Narragansett has not completed its design.

2. Please describe in detail, with associated dates, the steps engaged in by Parties to retain a consultant to review the project cost estimates filed by National Grid on October 21, 2014.

Response No. 2: East Providence attaches e-mail correspondence attached hereto as *Exhibit 3*.

3. Please provide whether an agreement has been executed to retain an independent expert to review the project cost estimates filed by National Grid on October 21, 2014, and if so provide a copy of that agreement.

Response No. 3: East Providence submits that the document has been circulated for execution. The document is attached hereto as *Exhibit 4*

4. Please provide the cost of the agreement described in data request number 3, above and the time table established by such agreement.

Response No. 4: *See Exhibit 4.*

5. Please provide each Parties' timeline for complying with Section IID of the May 25, 2004 Settlement Agreement.

Response No. 5: East Providence had submitted a form of Project Schedule setting forth a timeline. It is attached hereto as *Exhibit 5*. Narragansett Reviewed that and had agreed to the timeline set forth in subsequent form of Project Schedule that East Providence submitted. *See Exhibit 5*. East Providence submits that the forms of Project Schedules were never addressed to the Board.

6. Please provide copies of all quarterly reports prepared in compliance with Docket No. SB-2003-01, Order No. 54. If no reports are available, please commence reporting as required by the Order to the Energy Facility Siting Board forthwith.

Response No. 6: East Providence submits that the quarterly reports were prepared by Narragansett and East Providence does not have a complete set of copies.

7. Please provide a detailed update of each of the Parties' activities related to the current matter since October 22, 2014.

Response No. 7: East Providence has taken the steps to secure an option agreement for the transition station property. *See communications with Tockwotton attached hereto as Exhibit 6.* East Providence has taken the lead in finalizing the agreement for peer review.

8. Please describe in detail the steps that each City has taken to acquire property necessary for this project, include the names and titles of any individuals that have participated in such steps.

Response No. 8: *See Response to Data Request No. 7.*

9. Please describe any action taken by the City of Providence with respect to the Singh property, including any discussions, meetings, correspondence, etc.

Response No. 9: East Providence has no knowledge with regard to this issue.

City of East Providence  
By its Attorney,

/s/W. Mark Russo  
W. MARK RUSSO #3937  
FERRUCCI RUSSO P.C.  
55 Pine Street, 4<sup>th</sup> Floor  
Providence, RI 02903  
Tel: (401) 455-1000  
Fax: (401) 455-7778

Dated: December 5, 2014

**CERTIFICATION OF SERVICE**

I hereby certified that on this 5<sup>th</sup> day of December, 2014, I filed and serve this document through the e-mail to the following parties:

