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August 20, 2020

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

Re: *Providence Water Supply Board – Docket 4994*

Dear Ms. Massaro:

Enclosed herewith please find an original and nine copies of The Bristol County Water Authority's Motion To Reopen. Please be advised that an electronic copy of this document has been sent to the service list.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf
Enclosures
cc: Docket 4994 Service List (via email)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

IN RE: PROVIDENCE WATER SUPPLY BOARD:

DOCKET No. 4994

THE BRISTOL COUNTY WATER AUTHORITY'S MOTION FOR RELIEF FROM ORDER

I. INTRODUCTION

Now comes the Bristol County Water Authority ("BCWA") and files this Motion For Relief From Order pursuant to Rule 1.29 of the Rhode Island Public Utilities Commission's Rules of Practice and Procedure. The BCWA seeks relief from the Commission's Order at its August 18, 2020 Open Meeting related to the funding of two studies to be undertaken by the Providence Water Supply Board.

II. PROCEDURAL HISTORY

On December 2, 2019, the Providence Water Supply Board ("Providence") filed an application for a multi-year rate increase with the Rhode Island Public Utilities Commission ("Commission"). On July 3, 2020, Providence submitted a proposed settlement agreement that was entered into by four of the parties to this Docket – Providence, the Kent County Water Authority ("KCWA"), the City of Warwick and the Division of Public Utilities and Carriers ("Division"). The Bristol County Water Authority and the City of East Providence did not sign the settlement agreement.

On July 14 and 15, 2020, the Commission conducted evidentiary hearings on the proposed settlement agreement. Thereafter, Providence, the Division, and KCWA filed post-hearing memoranda on July 31, 2020, and the BCWA filed its memorandum on August 7, 2020.

At an Open Meeting held on August 18, 2020, the PUC considered the evidence and the approved several motions, including the following:

1. Motion made by Commissioner Anthony seconded by Commissioner Gold to direct Providence Water to study alternatives to achieving its 100% renewable energy goal. The study shall be submitted to the Commission within 90 days, and Providence Water shall be allowed up to \$10,000 for this purpose.
2. Motion made by Commissioner Gerwatowski, seconded by Commissioner Gold to grant Providence Water an allowance of \$30,000 to be used for the new allocated COSS. Providence Water shall file an estimate of the final accounting of the cost of the allocated COSS at the time it files the study and shall have the right to request recovery of additional costs through an amended rate case expense, provided it presents a detailed accounting and summary of the total hours of service including a reasonably granular description of the services provided by the consultant.

Although the Commission's motions did not expressly state the source of funding, it appears that the funding for these studies will be included as part of Providence's revenue requirement and funded through rates approved in this Docket. If this is the case, the BCWA requests that the Commission grant relief from its Order Pursuant to Rule 1.29.

III. ARGUMENT

Rule 1.29 allows the Commission to grant relief from its orders for a variety of reasons including "Any other reason justifying relief from the operation of the order." The costs for the studies ordered by the Commission will be one-time expenses. They will not be reoccurring. However, if funding for these studies is included in Providence's revenue requirement, it will continue year after year. In other words, the \$40,000 will be funded by ratepayers on an ongoing basis even though the studies will only be done once.

As the BCWA argued in its post-hearing memorandum, any one-time studies should be funded from the balance in Providence's IFR account. (See BCWA Post-Hearing Memorandum, p. 35) According to the Settlement Agreement, Providence will have a \$5.5 million balance in its IFR Fund in FY2023, which assumes Providence actually spends the amount of money it

forecasts on capital projects in FY2021 and FY2022. This balance can easily be used to fund the studies ordered by the Commission.

III. CONCLUSION

WHEREFORE, for the reasons set forth hereinabove the Bristol County Water Authority prays that the Rhode Island Public Utilities Commission grant the relief sought herein.

The Bristol County Water Authority
By its attorney,



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CERTIFICATION

I hereby certify that on August 20, 2020, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and first class mail.

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