

**Block Island Utility District  
Regular Meeting of Board of Commissioners  
Monday, September 19, 2022 @ 4:30 PM**

**THE MEETING WILL BE HELD AT THE BIUD POWER  
PLANT**

1. Review and Act Upon BIUD's response to recent social media claims and comments that are false and defaming toward board members and management. \*

\*This item may be held in Closed Session pursuant to RIGL 42-46-5(a)(2) re: Potential Litigation.

Individuals requesting services for the deaf and hard of hearing must call (401) 466-5851 forty-eight hours in advance of the meeting date.

Posted: 9/15/22 9AM.

Secretary of State Website - BIBB - Town Hall

BIUD Website [www.blockislandpowercompany.com](http://www.blockislandpowercompany.com)

**Block Island Utility District Board Meeting**

**President's Comments**

**September 19, 2022**

It was recently brought to our attention that Entech Engineering has created a FB forum called Block Island Power Owners Forum on which several untrue, slanderous and hurtful claims were recently made. The posts made untrue claims about current BIUD Commissioners, dragged their employers into the mess, and made further harmful statements pertaining to their personal lives and volunteerism at different organizations.

These types of slanderous comments toward volunteers are morally wrong. Furthermore, they come from a for-profit business whose goal is to maximize the return on investments of its customers and to make a profit. No one on the BIUD Board begrudges Entech Engineering for their business plan, but it is an important distinction to make as BIUD is a not-for-profit utility district that seeks to treat all members equally. Contrary to the claims of Entech Engineering, we have worked transparently, encouraged open debate at, and outside meetings, and have made all decisions in public at open meetings which are all documented on our website.

We will not engage in online social media responses but will rather respond publicly in this meeting. The minutes of this meeting will be posted on our website.

I have provided copies of the posts we will be discussing. I have also made several e-mails available that demonstrate BIUD's sense of responsibility to Block Island's businesses, in this case, Entech Engineering, and our willingness to ask and listen to everyone's opinions. Knowing that Entech Engineering was working on several solar proposals, I felt the need to keep the company informed beyond what was

discussed and decided in BOD meetings. Mr. Warfel explains that at one point I expressed that I did not “need his help” in developing the new tariff. That is true. It would be inappropriate for me to solicit or pay for services beyond high-level opinions that the business could stand to profit from. That being said, I have always tried to keep the dialog open and my e-mails are just a few of many that demonstrate that.

I would like to publicly address the false claims made on Facebook now. I will read the post and stop to make corrections as we go. Please hold your comments until after I finish.

<Read the post>

False Claim #1: “the rules were changed so that the chair, Barbara MacMullan, could be on the board when the utility district was formed.”

Response: The rules were never changed. There is (and always has been) a provision in our enabling legislation that allows for account holders to designate a “qualified elector”. This is common with electric Coop elections. MacMullan was the qualified elector for an account that a member held and designate her as the qualified elector. It should be further noted that she did not represent WT. It should also be noted that she was elected from a slate of (9?) candidates, receiving the most votes. She has since been elected by her fellow commissioners as board chair each year since beginning her service.

False Claim #2: “as the branch manager of WT, her employer, had an interest in her being able to influence the Board financial policies as they *held much of BIPCo’s debt.*”

Response: Barbara MacMullan is actually a Vice President with WT and is held to the highest ethical standards as is any bank employee. She has always recused herself of any decisions made that pertain to BIUD's relationship with WT (1-18-18 minutes as an example). BIUD uses WT because they are the only bank on the island. BIUD's office manager makes almost daily cash deposits at the bank and to have a relationship with any other bank off-island would not be feasible. WT does not hold any of BIUD's debt. It has been discussed at many BIUD BOD meetings that BIUD is a 100% borrower with CFC. BIUD only has its checking and deposit (or sweep) accounts with WT and we are only charged normal bank fees. To state that there is a financial relationship with WT is a stretch. Additionally, to my knowledge, RUS was the sole lender to the old BIPCO, or at least it was while I was President. WT did not hold any debt back then nor do they now.

The BIUD BOD, past and present, has been working on the new net metering tariff since March 2020 when they bought the BIPCo assets and began operating the power company. The development of this tariff has been in open meetings and during public discussions. We have been transparent and will continue to be.

