



State of Rhode Island and Providence Plantations

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Peter F. Kilmartin, Attorney General

October 17, 2016

Ms. Luly Massaro, Clerk
Public Utilities Commission
89 Jefferson Blvd
Warwick, RI 02888

Re: Docket No. 1725

Dear Ms. Massaro,

The Division of Public Utilities and Carriers (“Division”) writes to provide the Public Utilities Commission (“PUC”) with its comments regarding an August 16, 2016 letter received by the PUC from the George Wiley Center (the “Center”) requesting that the PUC institute a year-round emergency regulation allowing utility consumers to continue to maintain service, or have service restored after termination, by making a 10% down-payment of the total amount owed, among other terms and conditions. The Division believes the Commission should adopt a regulation on an emergency basis from and including November 1, 2016 through December 1, 2016 that permits all residential Standard and Protected customers to re-establish utility service or prevent termination on the same terms and conditions as the Commission ordered in In Re: Regulations Governing Termination of Residential, Electric, Gas and Water Utility Service, Docket No. 1725, Order No. 22205 (November 4, 2015). That is, residential customers who are subject to termination or who have been terminated (with certain designated balances) and who: (i) make down-payments of 15%, within certain specified time-periods, (ii) did not participate in the plan in the prior year or who possess a balance due on his or her account that is the same or less than the customer possessed upon enrollment in the plan in the prior year, and (iii) pay their current bills within the time-period allowed by National Grid, will not be subject to termination or will have their utility service restored.

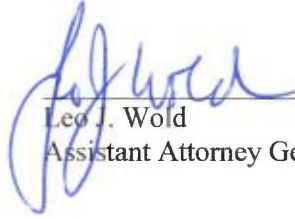
The proposed emergency regulation will enable all customers to avoid termination or have service restored by making a down payment of as little as 15% of the total amount owed, albeit only during the limited time-period designated in the proposed emergency rule, rather than “year-round” as proposed by the Center. This result is in consistent with the meaning of the term “emergency”: namely to provide a window that is immediate yet of limited duration. See generally R.I. Gen. Laws § 42-35-3(b) (emergency rule may be adopted with a duration of not more than 120 days on less than 30-day notice when an agency finds there is an imminent peril to the public health); Providence Gas Co. v. Comm’n, 354 A.2d 413, 414-15 (R.I. 1976) (recognizing the temporary nature of emergency rules). The Division’s recommendation will also permit a customer

to enroll in a plan and obtain restoration of utility service upon paying “the down payment required by the emergency regulations.” R.I. Gen. Laws § 39-2-1(d)(2)(iii).

The Division recognizes that its recommendation represents a temporary solution for the forthcoming winter. It is the Division’s intention to address the issue posed by the Center’s request, as well as others relating to protected classes and low-income ratepayers, far more comprehensively in the review which the Commission is required to complete pursuant to R.I. Gen. Laws § 39-2-1(e).

Respectfully submitted,

Division of Public Utilities and Carriers



Leo J. Wold
Assistant Attorney General

Service List