

COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD
EFSB 14-04A/DPU 14-153A/14-154A

PUBLIC MEETING OF THE ENERGY FACILITIES SITING
BOARD, held remotely via Zoom, on December 16, 2020,
commencing at 6:12 p.m.

SITTING: Kathleen A. Theoharides, Chair

Matthew H. Nelson

Cecile M. Fraser

Patrick C. Woodcock

Gary Moran

Jonathan Cosco

Shalanda Baker

Joseph Bonfiglio

Brian Casey

Andrew Greene, EFSB Director

-----Reporter: Alan H. Brock, RDR, CRR-----

Farmer Arsenault Brock LLC

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<p style="text-align: right;">Page 2</p> <p>1 December 16, 2020 6:12 p.m. 2 P R O C E E D I N G S 3 CHAIR THEOHARIDES: On the record. 4 Thank you. Good evening, and welcome. This is 5 remote meeting of the Energy Facilities Siting Board 6 regarding Eversource's proposed project change 7 regarding the Mystic-East Eagle-Chelsea Reliability 8 Project, Docket No. EFSB 14-04A/DPU 14-153A/14-154A. 9 My name is Katie Theoharides, and I'm 10 the Secretary of Energy and Environmental Affairs 11 for the Commonwealth of Massachusetts and Chair of 12 the Energy Facilities Siting Board. Joining me 13 tonight are other members of the Siting Board, whom 14 I'll introduce in a moment. 15 Before we begin, I wanted to provide 16 some of the basic instructions on how to best use 17 Zoom for tonight's meeting. We have interpreters 18 who will be translating from English to Spanish and 19 Spanish to English. To select your desired 20 language, click on the Globe icon on the bottom of 21 your screen and select English or Spanish so that 22 you can hear everything said tonight with 23 interpretation as needed. I'll give you a moment to 24 do that.</p>	<p style="text-align: right;">Page 4</p> <p>1 I'd like to pause a moment to introduce 2 the other members of the Energy Facilities Siting 3 Board participating in the meeting tonight. We have 4 Matthew Nelson, the Chair of the Department of 5 Public Utilities; Cecile Fraser, Commissioner of the 6 Department of Public Utilities; Patrick Woodcock, 7 Commissioner of the Division of Energy Resources; 8 Gary Moran, Deputy Commissioner and designee for the 9 Commissioner of the Department of Environmental 10 Protection; Jonathan Cosco, general counsel and 11 designee for the Secretary of the Executive Office 12 of Housing and Economic Development; Shalanda Baker, 13 public member; Joseph Bonfiglio, public member, and 14 Brian Casey, public member. Andy Greene, director 15 of the Siting Board, will be serving as the meeting 16 host along with other staff of the Siting Board. 17 Before we begin the proceeding, I'll 18 provide some important information about how we will 19 be conducting this meeting. 20 Due to the ongoing COVID-19 state of 21 emergency, the Siting Board meeting tonight will be 22 conducted remotely using Zoom. This meeting is 23 being held pursuant to Massachusetts open meeting 24 law, the Siting Board's regulations, and Governor</p>
<p style="text-align: right;">Page 3</p> <p>1 Importantly here, please do not check 2 the box that says "Mute Original Audio." We 3 recommend this so that you can still hear the voice 4 of the actual speaker faintly in the background, but 5 mostly you will hear the voice of the interpreter 6 when speaking. Dial-in participants will hear the 7 speaker's voice without interpretation. 8 Unfortunately, Zoom does not currently offer 9 interpretation for dial-in participants. However, 10 comments made by dial-in participants will be 11 interpreted into Spanish or English. 12 As everyone is aware, a winter storm is 13 forecasted for the region and will most likely 14 continue through tomorrow afternoon. As a result, I 15 am announcing that tomorrow night's continuation of 16 this Board meeting will be postponed. Public 17 notification of the postponement will take place 18 shortly, and the Siting Board will seek to 19 reschedule the December 17th portion of this public 20 meeting at the earliest practicable opportunity. 21 We'll provide further information to parties and the 22 public on the new date when available, and I 23 appreciate everyone's understanding for this 24 decision.</p>	<p style="text-align: right;">Page 5</p> <p>1 Baker's March 10th, 2020 declaration of emergency, 2 and the related order suspending certain provisions 3 of the open meeting law. 4 The purpose of tonight's and tomorrow 5 night's board meeting is to listen to comments from 6 the participants in the Siting Board proceeding, 7 from public officials, area residents, and other 8 stakeholders joining us for this meeting on Zoom. 9 After listening to your comments, the 10 Board will begin the deliberations on the tentative 11 decision, consider possible amendments to the 12 tentative decision, and finally, vote on the 13 tentative decision. All deliberations of the Siting 14 Board are taking place during these public meetings 15 according to the Commonwealth's open meeting law and 16 the Siting Board's longstanding regulations. 17 Using Zoom, the parties in this 18 proceeding and the public will have a full 19 opportunity to see and hear everything said during 20 the remote Siting Board meeting and to offer 21 comments. For those of you accessing the meeting by 22 phone, you will also hear everything and have an 23 opportunity to comment as well. 24 The instructions on how to participate</p>

<p style="text-align: right;">Page 6</p> <p>1 were provided in the notice sent to parties and 2 mailed to property owners and all U.S. mailbox 3 addresses within one-quarter mile of the proposed 4 substation location. The notice was also posted on 5 the EFSB website and the Eversource website and 6 published by local news outlets. Since this is the 7 first time that the Siting Board has used this 8 technology to conduct a Board meeting, I apologize 9 in advance for any technical difficulties that we 10 may encounter as well as for any background noise 11 from my own home this evening. If you are having 12 any difficulties, please call or text 857-200-0065 13 for assistance.</p> <p>14 In conducting the meeting, I want to 15 note some important procedures we'll be following: 16 All Board members must be audible to each other and 17 the audience. If a Board member becomes 18 disconnected at any time, we will note that on the 19 record. If there are significant technical 20 difficulties, I will stop the meeting to allow the 21 problem to be resolved.</p> <p>22 Before we get to the substance of our 23 meeting, let me mention that a stenographer is 24 participating remotely, who will transcribe</p>	<p style="text-align: right;">Page 8</p> <p>1 raise your hand, dialing star nine will alert us to 2 that.</p> <p>3 The entire proceeding tonight is being 4 interpreted in Spanish and English in real time. 5 When speaking, each person should remember to help 6 the interpreters by speaking in a loud, clear voice, 7 at a moderate pace, as best you can. If you are 8 speaking very fast or not loud enough, it can be 9 difficult for the interpreters to do their job and 10 difficult for the stenographer as well, who is here 11 to make sure your words are accurately identified in 12 the record.</p> <p>13 We are providing English-to-Spanish and 14 Spanish-to-English interpretation for today's 15 hearing consistent with the Commonwealth's language 16 access policy. Everyone on Zoom should make sure to 17 select their desired language, English or Spanish, 18 by pressing the Globe icon at the beginning of your 19 screen and then choosing your desired language.</p> <p>20 If you do not select the desired 21 language, you will hear the current speaker in 22 whatever language is being spoken. Unfortunately, 23 as I mentioned earlier, Zoom does not provide a 24 means of offering interpretation to dial-in</p>
<p style="text-align: right;">Page 7</p> <p>1 everything said to make an official record of the 2 meeting. We may experience some technical 3 difficulties, such as potential background noise, 4 video or audio issues, and other glitches, that may 5 prompt the stenographer to request someone to repeat 6 themselves.</p> <p>7 Board members and those on the panel 8 should remember to mute their audio when listening 9 and unmute when speaking. Everyone should speak 10 slowly and clearly and allow the prior speaker to 11 finish before you begin speaking. We greatly 12 appreciate everyone's participation today and want 13 to ensure that that participation is successful.</p> <p>14 First, if you would like to present 15 comments to the Siting Board today, you have 16 hopefully preregistered as described in the notice. 17 If you would like to speak but have not 18 preregistered, we will do our best to accommodate 19 you by using the "raise hand" icon in Zoom, at the 20 bottom of your screen, as we were doing at the 21 beginning of the meeting. For those of you who are 22 dialing in, you can "raise your hand" and let us 23 know you would like to comment by dialing star nine. 24 Again, if you're on a phone and you would like to</p>	<p style="text-align: right;">Page 9</p> <p>1 participants, so you will hear the voice of the 2 speaker only, without interpretation. However, 3 comments made by dial-in participants will be 4 interpreted for the Board, the audience, and the 5 stenographer.</p> <p>6 Public commenters are asked to keep 7 comments to approximately three minutes per person 8 so that we can hear from everyone who wishes to 9 speak. We will gently remind speakers when it's 10 time to wrap up about 30 seconds before the 11 three-minute mark and then at three minutes. 12 Mr. Hazle of the Siting Board staff will hold up a 13 sign to indicate when you are approaching the 14 three-minute mark. Mr. Hazle, can you please show 15 everyone these signs? Thank you very much.</p> <p>16 Each public commenter will then be 17 provided -- will be provided only one opportunity to 18 comment, so that we may hear from everyone gathered 19 here tonight. Public officials who comment will 20 have additional time as needed.</p> <p>21 Regarding the schedule for the two 22 nights of this Board meeting: Tonight, December 23 16th, the Siting Board will listen to presentations 24 from its staff and parties in the proceeding as well</p>

<p style="text-align: right;">Page 10</p> <p>1 as comments from public officials and the community. 2 For the postponed hearing the second night, the 3 Siting Board will continue listening to any 4 remaining comments from the public who have yet to 5 speak, and then the Board will begin its 6 deliberation and finally vote on the tentative 7 decision. Again, that second meeting has been 8 postponed due to the weather. 9 We will take comments in the following 10 order: first from public officials. Then, after a 11 presentation on the tentative decision by the 12 presiding officer, we will turn to comments from the 13 intervenors and limited participants. Finally, we 14 will turn to comments from members of the public. I 15 will call on public commenters in the order that 16 they have preregistered. Lastly, time permitting, I 17 will invite additional public commenters who use the 18 "raise hand" feature on Zoom -- or, again, you can 19 dial star nine on your phone. 20 As this will be a long meeting, we 21 intend to take a ten-minute break around 7:30 and 22 another at 9:00 p.m. In addition, our interpreters 23 will take turns every 30 minutes, and we will pause 24 briefly to let them do so.</p>	<p style="text-align: right;">Page 12</p> <p>1 We will then hear comments from the 2 applicant, Eversource Energy, intervenors, and 3 limited participants who wish to comment on the 4 tentative decision. 5 Finally, I will provide an opportunity 6 for other persons here who wish to comment in the 7 order they have preregistered, and then additional 8 commenters who use the "raise hand" feature of Zoom. 9 Given the number of interested speakers, 10 each public commenter will have approximately three 11 minutes and one opportunity to comment. 12 After all comments are heard, the Board 13 will begin deliberations and finally vote on the 14 tentative decision. Again, we expect that to happen 15 at the postponed second night of hearing. 16 Let me begin by calling on officials 17 present that have signed up to speak regarding the 18 tentative decision. I'll begin with Federal 19 officials. Are there any present tonight? 20 MR. GREENE: We have not had any Federal 21 officials sign up to preregister. 22 CHAIR THEOHARIDES: At this point I will 23 call on State officials, and I know we have at least 24 one Representative here tonight.</p>
<p style="text-align: right;">Page 11</p> <p>1 Okay. I think we are now ready to begin 2 the substantive portion of the meeting. 3 There is one item on the agenda this 4 evening: consideration of the tentative decision in 5 the matter of NSTAR Electric Company, doing business 6 as Eversource Energy, EFSB 14-04A/DPU 14-153A/ 7 14-154A, in which Eversource seeks approval from the 8 Siting Board for a proposed change to the Eversource 9 transmission project that the Siting Board approved 10 on December 1st, 2017. 11 The previously approved project included 12 a new substation, to be located on a City-owned 13 parcel of land in East Boston. In this proceeding 14 Eversource seeks approval to move the substation 15 approximately 200 feet to the west of the originally 16 approved location, within the same City-owned parcel 17 of land in the Eagle Hill neighborhood. 18 The order of the meeting will be as 19 follows: First, I will invite any public officials 20 who are present and wish to comment an opportunity 21 to do so. 22 This will be followed by a presentation 23 of the tentative decision by the presiding officer, 24 Joan Foster Evans.</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. GREENE: Yes, I believe 2 Representative Madaro has joined the panel. 3 CHAIR THEOHARIDES: Representative, 4 would you like to speak now? 5 REPRESENTATIVE MADARO: Yes, thank you, 6 Secretary. Good evening, everyone. I'm speaking 7 tonight not only as the State Representative from 8 East Boston, but also as a lifelong resident of 9 Eagle Hill who grew up and continues to reside just 10 a few blocks away from this proposed substation. 11 To be clear, my neighbors and I and the 12 broader East Boston community unequivocally oppose 13 this project. We are an environmental justice 14 community that has historically borne a 15 disproportionate share of environmental burdens for 16 our entire region. This misguided project only adds 17 to that injustice. 18 This proposal calls for a substation to 19 be built in a flood zone, with well-documented 20 flooding of the area during several major storm 21 events in the past few years. In addition, the 22 proposed site is adjacent to two highly used public 23 parks in the middle of a densely populated, 24 working-class residential area, and next to millions</p>

<p style="text-align: right;">Page 14</p> <p>1 of gallons of jet fuel and oil. This combination of 2 factors is a recipe for disaster. 3 Moreover, many have raised doubts about 4 the necessity of this project in supporting the 5 supply of electricity to East Boston and whether 6 such improvements cannot be satisfied through 7 alternative means or siting. Simply put, given all 8 of these concerns, this project should not move 9 forward. 10 Now you want to render a decision on 11 this project one week before the Christmas holiday, 12 while our community, the hardest hit by the 13 coronavirus in the City of Boston, is still reeling 14 from the effects of this global pandemic. 15 Additionally, the community feels like 16 our voices have been deliberately silenced. 17 Throughout this process there have been language 18 access issues that have prevented all members of our 19 majority-minority, predominantly immigrant town from 20 being truly engaged. Further, there's been 21 confusion as to whether residents were to offer 22 public testimony tonight or tomorrow and whether or 23 not there would be a second meeting held tomorrow. 24 Even the format of this Zoom Webinar seems designed</p>	<p style="text-align: right;">Page 16</p> <p>1 like GreenRoots, that have helped our community 2 organize against this ill-conceived substation, and 3 I'm proud of the countless advocates in East Boston 4 and beyond who have been vocal in opposing this 5 project and fighting for a better East Boston. 6 We need to stand together to protect our 7 vulnerable community. I implore you to listen to 8 the residents of East Boston, deny this project 9 permit, and ensure that it not move forward. Thank 10 you. 11 CHAIR THEOHARIDES: Thank you, 12 Representative. Are there other State officials 13 with us this evening? 14 MR. GREENE: We did not have any 15 additional State officials preregistering. However, 16 if there are any in the attendees group and they 17 could raise their hand, we can spot them and bring 18 them into the panel. 19 I do not see any additional State 20 officials. The next preregistered public official 21 is Boston City Councilor Lydia Edwards, who I did 22 not see on the platform. If Councilor Edwards is 23 here, could she please let us know by raising her 24 hand on the Zoom icon.</p>
<p style="text-align: right;">Page 15</p> <p>1 to stifle public input. We cannot see each other or 2 communicate with each other in the chat. This 3 format takes away the human element of a public 4 meeting, which would be very different if we were 5 meeting in person. 6 Notably, many of us wonder, myself 7 included, what weight, if any, you have given our 8 testimony, when you've already tentatively approved 9 this project. If this project is a foregone 10 conclusion, why have the community offer public 11 feedback in the first place? 12 These fundamental issues leave us 13 disillusioned as to the so-called community process, 14 which has been far from adequate or fair for East 15 Boston. We can and we must do better. The East 16 Boston community deserves better. Not only should 17 the decision of this project be delayed until a more 18 appropriate time, but this project should also be 19 prevented from moving forward altogether. It is 20 inconsistent with environmental justice principles, 21 and it is not right for East Boston. 22 I'm grateful for the support of our 23 colleagues on the Federal, State, and City levels, 24 and I'm also very grateful for local organizations</p>	<p style="text-align: right;">Page 17</p> <p>1 I am not seeing Councilor Edwards in the 2 group. 3 MR. GREENE: We seem to be having the 4 Spanish interpreter translating on the English 5 channel. Could we please change that before we 6 continue. 7 CHAIR THEOHARIDES: Can we confirm 8 that's been remedied before we continue? 9 MR. GREENE: I am not hearing the 10 interpreter translating as you just said those 11 words, so I assume that's been corrected. Okay. 12 So we have no additional preregistered 13 public officials, so now would be a good time for 14 any who may be present to let us know that you would 15 like to speak by, again, raising your hand using the 16 icon at the bottom of your screen. 17 Secretary, I do not see any additional 18 public officials. 19 CHAIR THEOHARIDES: Next I would ask 20 presiding officer Joan Foster Evans to present the 21 decision. 22 MS. EVANS: Thank you, Chair 23 Theoharides, and good evening to the members of the 24 Siting Board. My name is Joan Foster Evans, general</p>

<p style="text-align: right;">Page 18</p> <p>1 counsel of the Siting Board, and the presiding 2 officer here tonight. With me are other members of 3 the Siting Board staff who have worked on the 4 tentative decision, or "TD," that is before you 5 tonight: Dean Hazle, the assistant director; John 6 Young, Siting Board technical director. Andrew 7 Greene, the Siting Board director, also participated 8 in the drafting of the tentative decision, as did 9 Kathryn Sedor, an attorney with the Division, and 10 Barbara Shapiro, the Siting Board environmental 11 director.</p> <p>12 This case involves a proposed change by 13 Eversource -- I will also refer to Eversource as 14 "the company" -- to a transmission project that the 15 Siting Board approved in 2017, and the transmission 16 lines have been under construction. The 17 transmission project consists of a new substation in 18 East Boston, and two new underground transmission 19 lines that will connect that substation to other 20 existing Eversource substations, one in Chelsea and 21 one in Everett.</p> <p>22 In its 2017 approval of the transmission 23 project, which I refer to as "the original 24 proceeding" or "original Station," the Board found</p>	<p style="text-align: right;">Page 20</p> <p>1 substation location to the western side of the City 2 parcel, which I will refer to as "the new site." 3 The Siting Board has an established, 4 case-specific process for reviewing proposed changes 5 to projects that the Board has previously approved. 6 The project proponent notifies the Board of any 7 proposed change to its project if the proposed 8 change is more than a minor variation. The Board 9 then determines whether further inquiry into the 10 proposed change is warranted.</p> <p>11 In this case, the TD finds that further 12 inquiry was warranted, with respect to potential 13 environmental impacts, with respect to project cost, 14 which changed because of the move of the substation 15 to the new site. As required by the Siting Board's 16 project change policy, staff investigated these 17 potential impacts of relocating the substation. The 18 tentative decision before you is the result of that 19 investigation.</p> <p>20 Before I address information in the 21 tentative decision, I would like to discuss concerns 22 expressed about the Siting Board's process and 23 community involvement in that process. The Siting 24 Board provides for community input at multiple</p>
<p style="text-align: right;">Page 19</p> <p>1 that the project was needed to ensure reliable 2 electric service in the Chelsea/East Boston/Lynn 3 load area.</p> <p>4 The Board also found the project would 5 meet the Siting Board's statutory mandate under 6 General Laws Chapter 164, Section 69H, in that the 7 transmission project would provide a reliable 8 electric supply for the Commonwealth, with minimal 9 impact on the environment, at the lowest possible 10 cost.</p> <p>11 The Board also found that construction 12 of the substation was reasonably necessary for the 13 public convenience and welfare, and granted zoning 14 exemptions from the provisions of the City of Boston 15 Zoning Code.</p> <p>16 In November of 2018 Eversource notified 17 the Siting Board that it wished to shift the 18 location of the approved substation. As approved, 19 the substation was located within a larger parcel of 20 land owned by the City of Boston in East Boston. 21 The TD refers to this land as "the City parcel." As 22 approved, the substation would have been located on 23 the eastern side of the City parcel. Eversource is 24 now seeking approval from the Board to move the</p>	<p style="text-align: right;">Page 21</p> <p>1 points in a proceeding. We conduct public comment 2 hearings in the area of a project. Here we 3 conducted a public comment hearing in Chelsea in 4 2015 and in East Boston in 2019.</p> <p>5 The Siting Board allows for formal 6 participation by organizations and individuals in 7 our proceedings. Chelsea Collaborative, Channel 8 Fish, and others participated in the original 9 proceeding. GreenRoots, CLF, and others have 10 participated in the project change proceeding.</p> <p>11 Our hearings and Board meetings are open 12 to the public, and the public has had the 13 opportunity to provide written comments and oral 14 comments for the Board meeting in the original 15 proceeding and have that opportunity again tonight. 16 Public involvement is a valuable part of ensuring 17 that our decisions reflect knowledge and 18 perspectives unique to area residents and other 19 affected stakeholders.</p> <p>20 In early spring COVID-19 struck the 21 Commonwealth, and particularly hard in East Boston, 22 just as the Siting Board was about to hold a Board 23 meeting at the East Boston High School on March 24 11th, 2020, and the in-person meeting was postponed.</p>

