

March 11, 2024

Steven Chybowski
Rhode Island Office of Energy Resources
One Capitol Hill, 4th floor
Providence, RI 02908

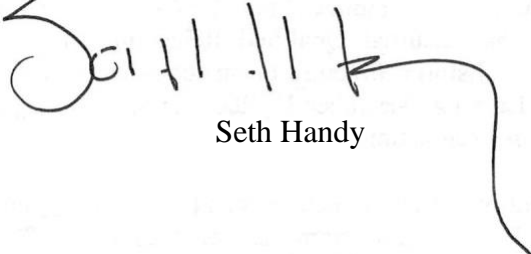
Re: EERMC Request for Proposals for Legal Services

Dear Mr. Chybowski,

Handy Law, LLC is pleased to submit a proposal to provide legal services to the RI Energy Efficiency Resources Management Council (EERMC). We are proud of Rhode Island's record of achievement on energy efficiency and understand the importance of the EERMC's mandate to tap the potential of energy efficiency to control energy costs, conserve energy and mitigate harmful air emissions. We would be pleased to join the team and write to present our credentials and capacity.

Please find our application, including the Cover Sheet, the Technical Component, the Cost Component, and the ISBE Component, attached.

Thank you,



Seth Handy

TECHNICAL PROPOSAL

TABLE of CONTENTS

A. *OVERVIEW* p.1
B. *WORK PLAN*..... p. 2
C. *COMPANY PROFILE*..... p.5
D. *RELEVANT EXPERIENCE*..... p. 5
E. *EXAMPLES of PRIOR WORK*..... p. 7
F. *REFERENCE INFORMATION*..... p. 8
G. *IDENTIFICATION of STAFF and SUBCONTRACTORS*..... p. 9
H. *STAFF RESPONSIBILITIES*..... p. 9
I. *STAFF EXPERIENCE*..... p. 9
J. *CONFLICTS of INTEREST*..... p. 11
K. *LITIGATION*..... p. 11
L. *INVESTIGATION*..... p. 11

A. OVERVIEW

Handy Law llc, led by Seth Handy, has extensive experience in environmental regulatory issues in Rhode Island. If selected, we will follow a work plan based on the Scope of Work as described in 5.3 of this RFP, modified in response to the needs of the EERMC.

As the lead attorney, Seth will provide direct consultation with EERMC, and also provide legal direction and oversight. Helen Anthony will participate in an advisory capacity. Conor MacDonald and Alec Wickersham will provide project management, research and drafting, and other tasks as needed. We believe our combination of deep experience in energy regulation and lean staff structure is ideally suited to meet budgetary objectives, while providing the EERMC with high quality legal services.

B. WORK PLAN

Our work plan is based on the scope of work described in section 5.3 of this RFP, “Scope of Work.”

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

Handy Law takes pride in our responsiveness. Being responsive means both quickly responding to client communications and appreciating the need to create real value with legal services that are carefully tailored to fulfill the clients’ interests. The first proposition is simple to satisfy – our priority is to answer our phone when we can and otherwise respond to client inquiries quickly. The second element requires us to develop a full understanding of our clients and their mission so we can help focus the legal work on achieving results that best serve the clients’ objectives. We are passionate about providing better means for the new energy economy to take hold and help resolve the many challenges that plague our existing energy system: security, reliability, cost, jobs and environmental impact.

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

It would be our job to help the EERMC understand and monitor its interests regarding proposed legislation and statutes that affect its mandates. It is important for EERMC to think broadly about its role and mission and implement and develop the mandates necessary to best support its function. This would include initiatives ranging from the composition and funding of EERMC to existing statutory mandates or changes in statutory mandates that affect the Council’s work. Our firm has substantial legislative experience, including the development and passage of the following laws: the Municipal Streetlight Investment Act, the Distributed Generation Long Term Contract Act, the Renewable Energy Growth Act, and amendments to our Net Metering Act. We have cultivated respect with the legislature and are prepared to leverage that relationship to assist EERMC with implementation of its legislative strategies and mandates. Among many other related endeavors, we are eager to help ensure proper implementation of the system reliability and least cost procurement programs and improve that mandate and other mechanisms to further the goals of the Council as necessary.