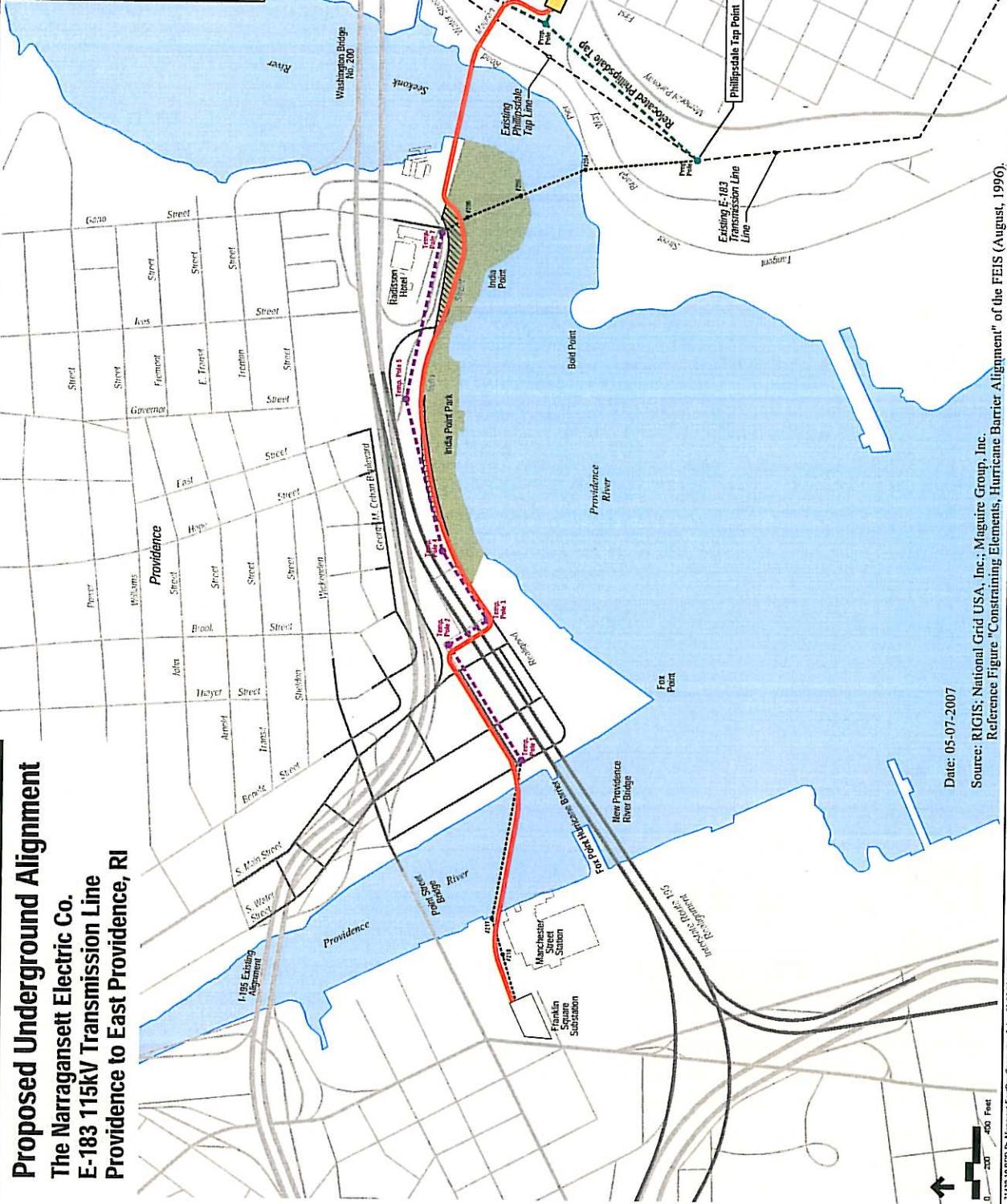
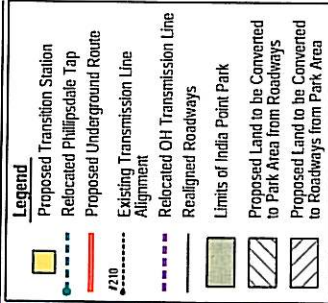
<b>Name/Address</b>	<b>E-mail</b>	<b>Phone/FAX</b>
Peter V. Lacouture, Esq. Robinson & Cole LLP One Financial Plaza Suite 1430 Providence, RI 02903-2485	<a href="mailto:placouture@rc.com">placouture@rc.com</a>	401-709-3314 401-709-3399
National Grid	<a href="mailto:jennifer.hutchinson@nationalgrid.com">jennifer.hutchinson@nationalgrid.com</a>	
National Grid	<a href="mailto:celia.obrien@nationalgrid.com">celia.obrien@nationalgrid.com</a>	
Department of Attorney General 150 South Main Street Providence, RI 02903	<a href="mailto:LWold@riag.ri.gov">LWold@riag.ri.gov</a>	401-222-2424 ext. 2218 401-222-3016
	<a href="mailto:klyons@riag.ri.gov">klyons@riag.ri.gov</a>	
	<a href="mailto:Jmunoz@riag.ri.gov">Jmunoz@riag.ri.gov</a>	
	<a href="mailto:dmacrae@riag.ri.gov">dmacrae@riag.ri.gov</a>	
Division of Public Utilities & Carriers	<a href="mailto:Thomas.kogut@ripuc.state.ri.us">Thomas.kogut@ripuc.state.ri.us</a>	
	<a href="mailto:Steve.scialabba@ripuc.state.ri.us">Steve.scialabba@ripuc.state.ri.us</a>	
Janet Coit, Director Dept. of Environmental Management 235 Promenade Street Providence, RI 02908	<a href="mailto:janet.coit@dem.ri.gov">janet.coit@dem.ri.gov</a>	401-222-4700 ext. 2409
	<a href="mailto:Rayna.maguire@dem.ri.gov">Rayna.maguire@dem.ri.gov</a>	

Kevin Flynn, Associate Director for Division of Planning Department of Administration One Capitol Hill, 3 <sup>rd</sup> Floor Providence, RI 02903	<a href="mailto:kevin.flynn@doa.ri.gov">kevin.flynn@doa.ri.gov</a>	401-222-6496
Adrienne G. Southgate, City Solicitor City of Providence Department of Law 275 Westminster Street Providence, RI 02903	<a href="mailto:asouthgate@providenceri.com">asouthgate@providenceri.com</a>	
RI Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:Cynthia.WilsonFrias@puc.ri.gov">Cynthia.WilsonFrias@puc.ri.gov</a>	
	<a href="mailto:alan.nault@puc.ri.gov">alan.nault@puc.ri.gov</a>	
	<a href="mailto:Paul.roberti@puc.ri.gov">Paul.roberti@puc.ri.gov</a>	
John J. Spirito, Esq. (e-mail only) Division of Public Utilities and Carriers	<a href="mailto:jspirito@ripuc.state.ri.us">jspirito@ripuc.state.ri.us</a>	401-780-2152
JoAnne Sutcliffe (e-mail only)	<a href="mailto:Josut321@cox.net">Josut321@cox.net</a>	
Timothy J. Chapman, City Solicitor City of East Providence 145 Taunton Avenue East Providence, RI 02914-4505	<a href="mailto:tchapman@cityofeastprov.com">tchapman@cityofeastprov.com</a>	
Mark W. Russo, Esq. Ferrucci Russo P.C. 55 Pine Street, 4th Floor Providence, RI 02903	<a href="mailto:mrusso@frlawri.com">mrusso@frlawri.com</a>	401-455-1000 401-455-7778
	<a href="mailto:wsmith@frlawri.com">wsmith@frlawri.com</a>	
	<a href="mailto:jboyle@cityofeastprov.com">jboyle@cityofeastprov.com</a>	
Terence Tierney (e-mail only)	<a href="mailto:tierneylaw@yahoo.com">tierneylaw@yahoo.com</a>	
David Priley	<a href="mailto:davidpriley@aol.com">davidpriley@aol.com</a>	
Seth Handy, Esq. Handy Law, LLC 42 Weybosset Street Providence, RI 02903	<a href="mailto:seth@handylawllc.com">seth@handylawllc.com</a>	
<b>File an original and 7 copies w/:</b> Nicholas Ucci, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888	<a href="mailto:nicholas.ucci@puc.ri.gov">nicholas.ucci@puc.ri.gov</a>	401-780-2106
	<a href="mailto:Margaret.curran@puc.ri.gov">Margaret.curran@puc.ri.gov</a>	
	<a href="mailto:patricia.lucarelli@puc.ri.gov">patricia.lucarelli@puc.ri.gov</a>	
	<a href="mailto:Todd.bianco@puc.ri.gov">Todd.bianco@puc.ri.gov</a>	