<p style="text-align: right;">Page 22</p> <p>1 At that time few knew anything about 2 Zoom or how to conduct a public hearing using 3 videoconferencing that would afford the public a 4 meaningful opportunity to participate, similar to if 5 a commenter walked into the high school auditorium 6 and stepped up to the microphone to comment. 7 The widespread use of Zoom and similar 8 products now provides convenient public access to 9 tonight's Board meeting. I note that Governor Baker 10 has expressly allowed agencies such as ours to 11 conduct business remotely during the pandemic using 12 videoconferencing technology, and the Attorney 13 General has affirmed the ability for agencies to 14 conduct remote meetings under the Commonwealth's 15 open meeting law, and that is what we're doing here 16 tonight. 17 Some parties and commenters have raised 18 concerns that we did not provide adequate access for 19 those with limited English proficiency during the 20 course of this proceeding. There is no question 21 that the East Boston and Chelsea neighborhoods near 22 the proposed substation location are diverse 23 communities, and we are providing interpretation and 24 document translation in this proceeding pursuant to</p>	<p style="text-align: right;">Page 24</p> <p>1 content of this meeting. 2 One further word about the community 3 surrounding the proposed substation site. There is 4 no question that this is an environmental justice 5 community under the EJ policy of the Executive 6 Office of Energy and Environmental Affairs. The EJ 7 policy specifically applies to us, the Siting Board, 8 an independent adjudicatory body. 9 When the Siting Board reviews a facility 10 that is within a prescribed distance from an EJ 11 community, that facility would have certain -- and 12 that facility has certain defined impacts regarding 13 air pollution, solid and hazardous wastes and 14 wastewater, then the Siting Board must provide 15 enhanced public participation and/or enhanced 16 analysis of impacts and mitigation under the EJ 17 policy. 18 Even when such conditions are met, the 19 EJ policy does not categorically prohibit the Siting 20 Board's approval of a facility in an EJ community. 21 However, the policy does require that the Board take 22 a more detailed look at such impacts when they 23 exceed certain thresholds. 24 Unlike other major energy facilities,</p>
<p style="text-align: right;">Page 23</p> <p>1 the Commonwealth's language access policy and other 2 requirements. 3 That is why we have provided many 4 communications in this project change proceeding in 5 other languages -- primarily Spanish, but also 6 Portuguese and Arabic for some documents. We have 7 provided simultaneous interpretation for the public 8 comment hearing, the evidentiary hearings, and this 9 Board meeting. 10 Although not required by statute or 11 regulation, and never done before, I directed that 12 notice of this Board meeting, in English, Spanish, 13 Portuguese, and Arabic, be sent to all addresses 14 within one quarter mile of the substation -- that 15 is, over 2000 notices. 16 Using in-house expertise, our staff 17 translated the tentative decision into Spanish and 18 made that available so that Spanish-speaking 19 residents could fully understand and participate in 20 this meeting. The team of professional interpreters 21 assisting with this meeting tonight are here to 22 ensure oral comments made in Spanish are heard loud 23 and clear by all and in the official record and that 24 those in attendance will be able to understand the</p>	<p style="text-align: right;">Page 25</p> <p>1 such as power plants, that often involve multiple 2 significant environmental impacts to air and water 3 use and may trigger all aspects of the EJ policy, 4 the proposed substation emits limited air and water 5 pollutants and therefore has a much more limited EJ 6 impact review. 7 While EJ means different things to 8 different people and some may question this EJ 9 policy, that is the current policy that we are 10 obligated to follow. In any event, the community 11 has had a clear voice regarding this project and has 12 made its concerns known to the Board. We understand 13 that the community does not want this substation on 14 the City parcel. 15 I would now like to address specific 16 issues relating to the substation on the new site, 17 including the need for the substation, sea-level 18 rise, and health and safety features. 19 The original decision found that the 20 substation is needed for reliability in the East 21 Boston neighborhood and in Chelsea. Actually, the 22 original decision made two different findings 23 regarding need. First, it found that the 24 transmission lines, which would connect Everett to</p>

<p style="text-align: right;">Page 26</p> <p>1 Chelsea by way of East Boston, are needed to avoid 2 loss of service from certain combinations of events 3 for East Boston, Chelsea, Revere, Lynn, and beyond. 4 The need for these lines was not challenged, and 5 those lines are being constructed now. 6 The second finding was that the East 7 Boston substation was needed based on, one, the fact 8 that one of the transformers at the Chelsea 9 substation had already violated the company's 10 operational standards necessary for reliability, 11 and, two, predicted load growth in the Chelsea and 12 East Boston areas would worsen potential effects of 13 substation capacity deficiencies and the potential 14 overloading of the existing transformers at the 15 Chelsea substation. 16 The record in this proceeding shows that 17 a substation overload, a real threat under 18 conditions of high summer heat and humidity, and a 19 transformer failure could cause extensive customer 20 outages in Chelsea and East Boston and that might 21 last for multiple hours or even days. 22 The two different need analyses, one for 23 the cables and one for the substation, each use 24 predictions of future load levels -- more regional</p>	<p style="text-align: right;">Page 28</p> <p>1 relitigate issues that have been fully and fairly 2 litigated and decided. 3 Therefore, the bar is set very high for 4 parties in a subsequent proceeding to reopen a final 5 decision. The burden to show good cause that a 6 final decision should be reopened is very high and 7 lies with the party who wants to reopen the 8 decision -- in this case, GreenRoots. The reason 9 for this strict standard is that if we were to 10 reopen final decisions, siting proceedings would 11 essentially never end, required projects would not 12 be built, and developers may avoid making necessary 13 project changes to avoid having final decisions 14 relitigated. Ultimately, the Siting Board would not 15 be able to perform its statutory mission, to ensure 16 a reliable energy supply for the Commonwealth with a 17 minimal impact on the environment, at the lowest 18 possible cost. 19 This project change proceeding looked 20 only at the impacts from building the substation on 21 the new site and potential mitigation of those 22 impacts. Unrelated issues were not investigated. 23 You may still ask, why don't we just 24 reopen the record and confirm that the substation is</p>
<p style="text-align: right;">Page 27</p> <p>1 information for the cables and more local 2 information for the substation. 3 For the substation, Eversource based its 4 distribution forecast on historical load, economic 5 data, and weather data, which was then adjusted for 6 forecasted energy efficiency, solar deployment, as 7 well as four large anticipated customer additions in 8 Chelsea and East Boston. The forecast showed the 9 Chelsea substation that serves East Boston was 10 forecast to exceed its capacity. 11 In the project change proceeding the 12 staff did not reassess the need for the substation 13 even though GreenRoots and others requested it to do 14 so. The reason for this is that the Board had 15 already made a decision that the substation was 16 needed in the original proceeding, and the company's 17 request to move the substation over to the other 18 side of the City parcel did not affect whether that 19 substation was needed. 20 There were legal reasons not to reassess 21 the need for the substation. The original decision 22 made the finding on need and the decision was not 23 appealed. Once the Board issues its decision and it 24 is not appealed, it is final, and the Board does not</p>	<p style="text-align: right;">Page 29</p> <p>1 needed, as GreenRoots has asked us to do. 2 GreenRoots provides us certain information related 3 to its motion to reopen, and we looked at that 4 information. Staff reviewed the substance of the 5 GreenRoots need testimony carefully, as well as 6 other information obtained by GreenRoots in this 7 proceeding regarding project need. Staff also 8 reviewed the evidence and reasoning in the original 9 decision regarding project need. 10 Staff made a determination that the 11 evidence provided by GreenRoots was not likely to 12 have a significant impact on the Siting Board's 13 decision in this proceeding, and that GreenRoots did 14 not satisfy its high burden to reopen the prior 15 final decision of the Board. 16 Therefore, the presiding officer denied 17 the motion to reopen the record, and the tentative 18 decision before you comes to the same conclusion and 19 retains the findings from earlier in the original 20 proceeding. 21 In its comments on the tentative 22 decision, GreenRoots again asks the Siting Board to 23 reopen the record. Once again, GreenRoots attempts 24 to support its request with an updated regional load</p>

<p style="text-align: right;">Page 30</p> <p>1 forecast, even though we rejected updated regional 2 load forecasts in the tentative decision, as well as 3 global electricity demand predictions. 4 These forecasts do not address the 5 specific load conditions affecting Chelsea and East 6 Boston and were previously examined in detail and 7 found compelling evidence of need for the East 8 Boston substation. The tentative decision declines 9 to reconsider this decision and does not reopen the 10 record. It is staff's conclusion that the 11 substation remains necessary for reliability in East 12 Boston and Chelsea. 13 We recognize that the facts always 14 change over the course of an investigation and 15 thereafter. Load may go up and down, due to 16 weather, economic activity, customers connecting to 17 and disconnecting from the grid, solar 18 installations, energy efficiency, and many other 19 technology trends. ISO New England issues new load 20 forecasts each year that provide a broad regional 21 picture. Locally, in East Boston and Chelsea, new 22 large customers have been added, with the 23 possibility of more on the horizon as additional 24 development proposals emerge.</p>	<p style="text-align: right;">Page 32</p> <p>1 The new site for the substation is 2 closer to Condor Street and Chelsea Creek. Condor 3 Street has a history of flooding during severe rain 4 events. As part of Boston Harbor, Chelsea Creek is 5 subject to daily tides, storm surge, and sea-level 6 rise. 7 Given these conditions, Eversource 8 followed the conservative approach of the Boston 9 Research Advisory Group, or BRAG, study, prepared 10 for the City of Boston's Climate Ready Boston 11 initiative, in its selection of a design flood 12 elevation for the substation. 13 The company assessed flood risk through 14 2070, approximately ten years beyond the 40-year 15 design life of the substation equipment. The 16 company focused on the upper end of what was 17 considered the likely range of sea-level rise for 18 that year. 19 The company also added to that 20 sea-level-rise estimate the storm surge expected 21 from a 500-year storm event. The company's decision 22 to build the substation at a 23-foot design flood 23 elevation and additional resilience to flooding 24 compared to other waterfront development activities</p>
<p style="text-align: right;">Page 31</p> <p>1 Technology impacts are prevalent. Some 2 could reduce electric demand from the grid, such as 3 improvements in solar power, battery storage, or 4 energy efficiency. Others, such as electric 5 vehicles and the use of heat pumps to displace 6 fossil fuel use for space heating, may significantly 7 increase electric demand over time. COVID-19 also 8 is likely to affect electric use. 9 All of these trends could well affect 10 the load in Chelsea and East Boston now and in the 11 future, but we don't know when or by how much based 12 on the current record. 13 What we do know is that reopening the 14 record to reinvestigate will significantly extend 15 the time to complete a project that the Siting Board 16 has already found necessary for reliable service. 17 Investigating the impacts of these trends will delay 18 resolution of demonstrated reliability concerns in 19 Chelsea and East Boston, and all the while, a known 20 impediment to reliable service remains, putting the 21 East Boston and Chelsea communities at risk. 22 I would like to now comment on the 23 question of flooding, which was raised by several of 24 the parties.</p>	<p style="text-align: right;">Page 33</p> <p>1 surrounding Boston Harbor. Our staff would be happy 2 to provide additional technical detail and the basis 3 of our findings. 4 The tentative decision includes several 5 features relating to health and safety. In addition 6 to architectural panels and perimeter fencing, the 7 TD requires additional wall height on the northern 8 side of the substation to prevent unauthorized 9 access. 10 The company has remediated the existing 11 contamination on the new site, removing some 12,000 12 tons of soil contaminated with lead and other toxic 13 metals and chemicals deposited over a century of 14 industrial and commercial use of the property. 15 We note that the new site is farther 16 away from the fuel tanks in the area than the 17 original site. Staff also recommend an additional 18 condition for a site-specific emergency response 19 plan to ensure that the company is fully prepared to 20 respond to any safety incidents should they occur. 21 Also, the new site does not require routing 22 transmission cables in Condor and East Eagle 23 Streets, thereby reducing construction impacts in 24 the Eagle Hill neighborhood.</p>

<p style="text-align: right;">Page 34</p> <p>1 The tentative decision also addresses a 2 number of other impacts of the project, including 3 traffic, noise, visual, construction safety, 4 magnetic fields, and finds that, with the 5 implementation of mitigation the company has built 6 into the project, or has agreed to, and compliance 7 with the conditions imposed by the Siting Board and 8 the still-applicable conditions from the underlying 9 project, the environmental impacts of building the 10 substation on the new site within the City parcel 11 would be minimized.</p> <p>12 Finally, yesterday the staff issued the 13 staff revised proposed amendments to the tentative 14 decision. These amendments include procedural 15 updates since the tentative decision was issued on 16 February 28th and reflect additional comments 17 received this month.</p> <p>18 These updates also include recent 19 actions by the Boston Conservation Commission on 20 wetlands review, and MassDEP regarding the Chapter 21 91 process, as well as the complaints filed by 22 GreenRoots and CLF with four Federal agencies.</p> <p>23 As mentioned, staff is also proposing a 24 requirement for a detailed, site-specific emergency</p>	<p style="text-align: right;">Page 36</p> <p>1 case, going out beyond what's normal. I think you 2 said how many letters were sent out in this case?</p> <p>3 MS. EVANS: About 2,000.</p> <p>4 MR. NELSON: And you were sending them 5 out to people that spoke Spanish and then two 6 others; I believe it was Arabic and Portuguese. Is 7 that correct?</p> <p>8 MS. EVANS: That's correct.</p> <p>9 MR. NELSON: Could you compare what was 10 done in this case to what was done in the underlying 11 decision for the need assessment?</p> <p>12 MS. EVANS: I'd be glad to. So in the 13 project change proceeding we provided -- we received 14 a request for interpretation during the evidentiary 15 hearings, full two-way interpretation. We had never 16 provided that before, and we did provide that in the 17 evidentiary hearings in this matter. So that is one 18 difference.</p> <p>19 In the project change public comment 20 hearing and this Board meeting, we obviously are 21 providing simultaneous two-way interpretation. The 22 interpretation was one-way in the original 23 proceeding for both the public-comment hearing and 24 the Board meeting.</p>
<p style="text-align: right;">Page 35</p> <p>1 response plan, consistent with comments made by 2 GreenRoots and others.</p> <p>3 Now, the Board has several options. You 4 may approve the TD as amended or consider additional 5 amendments. You may reject the tentative decision, 6 in which case the company is left with the Siting 7 Board's earlier approval of the original site. You 8 may decide that you require more information than 9 that provided by the tentative decision and reopen 10 the record, as requested by GreenRoots and others.</p> <p>11 Staff recommends that you approve the 12 tentative decision as amended, or with additional 13 amendments if deemed appropriate.</p> <p>14 This concludes staff's presentation of 15 the tentative decision. We are available to answer 16 any questions you may have regarding the TD or the 17 case in general. Thank you.</p> <p>18 CHAIR THEOHARIDES: Thank you, 19 Ms. Evans. Does the Board have questions for Siting 20 Board staff at this time? If you do, please raise 21 your hand, and I will recognize you. Chair Nelson?</p> <p>22 MR. NELSON: So my first question's 23 around language access. I think you described 24 language access that you did in this particular</p>	<p style="text-align: right;">Page 37</p> <p>1 And in this case we have provided 2 translation of a number of documents, including the 3 tentative decision and the amendment sheet, and we 4 did not do that in the original proceeding.</p> <p>5 MR. NELSON: Can you tell me more about 6 why you've done more access in this case than you 7 did in the underlying decision? I'm just wondering 8 what was the reason why you felt you needed to do 9 additional language access.</p> <p>10 MS. EVANS: I will say that the Board's 11 approach to the language access has been evolving, 12 and I think GreenRoots has prompted us to up our 13 game on language access, and we have responded and 14 done so. GreenRoots and the community have been 15 very active, much more active in this project change 16 proceeding than they were in the original 17 proceeding.</p> <p>18 And so, with those requests, we have 19 responded and provided the access that has been 20 requested.</p> <p>21 MR. NELSON: Okay. Do you think that 22 you've met and complied with language access laws in 23 this decision?</p> <p>24 MS. EVANS: I believe that we have.</p>

<p style="text-align: right;">Page 38</p> <p>1 MR. NELSON: Do you think you did so in 2 the underlying decision? 3 MS. EVANS: I think that we -- we were 4 responsive to the requests we received, but we have 5 provided more access in this proceeding. 6 MR. NELSON: Madam Chair, I have some 7 more, but I don't mind yielding my time if there's 8 others that want to ask a few questions. I'm also 9 happy to continue. 10 CHAIR THEOHARIDES: I have one to jump 11 in with, Chair, if you don't mind, and then we can 12 go back to others. 13 I understand the legal difficulties of 14 reopening a decision made in an earlier proceeding, 15 but I have concerns that the need for the East 16 Boston substation may have changed over time and we 17 do not have information in the record of this case 18 that explores this issue. 19 So putting aside the legal questions for 20 a moment, can you talk a little bit more about on 21 what basis the tentative decision concludes that the 22 earlier finding of need for the East Boston 23 substation remains valid? 24 MS. EVANS: So I would like -- so you</p>	<p style="text-align: right;">Page 40</p> <p>1 a hot, humid summer day and one of the lines or 2 other sort of key features of the grid failed. So 3 that was the need finding that is the regional 4 ISO-related aspect of need for the transmission 5 line. 6 That was based in the original 7 proceeding on a 2015 needs assessment by ISO, that 8 originally started with 2013 load forecast data in a 9 report called CELT -- capacity, energy, loads, and 10 transmission. That's the acronym. And during the 11 hearing process we requested updated information to 12 include the most current -- then-current load 13 forecasts, which were 2015-vintage CELT data. 14 So that described the overall need for 15 the large project, which is the substation and the 16 transmission lines that connected to it. 17 With regard to the need in Chelsea and 18 East Boston, that was beyond the scope of the ISO's 19 analysis and was an Eversource forecast and 20 analysis, given its obligations to provide service 21 at the distribution level to its tens of thousands 22 of customers in Chelsea and East Boston. East 23 Boston, by the way, is a radial portion of the 24 system. It does not currently have transmission</p>
<p style="text-align: right;">Page 39</p> <p>1 don't end up with a legal answer from me, I would 2 like to defer to Mr. Greene to talk about the 3 technical findings in the underlying decision. 4 CHAIR THEOHARIDES: Thank you. 5 MR. GREENE: Thank you, Presiding 6 Officer. So because this case has had a span of 7 several years, we did include in the tentative 8 decision on the project change a summary of the need 9 issue as it was determined in the underlying 10 proceeding -- and that decision, by the way, was 11 issued on December 1st of 2017. 12 So the findings made in the original 13 decision -- again, repeated in the project change -- 14 noted that there were really two findings of need in 15 that decision. One pertained to the more regional 16 nature of the Mystic-East Eagle-Chelsea reliability 17 project, which, as driven by ISO New England, was 18 attempting to have a more robust connection between 19 the Chelsea substation and the Mystic substation and 20 Everett to address the reliability needs as far 21 north as Revere, Lynn, Everett, East Boston, 22 Chelsea, and surrounding communities, where over 23 100,000 or close to 100,000 customers were at risk 24 of losing electrical service if we had, for example,</p>	<p style="text-align: right;">Page 41</p> <p>1 voltage serving the customers in East Boston, and 2 the service to the residents is provided by cables 3 that come over from Chelsea, underneath the Chelsea 4 Creek, at distribution voltage. 5 That is somewhat of a precarious 6 situation for a large, densely populated area, to be 7 supplied solely by distribution-level voltage, and 8 particularly since in the study we saw that the 9 Chelsea substation was facing the limits of its 10 capacity. 11 In 2013 there had been an actual 12 incident where, again, on a hot, humid summer day, 13 the transformers at that station were exceeding 14 their safe operational design level, and that is a 15 red flag in terms of Eversource being able to 16 reliably supply the customers from Chelsea 17 substation. 18 So we had information in the proceeding 19 again on the more local conditions out of the 20 Chelsea substation using 2014 through, I would say, 21 2016 era load forecasting information. And what 22 that study resulted in was a finding that the 23 substation was deficient in capacity, with expected 24 increases in that deficiency as we went from 2016 to</p>

