

Thank you for this opportunity to comment to the Senate Commission to Study the Successful Implementation of the Act on Climate. Our firm is based in Providence, Rhode Island. These comments are volunteered from our firm alone and are not filed on behalf of any of our clients. We represent, among others, many interests in the clean energy economy. Our principal, Seth Handy, was born and raised in Providence, Rhode Island, and he and his wife have raised three children here.

Greenhouse gas emissions pose an existential threat to our Ocean State and all of its current and future citizens. Our general assembly acknowledged its constitutional obligation to protect the natural environment of the people of the state when it passed the Act on Climate, mandating steep greenhouse gas emission reductions in 2030 and 2040 and net zero emissions by 2050. Governor McKee signed the Act on Climate into law in 2021.

That same year, Pennsylvania Power & Light proposed to purchase and operate Narragansett Electric Company with brazen disregard for Rhode Island's commitment to energy reform and our Act on Climate. It said, in the record of that proceeding, that the Act on Climate "does not require public utilities to comply with any specific rules or requirements" and that it "has not developed any specific plans to transition Rhode Island away from gas" because such plans "will be governmental policy decisions." PPL conceded that it "did not have a plan to transition to renewable energy by 2030 in any of its existing territories, nor in Rhode Island." Instead, PPL touted to its investors that NEC had annual rate base growth greater than 9% over the past 5 years and that it saw further opportunities to invest in electric and gas infrastructure because "Rhode Island is a constructive regulatory jurisdiction." That was all stated plainly and clearly in the very proceeding where PPL proposed to take over NEC's legislative charter – a charter that allows NEC to exercise a monopoly over our energy systems only if it does so in the public interest.

When the RI Division of Public Utilities and Carriers approved PPL's takeover of NEC, the attorney general appealed the decision of its own state agency. In appealing, the AG said that the Division's decision "consistently refused to apply the Act on Climate to its review of the PPL/Narragansett Electric transaction" observing that the decision "completely ignored a generational opportunity to address the state's climate goals in the perhaps the most important context of all: how our energy is produced and delivered." The settlement of that appeal required PPL to prove its commitment to performing on the Act on Climate by requiring it to develop and commit to a plan within twelve months of settlement that would implement the mechanics of transforming Rhode Island's energy systems off gas.

The RI Public Utilities Commission then assumed the responsibility of administering and enforcing PPL's settlement obligations through its "future of gas" docket, PUC Docket 22-01-NG (opened June 9, 2022). The PUC hired its own consultant to administer the docket and directed PPL (now doing business as RI Energy) to hire a consultant to study and direct the transformation of our energy systems off gas. That consultant engaged stakeholders in over 70 hours of meetings, soliciting many rounds of stakeholder comments to inform its study. The consultant issued its report in April 2024, over a year and a half ago. The PUC still has not issued its final report and recommendation to implement the consultant's report. As a

consequence, there has been no transformational energy strategy to inform any of the PUC's regulatory proceedings, which proceedings have gone forward and often been decided without reference to the mechanics needed to implement the Act. During that time RI agencies opposed legislation and policy proposals to ensure RI's compliance with the Act even though those proposals were clearly and carefully prescribed in reports issued by experts through stakeholder processes those same agencies had commissioned and conducted.

Meanwhile, the EC4 supervised another consultant-driven stakeholder process to finalize its climate action strategy for submission to the general assembly before December 31, 2025. That process also engaged stakeholders in many, many meetings and solicited extensive stakeholder comment. The public received the EC4's resulting executive summary of the strategy on November 25, 2025, and was given until December 10, 2025, to produce comments on it. Stakeholders were not allowed any chance to comment on the full content of the proposed final strategy which was considered and approved by the EC4 just eight days after the receipt of public comment on their incomplete executive summary.

The comments from the attorney general and the EC4's own advisory boards indicated many deep concerns with the climate action strategy as proposed. Most substantially, the comments noted that the strategy does not create enforceable greenhouse gas emissions reduction measures needed to comply with the Act's mandates for 2040 and 2050. In fact, the strategy concedes that "additional action will be required to reach the longer-term emissions reduction targets of 80% by 2040 and net zero by 2050. . . in the Current Policy scenario, emissions in Rhode Island reach a 63% reduction by 2040 and a 71% reduction by 2050 (Figure 18), falling short of the mandated targets of 80% below 1990 levels by 2040 and net-zero by 2050." Even the EC4, the entity specifically charged with implementing the Act, admits that it has failed to plan for compliance with the Act.

The administrations' pretense for its malfeasance and nonfeasance is that compliance will cost Rhode Islanders too much. But, the processes and studies that they have commissioned with taxpayer dollars consistently disprove that. Those expert consultant driven stakeholder processes and studies show us that it is business as usual that is most costly for Rhode Island and that a rapid move off of delivered fuels and natural gas to local clean energy strategies promises to make Rhode Island's energy supply more secure and more affordable. Our firm, together with many other dedicated stakeholders, spent many hours and resources to participate in those planning processes. RI Energy also invested ratepayer funds to have its experts and staff participate in those studies. But when we raise the resulting reports and recommendations to inform legislative or regulatory proceedings, RI's administrative branch disregards and neglects the findings of those reports. When we also offer examples of the implementation of cost effective and secure local, clean energy transition strategies across the country and around the world, RI's administrative agencies disregard and neglect that precedent.

Long ago Cicero wrote in *Presidents, Kings, Tyrants, & Despots*:

... [L]et those who are to preside over the state obey two precepts of Plato, — one, that they so watch for the well-being of their fellow-citizens that they have reference to it in whatever they do, forgetting their own private interests; the other, that they care for the whole body politic, and not, while they watch over a portion

of it, neglect other portions. For, as the guardianship of a minor, so the administration of the state is to be conducted for the benefit, not of those to whom it is intrusted, but of those who are intrusted to their care.

RI's Governor and our own administrative agencies fail to lead for the well-being of the citizens entrusted to their care. They refuse to administer Rhode Island's energy plan, laws and policies, regularly siding with our electric and gas utility's profit interests over the public interest in a secure and affordable energy system. There is a chasm between Rhode Island law and the administrative malfeasance and misfeasance that deeply threatens Rhode Island's future.

*i. Legal Context*

In 1843, the drafters of the Rhode Island state constitution empowered Rhode Islanders to “enjoy and freely exercise all the rights of fishery and privileges to the shore. . .” In 1986, a state constitutional convention broadened Article 1, Section 17 to state:

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.

