

COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

PUBLIC MEETING OF THE ENERGY FACILITIES SITING
BOARD, held remotely via Zoom, on February 8, 2021,
commencing at 1:07 p.m.

SITTING: Kathleen A. Theoharides, Chair

Matthew H. Nelson

Cecile M. Fraser

Patrick C. Woodcock

Gary Moran

Jonathan Cosco

Joseph Bonfiglio

Brian Casey

Andrew Greene, EFSB Director

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

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Boston, Massachusetts

617-728-4404

<p style="text-align: right;">Page 165</p> <p>1 February 8, 2021 1:07 p.m. 2 P R O C E E D I N G S. 3 CHAIR THEOHARIDES: Good afternoon. 4 Welcome. Before we begin, I do want to provide some 5 instructions on how to best use Zoom for today's 6 meeting. 7 We have interpreters who will be 8 translating from English to Spanish and Spanish to 9 English. To select your desired language, click on 10 the Globe icon at the bottom of your screen and 11 select English or Spanish so that you can hear 12 everything said today with interpretation, as 13 needed. I will give you a moment so you can do that 14 now. 15 Please do not check the box that says 16 Mute Original Audio. We recommend this so that you 17 can still hear the voice of the actual speaker 18 faintly in the background, but mostly you will hear 19 the voice of the interpreter when speaking. 20 Dial-in participants on the phone number 21 included in the notice, which is 646.558.8656, will 22 hear the speaker's voice without interpretation. 23 Unfortunately, Zoom does not currently offer 24 interpretation for dial-in participants. However,</p>	<p style="text-align: right;">Page 167</p> <p>1 a version with Spanish audio interpretation. 2 So good afternoon again and welcome. 3 This is a remote meeting of the Energy Facilities 4 Siting Board regarding Eversource's proposed project 5 change for the Mystic-East Eagle-Chelsea reliability 6 project, Docket No. EF SB 14-04A/DPU 14-153A/14-154A. 7 My name is Katie Theoharides. I'm the 8 Secretary of Energy and Environmental Affairs for 9 the Commonwealth of Massachusetts and the Chair of 10 the Energy Facilities Siting Board. Joining me 11 today are members of the Siting Board, who I will 12 introduce in a moment. 13 The meeting is a continuation of the 14 prior Siting Board meeting held on December 16th, 15 2020, and scheduled for December 17th, 2020, and 16 rescheduled for February 1st and 2nd, 2021, but 17 postponed due to severe weather. This snow date was 18 described in the notice of this meeting. 19 The meeting today will continue with 20 remaining comments from parties and limited 21 participants in the proceeding, and then the public. 22 If time permits, the Board will deliberate and vote 23 on the tentative decision before the meeting ends at 24 8:00 p.m. If not, the Board will resume the meeting</p>
<p style="text-align: right;">Page 166</p> <p>1 comments made by dial-in participants on this number 2 will be interpreted into Spanish or English. 3 For dial-in participants who want to 4 listen and speak in Spanish during the meeting, we 5 have some good news: We have added an additional 6 phone line for this purpose, using a custom-built 7 solution, with two-way Spanish interpretation. The 8 telephone number for the Spanish interpretation 9 dialup line is 1.888.585.9008, and the room number 10 is 572 195 548. 11 So to access the Spanish interpretation 12 dial-in line, first you dial 1.888.585.9008; then 13 you enter room number 572 195 548; then you press 14 the pound key two times. Then you record your name; 15 you press the pound key again. 16 I will pause for these instructions to 17 be interpreted into Spanish, and we will put this 18 information on the screen as well. 19 MR. GREENE: Mauricio. 20 (Spanish interpretation.) 21 CHAIR THEOHARIDES: Thank you. I missed 22 part of my script there. So I will note in English 23 as well that this meeting is being recorded and will 24 be posted on the DPU/EF SB YouTube channel, including</p>	<p style="text-align: right;">Page 168</p> <p>1 tomorrow morning at 9:00 a.m., as specified in the 2 notice. 3 Since this is a long meeting, we will 4 have a one-hour break at 5:00 p.m. and resume at 5 6:00 p.m. We will also have shorter breaks during 6 the meeting at approximately 2:30 p.m. and 3:45 p.m. 7 for about 10 minutes each. In addition, our 8 interpreters will take turns every 30 minutes, and 9 we will pause briefly to let them do so. 10 Now let me introduce the other members 11 of the Energy Facilities Siting Board participating 12 in the meeting today: We have Matthew Nelson, Chair 13 of the Department of Public Utilities; Cecile 14 Fraser, Commissioner of the Department of Public 15 Utilities; Patrick Woodcock, Commissioner of the 16 Department of Energy Resources; Gary Moran, Deputy 17 Commissioner and designee for the Commissioner of 18 the Department of Environmental Protection; Jonathan 19 Cosco, general counsel and designee for the 20 Secretary of the Executive Office of Housing and 21 Economic Development; Joseph Bonfiglio, a public 22 member; and Brian Casey, also a public member. We 23 have Andy Greene, director of the Siting Board, who 24 will be serving as the meeting host, along with</p>

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1 other staff of the Siting Board.
 2 I'd also like to thank Dr. Shalanda
 3 Baker for her service to the Board. As many of you
 4 know, Dr. Baker has joined the bide Administration
 5 as the deputy director of the Office of Energy
 6 Justice at the Department of Energy, and we wish her
 7 well in this new and critical role.
 8 Before we begin, I'd like to provide
 9 some important updates about how we will conduct
 10 this meeting. Due to the ongoing COVID-19 state of
 11 emergency, the Siting Board meeting today will be
 12 conducted remotely using Zoom. This meeting is
 13 being held pursuant to the Massachusetts open
 14 meeting law, the Siting Board's regulations,
 15 Governor Baker's March 10th, 2020 declaration of
 16 emergency, and the related order suspending certain
 17 provisions of the open meeting law.
 18 The purpose of this Board meeting is to
 19 listen to comments from participants in the Siting
 20 Board proceeding, from public officials, area
 21 residents, and other stakeholders joining us for
 22 this meeting on Zoom.
 23 After listening to your comments, the
 24 Board will begin its deliberations on the tentative

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1 decision, consider possible amendments to the
 2 tentative decision, and, finally, vote on the
 3 tentative decision. All deliberations of the Siting
 4 Board are taking place during these public meetings,
 5 according to the Commonwealth's open meeting law and
 6 the Siting Board's longstanding regulations.
 7 Using Zoom, the parties in this
 8 proceeding and the public will have a full
 9 opportunity to see and hear everything said during
 10 this remote Siting Board meeting, and to offer
 11 comments. For those of you accessing the meeting by
 12 phone, you will also hear everything and have an
 13 opportunity to comment as well.
 14 The instructions on how to participate
 15 were provided in the notice sent to parties and
 16 mailed to property owners and all U.S. mailbox
 17 addresses within one quarter mile of the proposed
 18 substation location. The notice was also posted on
 19 the EFBSB website and the Eversource website and
 20 published by local news outlets. If you are having
 21 any technical difficulties, please call or text
 22 857.200.0065 for assistance. This number will be
 23 displayed periodically during the meeting and was
 24 also included in the notice.

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1 In conducting the meeting, I want to
 2 note some important procedures we will be following:
 3 All Board members must be audible to each other and
 4 to the audience. If a Board member becomes
 5 disconnected at any time, we will note that on the
 6 record. If there are significant technical
 7 difficulties, I will stop the meeting to allow the
 8 problem to be resolved.
 9 Before we get to the substance of our
 10 meeting, let me mention that a stenographer is
 11 participating remotely, who will transcribe
 12 everything said to make an official record of the
 13 meeting. We may experience some technical
 14 difficulties, such as potential background noise,
 15 video or audio issues, and other glitches, that may
 16 prompt the stenographer to request someone to repeat
 17 themselves.
 18 Board members and those on the panel
 19 should remember to mute their audio when listening
 20 and unmute when speaking. Everyone should speak
 21 slowly and clearly and allow the prior speaker to
 22 finish before you begin speaking. We greatly
 23 appreciate everyone's participation today.
 24 First, if you would like to present

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1 comments to the Siting Board today, you have
 2 hopefully preregistered as described in the notice.
 3 For those of you who are dialing in on either of the
 4 two phone lines I mentioned before, you can "raise
 5 your hand" by dialing star 9. Please dial star 9
 6 when you hear your name announced as the next
 7 speaker. After we have heard from all the
 8 preregistered commenters, if you have not commented
 9 and would like to do so, dial star 9 on your phone,
 10 or if you are on Zoom, use the "raise hand" icon at
 11 the bottom of your screen.
 12 The entire proceeding today is being
 13 interpreted in Spanish and English in realtime.
 14 When speaking, each person should remember to help
 15 the interpreters by speaking in a loud, clear voice,
 16 at a moderate pace, as best as you can. If you are
 17 speaking very fast or not loud enough, it can be
 18 difficult for the interpreters to do their job, and
 19 difficult for the stenographer as well, who is here
 20 to make sure your words are accurately identified in
 21 the record.
 22 We are providing English-to-Spanish and
 23 Spanish-to-English interpretation for today's
 24 hearing, consistent with the Commonwealth's language

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1 access policy. Everyone on Zoom should make sure to
 2 select their desired language, English or Spanish,
 3 by pressing the Globe icon at the bottom of your
 4 screen and then choosing English or Spanish. If you
 5 do not select a language, you will hear the current
 6 speaker in whatever language is being spoken.
 7 Again, for dial-in participants who want
 8 to listen and speak in Spanish during the meeting,
 9 we have just added an additional phone line for this
 10 purpose, with two-way Spanish interpretation.
 11 Please write this information down. The telephone
 12 number for the Spanish interpretation dial-in line
 13 is 1.888.585.9008, and the room number is 572 195
 14 548.
 15 So again, to repeat the instructions, to
 16 access the Spanish interpretation dial-in line, step
 17 one, dial 1.888.585.9008; two, enter room number 572
 18 195 548; three, press the pound key two times; four,
 19 record your name; and five, press the pound key
 20 again. Mauricio.
 21 (Spanish interpretation.)
 22 CHAIR THEOHARIDES: Thank you. We'll
 23 repeat these instructions after each break for any
 24 new arrivals to the meeting.

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1 A video recording of the meeting today
 2 in both English and Spanish is being made by the
 3 Siting Board and will be posted on the Department of
 4 Public Utilities' YouTube channel. The YouTube
 5 website is in the notice. In addition, a transcript
 6 of this meeting in English and Spanish will be made
 7 available as soon as possible and posted in the
 8 Siting Board electronic file room, which you can
 9 find a link to the transcript on the Siting Board
 10 Web page for this meeting.
 11 We've scheduled ample time in this Board
 12 meeting for public comment. Public commenters are
 13 asked to keep comments to approximately three
 14 minutes per person so that we can hear from everyone
 15 who wishes to speak. We will gently remind speakers
 16 when it's time to wrap up about 30 seconds before
 17 the three-minute mark and then at the three-minute
 18 mark. Mr. Hazle of the Siting Board staff will hold
 19 up a sign to indicate when you are approaching that
 20 three-minute mark. Mr. Hazle, can you hold up that
 21 sign? Thank you. Each public commenter will be
 22 provided only one opportunity to comment so that we
 23 may hear from everyone. Public officials who
 24 comment will have additional time as needed.

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1 Today the Siting Board will continue
 2 listening to remaining comments by parties and
 3 limited participants in the proceeding and then
 4 listen to comments from the public in the order that
 5 people signed up.
 6 We will take comment in the following
 7 order: first, from any Federal, State, or local
 8 officials that did not have the opportunity to
 9 comment at the last meeting; then from the
 10 intervenors and limited participants that have not
 11 yet spoken. Finally, we'll turn to comments from
 12 members of the public.
 13 I will call on public commenters in the
 14 order that they have preregistered. Time
 15 permitting, I will invite additional public
 16 commenters who use the "raise hand" feature on Zoom
 17 or star 9 on your phone. There are many commenters
 18 that have signed up, and this morning we provided a
 19 list to the commenters with the order in which they
 20 signed up. Also, we will periodically display the
 21 list of upcoming commenters, so you can check in on
 22 that.
 23 Okay, we are now ready to begin the
 24 substantive part of this meeting.

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1 There is one item on the agenda today,
 2 which is the consideration of the tentative decision
 3 in the matter of NSTAR Electric Company, doing
 4 business as Eversource Energy, EF SB 14-04A/DPU
 5 14-153A/14-154A, in which Eversource seeks approval
 6 from the Siting Board for a proposed change to the
 7 Eversource transmission project that the Siting
 8 Board approved on December 1st, 2017. The
 9 previously approved project included a new
 10 substation, to be located on a City-owned parcel of
 11 land in East Boston.
 12 In this proceeding Eversource seeks
 13 approval to move the substation approximately 200
 14 feet to the west of the originally approved
 15 location, within the same City-owned parcel of land
 16 in the East Eagle neighborhood.
 17 After all public comments are heard
 18 today, the Board will begin deliberations and
 19 finally vote on the tentative decision.
 20 So let me begin by calling on any
 21 officials present that have signed up to speak
 22 regarding the tentative decision and did not do so
 23 at the last meeting.
 24 MS. BONGIOVANNI: Excuse me, can I ask?

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1 We have two panelists who are in the wait room. I
 2 have to leave at some point to pick up my children
 3 and to take them to another class. So my colleague,
 4 John Walkey, needs to be brought into the panelist
 5 room so he can represent GreenRoots without a legal
 6 attorney, legal staff. And also Bryndis Woods is in
 7 the waiting room.
 8 CHAIR THEOHARIDES: Andy, can we bring
 9 those folks in?
 10 MR. GREENE: Yes, we can. I just want
 11 to mention that I just moved State Rep Adrian Madaro
 12 in. He did speak, I believe, at our last meeting.
 13 He has just requested the opportunity to address the
 14 Board today. He should be in the panel now. Yes,
 15 he is.
 16 CHAIR THEOHARIDES: Great, I see you,
 17 Mr. Representative.
 18 MR. GREENE: Let's see if we can get
 19 Ms. Woods and Mr. Walkey back on the panel.
 20 CHAIR THEOHARIDES: I see Mr. Walkey.
 21 MR. GREENE: All present.
 22 CHAIR THEOHARIDES: I do not see any
 23 Federal officials, but I did want to pause a moment
 24 to make sure we don't have any before I move on to

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1 the Representative.
 2 Mr. Greene, we don't know of any
 3 attending, do we?
 4 MR. GREENE: We do not. If there are
 5 any Federal officials who we have not been able to
 6 identify, use the "raise hand" feature on Zoom so we
 7 can spot you. But I don't see any.
 8 CHAIR THEOHARIDES: Okay. With that, I
 9 would turn it then to Representative Madaro.
 10 REPRESENTATIVE MADARO: Can you all hear
 11 me now?
 12 CHAIR THEOHARIDES: We can.
 13 REPRESENTATIVE MADARO: Good afternoon,
 14 Madame Secretary, members of the Board. Thank you
 15 for giving me the opportunity to speak in opposition
 16 to this proposal. I'd also just like to say thank
 17 you to Mr. Greene for helping us out with the
 18 technological aspects of this to ensure that I was
 19 able to get on and comment today.
 20 I speak today not only as the State
 21 Representative from East Boston, but also as a
 22 lifelong resident of East Eagle, who grew up and
 23 continues to reside just a few blocks away from the
 24 proposed substation.

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1 The concerns that I'll be sharing with
 2 you today are ones I not only hear from my
 3 neighbors, but are also ones that we talk about at
 4 home. My wife and I are expecting our first child
 5 in May, and we will be raising our family here on
 6 Eagle Hill. Our kids will play at the playground
 7 right across from this proposed substation, as I did
 8 when I was growing up here.
 9 Should this project proceed, our
 10 children will grow up with the substation and all
 11 the effects it brings. East Boston is well known as
 12 an environmental justice community that has
 13 historically dealt with one of the most
 14 disproportionate shares of environmental burdens in
 15 the Commonwealth. Our residents suffer from a
 16 variety of environmental burdens, including a major
 17 international airport, a highway running through the
 18 neighborhood, oil tanks along the shoreline adjacent
 19 to this project site, and more.
 20 This misguided substation proposal
 21 should not move forward. It will become yet another
 22 environmental burden on a community which has
 23 shouldered more than its fair share.
 24 Throughout the public process my

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1 colleagues and I, in addition to countless residents
 2 of East Boston, have raised several important and
 3 well-founded concerns regarding the substation
 4 proposal. Chief among them is the proposed location
 5 and the safety concerns it presents. Sited on the
 6 waterfront of Chelsea Creek, the substation would be
 7 located in a flood zone, as recognized by the City
 8 of Boston. With well-documented flooding of the
 9 area during several major storm events in the past
 10 few years and increased flood risk of the East
 11 Boston shoreline due to climate change, a constant
 12 factor considered by State and City agencies in
 13 planning processes across the neighborhood, concerns
 14 about locating a major electrical substation in this
 15 area are not unwarranted.
 16 Moreover, the substation is located in
 17 close proximity to a large field of oil tanks along
 18 the creek, another potential safety risk.
 19 Such concerns are further compounded by
 20 the fact that the substation lies on the edge of the
 21 East Eagle neighborhood, a densely populated
 22 working-class area, and directly abuts two popular
 23 city parks, the American Legion playground and the
 24 Condor Street Urban Wild, which is frequented by

<p style="text-align: right;">Page 181</p> <p>1 countless residents. 2 Additionally, many have raised doubts 3 about the necessity of this project in supporting 4 the supply of electricity to the East Boston 5 neighborhood and whether such improvements cannot be 6 satisfied through alternative means or siting. 7 I join the East Boston community in 8 strong opposition to the project. I do not believe 9 that neighborhood concerns regarding the proposed 10 substation have been adequately addressed nor 11 resident questions thoroughly answered. 12 Additionally, the community feels like 13 our voices have been deliberately silenced 14 throughout this process. Through this process there 15 have been language-access issues that have prevented 16 all members of our majority-minority predominantly 17 immigrant town from being truly engaged. 18 Moreover, even this hearing, which is 19 being held in the middle of a workday, makes it 20 difficult for my constituents to comment and be 21 heard. And even the format of this Zoom Webinar 22 seems designed to stifle public input. We cannot 23 see each other or communicate with each other in the 24 chat. This format takes away the human element of a</p>	<p style="text-align: right;">Page 183</p> <p>1 use in the area, improving the American Legion 2 playground, and creating the Condor Street Urban 3 Wild, to provide for coastal resiliency and mitigate 4 against the historical burdens our community has 5 dealt with. 6 Approval of this substation will roll 7 back the clock on these longtime community efforts 8 towards reducing and mitigating environmental 9 burdens on the neighborhood. Instead of continuing 10 efforts to make our community a better, healthier 11 place for residents in future generations, this 12 project will keep us stuck where we've been as an 13 environmental justice community. 14 Introducing this substation to the 15 neighborhood is not only inconsistent with 16 environmental justice principles, but it will also 17 continue our community's unfortunate legacy of 18 shouldering a disproportionate impact of 19 environmental burdens. 20 I join my constituents in opposition to 21 this project, and we hope the EFBSB does the same and 22 supports and protects the East Boston community. 23 Thank you for your time. 24 CHAIR THEOHARIDES: Thank you,</p>
<p style="text-align: right;">Page 182</p> <p>1 public meeting, which would be very different if we 2 were meeting in person. 3 The proposed substation will only add to 4 the environmental burdens that my constituents, 5 again largely immigrant and working-class 6 populations, are expected to disproportionately 7 shoulder. Due to those burdens, we already 8 experience the highest rates of childhood asthma and 9 adult COPD in the City of Boston. And more 10 recently, throughout much of the pandemic, we've had 11 the highest rates of COVID in the city. 12 Any proposal which would increase this 13 environmental burden requires the highest level of 14 scrutiny, to ensure that the voice of the community 15 is fully heard and resident concerns addressed. To 16 date I do not feel like this has been done. 17 When I grew up, the area surrounding the 18 American Legion playground was an environmental 19 justice disaster -- oil tanks, industrial 20 businesses, pollution, trucks, and more. In the 21 years since, the community has made strong efforts 22 to mitigate these effects and make the neighborhood 23 better and safer for ourselves and our children. 24 We've done this by diversifying the industrial land</p>	<p style="text-align: right;">Page 184</p> <p>1 Representative. Are there any additional State 2 officials who wish to speak at this point? 3 Okay. Seeing none, next we will hear 4 from local officials. Are there any local officials 5 present today? 6 MR. WALKEY: Boston City Councilor 7 Michelle Wu had sent in a comment letter, which I 8 have here. I was wondering if it would be 9 appropriate to read it, if we can read that into the 10 record here. Because I know some people have sent 11 their testimony to me if they were not able to get 12 into the hearing today because of work conflicts. 13 CHAIR THEOHARIDES: Ms. Evans or 14 Mr. Greene, can you advise on this? 15 MS. EVANS: I just want to note that I 16 did receive that letter a short time before this 17 meeting and did send it out to the service list. So 18 the letter is already part of the record here. 19 MR. WALKEY: Okay, so we wouldn't be 20 able to read that for the benefit of the folks who 21 are watching, or we just assume that that they'll 22 read that in their email? 23 MR. GREENE: If I could interject: We 24 do have it in the record, it hasn't been posted for</p>

