

December 26, 2017

**BY HAND DELIVERY AND ELECTRONIC MAIL**

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

**RE: Docket 4774 - Proposed 2018 Renewable Energy Growth Program Tariff and Rule Changes**  
**National Grid Objection to Sunrun Inc.'s Motion to Intervene and Request For Extension to File Comments**

Dear Ms. Massaro:

On behalf of National Grid,<sup>1</sup> pursuant to PUC Rule 1.13, I have enclosed ten copies of National Grid's objection to Sunrun, Inc.'s motion to intervene the above-referenced docket.

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2121.

Very truly yours,



Raquel J. Webster

Enclosures

cc: Docket 4774 Service List  
Leo Wold, Esq.  
Jon Hagopian, Esq.  
Steve Scialabba, Division

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<sup>1</sup> The Narragansett Electric Company d/b/a National Grid (National Grid or Company).

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**RHODE ISLAND PUBLIC UTILITIES COMMISSION**

**IN RE: 2018 RENEWABLE ENERGY            )**  
**GROWTH PROGRAM                            )** **DOCKET NO. 4774**  
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**NATIONAL GRID’S OBJECTION TO SUNRUN INC.’S MOTION FOR INTERVENTION AND REQUEST FOR EXTENSION TO FILE COMMENTS**

**I. INTRODUCTION**

Pursuant to Rule 1.15 (d) of the Rhode Island Public Utilities Commission’s (PUC) Rules of Practice and Procedure, National Grid<sup>1</sup> objects to Sunrun Inc.’s (Sunrun) Motion for Intervention and Request for Extension to File Comments (Motion) in this docket. As discussed below, Sunrun’s fails to meet the standard for intervention under PUC Rule 1.13.

On November 15, 2017, National Grid filed its proposed 2018 Renewable Energy (RE) Growth Program with the PUC. In its filing, the Company detailed the key changes to the Tariffs and Rules for the 2018 RE Growth program year. The Company’s key proposed changes to the 2018 RE Growth Program are as follows:

- The Company proposed a minimum bill credit value for community remote distributed generation projects;
- The Company proposed performance metrics to determine the level of remuneration the Company may receive for its performance under the RE Growth Program; and

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<sup>1</sup> The Narragansett Electric Company d/b/a National Grid (National Grid or Company).

- The Company changed two definitions in the non-residential tariff to clarify that customers with multiple accounts would not be considered a single person or entity and that bill credits in the Shared Solar or Community Remote Distributed Generation provisions of the tariff would not be restricted to one entity.

*See* National Grid’s 2018 RE Growth Program filing, Testimony of Ian Springsteel at p. 2.

On December 14, 2017, Sunrun filed its Motion. In support of its Motion, Sunrun states in part that “[t]he filings of the Renewable Energy Growth Program for 2018 potentially threaten or may impede the planned renewable energy projects in which Sunrun has an interest.” Motion at p. 2, ¶ 7. Sunrun further states: “Sunrun will advocate positions consistent with its goals of ensuring that rooftop solar and energy storage are deployed efficiently and economically and that utility rate design is fair, clear, and transparent so as not to discriminate against any particular class of customers or customers who install rooftop solar or storage. Sunrun has unrepresented interests in this proceeding that will not be represented by any other intervenor.” Motion at p. 2, paragraph 8.

As detailed below, Sunrun has failed to satisfy the criteria for intervention under Rule 1.13(b). Accordingly, National Grid respectfully requests the PUC deny Sunrun’s Motion. In the alternative, should the PUC determine that Sunrun’s Motion is appropriate, National Grid respectfully requests that the PUC exercise its discretion under Rule 1.13(d) and grant Sunrun’s Motion subject to certain limitations and/or conditions, such as limiting Sunrun’s participation in this docket to filing comments but not permitting Sunrun to issue any discovery in this docket. These limitations will protect National Grid from procedural delays and administrative inefficiencies.

