

State of Rhode Island

Public Utilities Commission

Minutes of Open Meeting Held on May 26, 2021

An Open Meeting of the Public Utilities Commission (Commission or PUC) was held on Wednesday, May 26, 2021 at 10:00 A.M. in Hearing Room A, 89 Jefferson Boulevard, Warwick, Rhode Island to discuss, deliberate, and/or vote on the following dockets.

In attendance: Chairman Ronald Gerwatowski, Commissioner Abigail Anthony, Commissioner John Revens, Cynthia Wilson-Frias, John Harrington, Todd Bianco, Emma Rodvien, Alan Nault, Rudolph Falcone and Luly Massaro.

I. Charmain Gerwatowski called the Open to order at 10:00 A.M. A quorum was present.

II. **Applications for Eligibility as a Renewable Energy Resource** – The PUC considered the applications for eligibility as a Renewable Energy Resource submitted in the following dockets:

Docket No. 5142 – Hartford Pike Solar II LLC (Applicant) - The Applicant applied for eligibility of the Hartford Pike Solar II generation unit, a 2.5866 MW AC solar facility located in Foster, Rhode Island as a New Renewable Energy Resource. After review, Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to approve as filed. The motion was seconded by Commissioner Anthony and unanimously passed. **Vote 3-0.**

Docket No. 5143 – Kearsarge Richmond LLC (Applicant) - The Company applied for eligibility of the Kearsarge Richmond generation unit, a 2.800 MW AC solar facility located in Richmond, Rhode Island as a New Renewable Energy Resource. After review, Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to conditionally approve eligibility subject to verification of commercial operation and assignment of NEPOOL GIS id number. The motion was seconded by Commissioner Revens and unanimously passed. **Vote 3-0.**

Docket No. 5147 – Saint Francis de Sales Parish (Applicant) - The Applicant applied for eligibility of the St. Francis 250k GM generation unit, a 0.180 MW AC solar facility located in North Kingstown, Rhode Island as a New Renewable Energy Resource. After review, Chairman Gerwatowski moved to accept the PUC consultant’s recommendation to conditionally approve eligibility subject to verification of commercial operation and assignment of NEPOOL GIS id number. The motion was seconded by Commissioner Anthony and unanimously passed. **Vote 3-0.**

III. **Docket No. 5141 – Block Island Utility District (BIUD)** – The PUC considered outstanding matters in this docket relating to BIUD’s 1) proposed rate changes arising out of the twelve-month reconciliation of the Company’s tariff adjustment

provisions for the Last Resort and Transmission Rate for effect June 1, 2021 and 2) proposed energy procurement plan for 2021. After review, the following votes were made:

- a) Commissioner Anthony moved to approve BIUD's procurement plan. Chairman Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- b) Commissioner Anthony moved to approve BIUD's proposed rates for effect June 1, 2021. Commissioner John Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

IV. Docket No. 5013 – Block Island Utility District (BIUD) – The Commission reviewed the record regarding BIUD's 2021 Demand Side Management (DSM) Plan having an overall budget of \$159,540 to implement energy efficiency program and system reliability for its customers. Noting that BIUD's 2021 DSM Plan is same plan as the filing approved last year, Commissioner Anthony moved to adopt the BIUD's 2021 DSM Plan with the modification to disallow \$40,000 in Rollover Funds from the budget. The motion was seconded by Commissioner Revens and the motion was unanimously passed. **Vote 3-0.** Chairman Gerwatowski moved that the utility file a compliance rate reflecting the adjustment to remove the \$40,000. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

V. Docket No. 5145 - Reconsideration of Interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii) – The PUC had issued a notice to solicit written comments to reconsider a decision made in Docket No. 5122 regarding the above interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii). The PUC requested comments by any interested party to provide facts and rationale for the PUC's reconsideration of its prior interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii). The PUC requested that comments should only apply to Public Entity Net Metering projects where the designated electric accounts are those of public entities, educational institutions, hospitals, nonprofits, or multi-municipal collaboratives that share in a project allocation with another one of the previously listed entities. After review of the comments received, the following votes were made:

