Schacht & McElroy

Michael R. McElroy Leah J. Donaldson

Members of the Rhode Island and Massachusetts Bars

Attorneys at Law

Michael@McElroyLawOffice.com Leah@McElroyLawOffice.com

21 Dryden Lane Post Office Box 6721 Providence, RI 02940-6721

(401) 351-4100 fax (401) 421-5696

September 19, 2016

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

Re:

Block Island Power Company – Docket No. 4635

Motion for Continued Recovery of Rental Costs in Fuel Adjustment Clause

Dear Luly:

As you know, this office represents Block Island Power Company (BIPCo).

Enclosed are an original and nine copies of a Motion for Continued Recovery of Rental Costs in Fuel Adjustment Clause, together with the supporting testimony of David G. Bebyn, CPA.

If you need any further information, please contact me.

Very truly yours

Michael R. McElroy

MRMc:tmg

cc:

Block Island Power Company

Service List

Docket No. 4635 – Block Island Power Co. – Request for Emergency Relief Service List as of 8/2/16

Name/Address	Email	Phone
Michael McElroy, Esq. Schacht & McElroy PO Box 6721 Providence RI 02940-6721	Michael@McElroyLawOffice.com;	401-351-4100
David Bebyn B&E Consulting	dbebyn@beconsulting.biz;	401-785-0800
Christy Hetherington, Esq. Dept. of Attorney General	CHetherington@riag.ri.gov;	401-274-4400 Ext. 2425
150 South Main St. Providence, RI 02903	Jmunoz@riag.ri.gov; dmacrae@riag.ri.gov;	
Steve Scialabba Division of Public Utilities and Carriers	Steve.scialabba@dpuc.ri.gov; John.bell@dpuc.ri.gov; Al.contente@dpuc.ri.gov; Pat.smith@dpuc.ri.gov;	
Kathleen Merolla, Esq.	KAMLAW2344@aol.com;	
Nancy Dodge, Town Manager Town of New Shoreham	townmanager@new-shoreham.com;	401-466-3219
File an original & nine (9) copies w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov; Cynthia.WilsonFrias@puc.ri.gov; Alan.nault@puc.ri.gov; Todd.bianco@puc.ri.gov;	401-780-21*07
Interested Persons		
Huma McGhee Mike Delia & Maggie Delia	Huma.mcghee@biaero.com; mikdelia@biaero.com; maggie@biaero.com;	908-626-0500 908-268-8116
Nick Ucci, OER	Nicholas.Ucci@energy.ri.gov;	401-574-9104
Andrew Marcaccio, Esq., OER	Andrew.Marcaccio@doa.ri.gov;	401-222-8880

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS PUBLIC UTILITIES COMMISSION

IN RE: BLOCK ISLAND POWER COMPANY

PETITION FOR EXPEDITED/EMERGENCY : DOCKET No.: 4635

RATE RELIEF :

MOTION OF BLOCK ISLAND POWER COMPANY FOR CONTINUED RECOVERY OF RENTAL COSTS IN THE FUEL ADJUSTMENT CLAUSE

- 1. As this Commission knows, shortly before midnight on Friday, July 22, 2016, BIPCo's diesel Engine No. 22 threw a piston. This caused hot oil to be sprayed over the engine generation building. The oil caught fire, exploded, and there was a major fire. Engine No. 22 was destroyed. Engines Nos. 23 and 26 and their switch gear were significantly damaged. Other damage included damage to three bucket trucks and their controls, damage to the building, and related damage.
- BIPCo had blackouts in certain areas of the Island on July 23 and July 24. However, BIPCo was able to locate and have transported to the Island, with the assistance of Interstate Navigation Company (the Block Island Ferry), two rental generator sets, which arrived in the evening on Saturday, July 23. By Sunday, July 24, power was restored to the Island. The initial rental cost of these two generators and related equipment was projected to be about \$100,000 per month, as detailed in the previously filed initial testimony of David G. Bebyn, CPA.
- 3. The rental engines and related equipment are necessary in order for BIPCo to maintain safe, reasonable, reliable, and adequate electric services to the Island, and to prevent possible default on BIPCo's RUS loan.
- 4. On August 4, 2016, at an open meeting, this Commission found that this was an emergency situation with an immediate threat of irreparable harm, and agreed it was appropriate to waive the requirements of R.I.G.L. § 39-3-11.

