



**THE COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

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CHARLES D. BAKER
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MEMORANDUM

February 7, 2019

RE: Request for Comments; Determination of Jurisdiction
Cranberry Point Energy Storage, LLC; EFSB 19-01

FROM: Joan Foster Evans, Presiding Officer, EFSB

Attached please find a Notice of Petition for Determination of Jurisdiction (“Notice”) from the Energy Facilities Siting Board (“Siting Board”) relating to Cranberry Point Energy Storage, LLC, EFSB 19-01. We are soliciting comments due **Wednesday, February 20, 2019**. Please see the attached Notice for details regarding our review and how to file comments.

On January 4, 2019, Cranberry Point Energy Storage, LLC (the “Company”) petitioned the Siting Board for a determination whether the Company’s proposal to construct a 150-megawatt lithium-ion battery Energy Storage System (“ESS”) in Carver, Massachusetts, is subject to the Siting Board’s jurisdiction. The Company’s ESS is proposed to be located on approximately five acres at 31R Main Street in Carver (the “Project”).

Pursuant to Massachusetts law, G.L. c. 164, §§ 69G, 69H and 69J¼, the Siting Board must review proposed energy facilities under its jurisdiction; Siting Board approval is required before construction of such facilities can commence. The Siting Board will review the Company’s petition, pursuant to 980 CMR 2.09, to determine whether the Project is within the Siting Board’s jurisdiction. The Siting Board’s review of this Petition will entail an analysis of the applicable statutory and regulatory provisions, as well as technical, environmental, and safety information relating the proposed Project.

In order to inform our review of the Company's petition, we are soliciting comments, including legal argument, and other information or documents relating to this Project specifically, and to energy storage systems, generally. The Siting Board is particularly interested in receiving information relevant to:

- Distinctions between the definitions and technical characteristics of energy storage systems versus generation facilities, including distinctions under relevant Massachusetts statutory and regulatory provisions;
- Technical information concerning the safety and environmental profile and impacts associated with utility-scale lithium-ion energy storage systems;
- The jurisdiction of federal agencies, other state agencies, and local agencies over the construction, operation, and maintenance of Cranberry Point Project specifically, and utility-scale energy storage systems, generally;
- Permitting and siting regulations, precedent, and practices for utility-scale energy storage systems in other states;
- How and whether a jurisdictional decision in this case would or should apply to other types of energy storage systems, especially those that would take energy from and deliver energy to the New England electrical grid.