

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

RULES APPLICABLE TO
NONREGULATED POWER PRODUCERS: Docket D-14-162

ORDER

Whereas: The Rhode Island Division of Public Utilities and Carriers (the “Division”) established the instant rulemaking docket for the purpose of adopting amendments to its existing rules entitled: “Rules Applicable to Nonregulated Power Producers” (“NPP Rules”). Specifically, the Division proposed amendments to its NPP Rules to reflect recent changes made by the Public Utilities Commission (“PUC”) to its rules entitled: “Consumer Protection Requirements for Nonregulated Power Producers”. The PUC’s amendments included changes to properly reflect the current respective statutory jurisdiction of the PUC and Division in addressing consumer complaints against Nonregulated Power Producers. The PUC’s rules now clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers. The amendments to the Division’s NPP Rules were necessary to be consistent with the recently amended PUC Rules. The amended language will have no substantive impact on the existing complaint resolution process.

Whereas: The Division notes that its authority to promulgate rules and regulations for NPP operations in Rhode Island is derived from R.I.G.L. §39-3-33.

Whereas: In the development of the proposed amendments, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach or duplication or overlap was identified based upon available information.

Whereas: The Division published a “Notice of Proposed Rulemaking” on October 8, 2014. In its notice, the Division indicated that a copy of the “proposed amended NPP Rules” could be obtained in person at the Division’s offices, by mail upon request or by following a link to the Division’s website. The notice also provided that interested persons wishing to offer data, views, or arguments (“comments”) on this matter could direct their comments to the undersigned counsel.¹ The Division established a deadline of November 12, 2014 for submitting comments. The notice also stated that inquiries regarding this rulemaking could be directed to the Division’s Rules Coordinator.²

Whereas: To date, the Division has received no questions or comments in this rulemaking matter. Consequently, the Division shall adopt its proposed rules without modification.

Now, accordingly, it is

(21759) ORDERED:

1. That the Division hereby adopts the “Rules Applicable to Nonregulated Power Producers” as reflected in “Appendix 1” to this order.
2. That “Appendix 1” is hereby incorporated by reference.

¹ Contact information was contained in the notice.

² Contact information was contained in the notice.

3. That the Division's Rules Coordinator is hereby instructed to file a certified copy of the attached "Rules Applicable to Nonregulated Power Producers" (Appendix 1) with the Rhode Island Secretary of State as soon as practicable, and also to fully comply with the filing requirements contained in R.I.G.L. §42-35-3.1 and §42-35-4. The Division will endeavor to file the instant "Rules Applicable to Nonregulated Power Producers" with the Rhode Island Secretary of State on or before December 8, 2014 in order to facilitate a planned effective date of January 1, 2015.
4. That the amended "Rules Applicable to Nonregulated Power Producers" shall take effect on January 1, 2015.

Dated and Effective at Warwick, Rhode Island on December 4, 2014.

John Spirito, Jr., Esq.
Chief Legal Counsel

APPROVED: _____
Thomas F. Ahern
Administrator

