

**STATE OF RHODE ISLAND AND TIVERTON PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

IN RE: Joint Petition for Purchase and Sale of Assets
by The Narragansett Electric Company and the
Southern Union Company

Docket No. D-06-13

Petition for Intervention by The Town of Tiverton, Rhode Island
Rule 17

Now comes the Town of Tiverton (“Tiverton”), a Rhode Island Municipal Corporation, pursuant to Rule 17 of the Division of Public Utilities and Carriers’ Rules of Practice and Procedure, and hereby files its request to intervene in the above-captioned matter. In support, Tiverton states as follows:

1. Both petitioners are utility companies providing utility service to the residents and taxpayers of Tiverton as well as ratepayers located elsewhere in the State of Rhode Island.
2. Southern Union Company d.b.a. New England Gas Company (“Southern”) is the owner and successor-in-interest of the former Fall River Gas Company (“Fall River Gas”).
3. Fall River Gas operated a gasification plant in the City of Fall River, immediately adjacent to Tiverton, and has been determined by the Rhode Island Department of Environmental Management (“DEM”) as of March 17, 2003, to be the source of extensive soil contamination in the Bay Street area of Tiverton. See DEM Notice of Intent to Enforce Bay Street Neighborhood Study Area Tiverton, Rhode Island, Case #2002-065(a) OWM SR 2005-09, (“DEM NOI”), a copy of which is attached hereto as Exhibit 1.
4. Approximately one hundred (100) homes are included in the area of contamination, together with several commercial businesses, and several Town of Tiverton

public streets. This area is otherwise identified as Tiverton Assessors Plats 8-6 Blocks 3, 5 (portion), 7(Lot 3,4) and 8; Plat 8-7, Blocks 13 (Lot 3), 14 (Lot 4,5), Blocks15, 16,17,21,22 and Block 41 (Lot 35).

5. The owners of these homes and businesses are residents and taxpayers of Tiverton. Their lives have been severely disrupted, both emotionally and financially, as their properties (their homes and in most cases their largest single assets) have been rendered un-marketable. They can't sell. They can't refinance. They can't work in their gardens. They can't send their children outside to play. The Town of Tiverton, as the local government entity of such owners, thus has "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 Division's action in the proceeding." (Rule 17(b)(2)) Tiverton, by its concern with its residents' health with respect to the hazardous materials in the soil, also has "other interest of such a nature that [this] movant's participation may be in the public interest." (Rule 17(b)(3))

6. Tiverton has also been directly harmed by the contamination of its public streets. The contamination by Southern was discovered in the course of installing sewer pipes. Not only is the soil contamination by Southern a public health issue, but the resulting inability to install sewers is a further public health problem. Pursuant to Rule 17, Tiverton's own property interest in its public streets would be sufficient to require intervention.

7. Tiverton has also been directly harmed by the loss of property tax revenue due to the diminution in assessed value of the property in the contaminated area. Again pursuant to Rule 17, Tiverton has another "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 Division's action in the proceeding."

8. As evidenced by Exhibit 1 attached hereto, Southern was ordered by DEM to take further remediation action by January 4, 2006. To date, Southern has not responded to DEM, and furthermore, Southern has publicly indicated that it does not intend to respond. Such willful and wanton violation of the lawful orders of another regulatory agency of the State of Rhode Island should, in and of itself, be grounds for denial of the Joint Petition. At the very least, the Division must be able to hear the arguments and protests of Tiverton, so that the Division can require an approved remediation plan to be in place prior to the sale of any assets, and so that the Division can require that all funds from the proceeds of the sale be placed in escrow to cover the cost of remediation and the cost of all damages to the affected landowners and to the Town of Tiverton.

9. In conclusion, Tiverton believes that its intervention is both as of right and in the public interest, as protective of the interests of the Town, its taxpayers, and its residents.

Respectfully submitted,

The Town of Tiverton,

By its Attorney,

Andrew M. Teitz #3503
Town Solicitor
Ursillo, Teitz & Ritch, Ltd.
2 Williams Street
Providence, RI 02903
(401) 331-2222
(Fax) 751-5257
zoning@utrlaw.com

Dated: April 7, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the within was mailed to the following on this _____ day of April, 2006.

John Spirito, Esq.
Division of Public Utilities & Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Paul J. Roberti, Assistant Attorney General
Office of the Attorney General
150 South Main Street
Providence, RI 02903

Steven Frias, Esq.
Executive Counsel
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Ms. Luly Massaro
Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

W. Mark Russo
Ferrucci Russo P.C.
49 Weybosset Street, 2nd Floor
Providence, RI 02903

Adrienne G. Southgate
Deputy City Solicitor
City of Providence
Law Department
275 Westminster Street
Providence, RI 02903

Thomas G. Robinson, Esq.
National Grid
25 Research Drive
Westborough, MA 01582

Cheryl Kimball, Esq.
Keegan, Werlin & Pabian LLP
21 Custom House Street
Boston, MA 02110

Kevin Penders, Esq.
Manager, Regulatory Relations
New England Gas Co
100 Weybosset Street
Providence, RI 02903

William Lueker, Esq.
Dept. of Attorney General
150 South Main Street
Providence, RI 02903