



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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*Patrick C. Lynch, Attorney General*

July 24, 2006

**Via Electronic Delivery and Regular Mail**

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

**Re: Petitions of R.I. Public Utility Regulatory  
Reform Alliance Concerning Public Utilities  
Commission Docket Nos. 3706 and 3739**

Dear Ms. Massaro:

I write to address certain characterizations contained in the Petitions filed in the above-referenced dockets as they pertain to the role of the Department of Attorney General in public utility proceedings before the Public Utilities Commission. We believe that the petitioner has made several assertions that simply are not correct.

First of all, it is important to note that it is the Division of Public Utilities and Carriers, not the Office of the Attorney General, that is a necessary party in every proceeding before the Commission (R.I.G.L. § 39-1-11). As such, it is the Division that is the ratepayer advocate before the Commission. As a matter of practice, the Division requests that this office provide legal counsel to represent the Division before the Commission. (R.I.G.L. § 39-1-19(b)). In this manner, the Attorney General is always apprised of matters pending before the Commission. Unless the Attorney General is dissatisfied with the stated position of the Division, or in the event that other public interest considerations require the Attorney General to intervene separately, then the Attorney General's participation is typically confined to its role as legal counsel to the Division.

With respect to Docket 3706, the Attorney General did choose to intervene on behalf of the public interest. This Office was concerned that the interests of certain segments of the public were not completely consistent with those of the ratepayers and wished to ensure that those interests could receive a fair hearing as well.

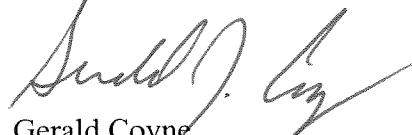
In addition, we note that the petition to intervene in Docket 3706 has been filed out of time. Commission Procedural Rule 1.13(d) requires generally that interested individuals file their motions to intervene prior to the first evidentiary hearing in the docket. In this case, that first hearing occurred on December 12, 2005, and the final order was issued on January 24, 2006. Under these facts, it is difficult to conceive of any set of circumstances that could constitute good cause for a late intervention. Certainly, the petition offered none.

With respect to Docket 3739, the Division, in consultation with this Office, recommended to the Commission that National Grid's electric rates be decreased by approximately 6 percent. The Division, with the legal assistance and policy support of this Office, was diligently seeking to bring much needed rate relief to National Grid electric customers. Under these circumstances, there was no need for a second presence from this office in the form of a formal intervention. However, we note that the Commission has essentially suspended the proposed tariff adjustment of National Grid under R.I.G.L. §39-3-11 pending further investigation and receipt of additional information from National Grid. Since the Commission has not scheduled, much less held, an evidentiary hearing in this matter, the Office of the Attorney General will be able to continue to monitor this matter and reserves its right to seek intervenor status at a later date should that become necessary.

Finally, the Attorney General notes that the petitioner was critical of this Office's role in utility proceedings. We would suggest that the petitioner review our participation in Docket 3689 where our opposition to National Grid's efforts to double its initial rate increase shortly before the commencement of public hearings protected ratepayers from about half of the increase sought by National Grid. Had the Attorney General not intervened in that matter, the rate increase that was finally approved might have been almost double the rate increase the Commission finally approved.

The Attorney General appreciates having the opportunity to comment in this matter.

Very truly yours,



Gerald Coyne  
Deputy Attorney General

cc: Service List in Docket No. 3706  
Service List in Docket No. 3739