

January 21, 2021

BY HAND DELIVERY & ELECTRONIC MAIL

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

RE: Docket No. 5099 - National Grid's Proposed FY 2022 Gas Infrastructure, Safety, and Reliability Plan
National Grid's Objection to CLF Intervention

Dear Ms. Massaro:

I have enclosed National Grid's¹ objection to the Conservation Law Foundation's ("CLF") Motion to Intervene dated January 15, 2021 in the above-referenced matter.

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: Leo Wold, Esq.
Al Mancini, Division
John Bell, Division
Rod Walker, Division

¹ The Narragansett Electric Company d/b/a National Grid ("National Grid" or "Company.")

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

)	
In re: The Narragansett Electric Company)	
d/b/a National Grid FY 2022 Gas ISR Plan)	Docket No. 5099
)	

**NATIONAL GRID’S OBJECTION TO THE
CONSERVATION LAW FOUNDATION’S MOTION TO INTERVENE**

Pursuant to the Rhode Island Public Utilities Commission’s (“PUC”) Rules of Practice and Procedure 810 RICR 00-00-1.14(E) (“Rule 1.14”), National Grid¹ objects to the Conservation Law Foundation’s (“CLF”) Motion to Intervene dated January 15, 2021 in the above-captioned matter (the “Motion”). The Motion should be denied because CLF fails to state a sufficient basis for its intervention in this matter. National Grid appreciates CLF’s contributions as a leading environmental advocacy organization and has engaged CLF and other stakeholders in substantive discussions regarding a variety of matters relating to gas. Although CLF does not have valid grounds for intervening in this docket, National Grid has engaged CLF and other stakeholders in substantive discussions regarding various matters relating to gas and will continue to do so in the future. National Grid appreciates CLF’s contributions and looks forward to continued engagement with CLF.

¹ The Narragansett Electric Company d/b/a National Grid (“National Grid” or “Company.”)

I. BACKGROUND

On December 18, 2020, National Grid filed its Fiscal Year 2022 Gas ISR Plan (“Gas ISR Plan”) with the PUC. The Gas ISR Plan is designed to protect and improve the gas delivery system through proactively replacing leak-prone pipe; upgrading the system’s custody transfer stations, pressure regulating facilities, and peak shaving plants; responding to emergency leak situations; and addressing infrastructure conflicts that arise out of state, municipal, and third-party construction projects. The Gas ISR Plan is intended to achieve these safety and reliability goals through a cost-effective, coordinated work plan. The level of work that the Plan provides will sustain and enhance the safety and reliability of the Rhode Island gas distribution infrastructure and directly benefit all Rhode Island gas customers. On January 15, 2021, CLF filed its Motion. On January 19, 2021, the Rhode Island Division of Public Utilities and Carriers (“Division”) filed an objection to CLF’s Motion.

II. LEGAL STANDARD

Rule 1.14 of the PUC’s Rules of Practice and Procedure sets forth the basis for intervention in PUC proceedings. To intervene in a proceeding before the PUC, Rule 1.14(B) provides that the moving party must demonstrate that it has a right to intervene or an interest of such nature that intervention is necessary or appropriate. Rule 1.14(B) provides that the 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); or
3. Any other interest of such nature that movant’s participation may be in the public interest.

The PUC is cautious in granting intervention and will ensure that a movant actually meets one of the three criteria established in PUC Rule 1.14(B). See Narragansett Electric Company d/b/a National Grid Proposed Standard Offer Service Rate Reduction, Docket No. 3739, Order No. 18794 at 12 (2006) (citing In Re Hi-Speed Ferry, LLC, 746 A.2d 1240, 1245-46 (R.I. 2000) (Rhode Island Supreme Court found that “the wisdom and appropriateness of the intervention in this case was questionable”)).

III. ARGUMENT

CLF’s Motion should be denied because it does not meet the PUC’s criteria to do so. Specifically, CLF (1) has neither argued nor demonstrated that it has a statutory right to intervention; (2) has not demonstrated an interest that may be directly affected and which is not adequately represented by existing parties and as to which CLF may be bound by the PUC’s action in this proceeding; and (3) has not demonstrated that its participation is in the public interest.

