

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held March 31, 2015

Attendees: Chairperson Margaret Curran, Commissioner Paul Roberti, Commissioner Herbert DeSimone, Patricia Lucarelli, Cindy Wilson-Frias, Amy D'Alessandro, Alan Nault, Todd Bianco and Luly Massaro.

Chairperson Curran called the open meeting to order at 10:05 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Minutes of Open Meetings held on February 25, 2015 and March 13, 2015: After review, Commissioner DeSimone moved to approve the minutes. Chairperson Curran seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Competitive Telecommunications Service Providers Dockets

The following companies submitted revisions to their existing tariffs. The Division reviewed the tariff filings and recommended that they go into effect without suspension:

- 3036 – CTC Communications Corp. (tariff filing 3/20/15)
- 3807 – Matrix Telecom, Inc. (tariff filing 3/18/15)
- 2262(A6) – SBC Long Distance (tariff filings 3/11/15)

After review, the PUC adopted the Division's recommendation. **Vote 3-0.**

4557 – RI Turnpike and Bridge Association (RITBA) – RITBA filed on February 27, 2015 a Petition for Declaratory Judgment for a determination that RITBA is a "public entity" as that term is defined in the Rhode Island Net Metering statute at R.I. Gen. Laws §39-26.4-2(12). No public comment was received. The Division recommended that the RITBA's petition be granted. After review, Commissioner DeSimone moved to grant the petition. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4539 – National Grid – The PUC discussed and reviewed the record relating to National Grid proposed Electric Infrastructure, Safety, and Reliability (ISR) Plan for FY 2016. After review, Commissioner DeSimone made the following motions:

1. To approve National Grid's proposed ISR Plan for FY 2016.
2. To approve the revenue requirement as modified in the March 10, 2015 filing.
3. To approve the agreement entered by and between National Grid and the Division establishing action items and time line relative to National Grid's proceeding to recover the vegetation management expenses from Verizon for both past vegetation management costs and going forward costs. National Grid shall provide quarterly confidential status report to the PUC and Division every three months on the vegetation management expenses.
4. That National Grid's consider the evaluation of distributed generation renewable resources in its long-range plan.

Commissioner Roberti seconded the motion and the motion was unanimously passed.
Vote 3-0.

4540 – National Grid – The PUC reviewed and discussed the record relating to National Grid's proposed Gas Infrastructure, Safety, and Reliability (ISR) Plan for FY 2016. After review, Commissioner Roberti moved to approve the Company's Gas ISR Plan for FY 2016, revenue requirement as modified on March 10, 2015 and authorize the collection of \$1.3 million for the gas expansion pilot program. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4265 – National Grid – National Grid filed on March 13, 2015 a request for approval of the Third Amendment to the Purchase Power Agreement between The Narragansett Electric d/b/a National Grid and Orbit Energy RI, LLC dated January 9, 2015. The Third Amendment modifies critical milestone dates in clauses (i) and (vi) of Section 3.1(a) of the PPA to acquire all the permits necessary to construct the Orbit Energy Facility in Johnston, RI and to achieve the Commercial Operation Date. The Company has represented that the Division supports the Third Amendment to the PPA. After review, Commissioner DeSimone moved to approve the amendment as requested. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4490 – National Grid – National Grid filed on February 25, 2015 a proposed Standard Offer Service (SOS) Rates for the Industrial Group for the period April 1, 2015 – June 30, 2015. The proposed SOS rates, submitted pursuant to the 2015 SOS Procurement Plan approved by the PUC, represent a decrease from the current SOS rates. After review, Commissioner Roberti moved to approve the SOS rates for the Industrial Group as filed. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4277 – National Grid – The PUC discussed and reviewed the record relating WED Coventry I, LLC's January 2, 2015 Objection to the National Grid's Third Enrollment Report for the 2014 Distributed Generation (DG) Standard Contract. Both WED Coventry and National Grid filed Memorandum of Law Regarding Jurisdiction. After review, Commissioner DeSimone moved to grant WED Coventry's motion to intervene and that the PUC accept jurisdiction to determine whether or not WED Coventry was wrongfully denied participation in the Third Enrollment for the 2014 DG Standard Contract. The PUC will schedule a hearing. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4536A – National Grid – The PUC discussed and reviewed the record relating to National Grid's proposed Tariff Advice Filing for Renewable Energy (RE) Growth Program and Solicitation and Enrollment Process Rules. After review, the following motions were made:

1. Commissioner Roberti moved to adopt the language proposed by WED to Section 3(f) and 3(g) of the RE Growth Non-residential Tariff. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**
2. Commissioner Roberti moved to incorporate language into the tariff that provides National Grid the ability to terminate a contract and refund the customer

