

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

February 15, 2022

D.P.U. 21-120-A

Petition of The Berkshire Gas Company, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-121-A

Petition of Eversource Gas Company of Massachusetts, d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-122-A

Petition of Fitchburg Gas and Electric Light Company, d/b/a Unitil (Gas Division), pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-123-A

Petition of Liberty Utilities (New England Natural Gas Company) Corp., d/b/a Liberty Utilities, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-124-A

Petition of Boston Gas Company, d/b/a National Grid, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-125-A

Petition of NSTAR Gas Company, d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-126-A

Petition of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-127-A

Petition of Fitchburg Gas and Electric Light Company, d/b/a Unitil (Electric Division), pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-128-A

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

D.P.U. 21-129-A

Petition of NSTAR Electric Company, d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

ORDER ON PROGRAM ADMINISTRATORS' JOINT MOTION FOR CLARIFICATION

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I. INTRODUCTION AND PROCEDURAL HISTORY

On November 1, 2021, The Berkshire Gas Company (“Berkshire Gas”), Eversource Gas Company of Massachusetts, d/b/a Eversource Energy (“EGMA”), Fitchburg Gas and Electric Light Company, d/b/a Unitil (Gas Division) (“Unitil (gas)”), Liberty Utilities (New England Natural Gas Company) Corp., d/b/a Liberty (“Liberty”), Boston Gas Company, d/b/a National Grid (“National Grid (gas)”), NSTAR Gas Company, d/b/a Eversource Energy (“NSTAR Gas”), the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE (“Compact”), Fitchburg Gas and Electric Light Company, d/b/a Unitil (Electric Division) (“Unitil (electric)”), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid (electric)”), and NSTAR Electric Company, d/b/a Eversource Energy (“NSTAR Electric”) (collectively “Program Administrators”), each filed a three-year energy efficiency plan with the Department of Public Utilities (“Department”) for calendar years 2022 through 2024 (“Three-Year Plans”).^{1,2} On January 31, 2022, the Department issued a

¹ The Department docketed these matters as follows: (1) D.P.U. 21-120 for Berkshire Gas; (2) D.P.U. 21-121 for EGMA; (3) D.P.U. 21-122 for Unitil (gas); (4) D.P.U. 21-123 for Liberty; (5) D.P.U. 21-124 for National Grid (gas); (6) D.P.U. 21-125 for NSTAR Gas; (7) D.P.U. 21-126 for the Compact; (8) D.P.U. 21-127 for Unitil (electric); (9) D.P.U. 21-128 for National Grid (electric); and (10) D.P.U. 21-129 for NSTAR Electric.

² The Program Administrators filed their Three-Year Plans pursuant to An Act Relative to Green Communities, St. 2008, c. 169, codified at G.L. c. 25, §§ 19, 21-22, as

final Order in D.P.U. 21-120 through D.P.U. 21-129 approving the Three-Year Plans subject to certain directives, disallowances, and program modifications. On February 11, 2022, the Program Administrators filed a joint motion seeking clarification of: (1) the Department's findings regarding the cost-effectiveness of strategic electrification offerings; and (2) whether, in its directives concerning weatherization and heat pumps, the Department meant heat pumps for space heating, water heating, or both ("Motion for Clarification").

II. SUMMARY OF MOTION FOR CLARIFICATION

A. Non-Cost-Effective Electrification Measures

The Program Administrators seek clarification regarding an "ambiguity" created when they produce revised data tables pursuant to the Department's directives that present electrification "in a manner that allows the Department to determine if the offering, by sector, is cost-effective" (Motion for Clarification at 4, citing 2022-2024 Three-Year Energy Efficiency Plans, D.P.U. 21-120 through D.P.U. 21-129 (January 31, 2022) ("2022-2024 Three-Year Plans Order") at 111). The Program Administrators maintain the Department's 2022-2024 Three-Year Plans Order allows them to offer non-cost-effective strategic electrification measures that reduce customer energy use, lower greenhouse gas ("GHG") emissions, and lower customer energy costs within cost-effective strategic

amended by An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209, by An Act to Advance Clean Energy, St. 2018, c. 227, by An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, St. 2021, c. 8 (collectively "Green Communities Act"), and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines, D.P.U. 20-150-A (2021).

electrification offerings (Motion for Clarification at 3, citing 2022-2024 Three-Year Plans Order, at 111). The Program Administrators recount that the Department directed them to revise the data tables to provide the allocated costs, benefits, and savings associated with electrification offerings by sector, with the expectation that the Program Administrators will implement strategic electrification offerings in a cost-effective and cost-efficient manner (Motion for Clarification at 3, citing 2022-2024 Three-Year Plans Order, at 111-112).³ The Program Administrators claim because an “offering” is not explicitly defined in the 2022-2024 Three-Year Plans Order, it is unclear whether the Department approved all of the Program Administrators’ proposed electrification measures, including those that replace gas heating with efficient electric heating, that are not cost-effective and may not lower individual customer energy costs, so long as the overarching program and core initiatives are cost-effective at the sector level and the Program Administrators seek to minimize ratepayer costs (Motion for Clarification at 4).