<p style="text-align: right;">Page 185</p> <p>1 more than about ten minutes, so why don't you read 2 it. 3 CHAIR THEOHARIDES: Why don't you read 4 it. 5 MR. WALKEY: Dear Secretary Theoharides, 6 Presiding Officer Evans, and Board members, thank 7 you for the opportunity to comment on the tentative 8 decision published by the Energy Facilities Siting 9 Board regarding combined docket EFBSB 14-04A/DPU 10 14-153A/14-154A. 11 I have expressed my opposition to this 12 project to various State and City agencies before, 13 most recently at the previous Board hearing in 14 December 2020, and I continue to share the concerns 15 of advocates who have fought against this Eversource 16 proposal for nearly ten years. In 2017 the State 17 ignored years of community opposition in issuing 18 initial approvals for Eversource to build an 19 electrical substation along Chelsea Creek in East 20 Boston in a dense residential area prone to 21 flooding. The City of Boston's own analysis shows 22 the future flood risk in the precise location of the 23 project as the impacts of climate change accelerate. 24 A severe storm could put the electrical substation</p>	<p style="text-align: right;">Page 187</p> <p>1 electric demand in the region. 2 The projects that Eversource initially 3 listed as justification for this project have 4 already been built and are functioning without 5 electricity generated from this new substation. And 6 while Eversource claims to have performed extensive 7 and multilingual outreach in the community, the 8 community has not received transparent data. 9 Earlier this year GreenRoots and the Conservation 10 Law Foundation filed a Federal lawsuit against the 11 U.S. Environmental Protection Agency after it failed 12 to investigate discrimination concerns following the 13 Title VI civil rights complaint filed against this 14 body, the Department of Public Utilities and the 15 Executive Office of Energy and Environmental Affairs 16 for failing to comply with laws ensuring equal 17 access for residents who speak a language other than 18 English, limiting their ability to meaningfully 19 participate in the public decisionmaking process. 20 After nearly a decade of fighting this 21 proposed substation, East Boston arrives at a 22 crossroads with a new Federal administration 23 committed to securing environmental justice for all 24 and a deadly pandemic that has exposed the deep</p>
<p style="text-align: right;">Page 186</p> <p>1 under more than a foot of water -- 2 MR. GREENE: Mr. Walkey, the 3 interpreters are asking if you could just slow it 4 down a bit. 5 MR. WALKEY: Sure. Thank you. A severe 6 storm could put the electrical substation under more 7 than a foot of water and risk an explosion, in a 8 neighborhood that is already disproportionately 9 bearing environmental injustices, including storage 10 tanks holding all of New England's jet fuel, the 11 noise and air pollution of a major airport, and less 12 green space and fewer trees than any other Boston 13 neighborhood. Residents, activists, and scientists 14 continue to point out the safety hazards of this 15 proposed substation siting. 16 Even beyond ignoring these risks, the 17 process of pushing this project through despite 18 widespread community opposition only exacerbates the 19 mistrust between East Boston residents and their 20 government. Eversource has never provided 21 transparent presentation to the community of the 22 actual need for this project in light of ISO New 23 England data and expert analysis from the Union of 24 Concerned Scientists, which shows a decline in</p>	<p style="text-align: right;">Page 188</p> <p>1 public health vulnerabilities of a community with 2 some of the City's highest rates of asthma and 3 overcrowded housing. 4 Today we have the chance -- we have a 5 chance to make a clean break with our history of 6 concentrating environmental risks in working-class 7 communities of color and instead show urgent 8 leadership for environmental justice by stopping 9 Eversource from steamrolling over this neighborhood. 10 Once again, I urge the EFBSB and the DPU 11 to reconsider the tentative decision on this project 12 and initiate proceedings to specifically review how 13 to best obtain and procedurally implement 14 environmental justice for all of Boston's 15 communities. Sincerely, Michelle Wu, Boston City 16 Councilor at large. Thank you very much. 17 CHAIR THEOHARIDES: Thank you, 18 Mr. Walkey. Are there other local officials present 19 today? 20 Okay. Before we resume comments by the 21 parties, I would like to note that the Siting Board 22 received timely comments written in March 2020 on 23 the tentative decision from Eversource, GreenRoots, 24 Conservation Law Foundation, Julia Ivy, and Boston</p>

<p style="text-align: right;">Page 189</p> <p>1 City Councilor Lydia Edwards. 2 Since publication of notice for this 3 meeting, the Board received written comments from 4 additional groups and individuals, which have all 5 been posted online and are accessible to the public 6 in the Siting Board's electronic file room. 7 These include comments from Eversource 8 Energy, the applicant; GreenRoots, including 9 witnesses Bryndis Woods and Marcos Luna; 10 Conservation Law Foundation; elected officials, 11 including one set of comments from U.S. Senators 12 Markey and Warren, U.S. Representatives Clarke, 13 Kennedy, Pressley; State Senators Boncore, 14 DiDomenico and Eldridge; State Representatives 15 Madaro, DuBois, Miranda, and Ryan; and Boston City 16 Councilors Edwards, Essaibi-George, Meija, and Wu; 17 and another set of comments from Boston City 18 Councilors Lydia Edwards and Michelle Wu. 19 Commenters also include Joe Aponte, Eric 20 Burkman, and public commenters Ann Finkel, Dan 21 Bailey, Maria Caroline Ticono, Deborah Merson, 22 Stefanie Tam, John Antonellis, Leonard Olsen, Ben 23 and Jenna Brown. 24 After the deadline we received the</p>	<p style="text-align: right;">Page 191</p> <p>1 CHAIR THEOHARIDES: Yes, let's start 2 with you, Dr. Woods. 3 DR. WOODS: Good afternoon, Madam 4 Secretary, Presiding Officer Evans, Board members, 5 and members of the public. My name is Bryndis 6 Woods, and I am a senior researcher at the Applied 7 Economics Clinic. We're based in Arlington, 8 Massachusetts, and we're a nonprofit consulting 9 group that provides expert analysis on issues 10 related to the environment, energy, and equity. 11 I first became involved with this 12 project in June 2019, when I submitted testimony 13 before the EF SB that concluded, quote, "Eversource 14 has not presented convincing evidence of the need 15 for the proposed East Eagle Street substation." 16 In December 2020 I provided written 17 comments that recommended that EF SB vote to reject 18 the tentative decision issued by the Siting Board, 19 given that Eversource has still not presented 20 convincing evidence of the need for the proposed 21 substation. I am speaking here today to again 22 recommend that the Siting Board reject Eversource's 23 proposal. 24 During the first portion of this</p>
<p style="text-align: right;">Page 190</p> <p>1 following written comments from public commenters: 2 Corine Jager, Lena Greenberg, Jaqueline Royce, and 3 John MacDougall. We received some additional 4 comments over the last month. 5 There were three intervenors and 11 6 limited participants in the proceeding. I will now 7 ask intervenors if they would like to present 8 comments to the Board. 9 GreenRoots is the party -- is a party to 10 the proceeding and is represented by Joshua Daniels, 11 who commented at our prior meeting, as did Mr. 12 Walkey and Ms. Bongiovanni. However, Dr. Woods and 13 Professor Luna did not have an opportunity to 14 comment in the last meeting. 15 I would ask counsel for GreenRoots if 16 Dr. Woods -- well, we know Dr. Woods is present -- 17 and would like to comment on behalf of GreenRoots, 18 and also Professor Luna, who submitted comments. 19 MR. DANIELS: Thank you, Madam 20 Secretary. My understanding is that both of them 21 would like to do so at this time. 22 CHAIR THEOHARIDES: Okay, terrific. Go 23 ahead. 24 DR. WOODS: Shall I begin?</p>	<p style="text-align: right;">Page 192</p> <p>1 meeting, back in December, I heard a lot of 2 discussion about whether or not this project is 3 needed. As, I believe, the only person who 4 submitted testimony in the current proceeding 5 regarding the issue of project need, I listened very 6 carefully. And though I heard a lot of information, 7 some of which had been made available to 8 stakeholders before the meeting and some of which 9 had not, the questions I have about Eversource's 10 justification of the project's need ultimately 11 remain unchanged. 12 In 2017, using 2015 load forecast data 13 from the ISO New England CELT report, Eversource 14 claimed that electric load in the Chelsea-East 15 Boston load pocket would increase at a rate of 1.0 16 percent per year. Today, in January 2021, 17 Eversource is claiming that they have updated their 18 load forecast data, recalibrated their analysis, and 19 that electric load in the Chelsea-East Boston load 20 pocket will increase at a rate of 0.9 percent per 21 year. That rate of load increase is essentially 22 unchanged, 1.0 percent to 0.9 percent, despite 23 updating the load forecast data from the 2015 CELT 24 report to the 2020 CELT report.</p>

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1 Eversource claims that loads in the
 2 Chelsea-East Boston load pocket will grow at an
 3 annual rate of 0.9 percent per year even though
 4 local loads have been growing at a rate of only 0.4
 5 percent per year over the last five years, from 2015
 6 to 2019, per Eversource's own data.
 7 Eversource claims that loads in the
 8 Chelsea-East Boston load pocket will grow at an
 9 annual rate of 0.9 percent per year even though load
 10 growth is forecasted to be flat to negative for the
 11 rest of the state and the rest of the New England
 12 region, 0.03 percent in the rest of the state and
 13 negative 0.05 percent in the New England region,
 14 respectively.
 15 Eversource claims that the Chelsea-East
 16 Boston load pocket is a unique outlier. The
 17 evidence for this claim, as I understand, is
 18 Eversource's own data and analysis, which no third
 19 party, including myself, has been permitted to
 20 review.
 21 The issue of whether it is reasonable to
 22 assume that electric loads in the Chelsea-East
 23 Boston load pocket will increase at a 0.9-percent-
 24 per-year rate is crucial. If, instead, local loads

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1 grow at the lower pace expected for the state as a
 2 whole or the region as a whole, then the
 3 Chelsea-East Boston area will not pose a concern for
 4 electric liability before 2030 and the substation
 5 would not be needed, according to Eversource's
 6 definition of need.
 7 During the first portion of this
 8 meeting, back in December, I heard that
 9 electrification will increase electric loads in the
 10 future. While that is undoubtedly true, it is a
 11 moot point with regard to the proposed substation.
 12 Eversource's expectations about increased electric
 13 load from electrification would not be different for
 14 the Chelsea-East Boston load pocket than it would be
 15 for the rest of the state. Electrification alone
 16 cannot explain the discrepancy in the anticipated
 17 load growth in the Chelsea-East Boston load pocket,
 18 the rest of the state, and the region.
 19 The question of the need for the
 20 proposed substation has only become more crucial in
 21 light of the devastation that the COVID-19 pandemic
 22 has wrought on these communities, the hardest hit in
 23 the Commonwealth. If there were ever a time to be
 24 particularly sensitive and receptive to the

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1 community's stated needs and wishes, one would think
 2 that time would be now.
 3 In addition, the COVID-19 pandemic has
 4 changed energy-use patterns significantly.
 5 Commercial and industrial energy use is down,
 6 residential energy use is up, and it is unclear how
 7 these trends will continue to shift in the future.
 8 During the first portion of this meeting, back in
 9 December, I heard that in order to reopen the issue
 10 of project need, intervenors in this docket must
 11 meet a, quote, "very high burden," end quote. But
 12 intervenors cannot meet that burden without access
 13 to key information.
 14 I ask the Board to give GreenRoots and
 15 other intervenors the opportunity to make their case
 16 by requiring Eversource to make available all
 17 information underlying the company's claim that the
 18 Chelsea-East Boston load pocket is a unique pocket
 19 of load growth in a sea of flat and declining loads.
 20 The specific information that would be needed for a
 21 third-party review include historical load data for
 22 the Chelsea-East Boston load pocket that goes
 23 further back than the data already provided by
 24 Eversource, Eversource's load forecasting analysis

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1 and outputs used to develop the Chelsea-East Boston
 2 load forecast, including any and all adjustments to
 3 CELT 2020 load forecast data; expectations around
 4 load increases from electrification; all new
 5 customer additions and load increases that would
 6 result from those additions; and any other
 7 supporting materials.
 8 This concludes my comments. Thank you
 9 very much.
 10 CHAIR THEOHARIDES: Thank you. Dr.
 11 Luna?
 12 PROFESSOR LUNA: Thank you. Good
 13 afternoon. My name is Marcos Luna, and I am a
 14 professor of geography and sustainability and the
 15 coordinator of the graduate geo-information sciences
 16 program at Salem State University. My area of
 17 expertise includes analyzing the environmental risk
 18 in vulnerable communities. I'm also a resident of
 19 East Boston and specifically the East Eagle
 20 neighborhood, where the proposed substation might
 21 be.
 22 The proposed site for Eversource's
 23 substation on the shore of Chelsea Creek is not
 24 currently in a designated flood risk zone, but it

<p style="text-align: right;">Page 197</p> <p>1 will become so within the project's lifetime. No 2 one disputes that the site will become increasingly 3 subject to flood risk due to sea-level rise and also 4 changing patterns in extreme weather over the course 5 of coming decades, if not sooner. 6 All the available science shows that 7 this site will experience significant flooding. The 8 only question is how soon this will happen. 9 Eversource and the EFBSB staff are 10 misunderstanding or underestimating flood risk. 11 They are using optimistic middle-range scenarios 12 with an inappropriately short time horizon, and they 13 are ignoring plausible high-stakes scenarios, and 14 they are using an inconsistent standard of risk 15 assessment. 16 One of the key reasons for justifying 17 the substation is to avoid an unlikely scenario in 18 which one or two other substations go down 19 simultaneously, a low-probability event, with 20 admittedly high stakes. The same standard of risk 21 avoidance should be used for flood risk. 22 I've submitted written comments in 23 response to the tentative decision that describes in 24 detail my arguments and provides supporting</p>	<p style="text-align: right;">Page 199</p> <p>1 universities throughout the Commonwealth, technical 2 experts from State and Federal agencies, and flood 3 modeling from the Massachusetts Department of 4 Transportation for a Boston Harbor flood-risk model. 5 The BRAG report offers a range of projections for 6 sea-level rise for Boston through 2100, with varying 7 levels of probability. 8 BRAG made no recommendations about what 9 time horizon or what level of probability to use. 10 Eversource chose to look no further than 2070 and to 11 only consider the middle-range probabilities, not 12 upper-range probabilities or worst-case scenarios. 13 The 2070 cutoff is unrealistic, since we 14 know from Eversource's own experience that 15 substations can be very long-lived, well beyond the 16 40-year lifespan that's been discussed. In fact, 17 Eversource said in their post-hearing reply brief, 18 quote, "The substation is not likely to cease to 19 operate as such by 2070," unquote. This is 20 consistent with the concessions by their witness, 21 now the director of capital projects and engineering 22 at Eversource, made on cross-examination. 23 Eversource should be considering 24 lower-probability high-stakes scenarios for this</p>
<p style="text-align: right;">Page 198</p> <p>1 analyses, references, and maps. I'm going to offer 2 a summary of the basic points and add some new 3 information from more recent research that's come 4 out. 5 The flood analysis that Eversource did 6 was based on two sources of information: the 7 Federal Emergency Management Agency, or FEMA, flood 8 risk maps; and the Climate Ready Boston reports 9 released in 2016. The FEMA flood risk maps are 10 based on historic flooding and do not incorporate 11 projected flood risk. It's widely recognized, 12 including by FEMA, that these flood maps do not 13 convey the real risks of climate change. Sorry, 14 I'll slow down. 15 Unfortunately, there is no other 16 official flood risk standard that does. Most 17 flood-based policies and recommendations today, 18 including the vague guidance by ISO New England and 19 the American Society of Civil Engineers, are still 20 tied to FEMA flood maps. 21 In 2016 Climate Ready Boston released 22 its report of locally modeled climate change risks 23 based on work by the Boston Research Advisory Group, 24 or BRAG, a collaboration of researchers from</p>	<p style="text-align: right;">Page 200</p> <p>1 critical infrastructure. In fact, this is precisely 2 what leading scientists on sea-level rise 3 projections have been advising: to look beyond the 4 middle-range probabilities and take seriously 5 high-end scenarios with potentially catastrophic 6 effects. Low-probability events do happen. 7 When it comes to risk and essential 8 infrastructure, the question should not be what is 9 likely to happen but rather what can plausibly 10 happen, and what does it mean if the worst-case 11 scenario unfolds, who will be harmed, what will it 12 cost, and who will have to bear the consequences. 13 No one is projecting that things are 14 going to get better. Since the early 1980s there 15 have been about 75 studies generating projections of 16 sea-level rise globally. This includes the 17 assessment reports by the IPCC, which started in 18 1990. In fact, since the IPCC's fourth assessment 19 report was released in 2007, projections of the 20 upper range of sea-level rise have widened 21 dramatically. In fact, since their last report, in 22 2014, there have been 28 studies and more than 90 23 projections of sea-level rise, with a median 24 projected rise that is 50 percent higher than the</p>

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1 IPCC's projections. This is in large part because
 2 of greater understanding of the contribution of
 3 melting ice sheets and observations that show that
 4 the climate system is changing much more quickly
 5 than we previously thought possible.
 6 Equally important, we are continuing to
 7 add carbon dioxide to the atmosphere at an
 8 accelerating rate. Last year carbon dioxide levels
 9 in the atmosphere reached the highest level they've
 10 been in human history and probably the highest
 11 they've been in the last 3 million years. The last
 12 time there was this much carbon dioxide in the
 13 atmosphere, the global average surface temperature
 14 was 3 to 5 degrees Fahrenheit warmer than they are
 15 today and sea levels were 50 to 80 feet higher.
 16 It's instructive to look at how policies
 17 lag reality. On Page 55 of the tentative decision
 18 there's a table showing a range of critical
 19 elevations with respect to flood risk from a variety
 20 of Federal, State, and local agencies. It's
 21 organized to show Eversource at the top, with the
 22 highest proposed design flood elevation. What's
 23 interesting to note is that it's also organized in
 24 reverse chronological order. The lower elevation

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1 standards adopted by different agencies for flood
 2 risk are also older. If you read it from the bottom
 3 up, you'll see recommended minimum elevations
 4 increase by more than 6 feet in just the span of
 5 about five years.
 6 This really illustrates the conundrum
 7 that we face. It is simply not enough to say that
 8 Eversource is being more conservative than most.
 9 What really matters is whether the design criteria
 10 are adequate to account for the future flood risks,
 11 not how they compare to criteria used by other
 12 agencies.
 13 We are at an inflection point in our
 14 collective understanding about climate change. We
 15 recognize that we are facing a massive problem and
 16 it's only going to get worse.
 17 Moreover, the future looks less and less
 18 like the past. We see that our policies and
 19 regulations are out of step with rapidly changing
 20 conditions. Decisionmakers, like you, have the
 21 power and the flexibility to make more informed
 22 decisions in the absence of clear or timely policy
 23 guidance. The EFBS should err on the side of
 24 caution and take seriously the available science to

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1 consider worst-case scenarios which are plausible.
 2 If higher-end scenarios of sea-level
 3 rise from the BRAG report are considered, which
 4 seems prudent given the critical nature of this kind
 5 of infrastructure, then we could be facing up to 10
 6 feet of sea-level rise by the end of the century, if
 7 not sooner.
 8 By contrast, Eversource is only planning
 9 for a maximum of about 4 feet sea-level rise. The
 10 entire site could be submerged by the end of the
 11 century or sooner, leaving behind both the costs and
 12 risks of stranded infrastructure on East Boston
 13 residents and ratepayers.
 14 The EFBS should reject Eversource's
 15 proposed site for a substation. Thank you.
 16 CHAIR THEOHARIDES: Thank you. Before
 17 we turn to questions, are there any other
 18 intervenors present who have not yet spoken and wish
 19 to do so?
 20 MR. DANIELS: I believe, Madam
 21 Secretary, that GreenRoots is the only party in this
 22 proceeding that has intervenor status, and I believe
 23 that's all from GreenRoots.
 24 MR. GREENE: And I'll add, I was just

