

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: THE NARRAGANSETT ELECTRIC :
COMPANY d/b/a NATIONAL GRID APPLICATION : **DOCKET NO. 5058**
TO ADD TERMS AND CONDITIONS :
FOR MUNICIPAL AGGREGATORS – RIPUC NO. 2222 :

ORDER

On August 11, 2020, The Narragansett Electric Company d/b/a National Grid (National Grid or Company) filed with the Public Utilities Commission (Commission) a new tariff titled Terms and Conditions for Municipal Aggregators (Tariff).¹ The Tariff filing was prompted by the filing of petitions by multiple Rhode Island municipalities for approval of their respective community choice electricity aggregation programs allowed under R.I. Gen. Laws § 39-3-1.2.² The statute allows a municipality’s elected officials to engage in a public process, which, if approved by the Public Utilities Commission, is designed to result in a competitive procurement of the aggregated electric energy supply of its residents from a competitive electric supplier. The proposed Tariff sets forth the rights and obligations of the persons and entities involved in the aggregation. Specifically, it applies to the Company, municipal aggregators who provide the aggregation service on behalf of the municipality, customers of the municipal aggregator, and nonregulated power producers of the aggregated municipal electric supply from whom the municipalities purchase the power supply (also known as competitive electric suppliers).

In addition to the Division of Public Utilities and Carriers (Division), two municipal aggregators were parties to the docket, Good Energy, LLP (Good Energy) and Colonial Power Group, Inc. (Colonial Power). Both Good Energy and Colonial Power exchanged discovery with

¹ National Grid’s Tariff Filing (Aug. 11, 2020); [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid%20T&C's%20-Municipal%20Aggregators%20\(8-11-2020\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid%20T&C's%20-Municipal%20Aggregators%20(8-11-2020).pdf).

² See Docket Nos. 5042, 5047, 5061, and 5062.

National Grid and provided comments primarily related to the availability and granularity of customer information and usage.³ A Technical Session was conducted on October 15, 2020 to review the proposed Tariff. Subsequently, after engaging in settlement discussions, on March 24, 2021, National Grid submitted a revised Tariff that satisfactorily addressed most, but not all of the differences between the Company and the municipal aggregators.⁴ Further discovery ensued and on April 9, 2021, National Grid filed additional language to clarify a fee that was referenced in the revised Tariff.⁵ Additional comments were submitted by Colonial Power with reply comments following from National Grid.⁶ All parties responded to discovery from the Commission. Finally, on April 26, 2021, National Grid, in consultation with the Division and municipal aggregators, filed additional language to address a potential ambiguity in the treatment of customers who are on an arrearage management plan at the time a municipal aggregation plan is commenced.⁷

On May 10, 2021, after reviewing all of the filings in this docket, the Commission ruled on four contested issues, accepted resolution of issues raised after the Technical Session, and addressed a PUC-identified issue pertaining to customer data sharing. The Commission approved the revised Tariff RIPUC No. 2222 as modified by the Commission rulings.

The first contested issue addressed by the Commission related to the customer-specific information that would be provided by the Company to the aggregators after the Commission

³ Good Energy Comments (Sept. 29, 2020); [http://www.ripuc.ri.gov/eventsactions/docket/5058-GoodEnergy-Position%20\(9-30-20\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-GoodEnergy-Position%20(9-30-20).pdf); Colonial Power Comments (Sept. 29, 2020); [http://www.ripuc.ri.gov/eventsactions/docket/5058-ColonialPower-Comments%20\(9-29-20\).PDF](http://www.ripuc.ri.gov/eventsactions/docket/5058-ColonialPower-Comments%20(9-29-20).PDF); On October 6, 2020, the Division submitted a letter recommending approval of the Tariff. Division Letter (Oct. 6, 2020); <http://www.ripuc.ri.gov/eventsactions/docket/5058%20DPUC%20Recommendation%2010-6-20.pdf>.

⁴ Revised Tariff (Mar. 24, 2021); [http://www.ripuc.ri.gov/eventsactions/docket/5058-Ngrid-Revised%20TC%20\(redlined%20&%20clean\)%20\(3-24-2021\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-Ngrid-Revised%20TC%20(redlined%20&%20clean)%20(3-24-2021).pdf).

⁵ National Grid's Fee Schedule Filing (Apr. 9, 2021); [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-Revised%20Terms%20Conditions%20-%20Fee%20\(4-9-2021\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-Revised%20Terms%20Conditions%20-%20Fee%20(4-9-2021).pdf).