5. This Commission therefore authorized the use of BIPCo's fuel adjustment clause

(FAC) to recover the costs of the rental engines and related equipment through September 30,

2016. The Commission required BIPCo to return to the Commission if it wished to extend this

recovery mechanism past September 30, 2016.

6. For the reasons set forth in this Motion and the supporting supplemental

testimony of Mr. Bebyn, BIPCo requests that the recovery of the rental costs through the FAC be

allowed to continue.

7. It is BIPCo's hope that this Motion can be approved by the Commission so that

the bills for September, which are rendered in the first week of October, will include recovery for

the September rental expense.

8. Mr. Bebyn's supplemental testimony includes more details regarding this matter.

9. Accordingly, BIPCo respectfully requests that the Commission, on an expedited

basis, approve continued recovery of the rental costs in BIPCo's fuel adjustment clause.

Respectfully submitted,

BLOCK ISLAND POWER COMPANY

By its attorney

Dated: September 19, 2016

Michael R. McElroy, Esq. #2627

Leah J. Donaldson, Esq. #7711

Schacht & McElroy

21 Dryden Lane

P.O. Box 6721

Providence, RI 02940-6721

Tel: (401) 351-4100

Fax: (401) 421-5696

Michael@McElroyLawOffice.com

<u>Leah@McElroyLawOffice.com</u>

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2016, I sent a copy of the foregoing to the following to the attached service list.

Théresa Gallo

SUPPLEMENTAL TESTIMONY of David G. Bebyn CPA

Block Island Power Company
Docket 4635

September 19, 2016

- 1 Q. Please state your name and business address for the record.
- 2 A. My name is David G. Bebyn CPA and my business address is 21 Dryden Lane,
- 3 Providence, Rhode Island 02904.

4

- 5 Q. By whom are you employed and in what capacity?
- 6 A. I am the President of B&E Consulting LLC. (B&E). B&E is a CPA firm that
- 7 specializes in utility regulation, expert rate and accounting testimony, school budget
- 8 reviews and accounting services.

9

- 10 Q. Are you the same David Bebyn who filed direct testimony in this docket?
- 11 A. Yes.

12

- 13 Q. What is the purpose of this supplemental testimony?
- 14 A. The primary purpose is to update BIPCo's original filing and my direct testimony
- and schedules in order to continue BIPCo's emergency rate relief under R.I. General
- Laws 39-3-12 for the recovery of engine rental costs in BIPCo's September fuel
- 17 adjustment clause and afterwards.

18

- 19 Q. Mr. Bebyn can you provide a brief summary of the events of this Docket to
- 20 date?
- 21 A. At about midnight on Friday, July 22, 2016, BIPCo suffered a major fire. Engine #22
- 22 was destroyed and engines #23 and #26 and their attendant switchgear suffered serious
- damage. In addition, 3 bucket trucks suffered heat damage to various control
- 24 mechanisms and the building was damaged. The damage to the three engines left BIPCo
- 25 with only 2 functioning engines, which was not enough capacity to meet the load.
- 26 Therefore BIPCo had blackouts in certain areas on the island on July 23 and 24. Full
- 27 power was restored on July 24, but doing so required the rental of 2 auxiliary engines,
- 28 transformers and related equipment.

- 30 BIPCo immediately filed for emergency rate relief under R.I. General Laws 39-3-12.
- 31 BIPCo asked to recover the costs of renting this auxiliary power equipment through its

- 1 existing fuel adjustment clause calculation. The Division filed a memorandum
- 2 recommending that the additional proposed tariff language be approved by the
- 3 Commission, allowing for engine rental and ancillary costs be approved for July which is
- 4 filed the first week of August, but with a sunset at the end of August so that additional
- 5 information could be continued to be gathered and reviewed. The additional information
- 6 mentioned was the outstanding PUC data requests, additional information regarding
- 7 possible insurance recovery, status of damaged engines and the balance of the BIPCo's
- 8 reserve accounts. The Commission then approved BIPCo's request, with a rental sunset at
- 9 the end of September. Therefore, BIPCo was able to bill July rental costs in the first week
- of August and to bill August rental costs in the first week of September.

11

12 Q. What is the status of the data request?

- 13 A. The data response to the PUC data request was filed on August 3, 2016, just after the
- 14 Division memo was filed.

15

16

Q. What is the status of the reporting on the balance of BIPCo's reserve

17 accounts?

- 18 A. On September 6, BIPCo submitted to the Division reports on BIPCo's reserve
- accounts activity and balances for the periods of FY 2011 thru FY 2016. This submission
- was in conjunction with August Fuel Adjustment Clause filing which was filed the first
- 21 week of September.

