



December 1, 2020

**VIA ELECTRONIC MAIL**

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5th Floor  
Boston, MA 02110  
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**RE: D.P.U. 20-80, Response of the Sierra Club to the Attorney General's Motion for Clarification**

Dear Secretary Marini:

The Sierra Club respectfully submits the following comments in support of the Attorney General of the Commonwealth of Massachusetts' (Attorney General's) Motion for Clarification in D.P.U. 20-80, Investigation by The Department of Public Utilities on its Own Motion into the Role of Gas Local Distribution Companies as the Commonwealth Achieves its Target 2050 Climate Goals.

In response to the Attorney General's June 4, 2020 petition, the Department of Public Utilities (the Department) opened this investigation to assess the future of local gas distribution company (LDC) operations and planning in light of the Commonwealth's limit of net-zero greenhouse gas (GHG) emissions by 2050.<sup>1</sup> The Department's Order directed the LDCs to initiate a joint request for proposal (RFP) for an independent consultant to study the costs and economy-wide emissions reductions involved in transitioning the gas system and to develop proposed recommendations to reduce GHG emissions from the sale and distribution of gas.<sup>2</sup> The Order further directed each LDC to submit a proposal to the Department by March 1, 2022, containing the LDC's recommendations and plans for helping the Commonwealth achieve its 2050 climate goals.<sup>3</sup> The Attorney General's November 6, 2020 Motion for Clarification requests clarification with respect to stakeholder participation in: (1) the RFP, (2) the development of the consultant report, and (3) the development of the LDC proposals.<sup>4</sup> The Motion also requests clarification as to the processes or approvals that will be used to ensure that

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<sup>1</sup> D.P.U. 20-80, Investigation by the Department of Public Utilities on its own Motion into the role of gas local distribution companies as the Commonwealth achieves its target 2050 climate goals, Vote and Order Opening Investigation, October 29, 2020.

<sup>2</sup> *Id.*, at 5-6.

<sup>3</sup> *Id.*

<sup>4</sup> D.P.U. 20-80, Office of the Attorney General, Motion for Clarification, November 6, 2020, p. 3-5.

the utilities retain an independent consultant and suggests that the Department oversee the RFP process, or at a minimum require Department approval of the selected consultants.<sup>5</sup>

The Sierra Club urges the Department to provide clarification of the processes for stakeholder input in this docket, as requested by the Attorney General, in order to ensure a robust stakeholder process with respect to the RFP and the development of the consultant report and LDC proposals. The existing ambiguity in the Order as to input processes may leave stakeholders without an opportunity to provide meaningful feedback on the consultant reports and LDC proposals.<sup>6</sup> The Department should create a plan outlining the manner in which stakeholder input will be solicited and provide a schedule for the process within the existing time frame set forth in the Order. Given the expansive nature of this investigation, which will guide the evolution of the gas distribution industry, the Department should aim to create an inclusive stakeholder process to allow for broad participation, rather than prescribe the universe of stakeholders at the outset. The Department should ensure the input process is accessible to impacted communities, including low-income, non-English speaking, and energy burdened communities, as well as members of the fossil gas workforce. The Sierra Club further supports the Attorney General's request for additional process to ensure that the RFP results in the hiring of a truly independent consultant, given the primacy of the consultant's report in guiding the LDC proposals.

As noted in the Attorney General's Petition, the Commonwealth must make sizeable reductions in its use of fossil fuels in the heating sector to comply with the Global Warming Solutions Act (GWSA).<sup>7</sup> Planning for this urgent and comprehensive transition will require the Department, LDCs, and stakeholders to join in an extensive public discussion to chart the Commonwealth's path to meeting its 2050 GHG reduction commitments and transition the buildings sector off of fossil fuels. The Department must ensure that this process is inclusive and engages stakeholders broadly to allow for the level of joint problem-solving necessitated by such a comprehensive transition.

Respectfully submitted,

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<sup>5</sup> *Id.*, at 4.

<sup>6</sup> *See* Vote and Order Opening Investigation, at 6 ("Prior to filing the Report and the LDCs' proposals, the LDCs shall engage in a stakeholder process to solicit feedback and advice on both the Report and the proposals. The Department intends to provide an opportunity for stakeholder comments on the LDCs' proposals.")

<sup>7</sup> Petition of the Office of the Attorney General, June 4, 2020, p. 1 (citing 2015 update to Clean Energy and Climate Plan for 2020).