This latest personal attack on BIUD BOD members is wrong. Wrong in so many ways. It is hurtful, disrespectful, and slanderous, and crosses an ethical and moral line of decency. These Commissioners are volunteers that represent our members and to be publicly smeared and referred to as oligarchs is crossing a line.

**Block Island Utility District  
Thursday January 18, 2017  
Town Hall, Old Town Road  
12:30 PM**

**Present:** Commissioners Mary Jane Balser, William Penn, Everett Shorey, and Barbara MacMullan. Jeffery Wright, President of BIPCo. Kenneth Lacoste, Christopher Willi, Town Council. Renee Meyer from the Block Island Times. Clifford and Sara McGinnes. **Absent:** Jack Savoie

Meeting was called to order at 12:30 PM

**1. Public Input**

- Jeffery Wright reported that BIPCO is planning to submit an amendment to the Town of New Shoreham legislation to mandate that the cost of all interconnections be socialized over all of National Grid Customers.
- Mary Jane Balser noted that she did not realized that a lawsuit brought by BIPCO customers to stop the sale of 2/3<sup>rd</sup> of BIPCO to the Town of New Shoreham was still active and that she was still a plaintiff. She contacted the attorney representing the customers to request that she be removed from the lawsuit as a plaintiff.

**2. Approve Minutes of January 9, 2018 and December 19, 2017 meeting**

- Mary Jane Balser moved to approve the minutes, modified to reflect that at the January 9, 2018 meeting only the December 4, 2017 minutes were approved. Seconded by William Penn. Ayes 4 (Balser, Penn, Shorey, MacMullan), Nays 0

**3. Discuss and Act on Opening Bank Account**

- A motion was made by William Penn to open a checking account with the Washington Trust Company with William Penn and Jack Savoie as authorized signers on the account. Seconded by Mary Jane Balser. Ayes 3 (Balser, Penn, Shorey). MacMullan recused because she is an employee of Washington Trust.

**4. Discuss and Act on Obtaining D&O Insurance**

- Everett Shorey moved to defer accept the proposal from tKg for D&O Insurance. MacMullan seconded. Ayes 2 (Shorey, MacMullan), Nays 1 (Balser), 1 abstention (Penn). Motion did not carry. Everett Shorey left the meeting at this point.

**5. Discuss and Act on Utility District Bylaws**

- William Penn moved to approve the utility district bylaws as presented by MacMullan and amended during the meeting, and to forward them to Partridge Snow & Hahn for legal review. Seconded by MacMullan. Ayes 3 (Penn, Balser, MacMullan) Nays 0.

**6. Discuss and Act on Request for Proposal for Utility District Financing**

- Deferred to future meeting

**7. Approve Partridge, Snow and Hahn Invoice**

- Motion made by Penn, seconded by MacMullan to pay Partridge Snow and Hahn invoice No. 360079 in the amount of \$6,555.00. Ayes 3 ((Penn, Balser, MacMullan) Nays 0.

**5. Discuss and Act on Acquisition of Block Island Power Company**

- MacMullan moved to go into closed session pursuant to RGL 42-46-5(5). Seconded by Penn. Ayes 3 (Balser, Penn, MacMullan), Nays 0

- MacMullan moved to leave closed session and seal the minutes of the closed session. Seconded by Penn. Ayes 3 (Balser, Penn, MacMullan), Nays 0
- No motions were made in closed session

Barbara MacMullan moved to adjourn at 3:00PM, seconded by Penn, Ayes 3 (Balser, Penn, MacMullan), Nays 0

Approved: January 23, 2018

## Jeffery Wright

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**From:** Jeffery Wright  
**Sent:** Monday, April 6, 2020 6:14 PM  
**To:** Christopher Warfel  
**Cc:** Barbara MacMullan; Everett Shorey; Bill Penn; Elliot Taubman; Mary Jane Balser  
**Subject:** Re: Important Question on Net Metering

Through the existing tariff, it is the combination of Standard Offer and Transmission (or the Fuel Adjustment Charge), which is actually a touch more than BIUD's true avoided cost @ \$0.1672. It's the way it's always been and we have not adjusted since at least 2016. The old company erred on the conservative (or generous) side after going on the cable and credited all back, not having done a comprehensive avoided cost study.

