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April 22, 2021

VIA ELECTRONIC MAIL

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

Re: Bay State Gas Company d/b/a Columbia Gas of Massachusetts – D.P.U. 19-140
Compliance Agreement Consent Order Requirements (10) (11) and (12)

Dear Mr. Marini:

Pursuant to the Consent Order, and associated Compliance Agreement, dated August 14, 2020, between the Pipeline Safety Division (the “Division”) of the Massachusetts Department of Public Utilities (the “Department”) and Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Bay State Gas”) in the above-captioned matter, Eversource Gas Company of Massachusetts d/b/a Eversource Energy (“EGMA” or the “Company”)¹ hereby provides the following responses to address the requirements of Items 10, 11, and 12 of the Consent Order.

Compliance Agreement Requirement (10)

Within 210 days of the effective date of this Order, CMA shall create, for each regulator station, site specific procedures for the maintenance of each pressure regulator required to be maintained.

Response

After the acquisition of the legacy Bay State Gas assets in October 2020, the Company initiated the process to retain the services of an engineering firm capable of developing site-specific procedures for the maintenance of each pressure regulator in its territory. A project scope was developed, and the bidding process started in November 2020. EGMA received proposals from four engineering firms, and awarded the bid to develop the site-specific maintenance procedures to EN Engineering (“EN”) in November 2020.

Between November 20, 2020, and March 12, 2021, EN developed 502 procedures, which were then reviewed by Eversource Instrumentation and Regulation (I&R) leadership. These 502 procedures cover 209 district regulators and 14 gate stations. The number of regulator procedures for each station was determined based on the individual station functionality. Stations that can be

¹ On October 7, 2020, the Department approved the sale of the business of Bay State Gas to Eversource Energy. The closing on that sale occurred on October 9, 2020. Following closing of the sale, EGMA began serving customers in Bay State Gas’ service territory and operating Bay State Gas’ facilities.

fully shut down for maintenance purposes have a total of four (4) procedures, including Regulator Maintenance Preparations, Regulator Return to Service, Temporary Station Shutdown for Regulator Maintenance, and Regulator Return to Service (after full shutdown). Stations that cannot be fully shut down (single feeds and gate stations) have a total of two (2) procedures, including Regulator Maintenance Preparations and Regulator Return to Service.

The procedures were developed to provide I&R technicians with a series of steps to be followed during the performance of regulator maintenance at each I&R facility. The newly developed procedures are designed to work in conjunction with the current Eversource Operations and Maintenance standards and the current regulator maintenance tracking and data gathering process.

Because the procedures were developed over the winter season, EN primarily used drawings and station pictures, combined with site visits at some stations. As I&R technicians work through the 2021 maintenance season, the procedures will be field-verified for accuracy and applicability. Any edits resulting from the field reviews will be redlined, and I&R will collaborate with the Engineering department to develop revisions.

Compliance Agreement Requirement (11)

Within 230 days of the effective date of this Order, CMA shall provide training to appropriate management and field personnel on the use of newly developed site specific maintenance procedures for each regulator station.

Response

The Company has provided training to appropriate management and field personnel on the use of newly developed site-specific maintenance procedures for each regulator station outlined in detail above. Supervisors in each division met with I&R field personnel at stations to walk through the use of site-specific maintenance procedures, and provide an overview of the scope of the project. Reviews took place at the Kilmer Street Station (Brockton Service Area), Jackson Street Station (Lawrence Service Area), Springfield Street Station (Springfield Service Area). Please refer to Attachment 19-140-11 CONFIDENTIAL for sign-off sheets of the trainings that took place. Attachment 19-140-11 CONFIDENTIAL also includes the talking points that were used to lead the discussion about the new procedures.² Please note that as of this date one (1) employee has not yet received the review due to availability, and will receive the review upon return to active work with the Company.

The Company also recognizes the need to incorporate the use of site-specific maintenance procedures for each regulator station into the training for future new hires. The Company has engaged its Training department and will update the training program for Instrumentation and Regulation Technicians accordingly.

² Please note that the reference to 588 procedures in Attachment 19-140-11 CONFIDENTIAL, at 5, is a typographical error based on an outdated initial estimate of the total number of procedures to be developed. The correct total number of procedures is 502.

Compliance Agreement Requirement (12)

Within 250 days of the effective date of this Order, CMA shall provide documentation to the Department to show that it has complied with Items 10 and 11.

Response

In addition to the Company's response to Compliance Agreement Requirements (10) and (11), please refer to Attachment 19-140-12 CONTAINS CEII DO NOT RELEASE³ for copies of each of the 502 site-specific procedures noted above. As outlined in the Company's Motion for Confidential Treatment and Statement in Support of a Designation of Critical Energy Infrastructure Information, filed contemporaneously herewith, the Company is providing unredacted copies of Attachment 19-140-12 CONTAINS CEII DO NOT RELEASE to the Department and the Office of Attorney General.