22

23

Q. Has BIPCo had any recovery from its insurance policy to date?

- A. Not yet. The insurance adjustors have not yet completed their findings. The insurance
- company has approved a partial payment of \$500,000, however the company has not yet
- released the check to BIPCo. The insurance company requested a letter from RUS that
- 27 the check can be paid directly to BIPCo. The RUS has not yet produced the letter. We
- are not sure at this time if any of this partial check is intended to cover any rental costs,
- but BIPCo will provide a credit for customers in the subsequent fuel adjustment clause
- 30 calculation if it is finally determined that any insurance payment includes rental costs.

Q. What is the status of the damaged engines #22, #23 and #26?

- 2 A. This is still unknown. The insurance adjustors have not allowed BIPCo or any of its
- 3 third party vendors to disturb any of these three engines until they have completed their
- 4 investigations. As a result, there is still a need for BIPCo to maintain at least one rental
- 5 engine and 2500KVA transformer on site. BIPCo will continue to need one rental engine
- 6 unless one of the two less damaged engines can be cost effectively repaired or the
- 7 connection by cable to the mainland is fully functional.

8

9 Q. What is BIPCo seeking to recover?

- 10 A. BIPCo is seeking to recover the costs of providing auxiliary power through the use of
- rental generators and the necessary 4/0 cable and transformers that go along with them.
- 12 In addition, BIPCo seeks to recover the costs to transport and install these rental
- generators. Just as we did with the July and August FAC filing, we will continue to
- provide the actual bills for these expenses when we file the monthly fuel adjustment
- 15 clause filings.

16

17 Q. Does BIPCo still need to rent two generators?

- 18 A. No, BIPCo needed both rental engines for the months of July, August and for the
- 19 Labor Day weekend in September. Since Labor Day, BIPCo has used only one rental
- 20 engine.

21

22 Q. Wil the monthly rental charges be the same as they were in July and August?

- A. No. The rental charge for the engines is dependent on run time. The cost of the
- 24 rentals are \$19,200/ month for 0-176 hours of operation, \$28,800/month for 177-352
- 25 hours of operation, and \$38,400/month for over 352 hours of operation.

26

Q. Mr. Bebyn, what are the projected rental costs for the fuel adjustment for

- 28 September?
- 29 A. Assuming the same billing usage as last year, and the monthly costs as presented on
- Attachment 1, I calculate that an additional \$0.05 would be needed in the September
- 31 2016 fuel adjustment clause.

1 Q. How did you calculate your projected fuel adjustment clause for September?

- 2 A. First, the September 1st thru September 5th costs are already known and have been
- 3 billed by Milton Cat. They are included with Attachment 1. The bill for this calculation is
- 4 prorated since some of it was already recovered on the August FAC. Regarding
- 5 September 6th thru September 30th, only the prorated amount of one engine at 0-176
- 6 hours of operation has been used. Second, the new 4/0 cable monthly rental charge is
- 7 only quoted to be \$2,900. Third, Bipco will rent only one 2500KVA transformer at a cost
- 8 of \$6,000 per month. Fourth, in addition to the rental cost, there will be transportation
- 9 costs to return one of the rental engines, the 1000KVA transformer and some of the 4/0
- 10 cable. Fifth, I have estimated fuel delivery costs for the rental engine between September
- 11 6th and September 30th based upon the lower projected hours of operations. BIPCo will
- of course provide the actual bills for these expenses when BIPCo files the monthly fuel
- 13 adjustment clause calculation.

15 O. What is BIPCo not yet seeking to recover?

- 16 A. BIPCo is still not yet seeking to recover costs to permanently replace any of the
- engines, the buildings or the bucket trucks. BIPCo's insurance company has not finalized
- their review of these losses and what will or will not be covered by insurance.

20 Q. What rate relief are you requesting at this time?

- 21 A. BIPCo is asking the Commission to allow BIPCo to continue to recover the costs of
- 22 renting this auxiliary power equipment and ancillary costs through its existing fuel
- 23 adjustment clause calculation.

Q. Mr. Bebyn, what will the projected fuel adjustment clause look like for

26 October and the other the off season months?

- A. Assuming the same billing usage as last year, and half the monthly cost as presented
- on Attachment 2. I calculate that the projected adjustment clauses on the engine portion
- would be between \$0.05 and \$0.07 for the off season months.

