



ATTORNEYS AT LAW

The firm has attorneys also admitted to practice in District of Columbia, Idaho, New Hampshire (Inactive) and Vermont

1337 MASSACHUSETTS AVENUE, BOX 314
ARLINGTON, MASSACHUSETTS 02476

TELEPHONE: 617.244.9500
FACSIMILE: 802.419.8283
E-MAIL: bckboston@bck.com
WEBSITE: www.bck.com

December 3, 2021

VIA ELECTRONIC MAIL ONLY (newsjcsinglejusticecase@jud.state.ma.us)

Clerk Maura S. Doyle, County of Suffolk
John Adams Courthouse, 1st Floor
One Pemberton Square, Suite 1300
Boston, MA 02108-1707

RE: *Cape Light Compact JPE v. Department of Public Utilities*
Petition for Appeal of D.P.U. 20-40-A

Dear Clerk Doyle,

Enclosed for filing please find the Cape Light Compact JPE's Petition for Appeal of the Order of the Department of Public Utilities in D.P.U. 20-40-A, to be docketed with the Court. Please note that as directed, a check payable to the Commonwealth of Massachusetts in the amount of \$315.00 will be mailed to your office under separate cover. Please contact me directly at (617) 244-9500 x 203 or akiernan@bck.com with any questions.

Thank you for your attention to this matter.

Sincerely,

Audrey Eidelman Kiernan

AEK/drb
Enclosures

cc: Mark D. Marini, Secretary, Department of Public Utilities (w/enc.) (via email only)
Jonathan Goldberg, General Counsel, Department of Public Utilities (w/enc.) (via email only)
Sarah Smegal, Hearing Officer, Department of Public Utilities (w/enc.) (via email only)
Margaret T. Downey, Administrator, Cape Light Compact JPE (w/enc.) (via email only)

VERMONT OFFICE:
P.O. Box 205, Woodstock, Vermont 05091
Telephone: 802.457.9050
Facsimile: 802.419.8283
E-Mail: bckvt@bck.com

MOUNTAIN STATES OFFICE:
Telephone: 617.584.8338
Facsimile: 802.419.8283
E-Mail: bckidaho@bck.com

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
No. SJ-2021-

THE CAPE LIGHT COMPACT JPE)
Plaintiff – Appellant,)
v.)
THE DEPARTMENT OF PUBLIC UTILITIES)
Defendant – Appellee)

PETITION FOR APPEAL

Introduction

1. On November 5, 2021, the Department of Public Utilities (the “Department”) issued a final order in D.P.U. 20-40-A (the “Order”). The Order denied the request of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet and Yarmouth, and Dukes County, organized and operating collectively as the Cape Light Compact JPE (the “Compact”) for approval to implement a strategic electrification and energy optimization offering known as the “Cape and Vineyard Electrification Offering” or “CVEO” as part of the Compact’s 2019-2021 Three-Year Energy Efficiency Plan (“2019-2021 Plan”).

2. The Compact is a Department-approved municipal aggregator pursuant to G.L. c. 164, §134(a) and has an energy efficiency plan certified by the Department in accordance with G.L. c. 164, §134(b).
3. The Compact is also a “Program Administrator” for purposes of the statewide administration of energy efficiency by municipal aggregators with certified energy efficiency plans pursuant to G.L. c. 25, §§19, 21. The Legislature set forth the process for collective administration of three-year energy efficiency plans by electric distribution companies and municipal aggregators as part of the Green Communities Act of 2008, St. 2008, c. 169 (the “GCA”). The design, implementation and cost-recovery associated with these plans is governed by the Department. *Id.* Statewide energy efficiency programs are funded in large part through charges collected from ratepayers on their electric or gas bills. *Id.* §19.
4. The Legislature also determined as part of the GCA that the Department’s approval of statewide energy efficiency plans should be undertaken with assistance from an Energy Efficiency Advisory Council (“Council”). G.L. c. 25, §22. The Council is appointed and convened by the Department and comprised of various industry and stakeholder interests (e.g., residential consumers, low-income consumers, manufacturing, labor, municipalities, non-profits and state energy and environmental agencies, etc.). *Id.* As part of the Department’s approval process, the Council reviews and approves the statewide energy efficiency plans and associated budgets prior to their submission to the Department. *Id.*
5. The Compact was the petitioner in D.P.U. 20-40 and now appeals from the Order because the Order is based upon error of law, is unsupported by substantial evidence and unwarranted based on facts found in the record.