C. As directed by the EERMC, review policies developed by the EERMC and/or its Consultant 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; program budget and financing; cost-effectiveness; evaluation, monitoring, and verification; financing; and performance incentives, as needed.

Our firm thrives on energy policy work because we fully understand and appreciate how important these issues are to the future of our State. That is why we make such deep commitments to

stakeholder processes for the development of Rhode Island's energy policy including the State Energy Plan, docket 4600 (on fully and properly evaluating the costs and benefits of energy inputs) and the Future of Gas, PUC docket 22-01-NG. Demand side reduction is a critical element of the diversification, cost effectiveness and emissions reductions sought in our state plans and policies. We look forward to working with the State to implement its planning objectives through existing policies and policy improvements, and we would be pleased to be part of the EERMC team in that process. We are eager help EERMC with the review and improvement of its Rules of Procedure.

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

Handy Law has extensive experience with freedom of information requests and understands the importance of maintaining the transparency of government functions. The process of responding to public requests is a means to reaffirm appreciation of the information-seeker's stakeholder status and, ultimately, to establish and reinforce support for policy directions that properly serve the agency's mission.

E. Upon request by the EERMC, attend EERMC meetings, Executive Committee meetings, Subcommittee meetings, System Reliability Subcommittee meetings and other ad hoc committees that may be formed, as necessary.

Our team stands ready to attend any meeting that warrants the presence of legal counsel, at EERMC's direction. We maintain redundant calendars that enable us to track meetings and would communicate with the EERMC to ensure sufficient advance notice to schedule and provide appropriate coverage at the meetings.

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.

We welcome the opportunity to represent EERMC in all proceedings of interest and import at the Public Utilities Commission and the Division of Public Utilities and Carriers. That would include advocacy in association with direct filings like the Energy Efficiency Program Plan and Savings Target filings where the agency reviews and approves RI Energy's strategy for least cost procurement before seeking Commission approval. In such filings, EERMC meets its own statutory duty to implement "plans, programs and standards for energy conservation, energy efficiency, and diversification of energy resources." R.I. Gen Laws §42-120.1-5(a). This work also includes monitoring and responding to RI Energy's filings, including the annual Infrastructure, Safety and Reliability (ISR) Plan, the Energy Efficiency and System Reliability Procurement Plan (and funding its implementation) and the implementation of the Municipal Streetlight Investment Act. We propose to help EERMC be proactive in monitoring its interests in regulatory proceedings, including everything from participation in policy development like the State Energy Plan, to monitoring the implementation and effectiveness of advance metering infrastructure and time of use billing. As a general matter, we would like to help the EERMC build on its strategy to use efficiency as an effective tool to reduce the demand for natural gas and its transmission constraints that cause peak pricing spikes, and to deliver an effective message to

regulatory bodies and the public about these benefits. This critically important policy goal should be developed in concert with a diversification of our energy supply, which will also relieve demand on natural gas. It is also important to consider ways in which ratepayer bills can more accurately reflect the value of efficiency as a sourcing offset (effectively an energy source), rather than just a cost with no apparent, associated benefit.

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

Handy Law would be pleased to provide these services and has extensive experience with these agency procedures as illustrated in response to question F above.

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

It is important for all elements of state government to come together to resolve the challenges that face our State. Those challenges include substantial economic stress, the dilapidated low income housing stock and mitigating and adapting to climate change. EERMC has a very substantial role to play in all three of these areas. In economic development, we see the importance of the labor force affiliated with efficiency auditing and improvements and it is important that we continue to grow this base and remove obstacles to a productive job sector. That important work includes everything from providing proper training to ensuring the use of safe, non-toxic housing materials. We will help EERMC work with CommerceRI, the Department of Labor and Standards and local procurement organizations to ensure that procurement is handled properly, appropriate standards are developed and enforced, and the State is generally providing solid underpinnings for the growth and success of this job sector. On climate, the new Act on Climate requires all state agencies to assess how they can best contribute to the State's emission reduction goals and EERMC should be a part of those conversations to ensure that all State agencies understand the emission reduction opportunities in enhanced efficiency and demand side management.