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1 going to mention that we don't have any of the
 2 intervenors from the underlying proceeding
 3 indicating that they would like to speak, and I
 4 don't see them here.
 5 MR. DANIELS: I should also bracket my
 6 statement and say I'm speaking only about,
 7 quote-unquote, "intervenors" in your regulations.
 8 I'm not speaking about limited participants, who
 9 still have to go.
 10 CHAIR THEOHARIDES: Correct. I know
 11 they have to go, yes. Okay, so does the Board have
 12 any questions, then, at this point for the
 13 intervenors? And this can include -- sorry, Chair
 14 Nelson, go ahead.
 15 I thought you had a point of order. And
 16 this can include the company as well. Go ahead.
 17 MR. NELSON: We didn't get to the
 18 company yet. But I want to start with, I believe,
 19 Dr. Marcos Luna, the testimony you just gave in this
 20 case.
 21 So I want your understanding. So I
 22 don't know if either Mr. Young or Mr. Hazle could
 23 bring up the chart that he referenced. I believe we
 24 saw it the last Board meeting. I just thought that

<p style="text-align: right;">Page 205</p> <p>1 would provide good context, because I think he was 2 providing a critique of that chart that I wanted to 3 ask him about. 4 MR. GREENE: If you'll give us just a 5 moment, we can screen-share that. 6 MR. NELSON: I think I can ask my 7 questions while you bring that up. 8 MR. HAZLE: One quick thing, Mr. Nelson: 9 We've prepared a different chart which has similar 10 information but is also translated into both Spanish 11 and English. 12 MR. NELSON: Great. 13 MR. GREENE: One momentito. 14 MR. HAZLE: This should show the design 15 flood elevations of various different organizations 16 that Mr. Luna, Dr. Luna, referenced. 17 MR. NELSON: Thank you. So Dr. Luna, I 18 think you had indicated that the information here 19 sequentially -- I just want to understand that 20 point, because I think it was an interesting point. 21 Essentially, all this is at the bottom, to kind of 22 the most recent at the top. Could you explain that 23 a little bit more, looking at this diagram? 24 PROFESSOR LUNA: Sure. I haven't seen</p>	<p style="text-align: right;">Page 207</p> <p>1 actually a study, it was just kind of a 2 recommendation based upon a poll of their members. 3 And then after that you start getting 4 into the BPTA, which is based on the Climate Ready 5 Boston guidance, which comes out in 2016. And then 6 in between there you have MassPort, whose design 7 flood elevation recommendations came out -- they had 8 two sets, and they updated them originally in 2015 9 on the Mass. DOT Boston Harbor flood-risk model, and 10 then they updated again when the Climate Ready 11 Boston report came out -- although, interestingly, 12 using the same information, they came out with a 13 higher design flood elevation recommendation than 14 what BPTA had recommended. It's like a foot or 2 15 feet higher. I'm going over my notes right now. 16 So is that clear what I'm saying? 17 MR. NELSON: Yeah, I think I follow. So 18 one of the other critiques that I believe that you 19 mentioned was the number here, we have the 100-year 20 flood in 2070, Climate Ready Boston, which I think 21 is related to the BRAG record that you mentioned. 22 And you had mentioned this was a middle forecast, 23 not a high end. Is that accurate? 24 PROFESSOR LUNA: Correct.</p>
<p style="text-align: right;">Page 206</p> <p>1 this diagram before, so I'm relating it to the 2 document, the tentative decision table, that's 3 there. 4 But if we start at the bottom, the lower 5 end -- so on the original table we had the Mass. DOT 6 Central Artery/Tunnel project report, the Boston 7 Harbor flood-risk model. And that was the lowest 8 flood risk guidance that was being cited or quoted. 9 And that one is based on the fourth assessment 10 report from IPCC. So that one's dating back to 2012 11 or so. 12 And the next one up from that one that 13 was listed was the American Society of Civil 14 Engineers, and that one was based upon FEMA flood 15 risks, and they added two feet to that. And that 16 one dates to 2014, to the ASCE's flood-resistant 17 design construction guidance, which is kind of like 18 the bible for engineers when they're designing 19 things. 20 And then after that it was the ISO New 21 England level, which was tied also to FEMA, and then 22 they initially added a foot or so, and then more 23 recently they added 2 feet. That was 2018, and then 24 they updated it again in 2019. But that's not</p>	<p style="text-align: right;">Page 208</p> <p>1 MR. NELSON: And so do you know what the 2 high end would have been? I'm just trying to 3 understand the kind of range, you know. If it's 4 18.7 feet versus -- you know, that's not 5 significant, but it seems like it was a very 6 significant high end. 7 PROFESSOR LUNA: Yeah. So the way that 8 the projections are provided in the BRAG report, you 9 have kind of like a continuous scale over time, and 10 you have a curve running up over time into the 11 future, and you have this wide band of potential 12 projections that extend into the future through 13 2100. So not surprisingly, they go up as you go 14 forward in time. 15 So that band, the width of that band, 16 reflects different levels of certainty and 17 uncertainty in the projections. And so those are 18 described with varying levels of probability -- 19 which I won't get into unless you want me to. 20 But the point is, if you go in the 21 middle of that band, you can describe that as being 22 kind of a middle range and higher probability, which 23 just means that the models show this tends to happen 24 more often. And so this middle band, they'll use</p>

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1 the word "likely" scenario, which should be
 2 interpreted very carefully, because IPCC and others,
 3 following their lead, they use "likely" as a way of
 4 indicating a certain range of probability. So let's
 5 say 67 percent probable. But if you extend the
 6 band, you become actually more certain about
 7 capturing the reality of what might happen. So the
 8 very likely scenario increases the possibilities of
 9 what could happen, both below and above that middle
 10 range.

11 So the very upper end, the 99th
 12 percentile, or the low probability band, let's say
 13 the .2 or .1 percent probability, which is kind of
 14 like a 500-year flood-event probability, that's when
 15 you start getting into, by the end of the century,
 16 you get up to about a 10-foot sea-level rise. So
 17 now you're talking about almost more than twice the
 18 projected height that the middle range would tell
 19 you. So you get a dramatically different potential
 20 outcome if you look at that outer range.

21 MR. NELSON: This is where I want to
 22 kind of tie it back to the decision we're making
 23 here, because the flooding is a concern, a
 24 significant concern, to the site. Here they've got

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1 the Chelsea Creek mean high-water mark at 9.9 feet
 2 and the substation at 23 feet. And so that's kind
 3 of more than a 10-foot increase. Do you mind, just
 4 for me to understand, why that 23-foot kind of level
 5 wouldn't be ideal, or should be higher -- or if I'm
 6 not interpreting your testimony correctly.

7 PROFESSOR LUNA: No, I understand your
 8 question, I think. So a couple of things. So one
 9 is that the mean high water line is where the water
 10 is typically today, and we expect that over the
 11 course of the coming decades, because of sea-level
 12 rise -- leaving storms aside for the moment --
 13 you're going to add to that height. So then you
 14 start adding 4, 5, 6 feet, depending what you want
 15 to get to. So now you're pushing to, let's say by
 16 2070, 2080, you're at least going to be at 16 feet
 17 mean high tide line. That means that that will
 18 regularly be underwater daily.

19 And then you add on top of that a storm
 20 that arrives on top of that high tide line, and
 21 that's when we start looking at the 100-year flood,
 22 the 500-year flood. So we're adding the extent of
 23 the reach inland of that water because of that storm
 24 pushing that water inland.

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1 So now you're starting to add high tide,
 2 sea-level rise, and then storm surge bringing water
 3 into this area. So that can add, depending on which
 4 projection you want to go with, a substantial amount
 5 of water.

6 So if we add 10 feet, let's say, by the
 7 end of the century, of sea-level rise, then the
 8 100-year flood extent starts pushing into, let's
 9 say, 25, 26, 27 feet. So now you're above that
 10 design-flood elevation.

11 It sounds dramatic compared to where you
 12 are now, but we're talking about a lot of change
 13 over that time.

14 The second point to that, too, is: The
 15 site itself is sitting right on the edge of the
 16 creek, and it's fairly high at that point. But
 17 Condor Street is actually a low point, and there's
 18 other pathways by which the water can penetrate to
 19 that area. And this has been kind of the perennial
 20 problem, or this is the problem for East Boston in
 21 general, is trying to, if possible, stop up all
 22 these routes for water to penetrate into the area.
 23 So that's another thing it doesn't capture right
 24 away when you just look at the immediate height

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1 relative to the water along that height at the
 2 coastline where the substation site would be.

3 MR. NELSON: So I think -- I get it,
 4 because the mean high-water line rises every year;
 5 right? Because that's just -- so the bottom rises,
 6 so you have to pay attention to where you're setting
 7 that maximum and that sort of fixed amount.

8 And I think you want the Board to take
 9 into consideration the future of what we know is
 10 going to happen here, so that we can -- so that
 11 we're not making a mistake by building this too low
 12 to sea level. Is that accurate?

13 PROFESSOR LUNA: Correct.

14 MR. NELSON: Thank you very much.

15 PROFESSOR LUNA: Thank you.

16 MR. HAZLE: Chair Nelson, are you all
 17 set with this graphic here?

18 MR. NELSON: I am. Thank you for
 19 bringing it up.

20 MR. HAZLE: You're welcome.

21 CHAIR THEOHARIDES: Mr. Moran?

22 MR. MORAN: Thank you. Just one
 23 clarifying question for Dr. Luna. When you
 24 mentioned the range of uncertainty, if you were just

<p style="text-align: right;">Page 213</p> <p>1 looking at the time period looking at 2070, would it 2 still be that 10-foot worst-case scenario, or that 3 would be going further out than the 2070 date they 4 use? 5 PROFESSOR LUNA: I have two answers for 6 that. So if we looked at the way the charts are 7 presented to you, you have these cutoff dates that 8 were presented in the Climate Ready Boston report 9 and also that are reproduced in the Eversource flood 10 analysis -- 2030, 2050, 2070, 2090, 2100. And 2070 11 shows that the range is topping out, let's say, at 7 12 feet on the higher end. So it wouldn't be near that 13 upper range that was projected or shown to be on the 14 outer end of the period, so after 2070. 15 So on the face of it, it appears that 16 no, you would not get anywhere near that by 2070. 17 However, the time periods that are presented should 18 not be interpreted as being like annual cutoffs, 19 like "By 2030 we think this might happen." There's 20 actually another level of uncertainty that the BRAG 21 report very clearly explains: Those time periods 22 are actually 19-year averages. 23 So when you look at 2030, 2050, 2070, 24 you shouldn't interpret it to say by that date.</p>	<p style="text-align: right;">Page 215</p> <p>1 of some of the comments you made around data access. 2 So you submitted testimony in this case or in the 3 underlying case? 4 DR. WOODS: In this case, yes. 5 MR. NELSON: And you indicated that you 6 did not get access to the data that you were 7 seeking; is that correct? 8 DR. WOODS: That is correct. 9 MR. NELSON: Was it -- did you make that 10 request through the discovery process? 11 DR. WOODS: I -- Josh Daniels might 12 remember this better than I do. But my recollection 13 of what transpired was that my testimony was deemed 14 out of scope because it was addressing the project 15 need and not the location of the project. And so we 16 were not able to formally request those materials as 17 a matter of my testimony. 18 MR. NELSON: Okay. So in that regard, 19 your complaint still stands that you don't have 20 access to the data; is that correct? 21 DR. WOODS: Correct. 22 MR. NELSON: And the .4 percent load 23 growth historically, that information you gathered 24 I'm assuming from the underlying case.</p>
<p style="text-align: right;">Page 214</p> <p>1 What we shouldn't say (sic) is that in a 20-year 2 range around that date you might hit that water 3 level. 4 So there's actually two levels of 5 uncertainty that are being communicated. One is, 6 how high might the water get, but the second is, 7 when might it occur? So it's very possible that you 8 could get higher water elevations much sooner than 9 you anticipated. 10 And this is what I'm considering. This 11 is part of the assessment of risk, is to say you're 12 not assured that that risk doesn't arrive until 13 2070. That risk could arrive in 2050, because of 14 that range, that window range. It's built into the 15 model and it's communicated, but that doesn't come 16 across clearly I think in the way that some of this 17 is presented. Does that make sense? 18 MR. MORAN: It does. Thank you. 19 CHAIR THEOHARIDES: Further questions 20 from the Board? 21 MR. NELSON: I have a couple for Dr. 22 Woods, but I just want to give other people an 23 opportunity. 24 Dr. Woods? I just want an understanding</p>	<p style="text-align: right;">Page 216</p> <p>1 DR. WOODS: No. Actually, Eversource 2 posted that data on their website sometime in 2020. 3 I'm unclear when it went on the website exactly. I 4 just happened to run across it. 5 MR. NELSON: Okay. And so that source 6 is from Eversource. And that was related to this 7 specific substation? 8 DR. WOODS: It was indeed. 9 MR. NELSON: Or this area? 10 DR. WOODS: Yes. They called it -- I 11 can tell you. They called it the Chelsea-East 12 Boston load pocket, yes. 13 MR. NELSON: All right, great. And that 14 was what you used in developing your testimony. 15 I'll ask the company about that when we get to 16 question them. 17 My next question would be: You had said 18 that they made an assumption of .9 percent load 19 growth annually. 20 DR. WOODS: Yes. 21 MR. NELSON: Is what would be the 22 triggering point for the company, and they're 23 currently at .4 percent load growth? 24 DR. WOODS: Those are annual rates of</p>

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1 change. So the load -- the peak load data that they
 2 gave for 2015 to 2019 equals out to 0.4 percent per
 3 year, and then the forecast that they're providing
 4 equals out to 0.9 percent per year. And that's the
 5 information that -- I'm getting that information
 6 from Eversource's website, from information that
 7 they posted last year, that actually did not factor
 8 into my testimony because I did not have that
 9 information at the time I submitted my testimony.
 10 So that information was more up-to-date presumably
 11 than what I was working with in my testimony.
 12 MR. NELSON: Absolutely. And so I would
 13 say I guess there's a question -- right? -- that the
 14 Board's tackling around the threshold -- right? --
 15 for reopening the record, which would allow the need
 16 case to be a complete part of the record again;
 17 right? Because it was in the underlying case. Did
 18 you see any fault in the underlying decision in that
 19 case that has changed based on any new information?
 20 DR. WOODS: Simply the vintage of the
 21 data that was used in the underlying decision.
 22 Presumably that data has been updated, which was
 23 what I was trying to get at with my oral comments
 24 today. Eversource claims that they have updated the

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1 data from the 2015 vintage, which I called out as a
 2 problem in my testimony because at the time I was
 3 submitting that testimony it was, you know, 2019 and
 4 that data was already quite old by that time.
 5 Eversource claims that they have updated
 6 the data. But my questions remain ultimately the
 7 same, because the rate of change has -- the rate of
 8 growth, load growth, in the East Boston/Chelsea load
 9 pocket remains essentially unchanged despite that
 10 update.
 11 And just to be clear: In the 2015 load
 12 forecast which Eversource was previously using, load
 13 forecasts for the state and for the region were both
 14 anticipated to be positive. In the time that has
 15 elapsed since 2015, those load forecasts have
 16 changed direction. So load forecasts for the State
 17 are now completely flat ultimately and load
 18 forecasts for the region are completely negative.
 19 MR. NELSON: Do you know what's been
 20 driving that decrease in load?
 21 DR. WOODS: Changes -- many things. But
 22 the load forecasts from CELT have been going
 23 basically progressively a little bit down each year,
 24 in order to reflect what they see happening in the

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1 electric market and to reflect the most current
 2 electric trends. Eversource's --
 3 MR. NELSON: Do you know what the two
 4 most predominant forces are in driving that load
 5 forecast down?
 6 DR. WOODS: Not off the top of my head.
 7 I would have to look through those materials again.
 8 MR. NELSON: That's okay. And then I
 9 think my next question would be: Do you think that
 10 that trend is likely to continue?
 11 DR. WOODS: Yes, I do.
 12 MR. NELSON: Why?
 13 DR. WOODS: It's a trend that's
 14 established itself quite clearly over the last five,
 15 six, even seven years -- the CELT load forecasts
 16 themselves, the fact that they have been adjusting
 17 themselves downwards in order to better reflect the
 18 state of reality that we see in electric markets.
 19 With that said, I do think COVID-19 and
 20 the sort of drastic shifts that we've seen in
 21 electric use and energy use more broadly could throw
 22 a wrench in that, and I certainly don't have a
 23 crystal ball to say how this might play out in the
 24 future. But just to say that we are certainly in a

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1 moment of flat to declining load forecasts for our
 2 state and for our region, and COVID-19 only enhances
 3 our uncertainty about what we should expect in the
 4 next few years.
 5 MR. NELSON: Okay. Do you think any of
 6 the climate policy will have an impact on potential
 7 for that forecast?
 8 DR. WOODS: Yes, I do think
 9 electrification will increase electric loads in the
 10 longer term, and electrification is a matter of
 11 policy for the Commonwealth.
 12 That said, I don't think that that's a
 13 legitimate reason to say that the Chelsea-East
 14 Boston load pocket would be this unique pocket of
 15 load growth in a sea of otherwise flat and declining
 16 loads. If electrification is a trend, which
 17 hopefully it is, that will be equally true across
 18 most of the Commonwealth. There won't be certain
 19 pockets that are electrifying much, much, much
 20 faster than everybody else. Presumably that will go
 21 forward at a sort of consistent pace across regions.
 22 So to me, that doesn't hold water as an
 23 explanation for why the Chelsea-East Boston load
 24 pocket has a unique possibility of load growth.

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1 MR. NELSON: Yeah. And so when I make
 2 this statement, please correct anything I might get
 3 wrong. But I would say that, from what you're
 4 saying here is, we don't know the impact of COVID,
 5 we don't know the impact for electrification, and
 6 we've seen an historical trend that doesn't line up
 7 with building the substation, and those are reasons
 8 why you think reopening the record would be
 9 appropriate.
 10 DR. WOODS: Yes, exactly. And I would
 11 love to see the actual assumptions around
 12 electrification and load growth and customer
 13 additions and all of that, to be able to assess the
 14 actual data and analysis that's being used to make
 15 the claim.
 16 MR. NELSON: Thank you for helping me
 17 clarify some of your comments today.
 18 DR. WOODS: My pleasure.
 19 MR. GREENE: Madam Secretary, would you
 20 care to take a break at this hour? It's 2:30.
 21 CHAIR THEOHARIDES: I was just going to
 22 suggest perhaps we could take a break. If there's
 23 any remaining questions for GreenRoots when we get
 24 back, we can do those. And then we can move on to

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1 questions for the company.
 2 MR. NELSON: I think I have one more for
 3 GreenRoots in my series, and then I have have some
 4 for the company.
 5 CHAIR THEOHARIDES: Okay, great. So we
 6 will reconvene at -- should I make it a round
 7 number, Mr. Greene?
 8 MR. GREENE: I think that would be a
 9 good idea.
 10 CHAIR THEOHARIDES: At 2:40.
 11 (Recess taken.)
 12 CHAIR THEOHARIDES: To the stenographer,
 13 can we go back on the record, please. Good to go,
 14 Dr. Luna.
 15 PROFESSOR LUNA: Thank you. Just a
 16 question about the maximum sea-level rise by 2070,
 17 was a question, and I said 7. I was looking at the
 18 wrong row.
 19 So 4.8 feet is what the BRAG report
 20 shows on the projections. But again, emphasizing
 21 that we're looking at not really 2070 but a range
 22 around that. It could be sooner than that.
 23 MR. NELSON: Thank you. That's very
 24 helpful.

