

Energy Efficiency and Resource Management Council
Legal Services Contract

This Agreement is between the Rhode Island Energy Efficiency and Resource Management Council (Client) and the Law Office of Marisa Desautel, LLC dba Desautel Law (Attorney).

CONTRACT TERM: May 1, 2022 – April 30, 2023. Upon satisfactory performance and availability of funds, the Agreement may be extended, under the same terms and conditions, by the Client, for not more than one (1) additional twelve (12) month period, without re-bidding, and upon mutual agreement in writing.

LEGAL SERVICES TO BE PROVIDED: The legal services to be provided by the Attorney to the Client are as described in Request for Proposal: Legal Services (August 21, 2020), submitted on behalf of the Law Office of Marisa Desautel, LLC. (Attached – Appendix A).

RESPONSIBILITIES OF ATTORNEY: Attorney will keep the Client informed of progress and developments of work being performed for the Client, and respond promptly to Client's inquires and communications.

RESPONSIBILITIES OF CLIENT: Client will cooperate with the Attorney and provide all work assignments in writing.

COMPENSATION: Client will pay Attorney for the legal services provided under this Agreement as follows:

- Hourly Rates: \$275.00 (Senior Attorney)
\$225.00 (Associate Attorney)
- In-State Travel Expenses: NONE

Attorney will charge in increments of one tenth of an hour, rounded off for each particular activity to the nearest one tenth of an hour. The minimum time charged for any particular activity will be one tenth of an hour.


The costs of any required out-of-state travel shall be reimbursed by the Client. No out-of-state travel shall occur without the permission of the Client.

BILLING: Invoices for services shall be submitted to the Client on the tenth day of each month. Invoices will be reviewed by the Client within thirty days and approval to issue payment sent to the appropriate financial account manager.


TERMINATION: The Client reserves the right to terminate the services of the Attorney for just cause by giving at least thirty (30) days written notice of the fact of such termination. In such event, all finished or unfinished work products prepared by the Attorney shall become the property of the Client, and the Attorney shall be entitled to compensation for satisfactory work under this Agreement.


The Attorney and Client or their duly authorized representative have executed this Agreement on the dates set forth below.

LAW OFFICE OF MARISA DESAUTEL, LLC
dba DESAUTEL LAW

By: 
Its: Managing Attorney
Date: 5/17/22

ENERGY EFFICIENCY AND RESOURCE
MANAGEMENT COUNCIL

By: 
Its: Chairman *Acting Chairman*
Date: 5/19/22

By: 
Its: Executive Director
Date: 5-19-22

Appendix A


RFP Cover Sheet

Offeror's Name:	DESAUTEL LAW
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RFP Information	
Title of RFP:	EERMC
RFP Number:	EERMC 2020-02

Offeror Information	
Legal Name of Offeror:	Law Office of Marisa Desautel, LLC dba Desautel Law
Type of Entity (i.e. corporation, partnership, sole proprietorship):	Limited Liability Company
Mailing Address of Primary Place of Business:	38 Bellevue Avenue, Unit H, Newport, RI 02840
Phone Number:	401-477-0023
Website:	www.desautelesq.com

Contact Person for the Offeror	
Name:	Marisa Desautel
Title:	
Mailing Address:	38 Bellevue Avenue, Unit H, Newport, RI 02840
Phone Number:	401-477-0023
Email Address:	marisa@desautelesq.com



Signature of Authorized Person

8/21/20

Date

Marisa Desautel, MA

Printed Name, Title

TECHNICAL PROPOSAL

A. OVERVIEW

Desautel Law (hereinafter, the “Firm” or the “Applicant”) is pleased to submit this proposal for legal services to the Rhode Island Energy Efficiency and Resource Management Council (“EERMC”). Desautel Law’s practice and core business centers within the environmental, energy, and utilities legal practice, with demonstrated experience providing previous representation and legal advice to the EERMC, comparable bodies that meet similar legal issues, as well as private sector clients. Further, Desautel Law is certified as a Women Business Enterprise with the State of Rhode Island. Desautel Law anticipates dedicating two of its attorneys to represent the EERMC; Managing Attorney Marisa Desautel and Associate Kallie Longval.

Prior to establishing Desautel Law, Attorney Desautel served as Senior Legal Counsel for the Rhode Island Department of Environmental Management (“RIDEM”) for nearly eight (8) years, and has ten (10) additional years of energy and environmental law and consulting experience. Attorney Desautel will serve as the lead for the scope of services discussed in Section III, below, with the assistance of Attorney Longval. Sections II.A and II.C detail Attorneys Desautel and Longval’s knowledge of the EERMC’s unique subject matter, relevant experience, qualifications, and proficient understanding of the legal services sought by the EERMC.

The EERMC’s enabling legislation, the Rhode Island Energy Efficiency Management Council Act, codified at R.I.G.L. § 42-140.1-1, *et seq.*, outlines the Council’s statutory obligations with respect to developing, recommending, and monitoring plans, programs, and standards for energy conservation, efficiency and diversification. R.I.G.L. § 42-149.1-5, also requires that the EERMC submit annual reports to Rhode Island’s General Assembly regarding EERMC’s activities; provide advice and counsel to distribution companies; participate in proceedings before the Rhode Island Public Utilities Commission (“RIPUC”); and work closely with the Rhode Island Office of Energy Resources (“RIOER”) to develop and recommend policies, standards, energy procurement as well as sustainability and other plans, among other statutorily mandated tasks.