Thank you very much for your attention to this matter. Please contact me with any questions.

Very truly yours,



Brendan P. Vaughan

Enclosures

cc: Laurie E. Weisman, Esq. – Hearing Officer
Service List, D.P.U. 19-140

³ Please note that Attachments 19-140-11 CONFIDENTIAL and 19-140-12 CONTAINS CEII DO NOT RELEASE are being provided pursuant to a Motion for Confidential Treatment and Statement in Support of a Designation of Critical Energy Infrastructure Information. The Company has included a redacted copy of Attachment 19-140-11 CONFIDENTIAL for the public record.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

Bay State Gas Company)	D.P.U. 19-140
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**MOTION OF EVERSOURCE GAS COMPANY OF MASSACHUSETTS d/b/a
EVERSOURCE ENERGY FOR PROTECTIVE TREATMENT OF
CONFIDENTIAL INFORMATION AND STATEMENT IN SUPPORT OF A
FINDING OF CRITICAL ENERGY INFRASTRUCTURE INFORMATION**

I. INTRODUCTION

Eversource Gas Company of Massachusetts d/b/a Eversource Energy (“EGMA” or the “Company”)¹ hereby requests the Department grant protection from public disclosure of certain confidential, competitively sensitive and proprietary information submitted in response to Compliance Agreement Requirements (10), (11), and (12) from the Consent Order, and associated Compliance Agreement, dated August 14, 2020, between the Department’s Pipeline Safety Division (the “Division”) and Bay State Gas in the above-captioned matter, in accordance with G.L. c. 25, § 5D, G.L. c. 4, § 7 cl. 26(f) and (n), and 220 C.M.R. § 1.04(5)(e).

Specifically, the Company requests that the Department protect from public disclosure confidential personal employee information contained in Attachment 19-140-11 CONFIDENTIAL (the “Confidential Attachment”) and that the Department protect from public disclosure site-specific maintenance procedures for the Company’s regulator stations that constitute Critical Energy Infrastructure Information (“CEII”) and are produced as Attachment 19-140-12 (the “CEII Attachment”). As discussed below, public disclosure of the Confidential

¹ On October 7, 2020, the Department of Public Utilities (the “Department”) approved the sale of the business of Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Bay State Gas”) to Eversource Energy. The closing on that sale occurred on October 9, 2020. Following closing of the sale, EGMA began serving customers in Bay State Gas’ service territory and operating Bay State Gas’ facilities.

Attachment and the CEII Attachment would reveal confidential and proprietary information, would expose the Company's employees to potential abuse and would reveal certain CEII-related materials that are protected by statute. Any such disclosure could harm the competitive business position of the Company and impact the safety and security of the Company's system.

The Company is contemporaneously providing redacted and un-redacted versions of the Confidential Attachment via electronic mail. Due to the voluminous nature of the CEII Attachment and the fact that the individual documents contained therein are wholly comprised of information constituting CEII, the Company is providing the CEII Attachment to the Department and Attorney General only via electronic mail and is not providing a redacted version.

II. STANDARD OF REVIEW

The Department is authorized to protect from public disclosure "trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings." G.L. c. 25, § 5D. In interpreting this statute, the Department has held that G.L. c. 25, § 5D, "places the burden of proof on companies requesting confidential treatment." The Berkshire Gas Company et al., D.P.U. 93-187/188/189/190, at 20 (1994).

Accordingly, a party seeking to protect information from public disclosure must demonstrate that: (1) the information for which protection is sought constitutes trade secrets, confidential, competitively sensitive or other proprietary information; and (2) there is a need to ensure nondisclosure of the information. The Berkshire Gas Company et al., D.T.E. 01-41, at 17 (2001); Western Massachusetts Electric Company, D.T.E. 99-56, at 4 (1999). In assessing the need for nondisclosure, the Department will consider the interests at stake, the likely harm that would result from public disclosure of information, and the public policy implications of such disclosure. See, e.g., D.P.U. 93-187/188/189/190, at 20-23; Boston Gas Company,

D.P.U. 92-259, at 106 (1993), Essex County Gas Company, D.P.U. 96-105, at 2-3 (1996). Where a party proves such a need, the Department will protect only so much of the information as is necessary to meet the need for nondisclosure and may limit the length of time that such protection is in effect. D.T.E. 01-41, at 17-18; D.T.E. 99-56, at 4; D.P.U. 93-187/188/189/190, at 20.

Further, G.L. c. 4, § 7, clause 26(f) specifically exempts from the definition of “public records:” “investigatory materials necessarily compiled out of the public view by...other investigatory officials, the disclosure of which would probably so prejudice the possibility of effective law enforcement” such that the disclosure is not in the public interest. Lastly, G.L. c. 4, § 7, cl. 26 sets out the statutory definition for “Public Records,” which includes documents, maps, and photographs that are made or received by any officer or employee of any state agency, department, board, commission. G.L. c. 4, § 7, cl. 26(n) exempts CEII from the public records law and thus public disclosure requirements as follows:

(n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety.

