

November 3, 2021

VIA ELECTRONIC MAIL

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

RE: Docket D-21-09 – Petition of PPL Corporation, PPL Rhode Island Holdings, LLC, National Grid USA, and The Narragansett Electric Company for Authority to Transfer Ownership of The Narragansett Electric Company to PPL Rhode Island Holdings, LLC and Related Approvals
National Grid’s Opposition to Motion for Extension of Time

Dear Ms. Massaro:

On behalf of National Grid USA and The Narragansett Electric Company (together, “National Grid”), enclosed is National Grid’s opposition to the motion for an extension of time submitted by the Attorney General of Rhode Island, Conservation Law Foundation, and Green Energy Consumers Alliance, Inc.¹

Thank you for your attention to this matter. If you have any questions, please contact me at 401-784-7288.

Very truly yours,



Jennifer Brooks Hutchinson

¹ Although this is a Division of Public Utilities and Carriers (“Division”) filing, consistent with Public Utilities Commission’s filing requirements during the COVID-19 emergency period, National Grid is submitting an electronic version of this filing. National Grid will provide the Division Clerk with five hard copies within 24 hours and, if needed, additional hard copies of the enclosures upon request.

Luly E. Massaro, Division Clerk
Docket D-21-09 – National Grid’s Opposition to Motion for Extension of Time
November 3, 2021
Page 2 of 2

Enclosures

cc: Docket D-21-09 Service List (electronic only)
John Bell, Division
Leo Wold, Esq.
Christy Hetherington, Esq.
Scott H. Strauss, Esq. (electronic only)
Latif M. Nurani, Esq. (electronic only)
Amber L. Martin Stone, Esq. (electronic only)
Anree G. Little, Esq. (electronic only)

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

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Petition of PPL Corporation, PPL Rhode)	
Island Holdings, LLC, National Grid USA,)	
and The Narragansett Electric Company for)	Docket No. D-21-09
Authority to Transfer Ownership of The)	
Narragansett Electric Company to PPL Rhode)	
Island Holdings, LLC and Related Approvals)	
_____)	

**OPPOSITION OF NATIONAL GRID USA AND THE NARRAGANSETT
ELECTRIC COMPANY TO JOINT MOTION FOR EXTENSION OF TIME**

National Grid USA and The Narragansett Electric Company (“Narragansett”) (together, “National Grid”) hereby oppose the joint motion for extension of time to file direct testimony of the Attorney General of the State of Rhode Island (“Attorney General”), Conservation Law Foundation (“CLF”), and Green Energy Consumers Alliance, Inc. (“Green Energy”) (the “Motion”). After initially requesting a five-day extension of time to November 8, 2021, the Attorney General, CLF, and Green Energy (collectively, the “Movants”) now formally request an extension of 14 days, without accounting for the need for additional time. As described in more detail below, a 14-day extension of time to file direct testimony would significantly prejudice National Grid and PPL Corporation and PPL Rhode Island Holdings, LLC (together, “PPL”).

Movants claim insufficient time to review discovery responses and prepare testimony; however, Movants did not issue a single discovery request for more than one month after being granted intervenor status despite substantial information already in the record. Thus, National Grid objects to a 14-day extension of time for the Movants to file direct testimony. National Grid would agree, however, to a reasonable extension of time to November 8, 2021, so long as

the other deadlines in the Procedural Schedule are not impacted. National Grid assents to Movants' request for expedited treatment of the Motion and any oppositions.

I. BACKGROUND

On May 4, 2021, PPL and National Grid (collectively, "Petitioners") filed the Petition for Authority to Transfer Ownership of The Narragansett Electric Company to PPL Rhode Island Holdings, LLC and Related Approvals (the "Petition"). The Rhode Island Division of Public Utilities and Carriers ("Division") Advocacy Section ("Advocacy Section") diligently began issuing discovery requests shortly after the filing, beginning June 8, 2021. Since then, Petitioners have been diligently responding to discovery requests from the Advocacy Section. Almost all Petitioners' responses are in the public record.