Attorney Desautel has had the pleasure of representing EERMC’s interests for nearly five (5) years preceding this proposal. Consequently, Attorney Desautel possesses a uniquely advanced and comprehensive understanding of the EERMC’s requested scope of work; its internal policies and rules; and its statutory obligations related to state law, including the state’s Open Meetings Act, the Access to Public Records Act, and state procurement laws. Attorney Longval has worked at Desautel Law for almost (1) year and in that time has provided the EERMC with legal advice in regard to the Open Meetings Act and attended RIPUC open meetings on behalf of the EERMC. Moreover, Desautel Law is familiar with, and well equipped for, the day-to-day requests, legal issues, tasks, and counseling that arise from the Council and its members.

After a review of Desautel Law’s previous work on behalf of the EERMC, a variety of the EERMC’s past meeting minutes, and several RIPUC dockets, it is the Firm’s understanding that,

in the upcoming calendar year, the EERMC will request detailed reviews of documents, including legal opinions on the EERMC's Annual Report and Energy Savings Targets; Data Requests from the RIPUC and other bodies; and National Grid's Energy Efficiency and System Reliability Procurement Plans, among others. Additionally, the Applicant anticipates periodically working in conjunction with state and regional bodies such as RIPUC, RIOER, and the Rhode Island Division of Public Utilities and Carriers.

The EERMC's Request for Proposal's current Scope of Services includes tasks from other sections of Rhode Island General Laws, such as R.I.G.L. § 39-1-27.7; it is therefore the Applicant's understanding that it may be responsible for providing legal counsel and representation for any of the enumerated responsibilities and obligations of the EERMC as detailed in R.I.G.L. §§ 39-1-27.7, 42-140.1-3, 42-140.1-5, and 42-140.1-6.

B. WORK PLAN

To ensure a comprehensive and thorough response, the following section of this document reproduces the language of the EERMC's Scope of Work and provides the Applicant's reply immediately thereafter.

A. "Represent and advise the EERMC on all legal matters pertaining to its statutory obligations where appropriate and necessary."

Again, the EERMC's statutory obligations can be found in R.I.G.L. §§ 39-1-27.7, 42-140.1-3, 42-140.1-5, and 42-140.1-6. In this regard, Desautel Law will provide legal representation and advice to the EERMC relating to any and all reports, findings, and recommendations made to the RIPUC; any and all public review meetings; the evaluation and implementation of plans, programs and standards; the submittal of EERMC's annual reports to the state legislature; participation in RIPUC proceedings; any reports concerning the state's energy needs, usage, supplies, and efficiency; the EERMC's bylaws, committees, election and appointment of officers, employment of consultants pursuant to R.I.G.L. §42-140.1-6; and grant and loan administration.

DELIVERABLES:

1. Representation and appearance on behalf of the EERMC, as necessary, at any Public Utilities Commission proceedings, in accordance with R.I.G.L. §39-1-27.7.
2. Attendance, as requested, at any EERMC monthly meeting.
3. Preparation and presentation of legal advice on EERMC matters.
4. Conducting legal research, drafting legal memoranda, providing legal advice and counsel on any appropriate issue, as requested.

B. "Prepare and provide legal interpretations on all legislative mandates including, but not limited to, energy efficiency, renewable energy and distributed generation, upon request."

The legislative mandates are developed from the statutes referenced in Section III.A, above. As such, if awarded this contract, the Applicant shall continue to provide both verbal and

legal interpretations and written memoranda on any topic upon EERMC's request, including, but not limited to, those listed in the preceding section. Further, these legal interpretations can be supplied to the EERMC in any format requested; such as searchable electronic documents, hardcopies, and/or attendance and presentation at any EERMC meeting.

Desautel Law proposes a fourteen (14) day advance notice of any such assignment, in order to ensure adequate time for research and presentment. However, in the event that the EERMC requires an exigent legal interpretation, the Applicant shall continue to use best efforts to provide a proficient response in a timely manner.

Due to the Applicant's recent representation of the EERMC, experiences with RIDEM, and municipal government bodies, the Applicant has an extensive working knowledge of the legal services in this task, as each of the current and former clients listed above operate under legislative authority. During representation of those clients, the Firm was often asked to provide council members, state agencies, agency Directors, and their supporting staff with legal opinions on statutory considerations, internal policies, agency regulations, and technical subject matter.

DELIVERABLES:

1. Legal research into any statutory obligation of the EERMC, as requested.
2. Upon request, verbal and written (in any format) legal opinions and memoranda regarding statutory obligations of the EERMC.
3. Upon request, evaluation of and recommendations for EERMC plans and programs.
4. Question and answer session at any monthly meeting in regard to the Firm's deliverables for these tasks.

C. *“As directed by the EERMC, review policies developed by the EERMC and/ or its Consultant Team on a range of issues germane to the EERMC's statutory authority including, but not limited to, triennial and annual energy efficiency and system reliability plan development and implementation; efficiency and system reliability standards development; energy efficiency savings targets; evaluation, monitoring, and verification; financing; and performance incentives, as needed.”*

Review of policies related to any of the topics contained in this task would be carried out to ensure compliance with state law, including the EERMC's enabling act. Under that statute, any policy adopted by the EERMC must promote the control of energy costs and must adhere to the “comprehensive, public and stakeholder-driven” purposes assigned to the EERMC. R.I.G.L. § 42-140.1-2(c). The Firm shall continue to review any policy of the EERMC to determine compliance with the EERMC's “Powers and duties” enumerated in R.I.G.L. § 42-140.1-5.