As for QF projects, per PUC guidance the rate is our Standard Offer charge (which they have traditionally defined as Avoided Cost) which is \$0.0972.

Our proposed rate in our proposed tariff is \$0.1390 which is the (Standard Offer Rate + Transmission Rate) - Fixed Charges such as National Grid Direct assignment Facility (DAF) Charge (LaCapra defines the DAF as a non-bypassable cost in his work he did for us).

Regards, Jeff

Jeffery M. Wright  
President  
Block Island Utility District  
100 Ocean Avenue  
Block Island, RI 02807

O: 401-466-5851  
C: 802-730-4233

Sent from my iPhone

> On Apr 6, 2020, at 6:00 PM, Christopher Warfel <cwarfel@entech-engineering.com> wrote:

>

> BIUD,

>

>

> Can you please let me know your understanding of the rate at which customer generated electricity that goes back through the meter and to the utility. 1) It was understanding that per BIPCo policy, it is valued at avoided cost. However, I am not sure if that is correct. It reads that way and that was what I thought was conveyed to me. 2) I believe the other alternative would be that this customer generation would be "banked" and compensated at tariff. I believe this is Grid's model, but not BIPCo's.

>

> Would you please clarify?

>

> Thank you, Chris

>

## Jeffery Wright

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**From:** Jeffery Wright  
**Sent:** Thursday, December 10, 2020 2:50 PM  
**To:** Christopher Warfel  
**Subject:** RE: Meter

I agree that there are going to be challenges with getting the second meter installed correctly. That is why I would like to review it with you in person on site as I have a couple of ideas.

I recently had a long talk with RI-OER and they described the same challenges that National Grid had when they transitioned to the dual meter system in 2015. OER actually did training for all of the mainland solar developers that addressed these exact challenges. There is a solution for every situation and BIUD is willing to work with all of the developers to find that solution.

If you have time to look at this with me, I would like the opportunity to try and work through it. Let me know.

Jeffery M. Wright | President  
Block Island Utility District  
DBA Block Island Power Company  
100 Ocean Avenue, P.O. Box 518, Block Island, RI 02807  
Office: 401-466-5851 | Cell: 802-730-4233 | Fax: 401-466-5851

Please be advised that my e-mail address has changed effective 11/20/19. My old e-mail will continue to work for a short period of time while we transition but please change my information in your contacts. Thank you.

-----Original Message-----

**From:** Christopher Warfel <cwarfel@entech-engineering.com>  
**Sent:** Thursday, December 10, 2020 1:27 PM  
**To:** Jeffery Wright <jwright@blockislandutilitydistrict.com>  
**Subject:** Re: Meter

Jeff, I was delayed by Orstead and getting back to this. This wiring diagram is not a tenable solution for 2020 and especially for BIPCo.

This solution was seen as such at a meeting many months ago. This technique was stopped because of the cost of doing this type of interconnection back in the 1980's for most utilities. We are metering all the output. The idea of only allowing residential customers to net meter has been seen by all to be arbitrary and not really indicative of good planning. But this is really just one of the problems. I am sorry that we are at such loggerheads, but there has to be another way, and that was acknowledged. Chris

On 11/23/2020 10:44 AM, Jeffery Wright wrote:

> The meter is out front on the step - I have also placed a copy of the wiring diagram in a plastic bag for you. The drawing is attached.

>

> I know the existing meter for the Parish Center is on the pole so I'm willing to look at it with your electrician to figure out how to get physically get it connected. If its in tough shape like most meter sockets out here, it might be best to install two new sockets closer to the building and remove/bypass the existing socket. Rocky had called me at one point regarding this job, if he's still involved have him call me to figure it out.

>

> Jeffery M. Wright | President



## Jeffery Wright

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**From:** Jeffery Wright  
**Sent:** Wednesday, August 12, 2020 9:40 AM  
**To:** Christopher Warfel  
**Cc:** Everett Shorey  
**Subject:** RE: Information not found

I have one question that may help us get closer to resolution on this issue Chris.

