



June 14 October [ ], 2021

**VIA ELECTRONIC MAIL ONLY**

Mark Marini, Secretary  
Scott Seigal, Hearing Officer  
Massachusetts Department of Public Utilities  
One South Station, 5<sup>th</sup> Floor  
Boston, Massachusetts 02110

Subject: Comments of Conservation Law Foundation  
D.P.U. Docket No. 21-50, *Notice of Inquiry by the D.P.U. on its own Motion into Procedures for Enhancing Public Awareness of and Participation in its Proceedings*

Dear Secretary Marini, Hearing Officer Seigal, and Service List:

Conservation Law Foundation (“CLF”) offers [updated](#) comments regarding the Department of Public Utilities’ (“DPU” or “the Department”) inquiry into procedures for enhancing public awareness of and participation in its proceedings. [CLF previously submitted comments on June 14, 2021. This letter updates CLF's responses to Questions 1, 4, and 6, relating to language translation and interpretation, to provide consistency with CLF's recommendations regarding EFSB 21-01: \*Inquiry to Examine Procedural Enhancements to Increase Public Awareness of and Participation in EFSB Proceedings.\*](#)

CLF was founded and incorporated in 1966 as a non-profit, member-supported organization dedicated to protecting New England’s environment for the benefit of all people. We use the law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. We welcome and appreciate the opportunity to aid the Department in its effort to make its proceedings more equitable by enhancing public awareness and participation.

**CLF Responses to Department Questions**

*1. Identify additional physical or electronic platforms in which public notices could be reasonably published or disseminated to reach affected and interested stakeholders and ratepayers (e.g., alternative public newspapers, social media, or local venues).*

The Department can enhance public awareness of its proceedings by making public notices accessible on social media, in local gathering places, and in additional non-English language news and radio media. As an initial matter, not every proceeding will require the Department to pursue all of the public posting options described below. The Department should consider the

type of proceeding and the needs of the impacted communities when determining where public notice should be published and in which language(s).

### Type of Proceeding

Proceedings that are likely to have a significant and tangible impact on residents require extensive public notice. This includes, but is not limited to, proceedings concerning rate changes (including rate increases), renewable energy project financing, interconnection, siting of new transmission lines or liquefied natural gas facilities, the implementation of new legislative requirements involving climate change and renewable energy, and gas pipeline safety matters. In these cases, the Department should consider pursuing the applicable publishing opportunities described in this section.

### Extent of Public Notice

The area(s) in which public notice should be published is also dependent on the type of proceeding. For instance, in a rate change proceeding, mailing public notice to customers is already required within the impacted service territory. Such notices should be printed using a larger size font compared to other portions of information included in the mailings. For siting division cases and pipeline safety matters, public notice should be posted in community institutions such as libraries, municipal buildings, and large businesses located within a 5-mile radius of the proposed facility, transmission or pipeline location. This is consistent with EEA's Environmental Justice (EJ) policy;<sup>1</sup> the Department's notice requirements should be updated as needed if the EJ policy is revised.

### Translation of Public Notice

The Department should require and set thresholds for translation of public notices wherever an impacted community includes an environmental justice population designated as such on the basis of a portion of its members being households with limited English proficiency. Although environmental justice populations can be identified by recognizing that a portion of their members have limited English proficiency, this designation does not specify which language or languages are spoken in the community. ~~Accordingly, CLF recommends that the project proponent should be required to identify any languages spoken by at least 2 percent<sup>2</sup> or 100 members, whichever is lower, of the community impacted by the matter being addressed at the Department proceeding and provide translated materials for all notices, publications, and other important documents to be distributed in communities where the need has been identified. Accordingly, CLF recommends that the Department work with the Executive Office of Energy and Environmental Affairs to convene a meeting of language access and environmental justice advocates, agency representatives, and people with GIS and statistical experience (collectively~~

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<sup>1</sup> Matthew A. Beaton, "Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs", available at [https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy\\_0.pdf](https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf) (accessed June 11, 2021).

<sup>2</sup> ~~CLF is in the process of gathering data to inform its recommendation on the threshold for which language translation should be required and will supplement our comments, if necessary.~~

“language access group”) to work through the details of setting a threshold to trigger language translation and interpretation.