6. Specifically, the Department incorrectly construed G.L. c. 25, §21 to find that because solar photovoltaic (“PV”) technology does not seek to lower a customer’s consumption: (1) it is not an energy efficiency resource for purposes of the statewide administration of energy efficiency by Program Administrators (citing G.L. c. 25, §§19, 21-22); and (2) programs relying on solar PV like CVEO cannot be funded using energy efficiency funds. Order at 21. The Department makes these findings despite the Legislature, in 2018, having specifically authorized energy efficiency programs to include those that result in customers switching to renewable energy sources or other clean energy technologies. An Act to Advance Clean Energy (“2018 Energy Act”), St. 2018, c. 227, §4.
7. In addition, the Department incorrectly construed G.L. c. 164, §134(b) and An Act Relative to Solar Energy, St. 2016, c. 75 (the “2016 Solar Act”), to determine that the Compact would violate the laws of the Commonwealth in implementing CVEO by creating a separate incentive program for solar PV development in conflict with the Legislature’s intent under the 2016 Solar Act. Order at 22-23.
8. Several of the Department’s factual findings about the program design of CVEO are wrong and either ignore or misconstrue the record in D.P.U. 20-40. Order at 11, 24-30. Further, the Department contradicts its own record in approval of the 2019-2021 Plan with its findings related to ratepayer support for installation of battery storage. *Id.* at 21.
9. The Order contains no reasoning or explanation for why the Department ignored the Council’s express support of CVEO.
10. For these reasons, the Compact respectfully requests that the Court reverse and vacate the Department’s denial of CVEO or, in the alternative, remand this matter for such other relief as deemed appropriate and proper.

Jurisdiction

11. The Supreme Judicial Court for Suffolk County has jurisdiction over the subject matter of this action and authority to order the relief requested pursuant to G.L. c. 25, §5.

Parties

12. The Compact is a municipal aggregator with a Department-approved municipal aggregation plan and Department-certified energy efficiency plan pursuant to G.L. c. 164, §134. *See* ¶¶ 25-32, *infra*. The Compact's members are organized and acting collectively as a joint powers entity pursuant to the authority set forth in G.L. c. 40, §4A ½. The offices of the Compact are located at 261 Whites Path, Unit 4, South Yarmouth, Massachusetts, 02664.

13. The Department is an agency of the Commonwealth, established pursuant to G.L. c. 25, §1, having its offices at One South Station, Boston, Massachusetts 02110.

Procedural History

14. The Compact's 2019-2021 Plan, submitted jointly with all other energy efficiency Program Administrators, was approved by the Department on January 29, 2019. *Three-Year Energy Efficiency Plans for 2019-2021*, D.P.U. 18-110 through D.P.U. 18-119 (2019) (the "Three-Year Plans Order").

15. The Compact originally proposed CVEO as a Compact-specific enhancement to the 2019-2021 Plan pursuant to G.L. c. 164, §134(b). The Department did not approve CVEO or its associated budget; rather, the Department found it appropriate that the Compact engage in stakeholder discussions, refine its proposal, present the redesign to the Council for approval and submit a revised proposal to the Department for review. *Three-Year Plans Order* at 131.

16. During the course of 2019, the Compact worked extensively with stakeholders, including representatives from the Department of Energy Resources ("DOER"), the Office of the

Attorney General (“AGO”) and the Low-Income Weatherization and Fuel Assistance Network (“Network”) to review and collaborate on CVEO’s program design. Petition for Approval of Compliance Filing Regarding Implementation of Cape & Vineyard Electrification Offering (“CVEO Petition”) at 3, D.P.U. 20-40 (May 15, 2020). DOER, the AGO and the Network are all voting members of the Council. The Compact also conferred with other Council members, the Council’s consultants and additional industry stakeholders to restructure CVEO in order to address the issues identified by the Department and other parties during the adjudication of the Compact’s 2019-2021 Plan. *Id.* The Council unanimously voted in support of CVEO on April 15, 2020. *Id.*

