

State of Rhode Island and Providence Plantations

Public Utilities Commission

Minutes of Open Meeting Held October 28, 2010

Attendees: Chairman Elia Germani, Commissioner Mary Bray, Commissioner Paul Roberti, Patricia Lucarelli, Cindy Wilson-Frias, Amy D'Alessandro, Alan Nault, Sharon Colby Camara, Nick Ucci, Dilip Shah and Luly Massaro.

Chairman Germani called the open meeting to order at 10:00 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.

Minutes of Open Meeting held on October 7, 2010: Chairman Germani moved to approve the minutes. Commissioner Bray seconded the motion and the motion to approve the minutes was unanimously passed. **Vote 3-0.**

Competitive Telecommunications Service Providers

The following companies filed revisions to their existing tariffs. The Division has reviewed the tariff filings and recommends that they be allowed to go into effect without suspension:

- 3686 – BellSouth Long Distance, Inc. (tariff filing 10/15/10)
- 3647 – XO Communications Services, Inc. (tariff filing 10/4/10)
- 2618 – AT&T Corp. (tariff filing 9/30/10)
- 2535 – Cox RI Telcom (tariff filing 10/8/10)
- 3429 – AmeriVision Communications, Inc. (tariff filing 10/18/10)
- 4187 – Crexendo Business Solutions, Inc. (tariff filing 10/14/10)
- 2486 – MCImetro Access Transmission Services LLC (tariff filings 9/30 & 10/15/10)
- 2262(P7) – MCI Communications Services Inc. (tariff filing 9/30/10)
- 2262(F21) – Network Innovations, Inc. (tariff filing 10/15/10)

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

4203 – Verizon Rhode Island – Verizon filed on October 1, 2010 tariff a filing to modify the Business Link Rewards Plan. The Division has reviewed the tariff filing and recommends that it be allowed to go into effect without suspension. After review, Commissioner Bray moved to approve Verizon's tariff filing. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4196 – National Grid – The Commission reviewed the record regarding National Grid's proposed Distribution Adjustment Charge (DAC) for effect November 1, 2010. The Commission ruled on the following components of the DAC on a per therm basis:

- System Pressure (SP) Factor - Commissioner Bray moved to approve a SP factor of \$0.0024. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Advanced Gas Technology (AGT) Factor – Commissioner Roberti moved to approve an AGT factor of \$0.0009 and Chairman seconded the motion. Commissioner Bray

opposed. **Vote 2-1.** Chairman Germani moved to require National Grid to get approval before disbursing rebates greater than \$50,000. Commissioner Bray seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- Environmental Response Cost (ERC) Factor – Commissioner Bray moved to approve an ERC factor of (\$0.0013). Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Pension and Post-Retirement Benefits (PBOP) Factor – Commissioner Bray moved to approve a PBOP factor of \$0.0078. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Capital Tracker (CAPX) Factor – Commissioner Bray moved to approve a CAPX factor of (\$0.0054). Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- On System Margin Credit Factor – Commissioner Bray moved to approve a credit factor of (\$0.0018). Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Weather Normalization Factor - Commissioner Bray moved to approve a weather normalization factor of \$0.0077. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- DAC Factor - Commissioner Bray moved to approve a DAC reconciliation factor of (\$0.0008) effective November 1, 2010. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to require National Grid to provide all electronic spreadsheets relied on either directly or indirectly by the Company in preparing its future DAC and GCR filings at the time of the filing of the Company's testimonies. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4199 – National Grid – The Commission reviewed the record regarding National Grid's proposed Gas Cost Recovery Charge for effect November 1, 2010. The Commission ruled on the following outstanding issues:

- Commissioner Bray moved to approve a GCR factor of \$0.9091 per therm for the Residential Heating customers, Small and Medium C&I customers, and both Large and Extra Large Low Load customers. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to approve a GCR factor of \$0.8803 per therm for the Residential Non-Heating customers and both Large and Extra Large High Load customers. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to approve a Natural Gas Vehicle rate of \$0.7436 per therm. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to approve Gas Marketer Transportation Rates as follows
1) pipeline path credits which are base on a weighted average upstream pipeline cost of \$0.9677 per therm; 2) FT-2 firm transportation marketer gas charge of \$0.0367 per therm of throughput; and 3) a pool balancing charge of \$0.0023 per % of balancing.

Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

- Commissioner Roberti moved to remove the cap on the \$1 million Gas Purchase Incentive Plan (GPIP) for a one year period with the condition that a technical session is held to obtain a full understanding how the incentive works and aligns the interest of the shareholders and the ratepayers. Commissioner Bray seconded the motion. Chairman Germani supported removing the cap without condition. **Vote 2-1**
- Commissioner Bray moved to require National Grid to provide all electronic spreadsheets relied on either directly or indirectly by the Company in preparing its future DAC and GCR filings at the time of the filing of the Company's testimonies. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to allow the recovery of \$1.3 million from prior period costs. National Grid is required to provide documentation to support the netting transaction that resulted in the prior period cost and the total balance of \$6.2 million. This is subject to the Division's notification that the documentation is satisfactory. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved that National Grid conduct a study to determine an appropriate System Pressure factor to be used in next year's DAC and GCR proceedings. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to allow National Grid to use a one-year forward looking estimate of marketer charges with an annual reconciliation of the Fixed Costs component of those charges. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**
- Commissioner Bray moved to approve a BTU factor of 1.026. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

4205 – Narragansett Bay Commission (NBC) – NBC filed on October 8, 2010 proposed rates designed to collect additional revenues of \$6,544,525, an increase of 8.86% over current revenues for effect November 8, 2010. Chairman Germani moved to suspend NBC's proposed rates to conduct examination and hearing into NBC's rate filing. Commissioner Roberti seconded the motion and the motion was unanimously passed. **Vote 3-0.**

Periodic Review of Rules Pursuant to § 42-35-3.4 – In compliance with R.I.G.L. § 42-35-3.4, the Commission undertook an examination of the agency's current rules to determine whether such rules should be continued without change, or should be amended or rescinded. Commission Counsel, Ms. Cindy Wilson-Frias, prepared a Memorandum Report identifying the rules that already are under review and identifying the rules that require review using the criteria set forth in the statute. Commissioner Bray moved to adopt the Memorandum Report and take the appropriate action as identified in the report. Chairman Germani seconded the motion and the motion was unanimously passed. **Vote 3-0.** The Memorandum Report is hereby attached and incorporated into the minutes.

The open meeting adjourned at 10:25 A.M.

MEMORANDUM

To: Commissioners, Staff
From: Cynthia Wilson-Frias, Senior Legal Counsel
Date: October 25, 2010
Re: Periodic Review of Rules pursuant to R.I.G.L. § 42-35-3.4
Open Meeting on October 28, 2010

By December 31, 2010, each agency shall review its “rules existing at the time of the enactment” of R.I.G.L. § 42-25-3.4 (2008) “to determine whether such rules should be continued without change, or should be amended or rescinded, by examining whether the rules are consistent with the stated objectives of applicable statutes and are authorized by, and conform with those statutes.” The review needs to include minimizing the economic impact on small businesses while meeting the objectives of the applicable statutes. Small businesses are only impacted by the Commission’s Rules to the extent they are ratepayers. The only exception may be CLECs, Renewable Suppliers, or contractors. However, each of the rules that impact these entities is specifically required by various statutes.

It appears from the language of the statute that the following Commission rules were passed in 2009 and 2010 and thus, do not need to be included in the review:

- Rules and Regulations Governing Long-Term Contracting Standards for Renewable Energy (2009)
- Access to Public Records Regulations (2010)
- Rules and Regulations Governing the Review of a Utility Scale Offshore Wind Project as Described in §39-26.1-8 (2010)
- Rules and Regulations Governing the Certification and Verifications Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund and Certification and Verification Process for Compliance with Providing Lifeline and Linkup Service (2010)

The following Commission rules are already under review:

- Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service – Docket No. 4098 (In re: Rules Governing the Termination of Residential Electric and Natural Gas Services) and Docket No. 4114 (In re: Rules Governing the Review of Residential Water Utility Service)
- Verizon Rhode Island Telephone Collections Procedures – Docket No. 4060 (In re: Rules Regarding Residential Collections Procedures by Local Exchange Carriers in RI)

The following Commission rules need to be reviewed under R.I.G.L. § 42-35-3.4 using the following criteria set forth in subsection (b) of the statute:

- (1) The continued need for the rules;
- (2) The nature of complaints or comments received concerning the rule from the public;
- (3) The complexity of the rule;

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
- (6) Whether the rules are consistent with current agency practices and procedures; and
- (7) Whether the rules are consistent with and authorized by applicable statutes.

Commission Rules of Practice and Procedure (1998)

Action Needed: Review and amend in 2011.