RI. CONST., Art. 1, §17 established formidable obligations in our state's bill of rights, together with the freedom of religion, the prohibition of slavery and Habeas corpus. Our constitutional law dictates that “every clause must be given its due force, meaning and effect and that no word or section must be assumed to have been unnecessarily used or needlessly added.” Kennedy v. Cumberland Engineering Co., 471 A.2d 195, 198 (R.I.1984). Courts “presume the language was carefully weighed and its terms imply a definite meaning.” Id. If given their “due force, meaning and effect,” our legislature must be viewed as a steward of our natural resources, not only protecting them against present threats but also planning to establish a foundation that is sustainable for future generations.

Rhode Island courts have held that Article 1, section 17 was meant to be “carried into effect by legislative regulation, such regulation having for its object to secure to the whole people the benefit of the constitutional declaration, and being necessary for that purpose.” Windsor et al. v. Coggeshall, 169 A. 326, 327 (R.I. 1933) citing State v. Cozzens, 2 R. I. 561 (R.I. 1850). The 1986 amendments made this delegation of authority explicit. The Rhode Island Environmental Rights Act encoded Art. I, s.17 of the R.I. Constitution in the general laws declaring that “[t]he general assembly finds and declares that each person is entitled by right to the protection, preservation, and enhancement of air, water, land, and other natural resources located within the state and that each person has the responsibility to contribute to the protection, preservation, and enhancement thereof.” R.I. Gen. Laws §10-20-1. The Rhode Island Environmental Rights Act appoints the attorney general as the state's environmental advocate, empowering that office, among other things, “[t]o take all possible action, including but not limited to programs of public education, legislative advocacy, and formal legal action, to secure and insure [sic] compliance

with the provisions of this chapter and any promulgated environmental quality standards.” *Id.* at §10-20-3(d)(5).

In 2021, Governor McKee signed Rhode Island’s Act on Climate into law. R.I. Gen. Laws §42-6.2-1 et seq. (the “Act”). The Act requires that Rhode Island reduce its statewide greenhouse gas emissions to ten percent (10%) below 1990 levels by 2020; to forty-five percent (45%) below 1990 levels by 2030; to eighty percent (80%) below 1990 levels by 2040; and to net-zero emissions by 2050. *Id.* at §42-6.2-9. Section 8 of the Act requires administrative agencies to act on fulfilling its mandates.

Addressing the impacts on climate change shall be deemed to be within the powers, duties, and obligations of all state departments, agencies, commissions, councils, and instrumentalities, including quasi-public agencies, and each shall exercise among its purposes in the exercise of its existing authority, the purposes set forth in this chapter pertaining to climate change mitigation, adaptation, and resilience in so far as climate change affects its mission, duties, responsibilities, projects, or programs. Each agency shall have the authority to promulgate rules and regulations necessary to meet the greenhouse gas emission reduction mandate established by § 42-6.2-9.

The Act established the EC4 and mandated that, following public comment, the EC4 must generate the State’s plan for strategies, programs, and actions to meet economy-wide enforceable targets for the greenhouse gas emissions reductions mandated by the Act by no later than December 31, 2025. *Id.* at §42-6.2-2(a)(2).

Rhode Island engaged stakeholders (including Handy Law and NEC) in a long consultant driven process to establish Rhode Island’s energy plan, *Energy 2035. Energy 2035 Rhode Island State Energy Plan* (Oct. 8, 2015)<sup>1</sup> *Energy 2035* clearly established that Rhode Island’s over-reliance on natural gas is insecure, unaffordable and environmentally unsustainable.

Rhode Island cannot afford a business-as-usual course of action that increases energy security risks to the state, costs more than viable alternative paths, and fails to meet our obligation to mitigate the worst consequences of global climate change. Because the impact of long-term planning and investment choices will reverberate for decades to come, we must be especially prudent and strategic as we address the weighty energy policy decisions that face us today. (p. 4)

Expenditures on energy in Rhode Island have risen significantly in real terms over the past decade. As of 2010, annual expenditures in Rhode Island on electricity, thermal, and transportation fuels total approximately \$3.6 billion, up nearly \$1 billion from 10 years ago. Much of this increase is due to growing costs in the thermal and transportation sectors, which depend more heavily on high-cost petroleum-based fuels. (p. 20)

As detailed in Figure 25, viable demand and supply-side options exist for Rhode Island to increase in-state fuel diversity and increase energy security by shifting away from dependence on fuels like natural gas and gasoline. By far, Rhode Island’s greatest available resource is energy efficiency. By maximizing demand reduction in all energy sectors, the state could cut economy-wide energy use by more than one third. Supply-side resources with the most significant potential future contributions are offshore wind, combined heat and power, distributed photovoltaic solar power, and natural gas. (p 41)

Rhode Island’s primary challenge is to move away from its heavy reliance on natural gas, which today supplies more than 50 percent of Rhode Island’s energy needs. Dependence on natural gas exposes the state to a substantial amount of price risk and potentially a supply risk, since Rhode Island sits at the end of a

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<sup>1</sup> <https://planning.ri.gov/sites/g/files/xkgbur826/files/documents/LU/energy/energy15.pdf>

long stretch of pipeline infrastructure. The challenge is underscored by natural gas’s important role across multiple sectors: natural gas provides fuel for nearly all in-state generating capacity, and is the dominant heating fuel in the thermal sector. Moreover, natural gas generation accounts for more than 50 percent of regional electric generation, so electricity imports to Rhode Island are also heavily dependent on natural gas. (pp. 43-44)

According to the Plan analysis, aggregate capital investments of between \$6.8 billion and \$7.3 billion in the efficiency, electric, thermal, and transportation sectors could generate between \$8.8 billion and \$14.5 billion in power and fuel expenditures in net present value terms over the life of the Energy 2035 planning horizon (Figure 30). Total net present value benefits range from \$1.6 billion to \$7.7 billion, depending on the scenario. This suggests that taking ambitious action to improve Rhode Island’s energy security, cost-effectiveness, and sustainability of its energy system is a good investment decision and a powerful economic strategy for generating long-term growth. (p 47)

*Energy 2035* is one element of a state guide plan that is meant to serve our citizens’ fundamental interest in and need for establishment of a comprehensive, strategic state planning process and the preparation, maintenance, and implementation of plans for the physical, economic, and social development of the state. R.I. Gen. Laws § 42-11-10(a).

