

MEMORANDUM

TO: Those who have filed petitions to intervene, petitions for limited participant status, or written comments in Northeast Energy Center LLC, EFSB 18-04/D.P.U. 18-96 (Proposed LNG Facility in Charlton)

FROM: M. Kathryn Sedor, Esq., Presiding Officer

DATE: May 15, 2019

RE: Important Information Regarding: (1) Intervenor and Limited Participant Petitions in this Proceeding; and (2) the Final Service List

1. Introduction

The Energy Facilities Siting Board (“Siting Board”) will be conducting a second public comment hearing in this case on Wednesday, May 29, 2019, at the Town of Charlton Middle School Auditorium, beginning at 7:00 p.m. This memorandum seeks once more to clarify, in advance of the public comment hearing, (1) the status of those persons who have previously filed a petition to intervene or a petition for limited participant status in this case; and (2) those persons who will remain on the Final Service List for the case, which will be issued at the same time that a ruling on such petitions is issued.

On August 13, 2018, Northeast Energy Center (“NEC” or “Company”) filed a petition with the Siting Board, seeking approval to construct a new LNG facility (“Facility”) in the Town of Charlton, and a petition seeking certain zoning exemptions, and a comprehensive zoning exemption from the Town of Charlton Zoning Bylaw for the proposed Facility (“Original Petitions”).

On November 13, 2018, the Siting Board conducted a public comment hearing in Charlton regarding the proposed LNG Facility. The deadline for the filing of intervention and limited participant petitions associated with that public comment hearing was November 30, 2018. The Siting Board received seven timely petitions to intervene and one timely petition for limited participant status.

Due to subsequent material changes to the design and proposed sites for its proposed Facility, NEC on February 28, 2019 filed an Amended petition to construct and on April 19, 2019, filed an Amended zoning exemption petition (“Amended Petitions”). As noted above, the Siting Board will conduct a second public comment hearing regarding the Company’s proposed LNG Facility on May 29, 2019, at the Charlton Middle School. The deadline for the filing of intervention and limited participant petitions associated with the May 29, 2019 public comment hearing is June 12, 2019.

2. Procedural Rules Governing Intervention or Limited Participant Petitions and the Final Service List for the Proceeding

- Those who filed a timely intervention petition or limited participant petition in November, 2018 are not required to re-file their petitions after the May 29, 2019 public comment hearing. However, it is up to each petitioner to determine whether they may want to supplement their initial petition in light of new information contained in the Amended Petitions, including changes to the Facility design and the preferred and alternative sites the Company proposes for the Facility. Please see the attached Siting Board regulations regarding the legal standards for the filing and granting of intervention and limited participant petitions.
- To accommodate the re-filing of the Company's Petitions, a ruling has not yet been issued on any of the intervention or limited participant petitions filed in November, 2018. A ruling which addresses these petitions, and any new petitions, will be issued after the June 12, 2019 intervention deadline.
- The Temporary Service List for the proceeding currently identifies all persons who have (1) filed a petition to intervene or a petition for limited participation status; and (2) those who have filed written comments regarding the proposed Facility to date. It is important to understand that, once a ruling on intervention is issued after June 12, 2019, the Final Service List for the proceeding will be issued. It will include *only* those persons whose petition to intervene or petition for limited participant status has been granted by the Presiding Officer. Those who have filed written comments only, for example, will no longer be included on the Final Service List, unless (1) they have separately filed a petition to intervene or petition for limited participant by the June 12, 2019 deadline and (2) the petition has been granted.

Please do not hesitate to call or email the Presiding Officer should you have any procedural questions, at: M. Kathryn Sedor, Esq., kathryn.sedor@mass.gov or 617-305-3525.