CLF does not have a statutory right to intervene in this docket, and CLF does not argue that it has such a right in its Motion. Instead, CLF maintains that it has an interest in this proceeding and that its participation in this proceeding will serve the public interest. As described below, CLF fails to meet the PUC’s criteria for intervention, and its Motion should be denied.

1. CLF’s Motion Should be Denied Because it Does Not Have an Interest in this Proceeding That Requires Intervention.

The Gas ISR Plan includes a comprehensive capital budget and work plan that focuses on the safety and reliability of the Company’s gas distribution system. In its Motion, CLF broadly states that it and its members “have a keen interest in certain aspects of this proceeding as they relate to greenhouse gas emissions and the future of the heating sector.” Motion at p.4. CLF further states that it “plans to focus on the expected useful life and rate of depreciation of new gas

infrastructure, and how these are affected by the state’s climate goals and its efforts to decarbonize the heating sector.” Id. This is an insufficient basis for intervention in this proceeding, and CLF’s Motion should be denied. CLF has the burden of setting out “clearly and concisely facts from which the nature of [its] alleged right or interest can be determined” PUC Rule 1.14 (C). CLF’s has not satisfied this burden. CLF’s stated interests are very broad and not relevant to the PUC’s decision regarding the Company’s proposed Gas ISR Plan. Indeed, the Rhode Island Supreme Court has made it clear that the intervening party must claim “an interest relating to the property or transaction which is the subject matter of the action.” See Hines Road, LLC v. Hall, 113 A.3d 924, 927 (R.I. 2015). CLF has not made this showing. In addition, CLF’s generalized interests are not adequate to establish that it will be adversely affected or aggrieved by the PUC’s decision in this case. See In re Town of New Shoreham Project, 19 A.3d 1226, 1227 (R.I. 2011).

The Division can adequately represent any interests that CLF claims to have in this proceeding, and CLF has not demonstrated otherwise. Specifically, the Division is “statutorily charged with representing the interests of the public, as its advocate, in rate proceedings before the [PUC].” In re Island Hi-Speed Ferry, LLC, 746 A.2d 1240, 1245 (R.I. 2000). The Division’s role includes “implementing the policies of the state in regulating the public utilities and carriers so as to achieve the ‘ultimate policy goals of providing for adequate, efficient, and economical energy . . . services at just and reasonable rates.’” In re Kent County Water Authority Change Rate Schedules, 996 A.2d 123, 126 (R.I. 2010) (quoting Providence Gas Co. v. Burke, 419 A.2d 263 (R.I.1980)).

In the Motion, CLF highlights its past participation (without objection) in various PUC proceedings involving a variety of National Grid matters. See Motion at p. 4. This past

participation in such proceedings has no bearing on CLF's instant Motion. Accordingly, CLF's Motion should be denied.

2. CLF's Motion Should Be Denied Because it has Not Demonstrated That its Participation in this Docket is in the Public Interest.

CLF makes the broad argument that its participation in this proceeding as a public organization is in the public interest. The Division undertook a comprehensive review of the Gas ISR Plan and can adequately represent the public interest in this docket. See Narragansett Electric Co. v. Harsch, 117 R.I. 395, 368 A.2d 1194 (1977) ("Thus, it seems manifest that, in pursuit of the public interest set forth in s 39-1-1, the Legislature has conceived a system where by the Division of Public Utilities and Carriers, in addition to its broad regulatory powers, appears on behalf of the public to present evidence and to make arguments before the commission."); R.I. Gen. Laws § 39-26.6-14 ("Nothing in this chapter shall be construed to derogate from the statutory authority of the commission or the division of public utilities and carriers, including, but not limited to, the authority to protect ratepayers from unreasonable rates."). Given the Division's role in this docket, CLF's participation as an intervener is not necessary to protect the public interest.

III. CONCLUSION

CLF has failed to state an adequate basis to intervene in this docket under Rule 1.14. CLF fails to clearly and concisely state facts to demonstrate that it has an adequate interest in this proceeding that is not already addressed by the Division, which is statutorily charged with representing the interests of the public. For those reasons, the Company respectfully requests that the PUC deny CLF's Motion and instead direct CLF to submit its concerns in the form of public comments.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

By its attorney,



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Dated: January 21, 2021