30

14

19

- 1 Q. Does that conclude your testimony?
- A. Yes.

page 1 of 4

BLOCK ISLAND POWER COMPANY page 1 ENGINE RENTAL AND OTHER ANCILLARY COSTS SUPPORTING THE RENTAL ENGINES

Estimated September 2016

ENGINE RENTAL

Milton Cat -

invoice - INV0712555

\$ 6,194.00
\$ 6,194.00
\$ 968.00
\$ 965.00
\$ 465.00
\$ 16,103.23
\$ -
\$ 2,432.26
\$ 5,032.26
\$ -
* * * * * * * * * * * * * * * * * * * *

\$ 38,353.74

RENTAL ENGINE (transportation)

Milton Cat

invoice - September Return 1 Generator

1000KVA Tranformer and some of the cables \$ 2,300.00

Interstate Navigation

to island 1 23' & 1 41' \$ 424.60 From island 1 70' & 1 41' \$ 718.35

3.442.95

RENTAL ENGINE (installation)

Milton Cat -

Crane Rental

RENTAL ENGINE (Fuel Delivery)

There are no connections available between the location of rental engines and BIPCO's fuel storage tanks. As a result the local home heating oil company has been hired to fill up from the BIPCo storage tank and deliver to fuel holding trailer which is connected to the rental engines. This delivery is done twice a day.

Ballard's Oil	Delivery Invoice	amount
	9/1/16 thru 9/5/16	\$ 2,500.00
	9/6/16 thru 9/30/16	4,883.72

7,383.72 49,180.41

Total Engine rental /.96

Total Engine rental

51,229.59

1,030,000.00

0.05

\$



RENTAL INVOICE page 2 of 4

INVOICE NUMBER INVOICE DATE

PO NUMBER

INV0728893 08/18/2016 CRM72416

SHIP TO

Block Island Power Company **BIPCO Interstate Navigation** 304 Great Island Rd Narragansett, RI 02882

BILL TO Block Island Power Company 100 Ocean Ave PO Box 518 Block Island, RI 02807

SALES ORDER	DOC DATE		INVOICE ACCOUNT		ORDER ACCOUNT	PAGE
RECE005827	8/18/2016		0668850		0668850	1 of 2
SALES REP		STORE		DIV	SION	
Brennan, Bucky		Milford 101		Eng	ine	
QTY DESCRIPTION		18 81				AMOUNT

1 2000KW GENERATOR

USA

MAKE: EQ ID:

CATERPILLAR EQ063212

From 8/6/2016 to 9/5/2016

MODEL: SERIAL#:

XQ2000

KEN00219

2000KW GENERATOR

MAKE: EQ ID: CATERPILLAR EQ063214

From 8/6/2016 to 9/5/2016

MODEL: SERIAL#:

XQ2000 NAM00377 \$38,400.00 32200 6194 9/1 - 9/5

\$2,300.00

2500KVA TRANSFORMER

MAKE: EQ ID: From 8/6/2016 to 9/5/2016

TRANSFORMER_OT MODEL:

SERIAL#: 01V5696-6

Transportation One Way

65 50' 4/O Cable, 400A

Bring

OT

L005368

From 8/6/2016 to 9/5/2016

MODEL:

50' 4/O Cable, 400A

\$5,980.00 _501

Continued

To ensure proper credit, please detach this portion and return with remittance.

Block Island Power Company 100 Ocean Ave PO Box 518 Block Island, RI 02807 USA

Please make checks payable to:

Southworth-Milton, Inc. P.O. Box 3851 Boston, MA 02241-3851

Milton

Customer Number:

0668850

Invoice Date:

08/18/2016

Invoice Number:

INV0728893

Amount Due: Amount Enclosed: \$93,960.00

Check here for change of address. Please print the change on the back and return with remittance.



Block Island Power Company

RENTAL INVOICE page 3 of 4

INVOICE NUMBER INVOICE DATE

PO NUMBER

INV0728893 08/18/2016 CRM72416

SHIP TO

Block Island Power Company BIPCO Interstate Navigation 304 Great Island Rd Narragansett, RI 02882 USA

SALES ORDER	DOC DATE		INVOICE ACCOUNT	ORDER ACCOUNT	PAGE
RECE005827	8/18/2016	, , , ,	0668850	0668850	2 of
SALES REP	:	STORE		DIVISION	
Brennan, Bucky		Milford 101		Engine	
QTY DESCRIPTION				***************************************	TRUOMA

1 TRANSFORMER_OT

BILL TO

USA

100 Ocean Ave

Block Island, RI 02807

PO Box 518

MAKE: EQ ID:

OT EQ063983

From 8/6/2016 to 9/5/2016

MODEL: SERIAL #: TRANSFORMER_OT

PID-0297

\$2,880,00

2415 465 9/1-91

Subtotal Before Tax

\$93,960.00

Monthly Rental Invoice. Triple Shift Operation. Cable charges are based on pricing for (50) cables (NOTE- (65) cables actually onsite).