17. On May 15, 2020, the Compact submitted the CVEO Petition to the Department in D.P.U. 20-40 for approval of a compliance filing regarding implementation of CVEO for the remaining two years (2020-2021) of the 2019-2021 Plan.
18. The full parties to D.P.U. 20-40 include the Compact, AGO, the Network and DOER. Order at 2. As voting members of the Council, each entity supported the CVEO redesign. CVEO Petition at 3.
19. The Department received upwards of fifty public comment letters in support of the CVEO Petition and no public comment in opposition to the CVEO Petition.
20. The Department issued several rounds of discovery to the Compact in D.P.U. 20-40 but did not hold any evidentiary hearings. Order at 3. Initial briefs were filed on January 6, 2021, and reply briefs were filed on January 20, 2021. *Id.* The AGO and DOER filed initial briefs in support of CVEO. *Id.*
21. On November 1, 2021, with no decision yet issued by the Department in D.P.U. 20-40, the Compact submitted its statewide energy efficiency investment plan for 2022-2024 (“2022-

2024 Plan”) in accordance with G.L. c. 25, §21. The Compact proposed to offer CVEO as an enhancement to the 2022-2024 Plan. The Department docketed the Compact’s 2022-2024 Plan proceeding as D.P.U. 21-126.

22. On November 5, 2021, the Department issued the Order, denying CVEO for the 2019-2021 Plan.

23. On November 12, 2021, the Department’s Hearing Officer issued a Memorandum directing the Compact to update its 2022-2024 Plan to remove the proposed CVEO and associated budget. *Cape Light Compact JPE*, D.P.U. 21-126, Hearing Officer Memorandum (November 12, 2021). The Hearing Officer directed that the Compact must remove CVEO from the 2022-2024 Plan consistent with the Department’s findings in the Order. *Id.* at 2.

24. On November 17, 2021, for the convenience of the Department, the Compact submitted revised budgets and bill impact calculations removing CVEO; however, the Compact informed the Department of its intent to file this petition for appeal (“Petition”) and that the Compact would not remove CVEO from the Department’s adjudication of the 2022-2024 Plan. *Cape Light Compact JPE Response to Hearing Officer Memorandum*, D.P.U. 21-126 (November 17, 2021).

Background On the Compact

25. In 1997, the Legislature enacted An Act Relative to Restructuring the Electric Utility Industry in the Commonwealth, Regulating the Provision of Electricity and Other Services, and Promoting Enhanced Consumer Protections Therein, St. 1997, c. 164 (the “Restructuring Act”). The Restructuring Act authorized municipal aggregation – the aggregation of the electrical load of interested electricity consumers within municipal boundaries – and the

provision of energy efficiency programs by municipal aggregators establishing load aggregation programs, which is codified at G.L. c. 164, §134.

26. In 2000, the Department approved the aggregation plan of all twenty-one municipal members of the Compact acting together through an inter-governmental agreement pursuant to G.L. c. 40, §4A. *Cape Light Compact*, D.P.U. 00-47 (2000).
27. In 2001, the Department first approved the energy efficiency plan of the Compact. *Cape Light Compact*, D.P.U. 00-47-C (2001).
28. As a municipal aggregator, the Compact may propose an energy efficiency plan that is, “more specific, detailed, or comprehensive or which covers additional subject areas” than state energy conservation goals and may not be prohibited from “considering, adopting, enforcing, or in any other way administering an energy plan which does not comply with any such state-wide conservation goals so long as it does not violate the laws of the commonwealth.” G.L. c. 164, §134(b).
29. In 2008, the Legislature enacted the GCA, which is codified at G.L. c. 25, §§19, 21-22. The GCA requires that every three years, municipal aggregators with certified efficiency plans together with electric distribution companies jointly prepare an energy efficiency investment plan that provides for the acquisition of all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply. G.L. c. 25, §21(b)(1). The Legislature also established the Council as part of the GCA. G.L. c. 25, §22.
30. The Compact has received approval from the Department for all of its three-year energy efficiency plans submitted in accordance with the GCA. *Cape Light Compact JPE*, D.P.U. 18-116 (2019); *Cape Light Compact*, D.P.U. 15-177 (2016); *Cape Light Compact*, D.P.U. 12-107 (2013); *Cape Light Compact* D.P.U. 08-113 (2009). The Department has determined

that if a municipal aggregator’s three-year plan meets the goals and requirements of the GCA, it is also consistent with state energy conservation goals as required by G.L. c. 164, §134(b). *Three-Year Energy Efficiency Plans for 2010-2012*, D.P.U. 09-116 through D.P.U. 09-120 at 161 (2010). Further, the Department has stated, “because the Green Communities Act fundamentally changes the Department’s review of energy efficiency plans, it effectively supplants our previous reliance on the energy goals established in the DOER Guidelines.”

