

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE:
INVESTIGATION INTO THE CHANGING
DISTRIBUTION SYSTEM AND MODERNIZATION
OF RATES IN LIGHT OF THE CHANGING
DISTRIBUTION SYSTEM

Docket # 4600

**APPLICATION OF CONSERVATION LAW FOUNDATION
FOR PARTICIPATION IN STAKEHOLDER COMMITTEE**

The Conservation Law Foundation (CLF), pursuant to the March 18, 2016 “Notice of Commencement of Docket and Invitation for Stakeholder Participation” (Notice), issued by the Public Utilities Commission (PUC or the Commission), respectfully files this Application to participate in the contemplated stakeholder committee.

CLF addresses, seriatim, the four requirements set forth in the PUC’s Notice.

I. Interests of the Applicant

CLF is New England’s leading environmental advocacy organization. Since 1966, CLF has worked on environmental issues generally and on matters pertaining to renewable energy in particular. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 55 Dorrance Street, Providence.

CLF promotes clean, renewable and efficient energy production throughout New England and has an unparalleled record of advocacy in that regard. As part of its almost 50-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider

regulating tailpipe emissions that contribute to global warming, Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007); CLF obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp.2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

CLF is a membership organization, and CLF members are involved in developing and owning net metered and distributed-generation renewable energy facilities in Rhode Island. Accordingly, these CLF members have a keen interest in the outcome of this proceeding.

In addition, CLF is New England's leading environmental organization, and has a long and widely respected history of working on issues related to both renewable energy and distributed generation. More specifically, a staff attorney was one of the principal authors of the Renewable Energy Growth Program statute, R. I. Gen. Laws § 39-26.6-1, et seq., that provided the statutory basis for the antecedent PUC Docket # 4568. That is, part of CLF's interest in this Docket # 4600 is to help assure proper implementation of the Renewable Energy Growth Program statute that CLF was instrumental in drafting.

CLF has participated, without objection from any party, in many previous PUC Dockets. These include Docket # 3659 (setting Rules pursuant to R. I. Gen. Laws § 39-26-1, et seq., the state's Renewable Energy Standard, or RES); Docket # 3765 (considering Grid's 2007 RES compliance procurement); Docket # 3901 (considering Grid's 2008 RES procurement); Docket # 4012 (considering Grid's 2009 RES procurement); Docket # 3932 (Grid's Least Cost Procurement Plan pursuant to R. I. Gen. Laws § 39-1-27.7); Docket # 3943 (gas distribution rate case); Docket # 4065 (electricity distribution rate case); Docket # 4111 (first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); and Docket # 4185 (second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project).

CLF has extensive experience with matters related to renewable energy in general and, more specifically, related to implementation of renewable energy laws in Rhode Island.

As a result of this history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

In addition, CLF is a full Market Participant in the New England Power Pool (NEPOOL), the stakeholder group associated with the Independent System Operation-New England (ISO-NE). ISO-NE is the independent entity, regulated by the Federal Energy Regulatory Commission (FERC), that runs the New England electricity grid in real time, and also operates the markets for energy and capacity that set wholesale electricity prices in New England. CLF staff attorneys are full stakeholder members of the NEPOOL Markets Committee that addresses

issues of the design of electricity markets and the creation of appropriate market signals for renewable resources, matters that will be relevant in this docket.

In addition, CLF staff attorneys played a key role in encouraging ISO-NE to form its Distributed Generation Forecast Working Group (DGFWG) and CLF staff attorneys have played an active role in the work of the DGFWG since its inception.

Moreover, the participation in this proceeding of a public interest organization such as CLF will serve the public interest. See, generally, John E. Bonine, [Public Interest Environmental Lawyers: Global Examples and Personal Reflections](#), 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public-interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

II. Evidence of Authorization

The undersigned CLF attorney, under penalty of perjury, states and affirms that he is authorized to file this Application with the PUC, and that he has been directed to seek, on behalf of CLF, stakeholder status in this Docket # 4600.

III. Commitment to Actively Participate

CLF hereby commits that, if appointed to the contemplated PUC stakeholder group, CLF will participate fully, actively, and in complete good faith in the development of recommendations on issues under consideration in this Docket # 4600.

IV. CLF's Unique Contributions

CLF believes that it would bring at least three unique (and desirable) contributions to the stakeholder process in this Docket # 4600.

First, CLF staff were principal drafters of the Rhode Island renewable energy statutes – including those governing net metering and those pertaining to distributed generation – that give rise to this docket and make the outcome of the docket so important. This is a unique perspective that would benefit the stakeholder group in this docket.

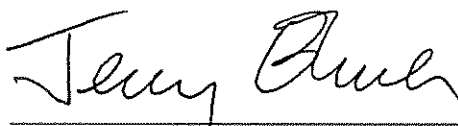
Second, most other stakeholders in this docket are likely to be entities that have a direct pecuniary interest in the outcome of the docket, including the utility, renewable energy developers, and trade associations of renewable developers. In contrast, CLF is an independent, non-profit, public-interest organization. CLF's interests are in protecting the environment, and encouraging renewable energy within the context of a reliable electricity grid. In this sense, CLF brings an important perspective of broad public interest to the process that individual business owners might not bring.

Third, CLF staff have been involved in analogous proceedings in other New England regulatory fora. These fora include utilities commissions, ISO working groups, and NEPOOL committees. This range of experience and deep knowledge is both unique and highly desirable in what is expected to be a very technical docket.

V. Conclusion

For these reasons, CLF respectfully requests that it be named to the stakeholder committee in this Docket # 4600.

CONSERVATION LAW FOUNDATION,
by its Attorney,



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CERTIFICATE OF SERVICE

I certify that the original and nine photocopies of this Application were mailed to the Clerk of the Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, electronic copies of this Motion were served via e-mail on the service list for this Docket, as that list was transmitted by the PUC clerk on March 16, 2016. I certify that all of the foregoing was done on March 24, 2015.