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1 My next questions are for Mr. Daniels, I
 2 believe. Just for continuity, Mr. Daniels: I think
 3 in your opening statement you made at the last
 4 meeting, which was, you know, a while ago, you made
 5 some very interesting points around the threshold
 6 for reopening the record and kind of how you were
 7 viewing it. Just for the continuity of both the
 8 Board and also people listening, do you mind giving
 9 me a summary of that before we begin our discussion
 10 of that?
 11 MR. DANIELS: Sure. And thank you
 12 again. So essentially, the way that I've been
 13 thinking about the threshold is, the Board has not
 14 inappropriately taken the view that the threshold
 15 has to be very high, and our perspective is that's
 16 fine. We understand all of the interests around
 17 finality that get baked into the consideration
 18 whether to reopen a prior adjudication.
 19 But the question of reopener and that
 20 high threshold really presumes that there was the
 21 full and fair opportunity to litigate it the first
 22 time around, and given, A, the failure to abide by
 23 the commands of Section 69J and hold a public
 24 hearing in East Boston as required in the underlying

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1 proceeding -- the first public hearing was held in
 2 February two years ago for this project change
 3 proceeding, and by that time Board staff had
 4 essentially taken the issue of need already off of
 5 the table. And B, the concerns that Ms. Woods has
 6 brought up around access to the data to make that
 7 showing. I think that that --
 8 (Discussion off the record.)
 9 MR. DANIELS: We understand all of the
 10 interests around finality that get baked into the
 11 consideration whether to reopen the final
 12 adjudication. But given two things: A, the Board's
 13 prior failure to hold a public hearing in East
 14 Boston in the underlying proceeding as required by
 15 the Board's statute, Chapter 164, Section 69J -- I
 16 note that the first public hearing in East Boston
 17 was held two years ago this month, actually, on
 18 February 5th of 2019, in the project-change phase of
 19 things, after staff had already taken the issue of
 20 need off of the table.
 21 The second concern is the one that
 22 Ms. Woods has raised around access to the data
 23 needed to make this very high showing.
 24 In that regard, just to answer some of

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1 your questions, Mr. Nelson, about the discovery
 2 process: In the project-change proceeding,
 3 GreenRoots did promulgate to Eversource discovery
 4 requests asking for updated data around the question
 5 of need. They objected that it was out of scope.
 6 We did not bring a motion to compel at that time,
 7 and given what transpired since then, I think it's
 8 fair to say that any such motion would have been
 9 futile. And so we just went forward with the best
 10 case that we could using the data that we had.
 11 I would also note that we did provide
 12 Ms. Woods with what we could from the underlying
 13 proceeding that was available from the public
 14 docket, and most of the data for the need
 15 demonstration was actually redacted. So that was
 16 another hindrance.
 17 Given those two concerns about
 18 fairness -- and again, understanding that the high
 19 threshold for reopener reflects a presumption that
 20 you already had a full and fair opportunity to
 21 litigate the first time around -- our perspective is
 22 that it's appropriate to relax the showing somewhat.
 23 If you're going to essentially shut out the
 24 community from having the public hearing in the

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1 underlying phase, and also if you're going to deny
 2 the intervenors access to the data that they
 3 actually need to make that showing, there's a real
 4 chicken-and-egg problem.
 5 MR. NELSON: Thank you, Mr. Daniels, for
 6 that summary. So to the first question that you
 7 brought up, around the public hearing and the
 8 underlying case: You're saying that the Board is in
 9 violation of its own statute; correct?
 10 MR. DANIELS: The Board violated its
 11 statute in the underlying proceeding.
 12 MR. NELSON: Okay. And when you make
 13 that assertion, could you explain that -- did the
 14 Board not hold the public hearing?
 15 MR. DANIELS: I'm not sure I got the
 16 question.
 17 CHAIR THEOHARIDES: Hold for one minute.
 18 It seems like we're having technical difficulties.
 19 (Discussion off the record.)
 20 MR. NELSON: Mr. Daniels, so I mentioned
 21 that you had asked if we violated our statute --
 22 that was the assertion you made -- in the underlying
 23 case. You had indicated that a public hearing was
 24 not held in East Boston. I had asked if there was a

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1 public hearing that was held in that underlying
 2 case. And I'm just asking for the distinction of
 3 how you were classifying the statute that we
 4 violated, whether we didn't hold a public hearing or
 5 whether that it wasn't in East Boston.
 6 MR. DANIELS: So to answer both
 7 questions: What 69J, the fourth paragraph -- and I
 8 direct you specifically to the third sentence of
 9 that fourth paragraph -- says is that, in addition,
 10 a public hearing shall be held in each locality in
 11 which a facility would be located or in which an oil
 12 facility -- which is not so, that doesn't apply --
 13 is located, except that a public hearing shall not
 14 be required in a locality containing a proposed site
 15 if such a hearing has already been held in regard to
 16 that particular facility on that particular site in
 17 conjunction with a previously filed petition.
 18 So I read that sentence to require that
 19 when you have a facility that is proposed to be
 20 sited in a particular locality and no one disputes
 21 that the substation meets the statutory definition
 22 of a "facility" under Section 69G, you're supposed
 23 to hold a public hearing in each locality in which a
 24 facility would be located. You held public hearings

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1 in, I believe, Chelsea and Revere where the
 2 transmission lines were going through. You did not
 3 hold one in East Boston, where the substation was
 4 proposed to be sited. And I don't think the
 5 statutory exception for a previously filed petition
 6 would cover you because there wasn't a previously
 7 filed petition at that time.
 8 No one raised this particular failure to
 9 abide by this requirement, and no one appealed it
 10 because essentially Channel Fish got what they
 11 wanted and settled with Eversource. And so none of
 12 the remaining parties had an incentive to make -- to
 13 raise an issue about it any more.
 14 But I think it was still not in
 15 compliance with the statute, and it should still
 16 factor into how much preclusive effect, let's say,
 17 you're going to give to the decision in the
 18 underlying proceeding.
 19 MR. NELSON: Thank you. And on the
 20 subject of need -- and we heard the testimony from
 21 Dr. Woods earlier. Let me ask you this: What, in
 22 your opinion, has changed from the underlying
 23 proceeding to now in terms of need?
 24 MR. DANIELS: In terms of need, I think

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1 the primary thing -- and bracketing that I am not
 2 the expert in this. But my understanding is, what
 3 has changed is more time has passed, and so the
 4 underlying data on which the prior need
 5 determination is based has gotten staler and staler.
 6 We're now approaching -- if you think
 7 about the fact that electric system planners plan in
 8 ten-year increments, the fact that we're now on the
 9 far side of that ten-year -- of that ten-year span
 10 should give a lot of concern about whether it's
 11 still reasonable, whether it's still rational, for a
 12 planning agency such as this one to still be relying
 13 on that data, especially when the consistent trends
 14 statewide and regionwide for whatever reason,
 15 whether it's, you know, the addition of behind-the-
 16 meter improvements or the increasing use of, you
 17 know, distributed solar generation -- for whatever
 18 reason, we know that there have been sustained
 19 decreases in load forecasts over the last several
 20 years, and there doesn't seem -- and there's only
 21 speculation really that maybe electrification is
 22 going to reverse that trend, but no real showing
 23 that that's likely to happen.
 24 MR. NELSON: Right, there's no

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1 electrification in the underlying docket. That
 2 wasn't considered. Is that correct?
 3 MR. DANIELS: Correct, nor in this
 4 docket.
 5 MR. NELSON: Well, we haven't
 6 adjudicated need in this docket. Would you agree
 7 with that?
 8 MR. DANIELS: Correct, correct.
 9 MR. NELSON: So I think in the Board's
 10 determination of whether to reopen the record, I'm
 11 just trying to get an understanding of what the
 12 basis that we would be setting here would be,
 13 because I think that's critical in order to
 14 understand the impact that's going to have not only
 15 on this case but on all our precedent; right?
 16 MR. DANIELS: Right. And to complete my
 17 answer: The other thing that has changed is, the
 18 other prior-need determination also cited particular
 19 step-load additions that were justifying the need
 20 for this project, and there were four specific
 21 step-load customers. All of them came on line.
 22 And, you know, we have not experienced -- there's
 23 been no indication that with them coming on line --
 24 Actually, what happened was, Eversource

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1 said, there's a fifth one now, there's this MassPort
 2 project, that they barely told us or staff anything
 3 about it in this phase of the proceeding.
 4 So the justification for the specific
 5 need for this project on a site-specific basis from
 6 Eversource has actually shifted. They've also
 7 pushed back their projections for when the project
 8 would be needed. We were originally told in the
 9 underlying proceeding it would be needed by 2018 or
 10 the sky would fall, and now I think they pushed it
 11 back to 2022 or 2023. It's hard for me to keep
 12 track.
 13 So, you know, the fact that those step-
 14 load additions have all come on line and they keep
 15 either, A, grasping for new ones to justify the
 16 continuing need for the project or, B, pushing back
 17 their horizon for when the project is going to be
 18 needed gives us reason to question whether the
 19 project actually is still needed and, you know, to
 20 see whether a new need demonstration would be
 21 appropriate in this circumstance.
 22 MR. NELSON: So let's say in this case
 23 we reopen the record and we take a look and it's
 24 determined that, due to a number of extraneous

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1 factors, the site's not needed, Option 1. Then the
 2 site doesn't go forward.
 3 Option 2, I'm just wondering your
 4 perspective: Let's say the determination of
 5 reopening the record determines the site is needed;
 6 right? So the people in East Boston need this
 7 substation for reliable electric power. What would
 8 that change, in your opinion, for your position?
 9 Would you be arguing more about the location?
 10 Obviously we have flood concerns. I'm just
 11 wondering how that would change the scope of the
 12 arguments here for the community.
 13 MR. DANIELS: So I think under Option 1
 14 the answer is very clear, because if the substation
 15 is no longer needed, it can't be justified as
 16 minimum environmental impacts and least possible
 17 costs if it's not needed.
 18 Under Option 2, I think the argument
 19 really does shift to a more location-centered
 20 discussion around whether this is really -- okay, a
 21 substation is needed in East Boston, this project is
 22 needed for East Boston. Where should this
 23 substation actually go? And I'd refer you to Mr.
 24 Walkey's comments from last time. You know, we

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1 would say the plurality of the power that's going to
 2 be supplied by the substation is going to the
 3 airport anyway. The airport is already taking steps
 4 to harden itself against climate change and
 5 sea-level rise. It really makes sense that, rather
 6 than impose this on a community and a neighborhood
 7 that does not want it, you know -- the airport would
 8 be the primary beneficiary of this substation. They
 9 should be the one to host it.

10 MR. NELSON: If the airport -- so if the
 11 airport's the ideal site, why do you think
 12 Eversource did not propose to put the site there?

13 MR. DANIELS: You'll have to ask them
 14 that question.

15 MR. NELSON: I will. Trust me. Okay.
 16 I'm just wondering if you have any speculation.

17 MR. DANIELS: I do not have any
 18 visibility into those discussions, if they took
 19 place.

20 MR. NELSON: Thank you. And I think the
 21 only other question I have for you is -- let's see
 22 here. No, I think you've answered most of my open
 23 questions. So thank you very much, between today
 24 and the last meeting. I appreciate your time.

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1 MR. DANIELS: Thank you.

2 CHAIR THEOHARIDES: Mr. Nelson, I just
 3 had a followup question for Mr. Daniels about the
 4 procedural issue of the Board not holding a hearing
 5 during -- I think I'm understanding -- the first --
 6 the needs determination for the project. And my
 7 understanding is it was not appealed at the time as
 8 a part of that hearing.

9 MR. DANIELS: So I think that that's
 10 right. So the Board did not hold the required
 11 hearing in East Boston. No one appealed because,
 12 again, the main disputants were Eversource and
 13 Channel Fish, and they were able to settle this by
 14 proposing the change of site location.

15 CHAIR THEOHARIDES: And Mr. Greene or
 16 Ms. Evans, that's correct? There was not a Board
 17 hearing conducted in East Boston at the time of the
 18 needs determination hearing?

19 MS. EVANS: In the original procedural
 20 the Board meeting -- the public comment hearing was
 21 held in Chelsea.

22 I will note that Mr. Daniels did quote
 23 our statute on locations of public comment hearing.
 24 There's further information in our regulations on

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1 public comment hearings, and our regulations do
 2 indicate that the Board shall hold a public comment
 3 hearing in one or more of the affected cities or
 4 towns. It has been the Board's practice when we
 5 have linear projects, transmission lines, to pick a
 6 couple of locations, not hold the public comment
 7 hearing in every single community that the line goes
 8 through. We have never been overturned on that
 9 point, either.

10 CHAIR THEOHARIDES: And is there
 11 guidance about how the community -- you know, if
 12 it's multiple communities, how the community where
 13 it's ultimately -- where the meeting is ultimately
 14 held, how that's chosen? Or is that up to the
 15 Board's discretion?

16 MS. EVANS: There's no guidance in the
 17 regulations on that. It's up to the Board's
 18 discretion, especially seeing it's very
 19 fact-specific on the particular project.

20 We could have held more public comment
 21 hearings, but that's the decision that was made in
 22 the original proceeding.

23 CHAIR THEOHARIDES: Okay, thank you.

24 MR. GREENE: If I could add just one

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1 other point, which is: Generally, with projects
 2 which do encompass multiple municipalities, we tend
 3 to select a location that is near where people live;
 4 right? So even if it's not in the particular
 5 community where a line may run through or even a
 6 substation, if the hearing is still accessible to
 7 members of the project community broadly.

8 Chelsea is not far, at least as the crow
 9 flies, from East Boston. I realize there's a creek
 10 in between, and that obviously can impede the
 11 ability of people to get from one town to another.
 12 But they're not far away from each other, and that's
 13 sort of to the point that Ms. Foster Evans was
 14 making.

15 CHAIR THEOHARIDES: Okay. Thank you.
 16 You know, I think for a number of us who were not
 17 involved at the time, just revisiting some of these
 18 details is helpful. Thank you.

19 Are there other questions for
 20 GreenRoots? I know, Chair Nelson, you have
 21 questions for the company. I have some questions.
 22 But others from the Board?

23 MR. WOODCOCK: Secretary?

24 CHAIR THEOHARIDES: Commissioner.

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1 MR. WOODCOCK: I did want to ask
 2 Mr. Daniels: In the tentative decision it does
 3 raise some concerns about, from GreenRoots, about
 4 the esthetics of the proposed change and indicated
 5 that there are suggested improvements that could be
 6 done for engagement with the community. Could you
 7 elaborate on that and any suggestions for the Board
 8 if we were to consider this new site?
 9 MR. DANIELS: So from GreenRoots's
 10 perspective -- and I think the record is pretty
 11 clear that the community is opposed to the siting of
 12 the substation in this neighborhood. And so, you
 13 know, in terms of esthetics, that seems to be, my
 14 sense -- and Mr. Walkey is closer to the actual
 15 members of the community, since he lives and works
 16 with them on a daily basis.
 17 You know, in terms of, if what you're
 18 asking is would the esthetics -- would contribution
 19 of the community on the question of what the thing
 20 looks like once it's actually there placate the
 21 community's concerns, I think the answer would be
 22 no. You know, my recollection -- and again, it's
 23 been over a year since the evidentiary hearings,
 24 where this issue was raised and where there was a

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1 suggestion by the presiding officer at that time
 2 that more input was needed on the issue of
 3 esthetics. And there were some attempts at meetings
 4 since the evidentiary hearings were raised, which my
 5 recollection is that they were not, you know -- they
 6 tended to be in the middle of a workday and did not
 7 foster -- were not conducive to a lot of people
 8 showing up.
 9 MR. WOODCOCK: Thank you. If anybody
 10 else wants to comment on that question, I'd
 11 certainly be open to additional suggestions on
 12 improvement for engagement with the community.
 13 MR. WALKEY: At this point in time,
 14 under the conditions of the pandemic, it's very -- I
 15 mean, we've had challenges here in terms of
 16 connectivity. And just to reiterate what Josh
 17 Daniels had said: They did hold a design --
 18 Eversource held a design session that was over in
 19 the North End during a workday. We did not attend.
 20 It did take some suggestions.
 21 I think the design has been tweaked over
 22 time, and in relation with the Conservation
 23 Commission in the City of Boston, there's been some
 24 additional landscaping on the outside. But I think

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1 from the community's perspective the concern was
 2 just having like a large blank wall right up against
 3 the sidewalk across the street from the playground
 4 is just not exactly all that appealing, no matter
 5 how it's designed, really, what color it is or
 6 whatever.
 7 MR. WOODCOCK: Okay. Thank you.
 8 CHAIR THEOHARIDES: This question might
 9 be for Mr. Daniels or for others on the GreenRoots
 10 team. But I have heard some concerns and questions
 11 about other environmental impacts from the
 12 substation itself, you know, beyond the flooding
 13 risk, and was wondering if you or others could speak
 14 to some of those concerns.
 15 MR. WALKEY: I think in general in the
 16 underlying proceedings there was quite -- and
 17 obviously, the project change came about as a result
 18 of concerns related to electromagnetic radiation.
 19 Within the community there's a lot of
 20 concern regarding health effects of exposure to very
 21 high levels of EMR. We did not -- in looking at the
 22 literature, public health literature, on this --
 23 there is a relationship in some pooled health
 24 studies looking at incidence of childhood leukemia

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1 and exposure to this. But someone would have to be
 2 living like right in one of the transformer bays.
 3 It would be very, very necessary to be close to it.
 4 But I think in general the perception
 5 from the community is that is an outside risk.
 6 However, we are moving it closer to a playground
 7 where there are children, and we saw it was enough
 8 of a risk for the operations of a business on the
 9 eastern side of the property; why shouldn't it be
 10 also a consideration for our children who are
 11 playing on the western side of the property. So
 12 that speaks to what the concerns of the community
 13 were on that.
 14 I think relative to environmental
 15 justice and public health impacts, the concern was
 16 one of right now it's a vacant lot. It did have a
 17 consent order on it or whatever to get it cleaned.
 18 It was a 21E site. So the City of Boston was on the
 19 hook to clean it, and Eversource has gone forward
 20 and cleaned it, which is a benefit.
 21 But the opportunity for that site, which
 22 for the City of Boston's open space plans for the
 23 last 20, 25 years have designated that site as for
 24 use for open space -- an extension potentially of

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1 the Condor Street Urban Wild, which is immediately
 2 adjacent to it. So there's a sense that something
 3 was being taken away from the community in terms of
 4 an opportunity for something that could benefit
 5 either -- even if it was a re-industrial use that
 6 resulted in economic opportunities for residents, or
 7 if it became an open space, and now, in light of
 8 climate change, something that could be designed to
 9 prevent flooding into the neighborhood -- that this
 10 is no longer a potential asset for the community but
 11 it becomes a liability for the community.
 12 And then relative to its connection to
 13 the Mystic generating station, which is just down
 14 the street, which obviously its operations have
 15 health impacts, climate impacts on the community --
 16 so there was some concern about that, although with
 17 the future of the Mystic generating station being in
 18 question, that may not be as big of an issue.
 19 And finally, in terms of the reliability
 20 of -- the benefit of having it there relative to
 21 electrification and things like that, the push for
 22 electric cars and such, I don't think we can assume
 23 that that is going to be homogeneously -- that
 24 demand will be homogeneously distributed across the

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1 Commonwealth, given the cost of what a Tesla goes
 2 for. We're not going to be seeing the people in
 3 East Boston and Chelsea suddenly stocking up on
 4 electric cars and needing a whole lot of electrical
 5 infrastructure for that. That would be something
 6 you'd see in probably wealthier communities.
 7 So I think in the end the public health
 8 impacts is more of a question of people feeling as
 9 if this is one more burden put on them.
 10 MS. BONGIOVANNI: If I could call in.
 11 I'm calling from my car. I'm required to shuttle my
 12 children around without other assistance.
 13 John covered this, but I think one of
 14 the things that folks are most concerned about is
 15 the possibility that this substation could explode;
 16 and maybe there is such a slight risk of that. But
 17 as we've heard Marcos say earlier today, there are
 18 several risks that we definitely need to take into
 19 consideration. And so just the small or slight risk
 20 that this substation could catch fire, like we've
 21 seen in other parts of the country over the past
 22 three to five years in, you know, numerous places --
 23 should that substation explode, catch on fire,
 24 flood, et cetera, it's right near the jet fuel tanks

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1 and then two parks and a very densely populated
 2 neighborhood.
 3 And as folks from East Boston have --
 4 you know, longer-term folks from East Boston know
 5 the history of Chelsea, there have been several
 6 fires in Chelsea which have decimated neighborhoods
 7 and left people stranded.
 8 Folks have that in their memory and see
 9 the wooden structures in a very densely populated
 10 neighborhood and are worried about their homes that
 11 they've worked so hard to purchase and to maintain,
 12 especially during these extremely difficult economic
 13 times -- and then their kids playing in playgrounds,
 14 as we've heard Representative Madaro say earlier
 15 today. Having your kids play in that playground
 16 next to an electrical substation and jet fuel along
 17 the Chelsea Creek doesn't make anybody feel all warm
 18 and fuzzy about where their kids are playing and
 19 where they're located.
 20 And again, just to reiterate what John
 21 said: We always look at Massachusetts as being so
 22 progressive and we're moving towards a cleaner
 23 climate, but who is shouldering those burdens again
 24 and again and again? It's put on the backs of black

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1 and brown communities to shoulder the burden for all
 2 of these other communities' benefits. And at what
 3 point do we say -- or recognize the environmental
 4 insults and injustices that we have in our own
 5 neighborhoods and stand up for what we believe in as
 6 a state and say this isn't fair, this industry
 7 shouldn't be here.
 8 And I want to just go back to the point
 9 about the esthetics, the question earlier today. We
 10 can look at bacon all day and say that's good and
 11 healthy for us but it really isn't. We could wrap
 12 that bacon or that pig in a very healthy dress and
 13 at the end of the day that bacon isn't going to be
 14 healthy for us.
 15 The same is true here with this
 16 situation: We can make that substation look as
 17 pretty as it possibly can be, but at the end of the
 18 day the company is simply not showing us the data
 19 that says that it is needed. Time and time and time
 20 again folks have asked for the company to prove it.
 21 If I was the attorney for Eversource and
 22 I had data showing clearly that it was needed, I
 23 would be jumping up and down in my seat saying,
 24 "Take a look at it. Here it is. It's here for you

