

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: Request for Approval
Of a Gas Capacity Contract
And Cost Recovery

Docket No. 4627

UNOPPOSED MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION

I. Introduction

The Conservation Law Foundation (CLF), pursuant to Public Utilities Commission (PUC or the Commission) Rules of Practice and Procedure 1.13(a) and (b), respectfully files its (CLF's) Unopposed Motion for Intervention in this Docket.

On Thursday, June 30, 2016, the Narragansett Electric Company, d/b/a National Grid (National Grid) filed with the PUC a Request for Approval of a Gas Capacity Contract and Cost Recovery. National Grid seeks approval for a contract between itself and Algonquin Gas Transmission Company LLC (Algonquin Gas) for natural gas transportation capacity and storage services. In response, the PUC opened this Docket # 4627.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF contacted National Grid and the Division of Public Utilities and Carriers (the Division) to determine whether either of these entities has an objection to CLF's proposed intervention in this Docket. Both replied that they have no objection to CLF's intervention.

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 55 Dorrance Street, Suite 202, Providence, RI 02903.

CLF promotes clean, renewable and efficient energy production throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of 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).

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule of Practice and Procedure 1.13.

PUC Rule of Practice and Procedure 1.13(b) states, in relevant part, that “any person claiming . . . an interest of such a nature that intervention is . . . appropriate may intervene in any proceeding before the Commission.”

PUC Rule of Practice and Procedure 1.13(e) states, in relevant part, that “all timely motions to intervene not objected to by any party within ten (10) days of service of the motion for leave to intervene shall be deemed allowed”

As noted above, CLF has contacted National Grid and the Division to determine whether either has an objection to CLF’s proposed intervention in this Docket. Both entities responded; neither has an objection.

IV. CLF’s Interest in This Proceeding

This Docket presents the novel legal question of whether an electricity distribution company can enter into a contract for natural gas transportation capacity and storage services -- and receive cost recovery for its gas contract from electricity ratepayers. This is something that has never occurred in the United States since the Federal Power Act was enacted in 1935, during President Roosevelt’s first term in office.

CLF has significant knowledge and experience with the novel legal issue presented by such a proposal. CLF intervened and is now a full party in Massachusetts Department of Public Utilities Docket D.P.U. 16-05, in which the D.P.U. is addressing the identical

issue. That D.P.U. Docket is a request by National Grid for approval of a twenty-year contract between itself and Algonquin Gas for firm gas delivery – with the very same novel effort to obtain cost recovery for its gas contract from electricity ratepayers.

In addition, CLF is a full party in another Massachusetts D.P.U. Docket, D.P.U. 15-181, that is examining a similar proposed contract between Eversource’s electric affiliates in Massachusetts and the Access Northeast pipeline project.

CLF also addressed this legal issue in 2014 when ISO-New England, the operator of the New England electricity grid, and the New England States Committee on Electricity (NESCOE) floated a similar, though non-identical, proposal for gas pipeline development with costs to be recovered through an electricity tariff. CLF is a full Market Participant in the New England Power Pool (NEPOOL), which vetted that earlier proposal. That 2014 proposal was ultimately abandoned by its proponents.

CLF is a membership organization, and CLF members are deeply involved in programs designed to ensure compliance by the various New England states with laws and policies designed to reduce carbon emissions over time, including g in the electricity sector. Among those laws and policies are the Resilient Rhode Island Act of 2014 and the Massachusetts Global Warming Solutions Act. The proposed contract between National Grid and Algonquin Gas, at issue in this docket, would have significant implications for the ability of Rhode Island to meet its carbon-emission-reduction goals under the Resilient Rhode Island Act. Accordingly, CLF members have a keen interest in the outcome of this proceeding and in rulings made by the Commission in this proceeding.

CLF is New England's leading environmental organization, and has a long and widely respected history of working on the complicated issues that can arise and the intersection of wholesale gas and electricity markets.

CLF was a full party in the prior PUC Docket # 4570, in which the Commission considered and approved National Grid's RFP that eventually gave rise to this Docket # 4627. CLF intervened in that prior docket without objection from any party.

In addition, 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).

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.

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).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its unopposed motion to intervene in this Docket be granted.

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by its Attorney,



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CERTIFICATE OF SERVICE

I certify that the original and nine photocopies of this Motion were filed by mail with 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 circulated by the PUC on July 1, 2016. I certify that all of the foregoing was done on July 7, 2016.