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

See responses above. We are available to represent EERMC on any of its legal concerns.

J. Provide other legal services on an as needed basis.

See responses above. We are available to represent EERMC on any of its legal concerns.

C. COMPANY PROFILE

Handy Law llc is a Providence-based environmental and land use firm, led by Seth Handy, who has practiced law in Rhode Island for eighteen years, with a focus on energy law. He helped secure streetlight reform for Rhode Island, enabling significant efficiency improvements, and negotiating the tariff and agreements for streetlight service. He also has experience with performance contracting for energy efficiency, real estate and litigation issues surrounding energy development, and PUC proceedings. For further information about the firm, see subsequent sections.

D. RELEVANT EXPERIENCE

Our experience includes active representation of client interests in the following regulatory proceedings (please refer to the PUC website, <http://www.ripuc.org>, for docketed pleadings):

- i. As stakeholder in PUC Docket 4600, worked to establish value-based approach to all energy decisions and inputs.
- ii. PUC Docket 4442, 4513: Represented the RI League of Cities and Towns and the Washington County Regional Planning Council in development and implementation of the Municipal Streetlight Investment Act, including the establishment of a new tariff and a form of purchase agreement and attachment agreement and development of a streetlight metering pilot program.
- iii. PUC Docket 4277 and 4288: Represented developers in the establishment and implementation of the Distributed Generation Long Term Contract statute and program, including lead negotiator for developers on the terms of the contract form. Represent developers in subsequent program development filings.
- iv. PUC Dockets 4542, 5088, 23-44-REG: Represent renewable energy developer on changes to the Renewable Energy Growth Tariff and Enrollment Rule Changes.
- v. PUC Dockets 4483, 4539, 23-38-EL and 23-37-EL: Represent renewable energy developers on interconnection issues, helping overcome obstructions to the distribution system, including costs and delays, transmission concerns and the interconnection tax.
- vi. PUC Dockets 4545, 4982, 5122, 5145, 23-05-EL: Represented renewable energy developer on net metering issues.
- vii. In PUC Dockets 4743 and 4982, won approval to net meter small and large renewable energy and storage systems.
- viii. Division Docket D-10-126: Represented the Town of Portsmouth, Washington County Regional Planning Commission, and Church Community Housing in adjudication of the Town's right to net meter to remote facilities, thereby establishing the municipal right to remote net meter.

Our extensive experience with renewables and energy policy will be invaluable in working on issues related to the implementation of the System Reliability Procurement Plan which integrates

distributed generation. It will be important to monitor and if/as necessary improve on implementation of the Renewable Energy Growth program, particularly the provision allowing for added incentive for investments in grid constrained areas to ensure consistency with the SRP Plan objectives.

In addition to the experience detailed above:

- 1) Washington County Regional Planning Council: Represented them with the implementation of ARRA and performance contracting for energy efficiency improvements across municipalities in south county RI.
- 2) Partnership for RI Streetlight Management: Used experience with ARRA implementation to help WCRPC develop, pass and implement the municipal streetlight investment act across RI, helping RI cities and towns to purchase and maintain their streetlights and implement LED lighting, all at much reduced cost.
- 3) Infrastructure Safety and Reliability Plan (PUC docket 4389): Represented client to intervene in ISR process and advocate for distributed energy solutions. Denied intervention but issued advocacy including public comment that was integrated into resulting order.
- 4) Utility rate case: Represented 7 entities as “New Energy Rhode Island,” an intervenor in the distribution rate case, pressing for utility business model reform and power sector transformation.