<p style="text-align: right;">Page 42</p> <p>1 2024.</p> <p>2 So that was the basis of the need</p> <p>3 finding for service to East Boston and Chelsea and</p> <p>4 the importance of placing a new substation in East</p> <p>5 Boston to better serve the customers.</p> <p>6 That finding was a final decision of the</p> <p>7 Board that was -- that survived its appeal period,</p> <p>8 which rendered that decision essentially solid and</p> <p>9 firm, no longer subject to legal review. And Joan</p> <p>10 perhaps, our presiding officer, could speak to what</p> <p>11 that means from a legal perspective. But</p> <p>12 technically, the finding of need was substantial and</p> <p>13 the risk to the residents of East Boston, businesses</p> <p>14 of East Boston, and major road customers, such as</p> <p>15 Logan Airport, was considerable and determined by</p> <p>16 the Board in the original proceeding to need a</p> <p>17 solution, and the substation was that solution.</p> <p>18 Joan, if there's anything you would like</p> <p>19 to add on, again, legal standards for reopening a</p> <p>20 final decision.</p> <p>21 MS. EVANS: I will say, the Board does</p> <p>22 have the discretion to reopen this question. As I</p> <p>23 said in my closing to my comments, the Board could</p> <p>24 decide to reopen the question. But we believe,</p>	<p style="text-align: right;">Page 44</p> <p>1 extraordinary step of undoing a final decision and</p> <p>2 reopening the record to relitigate that case. It</p> <p>3 was extensively litigated in the original decision,</p> <p>4 and need and load forecasting was a major focus of</p> <p>5 investigation. It was not ignored or treated in a</p> <p>6 superficial manner.</p> <p>7 MS. EVANS: I will say that that</p> <p>8 information that GreenRoots provided, we looked at</p> <p>9 it in order to make the recommendation on the motion</p> <p>10 to reopen, but ultimately that information was</p> <p>11 excluded from the evidentiary record of this matter</p> <p>12 because we decided -- made the decision not to</p> <p>13 reopen the record. So that information was not</p> <p>14 further explored.</p> <p>15 DR. BAKER: Hi, Madam Chair. I have a</p> <p>16 question for Ms. Evans concerning the analogous case</p> <p>17 that is on point with respect to reopening the</p> <p>18 record. I was wondering if you could provide a</p> <p>19 little bit of color into why in the Colonial Gas</p> <p>20 case there was a decision by this Board to reopen</p> <p>21 the proceeding, and that sort of gives a sense for</p> <p>22 the scope of the types of issues that allow for</p> <p>23 reopenings, since this is an extraordinary kind of</p> <p>24 move that the Board would be making. Is there a</p>
<p style="text-align: right;">Page 43</p> <p>1 staff believe, looking at the information, that the</p> <p>2 standard has not been met and that the decision not</p> <p>3 to reopen should not be overturned or reconsidered.</p> <p>4 MR. GREENE: If I could just add one</p> <p>5 other point: that although the scope of the project</p> <p>6 change proceeding, as Ms. Evans was describing, was</p> <p>7 narrow, to look at the environmental effects of a</p> <p>8 relatively short-distance relocation of the</p> <p>9 substation, there were questions asked during this</p> <p>10 proceeding, the project change proceeding, by</p> <p>11 GreenRoots to try to gauge whether there had been</p> <p>12 some more significant changes in load demands in</p> <p>13 East Boston and Chelsea over the period. And</p> <p>14 GreenRoots did ask several questions, and the</p> <p>15 company objected to responding to those questions</p> <p>16 but did provide substantive answers.</p> <p>17 So there was information in this record</p> <p>18 recently looking at aspects of need based on</p> <p>19 GreenRoots' questions, and ultimately the Board</p> <p>20 looked at those answers as well as testimony that</p> <p>21 had been offered by GreenRoots, to determine that</p> <p>22 they did not rise to a level of significance that</p> <p>23 seemed to essentially undo the earlier finding of</p> <p>24 the Board and justify really what is a legally</p>	<p style="text-align: right;">Page 45</p> <p>1 sense for the band of permissibility in terms of the</p> <p>2 types of evidence that would be needed to reopen the</p> <p>3 case?</p> <p>4 MS. EVANS: In that particular case --</p> <p>5 you're talking about the Sagamore decision -- that</p> <p>6 was a case of a pipeline on the Cape; and the motion</p> <p>7 to reopen had come ten years after the original</p> <p>8 decision on the pipeline need.</p> <p>9 What happened in that case was, the</p> <p>10 Board took a look at some safety information and</p> <p>11 ultimately did not reopen the full record on that</p> <p>12 case. The reason it took a look at some safety</p> <p>13 information is that the issue of safety had not been</p> <p>14 fully litigated below, whereas, in juxtaposition</p> <p>15 with this case, need has definitely been litigated</p> <p>16 and folks were looking to relitigate it again.</p> <p>17 So I would distinguish the Sagamore</p> <p>18 case. Also, we did not reopen the whole record on</p> <p>19 the Sagamore case. And to my knowledge, we have not</p> <p>20 granted a motion to reopen a full record on a final</p> <p>21 decision in the past.</p> <p>22 DR. BAKER: Thank you.</p> <p>23 CHAIR THEOHARIDES: Chair Nelson?</p> <p>24 MR. NELSON: With regards to reopening</p>

<p style="text-align: right;">Page 46</p> <p>1 the legal record, as you indicated, the Board has 2 the discretion to do so. But I think maybe what 3 would be helpful -- I think I'm starting to 4 understand the implications, that it has happened in 5 the past, and the Cape decision you just mentioned 6 required something that wasn't fully litigated in 7 the previous case -- right? -- which required 8 reopening it.</p> <p>9 But maybe you could help me understand 10 what you would consider the threshold to reopen the 11 record in this case. I mean, for example, in a 12 hypothetical, if half of the load dropped off of 13 East Boston, that would be something that would, I 14 would say, could -- would that, in your opinion, be 15 something to reopen the record? I'm just trying to 16 understand, at least in your opinion, where that 17 kind of demarc is.</p> <p>18 MS. EVANS: So the standard would be 19 that the information would have a significant impact 20 on the Siting Board's decision -- in this case, the 21 need decision. That's, I think, a fact 22 determination of what is significant. If half the 23 load disappeared, that seems to be significant, but 24 that's not the situation in front of us right now.</p>	<p style="text-align: right;">Page 48</p> <p>1 of a closed, post-appeal adjudicatory case. 2 I will say that there has certainly been 3 testimony, comments, arguments in this case that 4 there are, I would call them megatrends playing out 5 right now in terms of electrical demand, affecting 6 not just East Boston and Chelsea, but really the 7 entire Commonwealth and even the country, in terms 8 of developments of solar energy, battery storage 9 technology, the continuing deployment of energy 10 efficiency, all of which probably trend toward 11 decreasing the need for traditional electrical 12 infrastructure, like substations and transmission 13 lines perhaps.</p> <p>14 And on the flip side, you know, we are 15 now seeing, with the drive towards low-carbon 16 emissions and in fact achieving net-zero carbon 17 emissions by 2050 that there's a vast need for 18 electrification of transportation, electric 19 vehicles, and other forms of transportation, as well 20 as addressing the use of fossil fuel and 21 space-heating applications through electric heat 22 pumps, ground-source or air-source.</p> <p>23 And while that is efficient and 24 hopefully will be low- or non-emitting, as we</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. NELSON: So maybe, Mr. Greene, you 2 can answer, if you're in concurrence with the 3 presiding officer, why you did not deem significance 4 of the change in evidence that you may have seen 5 through the questions in this case.</p> <p>6 MR. GREENE: Well, again, as Ms. Evans 7 was alluding to, if there were, let's say, a loss of 8 a very major customer load -- imagine Logan Airport 9 going out of business and shutting down. That would 10 have a profound effect on demand for electricity in 11 East Boston. If that were the information being 12 presented to us, I think we could all agree that 13 that would negate the need for additional electrical 14 capacity into East Boston.</p> <p>15 Perhaps we had a little taste of that 16 during the pandemic, where obviously Logan Airport 17 has suffered an appreciable drop, a significant 18 drop, in passenger traffic, and presumably electric 19 load at the airport has declined.</p> <p>20 But I would distinguish that, and I 21 hope, from a permanent erosion of electrical demand 22 from one that is temporary -- so just to give you a 23 sort of anecdotal situation that might trigger 24 clearly the justification for reopening the record</p>	<p style="text-align: right;">Page 49</p> <p>1 transition to more renewable sources for electrical 2 generation, it does increase the amount of 3 electrical consumption to get there. And those are 4 trends that sort of go in the opposite direction.</p> <p>5 And as Ms. Evans was mentioning in her 6 remarks, we really don't know what the net effect is 7 of these trends, that some raise electrical demand, 8 some reduce it, and that was not an area that we 9 endeavored to explore in this proceeding -- again, 10 given the finality of the record in the underlying 11 proceeding, the immediacy of the need for more 12 capacity, and, frankly, the harm that reopening the 13 final decision post-appeal period could have in 14 making any Siting Board decision ever stand as a 15 final decision, and essentially rendering projects 16 unbuildable and always subject to further 17 investigation. And that's just a recipe for 18 unbuildable necessary projects. So we didn't go 19 there.</p> <p>20 MS. EVANS: May I add one more 21 clarification also, Chair Nelson? In the 22 hypothetical of, let's say, Logan Airport closing, 23 that would have a direct impact on the load in 24 Chelsea and East Boston, served right now by the</p>

<p style="text-align: right;">Page 50</p> <p>1 Chelsea substation.</p> <p>2 These megatrends, even the CELT reports,</p> <p>3 that show the regional load in New England, don't</p> <p>4 necessarily correlate directly with what's happening</p> <p>5 in East Boston and Chelsea and the Chelsea</p> <p>6 substation.</p> <p>7 While the hypothetical of closing Logan</p> <p>8 Airport would definitely reduce the load in the</p> <p>9 Chelsea substation -- and we don't know by how much,</p> <p>10 but, you know, we have some ideas of the percentage</p> <p>11 of load that serves the Logan Airport -- other</p> <p>12 trends across the region, across the country, are</p> <p>13 somewhat less relevant, because they don't have a</p> <p>14 direct correlation with what's happening in East</p> <p>15 Boston.</p> <p>16 MR. WOODCOCK: I have a question related</p> <p>17 to that. Andy, you mentioned that the petitioner</p> <p>18 here, although objecting to answering the question,</p> <p>19 did provide recent information about load growth,</p> <p>20 and it's incorporated in the record. Can you be</p> <p>21 precise when that was provided and the actual</p> <p>22 information they provided in that answer?</p> <p>23 MR. GREENE: Yes. So those questions</p> <p>24 were posed during what we call the discovery period,</p>	<p style="text-align: right;">Page 52</p> <p>1 information didn't suggest, in our view, a need to</p> <p>2 do that.</p> <p>3 DR. BAKER: I just have a followup</p> <p>4 question on the load piece that connects also to the</p> <p>5 legal standard that we're trying to -- kind of</p> <p>6 grappling with here.</p> <p>7 You know, based on the hypothetical that</p> <p>8 Mr. Greene proposed about Logan, we are seeing a</p> <p>9 structural shift in terms of travel. We're all here</p> <p>10 virtual. I think it's hard to predict kind of what</p> <p>11 will play out with respect to -- I mean, the Logan</p> <p>12 Airport example.</p> <p>13 Is this particular moment, this</p> <p>14 circumstance that we're all kind of living within,</p> <p>15 is this kind of relevant to an analysis about the</p> <p>16 load, or, you know, is that something -- should we</p> <p>17 only rely on the answers to the interrogatories that</p> <p>18 were provided by the petitioner here?</p> <p>19 MR. GREENE: Well, let me take a first</p> <p>20 pass at that, if I may. Again, we are seeing some</p> <p>21 fairly significant energy trends emerging during the</p> <p>22 pandemic, and obviously predating that, with</p> <p>23 electrification and the importance of achieving a</p> <p>24 lower-carbon future. And we really don't know</p>
<p style="text-align: right;">Page 51</p> <p>1 which is before evidentiary hearings commenced in</p> <p>2 the case. We had several days of hearings. So I</p> <p>3 believe we're talking about the time period around</p> <p>4 the summer of 2019, when questions were posed and</p> <p>5 answered by Eversource over their objection but they</p> <p>6 did provide data in the 2019 summer period --</p> <p>7 approximately.</p> <p>8 MS. EVANS: That's correct, summer of</p> <p>9 2019.</p> <p>10 MR. WOODCOCK: And that corroborated</p> <p>11 with the information that led to the final decision?</p> <p>12 MR. GREENE: It was information that we</p> <p>13 reviewed. Although it wasn't in the evidentiary</p> <p>14 record, it is in what's called the administrative</p> <p>15 record, and you can find the information in our</p> <p>16 electronic file room, but it was not admitted into</p> <p>17 evidence by the presiding officer, based on the</p> <p>18 issues that we've been talking about. But it</p> <p>19 informed our decision that the level of change and</p> <p>20 migration, if you will, of demand from the original</p> <p>21 decision did not reach a level where it was a</p> <p>22 clearcut decision that needed to be made to reopen a</p> <p>23 completed final decision, which is a huge bar to</p> <p>24 clear, it is a very high bar to clear. And that</p>	<p style="text-align: right;">Page 53</p> <p>1 where, you know, telecommuting and videoconferencing</p> <p>2 in lieu of actual traveling to a physical meeting</p> <p>3 site will leave us in the future. Those are points</p> <p>4 being hotly debated right now by energy experts and</p> <p>5 forecasters that are clearly not in this record, but</p> <p>6 that are not necessarily clear to anyone at this</p> <p>7 time, either.</p> <p>8 So I have some trepidation that even if</p> <p>9 we conducted, you know, a graduate thesis on the</p> <p>10 future of energy and transformations due to what</p> <p>11 we've just been through and are still, frankly,</p> <p>12 going through right now, we don't really know where</p> <p>13 the future lies, but we do know from the record that</p> <p>14 we've examined over the last several years that</p> <p>15 there is an immediate need, as we were informed by</p> <p>16 the record, for additional capacity, to make sure</p> <p>17 that East Boston and Chelsea do not suffer prolonged</p> <p>18 outages.</p> <p>19 You know, we have certainly heard from</p> <p>20 the community and the public: "What outages? Our</p> <p>21 electricity has been reliable. Where is this</p> <p>22 problem? We don't see it." And I do want to point</p> <p>23 out that forecasting really endeavors not to show</p> <p>24 what the system and the grid look like on an average</p>

<p style="text-align: right;">Page 54</p> <p>1 day or a good day. They are by design a stress test 2 of how does the grid perform when it's 95 degrees 3 and 75 percent humidity and everybody is cranking 4 air conditioning and it's a weekday, so that we have 5 business loads. 6 And that's the kind of situation that we 7 have had, came very close to that precipice in 2013 8 in East Boston and Chelsea, and that's when a 9 transformer failure will result in prolonged 10 outages. 11 So that's sort of the context for load 12 forecasting and planning studies. It's not on a 13 good day or a typical day, when everything is just 14 fine. And that's the nature of the work that we do 15 to ensure reliability, because when you have extreme 16 conditions, that's when people really want their 17 energy to be most reliable. 18 MS. EVANS: May I add just to that, 19 Ms. Baker? So the standard that we're grappling 20 with here says that the proponent to reopen the 21 record, in this case GreenRoots, must demonstrate 22 clearly that good cause exists for reopening by 23 showing that the evidence, if admitted, was likely 24 to have a significant impact on the Siting Board's</p>	<p style="text-align: right;">Page 56</p> <p>1 been admitted if we had said yes. 2 DR. BAKER: Got it. And so to the 3 extent that current circumstances or any structural 4 shifts in how we're thinking about load now are 5 relevant, it sounds like they're not relevant to our 6 analysis today. 7 MS. EVANS: They are not relevant 8 because they are not in the record, correct. We're 9 talking about context here. But really, you need to 10 be making a decision based on the record of what's 11 admitted in this proceeding, yes, ma'am. 12 DR. BAKER: Thank you. 13 CHAIR THEOHARIDES: Are there other 14 questions on this or other topics from members of 15 the Board? I have a resiliency question, but I 16 don't want to move on from this discussion if there 17 are other items. Chair Nelson, did you have 18 something? 19 MR. NELSON: No. I'm bringing up my 20 resiliency questions as well. 21 MS. EVANS: Before we go on to the next 22 subject, should we take that -- we're at the time 23 maybe for our ten-minute break? I might suggest 24 that.</p>
<p style="text-align: right;">Page 55</p> <p>1 decision in this proceeding. 2 So it's kind of two steps. We looked at 3 the information that GreenRoots had provided in the 4 need testimony and looked at the information 5 provided by the company in those information 6 requests to see whether, if admitted, this reaches 7 the bar for good cause. 8 And then, if it did, we would reopen the 9 record, and then we would explore the information by 10 a lot more. We would have put a lot more on the 11 record, and you would have been able to really look 12 at that CELT forecast and see whether it really did 13 say what it says and what's the relationship to the 14 substation -- to the substation location. 15 So it's kind of two steps. In our view, 16 GreenRoots didn't clear the first step, didn't show 17 that the evidence that they wanted to put on the 18 record would show good cause clearly. 19 And so our presiding officer at the time 20 denied the motion to reopen orally during hearings, 21 and then the tentative decision makes that 22 conclusion also. So that was a judgment call by 23 staff based on the evidence that we saw, the 24 evidence that would have been -- that would have</p>	<p style="text-align: right;">Page 57</p> <p>1 CHAIR THEOHARIDES: Yes, given the 2 questions and the topics left to cover, let's take a 3 break now for ten minutes and return at 8:30, 4 please -- sorry, 8:30 would be an hour break. I'm 5 looking at my clock. Let's please return at 7:40. 6 (Recess taken.) 7 CHAIR THEOHARIDES: I think we are all 8 back. I would note, we are going to have a pause at 9 8:00 o'clock to let Congresswoman Pressley speak, so 10 we will pause at that point. And then we will 11 continue where we are in the rest of the agenda. 12 So at this point, back to Board 13 questions for Ms. Evans. Sorry? 14 MS. EVANS: Sorry, we do not seem to 15 have the court reporter. 16 THE REPORTER: Sorry, I was here. I got 17 what you said. 18 CHAIR THEOHARIDES: So you're good to 19 go? 20 THE REPORTER: Yes. 21 CHAIR THEOHARIDES: Great. Turning back 22 to questions for Ms. Evans or Mr. Greene. 23 MR. GREENE: I'm sorry, was there a 24 question pending for me?</p>

<p style="text-align: right;">Page 58</p> <p>1 CHAIR THEOHARIDES: No, I'm seeing if 2 the Board has any. Otherwise, I might jump in with 3 a few. 4 Ms. Evans, you spoke a little bit, or at 5 length, about some of the resiliency analysis that 6 was done at the site during the project change, and 7 I'm wondering if you can remind me again of some of 8 the details: what projections they used and where 9 they were from, and then also if any additional 10 flood mitigation measures should be considered that 11 have not been addressed through the tentative 12 decision. 13 MS. EVANS: Thank you, Secretary. We 14 would be glad to answer that question. I would like 15 to refer the question over to Mr. Hazle and 16 Mr. Young for answering that. Thank you. 17 CHAIR THEOHARIDES: Okay. 18 MR. YOUNG: Thank you for the question. 19 I think a place to start on that would be to -- I 20 want to go to one of the technical pages of the TD, 21 and I think Mr. Hazle could bring that up on the 22 screen where people can see that. I don't know how 23 legible that is and what size it is. 24 CHAIR THEOHARIDES: It's not bad. We</p>	<p style="text-align: right;">Page 60</p> <p>1 CHAIR THEOHARIDES: For folks who don't 2 know what the BRAG report is, can you go into a 3 little more detail on that, please? 4 MR. YOUNG: Yes. So Climate Ready 5 Boston, connected to the City of Boston, wanted to 6 look at what kinds of sea-level rise we should be 7 planning for in the city, I guess just in the city. 8 So they looked at what they thought were the likely 9 sea-level rises and the extremes of how much it 10 might rise over the next many decades. And getting 11 down a little into the weeds, there were different 12 predictions depending on how much carbon emissions 13 are reduced worldwide. 14 So the company's going with a version 15 that is not expecting -- the pessimistic, 16 least-carbon-reduction model. Then they're looking 17 out -- a big question is how far out into the future 18 do you want to predict -- no, do you want to be 19 looking at at sea-level rise. 20 So the company was looking, to start 21 with, at the design life of the equipment that they 22 would be putting on the substation, and that's 40 23 years. There's a table -- there's tables provided 24 in the BRAG report. I'm not sure if I covered that</p>
<p style="text-align: right;">Page 59</p> <p>1 can see it. 2 MR. YOUNG: Okay, okay. So this is a 3 table in the TD of the evidence. If you start at 4 the bottom of the table, that's the 9.90 is the mean 5 high-water line of Chelsea Creek. This is all 6 relative to mean low or low water. 7 MS. EVANS: May I indicate that it is on 8 the TD at Page 54 at the top half of the page. 9 MR. YOUNG: Thank you. I should have 10 said that. So as you go up on this table, this kind 11 of shows some of how the calculation runs through. 12 There is a flood elevation that's predicted of just 13 under 15 feet that would be for a one-in-a-hundred- 14 year storm. This is before any sea-level rise; this 15 is current situation. And in fact, Boston Harbor 16 has had a storm-surge level approximate the same 17 thing, about 50 feet above mean low or low water. 18 The company is actually looking at a 19 one-in-500-year flood, so that adds not quite 20 another foot, so we're a little short of 16 feet. 21 And then I'm going to run down into the 22 text following that; I think the next paragraph, 23 Mr. Hazle. So using the BRAG modeling, which we can 24 also show you --</p>	<p style="text-align: right;">Page 61</p> <p>1 as well as you want. You can probably answer that 2 question better than I can. 3 CHAIR THEOHARIDES: I'm just wondering: 4 So I think what you're saying is they looked at a 5 high-emissions scenario? 6 MR. YOUNG: That's correct, yeah. So 7 they looked at the high-emissions scenario. Then 8 they looked out to 2070, which is actually ten years 9 past their design life of equipment. And then they, 10 among the -- I wonder if we can put up -- it might 11 be worth putting up a screen of that report. 12 Mr. Hazle, do we have that handy? 13 MR. HAZLE: I don't have that handy, 14 Mr. Young. I'm not sure which report you're 15 referring to. 16 MR. YOUNG: Yeah, yeah. So in the BRAG 17 report they predict how much the sea level would 18 rise in a likely range, and then more extremes. So 19 the company picked the high end of the likely range 20 for 2070, which is shown in the table as 3 feet or 21 3.1 feet. So they added a higher but not extreme 22 estimate of sea-level rise through 2070. That 23 brings them up to, as stated in the text here, 19.71 24 feet above mean low or low water. So that would be</p>