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1 to all see." But we haven't seen that happen.
 2 So that tells me that this in fact is
 3 not needed and there's a lot of coverup that's
 4 happening here right now. Thank you.
 5 CHAIR THEOHARIDES: Sorry, I was muted.
 6 I have one additional question for Dr. Luna, going
 7 back to some of the flooding discussion. This is,
 8 you know, a little bit of a hypothetical question.
 9 Well, two questions, I guess. The first
 10 question is: Is there a suggestion you would have
 11 for siting -- for amendments the Board could adopt
 12 to more safely site this project in this location;
 13 and, you know, given that the -- and I, you know,
 14 realize there is this question of need. But given
 15 the need for an electrical substation, is there a --
 16 and given East Boston's general low-lying nature, is
 17 there a better location for the substation in the
 18 sort of direct area? This might be too far afield
 19 from what you've looked at in terms of this project.
 20 PROFESSOR LUNA: So I guess I have a
 21 couple of answers potentially. You can always build
 22 something really high, and I think if you follow
 23 what happened -- particularly, post-Hurricane Sandy
 24 or Superstorm Sandy, and looking at the New Jersey

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1 coastline and certain parts of New York -- and one
 2 solution has been to build houses on stilts in order
 3 to maintain the presence along the coastline. And I
 4 think most scientists and others who are risk-averse
 5 would say that that's not a good idea, you're still
 6 in harm's way, you're just trying to work around it,
 7 and you're still running the risk of other types of
 8 connected problems that can occur, not just the
 9 immediate onrush of water, but the undermining of
 10 the stability of the soil, changes in the ecology.
 11 There's all kinds of things that can
 12 change over time besides just water getting higher.
 13 So in general the idea is to not build along
 14 coastlines any more because we know that this is
 15 just a risk zone. And so I think that's one of the
 16 conundrums that we're facing as a society and here
 17 in Massachusetts is deciding how to treat coastal
 18 development.
 19 And so, you know, areas that are prone
 20 to flooding, you want to put things that are -- can
 21 absorb that easily, without -- you know, they can be
 22 submerged with no real loss. So that's why parks
 23 and swales and green infrastructure are wonderful
 24 solutions along coastlines and then critical stuff

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1 that can't go underwater for very long should
 2 probably be built somewhere else.
 3 In East Boston currently the planning
 4 from Climate Ready Boston is to try to plug holes
 5 along the perimeter to prevent water from
 6 encroaching in the vulnerable low-lying areas. But
 7 I think in the case of this particular facility,
 8 there's a number of places that are just not as
 9 close to the risk. The original location before the
 10 land swap, my understanding, with the City had the
 11 substation much further inland in the neighborhood
 12 in an area -- and it could have been, you know, that
 13 much further, and they would still need to be
 14 elevated, because there's still potential for
 15 flooding. I mean, the airport isn't that much
 16 higher elevationwise on the whole than the rest of
 17 East Boston, but the difference is that they put
 18 more resources in plugging the edges, the holes, to
 19 keep water from entering those areas. But it's
 20 still going to face a problem, and they'll have to
 21 reengineer it probably over the coming decade.
 22 So I think in this case what we're
 23 looking at is trying to just get ahead of a problem
 24 that we know is going to get worse. And so it just

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1 doesn't seem like the best location along the
 2 coastline to put something like that. If you made
 3 it 50 feet high, it would be good for a few decades.
 4 But I can't imagine that would be acceptable or
 5 cost-effective.
 6 So I don't know if I answered your
 7 question.
 8 CHAIR THEOHARIDES: No, no, that's
 9 helpful. I appreciate it. Are there other
 10 questions? Yes, Mr. Moran.
 11 MR. MORAN: Just, I guess, a similar
 12 question for GreenRoots: Recognizing that the most
 13 significant issues relate to the need for the
 14 project and ultimately having it located in this
 15 neighborhood, the decision before us is focusing on
 16 shifting it from one part of the parcel to the
 17 other. And I just don't know, based on the other
 18 environmental considerations, whether you have a
 19 preference as to which location you prefer or if
 20 there are specific environmental issues related to
 21 the change that are most concerning.
 22 MR. DANIELS: I think part of the
 23 awkwardness and sort of the elephant in the room
 24 here is that you have the substation at an approved

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1 location on the other side of the parcel.
 2 Eversource doesn't own that land any more, because
 3 of the land swap. And so if you don't approve the
 4 moving of the substation to this parcel, you'll have
 5 to ask them what happens in that circumstance --
 6 whether they could unwind the land swap somehow.
 7 But as between those two locations, I
 8 don't believe GreenRoots has a preference. I'm
 9 going to defer to Dr. Luna about, you know, what is
 10 the comparative flood risk between this site and
 11 what he understands of the flood risk at the old
 12 site. But I can't imagine that it's materially
 13 better or worse, given the time horizon and the
 14 risks and the range of risks that we're talking
 15 about.
 16 And in terms of need, you know, if it's
 17 not needed in East Boston, then it's not needed at
 18 either location.
 19 Then, you know, John Walkey, it looked
 20 like you might have wanted to weigh in as well.
 21 MR. WALKEY: No, that's fine. I think
 22 that either side of the property is a risky
 23 endeavor. And actually, the other side of the
 24 property, there's a little bit of a ravine there

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1 that is experiencing a decent amount of erosion over
 2 time. So I think either location has got a lot of
 3 flood-related challenges. Actually, the other side
 4 of the property is closer to the jet fuel, and this
 5 side of the property we're considering is closer to
 6 the playground. So it's, you know, between a rock
 7 and a hard place.
 8 MR. MORAN: Thank you.
 9 CHAIR THEOHARIDES: I'm not seeing
 10 additional questions from the Board, but keep in
 11 mind that I may not see you, so unmute yourself and
 12 make yourself known if you do have additional
 13 questions for GreenRoots.
 14 And Mr. Greene, I believe this is the
 15 time when, once we're through with questions for
 16 GreenRoots, we can move to questions for the
 17 company. Is that correct?
 18 MR. GREENE: Yes, you can. And next up
 19 would be the limited participants. And I believe we
 20 have Conservation Law Foundation in the panel right
 21 now.
 22 CHAIR THEOHARIDES: That was my
 23 question. Should I move to the limited participants
 24 first or to questions for the company?

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1 MR. GREENE: It is your preference.
 2 CHAIR THEOHARIDES: Okay. Given that
 3 the Conservation Law Foundation is here and did not
 4 have the opportunity to speak at the last meeting
 5 yet, perhaps we should move to that.
 6 MS. CAHN: Does that mean that I am up?
 7 CHAIR THEOHARIDES: I was just going to
 8 call you. Yes.
 9 MS. CAHN: Thank you so much, Madame
 10 Secretary, and I appreciate the opportunity. Good
 11 afternoon, Madam Secretary, members and staff of the
 12 Siting Board, elected officials and community
 13 members. My name is Amy Laura Cahn. Until close of
 14 business last Friday I directed the environmental
 15 justice program at the Conservation Law Foundation,
 16 a limited participant in this proceeding. As of
 17 today I'm a visiting professor and acting director
 18 of Vermont Law School's environmental justice
 19 clinic. Attorney Erika Kyzmir-McKeon is also here
 20 on behalf of CLF, but I will testify for the
 21 organization, as I've been the attorney for CLF in
 22 this matter since immediately following the Siting
 23 Board's November 2017 hearing in the underlying
 24 proceeding.

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1 I am here to ask: Why are we here? Why
 2 are we here when this proceeding and the one
 3 underlying it have over many years marginalized
 4 residents with limited English proficiency? Why are
 5 we here when those issues and the resulting actions
 6 taken by CLF, GreenRoots, and Lawyers for Civil
 7 Rights to enforce civil rights compliance remain
 8 fundamentally unresolved?
 9 The Siting Board has the power and the
 10 responsibility to ensure that East Boston and
 11 Chelsea residents with limited English proficiency
 12 have meaningful access to these proceedings, to
 13 ensure that LEP residents understand and are heard.
 14 This is required to meet the Siting Board's own
 15 mandate to ensure a record that is substantially
 16 accurate and complete and to comply with
 17 Massachusetts law and policy and Federal civil
 18 rights law.
 19 I want to call attention to an exchange
 20 regarding language access that occurred during the
 21 first part of this hearing on December 16th, 2020.
 22 Chair Nelson asked: "Do you think that you've met
 23 and complied with language access laws in this
 24 decision?" Presiding Officer Evans said, "I believe

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1 we have." Chairman Nelson asked, "Do you think that
 2 you did so in the underlying decision?" Presiding
 3 Officer Evans responded, "I think that we -- we were
 4 responsive to the requests we received, but we have
 5 provided more access in this proceeding."
 6 This is a stunning rewrite of history.
 7 Respectfully, any statement about compliance and
 8 responsiveness would be patently untrue. Spanish-
 9 -speaking East Boston and Chelsea residents have been
 10 excluded from participation consistently throughout
 11 this and the underlying proceeding. Each incident
 12 has been documented for both State and Federal
 13 officials, but the exchange quoted above and the
 14 tenor and treatment of the tentative decision
 15 relative to these issues indicate the need to ensure
 16 the information is, once again, put into the record
 17 and heard by the public.
 18 First, an advance request by GreenRoots
 19 for simultaneous interpretation at the November
 20 30th, 2017 Siting Board hearing in the underlying
 21 proceeding was denied by the prior presiding
 22 officer, who deemed simultaneous interpretation too,
 23 and I quote, "disruptive" and provided an
 24 interpreter only for the purpose of ensuring that

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1 the members of the Siting Board understood comments
 2 from and could ask questions of the one person with
 3 limited English proficiency who was able to testify.
 4 The remaining speaking residents sat through a
 5 four-hour hearing unable to comprehend the content.
 6 Second, when GreenRoots requested
 7 simultaneous language interpreters for the balance
 8 of the evidentiary hearings in this proceeding, the
 9 prior presiding officer responded to concerns raised
 10 by counsel for GreenRoots as if providing language
 11 access was an inconvenience. The presiding
 12 officer's initial solution was to offer
 13 interpretation services in a separate hearing room,
 14 with no video images of the proceedings underway,
 15 secluding the non-native-English-speakers from the
 16 proceedings where they would have been unable to
 17 determine who was speaking and which entity this
 18 speaker represented.
 19 Third, while simultaneous interpretation
 20 services were ultimately provided in the evidentiary
 21 hearing room, the services themselves were woefully
 22 inadequate and included technical challenges,
 23 persistent mistakes in translation, time lags, and
 24 periods of silence in which whole sections of the

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1 proceeding were left out of the interpretation. The
 2 interpreters lacked both the expertise in
 3 simultaneous interpretation and technical knowledge
 4 needed to provide adequate interpretation, such that
 5 one interpreter apologized and acknowledged that her
 6 own work was subpar, while another interpreter
 7 mocked a resident's inability to understand the
 8 content. I witnessed the latter.
 9 Fourth, in preparation for the hearing
 10 on the tentative decision in this proceeding, the
 11 Siting Board staff distributed via email a
 12 Spanish-language translation of the tentative
 13 decision at 6:16 p.m. on March 5th, 2020, six days
 14 following the release of the English-language
 15 version and less than 23 hours prior to the deadline
 16 for the final written comments to be received in
 17 this proceeding. It was not until over eight hours
 18 later that all on the service list were informed
 19 that the comment period would be extended until
 20 Tuesday, March 10th, 2020, still providing Spanish-
 21 speaking residents with less time to comment than
 22 their English-speaking counterparts.
 23 Fifth, by March 6th, 2020 Board staff
 24 had not secured interpretation services for the

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1 originally scheduled March 11th hearing and on that
 2 date delegated responsibility for this task to
 3 Eversource.
 4 Sixth, as recently as the December 16th,
 5 2020 hearing, we witnessed disparities in access to
 6 this proceeding, including differential language
 7 access for people with access to Zoom versus those
 8 without, a disparity that impacted both those
 9 without Internet access and those who faced the
 10 Board's cap on Zoom participation; subpar
 11 interpretation services consistent with prior
 12 incidences; and an overall failure to provide
 13 direction and technical support for those attempting
 14 to access interpretation services.
 15 As a result of ongoing language access
 16 failures, GreenRoots, Lawyers for Civil Rights, and
 17 CLF have filed four civil rights complaints against
 18 the Siting Board and its parent agencies.
 19 I will note, as I believe the amendments
 20 to the tentative decision have noted, that U.S. EPA
 21 has declined to bring an enforcement action because
 22 of perceived jurisdictional limitations. That is
 23 true. Instead, EPA initiated a broad civil rights
 24 compliance review of EEA and its subagencies. In

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1 the context of a Federal administration inclined to
 2 roll back rather than enforce civil rights, to think
 3 that our complaint was of no moment to the U.S. EPA,
 4 to think that there is no problem here, flies in the
 5 face of reality.
 6 Moreover, for the Departments of
 7 Interior and Transportation, this is not done. We
 8 understand that these agencies have been in touch
 9 with EEA. A lack of public-facing action by these
 10 agencies says nothing about what they will do or say
 11 with leadership from a Federal administration
 12 publicly committed to environmental justice and
 13 civil rights.
 14 And yet we should not need action by the
 15 Federal Government to ensure that the voices of
 16 residents with limited English proficiency are heard
 17 and incorporated into the record. We do recognize
 18 that the Board instituted certain language access
 19 measures for the December 16th hearing, has
 20 increased the steps taken for this hearing as well.
 21 We do recognize that we might be seeing in real time
 22 the Siting Board and its parent agencies recognize
 23 this as a teachable moment. I hope that is the
 24 case.

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1 However, let us be clear: This comes
 2 after multiple rebuffed requests by community
 3 leaders throughout the six years of this proceeding,
 4 and at least -- and the prior at least four letters
 5 to two successive EEA secretaries for civil rights
 6 complaints and the start of an ongoing civil rights
 7 compliance review.
 8 These 11th-hour improvements will not
 9 cure the lack of compliance that has marginalized
 10 the voices of Spanish-speaking East Boston-Chelsea
 11 residents from informing the record and the
 12 tentative decision. Any changes instituted now do
 13 nothing to serve Chelsea or East Boston in this
 14 proceeding, and actions by the Board and staff raise
 15 these questions: Why is the Board able to require a
 16 multilingual mass mailing to facilitate turnout now
 17 but not in November 2017 or February 2020? Why is
 18 the Board able to allow simultaneous interpretation
 19 now but refused to do so in the past? What is the
 20 Board's commitment to access when it has not once in
 21 the history of this or the underlying proceeding
 22 reached out to community leadership to understand
 23 how to make these proceedings truly accessible? And
 24 what would a complete record look like if you had?

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1 This is likely the end of the line. I
 2 hope it is not. A chance at a voice today will not
 3 change being systematically being excluded from the
 4 record over a period of years. It behooves the
 5 Siting Board to do better by Chelsea and East
 6 Boston. You have the power and a mandate to do so.
 7 And why are we here when we know that
 8 holding this hearing remotely during pandemic
 9 conditions further marginalizes all residents of
 10 East Boston and Chelsea -- communities of color,
 11 immigrant communities, and people with limited
 12 English proficiency face cumulative energy and
 13 environmental climate burdens, layered with a
 14 longstanding and persistent marginalization from the
 15 decisionmaking that impacts their lives and their
 16 life spans. This is playing out in realtime in East
 17 Boston and Chelsea. These impacts combined with
 18 COVID-19 have wrought holy hell on Chelsea and East
 19 Boston.
 20 As of December the neighborhood
 21 infection rate in East Boston was 7.4 percent, which
 22 is the second-highest of all Boston neighborhoods.
 23 In Chelsea the infection rate was nearly as high, at
 24 a rate of 7.2. Boston's infection rate was 3.9

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1 percent overall, and the wealthier areas have an
 2 infection rate of 1.6 percent.
 3 Moreover, in East Boston at least 64
 4 percent of workers are employed in jobs that do not
 5 allow them to work from home. In Chelsea the share
 6 is at least 61 percent. Access to health care,
 7 housing, and food are all challenges for East Boston
 8 and Chelsea residents that have been exacerbated by
 9 the pandemic.
 10 Moreover, tens of thousands of East
 11 Boston residents lack access to broadband Internet,
 12 and speeds are comparatively slower versus those in
 13 wealthier parts of the city, which already has
 14 speeds below the State's average rate. All of these
 15 conditions make connectivity to today's proceeding
 16 difficult for many and impossible for some.
 17 On December 7th, 2020, 16 public
 18 officials representing East Boston and Chelsea
 19 submitted a letter to the Board requesting a
 20 postponement, calling attention to the severity with
 21 which COVID-19 has attacked East Boston, and
 22 highlighting its status as an already-overburdened
 23 environmental justice community. The letter urged
 24 the EFBSB to postpone these public hearings until it

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1 is safe to hold them in person and the residents of
 2 East Boston can meaningfully participate, and that
 3 the EFBSB implement any language access measures that
 4 the pending 10.06 complaints ultimately require.
 5 Both GreenRoots and CLF also requested
 6 that the Board postpone the hearings, as did
 7 numerous members of the public. Board staff
 8 catalogued these requests and amendments to the
 9 tentative decision submitted to the Board on
 10 December 15th, 2020, but did not respond.
 11 Given the daily risks and disruptions
 12 caused by current public health and economic
 13 conditions experienced by East Boston and Chelsea
 14 residents, it is appalling to imagine that they must
 15 also engage in public hearings on a project that
 16 stands to affect their lives and neighborhoods for
 17 years to come. The EFBSB has the power to wait and
 18 should do so.
 19 I ask again: Why are we here? We have
 20 reached this juncture in part because existing
 21 environmental justice protections are insufficient
 22 to safeguard East Boston and Chelsea. As Presiding
 23 Officer Evans stated on December 16th, there is no
 24 question that this is an EJ community under the EJ

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1 policy of EEA. She said the EJ policy does not
 2 categorically prohibit the siting but requires a
 3 more detailed look, but noted that, unlike certain
 4 projects, a substation requires more limited EJ
 5 review.
 6 At the December 16th hearing, then-
 7 Professor Shalanda Baker, now deputy director for
 8 energy justice at the U.S. Department of Energy,
 9 raised many questions about the scope and efficacy
 10 of the Commonwealth's environmental justice policy.
 11 Speaking as the Siting Board's public member for
 12 environmental issues, Deputy Director Baker posited
 13 that the four corners of the EJ policy don't give
 14 space for the types of burdens that we have seen
 15 echoed in the comments.
 16 More specifically, she said that the
 17 types of cumulative impacts that are permitted for
 18 analysis under the policy are not necessarily
 19 parallel to the types of cumulative impacts that
 20 this project might contribute to, because the EJ
 21 policy speaks primarily to emissions instead of
 22 other industrial impacts in that community. And you
 23 heard earlier from John Walkey about a whole range
 24 of impacts that are concerning the community.

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1 Historic siting decisions rooted in
 2 segregation and systemic racism have resulted in two
 3 communities marked by heavy industrial uses,
 4 vehicular and air travel, pollution and
 5 contamination, and underserved by the environmental
 6 and health benefits that whiter and wealthier
 7 communities can take advantage of every day. And
 8 those who face these cumulative environmental and
 9 public health burdens are the same families
 10 suffering the most devastating impacts of the
 11 pandemic.
 12 We still do not have sufficient tools to
 13 safeguard these two communities against cumulative
 14 impacts and multiple burdens against individual
 15 bodies and whole communities.
 16 It is my understanding that this is the
 17 first time in this and the underlying proceeding
 18 that Board members have raised some of these very
 19 important questions about environmental justice, yet
 20 they are the same questions that have been asked by
 21 the community for six years. And suddenly the
 22 Siting Board is once again without a public member
 23 to raise and represent environmental and
 24 environmental justice concerns.

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1 Yesterday Governor Baker delivered to
 2 the legislature amendments to Senate Bill 9, the
 3 climate road map bill. The governor's amendments
 4 build on the existing environmental justice
 5 protections in the bill by requiring the
 6 incorporation of cumulative impact analyses in the
 7 assessment and identification of certain categories
 8 of permits and approvals. This would be
 9 groundbreaking for Massachusetts but comes too late
 10 for Chelsea and East Boston.
 11 The Siting Board's current power to
 12 protect East Boston and Chelsea residents from
 13 cumulative burdens is limited, too limited. But why
 14 is the Siting Board not trying to do so with the
 15 tools that you have? The Siting Board has the power
 16 to reopen the question of need for this
 17 infrastructure. My colleagues, Josh Daniels and
 18 Bryndis Woods, make clear your authority and your
 19 rationale to do so. This is an environmental
 20 justice issue. The East Boston and Chelsea
 21 residents who have been able to participate in these
 22 proceedings are acutely aware of the risks and what
 23 they give up to host the substation in their
 24 community. They have not heard enough about the

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1 justification or the benefits to understand what
 2 they gain.
 3 The staff and membership of GreenRoots,
 4 16 elected officials, a multilingual, multiethnic
 5 set of community residents, and a host of advocacy
 6 organizations are only asking that you answer a
 7 simple question: Why site this substation in East
 8 Boston and pile on an already-overburdened community
 9 when current data may show no need to do so?
 10 Change is in the air. I point to you
 11 Governor Baker's amendments and President Biden's
 12 recent environmental justice executive order. I
 13 also point you to the Federal Energy Regulatory
 14 Commission, which has just last month voted to
 15 reopen a hearing on the Weymouth compressor station.
 16 Enbridge has already sunk millions into constructing
 17 the Weymouth facility and yet FERC is willing to
 18 reassess. In the words of FERC Commissioner Allison
 19 Clements, "I believe the commission should more
 20 carefully consider how to address self-help and
 21 safety concerns regarding these events and potential
 22 air quality impacts on communities that are
 23 disadvantaged in many ways and may be particularly
 24 susceptible to COVID-19."

