



April 7, 2026

VIA EMAIL (Slegislation@rilegislature.gov)

Senator Jacob Bissaillon
Chair, Senate Housing and Municipal Government
Rhode Island State House
Providence, RI 02903
sen-bissaillon@rilegislature.gov

Re: Support for S 2800; An Act Relating to Property -- Abandoned Property

Dear Senator Bissaillon:

I write to you in your capacity as the Chair of the Senate Housing and Municipal Government Committee and with respect to S 2800, a bill pending before your Committee. S 2800 would classify battery energy storage systems (“BESS”) as a by-right use on properties adjudicated as “abandoned” by the Rhode Island courts pursuant to R.I. Gen. Laws § 34-44-4 (the Rhode Island Abandoned Properties Act) or on previously contaminated properties, as defined by R.I. Gen. Laws § 42-140.5-9(b). I write in my capacity as Senior Legal Counsel for Revity Energy LLC and its affiliates (“Revity”) and to express **Revity’s fervent support for S 2800**. Revity is a Rhode Island-based utility-scale solar developer which has developed 27 photovoltaic solar energy systems (“PSES”) facilities in Rhode Island with a total nameplate capacity of 147 megawatts, direct current (MWDC) and currently has 4 projects under construction totaling 48 MWDC. In any given year, Revity employs between 50 and 100 IBEW-99 union electricians to construct its facilities. In 2025, Revity paid over \$700,000 in taxes, permitting and other fees to the 10 Rhode Island municipalities in which Revity operates. Last year, Revity’s net-metering projects saved 5 municipalities, 5 universities, 5 hospitals and 7 local businesses \$6.7 million on their electricity bills.

Through the Energy Storage Act of 2024, the General Assembly declared that it is in the public interest to support the deployment of the following energy storage capacity: (1) 90 MW by December 31, 2026; (2) 195 MW by December 31, 2028; and (3) 600 MW by December 31, 2033.¹ As of January 2026, 43,594.1 MW of energy storage systems have been installed across the country with another 60,328.7 MW in development.² Rhode Island has one 3 MW utility-scale energy storage system located in the Pascoag Utility District. Rhode Island is 47th in the country for energy storage development (just ahead of Louisiana, North Dakota, and

¹ R.I. Gen. Laws § 39-26.1-10(a).

² <https://www.eia.gov/electricity/data/eia860m/>

South Dakota). Massachusetts has installed 482.2 MW of energy storage and Connecticut has 340 MW in development. Rhode Island has already fallen far behind its neighbors in this industry.

There are two key barriers to BESS development in Rhode Island. First, Rhode Island Energy does not have any tariffs allowing interconnection or retail compensation for standalone, utility-scale BESS facilities. This first barrier would be addressed by passing H 7878. Second, there are no municipalities that recognize energy storage systems as a by-right lawful use. S 2800 would recognize BESS as a by-right, permitted use on contaminated properties and properties adjudicated by the Rhode Island courts as “abandoned.” Aside from designating energy storage systems as by-right on contaminated or abandoned properties, S 2800 would completely preserve the municipalities’ planning and zoning authority to review applications to install energy storage systems in their jurisdictions.

R.I. Gen. Laws § 42-140.5-9(b) defines contaminated properties as follows:

(b) A site shall be presumed to be a previously contaminated property if:

- (1) Any agency of the state or federal government has designated the property as such;
- (2) The applicant presents a phase I or phase II environmental site assessment evidencing the presence of one or more “hazardous substances” (as defined in 42 U.S.C. § 9601(14)) and/or “pollutant or contaminant” (as defined in 42 U.S.C. § 9601(33)) on the property; or
- (3) The property meets the definition of a “brownfield site” (as defined in 42 U.S.C. § 9601(39)(A)).