<p style="text-align: right;">Page 62</p> <p>1 the flood that they wanted to look at.</p> <p>2 I beg your pardon. There's an extra</p> <p>3 foot of freeboard -- an extra foot of tolerance in</p> <p>4 there to get to the 19.71.</p> <p>5 However, they also determined that the</p> <p>6 highest elevation on the site is 23 feet. So</p> <p>7 that's, sort of rounding up from 19.71, there's</p> <p>8 actually planning to have a surface elevation of the</p> <p>9 substation higher than that. That's what the tops</p> <p>10 of the foundations down at the end of that</p> <p>11 paragraph, starting at 23 feet...</p> <p>12 That's a few feet higher than the fairly</p> <p>13 conservative estimate for the year 2070 for a</p> <p>14 high-emissions scenario.</p> <p>15 CHAIR THEOHARIDES: Okay. And are</p> <p>16 there -- in addition to the -- I mean, it looks like</p> <p>17 basically site grading or foundational -- you know,</p> <p>18 the foundational height of the project -- you know,</p> <p>19 I know this wasn't part of the tentative decision.</p> <p>20 But has the staff or has the company considered</p> <p>21 additional flood mitigation measures to have in</p> <p>22 case --</p> <p>23 MR. YOUNG: Yes. So staff thought it</p> <p>24 was reasonably conservative, and this is what we</p>	<p style="text-align: right;">Page 64</p> <p>1 want to be digging into the substation if you can</p> <p>2 help it after it's constructed, but you also</p> <p>3 wouldn't have the actual walls in the way for 80</p> <p>4 years before prospective sea level got high enough.</p> <p>5 So that's an idea that we could -- that</p> <p>6 we thought about a little bit, and if the Board</p> <p>7 wants to go more conservative, we could give you</p> <p>8 some text for testifying and providing a condition</p> <p>9 like that.</p> <p>10 Before I get to that: We would be glad</p> <p>11 to show you a graphic showing those elevations that</p> <p>12 I talked about sort of freehand. I think you</p> <p>13 understood what I meant, but just sort of so people</p> <p>14 can see --</p> <p>15 CHAIR THEOHARIDES: I think if it's</p> <p>16 quick, I think -- I don't want to take all this time</p> <p>17 here.</p> <p>18 MR. YOUNG: Yeah, sure. So Mr. Hazle's</p> <p>19 put this up. Is that as big as that can get?</p> <p>20 MR. HAZLE: Pretty close to as big as it</p> <p>21 can get. My apologies.</p> <p>22 MR. YOUNG: So this is showing some of</p> <p>23 the same information from the -- that I was showing</p> <p>24 you from the pages of the TD, starting with the high</p>
<p style="text-align: right;">Page 63</p> <p>1 proposed in the tentative decision. But it's</p> <p>2 obviously a judgment call. There are some things</p> <p>3 that I think the Board could require that's</p> <p>4 supported by the evidence, if you wanted to be more</p> <p>5 conservative.</p> <p>6 And the first of these, we have some</p> <p>7 evidence on the record that the company could build</p> <p>8 walls on top of the -- on top of the site for a</p> <p>9 higher sea-level or storm-surge situation than the</p> <p>10 23 feet that they're projecting.</p> <p>11 The two things that go into that are,</p> <p>12 according to the company, that would really have to</p> <p>13 be built -- or it would be most sensible to build</p> <p>14 that at the time. So this would really provide for</p> <p>15 protection beyond, say, the year 2090, roughly</p> <p>16 speaking.</p> <p>17 The staff would recommend that, instead</p> <p>18 of building a wall now, to be needed in, you know,</p> <p>19 60, 80 years, something like that, what we might</p> <p>20 suggest is that the Board could require the company</p> <p>21 to put footings and foundations in that would be</p> <p>22 adequate to support a wall to be built later. So</p> <p>23 that would reduce the amount of construction</p> <p>24 disruption, where they're trying to -- you don't</p>	<p style="text-align: right;">Page 65</p> <p>1 tide level, going up to the 100-year flood, the</p> <p>2 500-year flood. The 19.71 on the left side is what</p> <p>3 the company ended up with, 3 feet of sea-level rise</p> <p>4 and one foot of freeboard. 22 feet is the height</p> <p>5 that the company projected for -- or proposed for</p> <p>6 the original site. 22.58 feet is the highest, I</p> <p>7 think, of other agencies' recommendations -- so</p> <p>8 that's MassPort -- in the Boston area. And then 23</p> <p>9 feet is what the company was proposing and we</p> <p>10 thought was reasonably conservative.</p> <p>11 So that would be the biggest -- the</p> <p>12 biggest physical proposal would be to add footings</p> <p>13 or foundations adequate to support a wall to be --</p> <p>14 that could be installed later.</p> <p>15 Two other ideas we had, if you want to</p> <p>16 hear. We have staff-proposed amendments that were</p> <p>17 sent out to the TD, and one of those is about a --</p> <p>18 what's the -- what's that called?</p> <p>19 MR. HAZLE: Emergency response plan that</p> <p>20 would be specific to the substation.</p> <p>21 MR. YOUNG: And so the Board could sort</p> <p>22 of widen out or get more specific about what's</p> <p>23 required of the company in that emergency response</p> <p>24 plan, and we could -- and could add some language</p>

<p style="text-align: right;">Page 66</p> <p>1 about exactly what should be in the emergency 2 response plan relative to potential flooding 3 events -- you know, getting more specificity about 4 what the company would do in a flooding event. 5 I'm blanking. Mr. Hazle will tell you 6 the third idea we were thinking of. 7 MR. HAZLE: Some of the commenters 8 brought up the idea that the site is susceptible to 9 coastal erosion or could be susceptible to erosion 10 if there's persistent high flooding or, you know, 11 persistent wave action during high flooding. So the 12 third mitigation measure that we think could be 13 reasonable would just be some storm-hardening 14 measures along the northern edge of the substation. 15 So that could come in the form of the big shoreline 16 riprap-style rocks or a gabion wall or some manner 17 of a seawall -- those kinds of things that the 18 company could put along the northern border of the 19 substation, just to further protect it in the event 20 that persistent high water level is coming up 21 towards the site. 22 CHAIR THEOHARIDES: I think the worry 23 always with those is you really have to do a full 24 analysis to understand how riprap in one location</p>	<p style="text-align: right;">Page 68</p> <p>1 CHAIR THEOHARIDES: Great. I can ask 2 them. 3 Are there other questions from the 4 Board? I see Chair Nelson. That's all I see at 5 this point. 6 MR. NELSON: Thank you. Mr. Young, I 7 think I'll be pretty quick here, because I just want 8 to make sure I'm understanding the decision 9 appropriately. The graphic you pulled up I believe 10 on Page 54, 55 -- we don't need to bring it up again 11 -- indicated that there was a slope to the current 12 level, so it was somewhere between, I think it was 13 16-19 feet, and then the highest point was about 22 14 feet. Is that correct? 15 MR. YOUNG: That's correct. The 16 southern end of the site is quite a bit higher than 17 the northern end. 18 MR. NELSON: And my understanding is 19 that, as part of the design protocols for this 20 facility, it will all be brought up to that level 21 that you were indicating, that 23-foot level. 22 MR. YOUNG: Yeah, the 23 feet is about 23 the highest that's at the site, and the company told 24 us that that was their plan, was to bring the whole</p>
<p style="text-align: right;">Page 67</p> <p>1 may affect downshore locations. So that would be my 2 concern I think with any hardening-type options. 3 Our preference at EEA is to avoid hardening when 4 possible. 5 I was also wondering, if the 6 Conservation Commission's -- the Boston Conservation 7 Commission's decision on this project and approval, 8 if any of their orders of conditions addressed 9 resiliency or any of the other site characteristics 10 that might be relevant in this Board's discussion. 11 MR. HAZLE: To my knowledge, the Boston 12 Conservation Commission order of conditions did not 13 go above and beyond the standard set of conditions 14 that are listed in a wetlands permit. I think -- 15 I'm not part of the proceeding, but my impression 16 would be that because the site is only within buffer 17 zone of the coastal bank, there were no direct 18 wetlands impacts to construct this project, so the 19 order of conditions may not have gone out of its way 20 to require additional permitting conditions. 21 I'm sure the company would be able to 22 provide, you know, specific details on what's 23 required in that permit and certainly correct me if 24 I'm wrong.</p>	<p style="text-align: right;">Page 69</p> <p>1 site up to that elevation. 2 MR. NELSON: You had a suggestion around 3 footings and foundations to be put in. So I'm 4 assuming those will be put in on that base 23 level 5 for future times of pushing things up? Can you 6 explain that a little mechanically to me? 7 MR. YOUNG: Yeah. Or Dean as well. 8 The question came as a record request 9 towards the end of the proceeding and was based off 10 of storm responses -- it was based on storm 11 responses elsewhere in the country. And we asked 12 the company whether some of the responses that 13 occurred elsewhere in the country could be used 14 here, and they gave us a listing of what could be 15 done at the site and what could not be at the site. 16 So we don't have an extensive 17 description of it. But yes, the idea would be, on 18 top of the 23-foot substation elevation -- well, 19 actually, you know, starting below it, because the 20 footings and the foundations are going to go below 21 the surface -- 22 MR. NELSON: Sure. 23 MR. YOUNG: But to install -- sort of 24 put -- bring the extra material in to get the</p>

<p style="text-align: right;">Page 70</p> <p>1 elevation up, install the materials and foundations. 2 And we thought probably the best thing to do is to 3 have them build those up to grade, so they're not in 4 the way, they don't have a visual impact, they don't 5 interfere with access to the substation for 6 construction or later, until such of a time that 7 they turn out to be needed. That's our idea for 8 something we could put together and that the Board 9 could require the company to do that, because the 10 company did indicate it could install such a wall. 11 MR. NELSON: Okay. My understanding, 12 too, is that Condor Street, we're still expecting 13 that to flood on occasion with high levels of surge. 14 Is that correct? 15 MR. YOUNG: Well, so right now Condor 16 Street floods during high-precipitation events. It 17 appears that there may be inadequate drainage out 18 from Condor Street to the harbor and that that may 19 be worse when sea levels are -- when you have the 20 high tides and storm surge. 21 We're talking about a situation where 22 sea level's come up at least 3 feet, and so the 23 situation we're -- those walls would be for a 24 situation where Condor Street was either -- either</p>	<p style="text-align: right;">Page 72</p> <p>1 yet. 2 CHAIR THEOHARIDES: In that case, if 3 there's other questions from the Board -- yes, Dr. 4 Baker? 5 DR. BAKER: Thank you so much, Mr. Young 6 and Mr. Hazle, for the presentations. 7 I am just wondering about cost with 8 respect to these changes to the project design, and 9 understanding that, you know, these changes will be 10 rate-based and this will eventually flow to 11 ratepayers. So I'm just sort of thinking through a 12 cost/benefit analysis and also the way that these 13 changes might impact the overall cost of the 14 project. Is there an analysis of that, or can you 15 give top lines on what you've come up with? 16 MR. YOUNG: I can give you some limited 17 information on that. The company gave a quote of 18 \$6,000 per linear foot for a wall. We don't have a 19 specific height for the wall. But if you look at 20 the whole perimeter of the site, what the dimensions 21 of that are, and you figure some substantial 22 percentage of the cost of a wall is the footings and 23 foundation -- that's, you know, the difficult part 24 to build -- it looks to us that that's in the order</p>
<p style="text-align: right;">Page 71</p> <p>1 had been completely reconstructed or would be under 2 water regularly. 3 MR. HAZLE: I just want to add one 4 point: The substation's design at 23 feet above the 5 Chelsea Creek is designed to keep the substation 6 dry, anticipating extreme flooding events and 7 sea-level rise, I think the tentative decision says 8 through the year 2090. So the idea of having 9 foundations and footings put in for a flood wall is 10 really so that if in the future that risk of 11 flooding and water inundating the substation really 12 becomes an imminent risk, the substation would be 13 prepared at that time to add the flood walls a 14 little bit more easily. 15 But I just want to reiterate that the 16 sea-level-rise analysis that was done for this case 17 is anticipated to keep the substation dry for many 18 decades to come. 19 MR. YOUNG: Thank you, Mr. Hazle. 20 CHAIR THEOHARIDES: I know, Andy, we 21 were expecting Representative Pressley around this 22 time. Is the Congresswoman with us? 23 MR. GREENE: We have been keeping an eye 24 out for her, and she does not appear to be with us</p>	<p style="text-align: right;">Page 73</p> <p>1 of one million or just a couple million dollars to 2 put the wall in -- based on the evidence. But 3 that's our calculation based on the evidence, on the 4 information the company gave us. So it's pretty 5 ballparky, but it gives you a flavor. I think for 6 the wall to work, you also want to install pumps for 7 any water leaking through, and that's another 8 million dollars or so in current costs, but there 9 wouldn't be any need to pre-buy pumps for that 10 period of time. 11 DR. BAKER: Got it. 12 MR. YOUNG: Does that give you kind of 13 an answer to your question? 14 DR. BAKER: Yeah. I mean, it's helpful. 15 I don't have an analysis of sort of what a typical 16 substation on flat land, not close to Chelsea Creek, 17 might look like compared to a sort of souped-up, 18 modified substation next to Chelsea Creek -- you 19 know, which this would be -- right? -- with the 20 couple million dollars added to the overall cost. 21 So I just don't know. For me, it's sort 22 of an apples -- the sort of comparison is the 23 non-modified substation next to Chelsea Creek versus 24 a flatland, sort of drier location in general. But</p>

<p style="text-align: right;">Page 74</p> <p>1 I'm just sort of thinking through overall costs.</p> <p>2 MR. YOUNG: We do have a figure for what</p> <p>3 the substation element of the project would cost,</p> <p>4 and so that does include some earth-moving to get it</p> <p>5 up to the design level, but it doesn't include, you</p> <p>6 know, an extra wall. I wonder if -- I don't tend to</p> <p>7 remember price numbers like that.</p> <p>8 MR. HAZLE: The cost of the substation</p> <p>9 currently is estimated to be \$66 million.</p> <p>10 DR. BAKER: Just a quick question; I</p> <p>11 appreciate the education here. Mr. Hazle, is that</p> <p>12 kind of the ballpark for standard substations, or is</p> <p>13 there a wide variation in terms of costs when we</p> <p>14 think about substations?</p> <p>15 MR. HAZLE: There's a pretty wide range</p> <p>16 of costs for constructing substations. You know, if</p> <p>17 you're building one in Barnstable, down on the Cape,</p> <p>18 that's going to have a greatly different cost than</p> <p>19 building one in an urban neighborhood of Boston.</p> <p>20 So yes, I can't provide you any other</p> <p>21 substation costs reliably off the top of my head.</p> <p>22 CHAIR THEOHARIDES: The company may be</p> <p>23 able to speak to -- I think one that might be</p> <p>24 relevant is the one in the Seaport that was done</p>	<p style="text-align: right;">Page 76</p> <p>1 question as well.</p> <p>2 MR. WOODCOCK: Quickly: I'm a little</p> <p>3 wary of this type of time horizon of models and how</p> <p>4 they'll change. But it is something to monitor.</p> <p>5 And I wonder if there is a template of updating</p> <p>6 analysis over time to the EFSB staff to assess risk.</p> <p>7 I don't know if there's a template of that.</p> <p>8 I did want to ask, comparing the two</p> <p>9 locations -- I'm looking at the tentative</p> <p>10 decision -- it did appear that the aesthetic impacts</p> <p>11 were higher in this situation. Would you</p> <p>12 characterize that in that manner? I did want to ask</p> <p>13 about mitigation for that issue.</p> <p>14 MR. YOUNG: I think it's fair to say</p> <p>15 that the aesthetic impact is higher at the new site</p> <p>16 than the old site, because the old site was tucked</p> <p>17 further back into the City parcel, behind other</p> <p>18 things, whereas the new site is bordering on Condor</p> <p>19 Street and across from the park. So I don't think</p> <p>20 there's any question about that. It's an</p> <p>21 easier-to-see location for sure.</p> <p>22 With respect to mitigation, the company</p> <p>23 has described it as architectural panels, and they</p> <p>24 do need to go through a, you know, at least -- I'm</p>
<p style="text-align: right;">Page 75</p> <p>1 recently. But that may be a good question for them.</p> <p>2 DR. BAKER: I know that they did</p> <p>3 consider a different location in the initial</p> <p>4 proceeding that was in a different part of East</p> <p>5 Boston -- you know, wasn't as at risk. So just kind</p> <p>6 of, again, trying to get my arms around what the</p> <p>7 comparison might be.</p> <p>8 MR. HAZLE: One interesting point on</p> <p>9 cost and the location of the substation is that,</p> <p>10 because the existing distribution circuits and the</p> <p>11 transmission lines that would cross under Chelsea</p> <p>12 Creek -- they come out in East Boston right at this</p> <p>13 location. So if the substation were built somewhere</p> <p>14 else, that would extend the lengths of the</p> <p>15 transmission lines that would need to be built</p> <p>16 within the streets of East Boston, which building</p> <p>17 transmission lines in urban streets is extremely</p> <p>18 expensive.</p> <p>19 So the current location near where the</p> <p>20 cables come over from Chelsea sort of does minimize</p> <p>21 the total project costs.</p> <p>22 DR. BAKER: Thank you.</p> <p>23 CHAIR THEOHARIDES: I saw Commissioner</p> <p>24 Woodcock and I know Deputy Commissioner Moran had a</p>	<p style="text-align: right;">Page 77</p> <p>1 not sure it's just aesthetic, but they do need to go</p> <p>2 through an aesthetic review from the City. But</p> <p>3 perhaps there's another staff person that could</p> <p>4 elaborate on that.</p> <p>5 MR. HAZLE: Yes. Mr. Woodcock, the</p> <p>6 Condition U of the tentative decision includes</p> <p>7 provisions that require the company to hold focus</p> <p>8 groups with the community to solicit feedback about</p> <p>9 the aesthetic design of the substation, and then</p> <p>10 also the aesthetic design of the substation I</p> <p>11 believe is subject to the approval of the Boston</p> <p>12 planning and development authority.</p> <p>13 MR. YOUNG: So mostly we're talking</p> <p>14 about views from the park across Condor Street and</p> <p>15 also to people that are on Condor Street who would</p> <p>16 be going right past it.</p> <p>17 With respect to the people that live on</p> <p>18 East Eagle Street to the south, it's not necessarily</p> <p>19 more visible, because you've got the police station</p> <p>20 that's just been constructed there.</p> <p>21 So it's going to depend somewhat on</p> <p>22 the -- you know, who's looking for -- or from where</p> <p>23 somebody is looking whether it's a greater or lesser</p> <p>24 impact, I think. But it's a little more visible</p>

<p style="text-align: right;">Page 78</p> <p>1 from a general community aspect.</p> <p>2 MR. WOODCOCK: I did see the proposed</p> <p>3 focus group. One thing that was a little striking</p> <p>4 to me is, that was proposed by the petitioner, and I</p> <p>5 wanted to make sure that there's public comment for</p> <p>6 those not a part of the focus group. Or would that</p> <p>7 be allowed through the City-run process?</p> <p>8 MR. HAZLE: So the condition in the</p> <p>9 tentative decision requires the company to have</p> <p>10 focus groups of 10 to 15 members, specifically</p> <p>11 including community members. So perhaps there's a</p> <p>12 way we could adjust the language of the Condition U</p> <p>13 to be a little bit more responsive to your concern.</p> <p>14 But as it's currently written, it does require</p> <p>15 community-member involvement and a certain number of</p> <p>16 open houses to be held.</p> <p>17 MS. EVANS: I'll note that I believe</p> <p>18 that the company has already started this process,</p> <p>19 so perhaps when the company speaks they can speak to</p> <p>20 the status of that process.</p> <p>21 MR. WOODCOCK: Thank you.</p> <p>22 CHAIR THEOHARIDES: Mr. Moran?</p> <p>23 MR. MORAN: It was actually a question</p> <p>24 similar to what Commissioner Woodcock raised, in</p>	<p style="text-align: right;">Page 80</p> <p>1 could tweak it to include maybe -- to be more</p> <p>2 responsive to specific modeling thresholds or</p> <p>3 perhaps to a specific degree of sea-level rise and</p> <p>4 whether or not that has occurred before the design</p> <p>5 life of the equipment. We'd have to draft those up,</p> <p>6 Mr. Young and I.</p> <p>7 CHAIR THEOHARIDES: That's something</p> <p>8 perhaps we can consider in the period between the</p> <p>9 two meetings.</p> <p>10 Do I see other hands? I think we are at</p> <p>11 the point, then, where we can move to the oral</p> <p>12 comments by parties and limited participants.</p> <p>13 MR. GREENE: If I may interrupt for just</p> <p>14 one moment. I see that Councilor Edwards, who we</p> <p>15 were going to call previously, has now arrived. If</p> <p>16 we can take her now, perhaps that would be wise.</p> <p>17 CHAIR THEOHARIDES: That would make</p> <p>18 sense. Thank you.</p> <p>19 MR. GREENE: She will join us</p> <p>20 momentarily.</p> <p>21 COUNCILOR EDWARDS: Hello, can you hear</p> <p>22 me?</p> <p>23 CHAIR THEOHARIDES: We can, thank you.</p> <p>24 COUNCILOR EDWARDS: Thank you very much,</p>
<p style="text-align: right;">Page 79</p> <p>1 terms of if we were looking at potential amendments</p> <p>2 requiring some future evaluation -- I'm just trying</p> <p>3 to figure out how that works, if we're looking for</p> <p>4 potentially a scenario where they have to evaluate</p> <p>5 the sea-level rise in 2070, to then fulfill a</p> <p>6 condition of our decision to construct a wall. I</p> <p>7 just want to get a better sense of what staff might</p> <p>8 be thinking in terms of potential approach to</p> <p>9 amendment there.</p> <p>10 CHAIR THEOHARIDES: I wonder if it would</p> <p>11 have to be if there's new -- you know, if they're</p> <p>12 doing the calculation based on the lifespan of the</p> <p>13 equipment, as that lifespan -- you know, as they</p> <p>14 start to approach the lifespan of that equipment</p> <p>15 before any new decisions are made about new siting,</p> <p>16 new equipment, and additional infrastructure, the</p> <p>17 modeling inputs need to be revisited. The highest</p> <p>18 uncertainty in those models is what people do on the</p> <p>19 emissions side. I think the dynamics of the models</p> <p>20 are very certain in terms of what happens if</p> <p>21 emissions are at a certain level.</p> <p>22 MR. HAZLE: We have -- you know,</p> <p>23 anticipating questions about additional mitigation,</p> <p>24 we've prepared some draft language, and I'm sure we</p>	<p style="text-align: right;">Page 81</p> <p>1 and I appreciate you for your patience. I'd hoped</p> <p>2 to speak tomorrow, but I understand it's been</p> <p>3 canceled, and I pinged and I'm happy I made it just</p> <p>4 on time.</p> <p>5 I wanted to emphasize a couple of things</p> <p>6 to the Board. First, as you know, from the very</p> <p>7 beginning, I've opposed this substation in the</p> <p>8 neighborhood for several reasons. I was at the</p> <p>9 meeting, one of the few or first meetings that we</p> <p>10 had in East Boston where your Board came to meet the</p> <p>11 community. For those of your Board members that</p> <p>12 were there, I think it was painfully obvious how</p> <p>13 much this community does not want this.</p> <p>14 And I think, inasmuch as your standards</p> <p>15 do allow for to you consider the humanity and the</p> <p>16 impact, I hope that you will not ignore the fact</p> <p>17 that not only do we not want it, but we have still</p> <p>18 to this day not been really sold on the fact that we</p> <p>19 need it. If you'll recall, at that meeting one of</p> <p>20 the frustrations that we've had is the trust factor</p> <p>21 about the separation between your Board and</p> <p>22 Eversource. Some of your slides even had the</p> <p>23 Eversource logo on them. It was wrong, and I hope</p> <p>24 that's been corrected for future presentations.</p>