Chairman Gerwatowski moved to reconsider the interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii) provided in Order No. 24023. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairman Gerwatowski summarized the substance of this interpretation and move to find that that an eligible net metering system, as defined in R.I. Gen. Laws § 39-26.4-2(5) may be owned and operated by a renewable generation developer on behalf of more than one public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative. Commissioner Anthony seconded the motion making it clear that this statutory provision only applies to eligible entities. Commissioner Revens noted that in this case, the statute is clear that a singular can be considered plural and based on that provision of the statute as it applies to eligible net metering systems, he concurred. **Vote 3-0.**

- VI. **Docket No. 4978 – The Narragansett Electric Co. d/b/a National Grid (Company)** - The PUC reviewed the record relating to National Grid’s April 20, 2020 submittal proposing Last Resort Service Rates for the Industrial Group for the period July 2021 through September 2021. After review, the following votes were made:

Chairman Gerwatowski moved to grant the Company’s motion for protective treatment of attachments referred to as “Confidential LRS Procurement Records” (Exhibit Nos. 2-11 and three Transactions Confirmation). Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Chairman Gerwatowski moved to approve the Company’s Last Resort Service rates for the Industrial Group for the months of July 2021 through September 2021 as filed. Commissioner Revens seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- VII. The remainder of the Open Meeting agenda related to deliberation of National Grid’s tariff filings in Docket Nos 5058 and 5059 and to Municipal Aggregation Plans submitted in Docket Nos. 5042, 5047, 5061 and 5062. Commissioner Revens was not been involved in the examination of these dockets. Commissioner Revens abstained from participation in the discussion of these dockets.

- VIII. **Docket No. 5058 – The Narragansett Electric Co. d/b/a National Grid (Company)** – The PUC reviewed the record regarding the Company’s application to add Terms and Conditions for Municipal Aggregators. The proposed tariff will apply to Municipal Aggregators conducting business pursuant to a municipal aggregation plan. National Grid proposed to establish uniform terms and conditions for customers, the Company, municipal aggregators, and nonregulated power producers in connection with aggregation of electric supply. After consideration, the following votes were made:

a.) Commissioner Anthony moved to deny the aggregators’ request to provide (customer list) information about ineligible customers. Chairman Gerwatowski seconded the motion and the motion was unanimously passed. There are other ways for the aggregator or municipal to get the information of other residents and businesses in their communities. **Vote 2-0.**

b.) Commissioner Anthony moved to deny Good Energy’s request that access to enrolled customer information include the customers’ current supply data. Commissioner Gerwatowski seconded the motion and the motion was unanimously passed. The inclination is towards customer empowerment and leaving customers in the best negotiating position with the provider. **Vote 2-0.**

c.) Commissioner Anthony moved to deny the aggregator’s request to have National Grid provide customer information during the aggregation for customer education purposes. She noted to start conservatively when it comes to National Grid to provide such information to the aggregators. Commissioner Gerwatowski seconded the motion and the motion unanimously passed. **Vote 2-0.**

d.) Commissioner Anthony moved to deny the aggregators' request that National Grid produce duplicate information list to the suppliers through the Electronic Data Interface (EDI). Noting that MA does not allow for the duplicate EDI to be provided and that National Grid will be seeking cost recovery for it, we should start conservatively. Commissioner Gerwatowski agreed and seconded the motion and the motion was unanimously passed. **Vote 2-0.**

e.) Commissioner Anthony moved to accept National Grid's April 9, 2021 amendment to the tariff language in Appendix A, a reference to "reasonable fee" to be paid by suppliers. Commissioner Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 2-0.**

f.) Commissioner Anthony moved to accept National Grid's April 26, 2021 Arrearage Management Program (AMP) proposal for incorporation into the tariff. Commissioner Gerwatowski seconded the motion and the motion was unanimously passed. **Vote 2-0.**

g.) The Commission noted that no objection was received on the provision of the tariff for customer eligible for the municipal aggregation to opt-out of having his/her data shared after the PUC issues an order approving the Aggregation Plan. The Commission agreed that our decision here should not be interpreted as a decision about data sharing or opt-out in the future and that our decision about opt-out is limited to municipal aggregation.

h.) Commissioner Gerwatowski moved to approve R.I.P.U.C No. 2222 as modified by the Commission in prior votes and with updates provide by the Company. Commission Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