- A. The language access group should select the appropriate dataset(s) that minimize the margins of error, which may affect the reliability of information, and is recent enough to capture demographic shifts.

Data regarding limited English proficiency status could be based on decennial census data or American Community Survey (“ACS”) data. Though the 2020 census is complete, the results and data are not yet available. While the Decennial Census reflects a broader sample size and contains a lower margin of error, the ACS is updated more regularly and therefore will better capture demographic shifts. This may also be an aspect in which it is preferable to err on the side of inclusivity – while ACS data may be less statistically rigorous, they are more likely to capture a more current population. However, the Decennial Census is more statistically rigorous than ACS data and this should be considered as well. Relying on the 2010 census data would ensure lower margins of error compared to the more recent American Community Survey data, though that data is likely outdated and not reflective of current language needs.

According to the most recent 5-year American Community Survey estimates, there are 2,617,597 households in Massachusetts, with a margin of error +/- 4,909. Of these households, 152,845 are limited English speaking households, with a margin of error +/- 2,902. Or, 5.8 percent of households in Massachusetts are limited English speaking with a +/- 0.1 margin of error.<sup>3</sup> When analyzing the languages spoken, the margins of error are event greater. Regarding margin of error concerns, an approach of aggregating census tracts will provide a larger sample size which will reduce error. Beyond this, we recommend erring on the side of inclusivity; it would be more detrimental to not provide translation services to people requiring them rather than to provide translated documents that benefit a smaller number of people than intended. We recommend a stakeholder meeting that includes people with GIS and statistical experience to work through these details.

- B. The language access group should consider drawing a radius around the proposed facility location, instead of relying on census blocks, to determine the significant portion of the population that would trigger translated materials.

We recommend that proximity be determined by a radius, rather than be based on the census tract that the project is in, since a project located on the edge of a census tract could have a significant impact on neighboring tracts which would not otherwise be captured. For each project, we recommend the following steps to determine whether translation services should be provided:

1. Draw a radius of 1 or 5 miles around the proposed project that will be seeking Department review.
  - a. A minimum radius of 1 mile is generally accepted and supported by the literature, and a 5 mile radius could be used for projects with associated air emissions,

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<sup>3</sup> The relevant table ID is S1602.

which may have more of a geographic reach than other impacts. This aligns with the EEA Environmental Justice Policy 2017.

2. Determine whether that radius intersects with any environmental justice populations per the EJ Viewer Tool.<sup>4</sup>
3. If yes, determine whether English isolation is a characteristic of any of these block groups.
4. If yes, draw a 1- or 5-mile buffer using GIS around the site, and for all census tracts\* that intersect that buffer, take the sum of the population and then calculate the percentage of the population that speaks each language and identifies as limited English proficiency. Provide translation services for any languages that are spoken by more than a certain percent of the population according to Census data on language spoken at home by ability to speak English (table B16001).
  - a. Additionally, community outreach should be conducted to determine whether translation should be provided for other languages identified in the census reporting but below the X% threshold. It is possible that the census may be underreporting on these languages and therefore outreach is important to ensure that people speaking these languages are not overlooked in the public involvement process.

We recommend that the threshold to trigger language translation and interpretation should err on the side of inclusivity, which could only result in providing more translated information to the community rather than failing to accurately inform them. Other considerations include using publicly available data so that the approach of determining which languages require translation is replicable, and aligns with the Massachusetts environmental justice definition and policy.

Further, if a specific geographical area – including a utility’s service territory – will be impacted by a proceeding, the Department should undertake the steps outlined above to determine whether translation services should be provided. ~~and more than 5 percent or 250 persons living or working in such area have limited proficiency in English, m~~Materials should be translated into the language or languages used in that area and disseminated in the same manner as English notices.

Further, once DPU determines that translation is required, it should publish public notice in language-specific social media, print news, and radio, as described herein in our response to question 1. It should also ensure that notice posted in local venues is translated into the appropriate language(s).

### Location of Public Notice

- a) Local venues

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<sup>4</sup> The EJ Viewer Tool is available at [Environmental Justice Populations in Massachusetts \(arcgis.com\)](https://arcgis.com).

