

COPY



100 Westminster Street, Suite 1500  
Providence, RI 02903-2319  
p: 401-274-2000 f: 401-277-9600  
hinckleyallen.com

**Adam M. Ramos**  
aramos@hinckleyallen.com  
Direct Dial: 401-457-5164

October 10, 2018

*Via Electronic Mail and Hand Delivery*

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

**Re: In re: City of Pawtucket Rhode Island Municipal Streetlighting Purchase**

Dear Ms. Massaro:

Enclosed for filing in the above-referenced matter are four (4) copies of the Petition of the Narragansett Electric Company d/b/a National Grid for Relief Pursuant to R.I. Gen Laws § 39-30-3. This petition is being filed pursuant to Division Rule of Practice and Procedure 1.13(a) and R.I. Gen Laws § 39-30-3(e).

Thank you for your attention to this matter.

Very truly yours,

  
Adam M. Ramos

AMR:cw  
Enclosures

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PUBLIC UTILITIES COMMISSION

STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: CITY OF PAWTUCKET RHODE ISLAND  
MUNICIPAL STREETLIGHTING PURCHASE

Docket No.:

**PETITION OF THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL  
GRID FOR RELIEF PURSUANT TO R.I. GEN. LAWS § 39-30-3**

Petitioner The Narragansett Electric Company d/b/a National Grid (National Grid or  
Petitioner), by and through its undersigned attorneys, alleges as follows:

**Parties**

1. National Grid is an electric distribution company as defined in R.I. Gen. Laws § 39-30-2.
2. The City of Pawtucket is a Rhode Island city that receives street lighting service from National Grid.

**Jurisdiction**

3. The Rhode Island Division of Public Utilities and Carriers (the Division) has jurisdiction over this matter pursuant to the Municipal Streetlight Investment Act (the Act), R.I. Gen. Laws § 39-30-3(e), which states that the Division shall resolve any dispute under the Act regarding: 1) the terms of alternative tariffs; 2) the compensation to be paid to National Grid; and 3) any other matter arising in connection with the exercise of a municipality's options under R.I. Gen. Laws § 39-30-3(a).

**Facts**

4. In January 2016, representatives for the City of Pawtucket contacted National Grid to express interest in purchasing public street and area lighting within the city pursuant to R.I. Gen. Laws § 39-30-3(a).

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5. When the City of Pawtucket expressed its intention to purchase these assets, it also stated that the Pawtucket City Council had not yet approved the purchase.

6. In response, National Grid provided Pawtucket with the amount of compensation due to National Grid pursuant R.I. Gen. Laws § 39-30-3(b) to purchase all National Grid's public street and area lighting equipment in Pawtucket (the Streetlight Assets).

7. National Grid presented Pawtucket with a purchase and sale agreement substantially the same as the purchase and sale agreements that National Grid had executed with all other Rhode Island municipalities making public street and area lighting purchases under the Act.

8. National Grid presented Pawtucket with an attachment agreement in the form approved by the Rhode Island Public Utilities Commission (PUC) in Docket No. 4442.

9. National Grid has used the same PUC-approved attachment agreement with all other municipalities that purchased their public street and area lighting under the Act.

10. Pawtucket refused to execute the purchase and sale agreement and attachment agreement that National Grid provided.

11. As a result of this dispute, arising in connection with the exercise of Pawtucket's options under the Act, Pawtucket stopped paying the facility portion of its monthly street lighting bills.

12. To date, Pawtucket is approximately \$813,000 in arrears on its street lighting bills, as a result of this nonpayment.

13. This arrearage is related directly to Pawtucket's refusal to enter into the required agreements for its purchase of public street and area lights, which are the same agreements

required from all other municipalities making public street and area lighting purchases from National Grid under the Act.

14. Pawtucket could have sought relief from the Division pursuant to R.I. Gen. Laws § 39-30-3(e) prior to engaging in self-help by refusing to pay the facility charge portion of its monthly street lighting bills, but it elected not to do so.

**COUNT I**  
**(Relief Pursuant to R.I. Gen. Laws § 39-30-3(e))**

15. National Grid repeats and realleges each and every allegation contained in paragraphs 1 through 14 of this Petition as if fully set forth herein.

16. A dispute has arisen between National Grid and Pawtucket concerning the compensation that Pawtucket must pay National Grid to purchase the Streetlight Assets.

17. A dispute has arisen between National Grid and Pawtucket concerning the terms of Pawtucket's purchase of the Streetlight Assets.

18. The Act does not permit Pawtucket to refuse to pay any portion of its street lighting bills if a dispute arises concerning the exercise of Pawtucket's options under the Act.

19. Pawtucket refuses to purchase the Streetlight Assets on the same terms as other municipalities making purchases under the Act.

20. Pawtucket refuses to pay the full amount of its street lighting bills prior to purchasing the Streetlight Assets.

**WHEREFORE**, National Grid respectfully requests that the Division issue an Order making the following rulings:

1. If Pawtucket decides to purchase the Streetlight Assets in Pawtucket, Pawtucket must enter into a purchase and sale agreement for Streetlight Assets in Pawtucket that is

substantially the same as the purchase and sale agreements that National Grid has entered into with all other Rhode Island municipalities for purchases under the Act.

2. If Pawtucket decides to purchase the Streetlight Assets in Pawtucket, Pawtucket must enter into an attachment agreement for Streetlight Assets in Pawtucket that is substantially the same as the attachment agreement approved by the PUC in Docket No. 4442.

3. Pawtucket has no grounds under the Act to withhold payment from National Grid as a result of Pawtucket's dispute arising in connection with the exercise of its options under the Act.

Respectfully submitted,

The Narragansett Electric Company d/b/a  
National Grid  
By its Attorneys,

/s/ Adam M. Ramos  
Adam M. Ramos (#7591)  
Hinckley, Allen & Snyder LLP  
100 Westminster Street, Suite 1500  
Providence, RI 02903  
(401) 274-2000  
(401) 277-9600 (Fax)  
aramos@hinckleyallen.com

/s/ Robert J. Humm  
Robert J. Humm (#7920)  
National Grid  
280 Melrose Street  
Providence, RI 02907  
(401) 784-7415  
robert.humm@nationalgrid.com

Dated: October 10, 2018