

**2019 -- S 0959 SUBSTITUTE A**

LC002631/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DISTRIBUTED GENERATION  
INTERCONNECTION

Introduced By: Senator Louis P. DiPalma

Date Introduced: June 06, 2019

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-26.3-4.1 of the General Laws in Chapter 39-26.3 entitled  
2 "Distributed Generation Interconnection" is hereby amended to read as follows:

3 **39-26.3-4.1. Interconnection standards.**

4 (a) The electric distribution company may only charge an interconnecting, renewable-  
5 energy customer for any system modifications to its electric power system specifically necessary  
6 for and directly related to the interconnection. The electric distribution company shall provide a  
7 detailed audit and account of its actual cost to the interconnecting customer within ninety (90)  
8 calendar days of completing any system modifications including any and all supporting records  
9 and documentation.

10 (b) If the public utilities commission determines that a specific system modification  
11 benefiting other customers has been accelerated due to an interconnection request, it may order  
12 the interconnecting customer to fund the modification subject to repayment of the depreciated  
13 value of the modification as of the time the modification would have been necessary as  
14 determined by the public utilities commission. Any system modifications benefiting other  
15 customers shall be included in rates as determined by the public utilities commission.

16 (c) If an interconnecting, renewable-energy customer is required to pay for system  
17 modifications and a subsequent renewable-energy or commercial customer relies on those  
18 modifications to connect to the distribution system within ten (10) years of the earlier

1 interconnecting, renewable-energy customer's payment, the subsequent customer ~~will~~ shall make  
2 a prorated contribution toward the cost of the system modifications ~~that will~~ which shall be  
3 credited to the earlier interconnecting, renewable-energy customer as determined by the public  
4 utilities commission.

5 (d)(1) An electric distribution company shall acknowledge to the interconnecting,  
6 renewable-energy customer receipt of an application to initiate the interconnection process within  
7 three (3) business days of receipt. The electric distribution company shall notify the  
8 interconnecting, renewable-energy customer in writing within ten (10) business days of receipt  
9 that the application is or is not complete and, if not, advise ~~what is missing~~ of any and all  
10 elements of the application that are incomplete within the ten (10) business days. Once the  
11 incomplete items are addressed, the electric distribution company shall conduct a supplemental  
12 completeness review and application screening within no more than five (5) business days,  
13 notifying the applicant which interconnection process will be followed and whether their  
14 application is incomplete or deficient and providing a complete and specific list of any and all  
15 incomplete items or deficiencies and provide specific detailed instructions or recommendations  
16 on why items are deficient and how to correct any remaining deficiencies in a form that enables  
17 the applicant to fully address them. Once the deficient items are then addressed, the electric  
18 distribution company shall issue a final decision on all screens and on which interconnection  
19 process shall be followed within two (2) business days.

20 (2) As long as the interconnecting customer provides all requested information within ten  
21 (10) business days of the request, the interconnection deadlines in this section shall not be  
22 extended. The electric distribution company shall maintain an example of a complete and current  
23 model interconnection application with all required attachments and supplemental information in  
24 an easily accessible location on its website for ease of reference. The model application shall be  
25 updated within five (5) business days of any update to any of the electric distribution company's  
26 technical standards or specifications for interconnection pursuant to the provisions of subsection  
27 (g) of this section. Any disputes regarding whether and when an application to initiate the  
28 interconnection process is complete shall be resolved expeditiously at the public utilities  
29 commission.

30 (3) The maximum time allowed between the date of the completed application and  
31 delivery of an executable interconnection service agreement shall be one hundred seventy-five  
32 (175) calendar days or two hundred (200) calendar days if a detailed study is required. All electric  
33 distribution company system modifications ~~must~~ shall be completed by the date which is the later  
34 of:

1           ~~(1)~~(i) No longer than two hundred seventy (270) calendar days, or three hundred sixty  
2 (360) calendar days if substation work is necessary, from the date of the electric distribution  
3 company's receipt of the interconnecting, renewable-energy customer's executed interconnection  
4 service agreement; or

5           ~~(2)~~(ii) The interconnecting, renewable-energy customer's agreed upon extension of the  
6 time between the execution of the interconnection service agreement and interconnection as set  
7 forth in writing. All deadlines herein are subject to all payments being made in accordance with  
8 the distributed generation interconnection tariff on file with the public utilities commission and  
9 the interconnection service agreement.