<p style="text-align: right;">Page 82</p> <p>1 But it made us feel that the decision 2 had already been made and that instead of being an 3 independent Board that looks at the merits of a 4 case, you've already made your decision and it was 5 for a large company's financial interests over the 6 community's day-to-day needs and quality of life. 7 Not only have we not ever been truly 8 explained what we need this for and why, we've also 9 never really understood why there were not an 10 alternative form of energy being reviewed or why 11 alternative locations were not reviewed. This is 12 along the Chelsea Creek. There's a lot of 13 industrial use and commercial use along the creek, 14 and other locations are available. MassPort has 15 simply refused to allow for this alternative place 16 while they're building their own substation to 17 expand energy use. 18 But I want to be very, very clear: If 19 you consider yourself a Board that weighs the merits 20 of any case, this case has failed, not only the 21 community, but basic standards of decency. They 22 have not explained why they are necessary. They 23 have not explained why this location is necessary, 24 and they have lost the community trust.</p>	<p style="text-align: right;">Page 84</p> <p>1 speakers, and people who could lobby correctly and 2 able to push their financial will on local 3 government. It is happening because we don't look 4 like those communities. It is the exact opposite of 5 environmental justice. 6 And I'm asking this Board not to 7 implement and push forward environmental injustice 8 and racism and classism on this neighborhood. It is 9 a permanent structure we are talking about for a 10 need that the community has consistently said is not 11 there, for literally the financial benefit of one 12 company. 13 We are paying for this; right? The 14 ratepayers are actually paying for this. So it 15 costs Eversource nothing to change its location, 16 because ultimately I pay for it as a person who 17 lives in East Boston. I also pay for it in other 18 ways, as the property values around the substation 19 not only go down, but as the people who feel 20 undervalued by having the State make this decision 21 to put it in their neighborhoods also go down. 22 I am asking you to do better by this 23 neighborhood. If it is so necessary and so vital, 24 pick another location. It costs the company</p>
<p style="text-align: right;">Page 83</p> <p>1 I'm hoping that this Board will not 2 continue to lose the trust. I have heard the 3 complaints. I was there briefly for the meeting 4 initially downtown, where there wasn't sufficient 5 interpretation. It was corrected, and I do thank 6 you for that, by the time you came to the community. 7 I also want to emphasize the moment that 8 we're in as a City, as a State, as a country. I 9 don't know if your Board members are aware of the 10 civil rights movement that we are in right now, the 11 fact that the City of Boston is changing its zoning 12 for equitable purposes, and the fact that there's 13 been extreme harms done by planning decisions and 14 boards that impact communities for generations. And 15 we're still cleaning up that mess. 16 So we've changed our zoning in the City 17 of Boston to hopefully start to heal, and what we've 18 learned consistently is bad plans can undo some of 19 the best civil rights legislation. This is a bad 20 plan. This is the wrong thing to do to an 21 environmentally-just community of immigrants, of 22 working-class people, and people of color. It would 23 not happen in Beacon Hill. It would not happen 24 where there's a concentration of wealth, English</p>	<p style="text-align: right;">Page 85</p> <p>1 nothing, but it costs us as a community everything. 2 This is the wrong time, the wrong place, and the 3 wrong kind of energy to be implementing. It's 4 missing every single call of the moment: 5 environmental justice, green energy sources, we're 6 in a civil rights movement. And for you to even 7 consider doing this to us is a slap in the face. 8 So I stand here again consistently 9 asking you to do the right thing. There has been no 10 real attempt by Eversource to do right by this 11 community, to hear about what they would like. And 12 I'm asking you not to enable their racism, their 13 classism, or their environmental injustice. Thank 14 you. 15 CHAIR THEOHARIDES: Thank you, 16 Councilor. Andy, since we're paused, do we have the 17 Representative with us, or shall we keep -- 18 MR. GREENE: We do not have 19 Representative Pressley, but I believe we have a 20 member of her staff in the panel, Mr. Eric White. 21 Maybe he can just tell us what to plan for. 22 Mr. White? 23 MR. WHITE: Good evening. Sorry about 24 that. Stuck on mute. Yeah, the Congresswoman is</p>

<p style="text-align: right;">Page 86</p> <p>1 just hopping off another call. She should be 2 joining momentarily. Thanks four your patience. 3 DR. BAKER: Madam Secretary, just a 4 question about kind of the process here. Are we 5 also -- are we now done with the questioning of the 6 staff and kind of getting our arms around the 7 substance of the tentative decision? Because I do 8 have a couple of decisional questions. 9 MR. BEATON: Let's ask -- we were moving 10 towards moving on to the company, but this would be 11 a great time. 12 DR. BAKER: Great. I would like to ask 13 a little bit about the environmental justice 14 standard, because that has been a question that has 15 come up a lot through the comments and obviously the 16 last statement that was made really spoke to the 17 environmental justice issues that are at play here. 18 So I notice in the tentative decision 19 there's discussion of both the environmental justice 20 policy and language access, and the discussion of 21 the environmental justice policy was really -- 22 really dovetails or connects to the language access 23 piece of this. 24 But I'm kind of curious about the broad</p>	<p style="text-align: right;">Page 88</p> <p>1 part of the environmental justice policy is to make 2 sure that regulatory proceedings in communities 3 where there may be limited English-proficiency 4 populations, who speak other languages besides 5 English, are not excluded from the ability to 6 understand what's before our agency, to participate 7 meaningfully, and to be provided essentially access 8 to the process. 9 The language access policy makes 10 similar -- or imposes similar requirements on 11 agencies likes ours, and that cuts across the entire 12 executive branch of the Commonwealth. That's a 13 policy issued by Administration and Finance for all 14 executive branch agencies. 15 I think our sense in implementing both 16 policies is that the language access policy probably 17 extends further than the environmental justice 18 policy in terms of facilitating interpretation and 19 translation in a case like this. It has more 20 specific features that have led us to do the things 21 that Ms. Evans described, including translating the 22 tentative decision, having interpretation on this 23 meeting. 24 So there are some similarities, but I</p>
<p style="text-align: right;">Page 87</p> <p>1 scope of how we should be thinking about the 2 environmental justice policy of the Commonwealth, in 3 particular given that we're an agency that's covered 4 by the EEA's policy, and that the policy itself 5 really does speak to equal protection as well. 6 So I'm just kind of curious about how 7 the staff is viewing the broad scope of that policy 8 with respect to this decision that so clearly 9 impacts an EJ community. 10 MS. EVANS: Go ahead, Mr. Greene. 11 MR. GREENE: I think, again, in her 12 remarks Ms. Evans made very clear that 13 demographically the East Boston community in the 14 vicinity of the substation and quite broadly in the 15 community meets many of the metrics that define 16 environmental justice communities under the 17 Secretary's EJ policies. So that's the sort of 18 starting point, and that point was made in the 19 tentative decision in terms of what the community 20 is. 21 You were mentioning that the language 22 access policy and environmental justice policies 23 seem to sort of dovetail or complement each other, 24 and that is a good observation, because an important</p>	<p style="text-align: right;">Page 89</p> <p>1 would say the language access policy is probably the 2 more stringent of the two when it comes to the 3 language access issues in a case like this. 4 With regard to the EJ policy and what's 5 different about it in terms of the review that we 6 might do in this case relative to other cases: 7 There are particular impact thresholds in the EJ 8 policy that say, for example, if over 50 or 100 9 thousand tons of air pollutants are emitted annually 10 by a facility that we're evaluating, that would 11 trigger an environmental impact review under MEPA, 12 Massachusetts Environmental Policy Act, which also 13 triggers a requirement for the Siting Board to 14 conduct an enhanced impact review of not just this 15 facility but other projects in the community that 16 cumulatively might have a more serious impact. 17 Again, as Ms. Evans made mention in her 18 comments, this project really is not a large source 19 of emissions, whether air pollutants, wastewater, or 20 other quantities of environmental pollution that do 21 trigger the enhanced impact review provisions of the 22 EJ policy. 23 And this is a point that is a bit in the 24 weeds for most people, but that is the specific</p>

<p style="text-align: right;">Page 90</p> <p>1 provision of the policy. And in this particular 2 proceeding, we did not get even close to the 3 thresholds that require, again, the enhanced impact 4 review provision of the EJ policy. 5 That is not to say that we did not 6 conduct a very thorough review of the environmental 7 impacts. I think we did, and that is driven 8 entirely by the Siting Board's statutory and 9 regulatory requirements that are quite protective, 10 in many ways parallel, I think, what the EJ policy 11 intends to do for other agencies that might not have 12 the same statutory provisions that we operate 13 under -- if that answers your question. 14 DR. BAKER: It does. And I think what 15 I'm hearing is that the types of cumulative impacts 16 that are permitted for analysis under the policy are 17 not necessarily parallel to the types of cumulative 18 impacts that this project might contribute to, 19 because the EJ policy, as I'm hearing you, really 20 does speak primarily to emissions instead of other 21 industrial impacts in a community. Is that a fair 22 interpretation? 23 MR. GREENE: Yes, I think so. If this, 24 again, were the type of facility like a power plant,</p>	<p style="text-align: right;">Page 92</p> <p>1 has been significantly remediated when Eversource 2 took ownership of that parcel and was obligated to 3 remediate it. 4 So that is actually, I think, a 5 significant environmental benefit, and, you know, 6 remediating lead-contaminated soils seems to me a 7 positive aspect that hopefully is seen as a positive 8 to the community and its health and wellbeing. 9 DR. BAKER: It certainly seems like a 10 tradeoff with respect to, you know, this project; 11 right? So it seems like the four corners of the EJ 12 policy don't give space for the types of burdens 13 that we've heard echoed throughout the comments and 14 the written filings. So that's what I'm hearing. 15 So thank you, Andy. 16 MR. GREENE: Thank you. 17 Representative Pressley I believe has 18 arrived. Can I ask if any of my colleagues can 19 help? 20 REPRESENTATIVE PRESSLEY: I'm here. I'm 21 just waiting for my camera. Here we go. 22 Good evening. Shall I go now? 23 MR. GREENE: Yes, we can hear you. 24 Thank you.</p>
<p style="text-align: right;">Page 91</p> <p>1 with, you know, a stack that emitted tons of carbon 2 dioxide, nitrogen oxides and so forth, that would 3 trigger the cumulative impact review to see, well, 4 how does that mesh with what's coming out of jet 5 engines at Logan Airport or, you know, the fuel oil 6 storage facilities that are a few hundred yards 7 away, perhaps, if they have any defined emission 8 profile -- and there may be some, perhaps, 9 fugitive emissions. Those are things that we would 10 look at in the context of the EJ policy when it 11 breaches the threshold for that enhanced impact 12 review. 13 But this is a facility that does not 14 have a stack, that does not have a pipe going into 15 the Chelsea Creek to discharge wastewater. It has 16 stormwater, but most of that will be held in a 17 detention basin so that it can gradually recharge 18 groundwater -- which, by the way, is a much more 19 benign proposition now that that 12,000 tons of 20 lead- and arsenic-contaminated soil has been removed 21 from the site. It was historically a site of metal 22 foundries, fertilizer manufacturing, and had a 23 legacy of industrial polluters that left their 24 byproducts in the ground and groundwater. And that</p>	<p style="text-align: right;">Page 93</p> <p>1 CONGRESSWOMAN PRESSLEY: Wonderful. 2 Thank you so much. I appreciate the opportunity to 3 testify before you this evening. 4 I am pausing from my advocacy efforts to 5 get direct relief back to my constituents, and it's 6 apropos that I would now be calling in solidarity to 7 reiterate points already outlined in a letter that I 8 sent with my colleagues. You know, ultimately this 9 is all about relief. 10 So again, my name is Ayanna Pressley. I 11 have the honor of being the Congresswoman for the 12 Massachusetts Seventh Congressional District. I'm 13 here this evening just to reiterate my grave 14 concerns that are previously outlined in the joint 15 letter my colleagues in government and I submitted 16 to this Board regarding Eversource's proposed 17 electrical substation in East Boston. 18 Now, as has been said throughout the 19 evening, both East Boston and Chelsea are classified 20 under the Commonwealth's definition of an 21 environmental justice community, and both are home 22 to more than their fair share already of 23 environmental hazards, from Logan Airport to the 24 hundreds of millions of gallons of jet fuel and</p>

<p style="text-align: right;">Page 94</p> <p>1 heating oil being stored along the Chelsea Creek. 2 This is certainly more than anything an 3 issue of equity. These communities are willing to 4 do their part to keep the regional economy and 5 electrical grid running, but we can't ask them to 6 bear all of these burdens. 7 And when you couple that with the 8 fact -- and representing the Massachusetts Seventh 9 Congressional District, home to both of these 10 communities -- this district has been the hardest 11 hit by the pandemic in the Commonwealth. And might 12 I add, not only are these communities that have 13 disproportionately borne the impact of COVID, in a 14 large part because of the comorbidities of the 15 structural racism and the environmental injustices 16 that they already carry, but they also are home to 17 many of our essential workers. 18 So I would ask us the question: Is it 19 just their work in the utility that is essential, or 20 are their families and their communities and their 21 basic rights essential, too? 22 So when you couple all this that these 23 communities continue to be the hardest hit by the 24 pandemic, which forced this Board to postpone a</p>	<p style="text-align: right;">Page 96</p> <p>1 that centers the dignity of every individual, every 2 family, of every community member. Please do not 3 move this matter forward. 4 Thank you for your time and attention. 5 CHAIR THEOHARIDES: Thank you, 6 Congresswoman. 7 Andy, where should we pick up in the 8 agenda at this point? 9 MR. GREENE: I believe we -- unless the 10 Board would like to ask staff additional questions 11 about the tentative decision, it looks like we are 12 now next moving on to hearing from the applicant, 13 Eversource Energy. And that would be -- they are 14 represented by counsel, David Rosenzweig, Catherine 15 Keuthen, and Cheryl Blaine. I believe Mr. 16 Rosenzweig would be speaking on behalf of the 17 company today. 18 MR. ROSENZWEIG: Thank you, Mr. Greene. 19 May I proceed? 20 CHAIR THEOHARIDES: You may. 21 MR. ROSENZWEIG: Good evening, Secretary 22 Theoharides, Siting Board members, and staff. Thank 23 you for the opportunity to speak tonight. 24 For the record, my name is David</p>
<p style="text-align: right;">Page 95</p> <p>1 previously-scheduled hearing from March 11th of this 2 year -- at the time of the hearing the Commonwealth 3 is right in the midst of another surge of positive 4 cases, and based on the impact it has had on these 5 communities alone, I really appeal to and urge the 6 Board to delay this vote. 7 My colleagues and I also remain 8 concerned that the public process to this point has 9 not allowed the communities that stand to be the 10 most impacted to fully engage in the decisionmaking 11 process. I know this Board takes any complaint 12 about the infringement of civil rights seriously, 13 and the fact that there is still an outstanding 14 Title VI civil rights complaint that has been filed 15 with Federal agencies. It is the purview of those 16 agencies to reach a determination on those cases, 17 but until they do, I would urge this Board to hold 18 on any proceedings pertaining to this case. 19 In light of these concerns, I 20 respectfully am asking this Board to delay action on 21 this matter and to listen to these communities who 22 have voiced their strong opposition. This decision 23 has the potential to impact thousands of families 24 for decades. It should be a fully informed decision</p>	<p style="text-align: right;">Page 97</p> <p>1 Rosenzweig, and I'm appearing on behalf of 2 Eversource Energy. At the outset, I'd like to thank 3 the Siting Board for holding this meeting to vote on 4 the staff's tentative decision. 5 Eversource strongly supports the 6 tentative decision's approval of the project change, 7 and I would like to commend staff for their 8 discussion and presentation of the tentative 9 decision. The tentative decision's based on a 10 thorough analysis of the issues, substantial record 11 evidence and consistency with longstanding 12 precedent. The tentative decision provides a well- 13 reasoned analysis of the evidentiary record that 14 builds on the Siting Board's comprehensive review of 15 the project as part of the original approval. 16 The project change proceeding included 17 several days of evidentiary hearings and 18 approximately 265 exhibits. Nine company and 19 intervenor witnesses contributed to the development 20 of a substantial evidentiary record. The tentative 21 decision addresses each aspect of the Siting Board's 22 statutory mandate, with factual findings that are 23 appropriate and well supported. 24 As an initial matter, we believe it is</p>

<p style="text-align: right;">Page 98</p> <p>1 important to recognize the role of the Energy 2 Facilities Siting Board. We acknowledge the 3 opposition within the community regarding the 4 project. But opposition is not uncommon in Siting 5 Board proceedings. In fact, it is more the rule 6 than the exception.</p> <p>7 Nonetheless, utility infrastructure is 8 absolutely necessary for reliable energy supplies, 9 as well as the health and safety of residents and 10 businesses who live and operate in those 11 communities. That is why the legislature created 12 the Siting Board, to ensure that there was a 13 specialized State agency in place with the 14 expertise, authority, and statutory mandate to 15 ensure a reliable energy supply for the benefit of 16 everyone in the Commonwealth.</p> <p>17 INTERPRETER REPRESENTATIVE: The 18 interpreter has requested you speak a little slower. 19 They're falling behind.</p> <p>20 MR. ROSENZWEIG: Sure. The Siting 21 Board's mandate applies to facilities throughout the 22 State, from the Berkshires to Cape Cod, in rural and 23 urban areas alike, including in communities of 24 color, ethnic diversity, and with multilingual</p>	<p style="text-align: right;">Page 100</p> <p>1 challenge or appeal. The change before you today is 2 solely about the relocation of the approved 3 substation by about 60 yards -- a mere 63 yards, to 4 be precise -- to the west of the eastern edge of its 5 original location on the same City parcel.</p> <p>6 Attempts to broaden the scope of the 7 proceeding and to relitigate everything from the 8 earlier case as if there were a blank slate and the 9 project hadn't already been approved by the Siting 10 Board, particularly regarding need and alternatives, 11 are therefore misplaced.</p> <p>12 The project change was triggered by 13 Condition A in the Siting Board's original approval, 14 where the Board directed the company to investigate 15 the feasibility of shifting the substation location 16 within the City's parcel and to report back on 17 whether that was possible and, if it was, whether it 18 could be done in a manner that would meet the Siting 19 Board's exacting standards. The company proceeded 20 in good faith with the City to achieve those 21 objectives and offered the subject project change.</p> <p>22 Simply stated, that is the entirety of 23 what is now before you. The result that the 24 tentative decision finds is a substation facility</p>
<p style="text-align: right;">Page 99</p> <p>1 residents. That's why you'll find utility 2 facilities such as distribution lines, transmission 3 lines, and substations in all 351 cities and towns 4 in the State, including in East Boston and Chelsea. 5 Those facilities are essential for reliable electric 6 service.</p> <p>7 From a factual and legal perspective, 8 there is nothing unusual about the findings the 9 Siting Board must make and the tentative decision 10 does make regarding the project. At the end of the 11 day, it is those facts and the Board's legal 12 standards that warrant approval of the project 13 change.</p> <p>14 Regarding the tentative decision itself: 15 The Siting Board is here today to consider what is 16 really only a modest change, and I should say a very 17 modest change, to a project that it fully approved 18 in 2017. The proposed facilities in this matter 19 have been previously found by the Siting Board as 20 being needed, as the superior alternative, as 21 properly sited, and as having minimized 22 environmental impacts.</p> <p>23 The Board's approval of the project is 24 final in all respects and is not subject to further</p>	<p style="text-align: right;">Page 101</p> <p>1 that further minimizes impact to the community as 2 compared to the original location. The tentative 3 decision takes great care to review the 4 environmental impacts of the proposal and finds that 5 those impacts have been minimized, and it includes 6 additional mitigation where appropriate to ensure 7 that result.</p> <p>8 The record shows that the new site is 9 superior to the original site, with less 10 construction-related impacts, less impacts to 11 wetland resource areas, properly minimized EMF 12 levels, improvements regarding public health 13 considerations, and lower potential risks to public 14 safety.</p> <p>15 In addition, as was mentioned, the 16 company's remediation at the new site will result in 17 the removal of more than 12,000 tons of contaminated 18 soil and mitigate an ongoing source of groundwater 19 contamination in the area, which is a significant 20 benefit to the community.</p> <p>21 For all these reasons, the tentative 22 decision fully supports the new site as the best 23 location for the approved substation.</p> <p>24 In my remaining comments, I will address</p>

