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July 10, 2020

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

Re: Bay State Gas Company d/b/a Columbia Gas of Massachusetts –
D.P.U. 20-59/D.P.U. 19-140/D.P.U. 19-141

Dear Mr. Marini:

Enclosed for filing in the above-captioned matters on behalf of Bay State Gas Company d/b/a Columbia Gas of Massachusetts, NiSource, Inc., Eversource Gas Company of Massachusetts, Eversource Energy, the Massachusetts Office of the Attorney General, the Massachusetts Department of Energy Resources, and the Low-Income Weatherization and Fuel Assistance Program Network (collectively the “Moving Parties”) is the Moving Parties’ Motion to Consolidate Proceedings.

Thank you for your attention to this matter.

Sincerely,



Cheryl M. Kimball, Esq.

Enclosures

cc: Sarah Spruce, Esq. – Hearing Officer, D.P.U. 20-59
Laurie E. Weisman, Esq. – Hearing Officer, D.P.U. 19-140
Lauren Morris, Esq. – Hearing Officer, D.P.U. 19-141
Service List – D.P.U. 20-59
Service List – D.P.U. 19-140
Service List – D.P.U. 19-141

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

Petition of Eversource Energy, NiSource Inc.,)	
Eversource Gas of Massachusetts, and Bay)	D.P.U. 20-59
State Gas Company d/b/a Columbia Gas of)	
Massachusetts for Approval of Purchase and)	
Sale of Assets Pursuant to General Laws)	
Chapter 164, § 94 and § 96)	
)	

Investigation by the Department of Public)	
Utilities on its own Motion into Bay State Gas)	D.P.U. 19-140
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)	

Investigation by the Department of Public)	
Utilities on its own Motion into the Preparation)	D.P.U. 19-141
and Response of Bay State Gas Company d/b/a)	
Columbia Gas of Massachusetts with respect to)	
the September 13, 2018 Merrimack Valley Gas)	
Event pursuant to G.L. c. 164, §§ 1J, 76, and)	
85B, and 220 CMR 19.00.)	

MOTION TO CONSOLIDATE PROCEEDINGS

Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Bay State Gas”), NiSource Inc. (“NiSource”), Eversource Gas Company of Massachusetts (“EGMA”),¹ Eversource Energy

¹ EGMA is a wholly owned subsidiary of Eversource incorporated in Massachusetts on May 15, 2020, pursuant to G.L. c. 164, § 1 to own and operate the business of Bay State Gas.

(“Eversource”), the Massachusetts Department of Energy Resources (“DOER”), the Attorney General of the Commonwealth (“Attorney General” or “AGO”) and the Low-Income Weatherization and Fuel Assistance Program Network (collectively, the “Moving Parties”), pursuant to 220 CMR 1.09, hereby request that the Department of Public Utilities (the “Department”) issue an Order consolidating the above-referenced proceedings that entail common questions of law and fact. In support of their Motion, the Moving Parties state as follows:

1. On October 25, 2019, the Department voted to open two investigations into an over-pressurization event resulting in a series of explosions and fires in the natural gas distribution system of Bay State Gas on September 13, 2018 (the “Greater Lawrence Incident”).

2. The Department docketed these two investigations as D.P.U. 19-140 and 19-141. D.P.U. 19-140 is an investigation into Bay State Gas’s responsibility for the Greater Lawrence Incident as well as its restoration efforts following the incident (the “Pipeline Safety Docket”). D.P.U. 19-141 is focused on Bay State Gas’s preparation for and management of the restoration efforts following the Greater Lawrence Incident, and related public safety matters (the “Emergency Response Docket”).

3. On May 22, 2020, in the Pipeline Safety Docket, Eversource, NiSource, Bay State Gas, the AGO and DOER submitted a Motion for Appointment of Department Settlement Intervention Staff in D.P.U. 19-140. The Department approved this motion and appointed settlement intervention staff on May 29, 2020.

4. On July 2, 2020, the Joint Petitioners filed a petition for the Department’s approval of NiSource’s sale of the business of Bay State Gas to Eversource and EGMA pursuant to G.L. c. 164, §§ 94 and 96. The Department docketed the Joint Petitioners’ petition as D.P.U. 20-59.