⁶ Colonial Power's Supplemental Comments (Apr. 15, 2021); <http://www.ripuc.ri.gov/eventsactions/docket/5058-ColonialPower-SupplementalComments%204-15-21.pdf>; National Grid's Reply Comments (Apr. 20, 2021); [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-Reply-Colonial%20Power%20\(4-20-21\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-Reply-Colonial%20Power%20(4-20-21).pdf).

⁷ Proposed Arrearage Management Plan Participant Eligibility (Apr. 26, 2021); [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-AMP%20Plan%20\(PUC%204-26-21\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-AMP%20Plan%20(PUC%204-26-21).pdf).

approved the aggregation plan. Specifically, the question presented was whether the tariff should require National Grid to provide customer-specific information for only those customers eligible for the aggregation or whether the Company should be required to provide customer-specific information for all customers, including those ineligible for the aggregation.⁸ The Commission accepted National Grid's proposed language which required that the Company will only provide customer-specific information on those customers eligible for the aggregation. The municipal aggregators indicated that having information on eligible and ineligible customers would provide additional information on customers who may become eligible during the effective dates of the aggregation plan. This, in turn, would allow them to provide suppliers with the best data during the bidding process. It would also assist in educating currently ineligible customers who may later become eligible.⁹ While the Commission understands this perspective, the information provided to municipal aggregators following a Commission order approving a municipal aggregation plan includes all of the information necessary to seek bids from competitive suppliers and to enroll those customers who are actually eligible to participate. Municipal aggregators and the winning suppliers do not need such information about ineligible customers to carry out the aggregation plan. Colonial Power provided bill text from the New Hampshire legislature which was considering a municipal aggregation bill.¹⁰ At the time the Commission was considering this docket, the bill would require the utility to provide to the municipality the names and addresses of all customers along with the account numbers of all customer taking default electric service. The

⁸ As indicated in the Tariff, ineligible customers would be "(i) Customers receiving competitive supply, (ii) Customers receiving Last Resort Service and also enrolled in a green power product that does not allow Customers concurrent enrollment in Last Resort Service and competitive supply, including Generation Service through a Municipal Aggregation, and (iii) Customers who have requested from the Distribution Company that they not be enrolled in competitive supply, which encompasses Generation Service through a Supplier or Municipal Aggregator." See Section 2 and the exclusion within the definition of "Eligible Customer."

⁹ Good Energy's Comments at 4-5;

¹⁰ Colonial Power's Supplemental Comments at 3.

bill was still pending when the Commission made its decision. This ruling is consistent with the municipal aggregation tariff in Massachusetts which the parties agreed has a robust municipal aggregation market.

Related to that issue was the type of information to be provided in a periodic request for information on customers already enrolled in a municipal aggregation program. National Grid proposed to allow an aggregator to periodically request customer data for customers currently enrolled in a municipal aggregation. It is the same information provided following the approval of a program. National Grid specifically excluded the customer's supply rate in the data exchange. Good Energy sought the customers' competitive supply rates as part of information it can periodically request after the launch of a municipal aggregation program.¹¹ The Commission rejected Good Energy's request. Good Energy should already have the information for those customers enrolled in the program.

Also related to the periodic availability of customer information, National Grid's proposed Tariff only allowed municipal aggregators access to customer information for customers eligible for or already enrolled in municipal aggregation plans. Colonial Power sought a periodic sharing of customer information for all customers, including those who are ineligible for the plans during the aggregation for customer education purposes. The Commission rejected Colonial Power's request noting that a municipality already has a multitude of ways of engaging with their residents, including tax rolls and postal lists. The Commission also notes that the Massachusetts Department of Public Utilities (MA DPU) denied a similar request made by Colonial Power when reviewing the City of Boston's municipal aggregation petition. As of the date of this decision, the MA DPU had not taken up Colonial Power's motion for reconsideration. The Commission notes that

¹¹ National Grid Response to Good Energy 1-1; [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-Good%20Energy%201-1\(PUC%204-15-21\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-Good%20Energy%201-1(PUC%204-15-21).pdf).

Colonial Power referenced the New Hampshire pending legislation in support of its position, but also finds that while the bill may provide support for the sharing of customer information one time following approval of an aggregation plan, it appears to be silent on any periodic sharing of such information.¹²

National Grid did agree to periodically provide a municipal aggregator with twelve individual months usage broken out by month for a “reasonable fee.” On April 9, 2021, National Grid filed an actual fee schedule to which no objections were received during a comment period. Therefore, the Commission voted to accept the fee schedule as a component of the Tariff.