Through its strategic planning process, the state of Rhode Island is expected to monitor the planning of specific projects and designing of specific programs by the operating departments, other agencies of the executive branch, and political subdivisions of the state to ensure that these are consistent with, and carry out the intent of, applicable strategic plans and to review the execution of strategic plans, and the results obtained, and making revisions necessary to achieve established goals. *Id.* at § 42-11-10(c)(6)-(7).<sup>2</sup>

## ii. *Utility Context*

The Narragansett Electric Company (NEC) is chartered to exercise the power of eminent domain to take land and exercise a monopoly over our electric and gas energy systems as long as its plans are approved as being in the “public interest.” *An Act to Incorporate United Electric Power Company*, S 400 Jan. Sess. 1956 (March 23, 1956).<sup>3</sup>

When Pennsylvania Power & Light (PPL) proposed to take over NEC’s charters in Division Docket D-21-09, the Attorney General’s data request AG 1-30 asked PPL how it planned to implement the Act, and PPL replied:

At this time, the 2021 Act does not require public utilities to comply with any specific rules or requirements. The GHG emission reduction targets established in the 2021 Act are economy-wide targets

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<sup>2</sup> In PUC docket 23-05, our client Gridwealth Energy invoked the contents of the energy plan in support of its challenge to RI Energy’s proposal for net metering reform. The PUC’s Order degraded that testimony, “He also quotes extensively from a document published by the State of Rhode Island that was published over eight years ago in October of 2015.” PUC docket 23-05-EL *IN RE: The Narragansett Electric Company d/b/a Rhode Island Energy Tariff Advice to Amend Docket No. 23-05-EL the Net Metering Provision – Proposal for Administration of Excess Net Metering Credits*, Order 15052, p. 44 (Oct. 5, 2024). In 2024, the PUC evidently thought RI’s energy plan, *Energy 2035*, was stale and evidently opted to base its regulatory decisions on its own plan for RI’s energy future.

<sup>3</sup> All subsequent charters state that the system is to be operated for that “purpose for which they were taken.” See e.g., S697 Jan. Sess. 1964 (May 6, 1964); 76-S2806 Jan. Sess. 1976 (June 4, 1976). See [http://www.ripuc.ri.gov/eventsactions/docket/D\\_21\\_09\\_DR\\_NGRID\\_AG1\\_A.pdf](http://www.ripuc.ri.gov/eventsactions/docket/D_21_09_DR_NGRID_AG1_A.pdf).

and specific targets for the utility sector are still to be ascertained. Therefore, it is unknown how future rules and regulations implementing the new targets under the 2021 Act will implicate the utility sector.

The Attorney General's data request AG 1-29 asked for PPL's plans to transition to renewable energy by 2030 in accordance with R.I. Gen. Law §39-26-4. PPL answered that it did not have a plan to transition to renewable energy by 2030 in any of its existing territories, nor in Rhode Island. The Attorney General's data request AG 1-33, asked for PPL's plans to transition our energy system off natural gas; PPL answered that it "has not developed any specific plans to transition Rhode Island away from gas" because such plans "will be governmental policy decisions." Paragraph 25 of PPL's petition to take over NEC stated:

PPL also expects that it will have significant opportunities to invest in Narragansett's electric and gas infrastructure to enhance safety, reliability, and customer satisfaction for Rhode Island customers, a core tenet of PPL's strategy in all of the jurisdictions in which it provides utility service.

In PPL's power-point presentation on the economic benefits of the acquisition of NEC to its shareholders, produced in response to the Divisions data request 1-1,<sup>4</sup> PPL noted that:

- a. NEC had adjusted net income of \$150 million in the fiscal year ending March 31, 2021;
- b. There is significant geographic overlap between Narragansett's electric and gas operational territories
- c. Rhode Island is a constructive regulatory jurisdiction (RRA – Avg/2) (recovery mechanisms reduce regulatory lag)
- d. further opportunities to invest in electric and gas infrastructure (annual rate base growth greater than 9% over the past 5 years)
- e. Historical rate base growth – 9.3% CAGR from 2015 through 2020
- f. "Historical Capital" up from \$271 million in 2017 to \$321 million in 2020 (Infrastructure Safety and Reliability program allows for recovery of "natural gas and electricity distribution capital investments and expenses for *ISR* outside of rate proceedings and FERC allows formula rates for transmission investments)

PPL did not respond to the question of why Rhode Island is a "constructive regulatory jurisdiction" for NEC, as had been posed to it in that proceeding. PPL did not respond to the question of how all of those projected profits would meet its charter mandate to serve the public interest, as was also posed to it in that proceeding.<sup>5</sup> The Division approved PPL's takeover of NEC.

The Attorney General appealed the Division's decision, in substantial part because of PPL's failure to indicate any intent to comply with the Act. The Attorney General's appeal characterized that failing this way: "Petitioners failed to provide, and the record does not contain evidence that PPL is capable of and committed to helping Rhode Island meet its required greenhouse gas emission reductions under the Act on Climate or provide any specifics as to how it may accomplish such actions." It continued: "Petitioners failed to provide, and the record does not contain evidence as to how PPL plans to avoid significant increases in natural gas and electric

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<sup>4</sup> Divisions data request 1-1 to PPL at Attachment PPL-DIV 1-12-5 Page 6 of 2. see [https://ripuc.ri.gov/sites/g/files/xkgbur841/files/eventsactions/docket/D\\_21\\_09\\_DR\\_NGrid\\_1\\_Part\\_1.pdf](https://ripuc.ri.gov/sites/g/files/xkgbur841/files/eventsactions/docket/D_21_09_DR_NGrid_1_Part_1.pdf)

<sup>5</sup> Our firm sought to represent a group of stakeholders, identified as New Energy RI, in docket D-21-09 but the Division denied our intervenor status as inconsistent with the public interest. Nevertheless, NERI propounded public comment that included both of these questions. See [https://ripuc.ri.gov/sites/g/files/xkgbur841/files/eventsactions/docket/D\\_21\\_09\\_PC\\_NERI.pdf](https://ripuc.ri.gov/sites/g/files/xkgbur841/files/eventsactions/docket/D_21_09_PC_NERI.pdf), NERI 1-14 to PPL.

distribution costs resulting from its operation of Narragansett, including costs related to new technology and facilities not necessary absent the Transaction.” To end the appeal, PPL settled with the Attorney General.

The Attorney General described that settlement, in relevant part, as follows:

In the proceedings before it and ultimately in its decision, the DPUC consistently refused to apply the Act on Climate to its review of the PPL/Narragansett Electric transaction. Under its agreement with the Attorney General, PPL is required to contribute \$2.5 million to the Rhode Island Renewable Energy Fund and up to \$2.5 million to the Attorney General for retention of outside experts in anticipated Rhode Island energy proceedings that will directly impact Act on Climate Goals. Furthermore, in all future filings with RI utility regulators, PPL must include a written assessment of potential impacts on the Act on Climate’s requirements. In addition, PPL must hire a third-party consultant and establish a stakeholder process to create an Act on Climate report. This report is necessary to provide Rhode Islanders with specific and important information about next steps for climate efforts throughout the state, including energy efficiency program analysis and capacity for solar interconnection and distributed energy. The agreement also requires PPL to solidify other important investments in the infrastructure needed to meet climate goals. . . [the DPUC decision] completely ignored a generational opportunity to address the state’s climate goals in the perhaps the most important context of all: how our energy is produced and delivered,” said Attorney General Neronha. “Today’s agreement remedies all this.” *Attorney General Neronha Announces Agreement Securing Over \$200 Million in Value for RI Ratepayers and Act on Climate Mandates in PPL-Narragansett Electric Sale (May 23, 2022)*.