If you assume that a net meter customer needs a connection to the BIUD grid then you must agree that every customer should pay the Plant and Distribution rate on their consumption which provides us with revenues to maintain the system. That leaves the Standard Offer and Transmission Rates that is factored into BIUD's avoided cost of customer produced generation.

That combined rate is 18.96 cents/kwh right now. It includes 2.6 c/kwh to pay for the fixed charges of the National Grid facility. Would you agree that the true avoided cost of customer generation to be  $18.96 - 2.6 \text{ c/kwh} = 16.36 \text{ c/kwh}$ ?

If not, then what do you think it should be?

Are you lobbying for full avoidance of the Plant and Distribution charges? If so, I think that is policy issue that we disagree on.

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-----Original Message-----

**From:** Jeffery Wright  
**Sent:** Wednesday, August 12, 2020 9:24 AM  
**To:** Christopher Warfel <cwarfel@entech-engineering.com>  
**Cc:** Everett Shorey <eshorey@shoreyconsulting.com>  
**Subject:** RE: Information not found

Chris, we haven't filed a net meter tariff yet because the statute is hung up in the RI House of Reps. The impacts from the current 3% will not be part of that filing. It's really a mute point anyhow because we know that avoiding full retail rates as we do now is creating a cost shift that we need to avoid. So whether that impact is \$10,000 per % or \$20,000 per % really doesn't matter. If you don't trust my impact calcs then please challenge the numbers in it and I will concede if wrong. But as long as we allow offsetting the full retail rate, we know that is not sustainable.

The new program beyond the 3% will be what the PUC will focus on. The BIUD Board has approved filing the tariff at the meeting you were at. However given some new information we've gathered from our own arrays, I am reevaluating the benefits from solar during ISO-NE and BIUD peaks has given me reason to pause. In Richard's work, we have given full credit of avoided transmission and capacity costs assuming solar is on at 100% during these peak hours. Now that I have

actual meter production data, it is clear that solar is only producing at marginally 10%-30% during this peak period. I have asked Richard to look at this rate given the new information that we have to look at.

I've attached two things for you to look at - the production profile from one of our arrays and the ISO-NE and BIUD historical peak. This information clearly supports the fact that solar has limited output during these peak hours.

Our job is get the value of the credit right before we submit this in our filing and this new information does demonstrate that avoided transmission and capacity costs aren't as great as we all thought. Tell me if you disagree.

To reiterate the process of implementing this new rate and opening our cap here are our steps:

- 1) House of Reps Approves Net Meter Statute
- 2) General Assembly Approves and Governor signs into law
- 3) BIUD to publish new tariff information in BI Times and notices the filing
- 4) BIUD files tariff with PUC
- 5) PUC holds public hearing
- 6) PUC Approves a Tariff in some form
- 7) BIOUS Implements new program

If we decide to modify the proposed net metering rate prior to filing, then the BIUD BOD will discuss and approve in a regular BOD meeting prior to filing.

Right now, if you want to help the Island (and yourself) out - give Blake a call and reinforce the importance of getting this amendment passed soon.

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From: Christopher Warfel <cwarfel@entech-engineering.com>  
Sent: Wednesday, August 12, 2020 8:20 AM  
To: Everett Shorey <eshorey@shoreyconsulting.com>  
Cc: Jeffery Wright <jwright@blockislandutilitydistrict.com>  
Subject: Re: Information not found

Thank you for getting back to me. When I was told the impact of net metering was in La Capra's testimony, I expected to see calculations.

How else would anyone estimate the impact. So, I am assuming I am missing something. It would have had to be done for BIUD/BIPCo to form any policy on this. I will request an agenda item to explore this. Thank you again. Chris Warfel

On 8/11/2020 5:18 PM, Everett Shorey wrote:

> I do not have all the data readily at hand. Richard LaCapra did an analysis of our current and projected costs to establish our proposed net metering rate. Richard's calculations are attached. Also attached is the actual peak load data. To the best of my memory, and I have not gone back to read the testimony, this analysis was included in the net metering filing but not in the general rate filing.

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> I know that you have requested that the BIUD undertake various cost analyses. We have heard your requests. At this time, I personally do not feel that the cost in time or in consultant's fees is sufficiently likely to change any of the Board's decisions for me to support engaging additional consultants. I am satisfied with LaCapra's work and I do not see anything in the BIPCo cost structure that would yield a significant change in the results or in our rate proposals.

