

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - RHODE ISLAND

Riggs v. Curran

United States Court of Appeals, First Circuit - July 10, 2017 - F.3d - 2017 WL 2928123

Utility ratepayers brought action against public utility commission and utility company, alleging that commission's order approving power purchase agreement related to new wind farm violated the Federal Power Act (FPA) and the Public Utility Regulatory Policies Act (PURPA) because agreement had above-market cost and would result in significant increase in their electric bills.

The United States District Court for the District of Rhode Island dismissed the action. Ratepayers appealed.

The Court of Appeals held that:

- Ratepayers' claims were subject to state's three-year limitations period for personal injury actions, rather than five-year general federal statute of limitations period, and
- Ratepayers' claims accrued, for limitations purposes, on date that commission's order approving wind farm project became final.

Rhode Island's three-year statute of limitations applicable to personal injury actions, rather than five-year general federal statute of limitations for actions seeking enforcement of any civil fine, penalty, or forfeiture, applied to utility ratepayers' Federal Power Act (FPA) and Public Utility Regulatory Policies Act (PURPA) claims against Rhode Island public utility commission and utility company, challenging approval of agreement to construct and operate new wind farm, since ratepayers were not standing in government's shoes to enforce FPA or PURPA, but instead were bringing private-citizen suit seeking to redress their own economic injuries caused by increased electricity rates.

Utility ratepayers' Federal Power Act (FPA) and Public Utility Regulatory Policies Act (PURPA) claims against Rhode Island public utility commission and utility company, challenging approval of agreement to construct and operate new wind farm, accrued, and three-year statute of limitations on personal injury actions under Rhode Island law began to run, on date that commission's order approving the wind farm project became final, since order was discrete, final decision, and later decisions by other agencies could not have changed the commission's order.