E. *EXAMPLES of PRIOR WORK*

In addition to the many matters described above:

- 1) Worked to amend Rhode Island's interconnection law that reduce cost and speed up interconnection of renewable energy to the distribution system (a three year effort).
- 2) Sought intervention and filed public comment for New Energy RI on the public interest in the sale of Narragansett Electric's interests in Rhode Island's energy systems, Division of Public Utilities & Carriers Docket D-21-09.
- 3) Helped build new policies on utility business model, system planning and beneficial electrification of vehicles and thermal energy as part of Rhode Island's Power Sector Transformation process.
- 4) As a member of the Providence City Council, Helen introduced a Building Energy Reporting Ordinance to help Providence achieve its climate goals while improving its building stock and saving money on conserved energy.
- 5) RI Supreme Court appeal of municipal double taxation of renewable energy projects for both their tangible value and their impact on real property value.
- 6) Argued appeal in RI Supreme Court that projects connecting to local electric distribution system should not be charged costs of upgrading the region's electrical transmission system.
- 7) Presented first circuit appeal to convince federal courts to take jurisdiction over class action suit to recover interconnection taxes paid to National Grid.

F. REFERENCE INFORMATION

Matthew Banoub

Aten Energy Conservation LLC
PO Box 3348, Pawtucket, RI 02861
(401) 277-2836
matt@a10energy.com

Jeffery Broadhead

former Director of the Washington County Regional Planning Council and the Partnership for RI
Streetlight Management
208 Kings Factory Road, Charlestown, RI 02813
(401) 741-3091
jeffb.ri1@gmail.com

Hannah Morini

Green Development
2000 Chapel View Blvd, Cranston, RI 02920
(401) 295-4998
hm@green-ri.com

Kenneth Payne

former Director of the RI Office of Energy Resources and participant in New Energy RI
8 Pinecrest Rd, Carolina RI 02812-1108
(401) 364-0491
kennethfpayne@gmail.com

G. IDENTIFICATION of STAFF and SUBCONTRACTORS

We do not propose any subcontractors for this RFP. See staff list, below.

H. SAFF RESPONSIBILITIES

Handy Law llc proposes the following team members:

Seth Handy will be principally responsible for providing the required legal services. He understands and appreciates the urgency of the Council's work and will be a passionate advocate for EERMC's interests. He is the lead attorney and would be responsible for directing all EERMC business within the firm. He would attend meetings as needed and be the primary contact for EERMC business.

Conor MacDonald is the primary supporting staff person for all EERMC business, providing project management, research, drafting, and communications support to Seth Handy and the EERMC.

Helen Anthony would provide advisory support.

Alec Wickersham would provide as-needed, part-time support.

I. STAFF EXPERIENCE

Seth Handy worked in environmental policy before attending Vermont Law School to study environmental and energy law. He has practiced law in Rhode Island for eighteen years, the last six of which have been primarily focused in energy law. He represented the Rhode Island League of Cities and Towns and the Washington County Regional Planning Council (WCRPC) on the implementation of streetlight reform for Rhode Island, helping to develop the statute that enables towns to buy back their streetlights and manage them for better efficiency, and negotiating the tariff and agreements for streetlight service. He also counseled WCRPC on the implementation of its performance contracting strategy for energy efficiency in municipalities across southern Rhode Island. He has represented an energy efficiency contractor on operational (including upholding consistent health standards for efficiency materials) and real estate and litigation issues. He regularly appears before the Public Utilities Commission in tariff negotiation, other docket proceedings involving energy issues. He has been heavily engaged in energy policy matters at the State House ever since he organized a volunteer group of industry experts to evaluate the context for development of renewable energy in this State and helped develop recommended changes that became law in 2011. He has been active in the State's energy planning process, where energy efficiency and demand side management play a critically important role in meeting the goals of

diversification, affordability, and reduced air emissions. In addition to other extensive volunteer service for this community, Seth was a founding co-chair of the RI Bar Association Environment and Energy Law Committee, a long-term board member of the Conservation Law Foundation, the Sandra Feinstein Gamm Theater, the Pawtucket Armory Association and the Providence Preservation and an appointed Commissioner on the Narragansett Bay Commission. He now chairs the board of the Nonviolence Institute.