Another contested issue related to other information that Colonial Power proposed to be provided by National Grid when the Company sends information to suppliers through an Electronic Data Interface (EDI). Colonial Power sought to include a requirement in the Tariff that National Grid provide duplicate EDI information directly to the municipal aggregators. Colonial Power explained, and was supported by Good Energy, that it is important to monitor the activities of the energy supplier to ensure it is following all of the requirements.¹³ National Grid opposed the proposal arguing that the municipal aggregators have a business relationship with the competitive suppliers and it would not be appropriate for National Grid to engage in this transaction. The Company asserted that there should be other ways for municipal aggregators to monitor the activities of the suppliers. National Grid also explained that it would be expensive to set up the second interface for the same information.¹⁴ The Commission rejected Colonial Power’s proposal finding it to be inconsistent with the practice of other states with municipal aggregations

¹² See Colonial Power’s Supplemental Comments.

¹³ Hr’g. Tr. at 120-22 (Oct. 11, 2020).

¹⁴ National Grid’s Response to PUC 1-9; [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-PUC1%20\(11-13-2020\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-PUC1%20(11-13-2020).pdf); National Grid’s Response to PUC 2-2; [http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-PUC2%20\(12-23-2020\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5058-NGrid-DR-PUC2%20(12-23-2020).pdf).

and that the municipal aggregators should be able to use the tools available as part of their business relationship with the suppliers to monitor the activities.

Additionally, on April 26, 2021, National Grid, after consultation with the other parties, filed a proposal to address a potential ambiguity related to the eligibility of customers on an arrearage management plan. Specifically, customers on an active arrearage management plan at the time of the commencement of a municipal aggregation plan will not be considered eligible customers until they either complete or default from the arrearage management plan. They will then be added to the next eligibility list provided to the aggregator and treated as if they were customers new to the municipality. This would give them the continued benefit of the arrearage management plan and the benefit of being treated as they had been eligible from the beginning (i.e., for pricing). The Commission accepted this proposal for incorporation into the Tariff finding it to be reasonable.

Finally, the Commission, on its own initiative, raised what appeared to be a change in Company policy against sharing customer data without the customer's consent.¹⁵ In general, the Company treats most customers' information necessary to enroll with a competitive supplier as belonging to the customer. In other words, it is up to the customer to provide a competitive supplier with the information necessary to enroll including the account number and a four-digit code that appears on the bill. In addition, the sharing of a customer's specific usage data is currently under the control of the customer.¹⁶ The revised proposed Tariff allows a sharing of all information by the Company to the aggregator that is necessary to enroll the customer and it lacks an opt-out provision. The Commission issued a notice to accept comments on this change in policy.¹⁷ All

¹⁵ There are some limited exceptions for the largest users and which allows for an opt-out by the customer.

¹⁶ Tr. at 34-35.

¹⁷ Notice to Solicit Comments; <http://www.ripuc.ri.gov/eventsactions/docket/5058-notice2.pdf>.

comments received in response to the notice supported a program feature that required customer data to be provided to the aggregator without an opt-out provision, arguing that it is necessary for the success of the program.¹⁸ Because the Commission has provided the transparency necessary for customers to comment on the change in policy, and no objections were received, the Commission accepts the lack of an opt-out provision for this Tariff to advance the purposes of the municipal aggregation law. The Commission, however, cautions that acceptance of the data sharing in this Tariff should not be interpreted as a directional shift in policy that applies to other circumstances, but should be read only in the context of the administration of municipal aggregation.

Accordingly, it is hereby,

(24098) ORDERED:

1. The Narragansett Electric Company d/b/a National Grid's Terms and Conditions for Municipal Aggregators, RIPUC No. 2222, filed on March 24, 2021 as modified by its filings on April 9, 2021 and April 26, 2021, is hereby approved.
2. The Narragansett Electric Company d/b/a National Grid's Compliance Tariff RIPUC No. 2222, filed on June 28, 2021, is hereby approved.

¹⁸ Comments from six organizations can be found on the PUC's website at: <http://www.ripuc.ri.gov/eventsactions/docket/5058page.html>.

EFFECTIVE AT WARWICK, RHODE ISLAND ON MAY 26, 2021 PURSUANT TO
OPEN MEETING DECISIONS ON JUNE 29, 2021 AND JULY 27, 2021. WRITTEN ORDER
ISSUED AUGUST 2, 2021.

PUBLIC UTILITIES COMMISSION



Ronald T. Gerwatowski, Chairman



Abigail Anthony, Commissioner



John C. Revens, Jr., Commissioner

*Commissioner Revens did not participate in the May 26, 2021 decision but voted to find the compliance tariff conformed with the rulings of the Commission.