Robinson+Cole

JOEY LEE MIRANDA

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
jmiranda@rc.com
Direct (860) 275-8227

Also admitted in District of Columbia and Massachusetts

Via Electronic Mail and First Class Mail

December 19, 2019

Mark D. Marini, Secretary
Commonwealth of Massachusetts
Department of Public Utilities
One South Station, 5th Floor
Boston, Massachusetts 02110

Re: **D.P.U. 19-140: Investigation by the Department of Public Utilities on its own Motion into Bay State Gas Company d/b/a Columbia Gas of Massachusetts' responsibility for and response to the September 13, 2018 Merrimack Valley Incident, pursuant to 49 U.S.C. § 60105, G.L. c. 164, § 76, G.L. c. 164, § 105A, and 220 CMR 69.00**

Dear Mr. Marini:

Enclosed please find Direct Energy's Petition to Intervene in connection with the above-referenced matter.

Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Sincerely,

Joey Lee Miranda

Enclosure

Copy to: Laurie Weisman, Hearing Officer
Service List

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

INVESTIGATION BY THE DEPARTMENT OF PUBLIC UTILITIES ON ITS OWN MOTION INTO BAY STATE GAS COMPANY D/B/A COLUMBIA GAS OF MASSACHUSETTS' RESPONSIBILITY FOR AND RESPONSE TO THE SEPTEMBER 13, 2018 MERRIMACK VALLEY INCIDENT, PURSUANT TO 49 U.S.C. § 60105, G.L. C. 164, § 76, G.L. C. 164, § 105A, AND 220 CMR 69.00	D.P.U. 19-140

DIRECT ENERGY'S
PETITION TO INTERVENE

Pursuant to 220 C.M.R. § 1.03, Direct Energy Services, LLC, Direct Energy Business, LLC, and Direct Energy Business Marketing, LLC (collectively, "Direct Energy") hereby submit this petition to intervene in the above-captioned proceeding. In support of this request, Direct Energy states the following:

INTRODUCTION

1. On September 13, 2018, Bay State Gas Company d/b/a Columbia Gas of Massachusetts ("Bay State") experienced an over-pressurization of its distribution system serving the City of Lawrence and the Towns of Andover and North Andover.[1] As a consequence, gas from a high-pressure distribution system entered the low-pressure distribution system.[2] This resulted in the damage or destruction of homes and businesses, the hospitalization of individuals, and the death of one person.[3]

[1] Vote and Order Opening Investigation (Oct. 25, 2019), at 1.

[2] *Id.*

[3] *Id.*

2. The National Transportation Safety Board investigated the incident and issued its final report on October 24, 2019.[4]

3. On October 25, 2019, the Department opened this proceeding to investigate Bay State's responsibility for and response to the incident as well as its restoration efforts following the incident.[5]

STANDARD

4. The Department's regulations require that a petition to intervene describe how the petitioner is substantially and specifically affected by a proceeding.[6]

5. The Department has broad discretion in determining whether to allow participation in Department proceedings.[7]

INTERVENTION REQUEST

6. Direct Energy Services, LLC, Direct Energy Business, LLC, and Direct Energy Business Marketing, LLC are each licensed as a gas supplier by the Department.[8]

7. Direct Energy relies on the local natural gas distribution companies to deliver natural gas to customers. As a consequence, incidents on the distribution system, including those in which service is interrupted or curtailed, specifically impact Direct Energy's business.

8. The Department is conducting this investigation pursuant to its general supervisory authority over natural gas distribution companies and its authority to

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[4] Vote and Order Opening Investigation, at 1.

[5] *Id.* at 4.

[6] 220 C.M.R. §1.03(1)(b); *see also* G.L. c. 30A, § 10.

[7] *Attorney General v. Department of Public Utilities*, 390 Mass. 208, 216-17 (1983); *Boston Edison Company v. Department of Public Utilities*, 375 Mass. 1, 45-46, *cert. denied*, 439 U.S. 921 (1978).

[8] Direct Energy Services, LLC's license number is: GS-028. Direct Energy Business, LLC's license number is: GS-052. Direct Energy Business Marketing, LLC's license number is: GS-051.

investigate a natural gas distribution company's compliance with the federal and state pipeline safety laws and regulations.[9]

9. As part of this investigation, the Department could find that Bay State's current systems, processes and/or operations require modification and those modifications could impact how gas suppliers, including Direct Energy, do business in Massachusetts.

10. Direct Energy has unique business and technical expertise as well as operational perspectives that no other participant in this proceeding can replicate and that will aid the Department in its investigation, including providing the Department with insight into how any contemplated changes to Bay State's current systems, processes and/or operations could impact how gas suppliers do business in Massachusetts.

11. Direct Energy has not yet determined the full extent of its participation in this docket and reserves the right to fully participate in this proceeding including, without limitation, submitting comments and participating in hearings.

CONCLUSION

For all the foregoing reasons, the Department should grant Direct Energy's petition to intervene in this proceeding.

[9] Vote and Order Opening Investigation, at 4.

Respectfully submitted,
DIRECT ENERGY SERVICES, LLC,
DIRECT ENERGY BUSINESS, LLC, AND
DIRECT ENERGY BUSINESS
MARKETING, LLC

By _____

Joey Lee Miranda
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
Tel. No.: (860) 275-8200
Fax No.: (860) 275-8299
E-mail: jmiranda@rc.com

Dated: December 19, 2019

Certificate of Service

I certify that I have this day served the foregoing document in the above-captioned proceeding in accordance with the requirements of 220 C.M.R. § 1.05.

Joey Lee Miranda

Dated: December 19, 2019