On August 19, 2021, the Hearing Officer for the Division granted the Movants' motions to intervene in Order No. 24109 (the "Intervention Order"). After much deliberation, the parties were able to "compromise and settle"¹ on a procedural schedule, which the Hearing Officer entered on September 9, 2021. Pursuant to the Procedural Schedule, the deadline to issue discovery was October 1, 2021.² The Procedural Schedule also provided for a "Discovery Conference, if needed"³ on October 25, 2021. Based on the discovery deadlines, the Procedural Schedule established a deadline of November 3, 2021 for the Advocacy Section and all interveners to file direct testimony. The remaining deadlines in the Procedural Schedule flow from the filing of direct testimony, including Petitioners' rebuttal testimony due on November 23, 2021; Advocacy Section and intervener surrebuttal testimony due on December 9, 2021;

¹ Motion at 2.

² The data requests from all parties, including the Movants, all requested responses within 21 days, which was by or before October 22, 2021.

³ The Movants did not request a Discovery Conference for October 25, 2021 or any other time.

public hearings beginning on December 13, 2021; briefing in January 2022; and culminating in a target decision date of February 25, 2022.

Between entry of the Intervention Order on August 19, 2021, and September 29, 2021, none of the Movants issued any discovery requests to Petitioners. On September 29, 2021, the Attorney General propounded its first set of data requests to Petitioners (“AG Set 1”). On September 30, 2021, Green Energy propounded its first set of data requests to each of the Petitioners (“GECA Set 1”). On October 1, 2021, CLF propounded its first set of data requests to each of the Petitioners (“CLF Set 1”), and the Attorney General propounded its second set of data requests to Petitioners (“AG Set 2”). The Advocacy Section also issued its ninth (consisting of 98 requests) and tenth sets of data requests to Petitioners on October 1, 2021 (“Division Set 9” and “Division Set 10,” respectively).

Petitioners responded to AG Set 1 and GECA Set 1 within the requested 21 days, by October 20, 2021 and October 21, 2021, respectively. National Grid responded to CLF Set 1 within the requested 21 days, by October 22, 2021. Petitioners responded to some of the requests in AG Set 2 and Division Set 9 within the requested 21 days, by or before October 22, 2021. For the remaining responses to AG Set 2 and Division Set 9, and PPL’s responses to CLF Set 1, the parties agreed to a two-business day (and four-calendar day) extension of time, to October 26, 2021. Petitioners submitted all outstanding responses by or before October 26, 2021.

Now, despite an established Procedural Schedule and not issuing any discovery requests until September 29, 2021 at the earliest, the Movants are requesting an additional 14 days to file their direct testimony. National Grid objects to such a lengthy extension and offers a reasonable

compromise of an extension of time to November 8, 2021, without impacting any other deadlines in the Procedural Schedule.

II. ARGUMENT

Movants have not met their burden to demonstrate the need for an additional 14 days to file direct testimony from the currently scheduled deadline. The Division’s Rules of Practice and Procedure provide that “whenever an act is required or allowed to be done at or within a specified time, the time specified may, for good cause, be extended by the Hearing Officer.” 815-00-00-1.10(B). Movants have not established the requisite “good cause” for a 14-day extension of time.

The request for a 14-day extension of time to file direct testimony should be denied for several key reasons. First, Movants waited until the very end of the discovery period to issue any discovery requests. In fact, *Movants did not issue a single discovery request for 41 days after the Intervention Order* – from August 19 to September 29. They cannot now reasonably argue that they have insufficient time to develop testimony when they did not proactively explore the Petition and other discovery in the record for more than a month. Petitioners should not be prejudiced by a relatively significant extension of the procedural deadlines because Movants failed to seek information earlier in the proceeding. Thus, the Motion should be denied.