Aside from the Firm's recent first-hand experience with these tasks, Firm staff gained similar proficiencies providing legal advice to the RIDEM concerning the Rhode Island Greenhouse Gas Initiative (“RGGI”), codified at R.I.G.L. § 23-82-1, *et seq.* Attorney Desautel

also participated in the initial RGGI, Inc. meetings; ensured ongoing regulatory compliance with the program; and provided legal advice concerning allocation of auction funds. Further, during this project, Attorney Desautel worked in consultation with the EERMC and RIOER.

DELIVERABLES:

1. Legal research and review/analysis, upon request, of EERMC policy.
2. Written comments on and/or revisions to any EERMC (and/or Consultant-drafted) draft and current policies.
3. Question and answer session at any monthly meeting in regard to the Firm's comments and revisions on these policies.

D. "Provide written responses to any information requests from third parties upon the request of the EERMC."

As the EERMC membership is likely aware, the EERMC is not a "public body," as defined by the Rhode Island Access to Public Records Act, R.I.G.L. § 38-2-1, *et seq.*, because the EERMC acts in an advisory capacity, and does not exercise a "government function." R.I.G.L. § 38-2-2(1). However, according to the purposes listed on its website, the EERMC is dedicated to providing "meaningful stakeholder involvement" and promoting "public awareness of energy efficiency programs and their benefits." Therefore, despite the inapplicability of the processes and deadlines mandated by R.I.G.L. § 38-2-3, the Firm shall continue to provide efficient and timely responses to public inquiry.

Moreover, Desautel Law staff's legal experience with inquiries from the public and third parties spans fourteen (14) years, and stems from not only Rhode Island Access to Public Records Act requests, but also from the news media, concerned citizens, stakeholders, and opposing counsel (either informally, or through issuance of a subpoena).

Although the EERMC's minutes are accessible online, the Firm anticipates providing assistance with drafting and/or reviewing written responses to other inquiries, including requests to review any legal memoranda or legal advice rendered during the scope of representation. Other information requests would be processed on a case-by-case basis, depending upon the nature of the request. Further, the Firm will work with members of the EERMC, consultants, and other necessary parties to formulate appropriate responses.

DELIVERABLES:

1. Review of information requests to narrow scope of search.
2. Assistance with search and retrieval of responsive documents.
3. Written responses to any information requests, as directed by the EERMC.
4. Maintenance of a file containing all working papers concerning information requests and responses thereto.

E. *“Upon request by the EERMC, attend EERMC meetings, Executive Committee meetings, Subcommittee meetings, Energy Efficiency and/or System Reliability Procurement Technical Working Group Meetings and other ad hoc committees that may be formed, as necessary.”*

From the Firm’s recent service to the EERMC, it is familiar with the council’s representatives and has interacted with them during council meetings. During Attorney Desautel’s attendance at EERMC meetings, she provided counsel to EERMC members and presented on various legal topics.

Further, the EERMC is a “public body,” as defined by the Rhode Island Open Meetings Act at R.I.G.L. § 42-46-2(3). Therefore, the Firm shall continue to provide advice on topics related to that act, including the procedures for posting notice of any EERMC meetings, meeting minutes, voting processes, and the requirements for holding executive sessions. R.I.G.L. § 42-46-4 through 42-46-7.

DELIVERABLES:

1. Travel to and attendance at meetings, as necessary.
2. Review of EERMC process to ensure compliance with the Rhode Island Open Meetings Act.
3. Legal advice regarding items #1 and #2, if necessary.

F. *“Represent the EERMC at all relevant regulatory proceedings conducted by the PUC, including, but not limited to, evidentiary hearings, technical sessions, and open meetings, as needed.”*

The RIPUC operates under the requirements of its enabling act, as well as regulations promulgated thereunder, R.I.G.L. §§ 39-1-3 and 39-1-11. The Firm’s representation of the EERMC with regard to evidentiary hearings at the RIPUC must conform to the RIPUC Rules of Practice and Procedure provided in 810-RICR-00-00-1. Further, the Firm’s representation during technical sessions and open meetings must comply with the procedures in 810-RICR-00-00-1. Compliance with the RIPUC Rules of Practice and Procedure is mandatory for any party appearing in front of the RIPUC. From her capacities with the Town of Middletown, RIDEM, and the EEMRC, Attorney Desautel is proficient with the RIPUC’s procedural rules. A large portion of Attorney Desautel’s practice with RIDEM and the EERMC concerned evidentiary hearings, technical sessions, and open meetings at various venues and administrative forums. As counsel to the EERMC, Attorney Desautel will continue to deliver the same skill sets with respect to regulatory proceedings before the RIPUC.

DELIVERABLES:

1. Entries of Appearance at Public Utilities Commission proceedings, as needed.

2. Travel to, attendance at and preparation of materials for Public Utilities Commission Prehearing Conferences, as required by R.I.G.L. § 39-1-12.
3. Witness preparation and other attorney-client communications with regard to subject matter in anticipation of Public Utilities Commission proceedings.
4. Observation of the Public Utilities Commission's Rules of Practice and Procedure.
5. Travel to, attendance at and representation of the EERMC at any and all meetings and hearings of the Public Utilities Commission, as needed.