/s/W. Mark Russo \_\_\_\_\_

# Proposed Underground Alignment

## The Narragansett Electric Co. E-183 115kV Transmission Line Providence to East Providence, RI



Date: 05-07-2007

Source: RIGIS; National Grid USA, Inc.; Maguire Group, Inc.

Reference Figure "Constraining Elements, Hurricane Barrier Alignment" of the FEIS (August, 1996).



71437.10 BIRD-PA-Alignment-Enr-Prop-Conect-1.dwg (05-07-07) by Gmb...

Veneseo Hargen Bluestein, Inc.  
520 Broadway  
Providence, Rhode Island 02909

## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Friday, October 03, 2014 4:16 PM  
**To:** 'Lacouture, Peter V.'  
**Subject:** RE: National Grid - E-183

Dear Peter:

I did check with Jeanne. The slips are not owned by the City. Jeanne believes that they are either owned by the East Providence Yacht Club, or the Oyster House Marina.

**W. Mark Russo**  
Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



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**From:** Lacouture, Peter V. [<mailto:placouture@rc.com>]  
**Sent:** Friday, October 03, 2014 1:42 PM  
**To:** W. Mark Russo, Esq.  
**Subject:** National Grid - E-183

Mark-

Can you tell us whether the boat slips at the end of Mauran Ave are owned by the city and, if not, by whom? It may be EP Yacht Club. Thanks.

PVL

**Peter V. Lacouture**

Robinson & Cole LLP  
One Financial Plaza  
Suite 1430  
Providence, RI 02903  
Direct 401-709-3314  
[placouture@rc.com](mailto:placouture@rc.com) | [www.rc.com](http://www.rc.com)  
[Bio](#) | [Contact Card](#)

**Wendy Smith**

---

**From:** Lacouture, Peter V. <placouture@rc.com>  
**Sent:** Friday, October 03, 2014 4:21 PM  
**To:** W. Mark Russo, Esq.  
**Subject:** RE: National Grid - E-183

Thanks Mark. Is it possible to be more definitive? National Grid may ask East Providence to obtain rights in the property for the HDD operation.

PVL

---

**From:** W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]  
**Sent:** Friday, October 3, 2014 4:16 PM  
**To:** Lacouture, Peter V.  
**Subject:** RE: National Grid - E-183

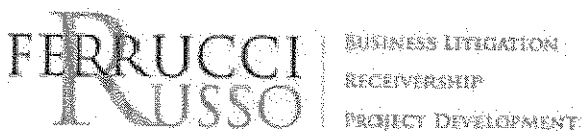
Dear Peter:

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**W. Mark Russo**

Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



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Providence, RI 02903  
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**Wendy Smith**

---

**From:** W. Mark Russo, Esq.  
**Sent:** Monday, October 06, 2014 2:41 PM  
**To:** 'placouture@rc.com'  
**Subject:** RE: National Grid - E-183

Dear Peter:

I will work with Jeanne to try and get a definitive answer as to ownership. From a fairness perspective, National Grid should be mapping out its route and determining these issues, so that we are not spending unreimbursable money on this aspect of the project.

In any event, I would like a timeframe for letting us know whether National Grid needs these property rights. I am assuming that we are still going to have our construction grade estimate by the end of this month. I am also assuming that if you have the construction grade estimate, you will also know your route.

In any event, if you could give me an answer to the timeframe, it would be greatly appreciated.

**W. Mark Russo**  
Ferrucci Russo P.C.  
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Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

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**To:** W. Mark Russo, Esq.  
**Subject:** RE: National Grid - E-183

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PVL

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**From:** W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]  
**Sent:** Friday, October 3, 2014 4:16 PM

**To:** Lacouture, Peter V.  
**Subject:** RE: National Grid - E-183

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**W. Mark Russo**  
Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
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Tel.: (401) 455-1000  
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Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



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**Peter V. Lacouture**

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## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Thursday, October 30, 2014 4:03 PM  
**To:** 'klyons@riag.ri.gov'; 'placouture@rc.com'  
**Cc:** 'asouthgate@providenceri.com'; tchapman@cityofeastprov.com  
**Subject:** E-183 Transmission Line

Dear Karen and Peter:

I just wanted to get a status on your discussions with the Division regarding getting an expert on board for peer review.

