

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: The Narragansett Electric Co.)
d/b/a National Grid's Gas Long-Range)
Resource and Requirements Plan for)
the Forecast Period 2020/21 to 2024/25)**

Docket No. 5043

**DIVISION'S OBJECTION TO CLF'S
MOTION FOR INTERVENTION**

I. Introduction

On June 30, 2020, The Narragansett Electric Company, d/b/a National Grid (“NGrid” or “Company”), filed a Gas Long-Range Resource and Requirements Plan for the Forecast Period 2020/21 to 2024/25 (“LRP”) with the Commission. The Commission docketed the matter as Docket No. 5043. On September 1, 2020, the Conservation Law Foundation (“CLF”) filed a Motion for Intervention in Docket No. 5043. The Division of Public Utilities and Carriers (“Division”) hereby objects to CLF’s motion.

Commission Rule of Practice of Procedure 1.14(B) provides:

Subject to the provisions of these rules, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission. Such right or interest may be:

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; holders of securities of the applicant, defendant, or respondent.)

3. Any other interest of such nature that movant's participation may be in the public interest.

CLF's motion does not satisfy any of the criteria set forth Rule 1.14(B) for approving the intervention of CLF as a full party in Docket No. 5043. The Commission, therefore, should deny CLF's Motion for Intervention.

II. Argument

CLF asserts generally that its participation in this proceeding "will serve the public interest" and that its "extensive experience with matters related to gas and electricity markets" will play a "constructive" and "helpful" role in this docket. Notably, through explicit omission, CLF concedes that it does not possess a "right conferred by statute" under Rule 1.14(B)(1).

CLF also asserts that it possesses a "keen and active interest in ensuring that the state meets its carbon emission reduction goals." However, a "keen and active interest" to promote carbon emission reduction goals and experience with gas markets, do not constitute the necessary particularized interests (or any other interests for that matter) which may be directly affected to permit intervention under Rule 1.14(B)(2) or (3). In no way is CLF, itself, directly impacted by the LRP. See *Hines Road, LLC v. Hall*, 113 A.3d 924, 917 (R.I. 2015) (intervenor must have an interest relating to the property or transaction which is the subject matter of the action in order to intervene).

The LRP is a rather complex analysis in which the Company employs a variety of statistical tools and methodologies to plan an adequate gas supply portfolio that will meet its customers' demands under a broad range of contingencies and conditions. CLF's general "experience" with gas matters or knowledge of environmental issues hardly qualifies as appropriate specialized knowledge or expertise that will assist the Commission with its evaluation of the adequacy of the Company's gas supply portfolio. Interventions by third parties who do not have direct interests in

the proceedings can have negative impacts on the proceedings' adjudications, such as time delays, undue burden on other parties, *etc.* See *In Re: Island Hi-Speed Ferry, LLC*, 746 A.2d 1240, 1244 (R.I. 2000) (acknowledging the Commission's concern about the intervenors' motives and of placing a party in the position of having to defend its case against its competitor in two forums).

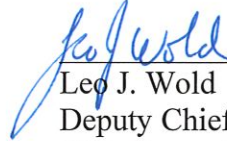
Lastly, CLF asserts that the Commission gave CLF "full party" status in "the most recent PUC gas and electricity rate case, Docket No. 4770 [sic]; and in the concurrent Power Sector Transformation case, Docket No. 4780". CLF, however, concedes that the Commission permitted CLF to intervene in these matters "without objection," and thus, did not render any assessment of the intervention's propriety under Rule 1.14(B). The permission to intervene granted in these dockets does not have any precedential value on the issue.

III. Conclusion

In sum, CLF has not shown that it possesses any interest cognizable under Rule 1.14(B) that would warrant granting its Motion for Intervention. The Commission, therefore, should deny CLF's motion.

It is important to note that the preceding long-range gas plan (Docket No. 4816) was not an adversarial proceeding. Rather, after the Division conducted some discovery and filed a position memorandum, the Commission held a technical record session. Non-parties were permitted to file public comment. Similarly, if the Commission were inclined to permit CLF to participate in the pending matter, the Commission should limit CLF's participation to filing public comment and/or a position statement.

DIVISION OF PUBLIC UTILITIES
AND CARRIERS
By its attorney,



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CERTIFICATE OF SERVICE

I certify that the within objection was forwarded by e-mail to the Service List in the above-entitled docket on the 3rd of September, 2020.