G. *“Assist in the preparation, development, and delivery of testimony, data requests, and other regulatory support materials necessitated by relevant PUC proceedings, as needed.”*

As discussed above, all proceedings in front of the Public Utilities Commission are governed by its Rules of Practice and Procedure. Although the EERMC's appearances are in the nature of an advisory capacity, the materials submitted to the Commission in conjunction therewith must be thoroughly reviewed and prepared in accordance with the RIPUC Rules of Practice and Procedure.

While the subject matter of the testimony, data requests and other materials will be technical, the presentment of these will be procedural and will be subject to objection by any opposing party involved in the proceeding. The Firm has over twenty-five (25) years of combined experience in fast-paced, high-volume litigation with these exact issues in similar venues. Additionally, Attorney Desautel has five (5) years of practice before the RIPUC, and is familiar with the work necessary to prepare and submit evidence in the context of a regulatory proceeding.

DELIVERABLES:

1. Meetings with EERMC members and/or Consultants, as necessary, to compile information and begin preparation of documents for this task.
2. Assist with the creation of draft and final documents and other materials for submittal to the Public Utilities Commission.
3. Travel to, attendance at and preparation of materials for Public Utilities Commission Prehearing Conferences, as required by R.I.G.L. § 39-1-12.
4. Witness preparation and other attorney-client communications with regard to subject matter in anticipation of Public Utilities Commission proceedings.
5. Travel to and attendance at Public Utilities Commission hearings, as needed.
6. Entries of Appearance for delivery of evidence at Public Utilities Commission proceedings, as needed.
7. Observation of the Public Utilities Commission's Rules of Practice and Procedure.

H. *“Provide legal support and representation with respect to relevant state and regional entities, as requested by the EERMC.”*

From her representation of the EERMC, Attorney Desautel understands that the “state and regional entities” included in this task are the RIPUC, the General Assembly, the RIOER, National Grid, and representatives from the business, residential, low income, building, and environmental communities.

The Firm is very familiar with the type of legal support and representation required for interaction with state and regional entities, from representation of past clients, including the EERMC, appearing in front of departments of federal government, state government, and regional authorities in Rhode Island and Massachusetts, as well as various stakeholder and interest groups.

DELIVERABLES:

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| 1. Preparation for appearances at meetings and proceedings between the EERMC members and members from state and regional entities. This may include, but not be limited to, legal research, drafting of legal memoranda, and drafting and filing of pleadings and other documentation. |
| 2. Client meetings with the EERMC to prepare for any required representation. |

I. *“Represent the EERMC on all other matters necessary to advance the statutory responsibilities of the EERMC, as directed.”*

K. *“Provide other legal services on an as needed basis.”*

The Firm groups these tasks together, as they result in similar legal work product and will be performed at the EERMC’s direction. Attorney Desautel’s previous experience with the EERMC has given her a clear idea of what “necessary” additional legal services will present themselves over the course of the contract period. She predicts that these services will continue to include client meetings, legal research and analysis, attendance at EERMC meetings, and review of technical data.

DELIVERABLES:

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| 1. Travel to and attendance at EERMC meetings and other necessary proceedings, as requested. |
| 2. Legal research, drafting legal memoranda, providing legal opinions, attorney-client communications, and legal/statutory interpretations. |

J. *Management of an interest-bearing client account from which invoices approved by OER on behalf of the EERMC are paid.*

As the Managing Attorney for the Firm for the past six (6) years, Attorney Desautel has extensive experience managing interest-bearing client accounts. Attorney Desautel has managed the EERMC’s interest-bearing client account for the past five (5) years and will continue to do so.

If Desautel Law is selected, the EERMC will experience no transition or changes to the current status of the interest-bearing client account. The Firm will continue to handle balancing the account, delivering monthly updated spreadsheets showing transactions and balances, and reconciling those with the bank's monthly statements (which are also shared with EERMC designees).

DELIVERABLES:

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| 1. Monthly fund balance updates with interest, withdrawal, and deposit summaries. Monthly updated spreadsheets, reconciliation with bank monthly statements. |
| 2. Issuance of checks to vendors, at EERMC's direction. |

C. COMPANY PROFILE

The Firm is comprised of Attorney Marisa Desautel, Attorney Kallie Longval, Attorney Patrick Sullivan, Attorney Michelle Hawes, and Attorney Nicole Andrescavage. Desautel Law has been zealously representing clients for six (6) years.

Attorney Desautel has been practicing law in Rhode Island and Massachusetts for fourteen (14) years. Her current practice involves all aspects of civil litigation, public law, energy and environmental law and regulation, utilities law and regulation, and land use. Further, she has experience in representing similar bodies, acting as former Legal Counsel to the Rhode Island Board of Certification of Wastewater Treatment Facility Operators, currently serving as Legal Counsel to the Town of Middletown on environmental, energy, public utility, and zoning matters, and serving as Legal Counsel to other municipal bodies on environmental and zoning matters.

Attorney Longval was admitted to practice law in Rhode Island in 2019. Attorney Longval has been practicing as an attorney with the Firm since her admittance. Attorney Longval has experience representing clients in environmental, energy, and land use matters. Additionally, Attorney Longval has experience counseling municipal bodies on environmental and zoning matters.