Id.

31. In 2017, the Compact internally reorganized as a joint powers authority pursuant to G.L. c. 40, §4A ½.

32. The Compact is the only non-utility Program Administrator of energy efficiency in the Commonwealth and the only municipal aggregator with a certified energy efficiency plan.

Relevant Energy Legislation

33. In 2016, the Legislature enacted the Solar Energy Act. The Solar Energy Act directed DOER to adopt rules and regulations to lower the cost of the Commonwealth’s solar incentive programs for ratepayers and to do so by establishing a statewide incentive program in accordance with specific criteria. St. 2016, c. 75, §11. In accordance with the Solar Energy Act, DOER promulgated regulations establishing the Solar Massachusetts Renewable Target (“SMART”) program. 225 C.M.R. §20.00.

34. In 2018, the Legislature enacted the 2018 Energy Act, which, among other things, amended the GCA to identify additional programs that may be offered in an energy efficiency investment plan, including energy storage and other active demand management technologies, and strategic electrification, such as measures that are designed to result in cost-effective reductions in greenhouse gas emissions and programs that result in customers

switching to renewable energy sources or other clean energy technologies. This enactment was codified at G.L. c. 25, §21(b)(2).

35. In 2021, the Legislature enacted An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, St. 2021, c. 227 (the “Climate Act”). Among other things, the Climate Act requires Program Administrators, as part of their three-year statewide administration of energy efficiency, to meet greenhouse gas emissions reduction goals established by the Secretary of the Office of Energy and Environmental Affairs. St. 2021, c. 8, §9. The Climate Act also expands the scope of the Department’s mission to include the prioritization of equity and greenhouse gas emissions reductions. *Id.*, §15.

CVEO

36. CVEO is a strategic electrification and energy optimization offering designed to allow 250 low- and moderate-income customers in the Compact’s service territory (Cape Cod and Martha’s Vineyard) to: (1) convert their oil, propane or electric resistance heat to cold climate heat pumps; (2) install solar PV systems to support electrification of their heating system; and (3) install battery storage for demand response and resiliency. Order at 1-2. CVEO was proposed as an enhancement to the statewide energy efficiency plans because the Compact is the only Program Administrator desiring to offer this technology package and it is doing so to a limited and targeted customer base in order to address affordability and accessibility gaps such customers face in these specific technology markets. CVEO Petition at 4-5.

37. Heat pumps are an existing measure offered by the Program Administrators. The technology is a heating and cooling system that moves heat into a home in the winter and draws heat out of the home in the summer. Instead of burning fossil fuels, it is powered by electricity.

Battery storage for demand reduction is also an existing measure offered by the Program Administrators. Customers participate in a program that compensates them financially when they dispatch their battery to help the electric grid reduce demand during peaks. Battery storage may be paired with solar PV systems to maximize how much energy generated by the solar panels is used directly in a customer's home. The solar PV paired with battery storage also balances the increased electric load associated with use of the heat pump. Attachment A to the Testimony of Austin T. Brandt filed with the CVEO Petition contains additional information regarding the CVEO technology package.

38. CVEO was designed to address the expanded scope of energy efficiency under the GCA, resulting from the 2018 Energy Act. The Legislature amended the GCA in 2018 to identify additional programs that may be offered by Program Administrators, including energy storage and other active demand management technologies, and strategic electrification, such as measures that are designed to result in cost-effective reductions in greenhouse gas emissions and programs that result in customers switching to renewable energy sources or other clean energy technologies. G.L. c. 25, §21(b)(2).
39. The Compact's proposal for CVEO presented in the CVEO Petition was a redesign of the initial offering in an attempt to address concerns raised by the Department, DOER and the AGO during the Department's adjudication of the 2019-2021 Plan. Order at 4-5. The redesign of the offering significantly reduced the budget (an over \$17 million budget decrease for 2020-2021 compared to the initial proposal submitted with the 2019-2021 Plan). *Id.* at 5-6. The Compact did so by targeting a more limited customer base and proposing a third-party ownership structure for the solar PV and battery storage components to leverage funding from federal and state incentives (e.g., tax credits, SMART, ConnectedSolutions (an

active demand reduction program offered by the Program Administrators), etc.), thus reducing the amount of energy efficiency ratepayer funding needed to support CVEO. *Id.* at 6-7.