Please review.

### ***W. Mark Russo***

Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

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## Wendy Smith

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**From:** W. Mark Russo, Esq.  
**Sent:** Thursday, November 06, 2014 5:22 PM  
**To:** 'placouture@rc.com'; tchapman@cityofeastprov.com; 'klyons@riag.ri.gov';  
'asouthgate@providenceri.com'  
**Subject:** Peer Review of Estimate

To all:

At least from the research that the City of East Providence has done, it does appear that PDC has appropriate qualifications. I would like to discuss the mechanism for the two cities and the State to have an informal intake interview with the consultant and try to move the process forward.

I have a good deal of flexibility on Friday. I don't know if that works for everyone. Please let me know.

### ***W. Mark Russo***

Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



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## Wendy Smith

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**From:** Lacouture, Peter V. <placouture@rc.com>  
**Sent:** Thursday, November 06, 2014 5:24 PM  
**To:** W. Mark Russo, Esq.; tchapman@cityofeastprov.com; klyons@riag.ri.gov; asouthgate@providenceri.com  
**Subject:** RE: Peer Review of Estimate

I have drafted a short agreement & will circulate it tomorrow.  
PVL

---

**From:** W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]  
**Sent:** Thursday, November 6, 2014 5:22 PM  
**To:** Lacouture, Peter V.; [tchapman@cityofeastprov.com](mailto:tchapman@cityofeastprov.com); [klyons@riag.ri.gov](mailto:klyons@riag.ri.gov); [asouthgate@providenceri.com](mailto:asouthgate@providenceri.com)  
**Subject:** Peer Review of Estimate

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### ***W. Mark Russo***

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## Wendy Smith

---

**From:** Lacouture, Peter V. <placouture@rc.com>  
**Sent:** Friday, November 07, 2014 10:35 AM  
**To:** W. Mark Russo, Esq.; asouthgate@providenceri.com; klyons@riag.ri.gov  
**Cc:** celia.obrien@nationalgrid.com; Jennifer Brooks Hutchinson Esq.  
(jennifer.hutchinson@nationalgrid.com)  
**Subject:** E-183 - Agreement for Peer Review  
**Attachments:** E-183 Peer Review Agreement (11-2014).DOC

Karen, Mark, & Adrienne-  
Attached is a draft of an Agreement for funding the peer review for your review.  
PVL

### Peter V. Lacouture

Robinson & Cole LLP  
One Financial Plaza  
Suite 1430  
Providence, RI 02903  
Direct 401-709-3314 | Fax 401-709-3377  
[placouture@rc.com](mailto:placouture@rc.com) | [www.rc.com](http://www.rc.com)  
[Bio](#) | [Contact Card](#)

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**THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT**

**AGREEMENT**

This Agreement (“Agreement”) is entered into by and among The Narragansett Electric Company d/b/a National Grid (“National Grid”), the cities of Providence and East Providence (the “Cities”), and Attorney General Peter F. Kilmartin (the “Attorney General”) (National Grid, the Cities and the Attorney General are collectively referred to as the “Parties”) in connection with that certain proceeding before the Rhode Island Energy Facility Siting Board (“EFSB” or “Board”) known as Docket No. SB-2003-01, under the following circumstances:

i. In 2003, National Grid submitted an application for a license to construct and/or alter a major energy facility within the State of Rhode Island, the E-183 115 kV Transmission Line, pursuant to the applicable provisions of R.I. Gen. Laws §§42-98-1 *et seq.* and the Board’s Rules of Practice and Procedure, as amended (the “Board Rules”).

ii. Following hearings before the Board, the Parties entered into a Settlement Agreement dated May 25, 2004 (the “Settlement Agreement”).

iii. Under the Settlement Agreement, National Grid is obligated, *inter alia*, to prepare a project cost estimate and has undertaken this task.

iv. As part of this effort, the Parties have agreed, in this proceeding, that a peer review of National Grid’s estimate shall be a component of the cost estimating process and the Parties wish to document this understanding.

v. The cost of the peer review, which is not to exceed Twenty-Five Thousand Dollars (\$25,000), shall be considered a component of the cost estimate and of the Project cost.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The peer review shall be undertaken by an engineer who is experienced in the design and construction of high voltage underground transmission lines, selected by the Cities and the Attorney General, and approved by National Grid.
2. The Attorney General and the Cities shall, within ten (10) days of the signature of this Agreement, provide to National Grid the name of, a statement of qualifications for, and a cost estimate from the engineering consultant who they propose to use for the peer review.
3. Within ten (10) days of its receipt of all of the information set forth in Paragraph 2 above, National Grid shall advise the Cities and the Attorney General whether the consultant proposed by the Parties is acceptable to it.
4. In the event that National Grid determines that the consultant proposed by the other Parties is acceptable to National Grid, the other Parties shall direct the consultant to commence work and complete its peer review on or before December 31, 2014.
5. In the event that National Grid determines that the consultant proposed by the other Parties is not acceptable to National Grid, National Grid shall file a statement of its objections with the EFSB and the matter shall be referred to the Board for further consideration.
6. After completion of the peer review by a consultant acceptable to National Grid and submission of the results of the peer review to the EFSB, the Attorney General and the Cities shall present the consultant's invoice for performing the



peer review, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000), to National Grid for payment, which invoice National Grid will process for payment.

