



## STATE OF RHODE ISLAND

### DIVISION OF PUBLIC UTILITIES & CARRIERS

Legal Section

89 Jefferson Boulevard

Warwick, Rhode Island 02888

(401) 941-4500

(401) 941-9207 - Fax

February 15, 2021

Luly Massaro, Clerk  
Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02889

**Re: Docket No. 5042**

Dear Ms. Massaro,

Pursuant to the Commission's revised Procedural Schedule issued on February 1, 2021, the Division of Public Utilities and Carriers ("Division") writes to provide the Commission with its response to the December 23, 2020 filing of the City of Central Falls as filed by Good Energy, L.P. (Good) and to the questions posed by the PUC in the schedule.

The Division conferred with The Narragansett Electric Company d/b/a National Grid ("NGrid") on February 8, 2021 and Good on February 9, 2021 to discuss the impact of Central Falls' December 23, 2020 filing on the Division's recommendation in the above matter. Based on those discussions and the Division's review of the filing, the Division's recommendation remains unchanged.<sup>1</sup>

Under R.I. Gen. Laws § 39-2-1, a LIHEAP-Eligible customer who seeks and receives an AMP Plan to avoid termination of "utility service" and meets certain specified requirements is entitled to have his/her "outstanding account balance . . . forgiven" up to a certain specified amount per year. Unless NGrid possesses a right to collect on a customer's "outstanding account balance" (*i.e.*, a receivable to NGrid), the Division does not believe that NGrid can forgive the balance as the statute directs as some or all of the balance is owed to another entity.

---

<sup>1</sup> In the original filing, the term "LIHEAP-eligible customer" should be substituted for the term "Very Low Income Customer."

The Revised Electric Service Agreement (“Revised ESA”) that was filed on December 23, 2020, in pertinent part, provides that if “a customer does not pay the bill by the due date, Supplier may terminate supply service after giving Customer a minimum of fourteen (14) days written notice. Upon termination of service, Customer will be returned to Last Resort Service, or they may choose another competitive supplier. Customer will remain responsible for all electricity used during participation in the program until such time as this Contract expires.” *Revised ESA, Article 4.2.* The revised ESA further provides that, “[a]ny customer participating in the program at the A-60 rate class shall not be subject to collections activity either by Supplier or a Third-Party for arrears that may be due after supply service has been terminated.” *Revised ESA 4.3.*

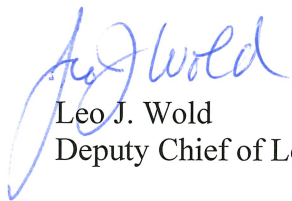
These provisions will eliminate the concern that LIHEAP customers may be subject to collection activities for supply service obligations after their return to Last Resort Service. Due to the particular language and interpretation of R.I. Gen. Laws § 39-2-1 discussed above, the ESA provisions, however, do not alleviate the concerns that such customers, while on supply service, will be unable to obtain an AMP Plan to avoid termination of utility service or will be unable to enter into budget billing plans.

NGrid has indicated to the Division that if LIHEAP customers are separately billed for delivery and supply service, they may obtain an AMP Plan for the delivery portion of their account. The revised ESA, however, does not contain a provision that allows for the separate billing of supply and delivery service, and Good has indicated to the Division that suppliers are unwilling to bill for supply service separately as they do not have the billing and collection infrastructure in place to undertake those activities.

With all that said and subject to the recommendations and concerns contained its letter dated September 24, 2020 that was filed with the Commission, the Division continues to recommend approval of the Central Falls’ Community Electric Aggregation Plan as it satisfies the requirements of R.I. Gen. Laws § 39-3-1.2.

The Division hopes this correspondence responds to the PUC’s questions.

Very truly yours,



Leo J. Wold  
Deputy Chief of Legal Services