

**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
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PETITION TO INTERVENE OF CONSERVATION LAW FOUNDATION

In accordance with 220 CMR § 1.03 and Notice of Vote and Order, Public Hearing, and Request for Comment issued on January 9, 2020, the Conservation Law Foundation (“CLF”) hereby petitions for leave to intervene in the above-captioned proceedings.

On October 25, 2019, the Department of Public Utilities (“Department”) voted to open two investigations into an overpressurization event resulting in a series of explosions and fires in the natural gas distribution system of Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Bay State” or “Company”) on September 13, 2018 (“September 13 Event”). The Department docketed these investigations as D.P.U. 19-140 and 19-141. On December 23, 2019, the Department issued an order on the scope of the investigation in D.P.U. 19-141.

CLF and its members will be substantially and specifically affected by the outcome of this proceeding consistent with the meaning of 220 C.M.R. § 1.03(1)(b) and G.L. c. 30A, § 10.¹ Accordingly, CLF respectfully asks the Department to grant this Petition to Intervene.

¹ The Department has broad discretion in determining whether to allow intervention in Department proceedings. *Boston Edison Co. v. Dept. of Public Utilities*, 375 Mass. 1, 44-46 (1978) (the Department has broad but not unlimited discretion with regard to intervenors), cert. denied 439 U.S. 921 (1978).

1. CLF is a non-profit, member supported advocacy organization that works to solve the environmental problems threatening the people, natural resources, and communities of New England. CLF's advocates use law, economics, and science to design and implement strategies that conserve natural resources, protect public health, and promote vital communities in our region. CLF has a principal place of business at 62 Summer Street, Boston, Massachusetts.
2. CLF and its members are substantially and specifically affected by this proceeding and have standing pursuant to G.L. c. 30A, § 10, for reasons including the following:
 - a. CLF, by and through its members, has a substantial and specific interest in ensuring effective and sustainable resolution of this matter, and equitable and efficient restoration of the communities affected by the explosions and fires in the natural gas distribution system of Bay State Gas Company d/b/a Columbia Gas of Massachusetts ("Bay State" or "Company") on September 13, 2018, including CLF members and community partners.
 - b. CLF has longstanding relationships with the City of Lawrence ("City"), and with environmental and community-based organizations in the Merrimack Valley, including Groundwork Lawrence and Lawrence Community Works. CLF has partnered with the City and community-based organizations on strategies to mitigate environmental burdens and to ensure all residents access to a healthy environment, including working since 2010 to restore Lawrence's deteriorating canal infrastructure.
 - c. CLF's Massachusetts Advisory Board and staff were in Lawrence meeting with community partners at the time of the September 13 Event, and have worked with

community-based partners since the incident to identify and understand barriers to recovery and restoration for CLF members and community partners impacted by the incident. CLF has identified that many of the barriers to recovery and restoration mirror the barriers preventing equitable access to energy efficiency resources for hard to reach constituents and, thus, solutions that address an equitable and efficient restoration of the affected communities have the potential to address systemic barriers.

- d. CLF has a long history of working on natural gas issues in Massachusetts, participating in regulatory and judicial proceedings related to proposed and existing gas pipeline infrastructure and new natural gas power plants in the region, and campaigning to address natural gas leaks from the state's aging gas pipeline system.
- e. CLF has special expertise and experience in energy policy, including, particularly, assessing and enforcing compliance with the GWSA,² grid modernization in the Commonwealth,³ and energy efficiency.⁴⁵
- f. CLF has a long history of participation in Department proceedings related to utility rate-setting, including gas pipeline projects and gas rate cases.⁶ CLF also

² See *Kain v. Dept. of Env'tl. Protection*, 474 Mass. 278 (2016).

³ CLF is a party intervenor in D.P.U. 15-120, 15-121, and 15-122/15-123 (regarding grid modernization). CLF previously participated in D.P.U. 12-76 (regarding the "Modernization of the Electric Grid") and its precursor, D.P.U. 07-50 (regarding rate decoupling). CLF is also deeply involved in grid modernization-related proceedings in Rhode Island.

⁴ CLF was granted full intervenor status in the three year plan energy efficiency proceedings, D.P.U. 12-100 through 12-111, D.P.U. 15-160 through 15-169, and D.P.U. 18-110 through 18-119. CLF also participated in D.P.U. 08-50 (regarding the Department's revisions to the Energy Efficiency Guidelines) as well as D.P.U. 11-120 (regarding the appropriate method for calculating the avoided cost of carbon).

⁵ CLF also has standing by and through its members who are ratepayers within the impacted communities.

⁶ Due to its unique interests and expertise regarding the Commonwealth's energy system and markets, CLF has been regularly granted intervenor status by the Department in a variety of related dockets, including: D.P.U. 15-34, 15-39, 15-48 (reviewing precedent agreements associated with the proposed Northeast Direct natural gas pipeline); D.P.U. 15-181 and 16-05 (reviewing precedent agreements associated with the proposed Access Northeast natural gas

has a long history of full intervention in Department proceedings involving grid modernization, energy efficiency, demand response, and renewable energy.⁷

- g. CLF additionally has special expertise on and, by and through its members, has a substantial interest in the advancement of the objectives of Massachusetts Executive Order 552 on Environmental Justice and the 2017 Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs, as well as Massachusetts Executive Order 526 Order regarding non-discrimination, diversity, and equal opportunity, and associated Language Access Policies, as they relate to restoration efforts and allocation of resources to affected municipalities.
3. Accordingly, CLF seeks to intervene in this proceeding on the following areas identified within the January 9, 2020 Notice:
 - a. preparation for and management of the restoration efforts, including safe and reasonably prompt restoration;
 - b. allocation of resources to affected municipalities; and
 - c. identification of restoration practices that require improvement, if any.
4. Petitioners request that electronic copies of all notices, testimony, pleadings, and correspondence pertaining to these proceedings be directed to the undersigned. CLF prefers not to receive paper mail in connection with this docket.

pipeline); D.P.U. 13-157–13-159 (reviewing precedent agreements associated with the proposed Algonquin Incremental Market natural gas pipeline expansion project); and D.P.U. 12-25 (a Bay State gas rate case).

⁷ Other recent cases in which CLF has been granted full intervenor status include, e.g., D.P.U. 10-170, D.P.U. 10-54, D.P.U. 12-25, D.P.U. 12-30, D.P.U. 13-157, D.P.U. 13-158, D.P.U. 13-159, D.P.U. 15-34, D.P.U. 15-39, D.P.U. 15-48, D.P.U. 15-181, D.P.U. 16-05, and D.P.U. 16-07.

Wherefore, CLF respectfully requests intervenor status in this docket.

Respectfully submitted,

A handwritten signature in cursive script that reads "Johannes Epke".

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