Section 2(a) of the settlement required PPL to hire a consultant within 60 days of the settlement (May 20, 2022) to assess PPL’s role in meeting the requirements of the Act and section 11 of its stipulation entered as part of the Division’s final order approving the sale of NEC to PPL. Section 2(a) of the settlement required production of a report to the EC4 within 12 months on how it would help EC4 implement the Act. Section 2(b) required a well-defined, transparent and thorough stakeholder process to accomplish Section 2(a).

Future Investigation. To the extent that the RIPUC decides to open a docket to assess the future of the gas distribution business in Rhode Island, or any other party makes a request to the RIPUC to open such a docket, PPL will not object to the opening of such docket and, to the extent a report and a stakeholder process is mandated by such a docket, that report and process shall supersede the requirements of Sections 2(a) and 2(b), and any cost recovery for the costs Narragansett may incur in participating in any such docket shall be determined by the PUC.

Section 11 of PPL’s stipulation with the Division said:

PPL will submit a report to the Division within twelve (12) months of the Transaction closing on its specific decarbonization goals for Narragansett to support the goals of Rhode Island’s 2021 Act on Climate (“Act on Climate”) and the long-term strategy for the gas distribution system in light of the Act on Climate.

*Report and Order, Division Docket D-21-09*, p. 256 (Feb 23, 2022)<sup>6</sup> PPL now operates NEC under the name RI Energy.

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<sup>6</sup> Upon information and belief, no such report regarding the utility’s decarbonization goals has been published or is available to the public.

In January 2026, Brown University’s Institute for Environment and Safety issued a report entitled, *Who’s Obstructing Climate Action in the Rhode Island Legislature?*<sup>7</sup> It includes these findings:

- Rhode Island Energy, owned by Pennsylvania Power and Light (PPL), spent the most on lobbying (in the years it has been active) and was the most active opponent of environmental groups on climate and energy bills in our study period. Rhode Island Energy used their lobbying budget to frequently oppose environmental groups’ priorities. In 2024 alone, Rhode Island Energy spent \$139,000 on lobbying, 12 times as much as the highest-spending environmental group. Based on submitted lobbying reports, the gas and electric utilities (National Grid and PPL/RI Energy) combined spent over \$1 million on lobbyist compensation from 2018-2025 in Rhode Island, far more than any other organization that took positions on climate and energy bills.
- Business coalitions and the PUC are frequent opponents of climate policies. Among all testimony analyzed, business associations emerged as some of the most consistent opponents of climate and clean energy legislation
- The PUC also frequently testified against environmentalists on climate and energy bills.
- Rhode Island’s 2025 Climate Action Strategy proposes interventions that have been introduced in past legislative sessions--and faced resistance from the same groups including RI Energy and the PUC

The report also notes that:

Today, PPL is a member of various trade associations, and “through June 30, 2024, PPL reported \$359,082 in lobbying-related dues.” Edison Electric Institute (EEI), for whom “PPL publicly promotes its [climate] position,” sued the EPA over greenhouse gas regulations, was outspoken against President Biden’s commitment to a nationally determined contribution (NDC) in line with the Paris Agreement, and has repeatedly published studies that put climate change into question. The American Gas Association (AGA) is another lobbying association for which PPL’s alignment is “consistent,” and for which PPL stated that it “publicly promotes its [AGA’s] position.” AGA has attracted attention as a known climate obstructor, as they have a commitment to maintaining natural gas as a primary energy source.

Report at pp. 11-12. In an October 2021 report on its investigation of six utility regulators, Brown University’s Climate and Development Lab concluded that: (i) utilities often exert significant influence over commissioner appointments; (ii) significant resource and structural advantages allow utilities to dominate PUC processes; (iii) PUCs pose significant technical and legal barriers to entry for many advocates; and (iv) a revolving door between utility and commission officials is common.<sup>8</sup> RI Energy uses ratepayers funds to advocate for their interests before their regulators, whereas other advocates must fund their own advocacy, creating a deep imbalance of resources, advocacy and accountability. *Id.*<sup>9</sup>

In 2017, the Division, the PUC and OER conducted a robust stakeholder process that resulted in a *Transforming the Power Sector Phase I Report.* That report concludes (in part) that:

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<sup>7</sup> [https://31cf4300-926b-41c6-910b-9537b517673b.usrfiles.com/ugd/31cf43\\_1d5bf5fdde644007bf37cabb23c2aa38.pdf](https://31cf4300-926b-41c6-910b-9537b517673b.usrfiles.com/ugd/31cf43_1d5bf5fdde644007bf37cabb23c2aa38.pdf) at pp. 2-4, 12.

<sup>8</sup> *Can State Utility Commissions Lead in the Clean Energy Transition; Lessons from Six States* (Oct. 28, 2021). See also *Beyond Utility 2.0 to Energy Democracy*, The Institute for Local Self Reliance (Dec. 2014), p. 20 (“cozy relationships” between regulated utilities and state regulators are common).

<sup>9</sup> In the 2025 legislative session senators sponsored S378 to give public interest advocates more resources to balance the weight of advocacy at our state house but that bill failed under the objection of RI Energy and our regulatory agencies.

One indication of how the utility business model and regulatory framework are out-of-step with today's expectations for a clean, cost-effective and resilient electricity system is the electric grid's system efficiency, defined as the ratio of peak to average demand. While many industries have become more efficient over the last few decades by leveraging information technologies to more fully utilize capital investment, Rhode Island's peak to average demand ratio is 1.98, meaning that nearly half of the utility's capital investment is not utilized most of the time. . . The top 1% of hours cost the state ratepayers around 9% of spending, at around \$23 million, while the top 10% of hours cost 26% of costs at \$67 million, as illustrated in Figure 4. To meet peak demand, our system currently invests in solutions that are more expensive than is necessary. We have the technological opportunity to shift the hours of demand and thereby reduce everyone's utility bills.<sup>10</sup>

### iii. Agency Oversight

#### The "Future of Gas"

PUC Docket 22-01-NG, *Investigation into the Future of the Regulated Gas Distribution Business in Rhode Island in Light of the Act on Climate* (the "Future of Gas"), opened on June 9, 2022. At its outset, the PUC confirmed that the *Future of Gas* docket would supersede RIE's requirement to conduct a stakeholder process and report on meeting the Act and a long-term strategy for the gas distribution system per the Attorney General's settlement with PPL dba RI Energy. The PUC hired its own consultant to oversee the docket and directed RI Energy to hire a technical consultant to work with stakeholders to evaluate alternatives for compliance with the Act. RI Energy hired Energy & Environmental Economics and stakeholders engaged with E3 extensively over a year long process to help generate its technical report.