>

> Everett Shorey

> Shorey Consulting, Inc.

> 144 Gloucester Street

> Arlington, MA 02476

>

> 781-910-3994

> eshorey@shoreyconsulting.com

>

>

>

>> On Aug 11, 2020, at 4:12 PM, Christopher Warfel <cwarfel@entech-engineering.com> wrote:

>>

>> Everett, I have read LaCapra's testimony. I have to be missing

>> something. There is no analysis regarding solar and net metering.

>> Have you seen anything. I realize this is not your area of

>> involvement. There has to be trusted delegation, but I am seeing

>> nothing. I already asked Jeff awhile ago and I am drawing a blank

>> with information. Should I go back to Jeff again and ask

>> specifically for it? Chris

>>

## Jeffery Wright

---

**From:** Jeffery Wright  
**Sent:** Monday, August 17, 2020 2:36 PM  
**To:** Christopher Warfel  
**Cc:** Everett Shorey; Barbara A. MacMullan; Elliot Taubman; mjbals@blockislandutilitydistrict.com; Barbara MacMullan; Everett Shorey; Bill Penn  
**Subject:** RE: Information not found  
**Attachments:** JW -1 Estimated Lost Revenue Calculation.xlsx; Warfel E-Mail January 8, 2020.JPG

Chris, here is the spreadsheet and our correspondence from Jan 8th. I thought I was clear that this was my work.

We will include this as well as the load study discussion on our next regular meeting agenda.

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**To:** Jeffery Wright <jwright@blockislandutilitydistrict.com>  
**Cc:** Everett Shorey <eshorey@shoreyconsulting.com>; Barbara A. MacMullan <bamacmullan@gmail.com>; Elliot Taubman <etaubman@blockislandutilitydistrict.com>; mjbals@blockislandutilitydistrict.com; Barbara MacMullan <bamacmullan@blockislandutilitydistrict.com>; Everett Shorey <eshorey@blockislandutilitydistrict.com>; Bill Penn <wpenn@blockislandutilitydistrict.com>  
**Subject:** Re: Information not found

I am afraid there has been great miscommunication. Several times I was told that there LaCappra had provided to BIUD an analysis that showed the impact of net metering upon the rate base. The comments centered around that management and at least one member believed this was a non participant subsidy. Ms. Balser referenced at number that Mr. Wright provided that indicated a subsidy of \$20,000 per each 1 percent of net metering market penetration.

It appears, after I spent quite a bit of my time, and some at the request of a Board member to research this, that there is no analysis by Mr. LaCappra. It does not exist apparently.

Disappointed is not the correct term.

I have pointed out several errors below that continue to perpetuate in the valuation of customer generation. In addition, the snap shot provided in time is just that. One hopefully looks at larger externalities than what was attached. I am not going to get into another email exchange on this. This is not the place or venue to discuss this. It needs to be discussed as an agenda item.

I am also going requesting that BIUD have a person other than the President of BIPCo take the minutes. It is not good practice.

