



## STATE OF RHODE ISLAND

### DIVISION OF PUBLIC UTILITIES & CARRIERS

Administration  
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April 1, 2025

The Honorable Joseph J. Solomon, Jr.  
Chairman – House Committee on  
Corporations  
State House  
Providence, R.I. 02903

**Re: H 5573 – An Act Relating to State Affairs and Government – Energy Facility Siting Act**

Dear Chairman Solomon:

The Division would like to address the portion of the proposed legislation that creates Rhode Island General Laws § 39-1-64 governing the Public Utilities Commission (“PUC”) oversight and investigation over capital improvement and asset condition projects by distribution and transmission utilities.

Precisely, regarding the oversight of transmission projects, the Division must highlight the fact that federal jurisdiction governs the bulk of transmission projects and cost determinations that ultimately are passed through to Rhode Island ratepayers as end user consumers. Pursuant to RI Gen Laws § 39-1-29,<sup>1</sup> the Division is exclusively authorized to represent the state in federal proceedings such as those governing formula rates before the Federal Energy Regulatory Commission (“FERC”). Presently, the Division is an active, intervening party to various complex pending FERC dockets to protect ratepayers from high costs associated with large transmission projects throughout the region. Moreover, the Division is engaged with other New England consumer advocates in advocating for improved processes to vet the appropriateness and scale of these costly transmission build-outs. Amidst this process, there is a growing movement to address asset condition projects costs on a local/state level, which the Division supports.

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<sup>1</sup> Rhode Island General Laws § 39-1-29 entitled, “Proceedings before federal agencies--Cooperation with other agencies” provides in pertinent part:

“The administrator shall represent the state in proceedings before agencies of the federal government on all matters affecting public utility services rendered, or to be rendered, in this state, and shall participate with other governmental and private agencies in studying integration or coordination of power systems to achieve low generating and transmission costs and possible regionalization of regulation.”

That said, **the Division opposes this bill** due to the following three issues: First, the Division believes there are alternative ways to more efficiently and directly accomplish the goal of asset condition project review, instead of the investigation and report mandate proposed in RI Gen Laws § 39-1-64(e). Second, the Division opposes the performance incentive mechanism proposed in subsection (c) insofar as cost-effective deployment of technologies is an inherent responsibility of distribution and transmission and this mechanism would invariably add costs to Rhode Island ratepayers. Finally, the Division opposes the language in subsection (b) that mandates PUC approval of deployment of advanced technologies and resources upon a finding of cost-effectiveness. (“the commission... [ ] *shall* approve the deployment...” *Emphasis added*). Regulatory proceedings before the PUC are evidentiary based and robust; the PUC must be afforded the independent discretion to make findings based on the record presented on any given docket, in the context of additional considerations, which include affordability, climate consideration, and so forth.

Thank you for your consideration of the Division’s comments.

Sincerely,

A handwritten signature in blue ink that reads "Linda George". The signature is fluid and cursive, with the first name "Linda" and last name "George" clearly distinguishable.

Linda George, Esq.

Administrator, RI Division of Public Utilities and Carriers

CC: The Honorable Members of the House Committee on Corporations

Nicole McCarty, Esq., Chief Legal Counsel