The stakeholders included the Attorney General, RI Energy, OER, Enbridge RI, the George Wiley Center, Climate Jobs RI, the Environment Council of RI, the Conservation Law Foundation, Acadia Center, Sierra Club, the Green Energy Consumers Alliance, and our firm. They met thirteen times for at least five and one half hours each meeting and generated a large volume of comments intended to inform E3's technical report.<sup>11</sup> Our firm was an active participant, generating over 50 pages of comments through the technical evaluation process. Stakeholders appealed for the right to comment on E3's final report before it went to the PUC for resolution of the path forward, but were denied; instead, we were assured that we would be given the chance to comment on the PUC's proposal to implement E3's recommendations when it issued.

E3 issued its technical report in April 2024. *Rhode Island Investigation into the Future of the Regulated Gas Distribution Business Technical Analysis Report, Docket 22-01-NG*, Energy & Environmental Economics (April 2024) (the "E3 Report"). The E3 report notes that Rhode Island has one of the highest electricity rates in the country today - 0.29 \$/kWh in 2023 compared to the approximately 0.15 \$/kWh U.S. average. E3 Report, p. 108. E3 explains that Rhode Island already has a system peak that is twice as high as the average demand on the system, which

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<sup>10</sup> *Transforming the Power Sector Phase One Report Phase One Report*, Part I "Utility Business Model," pp. 13-16 [http://www.ripuc.ri.gov/utilityinfo/electric/PST%20Report\\_Nov\\_8.pdf](http://www.ripuc.ri.gov/utilityinfo/electric/PST%20Report_Nov_8.pdf) Handy Law was also a stakeholder in that planning process, as was NEC.

<sup>11</sup> See <https://apexanalytics.egnyte.com/fl/04TdzqfvbL#folder-link/Future%20of%20Gas%20Documents/Submitted%20Comments>.

means that the full capacity of the system is only utilized during periods of high demand. Id.<sup>12</sup> E3 calls for transformational change in the way Rhode Islanders use energy.

- “[l]oad flexibility is an important component in mitigating peak load growth.” Id. at p. 75.
- “Across scenarios, final energy demand decreases between 40-60% by 2050, primarily as a result of efficiency and electrification.” Id. at p. 6.<sup>13</sup>

The E3 Report carefully illustrates the cost savings opportunities of avoiding more investment in our gas system. Id. at p. 65-69.

- “if RIE could avoid up to 50% of capital replacements through targeted electrification, annual costs of the system could be reduced by up to 35% by 2050, while reducing potentially unrecovered rate base to \$1.5 billion.” Id. at p. 8.
- “By avoiding some of the pipeline replacement costs under a managed transition, the rate base (see Figure 38) and the resulting revenue requirement (see Figure 39) is reduced in every pathway except Continued Use of Gas, which must maintain the entire gas system.” Id. at p. 69.
- “lower total costs for scenarios that leverage hybrid heating solutions and may further be reduced for scenarios that are able to avoid gas system reinvestments.” Id. at p. 9.
- “scenarios that do not assume additional customer connections, such as High Electrification and Hybrid with Delivered Fuels, reduce annual costs of the gas system by approximately 24% by 2050 compared to a reference scenario.” Id. at p. 52.

The E3 Report concludes that a rapid transition off consumption of natural gas is essential to fulfill the Act.

- combustion of fossil fuels in buildings comprised about 27% of total emissions in Rhode Island in 2020, primarily from natural gas and oil furnaces and boilers. Id. at p. 23.
- a rapid shift toward decarbonized technology adoption will be required across all pathways in order to reach Rhode Island’s ambitious climate goals. Id. at p. 47.
- the transition of the gas customer base (Figure 29) is a key variable across decarbonization pathways. Id. at p. 59.

Over a year and a half after the issuance of the E3 Report, the PUC has yet to issue its proposal to implement the recommendations in the E3 Report. Stakeholders have not been allowed opportunity to comment on the E3 Report or any implementing order.

In the interim, between the stakeholder engagement in the issuance of the E3 Report and now, many PUC dockets opened and many of those have been decided without reference to the E3 Report and without PUC’s final recommended mechanics to implement a “rapid shift toward decarbonized technology adoption.” Those dockets include but are not limited to:

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<sup>12</sup> E3’s observation echoed these findings from *Transforming the Power Sector*, a study commissioned by the PUC, Division and OER and including our firm and Narragansett Electric as stakeholders.

<sup>13</sup> In 2017, the PUC engaged experts to work with many stakeholders (including NEC and Handy Law) to develop a system to better evaluate the costs and benefits of our energy decisions. One unanimous recommendation from that PUC Docket 4600, was to implement time of use rates to incentivize consumers to moderate their energy consumption during periods of peak demand.<sup>13</sup> Still, regulators have not yet implemented time of use rates to provide for the load flexibility that is an important component in mitigating peak load growth, as was also recommended in the E3 Report.

- 24-26-EL: Investigation into the Current State of Voluntary and Mandated Renewable Energy Markets in Rhode Island (6/25/24)
- 24-27-NG: Gas Long-Range Resource and Requirements Plan Forecast Period 2024/25 to 2028/29 (6/28/24)
- 24-34-EL: Development of Tariffs Applicable to Energy Storage Systems Connected to the Electrical Distribution Systems (8/30/24)
- 24-37-EE: 2025 Gas Demand Response Pilot Investment Proposal (9/20/24)
- 24-38-GE: Tariff Advice Filing to Amend Electric and Gas Tariffs (9/19/24)
- 24-39-EE: 2025 Annual Energy Efficiency Plan (10/1/24)
- 24-50-RG: 2025 Renewable Energy Growth Program
- 24-54-EL: FY 2026 Electric Infrastructure, Safety and Reliability (ISR) Plan (12/23/24)
- 24-55-NG: FY 2026 Gas Infrastructure, Safety and Reliability (ISR) Plan (12/31/24)
- 25-16-NG: Analysis to Comply with Energy Facility Siting Board's Decision and Order in Docket SB-2021-04 (Aquidneck Island demand response to mitigate infrastructure investment and enhance system reliability)
- 25-19-EL: Proposed Green Button Connect, Home Area Network and Grid Edge Computing (evaluating and implementing capacity of smart meters)
- 25-25-EL: In Re: Integrated Clean and Renewable Energy Procurement Study (ICREP Study)
- 25-28-EL: In Re: Request for Comment on Options for Mitigating Winter Price Volatility for the Winter of 2025 -2026
- 25-37-EE: 2026 Annual Energy Efficiency Plan (10/1/25) (RI Energy proposes reduced energy efficiency budget and agencies support and approve it)
- 25-45-GE: Application for Approval of a Change in Electric and Gas Base Distribution Rates Pursuant to R.I. Gen. Laws §§39-3-10 and 39-3-11 (11/26/25)