5. Also on July 2, 2020, the Joint Petitioners filed a Joint Motion for Approval of Settlement and the related Settlement Agreement, entered into by and among the Joint Petitioners, the AGO, DOER, and the Low-Income Weatherization and Fuel Assistance Program Network with regard to the proposed sale by NiSource and Bay State Gas, and acquisition by Eversource and EGMA, of the business of Bay State Gas (the “Settlement”).

6. The Settlement submitted to the record in D.P.U. 20-59, encompasses and settles all issues related to the three proceedings, including specifically the issues addressed in the Pipeline Safety Docket and the Emergency Response Docket.

7. Pursuant to 220 CMR 1.09, the Department has broad authority “upon motion by a party” to “order proceedings involving a common question of law or fact to be consolidated for hearing or any or all of the matters in issue.”

As the Settlement resolves all issues related to the acquisition of the business of Bay State Gas by Eversource and EGMA in D.P.U. 20-59, the Pipeline Safety Docket in D.P.U. 19-140, and the Emergency Response Docket in D.P.U. 19-141, there are common issues of law and fact that permeate the three proceedings. All three of these proceedings will be resolved with the issuance of the Department’s decision in D.P.U. 20-59, approving the proposed Settlement Agreement. Therefore, the three proceedings should be consolidated for administrative clarity, efficiency and consistency. The Department’s investigation into these issues would be handled most efficiently by all interested parties through a single process for discovery and hearings and upon a joint record in this proceeding, D.P.U. 20-59. Consolidation would also minimize the cost of litigation to all parties and provide a clear and unambiguous resolution to all of the related matters.

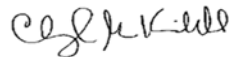
WHEREFORE, for the reasons set forth above, the Joint Petitioners respectfully request that the Department direct the following:

- (a) Suspend the proceedings in D.P.U. 19-140 and D.P.U. 19-141, pending a decision by the Department in this docket, D.P.U. 20-59;
- (b) Conduct a single process for discovery, hearings and a joint record in this proceeding, D.P.U. 20-59; and
- (c) To the extent that the Joint Motion for Settlement and associated Settlement Agreement is approved in this case, D.P.U. 20-59, render a finding in the final decision consolidating the Pipeline Safety Docket (D.P.U. 19-140) and the Emergency Response Docket (D.P.U. 19-141), with this proceeding regarding the acquisition by Eversource and EGMA of the business of Bay State Gas Company for final disposition by the Department.

As Joint Petitioners

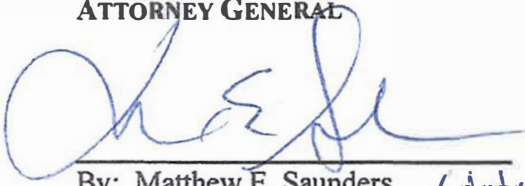
**EVERSOURCE ENERGY
EVERSOURCE GAS COMPANY OF
MASSACHUSETTS
NISOURCE INC.
BAY STATE GAS COMPANY d/b/a
COLUMBIA GAS OF MASSACHUSETTS**

By their Attorneys,



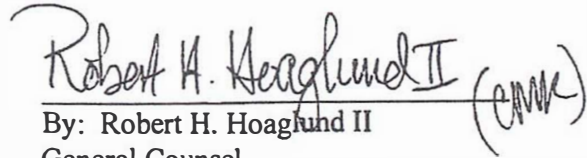
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ATTORNEY GENERAL**



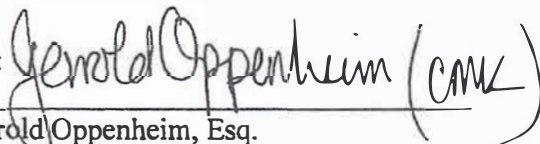
By: Matthew E. Saunders (dated 07.10.2020)
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**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENERGY RESOURCES**



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**Low Income Weatherization
and Fuel Assistance Program Network**

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Dated: July 10, 2020