The Department should consider posting language-appropriate materials in gathering spaces that are commonly visited by the public. This may include places of worship, community and senior centers, grocery stores, schools, laundromats, post offices, bus and train stations, and large multi-unit residential buildings. Such notices should be printed on brightly colored paper and written in large text to draw attention. The following is a suggested form that such notices might follow:

**“NOTICE OF PUBLIC HEARING”**  
 Department of Public Utilities Docket No. XX-XX  
 Title and Brief Description of Docket  
 Date and Time of Hearing  
 Physical Location of In-person Hearing  
 QR code with link to Virtual Access & Pre-registration information  
 Phone numbers: DPU Contact, Liaison for Project Proponent  
 Citations to any applicable DPU regulations or Open Meeting Law/Public Records Law

Within the “Brief Description of Docket,” the Department should include a plain-language statement indicating how the proceeding is expected to impact affected residents. This explanation will enhance the effectiveness of the public notice by providing readers with sufficient, easy to understand information that will inform their decision of whether or not to participate in a proceeding.

b) Social Media

The Department should consider establishing Twitter and Facebook accounts, at a minimum, so that it can post public notices to these social media platforms. To enhance public awareness, these platforms also allow the Department to "tag" or share its posts with other stakeholders such as municipal bodies, elected officials, community-based organizations (“CBOs”), and others. The news media described below also typically have associated social media accounts with which the Department could connect. These stakeholders, in turn, can further promote the Department's notice to their communities. The Department should also consider utilizing Muck Rack to expand the reach of its public notices via social media.

c) Media that provide non-English services

The following table is a non-exhaustive list of physical and/or web-based platforms and radio stations that provided non-English services, organized by language, with which the Department can consider publishing notice in appropriate circumstances:

Spanish	Portuguese	Chinese	Haitian Creole	Vietnamese	Arabic
<i>El Mundo Boston</i>	<i>O Jornal (Jornal de Fall River)</i>	<i>Sampan</i>	<i>The Haitian Times</i> (note: English)	<i>Tieng Chung</i>	<i>Profile News</i>

			language publication)		
<i>El Planeta</i>	<i>Portuguese Times</i>	<i>World Journal</i>			
<i>El Heraldo</i>		<i>Sing Tao Daily</i>			
<i>Vocero Hispano</i>					
Radio: WAMG, WCCM, WGUA-LP, WLHZ-LP, WNNW, WORC, WREA-LP	Radio: WBIX, WJFD, WHTB	Radio: WAZN			

Finally, the Department should note that many media sources are targeted to Greater Boston audiences. The Department should take care to publish notice in a language appropriate media outlet that is also accessible to and likely to be read by the affected community, particularly if they are situated outside Greater Boston.

*2. Identify criteria that the Department could use to identify relevant platforms or locations to publish public notices to enhance public awareness of relevant proceedings.*

When identifying and evaluating relevant platforms and locations on which to publish public notices, the Department should engage with the applicable municipal legislative bodies, municipal regional and planning commissions, local elected officials, CBOs, tribal serving organizations and tribal communities (both council and programs, and members), and small businesses to identify platforms and locations where notices will be most effective at enhancing public awareness. As described in question 1, the relevant parties with which the Department should consult will depend on the type of proceeding and subject matter being noticed. For instance, in a rate case, the Department should engage with stakeholders in the relevant service territory. In a siting case, the Department should focus on the 5-mile radius around the proposed project site.

Additionally, to maximize public awareness, the Department should target platforms and locations that are widely used by and accessible to residents that are likely to be impacted by the relevant proceedings. This includes ensuring that notice is published in relevant languages and with media outlets that are accessible to the impacted populations and locations.

The Department should bear in mind that the type and extent of public notice depends on factors unique to each proceeding. A process that is sensitive to these factors requires the Department to take into account the different needs of service territories, the type of the proceeding that is being noticed, the size of the proceeding's expected impacts, and the location of the impacts, among

other considerations. When the size, scope, and location of the proceeding and the needs of the community warrant significant public awareness, the chosen platforms and locations, taken together, should be aimed at reaching as many residents, residential and commercial customers as possible.