7. Such expenses shall be considered a component of the Project cost estimate and of the Project cost.
8. This Agreement is the product of settlement negotiations. The substance of those negotiations is privileged and all offers of settlement shall be without prejudice to the position of any party.

IN WITNESS WHEREOF, the Parties, by their duly authorized agents, have executed this Agreement this \_\_\_\_ day of November, 2014.

The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

---

Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
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Tel.: (401) 784-7720  
[timothy.horan@nationalgrid.com](mailto:timothy.horan@nationalgrid.com)

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Attorney General Peter F. Kilmartin,

City of Providence,

---

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[asouthgate@providenceri.com](mailto:asouthgate@providenceri.com)

## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Wednesday, November 12, 2014 10:55 AM  
**To:** Wendy Smith  
**Subject:** FW: Dkt SB 2003-01 (E-183)  
**Attachments:** E-183 - NG progress report on peer review (11-7-14).pdf; E-183 - NG Responses to EP Data Requests (11-7-14).pdf

file

**W. Mark Russo**  
Ferrucci Russo P.C.  
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[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



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**From:** Lacouture, Peter V. [<mailto:placouture@rc.com>]  
**Sent:** Friday, November 07, 2014 2:43 PM  
**To:** Todd Bianco  
**Cc:** Coit, Janet; [Davidpriley@aol.com](mailto:Davidpriley@aol.com); Flynn, Kevin; Hagopian, Jon; [Jmunoz@riag.ri.gov](mailto:Jmunoz@riag.ri.gov); Karen Lyons; Kogut, Thomas; Lucarelli, Patricia; [Lwold@riag.ri.gov](mailto:Lwold@riag.ri.gov); Maguire, Rayna; [Margaret.Curran@puc.ri.gov](mailto:Margaret.Curran@puc.ri.gov); Mignanelli, Kathleen; [Paul.Roberti@puc.ri.gov](mailto:Paul.Roberti@puc.ri.gov); Shilling, Joseph; Smith, William; [Steve.Scialabba@dpuc.ri.gov](mailto:Steve.Scialabba@dpuc.ri.gov); WilsonFrias, Cynthia; [Alan.Nault@puc.ri.gov](mailto:Alan.Nault@puc.ri.gov); [amar@indiarestaurant.com](mailto:amar@indiarestaurant.com); [asouthgate@providenceri.com](mailto:asouthgate@providenceri.com); [celia.obrien@nationalgrid.com](mailto:celia.obrien@nationalgrid.com); [dmacrae@riag.ri.gov](mailto:dmacrae@riag.ri.gov); [jboyle@cityofeastprov.com](mailto:jboyle@cityofeastprov.com); [jennifer.hutchinson@nationalgrid.com](mailto:jennifer.hutchinson@nationalgrid.com); [John.Spirito@dpuc.ri.gov](mailto:John.Spirito@dpuc.ri.gov); W. Mark Russo, Esq.; [seth@handylawllc.com](mailto:seth@handylawllc.com); [tchapman@cityofeastprov.com](mailto:tchapman@cityofeastprov.com); [tierneylaw@yahoo.com](mailto:tierneylaw@yahoo.com)  
**Subject:** Dkt SB 2003-01 (E-183)

Todd-

I am attaching National Grid's responses to East Providence's First Set of Data Requests and a letter to the Board reporting on National Grid's progress on the peer review of the Project cost estimate. Both are being delivered to you for filing this afternoon. We hope to file the response to the EFSB's Record Request later today or early next week.

PVL

**Peter V. Lacouture**

Robinson & Cole LLP  
One Financial Plaza

Suite 1430  
Providence, RI 02903  
Direct 401-709-3314 | Fax 401-709-3377  
[placouture@rc.com](mailto:placouture@rc.com) | [www.rc.com](http://www.rc.com)  
[Bio](#) | [Contact Card](#)

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## **Robinson+Cole**

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Albany | Los Angeles | New London | Sarasota

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---

## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Wednesday, November 12, 2014 10:58 AM  
**To:** Wendy Smith  
**Subject:** FW: E-183 - Agreement for Peer Review  
**Attachments:** E-183 Peer Review Agreement (11-2014).DOC

file

**W. Mark Russo**  
Ferrucci Russo P.C.  
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**From:** Lacouture, Peter V. [<mailto:placouture@rc.com>]  
**Sent:** Friday, November 07, 2014 10:35 AM  
**To:** W. Mark Russo, Esq.; [asouthgate@providenceri.com](mailto:asouthgate@providenceri.com); [klyons@riag.ri.gov](mailto:klyons@riag.ri.gov)  
**Cc:** [celia.obrien@nationalgrid.com](mailto:celia.obrien@nationalgrid.com); Jennifer Brooks Hutchinson Esq. ([jennifer.hutchinson@nationalgrid.com](mailto:jennifer.hutchinson@nationalgrid.com))  
**Subject:** E-183 - Agreement for Peer Review