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1 To quote FERC's new chair, Rich Glick,
 2 via Twitter on January 19th, "Our NEPA and public
 3 interest analyses must take environmental justice
 4 into account and assess whether a project's adverse
 5 impact on communities can be eliminated or
 6 mitigated. In three years at FERC I've seen little
 7 more than lip service paid to environmental justice.
 8 That needs to change."
 9 So too with the Siting Board. I join
 10 GreenRoots, our public officials, and the residents
 11 of East Boston and Chelsea in asking for the Siting
 12 Board to make that change, to use the power it has
 13 to reject the tentative decision, to reopen the
 14 question of need, to prevent the siting of
 15 unnecessary infrastructure from contributing to
 16 environmental justice, and to postpone any further
 17 public hearings or public decisionmaking until the
 18 resolution of civil rights complaints and the civil
 19 rights compliance review, and until the state of
 20 emergency is lifted and public health allows
 21 proceedings to occur safely in person. That is why
 22 we are here.
 23 Thank you for the opportunity to speak
 24 today.

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1 CHAIR THEOHARIDES: Thank you, Ms. Cahn.
 2 Are there questions from the Board for Ms. Cahn?
 3 Mr. Nelson?
 4 MR. NELSON: Good afternoon, Ms. Cahn.
 5 Just in trying to understand your recommendation for
 6 delay: I'm just trying to reconcile -- you don't
 7 want any proceedings to go forward until the state
 8 of emergency has been lifted? Is that correct?
 9 MS. CAHN: Yes, that is consistent with
 10 the letter from the 16 local, State, and Federal
 11 officials, asking that any resolution on this
 12 proposal be in person, and we can't safely do that
 13 now.
 14 MR. NELSON: And why -- I'm just trying
 15 to get a better understanding about why -- how is
 16 that determined and how would you apply that? Would
 17 you apply that only specifically to this case, or
 18 would that apply to any hearing that was being
 19 conducted by one of the EEA agencies?
 20 MS. CAHN: I mean, I have not done an
 21 analysis of every decision that is pending by EEA.
 22 I think you have a very particular case here, where
 23 you have a whole set of communities that have
 24 been -- that are both marginalized and multiply

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1 marginalized and also at the kind of -- the
 2 greatest -- arguably the greatest hotbed of COVID-19
 3 in the Commonwealth, or one of.
 4 And so you have a set of communities
 5 that have not had the opportunity to participate,
 6 and attempting to participate now, remotely, during
 7 a pandemic, is another form of either overburdening
 8 or marginalization.
 9 But I think you need to look at the two
 10 things -- the question of delay in context of the
 11 need to, A, reopen the question of need, but also
 12 resolve the civil rights complaints.
 13 And so I would say that the
 14 recommendation is a holistic recommendation, to say
 15 that there is work to be done before this decision
 16 gets made, and so delaying until resolution of the
 17 civil rights complaints and the compliance review
 18 and resolution of the question of need would, one
 19 would hope, allow for the final decision on this
 20 project to happen in person.
 21 MR. NELSON: And just in terms of being
 22 in person: Certainly -- well, let me ask it this
 23 way: Do you think there are benefits to having a
 24 virtual platform in terms of access for some

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1 residents?
 2 MS. CAHN: Yes, I think we're learning
 3 many things about kind of the opportunities that a
 4 virtual platform provides. But I think we also know
 5 that both the digital divide and the pandemic
 6 conditions make it very difficult for residents of
 7 East Boston and Chelsea to participate today.
 8 So, you know -- and in conversations
 9 consistently with EEA officials over the course of
 10 the pandemic, we know that you all are learning
 11 things in real time. But what is happening today
 12 does not replace the opportunity to do this in
 13 person.
 14 And I would say, on that question, both
 15 John Walkey and Rose Ann Bongiovanni could probably
 16 speak better to that than I in terms of the
 17 importance of being in person and the importance of
 18 a delay.
 19 MR. NELSON: Thank you.
 20 CHAIR THEOHARIDES: Other questions?
 21 Thank you, Ms. Fraser.
 22 MS. FRASER: Madam Chair, I don't have a
 23 question for CLF. But I wondered if I could follow
 24 up with staff on the issue of language access that

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1 was raised --
 2 CHAIR THEOHARIDES: Yes, please do.
 3 MS. FRASER: -- by CLF.
 4 For the presiding officer, Ms. Evans, I
 5 just wanted to sort of follow up with you on the
 6 language-access issue. Earlier, you know, the first
 7 night of the hearing you described what the Board
 8 has done to provide language access in the
 9 underlying proceeding and in this project change
 10 proceeding. Can you confirm how the Board met its
 11 obligations to provide language access in both
 12 proceedings?
 13 MS. EVANS: Thank you for the question.
 14 There's been a lot said about what we did and did
 15 not do. And so I appreciate the opportunity to
 16 again confirm what we did do in both of the
 17 proceedings.
 18 So in the original proceedings -- some
 19 people have said we provided no language access at
 20 all, and I don't think that is true. The Board
 21 provided notice to be published in multiple
 22 languages in the original proceeding, and the Board
 23 provided interpreters at the public comment hearing,
 24 in the original proceeding, both in Spanish and in

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1 Portuguese, because the population on the Chelsea
 2 side of the creek is more Portuguese-speaking.
 3 I will note, we did not receive any
 4 requests for interpretation during the evidentiary
 5 hearings, so therefore we did not provide any
 6 interpretation during the evidentiary hearings. We
 7 did receive a request for interpretation for the
 8 Board meeting, as was indicated by Ms. Cahn.
 9 We received the request. The
 10 then-presiding officer responded as to what type of
 11 interpretation we provide, and we were told at the
 12 Board meeting that that was inadequate. We did
 13 provide one-way translation, not both-way
 14 interpretation, in that proceeding.
 15 In the project-change proceeding we
 16 provided interpretation services for all of our
 17 public proceedings, so that has included the public
 18 comment hearing -- and this is simultaneous
 19 interpretation -- for the evidentiary hearings and
 20 the Board meeting, obviously.
 21 I will note that we did initially say in
 22 the evidentiary hearings, when we first asked,
 23 during the first day of hearings -- we did say that
 24 we would provide interpretation in another room. We

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1 did not end up doing that. We were -- we had never
 2 provided interpretation for an evidentiary hearing
 3 before, and we were working our way through the
 4 technicalities of that. We did end up providing the
 5 interpretation in the hearing room. As a matter of
 6 fact, we delayed the second and third day of
 7 hearings in order to access that -- to provide the
 8 services for that interpretation during the
 9 evidentiary hearings.
 10 And then obviously for this hearing or
 11 this meeting itself, I will note that we've
 12 translated documents in this proceeding. We've
 13 translated the notices, the tentative decision, the
 14 amendment sheet, and communications from me. I've
 15 had those translated also during this proceeding.
 16 I will note that we also provided the
 17 transcript of the Board meeting, which is not our
 18 normal habit -- we did provide the transcript of the
 19 Board meeting and had that translated into Spanish
 20 and posted online for anyone who was not able to
 21 attend December 16th. We will do so for these
 22 transcripts, also.
 23 And finally, I will note that we will
 24 provide the final decision, should the Board vote on

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1 a final decision, in both English and Spanish, and
 2 those will be posted to our website.
 3 So these are the activities that we
 4 provided for both proceedings. I believe we've met
 5 our language obligations here to provide access.
 6 But I just wanted to clarify what we actually did
 7 and did not do in the two proceedings. Thank you.
 8 MS. FRASER: Thank you, Ms. Evans.
 9 Thank you, Madam Chair.
 10 CHAIR THEOHARIDES: Thank you,
 11 Ms. Fraser. Mr. Greene, I believe we are scheduled
 12 for another break.
 13 MR. GREENE: We are. I just notice that
 14 we have one intervenor from the underlying
 15 proceeding that we have overlooked, and that's Mr.
 16 Silvestro, which I believe is associated with
 17 Channel Fish. So if we could take his comment and
 18 then maybe go to the break.
 19 CHAIR THEOHARIDES: Sure. Do you need
 20 to bring him into the Zoom panel?
 21 MR. GREENE: He's on his way.
 22 Mr. Silvestro, are you with us?
 23 I may have scared him.
 24 CHAIR THEOHARIDES: I see you down at

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1 the bottom of my screen, Mr. Silvestro. I think if
 2 you unmute.
 3 Mr. Greene, perhaps we should take a
 4 break, and if he is available in ten minutes, we can
 5 take his comments.
 6 MR. GREENE: Sounds good.
 7 CHAIR THEOHARIDES: If everyone could
 8 reconvene at 4:00 o'clock. Thank you.
 9 (Recess taken.)
 10 CHAIR THEOHARIDES: We can go back on
 11 the record. So understanding that the other
 12 intervenor is not present at this point, I will just
 13 ask the Board for any last questions for Ms. Cahn.
 14 Mr. Nelson?
 15 MR. NELSON: Mr. Daniels has his hand
 16 raised. It might be that there's a procedural
 17 matter.
 18 MR. DANIELS: Yes, I just wanted to
 19 report that Ms. Cahn had to step away at 4:00
 20 o'clock. And I also wanted to report on her
 21 behalf -- we spoke offline during the break. One
 22 ten-second point of clarification regarding
 23 Presiding Officer Foster Evans's description of the
 24 November 30th, 2017 hearing. I believe we heard her

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1 say that there was interpretation at that hearing.
 2 And just to be absolutely clear: That was not
 3 interpretation. It was one way, for the benefit of
 4 the Board members only. We don't consider that
 5 interpretation. It's sort of illustrative of how
 6 the Board is learning in real time what language
 7 access actually means. Thank you.
 8 CHAIR THEOHARIDES: Okay. Given that
 9 Ms. Cahn has left, I believe we wanted to reserve
 10 some time for additional questions for Eversource,
 11 following up on last meeting's discussion.
 12 I guess one that I would start with,
 13 just to kick things off and refresh our memories
 14 after the last meeting: Mr. Rosenzweig, could you
 15 talk a little bit about the company's forecast and
 16 how that was developed and what went into it in
 17 terms of determining need?
 18 MR. ROSENZWEIG: I sure can. Before I
 19 do so, I did want to thank the Board once again for
 20 all the time and effort and consideration, resources
 21 that it has put into making sure that this is an
 22 open and transparent process and allowing for the
 23 participation of the community. On behalf of
 24 Eversource, we're very appreciative of the Board

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1 scheduling this meeting and taking up the tentative
 2 decision. So I just wanted to state that for the
 3 record.
 4 With regard to the original proceeding,
 5 there were two different needs that the company
 6 presented to the Siting Board. It was a regional
 7 need for a transmission line, if you will -- or two
 8 transmission lines, if you will -- that would go
 9 between the Mystic Station and Chelsea Station and
 10 ultimately from Chelsea Station to the East Eagle
 11 site. And so both of these lines would meet at East
 12 Eagle and, in a sense, create a loop. That was a
 13 regional need. That was justified based on ISO
 14 regional forecasts, where there was a risk under
 15 contingency situations and peak load conditions,
 16 where there could be over 300 megawatts that could
 17 be lost under certain contingencies. So that dealt
 18 with the transmission line, and that was approved by
 19 the Siting Board.
 20 There was also a more localized need in
 21 the East Boston area that's separate and apart from
 22 the regional need that I previously described. And
 23 that was really a result of essentially the East
 24 Boston area of the company's service territory is an

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1 island, from a transmission perspective. There is
 2 no transmission serving that area.
 3 Given load growth in that pocket, there
 4 wasn't enough capacity into that area of the
 5 company's service territory from existing resources,
 6 even after those transmission lines are built, to be
 7 able to serve that load under peak-load conditions
 8 and given existing transmission capacity that really
 9 existed only from the Chelsea substation, and there
 10 were limitations in being able to build out Chelsea
 11 to a greater level.
 12 So the load pocket that we're dealing
 13 with is in East Boston. There's no transmission
 14 supply there. And loads in East Boston continue to
 15 be forecast to exceed the contingency levels at
 16 which an outage could occur in that area of the
 17 company's service territory. It's the company's
 18 obligation under its planning standards to build
 19 facilities such as a substation when there are loads
 20 that are forecast to occur and there is inadequate
 21 resources in place to serve those loads under
 22 contingency conditions.
 23 So that, in short, is the situation
 24 here.

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1 CHAIR THEOHARIDES: And just as a quick
 2 followup to that: I was looking back at my notes.
 3 It looks like the peak load is looking at a hot,
 4 humid summer day.
 5 MR. ROSENZWEIG: It's called the 90/10
 6 forecast, which is the weather conditions that would
 7 occur essentially one out of ten years. Established
 8 planning standards really say that because of the
 9 importance of a reliable supply of electricity, you
 10 look at stress conditions -- likely conditions, but
 11 those that are likely to occur at least once in ten
 12 years for weather at the same time as there might be
 13 a contingency on the system with regard to
 14 transmission resources or generators that stress the
 15 system to a point where load cannot be met with
 16 existing resources.
 17 CHAIR THEOHARIDES: And is this a model
 18 that includes increased temperatures as a result of
 19 climate change, or is this based on today's
 20 standards of 90 degree days?
 21 MR. ROSENZWEIG: That's a good question.
 22 It's really based on existing temperatures. There
 23 may be more of these type -- let's say the 90/10
 24 peak load temperature was 90 degrees, just to use a

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1 number. There may be more of those types of days
 2 going forward in time if climate change does result
 3 or continue to result in increased temperatures
 4 during the summer period.
 5 CHAIR THEOHARIDES: But at that point,
 6 that's not taking into any sort of the forward load
 7 plans of the company or companies generally when
 8 they're doing this kind of planning?
 9 MR. ROSENZWEIG: Yeah, that's fair to
 10 say. The 90/10 weather conditions are based on
 11 historical levels of weather, as opposed to
 12 projected levels of weather. If we were to look at
 13 projected levels, you would probably see higher
 14 temperatures or at least more days at which that
 15 90/10 temperature threshold would be reached.
 16 CHAIR THEOHARIDES: Can you talk about
 17 the lifespan of a project like this, how long it
 18 would be built for, expected to operate for, and
 19 also where you have substations like this in the
 20 Commonwealth? You can do either one first. I
 21 realize they're fairly unrelated.
 22 MR. ROSENZWEIG: Sure. Typically the
 23 utility planning standard is about -- is a 40-year
 24 life of the equipment. Often, with proper

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1 maintenance and care, facilities can operate longer
 2 than 40 years. But that is the standard. You plan
 3 out and you look at the operating life of the
 4 equipment over a 40-year period, and it would be the
 5 company's expectation that this equipment be able to
 6 operate at an efficient level for 40 years.
 7 With regard to your second question:
 8 The company has substations in many, many, virtually
 9 all communities in the Commonwealth, whether they're
 10 transmission substations or distribution
 11 substations. Substations are really built under
 12 three primary criteria: when there's a need, and
 13 that is you want to build a substation close to
 14 where the load pocket is or where the need is. You
 15 want to be able to have available transmission in
 16 proximity to that location so that you can bring in
 17 capacity to serve that area. And you need to have
 18 suitable land available in order to build the
 19 substation, which ideally would be on the order of
 20 30 or 40 thousand square feet. Here we're in an
 21 urban area and it's been incumbent on the company to
 22 reduce the size of its substation as much as
 23 possible so that it can sit within the very limited
 24 areas that were available within the East Boston

<p style="text-align: right;">Page 281</p> <p>1 area to site this proposed facility. 2 CHAIR THEOHARIDES: So while they're 3 widespread, there can be different sort of design 4 plans for the type of substation that goes into a 5 type of location? 6 MR. ROSENZWEIG: That's fair to say. 7 That depends on the number of transformers that are 8 at the location and other equipment. Some 9 substations, particularly the transmission level, 10 require more -- more equipment for control houses or 11 shunt reactors or things to address other electric 12 characteristics on the system. And it's really 13 location-specific as to whether those types of 14 transmission facilities are needed within a 15 substation. 16 But here that is really not the case. 17 This substation would be a two-transformer 18 substation that would take power in at 115 kV, which 19 is transmission-level voltage, and then transform it 20 down to a lower voltage, essentially 14 kV, from 21 which that power would then exit the station with 22 distribution cables to serve load at a distribution 23 level within the East Boston area. 24 CHAIR THEOHARIDES: Okay. And I will</p>	<p style="text-align: right;">Page 283</p> <p>1 sources. And that might occur both on the 2 commercial as well as the residential area of our 3 customers sector. 4 There's also electrification you'll get 5 from EVs, electric vehicles, and part of the climate 6 change plan that you were responsible for 7 developing, which is out for public comment, calls 8 for really a very dramatic increase in electric 9 vehicles over the next decade, the next 15 years, 10 with a 2035 essentially prohibition on gasoline- 11 fired -- gasoline-powered passenger vehicles as of 12 2035, which will require a lot of infrastructure to 13 be built into the Massachusetts -- maybe wherever 14 there's a gas station or wherever there are 15 facilities that would normally be providing fuel for 16 passenger vehicles, to have more access to charging 17 facilities so that they can, you know, conduct their 18 trips into work or to whatever purpose they're 19 driving around. 20 It can't just be in the home, but there 21 will be actually electric charging in the homes, and 22 there will also need to be a large increase in the 23 electric infrastructure within sort of the roadways 24 of Massachusetts for charging facilities for those</p>
<p style="text-align: right;">Page 282</p> <p>1 ask another question and then I'll turn it over to 2 others. So, you know, we just completed a 2050 road 3 map looking at electrification as a state. And my 4 understanding -- you know, my technical folks may 5 say we do have it down at a geographical scale in 6 terms of where the load growth is. But are you as a 7 company expecting -- what are you expecting the load 8 growth in the electrical sector to look like 9 geographically, if you have a sense of that at this 10 point? Is it very variable? Is it consistent 11 across the state? 12 I know there will be areas that have 13 more EVs at first. There will be heavy 14 electrification of the building sector. What do you 15 think we're looking at in terms of sort of the 16 geographical change in -- or the geographical 17 difference in load growth? 18 MR. ROSENZWEIG: That's a good question, 19 and I think electrification will focus on two 20 primary areas. One is, as a matter of sort of 21 reducing our reliance on fossil fuels, will be 22 making changes such that a lot of the space heating 23 and water heating will transform from, whether it's 24 oil or natural gas, to electrification -- electric</p>	<p style="text-align: right;">Page 284</p> <p>1 electric vehicles. 2 So it will be ubiquitous. I think the 3 company's forecasts will become more sophisticated 4 in that regard over time. We're now just seeing the 5 first sort of iteration of company forecasts that 6 have either at the ISO level or the company level 7 estimates for electrification. And for the heating 8 portion, that effect may be more profound during the 9 winter peak, but there will be some effects on the 10 summer peak as well. And certainly with electric 11 vehicles, you'll see an effect year round. So that 12 would serve to increase load by some percentage. 13 Maybe it's only a percent to start, but I think it 14 would increase over time. At least that's what the 15 company's early estimates would show. 16 CHAIR THEOHARIDES: I'll see if others 17 have questions at this point. I have a few more. 18 Mr. Woodcock and Mr. Nelson? 19 MR. WOODCOCK: Thank you. I did want to 20 ask you, Mr. Rosenzweig, about the parcel exchange, 21 and reading what the final order indicated, that -- 22 I'm going to read from the order. It directs the 23 company to enter into discussions with the City of 24 Boston, focusing on the ability of the company to</p>

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1 relocate the East Eagle substation on the City
 2 parcel and to acquire an easement across the City
 3 parcel if necessary for the installation of new
 4 lines and to provide an update to the Board on the
 5 status of those discussions within six months of the
 6 final decision and prior to the commencement of any
 7 construction on the City parcel.
 8 To be clear: Did you provide an update
 9 to the Board about the acquisition of this site?
 10 MR. NELSON: Right before you answer
 11 that, David: I think one of the Board members has
 12 to leave, and I think we have to note that for the
 13 record. I just want to take that opportunity for
 14 the record before you get going.
 15 CHAIR THEOHARIDES: Mr. Cosco will be
 16 leaving us and will return.
 17 MR. ROSENZWEIG: There is a discussion
 18 of this in the tentative decision, but just to
 19 summarize: At the Board's behest we interpreted the
 20 Siting Board's decision in the original proceeding
 21 and during its deliberations to approve the site for
 22 the proposed substation on the eastern parcel. But
 23 there was interest, because of concerns of certain
 24 parties, that perhaps a better location could be

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1 found elsewhere on the same parcel and to examine
 2 whether that would be possible, to move the
 3 substation westerly and essentially to create a
 4 substation that produced the same value to customers
 5 in terms of meeting the need but do so in a manner
 6 that would be of equal reliability but lower impact
 7 and particularly lower impact to the most impacted
 8 customer at that time or property owner at that
 9 time, which was Channel Fish.
 10 The company did that. It engaged in
 11 discussions with the City of Boston. The City of
 12 Boston ultimately issued a Chapter 30B property bid,
 13 open to the public, open to all comers. And it was
 14 important from the City's perspective that it got
 15 back any land it was giving up as part of the
 16 exchange. So there was a land swap of the eastern
 17 parcel that the company had for the western parcel,
 18 which ultimately became the subject of this project
 19 change proceeding.
 20 We did provide an update in that regard
 21 to the Siting Board within six months of the
 22 decision, as required by Condition A in the original
 23 Siting Board decision. And from there, this project
 24 change proceeding developed.