The Rhode Island Abandoned Property Act (R.I. Gen. Laws § 34-44-1, *et seq.*) was enacted in 1986 and defines “abandonment” as follows:

A situation where the owner of a building has intended to abandon the building and has manifested the intent with some act or failure to act. In determining whether an owner has abandoned his or her building, a court shall infer the intent of the owner from the existence of serious code violations that pose a health and/or safety hazard to the community and that have gone unrepaired for an unreasonable amount of time and from any of the surrounding facts and circumstances including, but not limited to the following:

- (i) Whether or not the building is vacant;
- (ii) Whether or not the grounds are maintained;
- (iii) Whether or not the building’s interior is sound;
- (iv) Whether or not any vandalism on the building has gone unrepaired;
- (v) Whether or not rents have been collected from the building’s tenant by the owner;
- (vi) The length of time any of the above conditions have existed.³

³ R.I. Gen. Laws § 34-44-2(1).

For forty years, the Abandoned Properties Act has been a critical legal tool for municipalities to remediate blight, address public health and safety concerns and return properties back to the tax rolls. Since 2020, over 200 properties have travelled through the Rhode Island Superior Court abandoned properties program.⁴ Some are remediated by the existing property owner (or mortgagee), some are sold to new owners for remediation and some are dismissed because no offers are made to remediate the property. S 2800 would open up another category of potential use for these abandoned properties.

BESS facilities are a necessary grid enhancing technology and Rhode Island has fallen far behind 46 states in growing this industry for the benefit of the ratepayer. The benefits of energy storage systems have already been enumerated by the General Assembly. Rhode Island law declares that energy storage systems “connected to the electric power system could alleviate time and location-based constraints on the distribution and bulk power systems including physical, economic, and environmental constraints, and result in lower costs to the general body of