<p style="text-align: right;">Page 102</p> <p>1 two issues raised by the intervenor, GreenRoots. 2 First, with respect to GreenRoots' 3 motion to reopen the record and relitigate the 4 original approval, the tentative decision provides 5 an extremely thorough and well-reasoned explanation 6 for its denial of GreenRoots' motion. The tentative 7 decision makes clear that GreenRoots failed to meet 8 its heavy burden to show good cause for the 9 extraordinary relief it seeks for reopening the 10 record and relitigating the substantive, fact-based 11 findings in the original approval. 12 The Board's broad authority on 13 procedural matters, such as requests to reopen an 14 evidentiary record, have been repeatedly affirmed by 15 the Supreme Judicial Court. Notably, the Board 16 rendered the same ruling, denying a request to open 17 a completed evidentiary record, in its most recent 18 final decision from a year ago, in the Sudbury 19 Hudson case. 20 For good reasons, dealing with the need 21 for certainty, finality, and consistency in agency 22 decisions, granting such motions is exceedingly 23 rare. As the moving party, GreenRoots had a very 24 heavy burden to establish and did not show here any</p>	<p style="text-align: right;">Page 104</p> <p>1 reliability in accordance with established planning 2 standards. The load levels that give rise to the 3 need for the substation have already occurred, and 4 year-to-year fluctuations in regional load forecasts 5 as were asserted by GreenRoots do not negate the 6 need. Reliance on an area-specific forecast that 7 accounts for load growth directly within the pocket 8 of a local transmission constraint is a far more 9 important barometer of need than a regional 10 forecast. 11 As I stated earlier, the original 12 approval was not appealed and is final in all 13 respects. The need issues were fully and fairly and 14 fully adjudicated in the prior case, and they should 15 not be relitigated now. 16 Given the extremely broad discretion the 17 Siting Board has on these types of matters, 18 GreenRoots failed to satisfy its heavy burden to 19 show good cause, and their motion was properly 20 denied. 21 For those that say that circumstances 22 have changed since the original approval, that 23 misses the point. Surely they have changed. They 24 always do. That is the nature of forecasts.</p>
<p style="text-align: right;">Page 103</p> <p>1 compelling circumstances to disturb the Board's 2 three-year-old original approval, and there are no 3 such circumstances. That result should come as no 4 surprise, because the very notice issued by the 5 Siting Board at the outset of the proceeding, 6 pursuant to which parties like GreenRoots 7 intervened, was clear that the project change 8 proceeding was limited to the relocation of the 9 substation. It expressly stated that need and 10 alternatives were not within the scope of a review. 11 In any event, the GreenRoots motion does 12 not meet the standard of good cause because they do 13 not show that it is likely that there would be a 14 significant impact on the outcome of the proceeding. 15 The regional load forecast information they 16 presented with their motion does not demonstrate a 17 significant-enough drop in load, especially given 18 the large step-load additions occurring directly in 19 Chelsea and East Boston, to meet the standard. 20 Consistent with the company's area- 21 specific load forecast, which the Siting Board found 22 in the original approval as the most pertinent 23 condition regarding the need for the substation, the 24 substation continues to be needed to ensure</p>	<p style="text-align: right;">Page 105</p> <p>1 However, the critical point is that the Board needs 2 to make timely decisions, and the company needs to 3 build its facilities in a timely manner, and those 4 decisions by the Siting Board cannot be revisited ad 5 infinitum. 6 Just to give you another sense of the 7 timeline here: The company's initial petition was 8 filed back in 2014. The Siting Board's original 9 approval came three years later, in December 2017. 10 And the project change prompted by the Siting 11 Board's order was filed more than two years ago, in 12 November 2018. The extent of review over that time 13 by the Board and the parties to the proceedings has 14 been extraordinary. 15 In addition, for every allegation that 16 has been recently been made about factors that might 17 reduce load, we would certainly argue that there are 18 even more significant considerations that will cause 19 load to increase in the future, and the staff 20 mentioned a few of those in their own comments. 21 However, I remind the Board that the 22 legislature has made clear with statutory authority 23 granted the Siting Board that its primary mission is 24 to ensure a reliable supply of energy and to</p>

<p style="text-align: right;">Page 106</p> <p>1 complete its proceedings regarding jurisdictional 2 facilities expeditiously, within one year, in fact, 3 if that's at all practicable. The Siting Board 4 simply cannot do its job as directed by the 5 legislature if it waited for new information after 6 each case is decided to determine whether to repeat 7 its statutory process by engaging in a sequence of 8 time-consuming subsequent reviews, with the hope 9 that it will result in greater certainty. I assure 10 you it would not.</p> <p>11 One other point on this, and I can't 12 emphasize this enough: Granting the GreenRoots 13 motion would set a very dangerous precedent for 14 future Siting Board cases. You can be sure that if 15 the motion were granted, the Siting Board would be 16 flooded with this type of request in virtually all 17 its multi-year contested proceedings. That would be 18 inevitable. The Board cannot implement its 19 statutory mandate that is fundamental to the Siting 20 Board from the legislature if its reviews were 21 regularly subject to reopening to relitigate matters 22 that had been fully and fairly evaluated years 23 before.</p> <p>24 I'd also add that the same is true of</p>	<p style="text-align: right;">Page 108</p> <p>1 about it: Those are objectives that Eversource 2 fully embraces, and it is investing significantly 3 across its system to implement and facilitate clean 4 energy technologies.</p> <p>5 More to the point, though, and as the 6 Board found in its original approval, based on the 7 record evidence, they do not serve as an effective 8 substitute for this project in this instance. In 9 fact, this project will strengthen the local 10 transmission and distribution system serving the 11 area and will complement rather than impede the 12 development of clean energy.</p> <p>13 You simply can't have an expansion of 14 technologies like wind, solar, and storage without a 15 reliable and robust transmission system, which this 16 project will ensure. The Baker Administration's 17 ambitious clean energy and net-zero emission goals 18 cannot be achieved without a strong electric grid.</p> <p>19 Moving on to a second issue that's been 20 discussed by the Board: GreenRoots questions the 21 company's flood risk analysis, arguing that the 22 substation is subject to a serious risk of flooding 23 and that ratepayers will have to pay to repair 24 whatever damage may occur in the future to the</p>
<p style="text-align: right;">Page 107</p> <p>1 transmission companies like Eversource, who have 2 their own legal obligation to serve customers 3 reliably and safely at all times. Reliable electric 4 service, which is so essential to the health, 5 safety, and economy of the region, would be severely 6 jeopardized without the Board's timely approval and 7 the addition of needed facilities. The Board's 8 statute requires it to be proactive in ensuring a 9 reliable energy supply. That is equally true for a 10 transmission company like Eversource, whose planning 11 is overseen by organizations like FERC, ISO New 12 England, NPCC, and NERC.</p> <p>13 Proper planning does not allow 14 Eversource to wait for rolling blackouts or other 15 dire circumstances to occur before taking the 16 necessary steps to ensure system reliability. We 17 have to do everything we can to keep it that way in 18 the first place. This is as true in East Boston as 19 it is in any other City or Town in the State.</p> <p>20 Relatedly, several commenters urge the 21 Siting Board to reject the project change because of 22 the need for the energy industry to move forward 23 toward renewables and clean energy technologies to 24 advance climate change initiatives. Make no mistake</p>	<p style="text-align: right;">Page 109</p> <p>1 substation as a result of such flooding. But the 2 tentative decision fully addresses the concerns, 3 with well-reasoned findings and record evidence. 4 The tentative decision properly concludes that the 5 company has appropriately addressed risks associated 6 with sea-level rise by its positioning of equipment 7 above reasonably foreseeable flood levels over the 8 40-year design life of the substation and even 9 thereafter.</p> <p>10 While GreenRoots has its own extreme 11 estimates of sea-level rise, the issue here is 12 clearly a battle of competing evidence and balancing 13 issues of cost and environmental impact, an area 14 where the Board's expertise and discretion is given 15 the broadest level of deference by the courts.</p> <p>16 The company's estimate for sea-level 17 rise in design and flood elevation is not only 18 reasonable and conservative, but it is even more 19 conservative than estimates used by MassPort, the 20 Boston Planning and Development Agency, Climate 21 Ready Boston, ISO New England, FEMA, the American 22 Society of Civil Engineers, and Mass. DOT as part of 23 the Central Artery tunnel project. It was also 24 recently evaluated and subject to an approval by the</p>

<p style="text-align: right;">Page 110</p> <p>1 City's Conservation Commission in its order of 2 conditions. 3 Clearly the substation is a major 4 investment for the company and will provide critical 5 reliability benefits to electric customers in the 6 area. That is why the company carefully evaluated a 7 wide range of sea-level-rise scenarios, including 8 both 100-year and 500-year storms, to ensure that 9 the substation components are placed at a proper 10 elevation, with a conservative margin of safety, so 11 that they are protected from flood waters now and in 12 the future. 13 Even under extreme estimates, the 14 company's design will withstand flood and sea-level 15 rise for the flooding through at least 2070, if not 16 through the end of the century. And the record 17 establishes that the site has been carefully 18 designed so the substation will not exacerbate flood 19 conditions at the site. 20 The tentative decision's analysis is 21 reasonable, thorough, and well supported by the 22 evidence. The Board should adopt it as part of its 23 final decision in this matter. 24 With that, I will close. I am prepared</p>	<p style="text-align: right;">Page 112</p> <p>1 releases, the company is subject to rigorous 2 standards. It will have a SWPPP plan in place, 3 which is a stormwater pollution prevention plan. It 4 has designed the site so that it complies with the 5 Massachusetts stormwater handbook. It will also 6 have to meet the requirements of the Boston Water 7 and Sewer Department, to ensure that there are not 8 off-site releases of contaminants in stormwater from 9 the site. So there's a very rigorous set of 10 conditions that the company must comply with. 11 The site has been designed so that it 12 will be at an elevation of 23 feet. There will be 13 some impervious surfaces for the foundations, but 14 there will also be trap rock to contain things 15 within the site. And there will be a 16 central-location detention basin for all of the 17 liquids and fluids that may accumulate at the site, 18 and those will be handled in a very responsible 19 manner. 20 So a fine level of detail has been given 21 to those types of concerns, and the site's design 22 complies with all existing standards and is similar 23 to or better than other substation locations that 24 the Siting Board has previously approved.</p>
<p style="text-align: right;">Page 111</p> <p>1 to go into any issues of concern in more depth for 2 the Board, if there are questions now or after the 3 Board hears from other parties. The company 4 respectfully requests that the Board adopt the 5 tentative decision, including the staff's proposed 6 amendments, as the final decision in this 7 proceeding. Thank you. 8 CHAIR THEOHARIDES: Thank you, Mr. 9 Rosenzweig. Are there questions from the Board? 10 Commissioner Fraser? 11 MS. FRASER: Thank you, Madam Chair. I 12 have two questions for the company. Mr. Rosenzweig, 13 on hazardous waste: GreenRoots raises the issue of 14 contaminants being released in the form of fugitive 15 dust for leach into groundwater. How will the 16 company address those concerns? And I understand 17 that the company will have a licensed site 18 professional, a health and safety plan, and a 19 decontamination plan. 20 MR. ROSENZWEIG: Absolutely, 21 Commissioner. In fact, the company has improved on 22 the conditions on the site by removing over 10,000 23 tons of contaminated soil from the site. 24 In terms of stormwater and other such</p>	<p style="text-align: right;">Page 113</p> <p>1 MS. FRASER: Thank you. I appreciate 2 that response. 3 My second question is about magnetic 4 fields. The tentative decision states that the 5 company did not perform a study of ambient levels of 6 magnetic fields around the new site. Is there any 7 reason to think that ambient levels in East Boston 8 are higher than anywhere else? 9 MR. ROSENZWEIG: The types of facilities 10 in proximity to this substation location would be 11 dominated not by the substation itself for magnetic 12 fields, or electric and magnetic fields. So it 13 might be the distribution lines themselves. 14 From an EMF perspective, one of the 15 concerns in the original case was the proximity of 16 that east location on the City parcel in proximity 17 to Channel Fish. And by moving the substation 18 location by approximately 60 yards, as I said, from 19 the eastern edge of the -- western edge of the 20 original location, magnetic-field levels overall at 21 the Channel Fish location will be substantially 22 decreased. And once you get off the site, distance 23 mitigates and decreases the intensity of the 24 magnetic field levels. They will be at very</p>

<p style="text-align: right;">Page 114</p> <p>1 negligible levels, so that areas where there might 2 be pedestrians or public congregation will 3 experience no adverse impacts, very low, modest 4 magnetic fields from those that would be produced by 5 the substation. 6 There may be other facilities in the 7 area. They would likewise not be a health hazard, 8 from our perspective. But this substation does not 9 contribute to those external sources. 10 MS. FRASER: Thank you, Mr. Rosenzweig. 11 Thank you, Madam Chair. That's all I have for now. 12 CHAIR THEOHARIDES: Mr. Moran, and then 13 I'll take Mr. Woodcock. 14 MR. MORAN: Just as a followup on 15 magnetic fields: There was a lot of discussion in 16 the initial decision about what type of measures 17 could be used to mitigate or what best practices are 18 to minimize magnetic fields. Could one of you go 19 over what those are in this case and if they're any 20 different from the initial decision. 21 MR. ROSENZWEIG: They essentially are 22 not. The same facilities that would be -- would 23 have been put at the original location on the 24 eastern side of the City parcel would be built at</p>	<p style="text-align: right;">Page 116</p> <p>1 were also supposed to break at 9:00. So Mr. Greene, 2 I wonder if you might have a proposal for us. 3 You're on mute. 4 MR. GREENE: I was just informed that 5 one member in the panel is a city councilor in 6 Chelsea, Damali Vidot, who has been looking to 7 comment. So we could either take that comment now 8 or after a break perhaps of ten minutes. 9 CHAIR THEOHARIDES: Let's take it now, 10 and then we can break after that. 11 MS. VIDOT: I'd prefer to speak now. 12 Thank you so much. Thank you for 13 allowing me the opportunity to speak. I didn't have 14 any comments prepared, and I didn't put my dog where 15 he should go. 16 It's really hard to follow my sister in 17 service, Lydia Edwards, and Representative 18 Congresswoman, but I stand behind all of their 19 comments. I just am here -- and I don't want to 20 beat a dead horse, because I think it's very 21 clear -- I've spoken before -- where I stand. 22 And where I stand is as a representative 23 of a community of 40,000 people, where 80 percent of 24 them are essential workers and are far too busy to</p>
<p style="text-align: right;">Page 115</p> <p>1 the western side. The best practice that the 2 company has incorporated into this design is how the 3 conductors are aligned and keeping them close 4 together for the transmission lines coming into the 5 site. That serves to minimize magnetic fields and 6 electric fields to the extent possible. 7 Beyond that, it's the distance from 8 those types of facilities to where there's public 9 access that really controls the level of magnetic 10 fields that the public would experience. 11 So the company has incorporated the best 12 practices there are to mitigate magnetic fields, and 13 the record demonstrates that those levels are well 14 in accordance with health-based standards, far, far 15 below, a fraction of health-based standards. 16 MR. WOODCOCK: Secretary and Andy, just 17 a process question: I do have some questions for 18 Mr. Rosenzweig. I did want to just check time and 19 make sure that we -- I know that Mr. Rosenzweig will 20 likely be at the next hearing. If we should think 21 about trying to accommodate public comments, or just 22 checking where we are with the evening, coming up on 23 the hour. 24 CHAIR THEOHARIDES: Good point, and we</p>	<p style="text-align: right;">Page 117</p> <p>1 join Zoom meetings in the middle of a pandemic or 2 are fighting disease, waiting in line to get food, 3 to be able to participate in this process. 4 I think that if COVID has really shown 5 us anything, it's the fact that many of the systems 6 that we've become accustomed to don't really work 7 for all, and it's really challenging us. Who would 8 have thought we'd all be sitting in our homes having 9 this conversation over a computer a couple of years 10 ago? 11 So I think that it forces us to really 12 think differently about the way we show up in these 13 roles where we're supposed to be in public service. 14 When I heard the attorney speak, he 15 mentioned something along the lines of setting of 16 precedents. And I actually disagree. I think we 17 should set precedents, one where we're prioritizing 18 the public health of people in our communities, 19 people of color, immigrant folks, people of lesser 20 means, who have done nothing, nothing at all, but 21 live in a community that has been burdened by lack 22 of environmental justice policies or boards or 23 corporations that actually ignore those policies. 24 I feel that we can do better. I have</p>

<p style="text-align: right;">Page 118</p> <p>1 faith that you all would do what it is that you need 2 to do. I believe you all have an obligation to at 3 least wait until the Title VI complaints are heard, 4 at least wait until we're not in the middle of a 5 second -- at the peak of a second wave of a global 6 pandemic, before you take this direct vote right 7 before the holidays. 8 I've spoken before to this Board 9 numerous times, and I just have to say that the 10 beginning of it -- the inaccessibility of this 11 information, and information to our residents, it 12 has existed from the beginning. I remember going to 13 a meeting in Boston where the interpreters were 14 promised and then they never showed up. Well, we 15 had a group from East Boston and Chelsea that were 16 ready to speak but they were non-English-speaking 17 folks. 18 This is a matter of justice. This is a 19 matter of equity. And I think it behooves you to 20 really look deep into your hearts. While I 21 understand that there are rules that people need to 22 follow, I think that the pandemic and what we're 23 seeing -- you know, we're all going through tough 24 times, and I think it's incumbent upon you to really</p>	<p style="text-align: right;">Page 120</p> <p>1 break at this point and reconvene at 9:15. 2 (Recess taken.) 3 CHAIR THEOHARIDES: Given the hour and 4 the fact that Eversource will be present for the 5 next session, when it is rescheduled, and we can ask 6 further questions then, I am going to move to the 7 intervenors and limited participant section of the 8 agenda as the hour is getting late and we are 9 planning a hard stop at 10:00 p.m. 10 There were three intervenors and 11 11 limited participants in the proceeding. I'll now 12 ask intervenors if they would like to present 13 comments to the board. 14 GreenRoots is a party to the proceeding 15 and is represented by Joshua Daniels. I'd ask if 16 counsel for GreenRoots wishes to present comments on 17 the tentative decision? 18 MR. DANIELS: I do, Madam Chair. And I 19 would also note that I believe other speakers wish 20 to present on behalf of GreenRoots as well, even 21 though they are not lawyers. My understanding would 22 be that that includes Roseann Bongiovanni, John 23 Walkey, Marcos Luna, and Bryndis Woods. I'm not 24 sure as a matter of process how you all are</p>
<p style="text-align: right;">Page 119</p> <p>1 just dig deep in your heart and know that a 2 substation, with millions -- with -- a high-voltage 3 substation next to millions of gallons of jet fuel 4 is probably not the best location for it. 5 I have yet to see any information that 6 has been -- I am also a limited participant. I have 7 yet to see information about anything that 8 correlates to the actual need for this in the 9 community. There's a lot of things in terms of 10 process and transparency that I have an issue with. 11 But most of all, I just really wanted to highlight 12 the issue of equity. 13 Lastly, we're in a situation where our 14 kids aren't even allowed to go to school, but we're 15 having this meeting, shoving it down our throats, to 16 talk about putting this next to a park where our 17 kids are supposed to play. All of it, it doesn't 18 make sense. It is half-assed backwards. Pardon my 19 French. I really just hope that you can dig deep 20 into your hearts and really do what's right for the 21 community, where we're prioritizing public health 22 over corporate greed. Thank you. 23 CHAIR THEOHARIDES: Thank you very much. 24 All right, we will take a ten-minute</p>	<p style="text-align: right;">Page 121</p> <p>1 contemplating handling that, but I am planning to 2 give an overarching set of comments and sort of 3 leave it to them to fill in the gaps in my 4 presentation. 5 CHAIR THEOHARIDES: Okay. Mr. Greene, 6 does that work from a process standpoint? 7 MR. GREENE: Yes, it does. 8 CHAIR THEOHARIDES: Thank you, then. 9 MR. DANIELS: Thank you. Good evening, 10 members of the Board, other public officials, and 11 members of the community. To introduce myself, my 12 name is Josh Daniels, and for nearly two years it 13 has been my privilege to serve as pro bono counsel 14 to intervenor GreenRoots in this proceeding. 15 At the outset, I will not repeat earlier 16 excellent remarks about the ill timing of these 17 hearings, but I will note that, by my count, every 18 single commenter save Eversource has told you that 19 holding these hearings now is a terrible idea that 20 shows deep insensitivity and indeed disrespect 21 towards residents who are already struggling and 22 whose concerns too often go unheeded and ignored. 23 Make no mistake, they are right. 24 On the tentative decision, here is where</p>