In some of these regulatory proceedings, our firm and other stakeholders raised the Act's mandates and the contents of the E3 Report in an effort to integrate the mandates of the Act into the PUC's decision-making process. E3's findings were often brought up in opposition to RI Energy's advocacy positions that clearly conflicted with E3's recommendations. RI Energy spent ratepayer funds on lawyers and experts to advocate its contrary positions in these dockets without being subject to the regulatory rudder required by RI law. RI Energy spends ratepayer funds on its personnel and experts engaged in RI's energy policy proceedings like the *Future of Gas* and *Energy 2035*. Still our regulators do not properly consider or account for comments and advocacy based in Rhode Island energy policy or the Act.

The PUC has not enforced the settlement entered between the attorney general and PPL dba RI Energy regarding implementation of the Act. It has failed to issue a final report and recommendations for implementation of the recommendations of the E3 Report in the *Future of Gas* docket.

*iv. Legislative Roadblocks - Missed Pivot Points*

Rhode Island courts have held that Article 1, section 17 of the Rhode Island Constitution was meant to be "carried into effect by legislative regulation, such regulation having for its object to secure to the whole people the benefit of the constitutional declaration, and being necessary for that purpose." Windsor et al. v. Coggeshall, 169 A. 326, 327 (R.I. 1933) citing State v. Cozzens, 2 R. I. 561 (R.I. 1850). The 1986 constitutional amendments and the Environmental Rights Act made this delegation of authority explicit. R.I. Gen. Laws §10-20-1 et seq.

In 2017, following on *Energy 2035*, our firm participated as stakeholders in OER's study and report on the impacts of converting our fossil fuel thermal systems to the alternatives. *Rhode Island Renewable Thermal Market Development Strategy* (Jan. 2017)(the “RTMDS”).<sup>14</sup> The final report from the RTMDS observed consistency of its recommendations with *Energy 2035* (2015), as follows:

- Increasing the use of renewable thermal (RT) technologies will lead to an increase in fuel diversity across the thermal energy sector, helping to reduce Rhode Island’s vulnerability to disruptions in energy infrastructure, increase consumer choice, and synergize with the increasing deployment of distributed renewable electricity generation (e.g. electric heat pumps). p. 10
- Increased deployment of RT is anticipated to provide net benefits across the economy. As discussed in SECTION 6, a major investment in RT will provide a net benefit to the state as a whole with near-zero impacts on energy affordability while contributing to economic growth and job creation. *Id.* “scenario modeling results for this study indicate that if Rhode Island increases RT to 5%, the State can generate over \$193 million in lifetime net benefits. Such a program would have substantial benefits in terms of employment and environmental impact, with minimal impacts to the energy bills of Rhode Island homes and businesses. . . avoiding 2.2 million tons CO<sub>2</sub>e. . .or an average of more than 60 thousand tons per year over the life of the measures. . .creating more than 500 jobs.” pp. 4-5
- Thermal energy accounts for nearly 35% of statewide emissions—over 30% greater than emissions from the electricity sector. Scaling up the renewable thermal technology deployment will contribute to the emissions reductions necessary to reach Rhode Island’s ambitious GHG emissions reduction targets. *Id.*

Such strongly recommended measures were presented as legislation in the 2025 session of the general assembly, but RI Energy and RI’s regulatory agencies opposed them.

Senate Bill 91 proposed a Building Decarbonization. Our firm testified in support of that bill, raising the directives of *Energy 2035* and the *RTMDS*.<sup>15</sup> RI Energy opposed S91, testifying that the bill lacked a “transparent, data-driven analysis prior to advancement, such that policymakers and other stakeholders understand its implications for consumer affordability and the state’s economy.” The Division followed RI Energy’s lead, opposing S91. Even OER, the same agency that invested in and led the development of *Energy 2035* and the *RTMDS*, opposed the bill, testifying that “benchmarking and performance standards would be costly programs to operate.” Despite the great overweight of volumes of supporting testimony, the Building Decarbonization Act did not make it out of committee.

Senate bill 407 proposed a Clean Heat Standard which suffered the same fate.<sup>16</sup> S407 would have implemented a system of tradeable clean heat credits earned from the delivery of clean heat measures that reduce greenhouse gas emissions. Our firm testified in support, again noting the directives of *Energy 2035* and the *RTMDS*, two planning processes in which our firm was deeply engaged as a stakeholder. We referred the senate to the PUC’s pending *Future of Gas* proceeding, where E3 had studied our thermal transition and concluded that Rhode Island will face \$2.6 billion in unrecovered rate base in 2050, unless a managed transition can avoid up to 50% of capital replacements in our natural gas system. pp. 6, 8. We noted E3’s conclusion that

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<sup>14</sup> <https://energy.ri.gov/resources/resource-library/rhode-island-renewable-thermal-market-development-strategy>. NEC was also a stakeholder in the RTMDS process.

<sup>15</sup> <https://webserver.rilegislature.gov/BillText/BillText25/SenateText25/S0091.pdf>

<sup>16</sup> <https://webserver.rilegislature.gov/BillText/BillText25/SenateText25/S0407.pdf>

through targeted electrification, annual costs of the system could be reduced by up to 35% by 2050, while reducing potentially unrecovered rate base to \$1.5 billion.

But, RI Energy opposed a Clean Heat Standard. It testified that "[w]hile the underlying premise of a clean heat standard may have some merit, notably absent is any cost impact analysis that might inform its consideration or prepare Ocean State families and businesses for increased heating bills stemming from its implementation." Overlooking *Energy 2035*, the *RTMDS* and E3's report in the *Future of Gas*, RI Energy referred the general assembly to "a January 2025 report issued by the Vermont Public Utilities Commission (VT PUC) which purportedly found that a similar mandate would cost Vermonters more than \$955 million in its first ten years alone." The Division once again followed RI Energy's lead, raising "serious reservations about the potential cost to ratepayers" and obliquely referencing the "overall function of the clean heat standard" and its "administrative costs." The PUC followed suit, testifying that "[a]t a high level, the program cost twice more than the value of avoided greenhouse gas emissions over the first 10-year period" citing the same VT PUC study that RI Energy had invoked for its support. S407, the proposed Clean Heat Standard, also died in committee.