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1 MR. WOODCOCK: Okay. So your
 2 interpretation was that the final decision could
 3 ultimately lead to construction at this site without
 4 further action of the Board?
 5 MR. ROSENZWEIG: The further action did
 6 require a compliance condition with the company for
 7 it to report on its success of being able to acquire
 8 the site to the west. And once it acquired that
 9 site to the west, because of the City's
 10 requirements, it had to give up the location to the
 11 east and proceed, if it was going to proceed with
 12 the substation -- which it did because the
 13 facility's so urgently needed -- by designing a
 14 substation at that location that would have the same
 15 equipment and be able to minimize impacts in a way
 16 that was favorable to the community.
 17 MR. WOODCOCK: Do you see a pathway to
 18 siting this facility on the original parcel, on the
 19 original area within the parcel, on the eastern
 20 side? Is there a route that that could actually be
 21 done at this point?
 22 MR. ROSENZWEIG: I wouldn't foreclose
 23 that, but the City owns that now and has its own
 24 plans for that location. There's a police station

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1 going on the western side. The DPW has plans for
 2 the rest of it, rest of the site. I don't think
 3 that's what the City's anticipating.
 4 And from our perspective, what we put
 5 forth before the Siting Board we think is a facility
 6 that in fact has many improvements over the one on
 7 the eastern parcel. So we don't think that would be
 8 a wise decision by the Siting Board, nor is it
 9 consistent with what at least the Siting Board back
 10 in 2017 was anticipating when it proposed Condition
 11 A.
 12 MR. WOODCOCK: One last question: The
 13 comments about engagements with the community on
 14 esthetics of the site, can you respond to that
 15 critique, and would you be open to further
 16 conditions of engagement during periods that are
 17 more accommodating to the public?
 18 MR. ROSENZWEIG: Certainly the company
 19 is flexible on that, and they want the substation to
 20 be the subject of community input and to be able to
 21 incorporate, you know, appropriate and reasonable
 22 suggestions made by the public that will reduce the
 23 concerns about the substation location.
 24 There is already a condition built into

<p style="text-align: right;">Page 289</p> <p>1 the original Siting Board's order that talks about 2 an outreach process and a committee, if you will, to 3 be developed as well as public outreach, to get as 4 much input as possible on the design of the 5 substation and to approve its esthetics or to do so 6 in a manner that's more palatable by the community. 7 And the company is taking that obligation very 8 seriously and will do so with approval of the 9 facility here. 10 MR. WOODCOCK: Thank you. 11 CHAIR THEOHARIDES: Chair Nelson? 12 MR. NELSON: Mr. Rosenzweig, let's stay 13 on the community engagement for a moment. Can you 14 describe to me how the community has received the 15 substation? 16 MR. ROSENZWEIG: Well, we recognize the 17 degree of opposition in the community. It's not 18 universal, but there is a significant portion of the 19 community that's been heard loud and clear about 20 their opposition to the community -- to the station, 21 excuse me. 22 The company did hold a first session 23 with the community in an attempt to get input, in 24 compliance with the condition that the Siting Board</p>	<p style="text-align: right;">Page 291</p> <p>1 wrong way. We recognize that, and we sort of 2 embrace the opportunity to work with the community 3 and have the chance to address their concerns. 4 MR. NELSON: Did the company have any 5 community liaisons prior to the start of this 6 project reach out to the community? 7 MR. ROSENZWEIG: Yes, we did. Early on, 8 even before the Siting Board petition was filed in 9 2014, there were a couple of dozen siting -- 10 community outreach meetings where we presented the 11 proposal to the public and made them aware of what 12 we were intending to do and why we were doing it and 13 to solicit their input. And several of those had, 14 you know, language-access tools that were provided 15 to the public to allow them to participate. 16 So we weren't in a pandemic process 17 there. They were more front-facing types of 18 community meetings. But we had a considerable 19 amount of that, which is reflected in the original 20 Siting Board decision. 21 MR. NELSON: Yeah, and I would say that 22 there have been subsequent meetings held by the City 23 of Boston and others. Are you aware of those 24 meetings that have occurred, in between the original</p>
<p style="text-align: right;">Page 290</p> <p>1 imposed, and much of that input was really at the 2 need for the facility and the location for the 3 facility, and the conversation, if you will, got 4 sidetracked, if you will, from the actual focus of 5 what we intended the meeting to be on, which was 6 input on the specifics of the esthetics and the 7 fencing and the surrounding perimeter, to come up 8 with a design that would be more attractive to the 9 community. 10 So we did attempt that. We would 11 continue to attempt it. But at the first instance 12 the opposition to the project in general dominated 13 the conversation. 14 MR. NELSON: Have you seen this amount 15 of community kind of opposition for a project change 16 before in a Siting Board case, to this level? 17 MR. ROSENZWEIG: It's a matter of 18 degree. I think many Siting Board cases, and even 19 project change cases, have opposition. This one has 20 had considerable opposition. I wouldn't diminish 21 that. But opposition is, I think I said in my 22 opening remark, is more the rule than the exception 23 in Siting Board cases, and that's just a factor of 24 public involvement. And it's not to be taken the</p>	<p style="text-align: right;">Page 292</p> <p>1 decision and this Board meeting? 2 MR. ROSENZWEIG: I am, and we've 3 undergone a city council hearing conducted by City 4 Councilor Lydia Edwards, in the last year. Those 5 were on Zoom, and there was wide participation on 6 that. We went through a very detailed Conservation 7 Commission review over the past year in the City of 8 Boston. It was, again, broad participation in that 9 process, and ultimately we were able to get a 10 favorable order of conditions from the Conservation 11 Commission in Boston. 12 MR. NELSON: Okay. And would you say 13 that that -- has the company done what it needs to 14 do to comply with any sort of language-access or 15 environmental justice standards? 16 MR. ROSENZWEIG: Definitely. We've 17 complied with all the Siting Board's directives that 18 have been posed to address those types of issues 19 from the very beginning. And when we do our own 20 outreach, we have those same types of objectives and 21 same types of processes in place, to make sure that 22 our materials are translated and that we engage the 23 community in a way that allows for meaningful 24 participation by the public.</p>

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1 MR. NELSON: Do you have any member of
 2 staff for your client who is dedicated to this,
 3 dedicated to environmental justice issues?
 4 MR. ROSENZWEIG: We have -- for each
 5 project there are community liaisons -- and not just
 6 project manager, but specialists in the field that
 7 are responsible for outreach and coordinating
 8 activities and being a face in the community and
 9 going door to door at times. That is a meaningful
 10 part of Eversource's approach to ensuring that its
 11 projects are not sort of taken as a surprise to the
 12 community and that they are receptive to the input
 13 they get from the public.
 14 MR. NELSON: One criticism that I heard
 15 during a meeting with Lydia Edwards was that none of
 16 the community liaisons spoke Spanish. That was what
 17 some of the community had indicated. I wondered if
 18 you could respond to that and let me know whether or
 19 not you thought that that engagement was done or not
 20 done.
 21 MR. ROSENZWEIG: When we've had
 22 public-facing meetings, that's not been the case.
 23 We've had interpretation or translation services.
 24 If you're talking about some of the

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1 door-to-door activity, I cannot speak to whether
 2 those individuals have proficiency in Portuguese and
 3 Arabic and Spanish. But the legal requirements that
 4 we must meet, clearly we do so in a way that meets
 5 the requirements of the Siting Board, when we also
 6 comply with the MEPA policies that are applicable to
 7 environmental justice communities.
 8 You know, I understand there's folks
 9 that want more, but we think we've done not just the
 10 minimum but even more than is required by those
 11 policies.
 12 MR. NELSON: If you can recall your
 13 opening statement that you made at the last meeting.
 14 You had mentioned -- we were on the topic of safety,
 15 and I think you had mentioned that the tentative
 16 decision included an additional wall height
 17 requirement. Do you recall that?
 18 MR. ROSENZWEIG: I do.
 19 MR. NELSON: A question, then. I know
 20 this might be a base-level question. But does that
 21 wall provide any protection against flooding, or is
 22 that mostly an esthetic device?
 23 MR. ROSENZWEIG: Its primary purpose was
 24 esthetic and safety -- esthetics to sort of shield

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1 the views from neighboring properties, whether it's
 2 the urban wild or from Condor Street. There's some
 3 terrain differences and topography there that makes
 4 it conducive to a fence like that.
 5 Also, there were concerns raised by
 6 GreenRoots and others during the proceeding about
 7 instances where there was some scaling of fences
 8 around utility facilities, and this would make the
 9 facility safer from that perspective.
 10 But to your point: A 25-foot wall no
 11 doubt would provide some level of additional
 12 protection for some of the concerns that have been
 13 raised with regard to, you know, flood waters and
 14 sea-level rise and the site becoming inundated with
 15 waters, be it as a matter of a nor'easter or climate
 16 change.
 17 MR. NELSON: And do you recall the
 18 conversation we had at the last meeting -- it wasn't
 19 with you, but it was with staff -- around
 20 foundations and footings?
 21 MR. ROSENZWEIG: Yes, yes.
 22 MR. NELSON: Okay. Do you have any
 23 reactions around putting foundations and footings at
 24 this site?

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1 MR. ROSENZWEIG: I do. We think it's
 2 unnecessary, because of the conservatism that the
 3 company's design already incorporates with regard to
 4 being at a sufficient-enough height to address over
 5 a very long period of time -- at least through 2070,
 6 which is 50 years, if not through the end of the
 7 century, 80 years -- the likely levels of the most
 8 aggressive estimates of sea-level rise, using the
 9 BRAG report, for instance. And those types of
 10 foundations and footings come at a cost. It comes
 11 at a cost that would be paid by customers. And it's
 12 our job to construct these facilities not only so
 13 that they're reliable but that they're done in a
 14 manner that's reasonable and fair to the consumers
 15 that will pay for those facilities.
 16 And there is such an extended time frame
 17 between now and the most aggressive types of
 18 assumptions there might be with regard to sea-level
 19 rise that might cause some susceptibility to the
 20 site being compromised that there would be
 21 sufficient time -- 20, 30, 40 years from now -- to
 22 address that.
 23 One of the options the company is
 24 looking at is portable flood barriers, which are

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1 very easy to obtain and can be set up on a day or
 2 two's notice. For instance, if you have reason to
 3 believe there's an impending storm that's coming or
 4 sea-level rise is escalating and it can be put on
 5 the site to provide an additional foot, two feet, or
 6 even more of protection for rising sea levels or
 7 storm waters.

8 The company's interest is to have a
 9 reliable facility and to protect its investment. It
 10 is the same interest in ensuring that what it does
 11 here makes sense. And given the design as it's
 12 presently proposed, at a 23-foot design flood
 13 elevation, there's more than ample, shall I say,
 14 leeway between the most aggressive estimates of
 15 sea-level rise and floodwaters to provide a
 16 significant margin and an even more significant
 17 amount of time before those types of measures might
 18 be required.

19 So we don't think multi-million-dollar
 20 types of investments now make sense for customers
 21 and would be ultimately needed, but if they were
 22 needed, there is ample time in the future to
 23 incorporate them in a reasonable manner.

24 MR. NELSON: And the foundations and

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1 footing would allow add-on over time. That's not a
 2 day one solution. Correct?

3 MR. ROSENZWEIG: It's to build that into
 4 the design, but even the foundation and footings
 5 would require somewhat of a reengineering of the
 6 site and maybe even repermitting of the site,
 7 because of the additional equipment, where they
 8 would be located.

9 My understanding is it would not be an
 10 inexpensive investment, even just for the foundation
 11 and footings. So it's something we don't think is
 12 needed. The Siting Board has -- or the staff has
 13 proposed a condition as part of the tentative
 14 decision here for an emergent response plan to
 15 include measures that the company would implement,
 16 including flooding, and to file that within 30 days
 17 of the commencement of construction. That's
 18 something we could address in more detail if the
 19 Siting Board approves the project in compliance with
 20 that condition, what types of measures would make
 21 sense, at what cost, to include in our emergency
 22 response plan to minimize the risk of flooding and
 23 sea-level rise to the site.

24 MR. NELSON: Yeah, and I think my

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1 concern, you know, here is we're already dealing
 2 with a site that's a limited square footage; right?
 3 The urban environment, it had to be limited in
 4 square footage. So even typical things like flood
 5 barriers, I just don't have a knowledge at this
 6 time, and I don't think we do -- we're not
 7 engineers -- to kind of assess whether or not that
 8 would be able to be put on site safely.

9 Dr. Marcos Luna gave some fairly
 10 compelling testimony around the different levels of
 11 sea rise and how to account for that. Did you hear
 12 his testimony earlier?

13 MR. ROSENZWEIG: I did.

14 MR. NELSON: And could you at least
 15 respond a little bit about maybe some of the
 16 concerns you may have or some of the places where
 17 you may agree with what he had stated?

18 MR. ROSENZWEIG: Well, I think the
 19 company has shared sort of his objectives by
 20 designing a facility that will be susceptible to
 21 avoiding the effects, the adverse effects, of
 22 sea-level rise or for storms. That was a very
 23 primary and fundamental principle in the design of
 24 the station.

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1 Some of the numbers you see in the
 2 record is even with a 500-year storm and three feet
 3 of sea-level rise and one foot of freeboard, which
 4 is a sort of another margin of safety, you'd only
 5 design the elevation of this station at about 19.71
 6 feet.

7 We have proposed to grade and level the
 8 site at 23 feet. And then there's another foot or
 9 two before you get to the height of the equipment,
 10 because they'll build one to two feet above the
 11 foundation level.

12 So there's at least four or five feet
 13 above the levels that would give rise to a concern
 14 of the beginning of an issue where this equipment
 15 might be subject to some risk from sea-level rise or
 16 floods. And the number we used for three feet with
 17 a foot of freeboard compares very favorably with the
 18 most aggressive assumptions in the BRAG report, and
 19 is far more aggressive than any industry or
 20 permitting agency has required heretofore. It was
 21 just reviewed as part of our Conservation Commission
 22 approval, where the Boston Water and Sewer
 23 Commission, in their input to the Conservation
 24 Commission, required us to look at a variety of very

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1 complex seminars in terms of storms and sea-level
 2 rise and to determine whether any of those
 3 combinations of events would jeopardize the
 4 equipment at the site, and we were able to show the
 5 Conservation Commission that our height at 23 feet,
 6 at the minimum, where the foundations would be, is
 7 sufficiently high to avoid through the next 70, 80,
 8 90 years, whatever it might be through the end of
 9 the century, the effects of foreseeable climate
 10 change and storms.
 11 So we think we've done everything
 12 possible to protect this station. It's an
 13 investment to us. It's important for the
 14 reliability of the facility. And there is ample
 15 time to react in other circumstances should they
 16 arise for other measures that may be appropriate to
 17 protect it further, if that seems to be what the
 18 reasonable thing to do would be 50 years from now,
 19 30 years from now, whatever, as the equipment gets
 20 to the end of its design life.
 21 CHAIR THEOHARIDES: Mr. Nelson, can I
 22 just do one followup here?
 23 MR. NELSON: Absolutely.
 24 CHAIR THEOHARIDES: So, you know, the

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1 science continues to change on the level of
 2 sea-level rise that we might expect, including
 3 recently with some news on the rate of ice sheets
 4 continuing to accelerate. And so I'm just
 5 wondering, you know, if the sea-level rise that the
 6 BRAG report consolidated back in 20- -- you know, I
 7 think they started in 2014 and published in 2016 and
 8 the State's done similar work and is doing similar
 9 updates right now --
 10 If that changes in the next ten years or
 11 so, what does that do -- what does that do from a
 12 sort of management standpoint in terms of how
 13 quickly can you adjust to something like that?
 14 Because I think that's not an emergency; that's more
 15 of an, all right, how do we adapt in real time to
 16 changing science and data.
 17 MR. ROSENZWEIG: Well, I do think that's
 18 something that the company could be directed to look
 19 at and to watch and to take into account and could
 20 be part of their emergency response plan, that they
 21 regularly view what's going on in terms of the
 22 science, in terms of sea-level rise, and what's
 23 going on at the site, and whether it needs to
 24 incorporate any measures now, at that point in time,

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1 five or ten years from now, or even 20 or 30 years
 2 from now, for additional measures to protect its
 3 equipment -- because, again, it has every interest
 4 in protecting what might be a 60-odd-million-dollar
 5 investment, to ensure that it is not damaged or that
 6 it does not impede providing reliable service to
 7 customers.
 8 So we do have the benefit of time to see
 9 if science and climate change changes to a degree
 10 that's beyond what's anticipated in the BRAG report
 11 and then incorporate those measures, if needed and
 12 if appropriate, if a very cost-effective way down
 13 the road.
 14 CHAIR THEOHARIDES: Sorry, Chair Nelson.
 15 MR. NELSON: I'm going to move on to
 16 distribution-level voltage, unless anyone else has
 17 anything else on flooding or the floodplain.
 18 CHAIR THEOHARIDES: Then I do have one
 19 more. And I was just wondering: Did you, when you
 20 went before the Boston Conservation Commission, was
 21 there a new wetlands ordinance in effect and is that
 22 why you used the BRAG report? Or that's practice on
 23 your part? I was just curious about that process.
 24 MR. ROSENZWEIG: Good question. A

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1 little of both. The ordinance was enacted about a
 2 year ago. The Conservation Commission has not
 3 issued regulations to implement the ordinance. But
 4 nonetheless, climate change aspects were within the
 5 types of questions and concerns that were reviewed
 6 by the Conservation Commission.
 7 And so it would be sort of presumptive
 8 of me to say that what other -- what future
 9 regulations that may develop to implement the
 10 ordinance were complied with, because they don't
 11 exist. But that is an issue that was very
 12 definitely considered by the Conservation Commission
 13 as part of their review.
 14 CHAIR THEOHARIDES: And I imagine they
 15 reviewed the wall Chair Nelson was talking about as
 16 part of the project.
 17 MR. ROSENZWEIG: That was part of the
 18 design. I have to say, I did take part in those
 19 hearings. I can't remember if the wall was a
 20 specific issue or factor that they considered in
 21 their review. But I can say climate change and
 22 sea-level rise and floods were most definitely part
 23 of their review process.
 24 CHAIR THEOHARIDES: Okay. Thank you.