Attorney Sullivan brings extensive experience in land use law, civil litigation, and municipal law. Attorney Sullivan has tried cases for plaintiffs and defendants in District, Family, Superior and Supreme Courts in Rhode Island for over twenty (20) years. Attorney Sullivan was duly admitted and qualified as an attorney and counselor of the United States Supreme Court in 2000.

Attorney Hawes has been practicing law in Rhode Island for over twelve (12) years. Attorney Hawes was admitted to the Rhode Island state bar in November of 2008, the Massachusetts state bar in December of 2008, and the Connecticut state bar in June of 2009. She

was admitted to the United States District Court, District of Rhode Island bar in February 2009, and the United States District Court, District of Massachusetts bar in July 2009. Attorney Hawes has actively practiced in all the states in which she is admitted, but currently focuses her work in Rhode Island.

Attorney Andrescavage is licensed in Massachusetts and has experience working on cases related to environmental law, land use, energy law, and the Coastal Zone Management Act. Since joining Desautel Law, she has handled regulatory due diligence matters for renewable energy projects, on and off-shore.

D. RELEVANT EXPERIENCE

The Firm has a history of successful representation of clients in Rhode Island and Massachusetts, before the RIPUC, before state and federal courts, both as prosecutor and defense counsel; and before the United States Court of Appeals for the First Circuit, and the District of Columbia Circuit. Relevant experience includes administrative hearings, Superior Court trials, arguments and hearings, and Rhode Island Supreme Court and federal court practice.

In her capacity as Senior Legal Counsel to the RIDEM for eight (8) years, Attorney Desautel worked very closely with environmental and regulatory professionals, and gained an advanced and complex knowledge of state government; its energy, environmental, and efficiency objectives and goals; and the regulatory process that promotes them. Providing legal counsel to RIDEM included evidentiary presentations, legal opinions on compliance with the state's Open Meetings Act and Access to Public Records Act.

Currently, the Firm represents the Town of Middletown on matters related to environmental protection, municipal zoning, and public utilities. As counsel to the Town, the Firm assists staff matters before the Planning Board, Zoning Board of Review, Energy Facilities Siting Board, and RIPUC. Additionally, the Firm acts as conflict counsel in Jamestown and Charlestown for matters related to environmental and zoning law that come before the towns' Planning Boards and Zoning Boards of Review.

The Firm is also assistant legal counsel to the Kent County Water Authority, which is a nonprofit public utility created to distribute water in the Kent County service district. The Authority is regulated by the RIPUC and is a public entity for purposes of the Rhode Island Open Meetings Act.

Finally, Attorney Desautel gained her most relevant experience as a result of representing the EERMC for the past five (5) years, beginning April 1, 2015. During her time with EERMC, Attorney Desautel was actively involved in regulatory filings with the RIPUC, such as recommendations concerning National Grid's one-year and three-year Energy Efficiency and System Reliability Procurement Plans and comments on RIPUC's Least Cost Procurement

Standards; statutory filings, such as EERMC's Annual Report and Energy Savings Targets; regular and executive EERMC meetings; as well as providing day-to-day legal advice on an as-needed basis.

E. EXAMPLES OF PRIOR WORK

In response to Section 4.II.E of the EERMC's Request for Proposals; below, the Applicant addresses the above-referenced dockets more comprehensively, and details Attorney Desautel's involvement with the same.

In particular, Attorney Desautel represented the EERMC in RIPUC dockets #4568, regarding National Grid's Rate Design pursuant to R.I.G.L. § 39-26.6-24; #4580, #4581, #4654, #4655, #4755, #4756, and #4889 regarding National Grid's 2016, 2017, 2018, and 2019 Energy Efficiency Program Plan and System Reliability Procurement Report; #4600, regarding the RIPUC's investigation into the changing electric distribution system; #4684, regarding the EERMC's proposed Energy Efficiency Savings Targets; #4600-A, regarding recommendations to a recent RIPUC guidance document; #5023, regarding Three-Year Savings Targets for National Grid's 2021-2023 Energy Efficiency Procurement Plan; #5015 regarding RIPUC's Review of Least Cost Procurement Standards; and #4770, regarding National Grid's Application for Approval of a Change in Electric and Gas Base Distribution Rates.

In RIPUC docket #4568, Attorney Desautel represented the EERMC during RIPUC's review of National Grid's electric distribution rate design and cost allocation in light of net metering and the changing distribution system. RIPUC's goal was to achieve a revenue neutral reallocation of rates. Pursuant to RIPUC's goals and EERMC's statutory rights and interest in the docket, Attorney Desautel filed a motion to intervene on behalf of EERMC. EERMC was especially interested in the RIPUC's consideration of rate design and distribution cost allocation; appropriate cost responsibility; and the contributions to operation, maintenance, and investment in the distribution that was relied upon by National Grid's customers. In her representation of EERMC in this docket, the Attorney Desautel prepared, developed, and submitted the testimony of Scudder Parker in opposition of National Grid's proposed rate design. She also prepared and submitted the surrebuttal testimony of Mr. Parker in response to National Grid's rebuttal testimony of Peter Zschokke, Jeanne Lloyd, and Timothy Roughan.