<p style="text-align: right;">Page 122</p> <p>1 we are: Rather than approach the information 2 brought to its attention with an open mind, I 3 suggest that EFSB staff from the outset of this 4 project change proceeding has displayed a stubborn 5 commitment to rulings made years ago, no matter how 6 stale the basis for them now appears. And before 7 reopening those rulings, it demands that we clear an 8 impossibly high factual bar with hyper-specific 9 evidence, to which apparently only the company has 10 access and which it has no incentive to share. The 11 Board can and indeed must do better here.</p> <p>12 We are talking about a project, as 13 others have mentioned, that was first proposed in 14 2014, that the Board found was needed three whole 15 years ago, based on load projections that are now 16 nearly six years old, all of which at the time had 17 forecasted annual load growth for the foreseeable 18 future.</p> <p>19 The latest publicly available, albeit 20 regional rather than granular, projections show a 21 completely different trend line, that is flat as far 22 as the eye can see in terms of load growth. And 23 that was before the pandemic and efforts to curb its 24 spread caused massive reductions in electric demand,</p>	<p style="text-align: right;">Page 124</p> <p>1 hundreds of millions of dollars in costs on 2 ratepayers.</p> <p>3 Staff agrees -- everyone, I think, 4 agrees -- that the Board has the authority and the 5 discretion to reexamine the need for this project 6 when, as here, new developments and facts on the 7 ground call into question the continued validity of 8 the prior need determination.</p> <p>9 Yet staff essentially recommends that 10 the Board stick to its guns, shut its eyes to the 11 latest data and matters well within its powers of 12 official notice under Chapter 30A, and march ahead, 13 business as usual, all without even demanding an 14 updated need demonstration that independent 15 reviewers could assess.</p> <p>16 No credible electric system regulator, I 17 suggest, would stand by a need determination based 18 on six-year-old information. The Board should at 19 least demand more before asking the environmental 20 justice communities of East Boston and Chelsea to 21 bear substantial ratepayer costs and adverse 22 environmental impacts from new infrastructure that 23 may well no longer even be necessary -- particularly 24 when, as the undisputed herein record shows, the</p>
<p style="text-align: right;">Page 123</p> <p>1 the duration of which, much like the pandemic 2 itself, no one can confidently predict. No one has 3 offered any logical reason why East Boston is 4 exceptional, an island of positive load growth in a 5 sea of declines.</p> <p>6 In any event, recent experience has 7 belied Eversource's earlier predictions of impending 8 reliability failures, which they earlier claimed 9 would appear by 2018 if the substation were not 10 built. 2018 came and went. There have been no 11 apparent failures in -- or concerns on the 12 reliability of the grid in this area. The four 13 step-load additions that Eversource and the Board 14 previously relied on to justify the substation have 15 come on line, and they have added 25 percent less 16 load than anticipated. Not even staff's tentative 17 decision, moreover, relies on the recent MassPort 18 project that Eversource trotted out last year during 19 the evidentiary phase of this proceeding to try to 20 defend the project's continued need.</p> <p>21 Given all of this, a rational electric 22 system regulator might wonder whether this project 23 is still needed to ensure a reliable energy supply 24 before imposing what no one disputes will be</p>	<p style="text-align: right;">Page 125</p> <p>1 substation's design will not be enough to withstand 2 flood risks after 2070, and Eversource will likely 3 continue to operate the substation well beyond that 4 date, while simply repairing or replacing the 5 equipment as necessary and passing the costs on to 6 others.</p> <p>7 I want to clear a few things up that you 8 may have heard in remarks previously. First of all, 9 the 40-year design life that Mr. Rosenzweig 10 mentioned in his remarks: The record evidence is 11 clear that that very clearly refers to the actual 12 transformers and equipment in the substation only. 13 It is not a commitment or a guarantee by Eversource 14 that the substation is only going to be there for 40 15 years.</p> <p>16 Once the components have been exhausted, 17 once they have worn down, they will be replaced, and 18 that cost will be passed on to ratepayers. That is 19 equally clear from the record. Eversource admitted 20 in testimony and in its post-hearing papers that it 21 will likely operate the substation beyond 2070, and 22 the 2090 date that staff mentioned earlier tonight 23 is based on a fundamental misreading of the 24 information in the BRAG report, which we explained</p>

<p style="text-align: right;">Page 126</p> <p>1 on Page 4 of our post-hearing reply brief and the 2 tentative decision nowhere addresses. 3 And that misreading is that staff and 4 Eversource take a graph that shows median sea-level 5 rise, a line graph, and says, "Well, by 2090 the 6 sea-level rise will be 4 feet, and so that's how 7 long we have." A median, of course, means that half 8 of the potential sea-level rise data points that the 9 BRAG model predicted are above that line and half 10 are below that line. So if anything, what the BRAG 11 report actually says is that it's fairly likely that 12 sea-level rise will be greater than 4 feet well 13 before 2090. There's even a chance in the BRAG 14 report's own data that there could be 4 feet of 15 sea-level rise by 2070. 16 Getting back to my outline: It makes no 17 sense to commit not just the current residents in 18 East Boston but their children and grandchildren to 19 bearing significant costs for a project that, again, 20 may well not even be needed any more. It is hard to 21 understand also why staff has opted for hyper- 22 conservatism on the purported need for the 23 substation, which is based on an N minus 1 minus 1 24 contingency, exceedingly unlikely to occur, and has</p>	<p style="text-align: right;">Page 128</p> <p>1 fairly litigated, to address another aspect of the 2 reopener standard. 3 In addition, as commenters have noted, 4 multiple Federal agencies are still weighing whether 5 the Board's track record in this very proceeding 6 violates language of access obligations under Title 7 VI of the Federal Civil Rights Act. Even tonight 8 there is no language access for LEP residents who 9 lack access to Zoom because they lack smartphones, 10 computers, or high-speed Internet, and there are 11 certainly many of those people in East Boston. 12 Rather than forgive its own past 13 failures and adhere to prior need determinations 14 whose continued validity is now very much in doubt, 15 the Board has an opportunity here. The rational, 16 sensible thing to do would be to reexamine the need 17 determination and, while doing so, actually get the 18 public hearing process right this time. The Board 19 has the power to do the right thing here, and it 20 need only find the will. 21 I'm happy to take any questions. 22 CHAIR THEOHARIDES: Thank you, 23 Mr. Daniels. Are there questions from the Board? 24 Dr. Baker?</p>
<p style="text-align: right;">Page 127</p> <p>1 opted -- while also opting for much less 2 conservatism when it comes to flood risk, 3 particularly when better sites for the substation in 4 East Boston, such as Logan Airport, have never 5 really seriously been considered by the company. 6 As a last point, it is particularly 7 galling to expect these communities, who are already 8 overburdened, to bear still more burdens that the 9 Board's persistent -- given the Board's persistent 10 failures to ensure that they have a meaningful 11 opportunity to weigh in. A fact I'd like to 12 highlight is that in the underlying proceeding in 13 which the need determination was made the Board held 14 not a single public hearing in East Boston -- in 15 clear violation of the plain language of Section 16 69J, which requires a public hearing in each 17 locality in which a facility is to be located, 18 barring an exception that plainly does not apply 19 here. 20 The Board held its first public hearing 21 in East Boston on this project in February of 2019, 22 in this project change proceeding, at which point 23 staff decided to take need and other issues off the 24 table entirely. So the prior proceeding was not</p>	<p style="text-align: right;">Page 129</p> <p>1 DR. BAKER: Thank you, Madam Secretary, 2 and thank you for the presentation, Attorney 3 Daniels. I just have a question about the 4 environmental justice standard. It's something that 5 we've heard a lot about today and throughout this 6 proceeding and the comments that have been made and 7 filed. 8 I'm just wondering if you could help us 9 understand the scope of the environmental justice 10 policy and how we may apply that in this case. 11 MR. DANIELS: Thank you, Dr. Baker, for 12 the question. I think, as I read the EJ policy, 13 that staff may well be correct that the heightened 14 review called for by the policy is not required by 15 the letter of the policy. 16 That said, there is no escaping that 17 these are in fact environmental justice communities 18 and that there is almost universal opposition to 19 this project and that those communities deserve 20 special solicitude in the Board's decisionmaking 21 process, even if the particular requirements of the 22 environmental justice policy do not of their own 23 force apply. 24 And I would also note that, independent</p>

<p style="text-align: right;">Page 130</p> <p>1 of the environmental justice policy, which I believe 2 Attorney Cahn from CLF will be happy to address as 3 well, there are other obligations with respect to 4 language access and with respect to making sure that 5 residents of the community have a fair and 6 meaningful opportunity to weigh in on a decision 7 that will directly affect their lives for decades, 8 and those of their descendants, and those include 9 Title VI of the Civil Rights Act. They include the 10 public hearing requirements that are enshrined in 11 the Board's organic statutes themselves. 12 It seems a little silly to require a 13 public hearing if the public's input carries no 14 weight in the Board's decisionmaking. 15 DR. BAKER: Thank you. 16 CHAIR THEOHARIDES: Chair Nelson? 17 MR. NELSON: A clarifying question for 18 you, counsel -- and I might have misunderstood. You 19 were indicating that in the underlying decision the 20 Siting Board did not conduct a public hearing in 21 East Boston. Is that correct? 22 MR. DANIELS: That's correct. They 23 conducted one in Chelsea, and my memory escapes me 24 now, but there might have been another public</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. DANIELS: So just to clarify: I 2 think by "elevation" what you're referring to is a 3 design flood elevation, not the physical elevation 4 of the actual site. 5 MR. NELSON: That is correct. 6 MR. DANIELS: My understanding -- and 7 Dr. Luna has more. He is a professor who -- at 8 Salem State University who studies these issues for 9 a living, and he has more insight into the technical 10 aspects of flood mitigation and predicting flood 11 risk. 12 But my understanding is that it is 13 correct that MassPort uses -- has a standard for its 14 design flood elevation, uses a lower standard. I 15 think, though, that a lot of those standards frankly 16 need to be updated to fully account for the risk 17 posed by sea-level rise from climate change and that 18 that risk has not really been fully accounted for 19 and baked in in a lot of these design standards, 20 which of course are trying to balance other things 21 as well. 22 MR. NELSON: If additional mitigation 23 efforts were put in place to increase the resiliency 24 of that site, obviously, I do not think that would</p>
<p style="text-align: right;">Page 131</p> <p>1 hearing that was not in East Boston. 2 MR. NELSON: And is your concern with 3 that that the public of East Boston was not properly 4 notified about the case that was occurring? 5 MR. DANIELS: Yes. And Mr. Walkey and 6 Ms. Bongiovanni can speak more to that, as they are 7 closer to the community on the ground than I am. 8 But I think the point of the public 9 hearing and requiring it in each locality in which a 10 facility is to be located is to ensure that people 11 in each of those localities is aware of what is 12 about to be decided and has an opportunity to not 13 only submit comments but also decide whether they 14 should intervene or seek the Board's leave to 15 intervene. 16 MR. NELSON: And one of the other 17 comments that you made I believe was with regards to 18 flooding. And you had mentioned MassPort as an 19 alternative site. Do you know what the elevation 20 level at MassPort was? I believe I remembered SAP 21 bringing up a number that had that below what the 22 proposed substation level was. I'm just wondering 23 if that was a factual dispute that you had with that 24 claim.</p>	<p style="text-align: right;">Page 133</p> <p>1 mitigate your concerns with this case at all. But 2 would that be viewed as a positive by you and your 3 client? 4 MR. DANIELS: I'm happy to let 5 Mr. Walkey and Ms. Bongiovanni answer that question. 6 I think one thing that's worth noting 7 also is, with respect to one thing that was raised 8 earlier, about the possibility of moving the 9 location of the substation further away, is that it 10 would increase costs. 11 Our perspective is, well, there are some 12 costs that are not baked into this project right 13 now, and you really need to figure out sort of how 14 much are you -- how much in terms of money saved by 15 not moving the substation onto the airport, for 16 example, is money that you're going to make 17 ratepayers spend rebuilding or repairing this 18 facility from flood waters. 19 MR. NELSON: Okay. I think the last 20 question I have, and then -- I'm sorry to take up so 21 much time, but I think this has been very helpful 22 for me to understand your position. I think you've 23 hit on the language access and the dangers with the 24 site and the intergenerational cost to the people of</p>

<p style="text-align: right;">Page 134</p> <p>1 East Boston.</p> <p>2 My question is: This facility is a</p> <p>3 substation. You know, the Siting Board has handled</p> <p>4 generating sites, gas power plants, liquid natural</p> <p>5 gas facilities, pipelines, things like that, that</p> <p>6 are obviously a lot more environmentally dangerous</p> <p>7 and less desirable.</p> <p>8 Is there a specific concern with the</p> <p>9 type of facility going in here? Because generally</p> <p>10 substations are not as environmentally dangerous.</p> <p>11 Is it the location? Is it the equipment? I'm just</p> <p>12 wondering what your view of that, or if that plays</p> <p>13 into it, or it really is the process and the</p> <p>14 location and the burden being borne by the</p> <p>15 community.</p> <p>16 MR. DANIELS: So I think it is both.</p> <p>17 With respect to sort of safety or environmental</p> <p>18 concerns, there has been throughout this proceeding</p> <p>19 a concern that the substation is located next to</p> <p>20 public parks and playgrounds, and whether enough is</p> <p>21 being done to really address the risk that, you</p> <p>22 know, mischievous kids or unhoused people looking</p> <p>23 for scrap metal or other people like that are going</p> <p>24 to get onto the site and potentially hurt themselves</p>	<p style="text-align: right;">Page 136</p> <p>1 been some reference to it earlier this evening.</p> <p>2 But there are new models of electric</p> <p>3 distribution that are being -- distributed</p> <p>4 generation and things of that nature that are being</p> <p>5 explored, and I feel that many in the community,</p> <p>6 including GreenRoots, feel that, rather than</p> <p>7 investing in technology that is 20th century or</p> <p>8 older, you know, maybe we should be looking at these</p> <p>9 newer technologies as what we should be putting in</p> <p>10 for East Boston's future, rather than old, dirty</p> <p>11 equipment.</p> <p>12 MR. NELSON: Thank you very much for</p> <p>13 your answers.</p> <p>14 CHAIR THEOHARIDES: Mr. Daniels, did you</p> <p>15 want to let Mr. Walkey or Ms. Bongiovanni speak?</p> <p>16 MR. DANIELS: I did. I also notice that</p> <p>17 Dr. Baker had raised her hand again.</p> <p>18 DR. BAKER: Thank you. My apologies for</p> <p>19 not getting this in earlier.</p> <p>20 I did have a question about the load</p> <p>21 data and the argument that you made around not</p> <p>22 having access to the information.</p> <p>23 So, as you know, and as Ms. Evans</p> <p>24 pointed out in the early remarks, the party sort of</p>
<p style="text-align: right;">Page 135</p> <p>1 really seriously.</p> <p>2 There is also the concern, even</p> <p>3 bracketing that, that substations are known to</p> <p>4 occasionally catch fire and explode, and this</p> <p>5 particular substation, in addition to being near a</p> <p>6 residential areas, to being near a heavily</p> <p>7 residential area, where that would be a concern on</p> <p>8 its own, is also located not -- you know, within</p> <p>9 some proximity to a jet fuel depot. And so that has</p> <p>10 many residents worried.</p> <p>11 MR. NELSON: So the location relative to</p> <p>12 the jet fuel tanks and the playgrounds and the parks</p> <p>13 is a major concern. The technology of a substation</p> <p>14 itself doesn't seem to be the core of what your</p> <p>15 client finds objectionable -- obviously not</p> <p>16 desirable. But I think that's what I'm hearing --</p> <p>17 other than the inherent safety risks. Right? That</p> <p>18 need to be mitigated, and maybe you feel like they</p> <p>19 haven't been properly dealt with.</p> <p>20 MR. DANIELS: I'm not sure I would</p> <p>21 completely agree with that, only insofar as, in</p> <p>22 terms of the choice of technology -- I think the</p> <p>23 Union of Concerned Scientists may have brought this</p> <p>24 out in the public comment process, and there has</p>	<p style="text-align: right;">Page 137</p> <p>1 moving for reopening the record has the burden of</p> <p>2 showing that there's good cause and that it would</p> <p>3 change the underlying decision -- that the evidence</p> <p>4 would change the underlying decision.</p> <p>5 So you argue that you didn't have access</p> <p>6 to the right information in order to even make</p> <p>7 the -- in order to meet those threshold standards.</p> <p>8 So I'm just wondering if you could shed a little bit</p> <p>9 more light on that in terms of the type of access,</p> <p>10 the type of data -- the nature of the data that was</p> <p>11 presented, without getting too far into the weeds --</p> <p>12 because Attorney Rosenzweig definitely said that</p> <p>13 that data was insufficient to meet the burden that</p> <p>14 is set out in the legal standard for review.</p> <p>15 So if you could just shed a little bit</p> <p>16 more light on that, that would be helpful.</p> <p>17 MR. DANIELS: Sure, and thank you for</p> <p>18 the question, Dr. Baker.</p> <p>19 So as I read the tentative decision and</p> <p>20 as I understood Presiding Officer Sedor's oral</p> <p>21 ruling during the evidentiary hearings, the reason</p> <p>22 why our presentation failed to satisfy them that</p> <p>23 reopener was appropriate was that what we presented</p> <p>24 were trends in load for the broader -- for a broader</p>

<p style="text-align: right;">Page 138</p> <p>1 region and not for the very specific Chelsea, East 2 Boston, and Lynn load pocket. 3 I am going to defer to Ms. Woods, or Dr. 4 Woods, who is our proposed expert on need and energy 5 and policy researcher and is much more familiar with 6 these aspects of the electric system than I am. But 7 my understanding is that the load data, the load 8 data for that pocket, is not something that you can 9 get publicly from, say, ISO New England's website. 10 And what the Board relied on in the prior proceeding 11 was an Eversource-generated forecast based on its 12 own internal information that it has access to about 13 what load it is seeing in that pocket. 14 And its need demonstration, I would also 15 note, in its original need demonstration -- and much 16 of this information in the underlying proceeding was 17 heavily redacted, so that was not something that Dr. 18 Woods was able to use to make an argument for why 19 the substation might no longer be needed either. 20 And so what we have here is, if the 21 standard really is -- and I don't think this should 22 be the standard, by the way, because it seems to be 23 you're asking us to prove that we would prevail on 24 the merits at the threshold of deciding whether</p>	<p style="text-align: right;">Page 140</p> <p>1 Did that answer your question? 2 DR. BAKER: It did. And would you refer 3 us to the Colonial Gas case? Is the legal standard 4 to have that broader level of review? Or is there 5 another case that you think gives us the ability to 6 take that approach to the standard of review? 7 MR. DANIELS: I believe the Colonial Gas 8 case and the Appeals Court case that it cites, Stowe 9 vs. Bologna, are the primary authorities I rely on. 10 And again, you know, I think we're all 11 in agreement here about whether the Board has the 12 power to do this. My disagreement is over whether 13 the bar is being set too high, particularly given 14 that -- particularly given the asymmetrical access 15 to information. And we don't think that's fair. We 16 also think there is some unfairness in the 17 underlying proceeding -- namely, the failure to hold 18 a public hearing -- that is reason why you should 19 have less confidence in standing by that prior 20 determination. 21 DR. BAKER: Thank you, Attorney Daniels. 22 CHAIR THEOHARIDES: Other questions for 23 Mr. Daniels? 24 Do we want to move to Mr. Walkey and Ms.</p>
<p style="text-align: right;">Page 139</p> <p>1 there's enough here to reopen. Rather, I think the 2 standard should be whether there has been enough 3 credible new material presented, new information 4 presented, that is material and, you know, could 5 have an impact on whether the determination 6 remains -- the prior determination remains valid. 7 If you're going to require us to prove 8 our -- to carry our ultimate burden at a prima facie 9 stage for reopener, at the very least we need to 10 have access to -- the information that we need to 11 make that showing cannot be in the exclusive access 12 of a company that has no incentive to provide it, 13 and that the presiding officer clearly was 14 disinclined to order discovery on, given the scope 15 of the proceeding with it at the outset. 16 I mean, could we ask -- we tried asking 17 for this in discovery. They objected, and we did 18 not think that motions to compel would be 19 successful. I think we put forward enough to at 20 least raise the question and at least merit a 21 second -- merit reopening to have this second look, 22 so that you can have independent review of all this, 23 "all this" being whether the prior need 24 determination still holds today.</p>	<p style="text-align: right;">Page 141</p> <p>1 Bongiovanni? Thank you. 2 MR. WALKEY: My name is John Walkey. 3 I'm the waterfront initiative coordinator for 4 GreenRoots. And for longer than that, for longer 5 than I've been in that position, I've actually been 6 fighting this project that's before the EFSB 7 tonight. That means going back before the original 8 filing in 2014. I was a limited participant in the 9 underlying proceedings, and back before 2014, when 10 this thing was sort of being cooked up and as it 11 was, you know -- when the fix was being put in 12 originally, was around to see the beginnings of all 13 this. 14 And along the way I've learned a number 15 of things about the EFSB -- about the existence of 16 it, for one thing -- about the DPU, about 17 environmental justice policies that exist really in 18 name only, and the Commonwealth's energy regulatory 19 system itself, which really seems to have a lot of 20 overlap between the regulators and the regulated. 21 And I had some prepared remarks, but I 22 wanted to jump in to more directly address some of 23 the questions and comments that have been made here, 24 to help shed some light, in particular in terms of</p>