IX. Docket No. 5059 – The Narragansett Electric Co. d/b/a National Grid (Company) – The PUC reviewed the record regarding the Company's application to change its existing Terms and Conditions for Nonregulated Power Producers. The proposed tariff change updates the terms and conditions to ensure consistency with the Terms and Conditions for Municipal Aggregators proposed in Docket No. 5058. No objection was received to the Company's proposed tariff. After review, Chairman Gerwatowski moved to approve National Grid's tariff RIPUC 2223, canceling RIOPUC No. 1191, Terms and Conditions for Nonregulated Power Producers. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

**X. Docket No. 5042 – Central Falls Municipal Electricity Aggregation Plan
Docket No. 5047 – Barrington Municipal Electricity Aggregation Plan
Docket No. 5061 - Providence Municipal Electricity Aggregation Plan
Docket No. 5061 – South Kingstown Municipal Electricity Aggregation Plan**
In these dockets, four municipalities submitted Municipal Electricity Aggregation Plan (Plan) pursuant to R.I. Gen. Laws § 39-3.1.2. The PUC reviewed the outstanding issues in these four dockets. Each of these dockets have substantially the same issues to be considered by the Commission. There are four issues that need a ruling applicable to all four Plans before voting to approve each Plan separately. The first

four motions will apply to all four plans while the final motions will address each individual plan.

Good Energy LLC's or aggregator's outstanding issues applicable to all Aggregation Plans:

- a.) Chairman Gerwatowski moved to approve Good Energy's request that the energy supplier be specifically allowed to provide the Energy Source Disclosure Label by posting it to the program website and at municipal buildings in lieu of providing it to each customer directly. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

- b.) Commissioner Anthony moved to require that the energy supplier within a municipal electricity aggregation plan use the Energy Source Disclosure Label template filed in these four dockets. Chairman Gerwatowski seconded the motion and the motion unanimously passed. **Vote 2-0.**

- c.) Chairman Gerwatowski moved to accept the Division's request to add more specificity to the reporting requirement contained in R.I. Gen. Laws § 39-3-1.2(a) as follows: Within two (2) years from approval of the Plan, the municipality must provide written notice to the Commission and Division that the Plan has been implemented, describing with particularity all parts of the Plan that have not been implemented. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

- d.) Gerwatowski moved to require that municipality's Outreach and Education Plan include a workshop with the applicable CAP agency, the Wiley Center, and Center for Justice to educate the groups about the plan. Commissioner Anthony seconded the motion and the motion was unanimously passed. Commissioner Anthony felt strongly that there should be outreach with local agencies in their communities that may not be those specific agencies. **Vote 2-0.**

Municipalities' Electricity Aggregation Plans:

Commissioner Gerwatowski moved to find that with these rulings and conditions, the City of Central Falls' Municipal Electricity Aggregation Plan, including the amended Electricity Services Agreement filed on December 23, 2020, to address some of the Division's concerns about low income customers, is approved as in compliance with R.I. Gen. Laws § 39-3-1.2. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

Chairman Gerwatowski moved to find that with these rulings and conditions, the Town of Barrington's Municipal Electricity Aggregation Plan, including the amended Electricity Services Agreement filed on December 22, 2020, to address some of the Division's concerns about low income customers, is approved as in compliance with R.I. Gen. Laws § 39-3-1.2. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

Chairman Gerwatowski moved to find that with these rulings and conditions, City of Providence's Municipal Electricity Aggregation Plan, including the amended Electricity Services Agreement filed on December 22, 2020, to address some of the Division's concerns about low income customers, is approved as in compliance with R.I. Gen. Laws§ 39-3-1.2. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

Chairman Gerwatowski moved to find that with these rulings and conditions, Town of South Kingstown's Municipal Electricity Aggregation Plan, including the amended Electricity Services Agreement filed on January 15, 2021, to address some of the Division's concerns about low income customers, is approved as in compliance with R.I. Gen. Laws§ 39-3-1.2. Commissioner Anthony seconded the motion and the motion was unanimously passed. **Vote 2-0.**

- XI. There being no further business to discuss, Chairman Gerwatowski adjourned the Open Meeting adjourned at 10:51 A.M.