RI's regulators and administrative agencies have actually opposed and simply refused to implement legislation specifically crafted to implement *Energy 2035* and the Act.<sup>17</sup> Stakeholders tire of repeatedly advocating positions so clearly supported by Rhode Island law, plans and policy and facing our own agencies' alignment along-side RI Energy in opposition.

#### v. *The Climate Action Plan*

The EC4 encouraged stakeholders to engage in its study of strategy to implement the Act over a 3-year planning process. Once the 2025 Climate Action Strategy was prepared, the EC4 only gave the public an executive summary on November 25, 2025. The EC4 set its deadline for public comment by December 10, 2025. The executive summary was incomplete with internal references to work remaining to be done on implementation options. The Act expressly requires that the plan was to issue "following an opportunity for public comment." The EC4 did not allow public comment on the final Climate Action Strategy once it was released. Much of the executive summary dwelled on threats to effective implementation (like scaled back federal funding) rather than providing the leadership determination needed to meet the Act's mandates. The EC4 was required to issue its final 2025 Climate Action Strategy to the general assembly before December 31, 2025, leaving it only two weeks over the holiday season to consider and integrate any public comment it received. The EC4's process for development of its final report disrespected public engagement in the administration of Rhode Island's climate strategy.

The written public comment that the EC4 did receive on the executive summary of its strategy and during the open meeting it held to approve the final strategy showed that

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<sup>17</sup> See e.g., (i)2021-H 6066 and 2021-S 699 ("An Act Related to Public Utilities and Carriers – Distributed Generation" – to establish, among other things a neutral ombudsman to oversee interconnection of renewable energy to the electric system – passed both chambers but was vetoed by Governor McKee); PUC docket 4483 (PUC upholding assessment of tax on interconnection despite R.I. Gen. Laws §39-26.3-4.1(a) and utility admission that it is not owed to the IRS); PUC docket 4981 (PUC upholds transmission system charges on interconnection to distribution system despite R.I. Gen. Laws §39-26.3-4.1(a) - RI Supreme Court dismisses appeal as moot after RI Energy changes its position, but only as applied to the appellant's project).

stakeholders are deeply discouraged by RI's strategy. Stakeholders noted the many ways in which the Rhode Island strategy does not provide the administrative leadership needed to meet the Act's mandates. They included:

- “Rhode Island must seek to implement improvements now, rather than simply rely on the projection that current conditions place the State on a path to 2030 Act on Climate compliance.” (EC4 Advisory Board)(Attorney General Comments, p 6)(Green Energy Consumers Alliance).
- This is critical pivot-point and the tone of the presented plan does not reflect the courageous leadership and accountability required to meet the current moment (Timmons Roberts – member of EC4 Science Advisory Board) (Acadia Center)
- The strategy lacks a commitment to or endorsement of the Clean Heat Standard and/or the Building Decarbonization Act and other legislation needed to produce mechanics of implementation on the Act's mandates. (Attorney General Comments, p. 7)(Timmons Roberts – member of EC4 Science Advisory Board)(Clean Fuels Alliance)
- The strategy lacks committed funding to make the investments needed to meet 2040 and 2050 goals as supported by the state's labor unions. We need a commitment to a \$20 million infrastructure bond to close the gap on the transformation of our thermal and electric systems. (Climate Jobs RI)
- Plan lacks enforceable greenhouse gas emissions reductions to course correct as needed to meet 2040 mandates as is required by the Act – the plan itself concedes that it will only get RI half-way to the 2040 mandate (Acadia)(Climate Action RI)
- The climate strategy does not acknowledge findings that benefits of action on climate outweigh costs and, therefore, does not act on economic opportunity for savings that have been illustrated in all of the research done to date (Acadia Center)
- The strategy lacks adequate acknowledgement of costs of inaction and risk mitigation benefits of concerted/committed action (Acadia Center)
- The strategy lacks a unified commitment among all state agencies (EC4 Advisory Board)
- The workforce development proposals in the plan are not adequately developed (EC4 Advisory Board)
- The modeling done for the strategy appear inaccurate and are inadequately documented to allow full comment. (Climate Action RI)
- The strategy does not provide a written response to Advisory Board comments as required by the Act (EC4 Advisory Board). The executive summary of the strategy lacks the detailed analysis needed for substantive comment and fails to allow public input at a critical pivot point. (Timmons Roberts – member of EC4 Science Advisory Board)(Acadia Center)(Handy Law LLC)(Climate Action RI)

The climate strategy approved by the EC4 does not create enforceable greenhouse gas emissions reduction measures needed to comply with the Act's mandated emission reductions for 2040 and 2050, as required by the Act. The strategy concedes that:

there is significant uncertainty about the next four years, and additional action will be required to reach the longer-term emissions reduction targets of 80% by 2040 and net zero by 2050. . . The analysis found that in the Current Policy scenario, emissions in Rhode Island reach a 63% reduction by 2040 and a 71% reduction by 2050 (Figure 18), falling short of the mandated targets of 80% below 1990 levels by 2040 and net-zero by 2050.

*Rhode Island 2025 Climate Action Strategy* - approved by RIEC4 12/18/25, p. 61. This administration has approved a climate plan that admits noncompliance with the Act's requirement for the planned implementation of greenhouse gas emissions reduction measures sufficient to meet the Act's 2040 and 2050 greenhouse gas emission reduction mandates.

vi. *The Governor's 2026 Budget*

In direct contravention of the 2025 Climate Action Strategy, which relies on the renewable energy standard as its basis for compliance with the Act, the Governor's 2026 budget proposes to relax Rhode Island's renewable energy standard by delaying our achievement of one hundred percent clean electricity from 2033 to 2050. The Governor's 2026 budget would authorize RI Energy to impose an "access fee" on renewable net metering customers for their use of the distribution system. NEC has proposed such an access fee before (in PUC docket 4568) and when advocates carefully illustrated the lack of supporting evidence for its allegation that renewable energy customers are subsidized by other ratepayers, NEC withdrew its proposal.<sup>18</sup> The Governor's proposed 2026 budget would reduce the rate for large net metering customers to the wholesale rate as of 2045, rendering many existing and planned projects financially insolvent. In addition to undermining the Act, such reforms send a deadly signal to renewable energy markets that they cannot rely on consistency in RI's energy programs.