⁴ *John A. Dorsey v. 127 Woodbine Avenue, et al.*, KM-2025-0861; *Helping Hands Community Partners, Inc. v. 19 Hilton Drive, et al.*, PC-2026-01207; *John A. Dorsey v. 316 Kenyon Avenue, et al.*, PM-2025-02781; *John A. Dorsey v. 297 Lafayette Street*, PM-2025-01823; *John A. Dorsey v. 105 Pawtucket Avenue*, PM-2025-00917; *Helping Hands Community Partners, Inc. v. 1739 Broad Street, et al.*, PC-2025-05754; *Helping Hands Community Partners, Inc. v. 86 Lonsdale Street*, PC-2025-02191; *Helping Hands Community Partners, Inc. v. 51 Michigan Avenue, et al.*, PC-2024-06081; *Helping Hands Community Partners, Inc. v. 1361 Hope Road, et al.*, PC-2024-03696; *John A. Dorsey v. 36 Kinnicutt Avenue*, PM-2024-05243; *John A. Dorsey v. 115 Campbell Avenue*, PM-2024-05097; *John A. Dorsey v. 94 Canario Drive*, PM-2024-04347; *John A. Dorsey v. 25 Orange Street*, PM-2024-04360; *John A. Dorsey v. 59 Keller Avenue, et al.*, KM-2024-0518; *Helping Hands Community Partners, Inc. v. 106 Superior Street*, PC-2024-01718; *John A. Dorsey v. 193 Child Street*, PM-2024-02554; *John A. Dorsey v. 100 Wampanoag Trail*, PM-2024-02502; *John A. Dorsey v. 111 Cleveland Street*, PM-2024-02456; *John A. Dorsey v. 420 Newport Avenue*, PM-2024-02381; *John A. Dorsey v. 106 Park Avenue*, KM-2024-0306; *John A. Dorsey v. 64 Ormsby Street*, KM-2024-0263; *John A. Dorsey v. 42 Washington Street*, PM-2024-01156; *John A. Dorsey v. 45 Johnson Avenue*, KM-2024-0147; *John A. Dorsey v. 20 Wood Street*, PM-2024-00623; *Paul Carvalho v. 0 Standish Street*, PM-2024-00260; *John A. Dorsey v. 264 Pine Street*, KM-2023-0973; *John A. Dorsey v. 89 Shore Road*, PM-2023-02558; *John A. Dorsey v. 33 Laurel Street*, PM-2023-02310; *John A. Dorsey v. 275 Brown Street*, PM-2023-01801; *John A. Dorsey v. 70 Wickes Avenue*, KM-2023-0210; *John A. Dorsey v. 155 Arnolds Neck Drive*, KM-2023-0047; *Helping Hands Community Partners, Inc. v. 78 Harriet Street, et al.*, PC-2023-05737; *Helping Hands Community Partners, Inc. v. 71 Ardmore Avenue, et al.*, PC-2023-02910; *Helping Hands Community Partners, Inc. v. 360 Centennial Street, et al.*, PC-2023-01612; *Helping Hands Community Partners, Inc. v. 42 Putnam Street, et al.*, PC-2022-04488; *John A. Dorsey v. 542 Broad Street*, PM-2022-06731; *John A. Dorsey v. 334 Waterman Avenue*, PM-2022-06076; *John A. Dorsey v. 163 Cottage Street*, KM-2022-0760; *John A. Dorsey v. 64 Burnside Avenue*, PM-2022-05733; *John A. Dorsey v. 123 Wannamoissett Road*, PM-2022-05734; *John A. Dorsey v. 61 Wampanoag Trail*, PM-2022-05735; *John A. Dorsey v. 29 Winsor Street*, PM-2022-05012; *John A. Dorsey v. 116 Chestnut Street*, PM-2022-02373; *Beacon Hill Associates, LLC v. 498 Branch Avenue*, PC-2022-02089; *Helping Hands Community Partners, Inc. v. 95 Wakefield Street, et al.*, PC-2021-06715; *Helping Hands Community Partners, Inc. v. 25 Ada Avenue, et al.*, PC-2020-07411; *John A. Dorsey v. 49 Crescent View Avenue*, PM-2021-06772; *The Hartford Group v. 85 Freese Street*, PC-2021-06986; *John A. Dorsey v. 433 Hunt Street*, PM-2021-05069; *John A. Dorsey v. 515 Forbes Street*, PM-2021-04428; *Steven Lavergne v. 16 Foster Street*, PM-2021-03855; *John A. Dorsey v. 31 Benefit Street*, PM-2021-02474; *John A. Dorsey v. 118 Hall Street*, PM-2021-02383; *John Dorsey v. 38 Japonica Street*, PM-2020-06740; *Helping Hands Community Partners, Inc. v. 25 Ada Avenue*, PC-2020-07411.

ratepayers if located in the right place and operated at the right time” and directs the securing of “a long-term, stable, and affordable supply of energy storage systems, [as] it is essential that Rhode Island begin procuring and deploying energy storage systems as an alternative to costly and redundant utility distribution infrastructure.”⁵ Prior to the Energy Storage Act of 2024, the Rhode Island Public Utilities Commission issued its “Examination of the Value of and Need for Energy Storage Resources in Rhode Island: Report to the Rhode Island Senate in Response to Resolution 416.”⁶ In the Report, the PUC concluded that energy storage systems “can reduce the market price for electricity,” “improve power quality by charging and discharging as needed” and “avoid the need for new capacity investments.”⁷ The 3 MW storage system installed in the Pascoag Utility District provides an example of the grid benefits offered by energy storage systems. According to the PUD general manager, this system saved the Pascoag ratepayers \$12 million by avoiding transmission infrastructure upgrades.⁸

It is news to no one that this State has the fourth highest electricity rates in the country. Distribution and transmission charges constitute 38% of the average residential ratepayers’ monthly bill.⁹ Distribution and transmission charges reflect Rhode Island Energy’s cost to maintain grid infrastructure and Rhode Island Energy earns its rate of return on distribution charges. These infrastructure costs will continue to grow as consumption rises and the existing infrastructure becomes increasingly strained. BESS developments on constrained feeders can enhance grid stability as the RIPUC Report observed that “[w]hen peak conditions near or exceed the capacity of the power system (e.g. generation capacity, transmission capacity, distribution capacity), utilities and system operators must upgrade or expand their existing infrastructure” but “[b]y performing during these peak conditions, storage can avoid the need for new capacity investments.”¹⁰

