

July 20, 2006

VIA HAND DELIVERY & ELECTRONIC MAIL

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

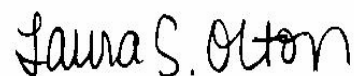
**RE: Docket 3739 - Proposed Reduction to the Standard Offer Service Rate
Objection to RIPURRA's Motion to Intervene**

Dear Ms. Massaro:

Enclosed please find ten (10) copies of an Objection of The Narragansett Electric Company ("Company"), d/b/a National Grid to the Rhode Island Public Utility Regulatory Reform Alliance's ("RIPURRA") Motion to Intervene in Docket No. 3739, the Company's proposed reduction to the Standard Offer Service Rate. The Company is filing under separate cover a Motion to Dismiss or, in the alternative, Motion to Stay Consideration of the RIPURRA Petition until Docket No. 3739 is closed.

Thank you for your attention to this transmittal. If you have any questions, please feel free to contact me at (401) 784-7667.

Very truly yours,



Laura S. Olton

Enclosure

cc: Docket 3706 Service List

Among the many allegations and requests contained in the Petition, however, RIPURRA also “petitions and moves that the Ratepayers be granted status as both an intervener and aggrieved party in said Docket 3739.” RIPURRA Petition, at 9. This pleading addresses only the request for intervention in Docket 3739.

For the reasons set forth below, RIPURRA’s request for intervention in Docket No. 3739 should be denied. RIPURRA’s request fails to meet the requirements for intervention. The organization has alleged absolutely no interest that could be considered unique in any way, that would differentiate itself from the over 420,000 other residential customers of National Grid in Rhode Island.

II. Discussion

Rule 1.13(c) of the Commission’s Rules of Practice and Procedure set forth the form and contents of a motion to intervene in a Commission proceeding. Specifically, “a motion to intervene shall set out clearly and concisely facts from which the nature of the movant’s alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the movant in the proceeding.” Procedural Rule 1.13(c). RIPURRA has not provided the basic information necessary to grant a motion to intervene. The nature of RIPURRA’s interest cannot be determined from the Petition. The Petition does not set forth the grounds for intervention, other than the fact that the group contains individual retail customers of National Grid.

The RIPURRA Petition does not set forth its policy, agenda, guiding principles, or any framework of its organization. The sole documentation contained in the Petition is Exhibit A, which consists of a partial membership list of RIPURRA. This list contains forty-four (44) individuals who purport to be residential customers of the Company. There is no unifying

purpose for the group; the only apparent link among those on the list is the fact that many of these individuals, including the attorney who signed its pleadings, appear to be candidates for political office in Rhode Island. It also appears that this organization was formed on July 6, 2006 solely for the purpose of intervening in a Commission proceeding.³

Under Rule 1.13(b) of the Commission's Rules of Practice and Procedure, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission. Such right or interest may be:

(1) A right conferred by statute.

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding. (The following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)

(3) Any other interest of such nature that movant's participation may be in the public interest.

Id. RIPURRA has not provided any basis or rationale for its right to intervene. Their interest is neither necessary nor appropriate. RIPURRA clearly does not meet the first criteria, as it does not have a right conferred by statute. While Section 39-4-3 of the Rhode Island General Laws provides a right for twenty-five "qualified electors" to file a complaint with the Division of Public Utilities and Carriers in certain instances, no such statutory right is conferred for intervention or petitions filed with the Commission. Thus, RIPURRA cannot rely on Section 39-4-3 for intervention status in a Commission proceeding.

RIPURRA's request also does not meet the second criteria, as it does not have an interest that is not otherwise adequately represented by the Division and the Attorney General, both who

³ The Rhode Island Secretary of State's Corporation database shows that RIPURRA was incorporated on July 6, 2006, just one day before its filing with the Commission.

are ratepayer advocates in Commission proceedings. See Narragansett Electric Co. v. Harsch, 368 A.2d 1194, 1200 (R.I. 1977). The Commission has stated that “R.I.G.L. § 39-1-11 specifically contemplates the involvement of the Division in all Commission hearings. In light of this, the Commission does not require the Division to file for intervention, but rather, expects the Division’s automatic participation in all of its cases.” Order No. 17452 (May 9, 2003). The Attorney General also appears on behalf of the citizens of the State of Rhode Island. See, e.g., R.I.G.L. § 39-1-19.

In this case, RIPURRA simply alleges that it is comprised of a group of “historic and present customers” of National Grid. This is a statement that would be true of any group of individuals that have residential accounts with National Grid. There is not one statement in the Petition that explains how this particular group of “customers” is any different than any of the other 420,000 residential “customers” that are represented by the Advocacy Section of the Division. Nearly every single citizen of the State of Rhode Island outside of Pascoag and Block Island can say that they either are a customer of record or live in a house, apartment, or other abode that takes service from National Grid. Simply stating that one pays a residential electric bill is not enough to establish intervention status. Otherwise, the limitation in the rules would be rendered meaningless. In fact, it would be impossible for the Commission to deny any request for intervention with such a limitless interpretation, as long as the party seeking intervention status was a customer.

Finally, the Petition provides no unique basis for the Commission to conclude that allowing RIPURRA to intervene would otherwise be in the public interest. RIPURRA offers no reason why they are any more competent than the Advocacy Section of the Division or the Rhode Island Attorney General to protect the interest of customers who have residential electric

accounts with National Grid. Nor do they offer any reason to conclude that they have any kind of unique perspective in this particular proceeding that needs to be considered by the Commission in making its decision. In fact, the Petition is completely silent in that regard.

This group of customers, however, is not left without the ability to offer their viewpoint to the Commission in this docket. The Commission has historically recognized the fact that residential customers who are not uniquely situated still may desire to voice their opinion to the Commission. Thus, the Commission allows for individual customers to provide public comment. Any customer can appear at the Commission during public comment hearings and provide oral or written comment, as preferred.

In the case of public officials or candidates for political positions, the standard is no different. Typically, when elected officials or candidates for office seek to provide comment on a utility filing before the Commission, they do it in one of two ways. First, they provide written comments to the Commission Clerk regarding the filing. Second, they always have the opportunity to provide public comment at the public hearing before the Commission. In recent cases before the Commission, elected officials, including the Governor, provided public comment. See, e.g., Docket No. 3689, 9/25/05 Tr., at 7-13. The Commission has also made clear that such public comment is considered when rendering its decision. See, e.g., Order No. 18474, at 11-12, 21 (Dec. 14, 2005). But just because an individual is seeking public office and desires to be heard on public utility issues, or a group of individuals support a candidate who desires to be heard on such matters, does not provide a basis for intervening as a party in the proceeding. There is no exception here for this newly created group.

III. Conclusion

For all of the foregoing reasons, the Commission should deny RIPURRA's motion to intervene in Docket No. 3739.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY, d/b/a NATIONAL GRID**

By its Attorney,

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