<p style="text-align: right;">Page 142</p> <p>1 the question of need. We just discussed some of 2 this in relation to the question that was just 3 asked.</p> <p>4 The data -- having been involved with 5 this since 2014, I've never actually seen the data 6 that justified the substation. I've received all 7 the documents, and those documents had all the 8 redacted lines of data that related to the pocket 9 load, as they call it. So that's never really been 10 available to us or made available to sort of a third 11 party, someone like Dr. Woods, who you will hear 12 from later on, for us to look at and to look under 13 the hood. It's just been proposed by -- it's just 14 been put out there by the person who directly, you 15 know, has something to gain from it.</p> <p>16 There's some confusion around this in 17 terms of -- I think Mr. Greene had mentioned about 18 the distribution line that comes across through the 19 conduit, that there's this -- and I've heard in the 20 past Eversource engineers say there's a concern 21 about getting all this electricity through the 22 distribution network from the existing Chelsea 23 substation to East Boston, it would be much better 24 to have a substation over there in East Boston as</p>	<p style="text-align: right;">Page 144</p> <p>1 That has been the case in summer storms. 2 However, in 2018, when we had those big winter 3 storms, that was snow coming down, and Condor Street 4 was closed three times by Boston police because it 5 was full of seawater, not because it was full of 6 rainwater.</p> <p>7 So this is happening now. On the graph 8 that Eversource has provided, with the 9.9-foot mean 9 high-water mark -- yesterday, at 11:17, it was -- 10 our high-tide mark was at 12 feet. So, I mean, pull 11 the lines up a little bit more than what is in those 12 graphs.</p> <p>13 The BRAG report has set -- they had 14 their extreme-case scenario, moderate-case scenario, 15 and, you know, very loose scenario in terms of 16 climate change. And as we've moved forward, we've 17 seen that the extreme-case scenario is starting to 18 look more and more like what our moderate-case 19 scenario -- our essentially moderate case today. 20 And going forward, there's a very good chance that 21 today's extreme case could become tomorrow's 22 moderate scenario. So we do not view it as being a 23 very conservative look at climate change.</p> <p>24 A lot of the flood models as well are</p>
<p style="text-align: right;">Page 143</p> <p>1 well.</p> <p>2 One thing that's not necessarily been 3 mentioned is, there are distribution lines beyond 4 just that conduit. I mean, we are connected through 5 Revere to National Grid's portion of the grid. 6 Winthrop is connected to us as well, and that's 7 connected through Deer Island to K Street, through a 8 transmission cable that goes across the harbor. So 9 I'm not exactly sure that the whole of East Boston 10 is served -- I don't know if that was just a 11 misstatement, but it doesn't seem like it's all 12 served by just the distribution lines through a 13 conduit in Chelsea Creek.</p> <p>14 And there are -- the load forecasting -- 15 I think Josh, Attorney Daniels, may have mentioned 16 this, in terms of that load forecasting being based 17 on that worst-case scenario, which is not applied to 18 how they're looking to the climate change forecasts. 19 And it's relative to some of that climate 20 forecasting -- we mentioned a little bit about the 21 Condor Street flooding -- and I think Mr. Young had 22 mentioned that it had just been flooded by the heavy 23 downbursts of rain and the stormwater system not 24 being able to handle it.</p>	<p style="text-align: right;">Page 145</p> <p>1 assuming that the topography remains the same. We 2 already know that the shoreline is eroding. The 3 Army Corps of Engineers had an emergency project 4 that they were going to do directly on the northern 5 shore of the City Yards property, which was put off. 6 They haven't done it, and the erosion has continued 7 along that shoreline, as well as further down on 8 Condor Street, which is actually the source of the 9 flooding of the seawater coming in from the Chelsea 10 Creek, going down Condor Street, precisely to the 11 corner of the property where the transformers are 12 going to be located. So all those concerns are in 13 there. So it makes sense, in our minds, to put this 14 somewhere else, not in this location.</p> <p>15 And one of the things -- I mean, 16 originally Eversource contends they were going to 17 build this over on Bremen Street. They were 18 prepared to dig up the street from that street 19 crossing and put transmission lines through the 20 street. And in fact, this past year or two they've 21 dug up Chelsea from stem to stern. From Everett to 22 practically the Revere border they've dug up the 23 streets.</p> <p>24 So digging up the streets is not much of</p>

<p style="text-align: right;">Page 146</p> <p>1 a problem for people. They've been dug up before. 2 And if you've driven around East Boston recently, 3 you know that if they were to dig them up you would 4 not really notice the difference in the moment, 5 because they can get in line, because Boston Water 6 and Sewer and everybody else is digging things up 7 all over the place. 8 And as Attorney Daniels said, if you 9 consider the cost of the replacement of flood- 10 damaged equipment or exactly how much might be at 11 risk if an incident were to occur if there were to 12 be flooding, that additional cost would probably 13 more than offset the 1800 feet or so that it is from 14 the -- as the crow flies from this site over to the 15 Bremen Street site, where they used to be planning 16 their site. And just on the other side of that 17 Bremen Street site is an area where MassPort is 18 currently putting in a switching station, the 19 distribution switching station. However, they will 20 be digging up streets to get cables, underground 21 cables, distribution cables, to that switching 22 station. 23 And in a communication that's in the 24 record from Eversource to then-City Councilor Sal</p>	<p style="text-align: right;">Page 148</p> <p>1 is because we don't want to spend the couple of 2 million it's going to cost to just dig up 1800 feet 3 of street to put the cables under there, that 4 doesn't seem to make any sense in light of what 5 we've just dug up in Chelsea. 6 From day one this project has been, in 7 terms of this process, it's been assumed that this 8 project is a done deal. And I mean, it is worth 9 noting that when this project was being developed 10 that Eversource's vice president for regulatory 11 affairs was the chief of energy and environment at 12 the City of Boston. And then at the end of the 13 Menino Administration he left to move on to work for 14 Eversource, and this project moved forward. 15 That kind of perception is what the 16 community sees from where we're standing. We're 17 seeing a revolving door between the industry and the 18 people who are regulating it. It leads to a lot of 19 cynicism about the process, especially when, as the 20 different failures -- the failure to have a hearing 21 in East Boston about the substation until the 22 project change part of the proceedings came along; 23 the failure to have interpretation when it was 24 requested -- all of these things add up to really --</p>
<p style="text-align: right;">Page 147</p> <p>1 LaMatinna and Rex Madaro, in response to a question 2 of how much energy is going to the airport, there 3 was an estimate for the ballpark of about 4 30-something percent of electricity is being used by 5 the airport. 6 And so from the community's standpoint, 7 when we were discussing, Mr. Nelson, the question of 8 would the community be okay if this thing was raised 9 and just made floodproof, you know, that would be 10 better, if we're going to be stuck with this. 11 However, the real answer is that there 12 are better uses for that property than putting in 13 something that needs to be elevated so much because 14 it's at risk. It would make much more sense to 15 locate this thing in an area that's got 24-hour 16 State Police security, like the airport, an area 17 where this Commonwealth has already invested 18 millions in storm-hardening the location, and an 19 area that's going to use a third of the electricity 20 that's going through this thing. 21 It seems to make much more sense. And 22 if the only reason not to do that -- aside from 23 MassPort's reluctance to give us any square footage, 24 obviously -- but if the only reason not to do that</p>	<p style="text-align: right;">Page 149</p> <p>1 and to hear people talk within the Administration, 2 to talk about the concern about environmental 3 justice and then, as we were saying, the actual 4 policies that are in place are not active or, if 5 they are, there's just no point to them. 6 And we've been hearing that you're 7 directed by the legislature to do a number of 8 things. And I really think that we've had a number 9 of members of the legislature speak, and I think we 10 will be going back to them to say, listen, if this 11 is the way the process is set up to function, 12 something is desperately wrong here. If there is 13 nothing the EFSB can do and this thing is just set 14 up as a fait accompli, then there really needs to be 15 a change in the legislative language that you are 16 following in order to implement this, because it 17 makes no sense for anyone to see an environmental 18 justice community that is already overburdened 19 receive more stuff in the community that precludes 20 any other use for that property that would make much 21 more sense, would be less of a risk, and could 22 actually be a benefit for the community. 23 And finally, I just wanted to say that 24 it really seems necessary to me that there is</p>

<p style="text-align: right;">Page 150</p> <p>1 looking at the need for this in the first place and 2 looking at what we want our grid to look like in the 3 21st century and making sure that the investments 4 that the ratepayers are paying for are the 5 investments that are needed. No one says Eversource 6 can't make any money. However, their electric 7 transmission earnings were up 16.8 percent year over 8 year, and this was, according to the media report, 9 due to the increased investment in Eversource's 10 transmission facilities.</p> <p>11 There's obviously a very clear profit 12 motive to invest in transmission, and these are the 13 people -- and the same person who had that profit 14 motive is the person providing the data that 15 justified this, and what do you know, the public 16 isn't allowed to see that data. And the data that 17 they have provided to us in the PowerPoint slides 18 has been impossible for us to interpret.</p> <p>19 So I'll stop there. Thank you very much 20 for your time.</p> <p>21 CHAIR THEOHARIDES: Thank you, 22 Mr. Walkey. Questions for Mr. Walkey? 23 Ms. Bongiovanni, I know the hour is 24 getting late. I would like to let you comment now</p>	<p style="text-align: right;">Page 152</p> <p>1 bed at 8:00 o'clock? 2 This is a four-hour public hearing. 3 This is only convenient for those of us who have 4 privilege. And I'd like you to recognize the 5 privilege that you all have and that I have to be 6 here this evening and on Zoom. There are so many in 7 our community who don't have access to smartphones, 8 that don't have access to laptops and computers and 9 have shoddy Internet access, who are struggling 10 right now.</p> <p>11 I'd like us to think for a moment about 12 the hearing that was on March 11th, that was 13 originally scheduled for March 11th. The staff of 14 the EFSB insisted to move forward with that hearing. 15 It wasn't until there was widespread outcry that the 16 Governor had just declared a state of emergency, and 17 yet 200 people from Chelsea and East Boston, the 18 very folks who have the most compromised health in 19 the state, would be packed into a high school 20 auditorium to fight, to sacrifice once again, to 21 fight against a project put on their backs in their 22 environmental justice neighborhood. How is that 23 convenient and fair for the folks of Chelsea and 24 East Boston?</p>
<p style="text-align: right;">Page 151</p> <p>1 and request the Board to stay for a little bit 2 longer to allow for you to comment and to receive 3 any questions.</p> <p>4 MS. BONGIOVANNI: Thank you. I 5 appreciate that. I'd like to start this evening -- 6 first of all, my name is Roseann Bongiovanni. I'm 7 the executive director of GreenRoots. GreenRoots is 8 a resident life organization working to achieve 9 environmental justice and improve public health in 10 Chelsea-East Boston. I'm also a lifelong Chelsea 11 resident, a former city councilor, president of the 12 Chelsea City Council, and a mother.</p> <p>13 And this evening I'd like you to 14 consider some of the statements that were made by 15 staff of the EFSB, that the hearing this evening is 16 "convenient public access," that Zoom and this 17 virtual space has allowed us to have "enhanced 18 engagement."</p> <p>19 I want to ask you: For whom? For whom 20 is that enhanced engagement? Who is it convenient 21 for? Is it convenient for the mother of three 22 children who is a single mom, who is helping feed 23 her kids at 6:00 o'clock? Who is helping her bathe 24 her kids, help them with homework and get them into</p>	<p style="text-align: right;">Page 153</p> <p>1 I'd like you to also think for a moment 2 about these two very communities, two of the 3 hardest-hit communities by COVID-19. I encourage 4 you to come out and spend one day in Chelsea. 5 Volunteer for a few hours. There are probably 20 6 community-based organizations in East Boston and 7 Chelsea with whom you can volunteer. See for a 8 moment what it's like to be food-insecure and to 9 stand in line, blocks-long line, for three hours 10 waiting for a box of food. Think for a moment about 11 what it looks like right now, as you have an 12 impending snowstorm, and scared to death that 13 tomorrow you could be displaced and evicted because 14 you can't afford rent, you've been economically and 15 financially hardshipped by this COVID pandemic.</p> <p>16 Imagine for a moment that you have 17 children and you can't provide for them with food 18 and diapers and formula, that Christmas is a week 19 away and you can't give them not one gift, but yet 20 the State, the State, is calling on us to show up, 21 to show up despite our outcries time and time and 22 time again that we need a postponement when it's 23 safe to meet in person, when it is accessible for 24 everybody to be at the same space, to have access to</p>

<p style="text-align: right;">Page 154</p> <p>1 the same language and the same information. And yet 2 those cries go on deaf ears time and time and time 3 and time again, and yet our communities continue to 4 be in the red tier, at the top of the list, for 5 COVID infections. How much do the folks in Chelsea 6 and East Boston have to sacrifice before the State 7 says, "We see you. We value you. We recognize you 8 as humans"?</p> <p>9 I'd like to set the record straight on 10 what this process has entailed the last few years. 11 I've heard Mr. Greene say a few things that are not 12 factually accurate.</p> <p>13 The very first time this substation was 14 even being considered was in 2013 and 2014. In 15 fact, the data that we've looked at tonight is from 16 2013, of data in Chelsea, of one of the 17 transformers -- one of three transformers, I 18 might -- mind you -- being at 75 percent capacity on 19 hot and humid days. That was seven years ago. 20 Seven years ago I was pregnant with my daughter. 21 She is now almost the same size as me. To think for 22 a moment that nothing has changed in seven years is 23 just completely asinine.</p> <p>24 This past summer we have had some of the</p>	<p style="text-align: right;">Page 156</p> <p>1 you're working two or three jobs, you're trying to 2 put food on the table, get your kids to school, deal 3 with day care and a number of other difficulties, 4 and yet you're not hearing about this massive 5 development that's in your neighborhood, and yet you 6 expect those folks, who have limited English 7 capacity, to participate fully and meaningfully? 8 Think about that for a moment.</p> <p>9 The first public hearing that actually 10 allowed folks to come out and participate was in 11 2017. At that point we had started to inform folks. 12 GreenRoots was an organization in existence for a 13 year. We had started to talk with folks: "Do you 14 know about this substation that's proposed for your 15 neighborhood?" More and more frequently, we heard, 16 "No, we don't know what you're talking about. What 17 is that? Who's proposing it? Where? Next to our 18 park? That's where they promised us a soccer field. 19 How can my child go and play next to this park with 20 an electrical substation right there and next to jet 21 fuel? How is that possible? Who is planning this? 22 Who was thinking about this?"</p> <p>23 The very first time we were able to ask 24 questions and to bring our own comments was in 2017,</p>
<p style="text-align: right;">Page 155</p> <p>1 hottest, most humid days on record, and yet me, 2 being a lifelong Chelsea resident, I didn't 3 experience any outages, not one. So why is it that 4 we're relying on this old data?</p> <p>5 So we're relying on data from 2013. The 6 very first public hearing, as my colleagues have 7 said, happened in Chelsea in 2015. GreenRoots as an 8 organization wasn't even around in 2015. We were a 9 program of another nonprofit organization. We were 10 focused solely on Chelsea.</p> <p>11 The folks in East Boston didn't have 12 access to that information. They didn't know that 13 there was a substation being proposed for their 14 neighborhood. There was no "language access" then. 15 I would like to set the record straight of what we 16 have done, what you have done, as the EFSB around 17 language access. It only happened because we called 18 you out and we threatened you with civil rights 19 complaints, which we have filed and which are still 20 pending.</p> <p>21 Those initial hearings were not 22 announced in East Boston. They were not announced 23 in the language that was spoken by the people of the 24 communities. So imagine again for yourself that</p>	<p style="text-align: right;">Page 157</p> <p>1 November 30th. And in advance of that public 2 hearing that was held in South Station during the 3 day, we asked ahead of time, "Could you please 4 provide interpretation so that residents in the 5 impacted neighborhood can have meaningful 6 involvement and engagement in this decisionmaking 7 process?" We were told, "Yes, we will provide that 8 for you."</p> <p>9 And we brought folks from Chelsea and 10 East Boston who gave up their day at work, who 11 organized child care and paid extra for babysitters 12 to stay with their children, to do similar to what 13 we did tonight, to hear very technical information 14 for four hours in English only, because when we got 15 to the Energy Facilities Siting Board, the folks 16 there said, the presiding officer said, "We're 17 sorry, we won't be providing translation for you 18 today. We'll be providing it for the benefit of the 19 Board. So if you would like to make a comment in 20 Spanish, we'll interpret that for the Board's 21 benefit."</p> <p>22 So again, Spanish-speaking residents of 23 East Boston and Chelsea sat and listened for four 24 hours to very technical information in English, only</p>

<p style="text-align: right;">Page 158</p> <p>1 to get up and miraculously make an articulated 2 argument against the need for the substation in a 3 language that they didn't understand, to say it in 4 Spanish and only have that be interpreted for the 5 Board's benefit. 6 Now, tell me, is that fair? If you sat 7 here tonight and listened entirely in Spanish and 8 didn't understand, could you articulate an argument 9 against the need of the substation, in a language 10 that others could understand? This is ridiculous. 11 We fought then, and we didn't get what we asked for 12 in terms of the interpretation. 13 And now you're asking us, you're 14 basically saying that we cannot bring up the 15 question of project need. We weren't allowed to do 16 it -- the community wasn't informed in 2015 in East 17 Boston. We weren't allowed to do it in 2017. And 18 now we're not allowed to do it in 2019, when we 19 actually are intervenors. 20 And I'd just like to say again, let's 21 think about privilege here. The community -- these 22 settings are set up so that the community is never 23 going to win. This is always in the interests of 24 the energy sector. If we had endless resources,</p>	<p style="text-align: right;">Page 160</p> <p>1 folks in the community crying about not having 2 reliable energy. We have reliable energy. We need 3 you to think more creatively. We need you to think 4 about the \$66 million project. You have an 5 obligation to the ratepayers to determine if this 6 project is actually needed, because if it isn't, the 7 ratepayers will be shouldering this burden only, 8 only, to the benefit of Eversource. Thank you. 9 CHAIR THEOHARIDES: Thank you very much. 10 Are there questions for Ms. Bongiovanni? And the 11 other thing I'd like to ask: I assume this group 12 will be present at the next meeting, if there are 13 further questions between now and then, as the Board 14 considers all of the information that's been 15 presented tonight? I see a yes from Mr. Daniels. 16 I see a thumbs up. Is that a hand 17 raised or is that -- thank you. 18 Any questions from the Board? I am 19 seeing none. 20 The hour is very late. I know we have 21 gone over the promised time. So I would look for a 22 motion to adjourn, and we will, as I mentioned, 23 provide notice on the postponement tomorrow and when 24 that will be rescheduled for.</p>
<p style="text-align: right;">Page 159</p> <p>1 like Eversource, we would have hired attorneys back 2 in 2015. We would have spent millions of dollars to 3 be at the table, and then we would have articulated 4 our concerns about the project need then. 5 But as we are community members in 6 environmental justice communities, we have to fight 7 simply for a seat at the table, never mind to be 8 heard. And no matter how many times we've asked and 9 brought new information and relevant information, 10 you have ignored us. It has fallen on deaf ears. 11 And you have only favored the industry 12 representatives. 13 And so I ask you tonight to think about 14 environmental justice and energy needs. The Board 15 has a decision tonight. You have a moral obligation 16 to continue to open the project need. You have a 17 moral obligation not only for the residents of East 18 Boston but for all of the ratepayers. 19 If we are relying -- as Mr. Greene said, 20 we are relying on the decision from several years 21 ago that was based on "immediate need." This has 22 been three years since the original decision. It 23 clearly wasn't immediate, because nothing in Chelsea 24 and East Boston has shut down, and you haven't heard</p>	<p style="text-align: right;">Page 161</p> <p>1 MR. BONFIGLIO: And motion to adjourn 2 the hearing tonight. 3 MR. WOODCOCK: Second. 4 CHAIR THEOHARIDES: How do we do 5 all-in-favors on this? 6 MR. GREENE: Technically, we need to do 7 a roll call vote. 8 CHAIR THEOHARIDES: I'll let you lead 9 that. Sorry, am I supposed to lead that? 10 MR. GREENE: Look on your screen. You 11 will see all of the Board members ready to vote. 12 CHAIR THEOHARIDES: I will do that in 13 the order that I am seeing you. Mr. Moran? 14 MR. MORAN: Aye. 15 CHAIR THEOHARIDES: Dr. Baker? 16 DR. BAKER: Aye. 17 CHAIR THEOHARIDES: Mr. Casey? 18 MR. CASEY: Aye. 19 CHAIR THEOHARIDES: Ms. Fraser? 20 MS. FRASER: Aye. 21 CHAIR THEOHARIDES: Mr. Nelson? 22 MR. NELSON: Aye. 23 CHAIR THEOHARIDES: Mr. Woodcock? 24 MR. WOODCOCK: Aye.</p>

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1 CHAIR THEOHARIDES: Mr. Bonfiglio?
 2 MR. BONFIGLIO: Aye.
 3 CHAIR THEOHARIDES: Mr. Cosco?
 4 MR. COSCO: Aye.
 5 CHAIR THEOHARIDES: And myself is an
 6 aye.
 7 With that, the Board is adjourned.
 8 Thank you very much for the robust discussion this
 9 evening.
 10 (The hearing adjourned at 10:11 p.m.)
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