- (1) The continued need for the rules;
 - a. The Commission is required to have Rules of Practice and Procedure and they are intended to provide a roadmap for anyone seeking to practice before the Commission.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received. However, some who practice before the Commission regularly have suggested there may be gaps or slight inconsistencies between some of the provisions. For example, the Notice provisions have led to some confusion.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. N/A
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. No review since 1998;
 - b. Electronic filings and the website have affected the service provisions between the parties by their agreement – for example, rarely are discovery responses exchanged between the parties in hard copy.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-1-11 states “The commission shall adopt reasonable rules and regulations governing the procedure to be followed in any matter that may come before it for a hearing....”
 - b. Consistency: The suspension period was recently changed to nine (9) months from seven (7). This change in the Commission’s rules cannot be made as a technical change, but requires a rulemaking proceeding. This may be a good time to review whether there are any other outdated provisions or whether, with the advent of electronic filings, some other changes may be necessary.

Rules and Regulations Governing the Implementation of a Renewable Energy Standard (2007)

Action Needed: Review and amend in 2011

- (1) The continued need for the rules;
 - a. The Rules are still necessary for the implementation of the Renewable Energy Standard
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. The rules are not consistent with current market rules
- (3) The complexity of the rule;
 - a. While complex, the rule seems to be workable
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. N/A
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. While the Rules are only three years old, various market changes have occurred which require changes to these Rules.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Some agency interpretation has been required in certain areas of certifying and verifying eligibility given various market changes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-26-6
 - b. Consistent with applicable statutes, but not with current market rules.

Rules Governing Energy Source Disclosure (2005)

Action Needed: No further action

- (1) The continued need for the rules;
 - a. Required by R.I.G.L. § 39-26-9
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. N/A
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;

- a. The Rule has not been evaluated since 2005, but there have not been technological changes or other factors that would render the rules obsolete.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-26-9
 - b. Consistent with the statute

Reliability Responsibility Regulations for Nonregulated Power Producers (1997)

Action Needed: No further action.

- (1) The continued need for the rules;
 - a. Required by R.I.G.L. § 39-1-27.1(b)(1) with no sunset provision.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. None.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. Rules were promulgated in 1997 and there have been no changes to the applicable statute
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-1-27.1(b)

Consumer Protection requirements for Nonregulated Power Producers (1997)

Action Needed: No further action.

- (1) The continued need for the rules;
 - a. R.I.G.L. § 39-2-1(c) requires the Commission to promulgate rules necessary to protect consumers following the introduction of competition. Competition is still legally available and therefore, the rules are still necessary.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No complaints.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. None.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. Rules were promulgated in 1997 and there have been no changes to the applicable statutes.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. §§ 39-1-27.1(b) and 39-2-1(c)

Regulations Regarding Protection of Security Interest in Intangible Transition Property (1997)

Action Needed: Technical Change to the Commission’s address.

- (1) The continued need for the rules;
 - a. R.I.G.L. § 39-1-56 required the Commission to establish a separate filing system and technical rules for the administration of such a system related to the perfection of a security interest in intangible transition property.
 - b. The law appears no longer necessary. Narragansett Electric never exercised its rights under the applicable laws related to these rules and it is unclear whether they even could now that most of their transition-related assets have been recovered through the transition charge.
 - c. However, there is no sunset on the rules set forth in the law.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None.
- (3) The complexity of the rule;
 - a. Never been tested.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. None.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. This is the first review of these rules. Narragansett Electric never exercised its rights under the applicable laws related to these rules and it is unclear whether they even could now that most of their transition-related assets have been recovered through the transition charge.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. They would be if Narragansett Electric had ever exercised its rights under the applicable statutes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-1-56

- b. Consistent: Yes.

Rules and Regulations Establishing Minimum Efficiency Standards for Certain New Products Sold in RI

Action Needed: Further review may be desirable to determine whether the rules are consistent with current building code. Otherwise, no further action.

- (1) The continued need for the rules;
 - a. The rules are required by R.I.G.L. § 39-27-5 and do not have a sunset provision.
 - b. Commission implemented the standards but doesn't have enforcement responsibility.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No more complex than the statute.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. The state building code contains many minimum standard requirements which may be duplicated or in conflict.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. The Rules were implemented in 2007 and follow the language of the statute which has not been amended since passage.
 - b. R.I.G.L. § 39-27-7 states that the Commission may amend the standards to establish increased efficiency standards for the products listed in the rules after consultation with the chief of energy and community services under certain circumstances.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. N/A
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: R.I.G.L. § 39-27-5
 - b. Consistent with the 2005 legislation

Regulations for Utility Interaction with Gas Marketers (1996)

Action Needed: Amend to make permanent. The Rules were originally passed for a three-year period and then extended by Open Meeting decision in 1999.

- (1) The continued need for the rules;
 - a. These rules are designed to allow the Commission and Division to have a record of active gas marketers in Rhode Island and to allow for a level playing field for competitors not associated with the gas utility to compete with a gas marketer affiliated with the utility company. There is value to ratepayers from this.

- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. None.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. Rule was continued in 1999 at the request of the Division. Nothing has changed that would suggest the Commission and Division should not have a record of who is marketing in RI.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. The Rules were promulgated under the Commission's authority to fix standards for service of public utilities (R.I.G.L. § 39-3-7). There is no filing fee for marketers to register and there have been no complaints about the registration process from unaffiliated (and unregulated) marketers.

Regulations Governing Arbitration, Mediation, Review and Approval of Interconnection Agreements (1997)

Action Needed: Technical Change to change the name of the ILEC from NYNEX to Verizon New England Inc.

- (1) The continued need for the rules;
 - a. The Rules are required by the Federal Telecommunications Act of 1996.
 - b. The Rules are needed to resolve interconnection-related disputes between Verizon and CLECs.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None.
- (3) The complexity of the rule;
 - a. They have proven workable when Arbitrations have occurred.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. The rules implement the federal requirements on the states.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. This is the first evaluation and the federal law related to these rules has not changed.
- (6) Whether the rules are consistent with current agency practices and procedures;

- a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Yes. 47 U.S.C. Section 252.

Regulations Regarding “Avoided Cost” for Development of “Wholesale” Discounts from Retail Rates (1997)

Action Needed: Technical Change to change the name of New England Telephone / Bell Atlantic / NYNEX to Verizon New England Inc.

- (1) The continued need for the rules;
 - a. These rules are needed for the continuation of wholesale rates between Verizon and CLECs.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None received.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;
 - a. The rules implement the federal requirements on the states.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. This is the first evaluation and the federal law related to these rules has not changed.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Yes. 47 U.S.C. Sections 251(b)(1) and 251(c)(4).

Rules and Regulations Governing the Filing of Annual Reports by Water Carriers (2003)

Action Needed: None.

- (1) The continued need for the rules;
 - a. These rules are necessary for the Commission to carry out its role under R.I.G.L. § 39-3-11 to periodically review the propriety of the rates of the utilities. It also treats ferry companies the same as the other utilities under Commission regulation.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. None except from Prudence Ferry which believes it should be exempted.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

- a. None.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
 - a. This is the first review. There have been no changes that would be affected by the rule.
- (6) Whether the rules are consistent with current agency practices and procedures;
 - a. Yes.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
 - a. Authority: Pursuant to R.I.G.L. §§ 39-1-1, 39-1-7, 39-1-13, 39-1-15, 39-1-21, 39-1-22, 39-1-38, 39-3-11, 42-35-1 et seq. the Commission finds that in order to carry out its charge in R.I.G.L. § 39-1-1 “to supervise [and] regulate...the conduct of companies offering to the public in intrastate commerce...transportation services...for the purpose of increasing and maintaining the efficiency of the companies, according desirable safeguards and convenience to their employees and to the public, and protecting them and the public against improper and unreasonable rates, tolls and charges....” all water common carriers doing business in the State of Rhode Island are required to file Annual Reports with the Commission not later than ninety (90) days following the close of the company’s fiscal year.

Rules Governing the Acceptance of Credit Cards by Utility Companies (2004)

Action Needed: None.

- (1) The continued need for the rules;
 - a. Depends on the Commission’s current view of whether ratepayers using credit cards should be required to pay the transaction fee, whether all ratepayers should be required to absorb the cost of the use of credit cards, or whether it should be up to the companies.
 - b. Pascoag has been granted an exemption from the current rules and passes the cost of credit card transactions on to all ratepayers through Misc. Expenses. (Order No. 20048 issued 6/29/10).
 - c. At one time, NBC was out of compliance with the credit card rules. In response, the Commission disallowed certain expenses from O&M. (Order No. 19693 issued 7/8/09).
 - d. The Rules do not apply to telecommunications carriers or ferries.
- (2) The nature of complaints or comments received concerning the rule from the public;
 - a. Division has not reported any.
- (3) The complexity of the rule;
 - a. No complaints received.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

- a. There is overlap where the water utility bills are collected and processed by the city or town which has its own transaction fee. However, the water companies simply pass along the rate charged by the city.
- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule;
- a. These Rules were evaluated in February 2008 when the Commission considered rescinding the rules. The Rules were ultimately left unchanged.
- (6) Whether the rules are consistent with current agency practices and procedures;
- a. See Number 1, above.
- (7) Whether the rules are consistent with and authorized by applicable statutes.
- a. Authority: R.I.G.L. §39-2-1 et seq. (Reasonable and just charges).