Sincerely, Christopher Warfel

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>>> specifically for it? Chris  
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	A	B	C	D
1	Option A - Gives No CREDIT for Potential Transmission and Capacity Benefits			
2	Current Net Metering Penetration (kW)	158.01		
3	Hours in Year	8,760.00		
4	Estimated Solar Capacity Factor	0.18		
5	Annual Net Metering Self Generation kWh (Lost Sales - kWh)	249,150.17		
6				
7	<u>Plant and Distribution Revenue Impacts</u>			
8	Estimated Blended Residential Plant & Distribution Rate (W \$0.091 - S \$0.2399)	\$0.1655		
9	Annual Net Metering Self Generation kWh (Lost Sales)	249,150.17		
10	Annual Lost Plant & Distribution Revenue		\$41,221.90	
11				
12	<u>Standard Offer and Transmission Revenue Impacts</u>			
13	Current Standard Offer Rate	\$0.0972		
14	Current Transmission Rate	\$0.0700		
15	Total Standard Offer and Transmission Rate	\$0.1672		
16	Credit for Energy Not Purchased	(\$0.0420)		
17	Total Standard Offer and Transmission Rate Minus Energy Not Purchased	\$0.1252		
18	Annual Lost Plant & Distribution Revenue		\$31,193.60	
19				
20	Estimated Total Annual Lost Revenue		\$72,415.50	
21	<b>Estimated Annual Lost Revenue Per 1% Net Metering Penetration</b>		<b>\$24,138.50</b>	
22				
23	Option B - Gives FULL CREDIT for Potential Transmission and Capacity Benefits (ALL MONTHS)			
24	Current Net Metering Penetration (kW)	158.01		
25	Hours in Year	8,760.00		
26	Estimated Solar Capacity Factor	0.18		
27	Annual Net Metering Self Generation kWh (Lost Sales - kWh)	249,150.17		
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29	<u>Plant and Distribution Revenue Impacts</u>			
30	Estimated Blended Residential Plant & Distribution Rate (W \$0.091 - S \$0.2399)	\$0.1655		
31	Annual Net Metering Self Generation kWh (Lost Sales)	249,150.17		
32	Annual Lost Plant & Distribution Revenue		\$41,221.90	
33				
34	<u>Standard Offer and Transmission Revenue Impacts</u>			
35	Current Standard Offer Rate	\$0.0972		
36	Current Transmission Rate	\$0.0700		
37	Total Standard Offer and Transmission Rate	\$0.1672		
38	Credit for Avoided Cost Cal	(\$0.1390)		
39	Total Standard Offer and Transmission Rate Minus Energy Not Purchased	\$0.0282		
40	Annual Lost Plant & Distribution Revenue		\$7,026.03	
41				
42	Estimated Total Annual Lost Revenue		\$48,247.93	
43	<b>Estimated Annual Lost Revenue Per 1% Net Metering Penetration</b>		<b>\$16,082.64</b>	
44				

## Jeffery Wright

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**From:** Jeffery Wright  
**Sent:** Wednesday, June 9, 2021 11:42 AM  
**To:** Christopher Warfel  
**Subject:** Help passing net metering bill

Chris, we're getting close to end of the legislative session and our lobbying firm, The Mayforth Group, is working hard to get our net metering bill moving. We need some help from developers who this will impact if it doesn't pass this spring. Can you put together some persuasive reasons this is so important to pass? Maybe list some impacts if it doesn't? What is your backlog of projects on hold while we wait? You can address the letter or email to me and I'll forward to the team.

Regards, Jeff

President  
Block Island Utility District  
100 Ocean Avenue  
Block Island, RI 02808  
(401) 466-5851

Sent from my iPhone



## Jeffery Wright

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**From:** Jeffery Wright  
**Sent:** Tuesday, July 27, 2021 6:38 AM  
**To:** Christopher Warfel  
**Subject:** PROPOSED - BIUD Net Metering Policy (July 28 DRAFT - Clean).docx  
**Attachments:** PROPOSED - BIUD Net Metering Policy (July 28 DRAFT - Clean).docx

Here you go Chris. This policy will bring us to near 70% net metering penetration at our low load point. At that level it is critical we have the ability to disconnect solar when we are on the diesels. Therefor we're proposing dual meters and remote disconnect meters for all new systems. We are proposing a \$1000 reimbursement of expenses for the dual meter for residential systems. We've also deleted the meter charge, customer charge and connection charge which was more that \$12/month. Here's a summary the changes and the draft document.

1. Dual meters for all – remote disconnect installed on all new net metered systems.
2. Program open to all consumer classes – Res, Comm, Gen Demand
3. Max size 125% of annual consumption history – or estimated consumption for new construction.
4. BIUD can limit size for technical interconnection reasons.
5. BIUD will reimburse actual expenses up to \$1,000 incurred by the residential member for the cost of a second meter. Commercial would not qualify for the reimbursement.
6. Cap = 10% of most recent annual peak load (+/- 500 kW) Our 90kW will not be counted in this calculation so we'll have to consider than in our monitoring.

Regards, Jeff

President  
Block Island Utility District  
100 Ocean Avenue  
Block Island, RI 02808  
(401) 466-5851

Sent from my iPhone