The Order

40. Despite the Compact's compliance with all of the Department's directives regarding CVEO in the Three-Year Plans Order, despite obtaining a unanimous vote of the Council in support of CVEO and despite the briefing of the AGO and DOER in full support of CVEO, the Department denied the Compact's CVEO Petition. Order at 32.
41. The Department's reasoning is confounding and premised on clear legal errors. The Department states that the solar PV component of CVEO is not an energy efficiency resource under the GCA (and therefore cannot be supported with energy efficiency ratepayer funding). Order at 21. Yet, the Legislature's amendments to the GCA under the 2018 Energy Act specifically authorized strategic electrification and programs that result in customers switching to *renewable energy sources* or other *clean energy technologies*. G.L. c. 25, §21(b)(2) (emphasis added). This Court is clear that terms in a statute should be given their plain and ordinary meaning unless a contrary legislative intent is demonstrated. *Boylston v. Commissioner of Revenue*, 434 Mass. 398 at 405 (2001) (citing *Henry v. Board of Appeals of Dunstable*, 418 Mass. 841, 843 (1994); G.L. c. 4, §6, cl. 3. Administrative agencies must also adhere to the same basic principles of statutory construction. *In the Matter of Palmer Renewable Energy LLC*, MA DEP OADR Docket No. 2011-021 & -022 (July 9, 2012) at 8 (noting that the primary duty in interpreting a statute is to effectuate the intent of the Legislature in enacting it, that the language of the statute is the principal source of insight into legislative intent and that where words are plain and unambiguous in their meaning, they are conclusive as to legislative intent).

42. The Department also states that energy efficiency ratepayer funding cannot be used to support the costs of installing battery storage. Order at 21. Yet, the Department approved the Program Administrators' 2019-2021 statewide energy efficiency plans with clear knowledge and understanding that such funding is used to support battery storage. *Cape Light Compact JPE*, D.P.U. 18-116, Exh. DPU-Electric 2-15; Three-Year Plans Order at 14.
43. The Department also determined that energy efficiency ratepayer funding for the purpose of installing new battery storage as backup generation resources is outside the scope of energy efficiency and demand reduction. Order at 22. This finding completely overlooks (or intentionally ignores) the main stated purpose of the battery storage system proposed as part of CVEO – to participate in active demand response by requiring the third-party owner to qualify the battery storage system for and utilize revenues from the ConnectedSolutions program. *See, e.g.*, Order at 5-14.
44. The Department further proposes to circumvent the clear statutory authority the Legislature granted to municipalities in G.L. c. 164, §134(b) to design and administer energy efficiency programs to meet the needs of their constituents by concluding that the Compact's administration of CVEO would violate the laws of the Commonwealth in that it sharply conflicts with the Legislature's establishment of a solar incentive program under the 2016 Solar Act. Order at 23. The Department's reliance on *Parris v. Sheriff of Suffolk County*, 93 Mass. App. Ct. 864 (2018) to support this finding is in error. *Cf. Mad Maxine's Watersports, Inc. v. Harbormaster of Provincetown*, 67 Mass. App. Ct. 804, 807 (2006) (only when municipal enactment presents sharp conflict between state and local provisions, established by clear legislative intent to preclude local action or when statutory purpose is prevented by local action, will local action be held invalid).

45. The Department also identifies a litany of concerns with the Compact’s proposal that purportedly prevent it from approving the CVEO Petition. Order at 24-30. Upon scrutiny, most of these so-called “deficiencies” appear to be grounded in the Department’s own misunderstanding or misinterpretation of the Compact’s proposal; the rest are inconsequential or red herrings. *Id.*

Legal Claims

46. The Order is based on errors of law in violation of G.L. c. 30A, §14(7) in that the Department fails to give meaning to or misconstrues the Legislature’s amendments to the GCA under the 2018 Energy Act. G.L. c. 25, §21(b)(2).