In dockets #4654 and #4655, Attorney Desautel represented the EERMC during the RIPUC's consideration of National Grid's 2017 Energy Efficiency Program Plan and System Reliability Procurement Report pursuant to R.I.G.L. § 39-1-27.7 and the RIPUC's Standards for Energy Efficiency and Conservation Procurement. The tasks associated with the EERMC, and the settlement it came to with National Grid and other interested third-parties, included negotiations, regulatory filings, and presentation at the RIPUC. In preparation for her appearance in front of the RIPUC, Attorney Desautel reviewed National Grid's 2017 Plan for compliance with the least cost procurement standards in R.I.G.L. § 39-2-1.2; coordinated with the EERMC's consultant team;

and advised EERMC as to her findings and conclusions. She also analyzed and made recommendations on EERMC's behalf in regard to rate increases and the cost-effectiveness within the plan. Further, with regard to EERMC's statutory duties, Attorney Desautel assisted with the development, preparation, and submission of EERMC's Cost-Effectiveness Report which solidified the Plan's compliance with state statutes and regulations for the RIPUC.

In docket #4600, Attorney Desautel represented the EERMC during the RIPUC's investigation into the electric distribution system and the fairness of rates and rate designs in light of the Renewable Energy Growth Program, at R.I.G.L. § 39-26.6-1, et seq. On February 5, 2016, the RIPUC issued a memorandum to stakeholders to solicit comments on its investigation. Attorney Desautel assisted with compiling, preparing, and submitting EERMC's comments to the RIPUC. After the docket commenced, the RIPUC issued notice of the docket and invited stakeholders to participate in the same. Attorney Desautel also prepared and submitted EERMC's application for membership in the Stakeholder's Working Group.

F. REFERENCE INFORMATION

1. Shawn Brown, Town Administrator, Town of Middletown - sbrown@middletownri.com, (401) 849-2898 (with permission)
2. Angelo Liberti, Chief of Surface Water Protection, RIDEM - angelo.liberti@dem.ri.gov, (401) 222-4700 ext. 7225 (with permission)
3. Brian Moore, Administrator, RI Department of Transportation - Brian.moore@dot.ri.gov, (401) 222-2450

G. IDENTIFICATION OF STAFF AND SUBCONTRACTORS

Attorney Desautel and Attorney Longval will serve as the Firm's dedicated staff for purposes of this proposal. No subcontractors will be engaged in the scope of this representation.

H. STAFF RESPONSIBILITIES

Attorney Desautel will be responsible for attendance at meetings, representation and appearances at the RIPUC, and providing legal advice.

Attorney Longval will be responsible for conducting legal research, drafting pleadings, compiling documents for filings, and providing legal advice and office support as needed.

I. STAFF EXPERIENCE

Attorney Desautel's experience is highlighted throughout this response and her resume is attached.

Attorney Longval is a graduate of the Roger Williams University School of Law, and has served the Firm as an Associate Attorney since being admitted to the Rhode Island state bar in November; her resume is attached. In law school, Kallie was selected to be a member of the school's environmental moot court team, which sends three law students to compete in the National Environmental Moot Court Competition. Between September 2018 and May 2019, Kallie could appear on behalf of the State of Rhode Island under Rule 9 of the Rhode Island Supreme Court Rules. During that time, Kallie worked on issues in property law, environmental law, and tort law.

In addition to the experiences above, Attorney Longval has also assisted Attorney Desautel with EERMC matters for the past several months, and has become proficient with its rules, regulations, responsibilities, goals, and structure. Attorney Longval has covered RIPUC meetings; researched internal issues related to the EERMC's bylaws and enabling act; assisted in drafting correspondence to membership and stakeholders; and prepared regulatory filings at the RIPUC.

J. /K./L. CONFLICTS OF INTEREST, LITIGATION & INVESTIGATION

The Applicant avers that it does not have any potential conflicts of interest. Desautel Law has never provided legal or other work to a client engaged in delivering energy services or products within the State of Rhode Island, or any other state. Likewise, the Applicant has no close personal ties or contacts with any of the energy companies, developers, or providers. The Applicant also avers that it has not been named in any litigation, disputes, claims or complaints, or events of default or other failure to satisfy or fulfill contractual obligations, nor have any of its employees.

Further, the Applicant maintains that neither it nor its employees are currently under investigation by any governmental agency; and neither the firm, nor the staff, have been convicted or found liable for an act involving conspiracy, collusion, impropriety, or any other act prohibited by state or federal law.

Marisa A. Desautel, Esq.
DESAUTEL LAW
401-477-0023
marisa@desautelesq.com
www.desautelesq.com

EDUCATION

Roger Williams University School of Law – Juris Doctor
University of Rhode Island – Master of Marine Affairs
Roger Williams University – Bachelor of Science in Biology

PROFESSIONAL EMPLOYMENT HISTORY

Law Office of Marisa Desautel, LLC, R.I.
Managing Attorney (present)

Comprehensive scope of legal representation and litigation in Rhode Island and Massachusetts for environmental and energy matters, property issues, land use, zoning and permitting, and municipal law, including constitutional issues. Representation of telecommunications companies for lease negotiations, municipal zoning and permitting, and state utility regulation. Transactional counsel to lending institutions and private clients for environmental issues associated with purchase and sales. Environmental audit and due diligence services for broad range of commercial/industrial facilities and operations. Expert witness testimony for violations of and compliance with environmental law and regulations. Assistance with environmental planning, regulatory compliance, and permitting for municipalities and private companies. Representation of municipal and private clients for land use zoning and permitting matters throughout Rhode Island and Massachusetts. Representation of municipal, state, and private clients in utility licensing proceedings before the RI Public Utilities Commission and Energy Facility Siting Board. The Office is also currently serving as Legal Counsel to the RI Energy Efficiency Resources Management Council.