In a press conference on the Governor's proposed budget, Chris Kearns, OER's acting director, commented that "Rhode Island ratepayers should not pay the price for Trump's chaos in Washington." Terry Gray, chair of the EC4 commented that it is imperative to make electricity more affordable for Rhode Islanders so the state could achieve its electrification goals.

The clearest indication of undue influence and administrative malfeasance is that this Governor, acting through OER and supported by the Division, actually requested that RI Energy find cuts to its 2026 budget for energy efficiency in the name of ratepayer relief. RI Energy (happily) found such cuts and they were supported by the agencies and approved by the PUC. Nothing in Energy 2035 or the recommendations in *Transforming the Power Sector* or the E3 Report in the *Future of Gas* could be construed to support any claim that reduced investment in energy efficiency is a means to ratepayer relief. In fact, as addressed above, all those consultant and stakeholder supported energy policy planning processes are absolutely 100% plain and clear that our energy systems are already overbuilt and that the best way to reduce costs is to ensure load reduction and load flexibility so that we can respond to peak load in ways other than more, huge system investments that only benefit RI Energy's shareholders.

Stakeholders tire of repeatedly advocating positions that are so strongly and repeatedly supported by Rhode Island's law, plans and policy without administrative consideration and support. We are exhausted by the absence of administrative leadership and administrative backpedaling on the mechanics needed to implement Rhode Island's resolutions. Our administration has repeatedly and regularly violated its statutory duty and obligation to "address the impacts of climate change by exercising their existing authority to serve the purposes set forth in the Act as they pertain to climate change mitigation, adaptation, and resilience in so far as climate change affects their agencies' mission, duties, responsibilities, projects, or programs." The administrative failure to implement a transition away from natural gas clearly violates the state guide plan as represented in *Energy 2035*. Such administrative negligence also amounts to

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<sup>18</sup> Docket No. 4568 – *NEC Review of Electric Distribution Design Pursuant to R.I. Gen. Laws § 39-26.6-24* <https://ripuc.ri.gov/eventsactions/docket/4568page.html> Handy Law represented Green Development LLC in that proceeding and had filed for summary disposition before NEC withdrew its proposal. See <https://ripuc.ri.gov/sites/g/files/xkgbur841/files/eventsactions/docket/4568-WED-SummaryDisposition.pdf>

a violation of the separation of powers as the administrative branch continually undermines the achievement of legislative mandates and adjudicated orders.

### *Impacts*

Since passage of the Act, our firm has lost many clean energy clients due to RI's administrative failures to act on RI's energy law and policy and on climate. More importantly, those good firms that ultimately resolved to pack up and leave RI took with them the many benefits to the security and affordability of our energy system and to our future climate.

### *Our Resulting Requests*

Our firm respectfully asks this committee to require that our administrative branches of government properly administer the Act. Please demand that they develop and implement the strategies, programs, and actions to meet the economy-wide enforceable targets for the greenhouse gas emissions reductions mandated by the Act.

Require our utility regulators to ensure RI Energy complies with its public charter by exercising its monopoly control over our energy systems to serve the public interest. Require that our regulators address and resolve conflicts of interest that give RI Energy undue influence over policy and decision-making in Rhode Island like revolving door hiring, imbalanced access to regulators, and investment in advocacy that puts its shareholder profits above the public interest. Consider, introduce and pass measures to ensure equal access to and weight of advocacy from those that are committed to truly represent the public interest by ensuring permissive intervention standards and dedicated funding for public interest advocacy that is at least equal to what RI Energy's invests in its legislative advocacy and in its regulatory proceedings.

Demand that our regulators enforce compliance with the settlement agreement entered between the Attorney General and RI Energy in Division docket D-21-09 (*Petition for Authority to Transfer Ownership of The Narragansett Electric Company to PPL Rhode Island Holdings, LLC*). Require the PUC to promptly issue an order in the *Future of Gas* that is actually responsive to stakeholder comment and that promises to fully implement the mandates of the Act including (but not limited to) E3's calls for a "transformational change in the way Rhode Islander's use energy" and a "rapid shift toward decarbonized technology adoption." Require our administrative and adjudicative agencies to give full and just attention to and to diligently implement the recommendations of all other stakeholder processes that produced recommendations that are consistent with the goals of the Act including (but not limited to) those from *Energy 2035*, *Transforming the Power Sector*, and the *RTMDS*.

Ensure that our own administrative agencies stop propping up the great costs of the status quo. Get their commitment to stop opposing proposed laws and policies that their own experts have prescribed to implement the Act and sound energy policy for RI. Ensure that our own agencies do not propose, support or approve laws and policies that clearly impede the implementation of the Act and their own expert's prescriptions for sound energy policy.

In this absence of regulation of RI Energy's obligation to operate our energy systems for the public interest, it has become time to reopen our energy system to the competitive markets that will ensure cost effective (and otherwise effective) delivery of energy services. After all, a regulated monopoly that so effectively evades regulation is just a monopoly. Part of the monopoly playbook is to extract monopoly rents from our citizenry without providing commensurate value. This is just what Narraganset Electric did so effectively with RI's streetlights before this general assembly stepped in to allow our municipalities to buy their systems back and install the LED lights that resulted in much lower operating and maintenance costs.<sup>19</sup> Another element of the monopoly playbook is to obstruct access to market share by inflating the cost of more cost-effective competition. We have seen that strategy in action here in RI, with the constant barrage of measures designed to artificially inflate costs and undermine the benefits of highly competitive local distributed energy solutions. Fortunately for our state, experts have now proven repeatedly that there are much better ways to manage our energy systems through what they named "virtual power plants." Those strategies are also very well-suited for RI as long as those experts are allowed unobstructed transparency into our energy systems and the opportunity and authority to implement those much more competitive energy management solutions. Successful implementation of the Act will hinge on whether such experts are given that access, opportunity and authority.

Please ask or direct the attorney general to oversee, supervise and enforce implementation of these measures under its authority as "environmental advocate." Our attorney general is tasked with and ought to be specifically commissioned "[t]o take all possible action, including but not limited to programs of public education, legislative advocacy, and formal legal action, to secure and insure compliance with the provisions of this chapter [the Environmental Rights Act] and any promulgated environmental quality standards." R.I. Gen. Laws §10-20-3(d)(5).

Thank you for your consideration of these comments. I would be pleased to address any questions or concerns about them. Thank you for your action on climate and for protecting the Ocean State for its citizens and for our progeny (including my children) and for all of RI's future citizens.

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<sup>19</sup> See R.I. Gen. Laws §39-29-1 et seq and PUC docket 4442 - <https://ripuc.ri.gov/eventsactions/docket/4442page.html>.