*3. Identify criteria that the Department could use to identify relevant community groups or organizations that should be sent public notices in order to enhance awareness of relevant proceedings.*

The Department can pursue several proactive measures to identify relevant community groups and organizations that should receive public notices to enhance public awareness of proceedings. First, CLF is aware that EEA currently maintains a list of individuals and organizations to whom it sends public notices. This list is an asset that the Department should leverage to expand its public outreach. Specifically, it should conduct an annual update of this list by contacting organizations on the existing list to (a) determine additional individuals and groups that should receive public notices and (b) keep contact information current.

Second, as described in question 2, the Department should engage with municipal legislative bodies, municipal regional and planning commissions, local elected officials, tribal serving organizations and tribal communities (both council and programs, and members), and small businesses in areas relevant to a particular proceeding to identify CBOs that should receive public notices.

Third, the Department should identify CBOs that have participated in DPU proceedings in the past 5 years, both through formal intervention in a proceeding and through more limited actions such as submitting or signing onto public comment letters. For those organizations for which the Department can locate contact information, it should reach out to gauge their ongoing interest in receiving public notice. This provides the Department another opportunity to inquire about other CBOs that should receive public notices. A review of this nature may also assist the Department in predicting the types of proceedings that are likely to generate greater public interest or have a significant impact.

Some organizations that should receive public notice may not be identified by the proactive steps outlined above. Therefore, the Department should provide on its website information regarding this public notice distribution list and an opportunity through its website for CBOs to identify themselves as interested in receiving notices of proceedings.

Finally, the Department should consider developing a separate public notice distribution list applicable to projects that the Department anticipates might have a larger impact and/or generate greater public interest. It should send multiple public notices via email for proceedings that are assigned to this list.

*4. Discuss how and by what means the Department can effectively provide notice to people with limited English proficiency. As part of this discussion, please describe criteria that the Department could use to determine whether to translate notices into other languages.*

There are multiple strategies in which the Department should effectively engage to provide notice to people with limited English proficiency. As discussed above, there are numerous non-English language news and social media outlets throughout the Commonwealth which can serve as useful tools in disseminating information about Department proceedings to people with limited English proficiency. Notices should be published in these resources concurrently with being posted to the Department website and distributed to the Department's listserv, or shortly thereafter. Additionally, as recommended above, physical notices providing information about public hearings for Department dockets should be posted in frequently visited locations such as laundromats, grocery stores, and public transit stations and at commonly used bus stops. The Department should also require the project proponent to post notices in areas frequented by members of the public, such as train and bus stations, and signs should be posted at the project location with information on how to access the Department docket and contact information for the Hearing Officer and for a representative for the project proponent.

In addition, the Department should expand its existing Consumer Division call services with additional staff who have multi-lingual capacity. The Consumer Division's scope should be expanded such that Consumer staff can respond to questions about current proceedings; to that end, internal communications among Department divisions should be increased such that Consumer Division staff are equipped to answer questions that come in by phone and email. Examples of how this can be accomplished include weekly briefings or internal memoranda which inform consumer division staff of the issues and procedural context of ongoing matters. Further, the Department should create and fill a new position, for example, a Director of Community Participation, who can manage and oversee personnel in this division and be a resource for Department employees who need guidance or counsel on compliance with Department regulation and policies surrounding awareness and public participation. This new position could also serve as the Department's Environmental Justice point of contact and serve on the Interagency Environmental Justice Working Group as required by Massachusetts Executive Order 552.

To determine which and how many languages notices should be translated into, the Department and project proponents should carefully consider which communities are impacted by the matter in question and determine the make-up of those communities. Specifically, the Department should convene a stakeholder meeting to determine the thresholds to be used to trigger mandatory translation of public hearing notices and project information. The Department should also coordinate the simultaneous release of project documents in English and any necessary languages to ensure equal comment opportunities to limited English proficient residents. The Department should set a threshold to determine into which languages a notice must be translated; CLF recommends setting this trigger at 2 percent or 100 members of the impacted community, whichever is lower.

*5. Discuss how costs associated with the publication of notice or translation services for proceedings that are not filed by a Department-regulated company should be recovered (e.g., petitions filed by municipalities, individual customers, stakeholders, or associations).*



In general, the costs associated with publication of notice or translation services for proceedings that are not filed by a Department-regulated company should be borne by the project proponent. The Department should create and maintain a list of Department vetted resources, such as translation service agencies, which a project proponent can use to meet its needs and/or any legal requirements regarding notice. To ensure effective public participation, maintenance of quality translation is crucial. Subpar services – for example, translators lacking the skill or technical knowledge needed to accurately convey information – serve only as a barrier to equity and public participation.