G.L. c. 4, § 7, cl. 26(n).

III. ARGUMENT

A. The Confidential Attachment Should be Protected from Public Disclosure.

Attachment 19-140-11 CONFIDENTIAL contains confidential employee user identification numbers. This information is protected as confidential and maintained by the Company as such. To the extent an individual is not an officer of the Company, this information

is not publicly available and should be treated as confidential for reasons of privacy. Pursuant to G.L. c. 4, § 7(26)(c), materials or data “relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy” are not public records subject to disclosure.

The Department has previously considered the privacy implications of releasing personally identifying employee information (salary and employee names) to the public and accorded confidential treatment to such information. Aquarion Water Company of Massachusetts, Inc., D.P.U. 11-43, Hearing Officer Ruling on Motion for Confidential Treatment at 5-6 (Nov. 9, 2011) (privacy concerns with releasing identifying non-officer employee information justified confidential treatment).

Moreover, there is no compelling public policy that would mandate the disclosure of this information. Rather, it is sound public policy to ensure the privacy and security of individuals working for the Company or customers taking service from the Company. For these reasons, personal information regarding employees, police and fire chiefs should be protected from public disclosure indefinitely. See also G.L. c. 93H & 201 C.M.R. §§ 17.00 *et seq.* (protecting against disclosure of “personal information”). This provides an exception from the general statutory mandate in G.L. c. 66, § 10 that all documents and data received by an agency of the Commonwealth are to be viewable public records. The Company respectfully requests that the Department protect these employee identification numbers from public disclosure.

B. The CEII Attachment Should be Protected from Public Disclosure.

The Department has plain and unambiguous statutory authority to keep CEII information contained in the CEII Attachment. The CEII Attachment presents 502 site-specific engineering documents relating to maintenance at the Company’s regulator stations. These documents

contain diagrams of the Company's facilities and step-by-step instructions specifically documenting procedures to maintain the facilities, shut the facilities down temporarily, and return the facilities to service. These materials must be protected as confidential pursuant to G.L. c. 4, § 7, clause 26(n). The Legislature, which enacted Clause 26(n) in 2002 in response to the events of September 11, 2001, clearly expressed a desire to protect public safety by exempting materials related to a utility's critical infrastructure from the general presumption that certain information is a public record. The Department has noted that its authority to keep materials exempt under G.L. c. 4, § 7, clause 26(n) is "separate and apart" from (and, by implication, broader than) its more narrowly construed authority under G.L. c. 25, § 5D. D.T.E. and Siting Board Rulemaking, D.T.E. 98-84, at 23 (2003) (declining to rule with particularity in the context of a rulemaking regarding the protection of critical energy infrastructure).

The Company recognizes that the Department must balance two competing interests of the public in making its determination whether to keep particular information such as the CEII contained in the CEII Attachment as confidential pursuant to G.L. c. 4, § 7, clause 26(n). The Department must weigh the public's interest in transparency and information and the public's interest in safety, security and the safe and reliable provision of gas service. However, by inserting clause 26(n) as a specific exemption to the general presumption of disclosure, the Legislature has statutorily communicated its belief that the interest in safety, security and the safe and reliable provision of gas service should outweigh the public's interest in transparency and information where disclosure jeopardizes public safety. The Department has performed this balancing in the past and protected information pursuant to G.L. c. 4, § 7, clause 26(n). Verizon New England, Inc. d/b/a Verizon Massachusetts, D.T.E. 02-8, at 11-12 (2005) (granting Verizon's motion to restrict public disclosure of results of internal security reviews).

Based on the language of G.L. c. 4, § 7, cl. 26(n), the Company classifies the CEII Attachment as CEII, as the CEII Attachment contains diagrams, processes and step-by-step instructions for shutting down regulator stations, the public exposure of which would reveal sensitive information to bad actors and jeopardize public safety. Based on this precedent, and the Department's clear statutory authority to protect these diagrams and analyses CEII, the Company respectfully requests that that Department afford protective treatment for the CEII Attachment.

IV. CONCLUSION

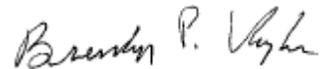
The Company respectfully requests that the Department grant the Company's motion and provide protective treatment for the Confidential Attachment and CEII Attachment. Furthermore, given that the Confidential Attachment and CEII Attachment are not likely to change at any time or to lose their confidential nature, the Company respectfully requests the Confidential Attachment and CEII Attachment be protected from disclosure for an indefinite period of time.

WHEREFORE, the Company respectfully requests that the Department grant its motion for protective treatment of confidential information.