- immediately in the event of an act of God occurs that prevented the project from being completed before the deadline expires for the output demonstration test. Chairperson Curran seconded the motion and the motion was unanimously passed. **Vote 3-0.**
3. Commissioner Roberti moved that Section 7(a) of the Non-residential tariff language be amended to reflect the Company will assume the obligation of registering the RECs in other states. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**
 4. Commissioner Roberti moved that the language in Section 11 of the RE Growth Non-Residential Tariff be amended to read “If a DG Project exceeds the nameplate capacity allowed by the Certificate of Eligibility, or the Company determines that a Customer or Applicant has violated the terms and conditions of this Tariff, the Company may, after notifying the Customer or Applicant in writing of such non-compliance and providing the Customer or Applicant a reasonable period to remedy such noncompliance and the violation persists, request the Commission to review the non-compliance and determine appropriate action, which may include requiring the Customer or Applicant to comply with the applicable provision being violated or revoking the Customer’s or Applicant’s Certificate of Eligibility.” Chairperson Curran seconded the motion and the motion was unanimously passed. **Vote 3-0.**
 5. Chairperson Curran moved to approve the Non-residential Tariff as modified by our prior discussion which would change the language in three sections discussed, Section 3(f) and 3(g), Performance Guarantee Deposit, and 7(a) registering RECs in other states, and Section 11, Termination Provisions. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**
 6. Commissioner Roberti moved to accept the RE Growth Residential Tariff. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**
 7. Chairperson Curran moved to approve the RE Growth Cost Recovery Provision. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
 8. Chairperson Curran moved that the PUC approve the RE Growth Solicitation and Enrollment Process Rules for Small Scale Solar Project. Commissioner Roberti moved to approve the motion and Commissioner DeSimone seconded the motion. The motion was unanimously passed. **Vote 3-0.**
 9. Chairperson Curran moved that the PUC approve the RE Growth Solicitation and Enrollment Process Rules for Solar (Greater than 25kW), Wind, Hydro and Anaerobic Digester Projects. Commissioner Roberti moved to approve the motion and Commissioner DeSimone seconded the motion. The motion was unanimously passed. **Vote 3-0.**

4536B – RI Distributed Generation Board (DG Board) – The PUC discussed and reviewed the record relating to the DG Board’s December 23, 2014 Report and Recommendation Regarding 2015 Renewable Energy Growth Classes, Ceiling Prices and Targets. After review, Commissioner Roberti moved to approve the Renewable Energy Growth Classes, Ceiling Prices and Targets as submitted by the DG Board. Chairperson Curran seconded the motion. Commissioner DeSimone moved to support approval all

the ceiling prices, classes and targets with the sole exception of the ceiling price of the Small Solar I. **Vote 3-0.**

4549 – The Narragansett Electric d/b/a National Grid – The PUC discussed and reviewed National Grid’s February 19, 2015 Tariff Advice to Amend RIPUC No. 2099, Net Metering Provision to comply with the statutory mandate pursuant to R.I. Gen. Laws §§ 39-26.4-2 and 39-26.4-3. The Division and WED Coventry One LLC, WED Coventry Two, WED Coventry Six and WED Portsmouth One filed comments. After reviewed, Commissioner DeSimone moved to approve the tariff advice filing as submitted. Chairperson Curran seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Renewable Energy Resources Eligibility Applications Dockets - Review of the eligibility application as submitted in the following dockets:

- 4541 – KEI (Maine) Power Mgmt. LLC (KEI) - KEI filed an application seeking prospective certification for the Barker Mills Lower Project Generation Unit, a 1.2 MW to 1.6 MW Repowered Small Hydro energy Generation Unit located in Auburn, Maine, as an eligible New Renewable Energy Resource. PUC Consultant recommended approval with conditional requirement that the applicant provide 1) proof of commercial operation of new repowered unit, 2) documentation to verify the new nameplate capacity and 3) evidence that the GIS system has been updated to specify new nameplate rating. After review, Commissioner Roberti moved to approve the application with the conditional requirements recommended by PUC Consultant. Commissioner DeSimone seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- 4480 - Peter Gebbie – Peter Gebbie filed a request to withdraw the Maplehurst Farm Methane facility from the list RI Eligible Renewable Energy Resources and reserves the right to re-submit the facility for eligibility in the future. Commissioner DeSimone moved to grant the request without prejudice. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- The following applications have been on hold for over a year pending responses to information requests from the PUC and its consultant. The applicants have been contacted by email and by phone and they have not responded. Therefore, the PUC may reject each of the following applications for lack of compliance with the RES application process. However, such a determination does not address the merits of the application nor does it preclude the applicant from submitting a new Renewable Energy Resource application:
 - 4463 – Four Hills Farm’s application for certification of the Four Hill Farm Generation Unit, filed on November 20, 2013.
 - 4481 - Kane’s Cow Power LLC’s application for certification of the Kane’s Cow Power Generation Unit, filed on January 14, 2014.

After review, Commissioner DeSimone moved to reject the applications without prejudice. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

The meeting adjourned at 12:35 P.M.