By creating and maintaining a list of vetted translators and other resources, the Department will increase business, and therefore invoicing, for people and organizations filling these roles. It may, therefore, be possible to arrange for a special rate for cost-restricted municipalities or private homeowners, as the entity will overall still have more business than if it was not on such a list. Note that few proceedings are initiated by an individual customer, such as a homeowner or renter. Two examples include a petitioner seeking exceptions from the net metering rules and regulations and a consumer complaint against a utility and any appeal. The Department could consider exempting these types of matters from translation and interpretation requirements. All told, however, meeting these requirements is simply a cost of doing business in the Commonwealth, and equity considerations such as accurate translation, interpretation, and effective participation cannot be forfeited in the name of saving a few dollars.

*6. Describe criteria that the Department could use to determine whether interpretation services should be provided at hearings and the best practices for providing interpretation services at such hearings. In this response, please address virtual, in-person, and hybrid hearings, as well as hearings where interpretation into multiple languages may be required. Also address any feasibility considerations in providing such services.*

During the Covid-19 pandemic, the Department, like other state and municipal agencies, moved to a virtual platform to conduct business. Doing so enabled many people who would otherwise be barred from participating in Department proceedings by work, child care needs, household chores, or difficulty commuting to Boston, were able to listen and participate in DPU proceedings from a distance. For at least some public hearings, CLF noted that the DPU had provided translation services for multiple languages; this practice is good and should be continued and made standard practice for all public hearings. For the most commonly spoken languages in the Commonwealth, including Spanish, Portuguese, Chinese, Vietnamese, Arabic, and Haitian Creole, interpreters should be available for all public hearings. Further, interpretation services for persons who are deaf or hard of hearing should be available for all public hearings.

For in-person attendees, the Department already utilizes headsets for translation purposes; these headphones can also be used for some persons who are hard of hearing. An ASL interpreter should be available for any persons in the audience requiring sign language translation. Attendees participating remotely via virtual means can utilize the same Zoom tools as had been used during the Covid-19 pandemic. Interpreters should be providing real-time, live interpretation of the hearings, as opposed to reading and translating from a record. As noted

above, the Department should create and maintain a list of vetted translators with sufficient technical knowledge to correctly relay information to those needing translation services.

The interpretation should be carried out as soon as the event begins, so that Portuguese speakers, for example, understand what someone is saying in English and the English speakers understand what someone is saying in Portuguese. In this light, it is essential to maintain the quality of translation and interpretation services. CLF and its members recommend an elaboration of a list of service agencies which project proponents may use to meet their needs and ensure the accuracy of translations and interpretation for public involvement. Subpar services such as an interpreter lacking the skills or technical knowledge needed to accurately capture the information impede equity in public participation. Identifying language services providers with the technical knowledge needed to translate adequately is necessary to ensure the public's understanding of proposed activities and therefore the ability to provide feedback.

Interpreters should be provided all presentation materials in advance and, as discussed above, must possess subject matter expertise in energy, infrastructure, permitting, siting, and utilities. All materials distributed or displayed at these meetings, including agenda, notes, and slide presentations, must be provided in all languages simultaneously.

In addition to the above, the Department, possibly in conjunction with other Massachusetts agencies, should conduct annual demographic studies to determine language access needs in the Commonwealth. The Department should maintain a current roster of interpreters and translators with technical expertise in related matters such as energy, infrastructure, permitting, siting, and utility regulation. Further, the DPU should work directly with community groups to identify the needs of persons with limited English proficiency and determine and implement measures to adequately address these needs.

*7. Discuss criteria that the Department could use to identify the appropriate language or languages to use to translate our public notices and/or to interpret at a hearing.*

As recommended above, DPU should set a threshold for translation of public notices wherever an impacted community includes an environmental justice population designated as such on the basis of portion of its members being persons with limited English proficiency. Where 2 percent or 100 members, whichever is lower, of a community communicate using a non-English language, notices should be translated accordingly.