47. The Order is based on errors of law in violation of G.L. c. 30A, §14(7) in that the Department improperly applies the law of preemption to find that CVEO would violate the laws of the Commonwealth.

48. The Order is unsupported by substantial evidence and unwarranted by the facts on the record in violation of G.L. c. 30A, §14(7) because the Department’s findings are premised on fundamental misunderstandings of the CVEO program design.

49. The Order is unsupported by substantial evidence and unwarranted by the facts on the record in violation of G.L. c. 30A, §14(7) because the Department fails to provide any reasoning to explain the Department’s decision to ignore and give no meaning to the Council’s express approval of CVEO.

50. The Order is based on errors of law in violation of G.L. c. 30A, §14(7) in that by denying CVEO the Department fails to prioritize equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits, which are now required elements of the Department’s discharge of its duties under G.L. c. 164. Climate Act, §15.

Prayer for Relief

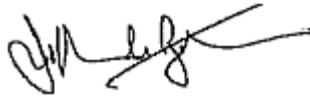
WHEREFORE, the Compact respectfully requests that the Court:

1. Reverse and vacate the Department's denial of CVEO or, in the alternative, remand the matter to the Department for reconsideration and further findings, in accordance with the Court's decision.
2. Grant such other relief as the Court deems necessary and proper.

Respectfully submitted,

The Cape Light Compact JPE,

By its attorneys,



Jeffrey M. Bernstein, BBO# 041190
Audrey Eidelman Kiernan, BBO# 670544
BCK Law, P.C.
1337 Massachusetts Avenue, Box 314
Arlington, Massachusetts 02476
617.244.9500
jbernstein@bck.com
akiernan@bck.com

Dated: November 24, 2021

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

CAPE LIGHT COMPACT JPE

)
) D.P.U. 20-40

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure).

Dated this 24th day of November 2021.



Audrey Eidelman Kiernan, Esq.
(akiernan@bck.com)
BCK LAW, P.C.
1337 Massachusetts Avenue, Box 314
Arlington, MA 02476
(617) 244-9500 (Phone)
(802) 419-8283 (Fax)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
No. SJ-2021-

THE CAPE LIGHT COMPACT JPE)

Plaintiff – Appellant,)

v.)

THE DEPARTMENT OF PUBLIC UTILITIES)

Defendant – Appellee)

**CERTIFICATE OF GOOD CAUSE
FOR PETITION APPEALING D.P.U. 20-40-A**

Pursuant to G.L. c. 25, §5, the Cape Light Compact JPE, by its undersigned counsel, certifies that it is of the opinion that there are such probable grounds for appeal as to make it a fit subject for judicial inquiry, and that this appeal is not intended for delay.



Audrey Eidelman Kiernan, Esq. BBO# 670544
(akiernan@bck.com)
BCK Law, P.C.
1337 Massachusetts Avenue, Box 314
Arlington, Massachusetts 02476
Telephone: (617) 244-9500
Facsimile: (802) 419-8283

Dated: December 3, 2021

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
No. SJ-2021-

_____)
THE CAPE LIGHT COMPACT JPE)
)
Plaintiff – Appellant,)
)
v.)
)
THE DEPARTMENT OF PUBLIC UTILITIES)
)
Defendant – Appellee)
_____)

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the forgoing documents, as filed today with the Supreme Judicial Court for Suffolk County, were served on December 3, 2021 by electronic mail, to the Department of Public Utilities, as follows:

Secretary Mark D. Marini
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110
dpu.efiling@mass.gov

Jonathan Goldberg
General Counsel
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110
jonathan.goldberg@mass.gov

Sarah Smegal
Hearing Officer
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110
sarah.smegal@mass.gov



Audrey Eidelman Kiernan, Esq. BBO# 670544

(akiernan@bck.com)

BCK Law, P.C.

1337 Massachusetts Avenue, Box 314

Arlington, Massachusetts 02476

Telephone: (617) 244-9500

Facsimile: (802) 419-8283

Dated: December 3, 2021