Milton CAT is an equal opportunity employer and federal contractor or subcontractor. Consequently, the parties agree that, as applicable, they will abide by the requirements of 41 CFR 60-4.4(a), 41 CFR 60-300.5(a) and 41 CFR 60-300.5(a) and 41 CFR 60-4.15(a) and that these laws are incorporated herein by reference. These regulations prohibit discrimination against qualified individuals based on their tast as protected veterans or individuals with disabilities, and prohibit discrimination against individuals based on their tace, color, religion, sex, or national origin. These regulation require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability. The parties also agree that, as applicable, they will abide by the requirements of Executive Order 13496 (29 CFR Part 471, Appendix A to Subpart A), relating to the notice of employer rights under federal labor laws.

Title to and right of possession of items hereon shall remain vested in the seller until any indebtedness and all sums due or to become due from the purchaser, whether evidenced by note, open account, judgement or otherwise shall have been fully paid.

It is understood that no warranties of any kind, whether expressed or implied including any warranty of merchantability or fitness for a particular purpose, have been made or authorized by Southworth-Milton, Inc., with respect to any machinery, equipment or other products described herein except as set forth on the related lesse, contract or warranty certificate if any.

Pay This Amount	\$93,960.00
Credit Amount	

Payment Terms: Charge - Net10 Prox

To ensure proper credit, please detach this portion and return with remittance.

Block Island Power Company 100 Ocean Ave PO Box 518 Block Island, RI 02807 USA

Please make checks payable to:

Southworth-Milton, Inc. P.O. Box 3851 Boston, MA 02241-3851



Customer Number:

0668850

Invoice Date:

08/18/2016

Invoice Number:

INV0728893

Amount Due:

\$93,960.00

Amount Enclosed:

Check here for change of address. Please print the change on the

back and return with remittance.

Milton Cat

Estimated quote for September Hour billing for rental trailer 0-176 hours \$19,20 \$19,200/month \$28,800/month \$38,400/month \$ 6,000/month 177-352 hours 353+ hours Transformer, 2,500KW Cable 4/0, 400amp, 50' Transportation \$ 2,900/month

1-way trailer return \$ 2,300

BLOCK ISLAND POWER COMPANY ENGINE RENTAL AND OTHER ANCILLARY COSTS SUPPORTING THE RENTAL ENGINES Estimated October 2016

ENGINE RENTAL

Milton Cat -

invoice - September

2000KW Generator 10/01/16 - 10/31/16 \$ 19,200.00 2000KW Generator returned \$ -50' 4/0 Cable, 400A 10/01/16 - 10/31/16 \$ 2,900.00 2500KVA Transformer 10/01/16 - 10/31/16 \$ 6,000.00 1000KVA Transformer returned \$ -

\$ 28,100.00

RENTAL ENGINE (transportation)

Milton Cat

Interstate Navigation

RENTAL ENGINE (installation)

Milton Cat -

Crane Rental

RENTAL ENGINE (Fuel Delivery)

There are no connections available between the location of rental engines and BIPCO's fuel storage tanks. As a result the local home heating oil company has been hired to fill up from the BIPCo storage tank and deliver to fuel holding trailer which is connected to the rental engines. This delivery is done twice a day.

Ballard's Oil	Delivery Invoice	amount	
	10/1/16 thru 10/31/16	5,822.90	
			5,822.90
		Total Engine rental	33,922.90
		Total Engine rental /.96	35,336.35
			740,000.00
			\$ 0.05

Projected Fuel Adjustment Clause - Engine Portion BIPCo

	Α	В	С	
		(A / .96)		(B / C)
	Rental Cost	Rental cost with GRT	Prior year Usage	Surcharge
Oct	33,922.90	35,336.35	738,000 \$	0.05
Nov	33,922.90	35,336.35	606,000	0.06
Dec	33,922.90	35,336.35	594,000	0.06
Jan	33,922.90	35,336.35	615,000	0.06
Feb	33,922.90	35,336.35	538,000	0.07
March	33,922.90	35,336.35	594,003	0.06