Respectfully submitted by,

**Eversource Gas Company of
Massachusetts d/b/a Eversource Energy**

By its attorneys,



Brendan P. Vaughan, Esq.
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, Massachusetts 02110
(617) 951-1400

Dated: April 22, 2021

REDACTED



COURSE	
Title	19-140 (10) Site Specific Maintenance Procedures
Overview of use of newly developed procedures	
Specific Stations: 11385-4 Agawam Gate HP to MP Station Return to Service_V0	

Date: 4/20/2021
Location Mercury Ct West Springfield
Start Time 1030
End Time 1130
Instructor Brendan Levesque

Name of Employee	U Number	Signature
1 Chuck Docherty	[REDACTED]	
2 Bob Carmel	[REDACTED]	
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REDACTED



COURSE	
Title	19-140 (10) Site Specific Maintenance Procedures
Overview of use of newly developed procedures	
Specific Stations: 11385-4 Agawam Gate HP to MP Station Return to Service_V0; 11383-2 Mill St @ Poplar Station Return to Service_V0	

Date: 3/31/2021
Location 202 Springfield St Agawam
Start Time 1230
End Time 1330
Instructor Brendan Levesque

Name of Employee	U Number	Signature
1 Benny Rocca		
2 Tony Eichstaedt		
3 Jim Clement		
4 Mark Izabel		
5 Glen Halket		
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COURSE	
Title	19-140 (10) Site Specific Maintenance Procedures
Overview of use of newly developed procedures	
Specific Stations: Jackson st LP	
11579-1 and 11579-2	

Date: 4/1/2021
 Location: Lawrence
 Start Time: 1:30 PM
 End Time: 2:45 PM
 Instructor: Francis M. Pena

Name of Employee	U Number	Signature
1 Dave Mathews	[REDACTED]	<i>Dave Mathews</i>
2 Brendon Pimentel		<i>Brendon Pimentel</i>
3 Sean O'loughlin		<i>Sean O'loughlin</i>
4 Christopher Terroux		<i>Christopher Terroux</i>
5 Stephen Dwinells		<i>Stephen Dwinells</i>
6 Adrian Silva		<i>Adrian Silva</i>
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REDACTED

OVERVIEW OF STATION SPECIFIC PROCEDURES ROLL OUT AND TRAINING SESSION

INTRODUCTION

The Station Specific Procedure project was undertaken as a result of the Massachusetts Department of Public Utilities mandate that Eversource Gas of Massachusetts (EGMA) develop regulator maintenance procedure(s) specific to each facility. It was determined that a contractor would be needed to assist with this effort and after a thorough Request for Proposal (RFP) process was undertaken, that the project was awarded to EN Engineering.

As part of this procedure development effort, a total of 588 specific procedures were developed, covering the performance of regulator stations related to 223 EGMA I&R facilities.

OVERVIEW

The purpose of this training session is to familiarize the end user with the new procedure format, the various sections contained within the documents and the expected uses for different sequences described within the site-specific procedures. Knowing that a single procedure could not encompass all aspects of regulator station work, it was determined that based on the station and accompanying system configuration, multiple procedures would need to be developed to take into account how maintenance would be performed.

The various procedures included are:

- Station Shut Down
- Station Return to Service
- Station Maintenance Preparation
- Station Maintenance Return to Service
- Station By Pass

Some stations do not have by pass so the procedure for Station By Pass was not developed for those facilities.

Some stations are single feeds with by pass and do not have Station Shut Down procedures. Generally speaking, stations can be shut down so Station Shut Down and Station Return to Service procedures were developed.

Brockton I+R Group
Attendees:

NAME	SIGNATURE	DATE
Jorge Pacheco	<i>Jorge Pacheco</i>	3-30-21
Kim Anderson	<i>Kim Anderson</i>	3-30-21
Robert Gorman	<i>Robert Gorman</i>	3-30-21
William Kaszaneh	<i>William Kaszaneh</i>	3/30/21
Timothy Maher	<i>Timothy Maher</i>	3/30/21

Brian O'Leary *Bin O'Leary* 3/30/21
Dave Fitzgerald *Dave Fitzgerald* 3/31/2021
[Redacted] was out during on site meeting. Roll out was done with Dara virtually.
[Redacted] is on STD and will receive the Roll out upon his return to work.



COURSE	
Title	19-140 (10) Site Specific Maintenance Procedures
Overview of use of newly developed procedures	
Specific Stations: 11385-5 Agawam Gate HP to HP Regulator Maintenance Preparations_v0, 11385-6 Agawam Gate HP to HP Regulator Return to Service_v0	

Date: 4/21/2021

Location 202 Springfield St Agawam

Start Time 1100

End Time 1130

Instructor Brendan Levesque

Name of Employee	U Number	Signature
1 Rob Nowak	[REDACTED]	
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