Rhode Island Department of Environmental Management, R.I.
Senior Legal Counsel (2007-2015)

High profile environmental litigation practice focusing on prosecution for and defense of state and federal regulatory environmental enforcement actions, including constitutional matters. Included litigation of cases under: Clean Water Act, Clean Air Act, RCRA, TSCA, CERCLA/Superfund, NEPA. Preparation of all pleadings and settlement documents, motion practice, discovery demands and responses. Trials and hearings at administrative tribunals and in state Superior Court. Oral argument in RI Supreme Court and federal appellate court in multiple jurisdictions. In-house counsel for policy issues, legislation, and interactions with municipalities and other agencies. Practice included regular advice and representation in environmental law, energy law, public law, property law, constitutional law, and administrative law.

Roger Williams University, R.I. (2012-2014)

Adjunct Professor for School of Continuing Studies

Adjunct Professor for federal and state environmental law to undergraduate students, including out-of-classroom time interaction, comparative metrics and assessment of students' performance.

Grugnale Law, LLC, R.I. & MA (2006-2009)

Real Estate Attorney and Title Insurance Underwriter

Negotiated purchase and sale contracts, leases, deeds, easement conveyances, powers of attorney and promissory notes. Drafted title insurance policies, examined and prepared closing documents and conducted closings. Coordinated all aspects of title searches, title review and preparation of title commitments.

ESS Group, Inc., MA and R.I. (2001-2003)

Environmental Consultant/Scientist

Undertook an array of environmental and energy planning and permitting for municipalities and private companies, including one-on-one communications with clients. Conducted due diligence and site investigation services on commercial and industrial properties. Analysis of state and federal regulations to develop regulatory strategies. Completed comprehensive sampling, assessment, and technical reporting for evaluating impacts to soil, water, sediments and air resources at various CERCLA and RCRA sites.

Rizzo Associates, Inc., MA (1999-2001)

Environmental Consultant/Scientist

Conducted due diligence, environmental assessments, and site investigation services on commercial and industrial properties throughout New England and assisted with environmental and energy planning and permitting for municipalities and private companies. Assisted with environmental management issues including investigation and cleanup of contaminated sites for redevelopment and federal and state regulatory compliance. Completed comprehensive sampling, assessment, and technical reporting for evaluating impacts to soil, water, sediments and air resources at various CERCLA and RCRA sites.

BAR ADMISSIONS

Rhode Island
Massachusetts
United States District Court for the District of Rhode Island
United States Court of Appeals for the First Circuit
United States Court of Appeals for the District of Columbia Circuit
United States Supreme Court

LICENSES/ PROFESSIONAL AFFILIATIONS

Presenter, 2018 Rhode Island Bar Association Annual Meeting, "Update on Environmental and Energy Law"
Presenter, 2011, 2013, 2014, 2015, 2016 Rhode Island Bar Association Annual Meeting, "Update on Environmental and Land Use Law"
Member, Save the Bay Legal Committee
Member, Potter League for Animals, Advocacy and Public Policy Committee
Member, Rhode Island Environmental, Energy and Land Use Committee
Member, Rhode Island Government Law Committee
Member, Rhode Island Animal Law Committee
Member, Rhode Island Women's Bar Association
Member, Environmental Bankers Association
Member, Rhode Island Environmental Business Council
Member, Narragansett Water Pollution Control Association
Member, Newport Chamber of Commerce
Instructor, Alliance for Hazardous Materials Professionals
Instructor, Rhode Island Realtors' Association for Environmental Continuing Education
Volunteer Counsel, Rhode Island Social Enterprise Greenhouse

PUBLICATIONS

"The Rhode Island Brownfields Program and Recent State-Funded Grant Opportunities," National Association of Environmental Professionals, Environmental Practice Journal 18: 1-3 (2016)
"Rhode Island's Brownfields Grant Program: The 's' is at the end," Rhode Island Bar Journal, Volume 65. Number 2. September/October 2016

KALLIE M. LONGVAL

953 Kingstown Road
South Kingstown, RI 02879

kallielongval@gmail.com
978-621-9570

Bar Status: Admitted to the Rhode Island State Bar, UBE score transferable to all UBE jurisdictions.

EDUCATION

Roger Williams University School of Law
Juris Doctor

Bristol, RI
May 2019

Honors: Presidential Scholarship, 2019 Marine Affairs Achievement Award, Environmental Moot Court Team, CALI Award for the Highest Grade in Environmental Law

Activities: 2019 Jeffrey G. Miller National Environmental Law Moot Court Competition, 2018 Jeffrey G. Miller National Environmental Law Moot Court Competition, Vice President of Environmental Law Society, Maritime Law Society, Office of Admissions Student Ambassador

University of Rhode Island
Bachelor of Science in Marine Biology

Kingston, RI
May 2014

LEGAL EXPERIENCE

Desautel Law, Newport, RI

November 2019 – Present

Associate Attorney. Perform a comprehensive scope of legal representation for environmental, energy, property, land use, zoning, permitting, and municipal law. Act as transactional counsel to lending institutions and private clients for environmental issues associated with purchase and sales. Assist with environmental planning, regulatory compliance, and permitting for municipalities and private clients.

