

February 4, 2021

VIA E-MAIL & COURIER

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

RE: Docket No. 5101 – RIH Orthopaedic Foundation, Inc. Petition for Declaratory Judgment National Grid Motion to Intervene and First Set of Data Requests

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a National Grid (the Company), enclosed for filing with the Rhode Island Public Utilities Commission (the Commission) please find an electronic version of the Company's motion to intervene in the proceeding docketed as RIPUC Docket No. 5101 on January 6, 2021. The Company submits this motion pursuant to the Commission's regulation, 810-RICR-00-00-1.14. The Company is also submitting its first set of data requests to the Petitioner in this filing.

Consistent with the instructions issued by the Commission on March 16, 2020, and updated on October 2, 2020, this filing is being made electronically. Five (5) hard copies will be submitted to the Commission within twenty-four (24) hours, with two (2) hard copies being three-hole punched.

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2126.

Very truly yours,



Laura C. Bickel
RI Bar # 10055

Enclosures

cc: RIPUC Docket No. 5101 Service List

**Docket No. 5101 – RIH Orthopaedic Foundation, Inc. – Petition for Declaratory Judgment
Service List Updated 1/27/2021**

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**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: RIH ORTHOPAEDIC FOUNDATION INC. : DOCKET NO. 5101

**MOTION TO INTERVENE OF THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

The Narragansett Electric Company d/b/a National Grid (“National Grid” or the “Company”) hereby respectfully requests that the Public Utilities Commission (“Commission”) grant the Company’s intervention in the above-referenced docket, pursuant to the Commission’s regulation, 810-RICR-00-00-1.14. The reasons for intervention are set forth in this motion to intervene (this “Motion”).

INTRODUCTION

1. On January 6, 2021, the Rhode Island Public Utilities Commission (Commission) docketed a petition by the RIH Orthopaedic Foundation, Inc., a Rhode Island non-profit corporation (Foundation or Petitioner).

2. The petition filed by Foundation seeks a declaratory judgment that, under R.I. Gen. Laws Chapter 26.4 of Title 39 and associated regulations: (a) the Foundation can enter into an agreement with University Orthopedics, Inc., a Rhode Island professional service corporation (UOI), such that the Foundation becomes the customer of record on electrical service accounts that UOI was previously the customer of record on, for the purposes of, among other things, designating those accounts to receive remote net-metering credits pursuant to a net-metering financing arrangement; and, (b) any electrical service account designated by a nonprofit for net metering is eligible for net metering and may receive net-metering credits from an

eligible net-metering system irrespective of whether the nonprofit is the customer of record on such electrical service account(s) (the Petition).

3. The Commission established the above-referenced docket to review the Petition.

4. National Grid is an electric distribution company within Rhode Island, providing net-metering service to some electric customers, pursuant to an approved net-metering tariff (Tariff).

5. If the requested declaratory judgment is granted as a result of these proceedings, the ruling would require the Company to implement its Tariff in a manner required by the declaratory judgment.

LEGAL STANDARD

5. Intervention in Commission proceedings is governed by 810-RICR-00-00-1.14 which provides that “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.” See 810-RICR-00-00-1.14(B).

6. It is appropriate for the Commission to grant a motion to intervene when (1) the right of intervention is conferred by statute; (2) a movant may be bound and its interests may be directly affected by the proceedings, and those interests are not adequately represented by existing parties; or (3) the movant holds an interest of such nature that the movant's participation may be in the public interest. See 810-RICR-00-00-1.14(B)(1) through (3).

ARGUMENT

7. The Company’s intervention in the above-referenced docket is necessary and appropriate and the Company’s participation may be in the public interest.

8. The Company's interests may be directly affected by these proceedings, and those interests are not adequately represented by existing parties.

9. National Grid is seeking intervention pursuant to 810-RICR-00-00-1.14(B)(2) and B(3).

10. National Grid is directly affected by the Petition to the extent that the Commission rules that the Company should implement its Tariff in the manner sought by the Petitioner.

11. Should the Commission direct the Company to implement its Tariff in the manner sought by the Petitioner, the Company may need to allow other similarly situated customers similar treatment.

14. National Grid is not represented by existing parties to the proceeding.

15. Should the Commission grant the Petition, the Company will be bound by such action.

16. Accordingly, National Grid's interests may be directly affected by these proceedings.

CONCLUSION

For all of the foregoing reasons, National Grid hereby respectfully requests that the Commission grant its motion to intervene in this proceeding as a full party.

WHEREFORE, the Company respectfully requests that the Commission grant its Motion to Intervene as stated herein.

Respectfully submitted,

NATIONAL GRID

By its attorney,



Laura C. Bickel, Esq. (RI Bar #10055)
National Grid
40 Sylvan Road
Waltham, Massachusetts 02451
(781) 907-2126

Dated: February 4, 2021

**In Re: Petition of RIH Orthopaedic Foundation, Inc.
for Declaratory Judgment on Rhode Island
General Laws § 39-26.4, the Net Metering Act
Docket No. 5101**

**First Set of Data Requests from National Grid to
RIH Orthopaedic Foundation, Inc.**

- NG-1-1 Please provide a list itemizing the net metering facilities where University Orthopedics Inc. (“UOI”) is listed as the Host Customer. The list should also identify the following: (a) which facilities would be affected by a decision to approve this Petition; (b) whether each facility is already operating or is under development; and (c) the nameplate capacities for each facility, in AC.
- NG-1-2 Please explain how “re-titling electrical service accounts,” as stated on page 3 of the Petition, would “support UOI’s goal of structuring its operations in a manner that promotes renewable energy in the State of Rhode Island.”
- NG-1-3 Please explain why the Company would allow the Foundation to manage the accounts that are concerned in the Petition without “retitling” them from UOI to Foundation. What would be the basis for the Foundation’s access to and authority over such accounts?
- NG-1-4 Please refer to R.I. Gen. Laws § 39-26.4-3(a)(1)(ii), “Net metering,” which states in part that “. . . the maximum aggregate amount of community remote net-metering systems built shall be thirty megawatts (30 MW). . . . This aggregate amount shall not apply to any net-metering financing arrangement involving public entity facilities, multi-municipal collaborative facilities, educational institutions, the federal government, hospitals, or nonprofits.” Please specify whether the list of net metering facilities provided in response to Data Request NG-1 are subject to the aggregate “cap” or are “uncapped.” Will the net metering facilities be “capped” or “uncapped” if the Public Utilities Commission grants the Petition?
- NG-1-5 Please describe the affiliation and/or business relationship between the Foundation and UOI.