Karen, Mark, & Adrienne-  
Attached is a draft of an Agreement for funding the peer review for your review.  
PVL

### Peter V. Lacouture

Robinson & Cole LLP  
One Financial Plaza  
Suite 1430  
Providence, RI 02903  
Direct 401-709-3314 | Fax 401-709-3377  
[placouture@rc.com](mailto:placouture@rc.com) | [www.rc.com](http://www.rc.com)  
[Bio](#) | [Contact Card](#)

---

### Robinson+Cole

Boston | Hartford | New York | Providence | Stamford  
Albany | Los Angeles | New London | Sarasota

**THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT**

**AGREEMENT**

This Agreement (“Agreement”) is entered into by and among The Narragansett Electric Company d/b/a National Grid (“National Grid”), the cities of Providence and East Providence (the “Cities”), and Attorney General Peter F. Kilmartin (the “Attorney General”) (National Grid, the Cities and the Attorney General are collectively referred to as the “Parties”) in connection with that certain proceeding before the Rhode Island Energy Facility Siting Board (“EFSB” or “Board”) known as Docket No. SB-2003-01, under the following circumstances:

- i. In 2003, National Grid submitted an application for a license to construct and/or alter a major energy facility within the State of Rhode Island, the E-183 115 kV Transmission Line, pursuant to the applicable provisions of R.I. Gen. Laws §§42-98-1 *et seq.* and the Board’s Rules of Practice and Procedure, as amended (the “Board Rules”).
- ii. Following hearings before the Board, the Parties entered into a Settlement Agreement dated May 25, 2004 (the “Settlement Agreement”).
- iii. Under the Settlement Agreement, National Grid is obligated, *inter alia*, to prepare a project cost estimate and has undertaken this task.
- iv. As part of this effort, the Parties have agreed, in this proceeding, that a peer review of National Grid’s estimate shall be a component of the cost estimating process and the Parties wish to document this understanding.
- v. The cost of the peer review, which is not to exceed Twenty-Five Thousand Dollars (\$25,000), shall be considered a component of the cost estimate and of the Project cost.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The peer review shall be undertaken by an engineer who is experienced in the design and construction of high voltage underground transmission lines, selected by the Cities and the Attorney General, and approved by National Grid.
2. The Attorney General and the Cities shall, within ten (10) days of the signature of this Agreement, provide to National Grid the name of, a statement of qualifications for, and a cost estimate from the engineering consultant who they propose to use for the peer review.
3. Within ten (10) days of its receipt of all of the information set forth in Paragraph 2 above, National Grid shall advise the Cities and the Attorney General whether the consultant proposed by the Parties is acceptable to it.
4. In the event that National Grid determines that the consultant proposed by the other Parties is acceptable to National Grid, the other Parties shall direct the consultant to commence work and complete its peer review on or before December 31, 2014.
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6. After completion of the peer review by a consultant acceptable to National Grid and submission of the results of the peer review to the EFSB, the Attorney General and the Cities shall present the consultant's invoice for performing the

peer review, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000), to National Grid for payment, which invoice National Grid will process for payment.

7. Such expenses shall be considered a component of the Project cost estimate and of the Project cost.
8. This Agreement is the product of settlement negotiations. The substance of those negotiations is privileged and all offers of settlement shall be without prejudice to the position of any party.

IN WITNESS WHEREOF, the Parties, by their duly authorized agents, have executed this Agreement this \_\_\_\_ day of November, 2014.

The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

---

Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
Providence, RI 02907  
Tel.: (401) 784-7720  
[timothy.horan@nationalgrid.com](mailto:timothy.horan@nationalgrid.com)

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Attorney General Peter F. Kilmartin,

City of Providence,

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Tel: (401) 680-5333  
[asouthgate@providenceri.com](mailto:asouthgate@providenceri.com)

## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Wednesday, November 12, 2014 12:12 PM  
**To:** 'placouture@rc.com'  
**Cc:** 'asouthgate@providenceri.com'; 'klyons@riag.ri.gov'; tchapman@cityofeastprov.com  
**Subject:** E-183 Transmission Line

Dear Peter:

The form of agreement for financing of peer review is acceptable to East Providence with one addition. I would think that addition would best go in Paragraph 4, which will state:

Notwithstanding anything to the contrary in this Funding Agreement, the Consultant shall communicate with, take direction from and report to the Cities and the State regarding the peer review. The final results of that peer review should be made available to National Grid and the EFSB.

In addition, I think we are waiting for Karen to get back on Tuesday and give her approval or any input.

In the meantime, I think we are all in agreement that Power Delivery Consultants, Inc. is the best choice. My suggestion is that we get moving on approving that consulting and making initial contact, while we wait for Karen to review.

In this manner, we do not lose any time. Let me know if that is acceptable.