The entity responsible for securing services should identify the above-recommended threshold is met for any languages and provide translation and interpretation services for that language. For any additional languages, any notices of the public hearing – whether oral (e.g., on the radio) or written – should include information on whom an individual should contact to request translation services. The public must be given significant time to request interpretation services, as many individuals are unlikely to be able to plan more than a few days in advance whether they will attend the public hearing. Accordingly, the deadline to request translation services for a public hearing should be no earlier than 48 hours before the time of the public hearing.

*8. Discuss criteria that the Department could use to identify language access service providers with the technical knowledge necessary to best convey technical information into other languages, both orally and in writing.*

The Department should first start to identify language access service providers with the technical knowledge needed to best convey technical information by reviewing any existing lists or catalogs it has and identifying any gaps – for example, if commonly spoken languages are missing from the service providers included. Once it has identified what needs are not met by the existing list, the Department should utilize a standard RFP process to identify language access, translation, and sign language service providers having the technical knowledge needed to adequately and accurately translate technical nuances which can significantly impact the public’s understanding of a matter and therefore its ability to provide feedback. The RFP can be distributed to organizations and entities providing translation services in court proceedings and other adjudicatory proceedings. Every effort should be made to ensure that those who are included on any list the Department will maintain are local to Massachusetts, but this should not prevent the Department from maintaining a list which is exhaustive relative to the most commonly spoken languages in the Commonwealth.

To ensure that translators and interpreters remain neutral, conflicts of interest checks should be performed before they are added to the list and periodically thereafter. Persons employed at or whose family members or business partners have dealings with Department-regulated entities cannot serve as translators or interpreters.

*9. Identify any criteria that the Department could use to determine the date, time, duration, and location (physical or virtual) to hold a public hearing that would be the most convenient for local community members.*

The Department should engage with local stakeholders including municipal legislative bodies, municipal and regional planning commissions, local elected officials, CBOs, tribal serving organizations and tribal communities (both council and programs, and members, and small business to identify best practices for holding public hearings in a given community. The Department should use the Executive Office of Energy and Environmental Affairs Environmental Justice Viewer to identify environmental justice populations, which may require more intentional and specialized outreach. This outreach process should include building relationships with environmental justice populations using trusted advocates to foster open communication with respect to community-specific best practices.

In general, CLF recommends that the Department continue to allow the public to virtually access and participate in hearings. In the past year, virtual access has promoted greater and more equitable participation in public bodies across Massachusetts.<sup>5</sup> Even if and when the Department

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<sup>5</sup> See, e.g., Kim Driscoll, *Legislature Should Not Be Exempt from Open Meeting Law*, BOS. GLOBE, Mar. 29 2021, [https://www.bostonglobe.com/2021/03/29/opinion/legislature-should-not-be-exempt-open-meeting-law/?p1=BGSearch\\_Overlay\\_Results](https://www.bostonglobe.com/2021/03/29/opinion/legislature-should-not-be-exempt-open-meeting-law/?p1=BGSearch_Overlay_Results) (“The collective use of virtual meeting tools by so many Massachusetts

returns to holding in-person hearings, members of the public should have the opportunity to attend and participate remotely. Hybrid hearings will allow interested parties to attend hearings in person if they are able while still ensuring that members of the public who cannot attend in person can still participate. Additionally, the Department should provide multiple time options, including times during non-business hours, for public hearings to ensure that people who cannot leave work to attend a hearing or who work multiple jobs can participate.

The Department should also set standards for inclusive participation in public hearings. The Department should track participant demographics and make efforts to match participant demographics with community (or statewide where applicable) demographics regarding women, people of color, veterans, formerly incarcerated people, and people living with disabilities. The Department should ask participants to voluntarily self-identify as members of underrepresented groups and ensure these data are treated in a confidential manner. These data, in conjunction with consultation with community advocates, should guide the Department’s policies regarding the date, time, duration, and location of public hearings in given communities.

*10. Discuss any suggestions related to a pre-registration process to make comments, as well as the process for making comments in general, at public hearings.*

The Department should provide additional ways for members of the public to pre-register to make comments at public hearings and make the pre-registration process clear on notices of hearings. The Department should, at a minimum, allow registration by email, by phone call, and on the Department’s website. The Department should provide information about each way to pre-register, as well as information for people who require disability or translation accommodations, on notices of hearings. Additionally, notices should include contact information for the hearing officer and a designated representative for the proponent of the project where applicable, as well as information for a translation service. Technical language on notices should be translated into plain language to best facilitate public participation.

