



For a thriving New England

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By Electronic Delivery

December 1, 2020

Mark D. Marini, Secretary
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Subject: D.P.U. 20-80, Comments of Conservation Law Foundation in Support of the Motion for Clarification from the Office of the Attorney General

Secretary Marini, Hearing Officer Smegal, and Service List:

Conservation Law Foundation (“CLF”) offers these comments in support of the Office of the Attorney General’s (“Attorney General”) November 6, 2020 Motion for Clarification (“Motion”) of the Department of Public Utilities (“Department”) October 29, 2020 Order in this matter.

CLF is a non-profit, member-supported organization dedicated to protecting New England’s environment. CLF protects New England’s environment for the benefit of all people and uses the law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. Past CLF advocacy has included litigation to enforce the Massachusetts Global Warming Solutions Act, expand energy efficiency services, and support greater reliance on clean energy. CLF sits on the Massachusetts Global Warming Solutions Act Implementation Advisory Committee (“IAC”) and has been deeply involved in the IAC’s oversight and guidance of the development of the Clean Energy and Climate Plan for 2030 (“CECP”).

As a stakeholder in the coming transformation of the Commonwealth’s gas utilities and infrastructure to meet Massachusetts’ statutory and regulatory decarbonization requirements, CLF agrees that more guidance and direction from the Department will be necessary to oversee the two subjects of the Attorney General’s

Motion: “(1) the extent of stakeholder involvement in the development of the RFP and the Department’s role in the oversight of the RFP process to ensure that an ‘independent’ consultant is selected and (2) the extent of stakeholder involvement in the development of the Report and the LDCs’ proposals prior to their filing on March 1, 2022.”

Memorandum of Hearing Officer Sarah A. Smegal (Nov. 18, 2020) (citing Motion at 3). CLF strongly supports the Department taking action toward development of a plan to reconcile gas local distribution company (“LDC”) statutory obligations and business model with the Commonwealth’s 2050 decarbonization requirements, but additional guidance and direction from the Department in this proceeding will be necessary to ensure that stakeholders have an adequate opportunity to participate in the process.

Need for Clarification of Expert Scoping and Selection Process

CLF agrees with the Attorney General that the short timeline for developing a scope and soliciting contractors implied in the Department’s Order necessitates more structure from the Department to ensure any meaningful stakeholder input. Motion at 3. The Order includes “other interested stakeholders” alongside the Attorney General and DOER in the group to be consulted before the LDCs finalize a scope of work. Order at 6. Without identified precedent for this type of proceeding or stakeholder consultation, the universe of potentially interested stakeholders is undefined and the means by which the LDCs will identify such stakeholders within the compressed timeframe is unclear.

CLF recommends that the Attorney General, DOER, or an alternate public entity be tasked with identifying and convening a group of technical stakeholders (including groups who customarily intervene in Department proceedings and other self-identified groups) to participate in drafting the scope, as well as a public comment opportunity for broader stakeholder feedback on a proposed scope. At a minimum, this process should build in a short but meaningful time for stakeholders to assess a draft scope in the context of the draft Clean Energy and Climate Plan once that document has been released in December 2020.

Need for Clarification of Extent of Further Stakeholder Involvement Before March 2022

CLF agrees with the Attorney General that the Department should specify “guideposts to allow for robust stakeholder input” during the pendency of the proceeding. Motion at 5. As CLF requested in our Letter of July 24, 2020, at a minimum these guideposts should include technical conferences that examine how to minimize burdens on and maximize benefits to low- and moderate- income ratepayers and residents of environmental justice populations. Additional opportunities for stakeholder engagement and input could include regular calls or webinars where the independent expert updates

interested stakeholders on the progress of their analysis and build in time for stakeholders to ask questions and get responses from the expert(s). The Department should also work to engage, or require the LDCs to work to engage, stakeholders who do not typically appear before the Department.

CLF remains committed to further participation in this docket and stands ready to provide stakeholder input of our own as well as to identify other necessary voices to inform this process and improve its outcome. Thank you for your consideration of these comments.

Sincerely,



Caitlin Peale Sloan
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Conservation Law Foundation