### ***W. Mark Russo***

Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
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Fax: (401) 455-7778  
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## Wendy Smith

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**From:** Lacouture, Peter V. <placouture@rc.com>  
**Sent:** Friday, November 14, 2014 12:31 PM  
**To:** W. Mark Russo, Esq.  
**Cc:** asouthgate@providenceri.com; klyons@riag.ri.gov; tchapman@cityofeastprov.com; Jennifer Brooks Hutchinson Esq. (jennifer.hutchinson@nationalgrid.com)  
**Subject:** RE: E-183 Transmission Line  
**Attachments:** E-183 Peer Review Agreement (11-2014).DOC; ATT00001.txt

Mark-

We agree with your suggested change although we have revised it to focus it on the parties to the agreement and not the consultant. We have added it as a new paragraph 5 in the attached, red-lined version. Before giving approval to PDC, National Grid would like to review its proposal, qualifications of the personnel involved, etc. I assume that you are aware that a former employee of PDC, Vic Antonello, was involved in the 2007 estimate for the Project. Finally, we assume that you will not make any commitment to a consultant until the Agreement is signed and National Grid had given its approval, as provided in the Agreement. Thanks.

PVL

---

**From:** W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]  
**Sent:** Wednesday, November 12, 2014 12:12 PM  
**To:** Lacouture, Peter V.  
**Cc:** [asouthgate@providenceri.com](mailto:asouthgate@providenceri.com); [klyons@riag.ri.gov](mailto:klyons@riag.ri.gov); [tchapman@cityofeastprov.com](mailto:tchapman@cityofeastprov.com)  
**Subject:** E-183 Transmission Line

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THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT

AGREEMENT

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- ii. Following hearings before the Board, the Parties entered into a Settlement Agreement dated May 25, 2004 (the "Settlement Agreement").
- iii. Under the Settlement Agreement, National Grid is obligated, *inter alia*, to prepare a project cost estimate and has undertaken this task.
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IN WITNESS WHEREOF, the Parties, by their duly authorized agents, have executed this Agreement this \_\_\_ day of November, 2014.

The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

---

Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
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Tel.: (401) 784-7720  
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Attorney General Peter F. Kilmartin,

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Department of Attorney General  
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City of Providence,

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Deputy City Solicitor  
City of Providence  
Department of Law  
275 Westminster Street  
Providence, RI 02903  
Tel: (401) 680-5333  
[asouthgate@providenceri.com](mailto:asouthgate@providenceri.com)

## Wendy Smith

---

**From:** W. Mark Russo, Esq.  
**Sent:** Wednesday, November 26, 2014 9:40 AM  
**To:** 'placouture@rc.com'  
**Cc:** 'klyons@riag.ri.gov'; 'asouthgate@providenceri.com'; tchapman@cityofeastprov.com  
**Subject:** E-182 Transmission Line -  
**Attachments:** E-183 Peer Review Agreement (WMR-11-26-2014).DOC; E-183 Peer Review Agreement EXECUTION COPY.doc

Dear Peter:

The attached red-line and execution version that is acceptable to the State and the Cities.

Have a great Thanksgiving and after the holiday, we should talk about the next steps to get the peer review completed.

Thank you.

### **W. Mark Russo**

Ferrucci Russo P.C.  
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Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

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D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT**

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4. In the event that National Grid determines that the consultant proposed by the other Parties is acceptable to National Grid, the other Parties shall direct the consultant to commence work and complete its peer review on or before December 31, 2014.
5. Notwithstanding anything to the contrary in this Agreement, the Cities and the Attorney General shall communicate with, provide direction to, and receive reports regarding the peer review from the Consultant. In turn, National Grid shall cooperate in said process in good faith. The final results of that peer review shall be provided to National Grid and the EFSB by the Cities and the Attorney General.

6. In the event that National Grid determines that the consultant proposed by the other Parties is not acceptable to National Grid, National Grid shall file a statement of its objections with the EFSB and the matter shall be referred to the Board for further consideration.
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The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

---

Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
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Tel.: (401) 784-7720  
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## Wendy Smith

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**From:** Lacouture, Peter V. <placouture@rc.com>  
**Sent:** Wednesday, November 26, 2014 1:19 PM  
**To:** W. Mark Russo, Esq.  
**Cc:** klyons@riag.ri.gov; asouthgate@providenceri.com; tchapman@cityofeastprov.com; Jennifer Brooks Hutchinson Esq. (jennifer.hutchinson@nationalgrid.com); celia.obrien@nationalgrid.com  
**Subject:** RE: E-182 Transmission Line -

Mark-

We understood the intent of the section that I added at your request (the new section 5) to mean that National Grid would not communicate with the consultant but that the AG & cities would. Thus we don't understand the intent of adding a good faith requirement in the middle of this provision. In addition, I believe there is an implied obligation of good faith as part of the agreement. We are prepared to sign the agreement in the form which I sent to you on November 14. Please advise.

PVL

---

**From:** W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]  
**Sent:** Wednesday, November 26, 2014 9:40 AM  
**To:** Lacouture, Peter V.  
**Cc:** [klyons@riag.ri.gov](mailto:klyons@riag.ri.gov); [asouthgate@providenceri.com](mailto:asouthgate@providenceri.com); [tchapman@cityofeastprov.com](mailto:tchapman@cityofeastprov.com)  
**Subject:** E-182 Transmission Line -

Dear Peter:

The attached red-line and execution version that is acceptable to the State and the Cities.