Although pre-registration should be encouraged as a useful planning tool for the Department, people who have not pre-registered should not be precluded from commenting at public hearings, whether in person or remotely. Advances in remote meeting security over the course of the last year have limited disruptive intrusions on remote meetings (e.g., “Zoombombing”), and Massachusetts’ Open Meeting Law allows the Department to remove a member of the public who disrupts a meeting<sup>6</sup> — therefore, a preregistration process, while helpful for hearing facilitation, is not necessary to ensure the security of Department hearings. Additionally, allowing members of the public increased flexibility to make comments whether or not they have pre-registered ensures equitable and robust public participation in Department hearings.

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residents has made it easier for residents of all ages to engage on issues they care about without having to drive to a hearing at city hall or hire a babysitter to attend a school committee meeting.”).

<sup>6</sup> See *Open Meeting Law Guide and Educational Materials*, COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL, 17 (2018), [https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials\\_revised%201-30-18.pdf](https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials_revised%201-30-18.pdf).

Finally, the Department should maintain a webpage that provides clear instructions for how the public can participate in hearings and in Department proceedings in general.<sup>7</sup> This webpage should include instructions for how to pre-register for participation in a public hearing along with accessibility resources. This webpage should also include a description of different ways that the public can participate in Department proceedings, the different types of proceedings under the Department's jurisdiction, and the manner in which the Department considers public comments.

*11. Identify how you learned of this proceeding (e.g., newspaper, word of mouth, city or town website, from the Department).*

Multiple employees of Conservation Law Foundation are subscribed to Department updates and learned of the present proceeding by means of Hearing Officer Seigal's April 16, 2021 e-mail noticing the docket.

*12. Provide any additional comments or suggestions regarding the methods that the Department could employ to increase stakeholder and public awareness of and participation in our proceedings and develop best practices for when and how to use language access services.*

As has been described above, there are many actions which the Department can and should take to enhance awareness of and public participation in its proceedings. In addition to the above, the Department should consider whether it may be possible to provide funding or compensation for certain members of the public and for representatives from community organizations to participate at public hearings, or for their time in coordinating others and drafting and filing comments.

Finally, in multiple responses above, CLF has noted the need for translation and interpretation services to be provided by persons with sufficient technical and regulatory knowledge to be able to deliver an accurate translation, which is crucial to ensure effective public participation. The Department should organize trainings for translators to ensure that there is a pool of qualified translators and interpreters. Such trainings could be held annually or bi-annually; introductory hearings can be open to all members of the public wishing to learn more about the Department and general matters pertaining to utilities, ratemaking, and other common procedures. Advanced trainings which cover more detailed information can be held for translators and interpreters only, and completion of such training can be required in order for a translator to be included on the Department's list of translation service resources. This provides a mutual benefit where the Department and project proponents have a comprehensive list of qualified service providers, the public enjoys quality translation services, and the translators gain additional business opportunity by being included on the list.

CLF thanks the Department for its commitment to implementing the Roadmap Law (Chapter 8 of the Acts of 2021) and expand access to agency proceedings. CLF appreciates the Department

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<sup>7</sup> See, e.g., *How to Participate at the Commission*, MAINE PUBLIC UTILITIES COMMISSION, [https://www.maine.gov/mpuc/about/how\\_to\\_participate.shtml](https://www.maine.gov/mpuc/about/how_to_participate.shtml).

for the opportunity to provide these recommendations for manners in which the Department can and should enhance awareness of and public participation in its proceedings. We welcome any additional inquiries and collaboration on this matter. To that end, please contact Staci Rubin ([srubin@clf.org](mailto:srubin@clf.org)) or Priya Gandbhir ([pgandbhir@clf.org](mailto:pgandbhir@clf.org)) with any questions or comments. Thank you for your time and attention to this matter.

Very truly yours,



Staci Rubin, Vice President, Environmental Justice  
Priya Gandbhir, Staff Attorney  
Andrew Yarrows, Legal Fellow  
Robert Denniston, Legal Intern

CC: 21-50 Service List