## II. LEGAL STANDARD

PUC Rule 1.13 sets forth the criteria that must be met in order for a person to intervene in a PUC proceeding. Specifically, a person seeking to intervene in a PUC proceeding must show that it has:

- (1) A right conferred by statute;
- (2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding. (The following may have such an interest: consumers served by the applicant, defendant, or respondent and holders of securities of the applicant, defendant, or respondent); or
- (3) Any other interest of such a nature that movant's participation may be in the public interest.<sup>2</sup>

Rule 1.13(b). The PUC is cautious when granting intervening status to ensure that the party moving for intervention has met one of these three criteria.<sup>3</sup>

## III. LEGAL ANALYSIS

For the reasons discussed below, Sunrun has failed to meet the requirements for intervention under Rule 1.13, and its Motion should be denied.

### A. The PUC Should Deny Sunrun's Motion Because Sunrun Lacks Standing to Intervene in This Proceeding.

Sunrun has failed to meet any of the PUC's three criteria for intervention and, therefore, lacks standing to intervene. First, Sunrun has not cited any statute that grants it a right to intervene in this proceeding. Indeed, Rhode Island law does not provide Sunrun with any statutory right to intervene in this proceeding.

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<sup>2</sup> See The Narragansett Electric Company d/b/a National Grid, Order No. 18794 at p. 17 (December 27, 2006).

<sup>3</sup> Narragansett Electric Company, Docket No. 3739, Order No. 18794, at 17 (December 27, 2006) (citing, In Re: Hi-Speed Ferry, LLC, 746 A.2d 1240, 1245-1246 (R.I. 2000)). See also Block Island Ferry, Docket No. 3655, Order No. 18157 (February 18, 2005) (denying a motion for intervention in a Block Island Power rate case despite the fact that the group seeking intervenor status represented approximately 200 residents).

Second, Sunrun has failed to demonstrate that it has an interest that meets the standard for intervention under Rule 1.13(b). Sunrun argues that “Rule 1.13 states any person claiming an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the PUC.”<sup>4</sup> Sunrun misstates the standard for intervention under Rule 1.13, which requires that the movant have “[a]n interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding.” Rule 1.13(b)(2). In addition, Rule 1.13(c) requires that a motion to intervene “set out clearly and concisely the facts from which the nature of the movant's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the movant in the proceeding.” Sunrun has not provided any clear facts upon which its specific interest can be determined or the grounds for its intervention. Specifically, Sunrun’s basis for intervention is that:

- “The filings of the Renewable Energy Growth Program for 2018 potentially threaten or may impede the planned renewable energy projects in which Sunrun has an interest”<sup>5</sup>;
- “Sunrun will advocate positions consistent with its goals of ensuring that rooftop solar and energy storage are deployed efficiently and economically and that utility rate design is fair, clear, and transparent so as not to discriminate against any particular class of customers or customers who install rooftop solar or storage.

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<sup>4</sup> Motion at ¶ 4.

<sup>5</sup> Id. at ¶ 7 (emphasis added).

Sunrun has unrepresented interests in this proceeding that will not be represented by any other intervenor.”<sup>6</sup>

- “Sunrun has an ownership or other interest in renewable energy generation projects.”<sup>7</sup>

Sunrun has failed to explain clearly and concisely how the Company’s proposed 2018 RE Growth program “potentially” threatens or “may” impede the planned renewable energy projects in which Sunrun has an interest. Moreover, Sunrun’s broad and conclusory statements regarding how it will advocate to protect “any particular class of customers or customers who install rooftop”<sup>8</sup> are not supported by any facts. PUC precedent clearly establishes that a mere ownership or financial interest in a renewable energy project does not establish “an interest which may be directly affected” and, therefore, does not elevate parties such as Sunrun to a party in interest.<sup>9</sup>

Although the PUC’s decision to approve or deny the Company’s proposed 2018 RE Growth Program may affect Sunrun, Sunrun has failed to establish a “direct” interest in this docket, which is required by Rule 1.13 and PUC precedent. Moreover, Sunrun has also failed to establish that no other party can adequately represent its interests in this proceeding. The Rhode Island Division of Public Utilities and Carriers (Division), the consumer advocate, is a party by

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<sup>6</sup> Id. at ¶ 8.

<sup>7</sup> Id. at ¶ 2.

<sup>8</sup> Id.

<sup>9</sup> See In Re: Island Hi-Speed Form of Regulation and Review of Rates, Order 17452, Docket No. 3495, at 24 (May 9, 2003); 2003 R.I. PUC LEXIS 44 (finding that while the movants may be interested parties, the nature of their interests did not elevate them to the level of parties in interest.).

right in any proceeding before the PUC and is in the position to represent the interests of all customers, which include renewable energy developers such as Sunrun.