Have a great Thanksgiving and after the holiday, we should talk about the next steps to get the peer review completed.

Thank you.

**W. Mark Russo**  
Ferrucci Russo P.C.  
55 Pine Street, 4th Floor  
Providence, RI 02903  
Tel.: (401) 455-1000  
Fax: (401) 455-7778  
[mrusso@frlawri.com](mailto:mrusso@frlawri.com)

Please visit our website at: [www.frlawri.com](http://www.frlawri.com)



**Wendy Smith**

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**From:** W. Mark Russo, Esq.  
**Sent:** Wednesday, December 03, 2014 11:44 AM  
**To:** 'placouture@rc.com'; 'klyons@riag.ri.gov'; 'asouthgate@providenceri.com'  
**Cc:** tchapman@cityofeastprov.com  
**Subject:** EFSB - E-183 Transmission Line  
**Attachments:** E-183 Peer Review Agreement EXECUTION COPY.doc

To all:

I have removed the sentence from paragraph 5. I have attached an execution copy. If everyone could execute and return to Peter, it would be appreciated.

Should you have any questions, please do not hesitate to contact us.

***W. Mark Russo***

Ferrucci Russo P.C.  
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Providence, RI 02903  
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**THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT**

**AGREEMENT**

This Agreement (“Agreement”) is entered into by and among The Narragansett Electric Company d/b/a National Grid (“National Grid”), the cities of Providence and East Providence (the “Cities”), and Attorney General Peter F. Kilmartin (the “Attorney General”) (National Grid, the Cities and the Attorney General are collectively referred to as the “Parties”) in connection with that certain proceeding before the Rhode Island Energy Facility Siting Board (“EFSB” or “Board”) known as Docket No. SB-2003-01, under the following circumstances:

- i. In 2003, National Grid submitted an application for a license to construct and/or alter a major energy facility within the State of Rhode Island, the E-183 115 kV Transmission Line, pursuant to the applicable provisions of R.I. Gen. Laws §§42-98-1 *et seq.* and the Board’s Rules of Practice and Procedure, as amended (the “Board Rules”).
- ii. Following hearings before the Board, the Parties entered into a Settlement Agreement dated May 25, 2004 (the “Settlement Agreement”).
- iii. Under the Settlement Agreement, National Grid is obligated, *inter alia*, to prepare a project cost estimate and has undertaken this task.
- iv. As part of this effort, the Parties have agreed, in this proceeding, that a peer review of National Grid’s estimate shall be a component of the cost estimating process and the Parties wish to document this understanding.
- v. The cost of the peer review, which is not to exceed Twenty-Five Thousand Dollars (\$25,000), shall be considered a component of the cost estimate and of the Project cost.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The peer review shall be undertaken by an engineer who is experienced in the design and construction of high voltage underground transmission lines, selected by the Cities and the Attorney General, and approved by National Grid.
2. The Attorney General and the Cities shall, within ten (10) days of the signature of this Agreement, provide to National Grid the name of, a statement of qualifications for, and a cost estimate from the engineering consultant who they propose to use for the peer review.
3. Within ten (10) days of its receipt of all of the information set forth in Paragraph 2 above, National Grid shall advise the Cities and the Attorney General whether the consultant proposed by the Parties is acceptable to it.
4. In the event that National Grid determines that the consultant proposed by the other Parties is acceptable to National Grid, the other Parties shall direct the consultant to commence work and complete its peer review on or before December 31, 2014.
5. Notwithstanding anything to the contrary in this Agreement, the Cities and the Attorney General shall communicate with, provide direction to, and receive reports regarding the peer review from the Consultant. The final results of that peer review shall be provided to National Grid and the EFSB by the Cities and the Attorney General.
6. In the event that National Grid determines that the consultant proposed by the other Parties is not acceptable to National Grid, National Grid shall file a

statement of its objections with the EFSB and the matter shall be referred to the Board for further consideration.

7. After completion of the peer review by a consultant acceptable to National Grid and submission of the results of the peer review to the EFSB, the Attorney General and the Cities shall present the consultant's invoice for performing the peer review, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000), to National Grid for payment, which invoice National Grid will process for payment.
8. Such expenses shall be considered a component of the Project cost estimate and of the Project cost.
9. This Agreement is the product of settlement negotiations. The substance of those negotiations is privileged and all offers of settlement shall be without prejudice to the position of any party.

IN WITNESS WHEREOF, the Parties, by their duly authorized agents, have executed this Agreement this \_\_\_\_ day of December, 2014.

The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

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Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
Providence, RI 02907  
Tel.: (401) 784-7720  
[timothy.horan@nationalgrid.com](mailto:timothy.horan@nationalgrid.com)

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City of Providence,

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**THE NARRAGANSETT ELECTRIC COMPANY  
D/B/A NATIONAL GRID  
E-183 115 kV TRANSMISSION LINE  
UNDERGROUND RELOCATION PROJECT**

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The Narragansett Electric Company  
d/b/a National Grid

City of East Providence,

---

Timothy F. Horan  
President  
National Grid  
280 Melrose Street  
Providence, RI 02907  
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[timothy.horan@nationalgrid.com](mailto:timothy.horan@nationalgrid.com)

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City of Providence,

---

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