Second, Petitioners had already produced substantial information into the record before Petitioners timely responded to AG Set 1 on October 20, 2021. By the time Movants joined the proceeding on August 19, 2021, many months had transpired since the Petitioners filed the Petition on May 4, 2021. During that time, the Advocacy Section diligently propounded approximately 180 data requests to Petitioners, which Petitioners responded to and almost all of

which are in the public record.⁴ This volume of information provided significant foundational information in discovery from which Movants could have requested additional information. Yet, as noted above, Movants did not propound any discovery requests until just before the deadline to do so (and some on the deadline to do so). Thus, there is no basis for a 14-day extension of time to submit testimony.

Third, the current Procedural Schedule sets October 1, 2021 as the “deadline for propounding discovery (all parties).” Procedural Schedule. AG Set 1 and AG Set 2 specifically requested responses within 21 days. As a result, responses were due by October 20 and 22, 2021, respectively. GECA Set 1 also specifically requested responses within 21 days, which is by October 21, 2021. CLF Set 1 did not request responses within a particular number of days, but issued its requests pursuant to 815-RICR-00-00-1.21, which provides for responses to data requests within 21 calendar days. 815-RICR-00-00-1.21(C)(2). Accordingly, the Movants knew the responses to their discovery requests would be produced by or around October 22, 2021, as contemplated by the Procedural Schedule, with the rest of the deadlines in the Procedural Schedule to follow. The Advocacy Section and interveners agreed to a short extension of time to respond to Division Set 9, Division Set 10, AG Set 2, and CLF Set 1 to October 26, 2021, which is only two business days (and four calendar days) after their expected deadline. Thus, any extension of time to file testimony should be commensurate with the two-business day and/or four-calendar day extension for the discovery responses.

⁴ Based on the volume of information in the public record, the Attorney General’s argument regarding confidential materials is misleading as to why the Attorney General did not issue a single discovery request in the 41 days after the Intervention Order. Of the approximately 152 discovery responses National Grid produced before August 19, 2021, National Grid designated confidential material in response to only 4 data requests. Of the approximately 152 discovery responses PPL produced before August 19, 2021, PPL designated confidential material in response to only 10 data requests. Thus, there is no excuse for not issuing any discovery requests whatsoever because the parties had not yet negotiated and entered into a nondisclosure agreement.

National Grid has no objection to a two-business day extension (to November 5, 2021) or a five-calendar day extension (to November 8, 2021) of the Movants' direct testimony deadline, so long as the other deadlines in the Procedural Schedule are not impacted. Such an extension is reasonable and commensurate with the extension of time to submit discovery from October 22 to October 26, and does not prejudice any party to the proceeding. The Attorney General initially proposed an extension of time to November 8, 2021, underscoring the fact that an extension to that date is reasonable as to the Movants. Circumstances have not changed since then. On the other hand, a 14-day extension of time significantly prejudices Petitioners because it will impact the rest of the procedural schedule, most importantly the target decision date of February 25, 2022.

If the Movants do not file their testimony until November 17 as requested, then Petitioners will not have sufficient time to file rebuttal testimony by November 23. If the time to file rebuttal testimony is extended, the Advocacy Section and interveners may not have sufficient time to file their surrebuttal testimony. If the time to file surrebuttal testimony is extended, the parties may not be able to conduct a hearing on December 13, which, in turn, has the potential to delay post-hearing briefing and the target decision date of February 25, 2022. Extending the decision date into March 2022 would be detrimental and prejudicial to Petitioners because, if approved, it would delay the closing of the transaction.

III. CONCLUSION

For the foregoing reasons, National Grid respectfully requests that the Motion be denied. Alternatively, National Grid requests that the Hearing Officer permit a reasonable extension of time, to November 8, 2021, for Movants to file their direct testimony without impacting any other deadlines in the Procedural Schedule.

Respectfully submitted,

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

By their attorneys,



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Dated: November 3, 2021