10           These ~~system modification~~ deadlines ~~cannot~~ shall not be extended due to customer delays  
11 in providing required information or the electric distribution company's studies, including, but not  
12 limited to, transmission studies, all of which must be requested, ~~and~~ obtained and completed  
13 within the time period required for ~~before~~ completion of the impact study. The deadlines for  
14 completion of system modifications will be extended only to the extent of events that are clearly  
15 not under the control of the electric distribution company, such as extended prohibitive weather,  
16 union work stoppage or force majeure, or third-party delays, including, without limitation, delays  
17 due to ISO-NE requirements not attributable to electric distribution company actions, and which  
18 cannot be resolved despite commercially reasonable efforts. As used herein, "third-party delays"  
19 shall not include delays caused by a subcontractor, affiliate or other party related to or under the  
20 direction of the electric distribution company. The electric distribution company shall notify the  
21 customer of the start of any claimed deadline extension ~~as soon as practicable~~ within five (5)  
22 business days of occurrence to allow for customer intervention and involvement, provide  
23 information of its cause and shall also inform the customer of when it concludes, all in writing.

24           (4) Any actual, indirect, incidental, special, consequential, or punitive damages that a  
25 court of competent jurisdiction orders the electric distribution company to pay to an  
26 interconnecting, renewable-energy customer as a direct result of the electric distribution  
27 company's failure to comply with the requirements of this subsection shall be payable by its  
28 shareholders and may not be recovered from customers, ~~provided that the total amount of~~  
29 ~~damages awarded for any and all such claims shall not exceed, in the aggregate, an amount equal~~  
30 ~~to the amount of the incentive the electric distribution company would have earned as provided~~  
31 ~~for in §§ 39-26.6-12(j)(3) and 39-26.1-4 in the year in which the system modifications were~~  
32 ~~required to be completed. In no event shall the electric distribution company be liable to the~~  
33 ~~interconnecting, renewable energy customer for any indirect, incidental, special, consequential, or~~  
34 ~~punitive damages of any kind whatsoever as a result of the electric distribution company's failure~~

1 ~~to comply with this section.~~

2 (e) On or before September 1, 2017, the public utilities commission shall initiate a docket  
3 to establish metrics for the electric distribution company's performance in meeting the time  
4 frames set forth herein and in the distributed generation interconnection standards approved by  
5 the public utilities commission. The public utilities commission may include incentives and  
6 penalties in the performance metrics.

7 (f) The proposed interconnection of any new renewable energy resource that replaces the  
8 same existing renewable energy resource of the same or less nameplate capacity that has been in  
9 operation in the twelve (12) months preceding notification of such replacement shall be subject to  
10 a sixty-day (60) review. The purpose of such sixty-day (60) review is to allow the electric  
11 distribution company to determine whether any system modifications are required to support the  
12 interconnection of the replacement renewable energy resource. If there is a need for system  
13 modifications because of an interconnection policy change implemented by the electric  
14 distribution company, then the system modification may be included in rates as determined by the  
15 public utilities commission. If there is a need for system modifications only because of a change  
16 in the rating or utility disturbance response that adversely affects the impact of the facility on the  
17 distribution system, then the interconnecting, renewable-energy customer shall be responsible for  
18 the cost of the system modifications.

19 (g) The electric distribution company shall not change or amend technical standards,  
20 specifications or provisions of the electric system bulletin (ESB) for interconnection within the  
21 state without approval of the public utilities commission (PUC) and without publishing any  
22 proposed change or amendment to customers no less than thirty (30) calendar days prior to  
23 implementation. Any changed or amended interconnection standards, specifications or provisions  
24 shall not apply to interconnecting customers with completed interconnection application.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DISTRIBUTED GENERATION  
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1           This act would provide that an electric distribution company shall provide the actual cost  
2 of interconnecting to the customer within ninety (90) calendar days of system modification. It  
3 would also provide the electric system bulletin may only be amended with public utilities  
4 commission (PUC) approval and after thirty (30) calendar days' notice to customers.  
5 Amendments are not to apply to customers with completed interconnection service.

6           This act would take effect upon passage.

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