Helen Anthony is an attorney with Handy Law. Helen Anthony specializes in land use, real estate and non-profit law. A Connecticut native who moved to Providence in 2013, Helen brings her energy, fresh perspective and significant public sector experience to Handy Law, LLC. Helen is a Providence City Councilwoman, representing Ward 2 on the Eastside. She serves on the Finance Committee and Claims and Pending Suits Committee. Prior to her election, Helen served on the City of Providence Zoning Board of Review and volunteered at the Crossroads Domestic Violence Shelter and at the RI Coalition for the Homeless free legal clinic at the Mathewson Street Church. Before moving to Providence, Helen lived in Columbia, Missouri for ten years where she also served as a Councilwoman on the Columbia City Council and as a member of the City's Planning & Zoning Commission. In Columbia, Helen spearheaded the City's first comprehensive land use plan. Columbia, home to the University of Missouri, has experienced explosive growth. As a former Planning & Zoning Commissioner and Attorney, Helen used her skills to bring together diverse constituencies to create a land use plan that fostered continued economic growth while preserving Columbia's quality of life. In Missouri, Helen served on the Board of Trustees for Planned Parenthood of Kansas and Mid-Missouri and worked on a number of political campaigns to elect progressive women to local, state and federal office. Helen graduated from Colby College, Waterville Maine and received her J.D. from New England School of Law. She is licensed to practice law in Massachusetts, Missouri, and Rhode Island.

Conor MacDonald brings experience in land use law, environmental advocacy, and pension investment law, and is passionate about clean energy, urban development, non-profit, and municipal law. Before becoming an attorney, Conor worked for ten years in nonprofit organizations which focused on architecture, design, urbanism, and community building, in Boston and Providence, where he directed membership strategy and community engagement. He currently serves on the board of DownCity Design, and has held past roles on the Providence Athenaeum Building and Grounds Committee, the AIA Rhode Island board, and the committee for Common Boston, a neighborhood-based festival which ran for ten years. Conor graduated from Lehigh University, where he studied finance and architectural history (BS); Brown University where he studied cultural institutions, cities, and the public humanities (MA); and Roger Williams University School of Law (JD). In law school, he graduated with honors and was president of the Roger Williams School of Law Association for Public Interest Law (APIL), where he helped coordinate a forum to raise awareness of Rhode Island's leading role in lead paint litigation and current advocacy efforts. He is licensed to practice law in Massachusetts and is pursuing admission to the Rhode Island bar.

Alec Wickersham is a paralegal at Handy Law LLC.

J. CONFLICTS of INTEREST

We do not see any current conflicts or potential conflicts of interest.

Handy Law is engaged as a stakeholder PUC Docket 22-00-NG, the Future of Gas and the EERMC has also been a valuable party to those proceedings. The interests have been closely aligned and I do not see any likelihood of adversarial positions in that proceeding.

Our firm is not currently representing parties in PUC dockets in which EERMC has historically played an important role, including the Infrastructure, Safety and Reliability (ISR) Plan and System Reliability Procurement Plan proceedings. We do not anticipate any position adversarial to EERMC.

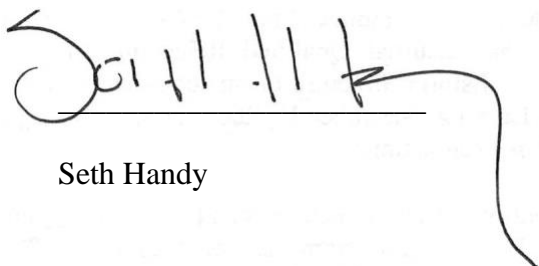
Our legislative work has not conflicted with EERMC interests thus far and we do not anticipate any conflicts at this time.

K. LITIGATION

Handy Law llc has not been involved in any litigation, disputes, claims or complaints, or events of default or other failure to satisfy contract obligations, or failure to deliver products, involving offeror or an affiliate of offer, and relating to providing services similar to the services being solicited by the EERMC.

L. INVESTIGATION

I hereby confirm that neither myself nor any directors, employees, or agents of Handy Law llc, or any other affiliate, are not under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to bidding on any contract.



Seth Handy