<p style="text-align: right;">Page 305</p> <p>1 MR. NELSON: All right. So Mr. 2 Rosenzweig -- 3 CHAIR THEOHARIDES: I'm sorry, Chair 4 Nelson, I have one more question. 5 MR. NELSON: I'm sorry. 6 CHAIR THEOHARIDES: No, no. It's been 7 in the back of my mind. 8 When you mentioned the wall, I guess my 9 one concern in thinking about the wall is: Has 10 anyone looked at the -- you know, what that does to 11 the rest of the water system in the area? Does that 12 reflect water elsewhere? Is it more of a flood 13 barrier for the site that doesn't -- 14 What's sort of the function of the wall? 15 MR. ROSENZWEIG: As I said, the purpose 16 of the wall was really a safety issue and more of an 17 esthetic. I would say the reality of it is it would 18 tend to impede surging waters and perhaps provide 19 some protection there. 20 CHAIR THEOHARIDES: Is it on the creek 21 side or on the street side? 22 MR. ROSENZWEIG: Those walls would not 23 be on the street side. The police station and the 24 elevation there would provide screening from the</p>	<p style="text-align: right;">Page 307</p> <p>1 approved the project in 2017 were of that vintage, 2 correct. 3 MR. NELSON: So if I'm a member of this 4 community and I'm looking at this -- you know, it's 5 been seven, eight years since 2013, 2014. You know, 6 this is a boy-who-cried-wolf situation; right? 7 There hasn't been an incident. This hasn't been 8 triggered. There's been no loss of power. You 9 know, I want to make sure that the residents and the 10 people who live in East Boston have reliable power, 11 but we have to grapple here kind of with reopening 12 the record. 13 So tell me why this is still needed. 14 Right? 15 MR. ROSENZWEIG: Sure. Just as an 16 initial matter: Sort of the perspective of nothing 17 happened, so we don't need it, is wrong. You know, 18 you don't build facilities like this that it's too 19 early until it's too late. Otherwise you get into 20 situations where you do eventually run high risk and 21 in some instances would actually see faults in the 22 system or the loads on the system, voltage concerns 23 on the system, that would leave customers without 24 power for a considerable length of time. And that's</p>
<p style="text-align: right;">Page 306</p> <p>1 substation. It's on the Condor Street side and the 2 north side of the site that you would see the wall 3 that we're talking about, which would be about 12 4 feet of concrete and 13 feet of fiberglass -- 5 subject to community input, as we talked about, 6 within the condition of the Siting Board staff as 7 proposed. 8 CHAIR THEOHARIDES: Okay. Sorry, now I 9 think I am ready to move on. But that does not need 10 additional approval from the wetlands commission to 11 build? 12 MR. ROSENZWEIG: No, I do not believe 13 so. That was part of the design we presented to the 14 Conservation Commission, a facility that's 15 consistent with what's before you now. 16 CHAIR THEOHARIDES: Okay. Thank you. 17 MR. NELSON: Mr. Rosenzweig, let's get 18 to the heart of the case. It's 2021 now. This 19 originally, first instance happened in 2013; 20 correct? 21 MR. ROSENZWEIG: The petition was filed 22 in 2014, and there were forecasts of 2015 and some 23 updates of 2016 data during the original proceeding. 24 But yes, the forecasts on which the Siting Board</p>	<p style="text-align: right;">Page 308</p> <p>1 our responsibility as a transmission company, as a 2 distribution company, to build a system that can 3 withstand those types of foreseeable outcomes. 4 And I would say the Siting Board's 5 statutory mandate sort of parallels that by ensuring 6 a reliable supply of energy to all consumers 7 throughout the state. So it's very important that 8 we do plan ahead and that we do take measures to 9 deal with foreseeable requirements on the system 10 where it needs to be reinforced. 11 But to answer your question more 12 directly: Forecasts go up and down. There's been 13 some reference by GreenRoots to the effects on the 14 ISO forecast and some CELT reports of some decreases 15 in recent years and perhaps some flattening of the 16 load growth over time. Eversource's load pocket 17 here, though, is different from the regional 18 forecast. That was a key finding by the Siting 19 Board in the original proceeding. It is not a -- 20 MR. NELSON: Why? 21 MR. ROSENZWEIG: Because load conditions 22 in this area are different from the rest of New 23 England and the rest of the state. We don't peak at 24 a coincident time, that means the same time as the</p>

<p style="text-align: right;">Page 309</p> <p>1 ISO system peaks. There could be and in fact are 2 large step-load additions in this area. One of them 3 that's in the administrative record of this 4 proceeding is beyond the step loads --that the 5 Siting Board relied upon in the initial 6 proceeding -- is a 10-megawatt increase in Logan's 7 needs over time because of a proposal they have to 8 expand some of their facilities on their site. 9 But even beyond that, you know, there 10 are additional step loads that the company sees 11 coming on its system at this point that weren't part 12 of the original proceeding, and these things happen 13 all the time. And one of them, just as a matter of 14 public record, is Suffolk Downs. There was no large 15 proposal actually in the works for redeveloping 16 Suffolk Downs at the time of the company's approval 17 in 2017. There was some talk of maybe a casino at 18 one point in time or Amazon at one point in time. 19 But now we have a concrete proposal at 20 Suffolk Downs that's already received regulatory 21 approval. The Secretary just completed MEPA review 22 last year on Suffolk Downs for a 20-year buildout of 23 that location with 10 and a half million square feet 24 of mixed-use buildings that the company's</p>	<p style="text-align: right;">Page 311</p> <p>1 distribution circuits that come into their property. 2 The other reality is -- and I mentioned 3 this earlier with the substation criteria -- if we 4 were to build out to get to Suffolk Downs -- to 5 MassPort, it would require a much more expensive 6 project, much longer transmission lines. That 7 length would come with additional costs to customers 8 as well as different and more significant impacts to 9 the community, that we're able to avoid by siting 10 this station just adjacent to the Chelsea Creek, 11 where the cables would come through existing duct 12 bank and conduit that's there and come directly into 13 the site. We're able to avoid those costs. We're 14 able to avoid those impacts, and the site is 15 available. 16 There are very few locations that are 17 available in a tight urban area such as East Boston 18 that would be sufficiently large and proximate to 19 transmission and within the load pocket that would 20 allow for a suitable buildout of a facility like 21 this. 22 The same thing at Deer Island as well. 23 They are served by a dedicated line. That line by 24 court order is a dedicated facility that has to be</p>
<p style="text-align: right;">Page 310</p> <p>1 understanding is that will be built out almost 2 immediately. They're getting underway with building 3 that. Over the next 20 years that will result in 4 significant load increases on the Eversource system 5 that have to be served out of East Boston in order 6 to meet that growing load at Suffolk Downs. 7 MR. NELSON: Okay. But let me ask you 8 this, because I asked GreenRoots a similar question: 9 So if need's real, why not build this at Suffolk 10 Downs? Could you explain to me, why not build it at 11 the airport or at Deer Island or Revere or backfeed 12 it through Winthrop? 13 MR. ROSENZWEIG: Well, let me take those 14 one by one, because each situation is different. 15 MassPort? MassPort has its own land. They haven't 16 made it available to Eversource. They have their 17 own needs for their land. We have no way of 18 commanding and requiring them to provide us with 19 that land. 20 MR. NELSON: That's not your service 21 territory; right? 22 MR. ROSENZWEIG: We do. We serve them 23 at a distribution level, not by transmission. We 24 serve them at a distribution level, with several</p>	<p style="text-align: right;">Page 312</p> <p>1 available to serve the MWRA from K Street. It's not 2 available to serve other loads for other customers, 3 as a matter of law. 4 So the reality is, there are very 5 limited areas where the company could build out its 6 system to meet the requirement that it believes is 7 self-evident in this area because of the lack of 8 transmission serving East Boston, as well as the 9 increasing step loads that it's seeing coming onto 10 its system over the next several years. 11 MR. NELSON: Okay. So, then, one of the 12 other themes that I heard clearly from GreenRoots 13 was the transparency of the data, access to the 14 data -- right? -- here. I guess let me start by 15 asking you a little bit about what you said in your 16 opening remark, which is that if we reopen the 17 record here, it would have a slippery-slope effect; 18 right? The result of that is that siting decisions 19 would never be finalized; right? 20 I want to start by pushing back on that 21 a little bit. If there was a major change -- let's 22 say the airport went out of business, Logan Airport 23 went out of business -- you would admit that would 24 be a reason to reopen the record; correct?</p>

<p style="text-align: right;">Page 313</p> <p>1 MR. ROSENZWEIG: And I think staff 2 pointed that out in their remarks at the first 3 Siting Board meeting on December 16th, that there 4 might be global events such as that that are so 5 significant in nature that that might be the case. 6 Logan Airport is a major load for the company, and I 7 think Mr. Greene and Ms. Evans said if that suddenly 8 permanently shut down and went out of business, that 9 might meet this sort of compelling-circumstance type 10 of standard that applies; and the courts say you 11 should reopen the record only where it is the most, 12 the truly exceptional circumstance, not as 13 garden-variety changes in load fluctuations, which 14 do occur over time. And I submit that that's sort 15 of a consideration for the Board, would even be a 16 higher load than we projected last year, for 17 instance, because of the step loads we see coming 18 onto the system such as Suffolk Downs. 19 So it's very hard to say what would be 20 the threshold. Yes, I would submit the Logan 21 Airport scenario might qualify. But, you know, a 1 22 or 2 percent change in a given year really doesn't 23 do it, and that's sort of the types of 24 fluctuations -- that's the ebb and flow of what</p>	<p style="text-align: right;">Page 315</p> <p>1 wasn't needed. That wouldn't be a reasonable thing 2 to do, and that's not the position we're taking 3 here. 4 Our best information is that this 5 facility is still needed and needed in the short 6 term, over the next several years, in order to meet 7 the requirements of all customers that would be 8 served out of that substation. 9 So bright line? I can't give you one. 10 But we're not there. The forecast and our 11 continuing projections are this facility continues 12 to be needed. 13 MR. NELSON: All right. But let's 14 say -- I mean, it sounds that you're convinced that 15 some evidence that is not on the record, to be 16 clear, would reinforce the case that you've already 17 made in the proceedings. So why not reopen the 18 record, admit that in, and demonstrate the need to 19 the community? 20 MR. ROSENZWEIG: It would dwarf the 21 other effects they're talking about, to be sure. 22 But the reason is because the decision was made by 23 the Siting Board. It's final. We're entitled to 24 due process. Finality has importance. Siting Board</p>
<p style="text-align: right;">Page 314</p> <p>1 happens in a load forecast. It's really a longer- 2 term trend than a one-year or two-year sort of 3 situation. And we would expect, even with COVID 4 situations, that that would be somewhat of a 5 short-term effect, temporary, and we certainly hope 6 and expect that that will not be a longer-term 7 issue, diminishing load, not just in East Boston, 8 but throughout our service territory. 9 MR. NELSON: So if we're looking at a 10 general case, adding FTEs, post-test-year 11 adjustments, at a regular rate case, when you're 12 talking ebb and flow and you're talking what the 13 standard is, usually there's a bandwidth to define 14 that threshold. And I would imagine, does the 15 company have a threshold here, where they would say 16 if load changed by X percent, that would trigger us 17 to either, A, need to build a new substation -- 18 certainly I think they probably have that -- or B, 19 this would be a reason that we would no longer need 20 a substation? Is that something the company has? 21 MR. ROSENZWEIG: I can't say there's a 22 bright line. But if the company thought the 23 substation was no longer going to be needed, it 24 would not spend wastefully on a substation that</p>	<p style="text-align: right;">Page 316</p> <p>1 standards would indicate that this is not the type 2 of circumstance where the opponents that have raised 3 the issue for reopening the proceeding have met the 4 standard for reopening. They haven't clearly shown 5 with good cause that what they're alleging would 6 have a likelihood of having a significant impact on 7 the outcome of the proceeding. That standard hasn't 8 been met. 9 And the judicial precedent is very 10 cautionary to agencies such as the Siting Board, and 11 I would caution the Siting Board here that reopening 12 a final adjudication after the appeal periods have 13 lapsed should be done sparingly at most, very 14 rarely, and only in instances, frankly, where 15 there's matters of fraud or changes in law, but not 16 sort of garden-variety fluctuations in load, which 17 will happen all the time. 18 And you'll be facing that allegation in 19 every case, that the Siting Board should not give 20 final approval or should be able to reopen its final 21 approvals based on circumstances that might happen a 22 year later or two years later or three years later, 23 and we would never get these facilities built, and 24 that would be a very bad outcome for the reliability</p>

<p style="text-align: right;">Page 317</p> <p>1 of electric service in Massachusetts. 2 So I would be very cautious about doing 3 that in this proceeding. There's no reason or us to 4 have to prove something that's already been fairly 5 and fully adjudicated and where our continuing best 6 information is that it still continues to be needed. 7 And I'm raising the issues with Suffolk 8 Downs and some of the other step loads just to 9 counterbalance some of the assertions that have been 10 made by GreenRoots, the other side. I'm not saying 11 that you should take that in as evidence and make a 12 finding based on what I'm saying. But that is a 13 consideration. As I said in my opening comments, 14 for everything they might raise with respect to 15 things that might tend to decrease loads, we would 16 point to other factors that would have the opposite 17 effect and maybe a greater effect. So you can never 18 get there, you can never get to a level of 19 certainty, that -- 20 MR. NELSON: And so, you know, I think 21 Mr. Daniels would probably take umbrage at calling 22 the underlying case fairly disputed. He had 23 indicated that there was a potential violation of 24 not holding a hearing in the East Boston community.</p>	<p style="text-align: right;">Page 319</p> <p>1 comment hearing in each one of those theoretically 2 eight to ten communities through which a 3 jurisdictional facility may pass. It may be one or 4 two public comment hearings and then adjacent 5 communities can attend those public comment 6 hearings. 7 But here they did not hold a public 8 hearing the first time around in East Boston, but 9 that's just an adjacent community to Chelsea and to 10 Everett, and there was the opportunity for 11 involvement by the public at that public comment 12 hearing. And in fact, there was involvement. 13 I should point out, GreenRoots didn't 14 even exist at the time of the public comment hearing 15 in 2015. So it's hard for them to complain that 16 they weren't able to participate, because they 17 didn't exist as a formal organization. The Chelsea 18 Collaborative did exist, and they participated. 19 MR. NELSON: But I think they're fairly 20 representing the views of the people of East Boston; 21 right? -- if what they're claiming, whether or not 22 the organization existed or not. I think they're 23 saying, "The people we represent weren't fairly 24 heard."</p>
<p style="text-align: right;">Page 318</p> <p>1 Do you have a reaction to that? Because you are 2 saying that the underlying decision was fairly 3 arrived at. 4 MR. ROSENZWEIG: Most definitely. It 5 was a robust proceeding. You look at the number of 6 parties and interested persons, limited 7 participants, in that case. The public hearings 8 were well attended. 9 Mr. Daniels alluded to the language in 10 Section 69J about public hearings in each locality. 11 We differ from him on what that means. If the 12 legislature had intended that the words were "in 13 each or every city or town," they would have said 14 so. They used the term "locality," which is a 15 broader term and which the Siting Board's 16 regulations recognize do not require a public- 17 comment hearing in every city or town in which a 18 facility may pass. 19 And given Siting Board history, there 20 are -- almost every case that the Siting Board 21 considers involves facilities that go through 22 multiple communities, sometimes as many as six or 23 eight or ten communities. And never have I seen a 24 Siting Board proceeding which required a public</p>	<p style="text-align: right;">Page 320</p> <p>1 MR. ROSENZWEIG: But they were heard. 2 It was a robust proceeding. There was 60 or 80 3 limited participants as well as several intervenors 4 in the case. And the issues of the load forecasts 5 were very contentious and fully reviewed. There was 6 expert testimony from more than one witness on the 7 issue of the need for the facility. And the company 8 made its case, and the facts supported the Siting 9 Board's decision that both the transmission line to 10 the substation as well as the substation itself were 11 needed. 12 I take exception with any notion that 13 there wasn't meaningful opportunity for involvement 14 in the original Siting Board proceeding or that 15 there wasn't full and fair adjudication of the need 16 for the facility in that proceeding. 17 CHAIR THEOHARIDES: You're going a 18 little fast. Sorry, I just got the hand signal from 19 our interpreter. 20 MR. ROSENZWEIG: Thank you. 21 MR. NELSON: Thank you, Mr. Rosenzweig. 22 I appreciate your candor. 23 CHAIR THEOHARIDES: Are there other 24 questions for Mr. Rosenzweig? Yes, Ms. Fraser?</p>

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1 MS. FRASER: I have a couple of
 2 questions. I notice we're at 4:59, and we planned
 3 on a break at 5:00.
 4 CHAIR THEOHARIDES: I think let's take
 5 your questions, and then we'll take a break.
 6 MS. FRASER: Okay, super. I'll go right
 7 ahead.
 8 Just a couple of questions, Attorney
 9 Rosenzweig. GreenRoots raised concerns about people
 10 looking for scrap metal. I know you talked about
 11 the wall. Could you just talk about what measures
 12 the company will take to secure the property to
 13 prevent unauthorized access?
 14 MR. ROSENZWEIG: Yes. The facility will
 15 be locked and will not be passable. The fencing
 16 that we talked about won't be scalable. We have
 17 designed the facility so that it's resistant to
 18 trespassing. They'd have to go right by the police
 19 station in order to do that. That provides another
 20 level of protection.
 21 I think it's quite unlikely at this
 22 location that we'll see anything like scavenger
 23 hunts at our substation for metal, given its
 24 location and security provisions, with video cameras

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1 and locked gates and high walls, that would make
 2 that concern a reality.
 3 MS. FRASER: Thank you. Thank you for
 4 that response.
 5 On magnetic fields from the project
 6 affecting the police station: For example, would
 7 the magnetic fields interfere with police radio
 8 communications equipment?
 9 MR. ROSENZWEIG: I have not seen any
 10 information along those lines. We have been in
 11 discussions with the police station. I'm unaware of
 12 any concerns in that regard. I believe those are
 13 all on different frequencies, radio frequencies,
 14 than the magnetic fields from the station. But I
 15 confess, I could look into that, but I don't have a
 16 complete answer for you. My experience with that
 17 issue is that it's not likely to have any
 18 interference with their own internal communications.
 19 MS. FRASER: Okay, thank you. Is it
 20 statewide practice for Eversource and other
 21 utilities to build a substation before a
 22 low-likelihood contingency causes rolling blackouts
 23 in a service area, or do utilities typically wait
 24 until there's a blackout before building out the

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1 system? I know you addressed this a little bit.
 2 MR. ROSENZWEIG: I did. Our job is to
 3 be proactive and to get out ahead of those issues,
 4 to make sure that the safety, reliability of service
 5 to customers is achieved. And the standards we use
 6 for how we plan for these facilities are very common
 7 across all utilities of Massachusetts and, frankly,
 8 nationally. We're also subject to national and
 9 Federal standards with regard to transmission
 10 planning, and there's organizations like NERC and
 11 FERC and ISO New England that closely watch what the
 12 companies do. And we have to get our plans approved
 13 by them and projects, if they're of a regional
 14 nature, have to receive ISO review before they're
 15 constructed on a local level.
 16 We certainly have the same types of
 17 standards that apply. We have something called
 18 SYSPLAN 010, which describes the standards the
 19 company employs for building outside its
 20 distribution system. And we're subject to DPU
 21 review. We file on an annual basis reviews and
 22 plans and the status of circuits in the areas of our
 23 system that are vulnerable and that have had high
 24 outage counts. And so that we have continuing

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1 oversight both at the State and Federal level to
 2 ensure that the standards we implement conform with
 3 regulatory requirements.
 4 MS. FRASER: Okay. Thank you. Let me
 5 check my notes. I think all the other questions I
 6 have were addressed.
 7 Could you just tell me briefly how East
 8 Boston -- explain how East Boston is connected to
 9 the grid? I think you may have touched on that.
 10 MR. ROSENZWEIG: Yeah, I can. It's an
 11 island, if you will, that's served only by several
 12 distribution circuits that come out of the Chelsea
 13 station. There's no transmission that connects into
 14 East Boston. And so there are limits on what can be
 15 supplied through those distribution circuits. And
 16 if there's outage either at the Chelsea station at a
 17 transformer level or there's a problem or a fault on
 18 one of those distribution circuits, East Boston is
 19 at great vulnerability for loss of service.
 20 And the addition of these new
 21 transmission lines, if they were able to be looped
 22 into a substation in East Boston, would alleviate
 23 that concern for the foreseeable future. It would
 24 make for a much more reliable supply and remove the

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1 situation where the East Boston loads are vulnerable
 2 to outages because of the lack of transmission and
 3 the contingencies that might occur either at Chelsea
 4 Station or on the distribution circuits that serve
 5 East Boston from overloads or faults that might
 6 result in a loss of supply to East Boston.
 7 MS. FRASER: Thank you for that. Thank
 8 you, Attorney Rosenzweig.
 9 Thank you, Madam Chair.
 10 MS. EVANS: May I ask one followup
 11 question to Mr. Rosenzweig? The information about
 12 how East Boston is served by Eversource, that
 13 information's on the record in this proceeding; is
 14 that correct?
 15 MR. ROSENZWEIG: Yes. I do recall
 16 reading -- I can't remember whether it was the
 17 tentative decision, original decision -- that the
 18 East Boston area is not served by transmission.
 19 That is, it's essentially an island and is served
 20 only by distribution and supply that comes out of
 21 Chelsea Substation, yes.
 22 MS. EVANS: Thank you. Thank you, Madam
 23 Chair.
 24 CHAIR THEOHARIDES: Okay. It is 5

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1 after. I'm going to ask us to come back at 6:00,
 2 following a break. At that point, unless there are
 3 further questions, we will start the public comment
 4 period of the hearing. Thank you all, and see you
 5 at 6:00 o'clock.
 6 (Recess taken.)
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REPORTER'S CERTIFICATE

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 3 I, Alan H. Brock, the officer before
 4 whom the foregoing proceedings were taken, do
 5 certify that this transcript is a true record of the
 6 proceedings on February 8, 2021.
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 Alan H. Brock, RDR, CRR

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