If Sunrun were allowed to intervene in this proceeding, arguably, many other developers could file similar motions to intervene in this and other dockets and argue that their rights and interests in renewable energy projects will be harmed if they are not allowed to intervene. This would clearly contravene the purpose of Rule 1.13.

Lastly, Sunrun has failed to demonstrate that its participation in this docket is in the public interest. Rule 1.13(b)(3) provides that the party moving for intervention must demonstrate “any other interest of such a nature that movant’s participation may be in the public interest.” Although Sunrun argues that it will “advocate positions consistent with its goals of ensuring that rooftop solar and energy storage are deployed efficiently and economically and that utility rate design is fair, clear, and transparent so as not to discriminate against any particular class of customers or customers who install rooftop solar or storage”,<sup>10</sup> Sunrun neither states clearly that its intervention is in the public interest nor offers any clear and concise support for the public interest it will serve by participating in this docket.<sup>11</sup> Even if Sunrun’s positions were arguably in the public interest, they bear no relevance to whether the PUC should approve the Company’s proposed 2018 RE Growth Program. Sunrun’s positions are outside of the scope of this docket, and allowing Sunrun to participate in this proceeding will undermine the administrative

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<sup>10</sup> Motion at ¶ 8.

<sup>11</sup> See In Re: Investigation into the Adequacy of the Pawtucket Water Supply Board’s Treatment Plant, Order 17515, Docket No. 3452, at 11 (July 21, 2003); 2003 R.I. PUC LEXIS 49 (denying a motion to intervene, finding that the movant’s interest as a vendor on the construction of a new water treatment plant was not the subject of the instant docket, and the Division was able to adequately represent the interest of the Pawtucket Water Supply Board’s ratepayers).

efficiency of the proceeding. Therefore, Sunrun's Motion should be denied. Furthermore, as noted above, the Division, as the consumer advocate, can adequately represent the public interests in this proceeding.

**B. The PUC Should Deny Sunrun's Motion Because Sunrun Raises Issues Outside the Scope of This Docket, and Sunrun Can Raise its Concerns Through Public Comments.**

Under PUC precedent, interests that are outside the scope of a docket do not confer standing.<sup>12</sup> The entire premise of Sunrun's Motion is based upon interests and issues that have absolutely nothing to do with the Company's proposed 2018 RE Growth Program. Sunrun's broad and conclusory statements regarding its interests in this docket make it clear that Sunrun's interests are outside the scope of this proceeding.

Sunrun should not be allowed to litigate issues that bear no relevance to the docket. In fact, Rule 1.13(f) specifically prohibits a movant from broadening the issues in a docket where it would cause undue prejudice and hardship to the other party. Sunrun's positions do not specifically relate to the Company's proposed 2018 RE Growth Program. Moreover, as the consumer advocate, the Division is uniquely positioned to advocate for all customers, including Sunrun, to ensure that no customer class is discriminated against.

Finally, Sunrun's request to file late comments should be denied because Sunrun's does not meet the criteria for intervention, and Sunrun will have the opportunity to submit public comments in this proceeding.

**IV. CONCLUSION**

In short, Sunrun fails to meet the PUC's standards for intervention. Accordingly, the Company respectfully requests that the PUC deny Sunrun's motion to intervene in this docket and deny Sunrun's request to file comments in this proceeding. Alternatively, if the PUC determines

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<sup>12</sup> See In Re: Investigation into the Adequacy of the Pawtucket Water Supply Board's Treatment Plant at 11.



that Sunrun's intervention is appropriate in this docket, then the Company respectfully requests the PUC impose certain limitations and/or conditions on such intervention, including, but not limited to, prohibiting Sunrun from such issuing discovery in this docket and limiting Sunrun's participation in this docket to filing comments.

Respectfully submitted,

**The Narragansett Electric Company  
d/b/a National Grid**

By its attorney,



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Raquel J. Webster, Esq. (#9064)  
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Date: December 26, 2017

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



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Raquel J. Webster

December 26, 2017  
Date

**Docket No. 4774 – Renewable Energy Growth Program for Year 2018  
RI Distributed Generation Board and National Grid**

Service List updated 12/15/17

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