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Luly E. Massaro, Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

RE: Comments on Proposed Standard Contract, PUC Docket No. 4288

Dear Ms. Massaro:

I have two objections to the Proposed Standard Contract for Distributed Energy, as set forth below.

The proposed Contract would violate Federal Law. Because the excess power purchased would be transmitted through the interstate grid, under 16 U.S.C. § 2621, the compensation to the Qualifying Facility is limited to the utilities' avoided cost. Even were this to be interpreted as the avoided cost of similar technologies, there is wind and solar power available in other states connected to the Rhode Island grid, such as Maine and Massachusetts. Therefore the price cannot be set on a case by case basis in a standard 15 year contract as proposed. It must be based on the daily ISO price for that power on the Northeast grid.

The proposed Contract would violate the Commerce Clause of the U.S. Constitution. Neither the Rhode Island General Assembly or any other State agency has the authority to dictate that power of any type be purchased exclusively from a Rhode Island Qualifying Facility.

Thank you.

SS// *Benjamin C. Riggs, Jr.*  
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Newport