Rhode Island Office of the Attorney General, Providence, RI

September 2018 – April 2019

Civil Division – Rule 9 Intern. Researched and wrote legal memoranda. Assisted attorneys with discovery. Drafted complaints for environmental regulation violations. Researched Rhode Island air pollution regulations and drafted the complaints and consent agreements with Fiat and Bosch. Assisted attorneys throughout trial for an inverse condemnation case by drafting trial documents and participating in trial meetings.

Conservation Law Foundation, Providence, RI

May 2018 – August 2018

Covers Legal Intern. Researched and wrote legal memoranda. Assisted in drafting and commenting on bills related to environmental issues arising from offshore oil drilling, carbon pricing, and global warming. Researched and wrote a legal memorandum on the Safe Drinking Water Act and violations in Rhode Island. Gave a presentation on Conservation Law Foundation's local and regional work on coastal and shoreline protection.

Roger Williams University School of Law, Bristol, RI

June 2017 – June 2018

Rhode Island Sea Grant Law Fellow. Researched Massachusetts shellfish aquaculture statutes and regulations for an online aquaculture siting resource. Participated in meetings with stakeholders and collaborators to get feedback on the online resource. Wrote case studies for two coastal municipalities after working with stakeholders to identify the legal issues that occurred during pilot testing. Co-authored the final reports for the online resource, which are available at: <https://accolneaq.maps.arcgis.com/apps/Cascade/index.html?appid=fc96cff0ce4247f8bea2fb490327a55a>.

Office of the President of the Senate, Providence, RI

May 2017 – July 2017

Senate Policy Office Intern. Drafted bills and resolutions for the Rhode Island Senate. Researched legislative avenues for extending foster care services, allowing in-state tuition for DACA recipients, providing paid sick leave for part-time employees, and enabling the use of renewable energy systems on farmland. Attended and participated in committee hearings and meetings.

KALLIE M. LONGVAL

ADDITIONAL EXPERIENCE

Joslin Diabetes Center, Boston, MA September 2014 – July 2016
Research Assistant. Performed animal studies for an autoimmune drug development project. Created and performed experimental procedures to provide physiological data for animal studies. Compiled and analyzed data from experiments.

University of Rhode Island, Kingston, RI September 2013 – May 2014
Lab Technician. Assisted in experiments using enzymatic assays for citrate synthase, lactate dehydrogenase, octopine dehydrogenase, and lactate to measure the responses of marine invertebrates to naturally and anthropogenically induced environmental stress.

VOLUNTEER EXPERIENCE

Roger Williams University School of Law, Bristol, RI June 2020 – Present
Bar Exam Mentor. Mentor and advise recent law school graduates through the bar exam study process.

Animal Rescue League of Southern Rhode Island, Peace Dale, RI July 2013 – Present
Volunteer. Walk and socialize dogs. Assist with fundraisers and other events.

Conservation Law Foundation, Providence, RI September 2019 – November 2019
Volunteer. Performed legal research to assist with Clean Water Act enforcement actions.

PUBLICATIONS

Nicole Andrescavage and Kallie Longval, "Covid-19 and the Clean Water Act: A Look at the Liability and Damages of "Flushable" Wipes," R.I.B.J., May 2020, at 20.

ISBE Proposal – List of ISBEs Page

Offeror's Name:	DESAUTEL LAW
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Please see Sections 1.5, 1.6, 1.7, 3.6, 3.7, and 3.8 of the RFP for additional information.

Is the offeror a State MBE, WBE or Disability Business Enterprise)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	If YES, provide the total dollar amount representing work that will be done by the offeror: <div style="text-align: right; margin-top: 5px;">\$ <u>2,450/month</u></div>	

Identification of ISBE Subcontractors (Please show as necessary)		
ISBE Subcontractor's Name	ISBE Mailing Address, Email Address, and Phone Number	The total dollar amount representing work that will be done by the ISBE Subcontractor
		\$ _____
		\$ _____
		\$ _____

ISBE Proposal – Participation Rate and Page

Offeror's Name:	DESAUTEL LAW
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A. Total amount of dollars cost that will be done by the ISBEs:	\$ 2,450/month
B. All-Inclusive Price Listed the Cost Proposal:	\$ 2,450/month
ISBE Participation Rate R	100 %



Signature of Authorized Person

8/20/20

Date

Marisa Desautel, 

Printed Name, Title

Cost Proposal - Task Sheets

Offeror's Name:	DESAUTEL LAW
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Task Sheets. Please add or delete rows for team members and add or delete tasks as needed.


Task 1:			
Labor Costs			
Subcontractor Team Member Name and/or Job Title	Hourly Rate	Estimated Hours	Evaluated Price (Rate * Estimated Hours)
Marisa Desautel, Managing Attorney	\$275	4 hours/month	\$1,100/month
Kallie Longval, Associate	\$225	6 hours/month	\$1,350/month
Additional expenses that are not included in hourly rate			
Description of Expense			Price
Total Task Price			\$2,450/month

Cost Proposal - All-Inclusive Price Signature Page

Offeror's Name:	
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One All-Inclusive Price. This number represents the sum of all task prices and any other costs and expenses charged to EERMC.

All-Inclusive	\$ <u>2,450/month</u>
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Signature of Authorized Person

8/21/20

Date

Marisa Desautel, M

Printed Name, Title