The grid currently has more than 30 distribution feeders at least 80% constrained including 2 feeders which are over 100% constrained.¹¹ Without upgrades, these feeders will soon become, if not already, incapable of providing reliable service to the ratepayers. For example, Feeder 76F5 in Providence connected to the Point Street substation is 101.8% constrained. In its most recent Electric ISR (Infrastructure, Security & Reliability) filing, the Company stated that the “Point Street substation, which was noted to remain highly loaded in the previous study, continues to be a concern” and “large load interconnections have occurred/are occurring in the remaining 11kV and 4kV areas placing strain on those facilities.”¹² There are 6 feeders in the North Central Planning Area (18F5, 69F3, 18F9, 18F7, 18F13 and 21F2) with an average constraint of 97.07% (4 of which are connected to the Johnston substation). In reporting on the North Central Planning

⁵ H 7811 (2024).

⁶ chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://ripuc.ri.gov/sites/g/files/xkqbur841/files/2023-10/RIPUC%20Final%20Storage%20Report_Docket%205000.pdf

⁷ *Id.* at p. (ii).

⁸ <https://energy.ri.gov/press-releases/governor-mckee-pascoag-utility-district-announce-opening-rhode-islands-first-utility>

⁹ <https://capitolvri.cablecast.tv/show/11783>

¹⁰ RIPUC Report at p. ii.

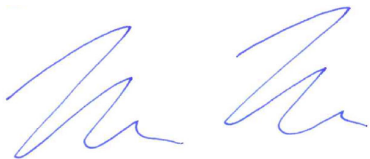
¹¹ <https://experience.arcgis.com/experience/b7f446f95c6b4d548d694737c9e66846>

¹² Proposed FY 27 Electric Infrastructure, Safety, and Reliability Plan Filing (Docket No. 25-54-EL) at p. 8 of 21.

Area, the Company's recent ISR states that "[l]oading and contingency concerns are emerging in this area" and, more specifically, "Johnston feeders have experienced recent large load and generation applications and interconnections."¹³ There is a feeder in Providence (1149) which is 117.43% constrained. There are two feeders in the Newport planning area (32J12 and 32J14) on the Harrison substation that are 107.37% and 103.28% constrained, respectively. These constraints are not going to be resolved without infrastructure upgrades as ISO New England anticipates a 15 percent increase in gross annual energy use by 2034.¹⁴ Over half of the properties that have travelled through the Rhode Island Superior Court Abandoned Properties Act program since 2020 have been located on distribution feeders which are 80% or more constrained. S 2800 would create opportunities to remediate distressed properties, return them to the municipal tax roll and address critical electric infrastructure constraints for the benefit of the State's ratepayers. Revity strongly supports S 2800 as an initial measure to direct battery energy storage systems in these areas of critical infrastructure need.

If the Committee has any questions regarding S 2800 or the statements made in this testimony, please contact my office.

Regards.



Nicholas L. Nybo
Senior Legal Counsel
REVITY ENERGY LLC AND AFFILIATES

Copy:

Senator Alana DiMario, Vice Chair
(via email at sen-dimario@rilegislature.gov)
Senator Gordon Rogers, Secretary
(via email at sen-rogers@rilegislature.gov)
All Members of the Senate Housing and Municipal Government Committee
Alex Rocha, Clerk, Senate Housing and Municipal Government Committee
Stephen Alves, Capitol Strategies Group
(via email at stephenalves12@yahoo.com)

¹³ Proposed FY 27 Electric Infrastructure, Safety, and Reliability Plan Filing (Docket No. 25-54-EL) at p. 7 of 21.

¹⁴ ISO-NE, 2025 CELT Report, *available at* <https://www.iso-ne.com/system-planning/system-plans-studies/celt/>.