To illustrate the issue, the Program Administrators maintain that electrification measures that offset gas heating with efficient electric heating would not appear cost-effective in the revised data tables if they are presented as an aggregation of just those measures and, therefore, may not be permitted as a strategic electrification “offering” (Motion for Clarification at 4, citing 2022-2024 Three-Year Plans Order, at 112). The Program

³ The Department requires reporting of cost-effectiveness at the program and core initiative level to monitor prudent spending of ratepayer funds. 2019-2021 Three-Year Energy Efficiency Plans, D.P.U. 18-110 through D.P.U. 18-119, at 74 (2019).

Administrators claim, however, that these gas to electric measures are not offered as stand-alone core initiatives and, instead, are offered as integral components of the residential retail core initiative and nearly all commercial and industrial (“C&I”) initiatives, all of which are cost-effective (Motion for Clarification at 4-5, citing Statewide Plan, Exh. 1, App. C.2 (Rev.)). The Program Administrators contend that, when looking at strategic electrification as an element of overall core initiatives, the “offering” will appear cost-effective in the data tables (Motion for Clarification at 5).

The Program Administrators argue that, without clarification, it is unclear whether they may offer all proposed gas to electric measures (Motion for Clarification at 5).

Therefore, the Program Administrators request the Department clarify that they can implement non-cost-effective gas-to-electric and other electrification measures, so long as (1) the Program Administrators offer them in connection with core initiatives and programs that are cost-effective at the sector level and (2) the Program Administrators continue to minimize ratepayer costs to the extent practicable (Motion for Clarification at 6).

B. Weatherization and Heat Pumps

The Program Administrators seek clarification as to whether the Department’s directives regarding weatherization requirements are specifically for heat pumps for space heating, water heating, or both (Motion for Clarification at 6-7). The Program Administrators state the Department directed them to “encourage all residential market rate customers to weatherize their homes prior to installing heat pumps through robust education and by offering them an incentive structure similar to that of moderate income customers”

(Motion for Clarification at 6, citing 2022-2024 Three-Year Plans Order, at 109). The Program Administrators state that the Department further directed them to “weatherize low-income buildings prior to installing heat pumps, unless specific conditions make this impractical” (Motion for Clarification at 6, citing 2022-2024 Three-Year Plans Order, at 110). Further, to earn a performance incentive⁴ in the electrification component, the Program Administrators state the Department required them to “verify that the customer has weatherized prior to or within six months after the installation of a heat pump” (Motion for Clarification at 6, citing 2022-2024 Three-Year Plans Order, at 200). The Program Administrators argue the 2022-2024 Three-Year Plans Order does not specify whether the weatherization requirements are specifically for heat pumps for space heating, water heating, or both. Accordingly, the Program Administrators seek clarification that the requirements to pair heat pumps with weatherization for incentives and performance incentives apply only to space heating, for which they maintain weatherization provides a material benefit in combination with heat pump installation (Motion for Clarification at 6-7).

III. STANDARD OF REVIEW

The Department’s Procedural Rule, 220 CMR 1.11(11), authorizes a party to file a motion for clarification within 20 days of service of a final Department Order. Clarification of previously issued Orders may be granted when an Order is silent as to the disposition of a

⁴ The Compact does not receive a performance incentive. Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines, D.P.U. 08-50-A at 51 (2009). Accordingly, all references to “Program Administrators” in the context of performance incentives do not include the Compact.

specific issue requiring determination in the Order, or when the Order contains language that is sufficiently ambiguous to leave doubt as to its meaning. Boston Edison Company, D.P.U. 92-1A-B at 4 (1993); Whitinsville Water Company, D.P.U. 89-67-A at 1-2 (1989). Clarification does not involve reexamining the record for the purpose of substantively modifying a decision. Boston Edison Company, D.P.U. 90-335-A at 3 (1992); Fitchburg Gas and Electric Light Company, D.P.U. 18296/18297, at 2 (1976).

IV. ANALYSIS AND FINDINGS

A. Introduction

In 2022-2024 Three-Year Plans Order, at 112, the Department found that “strategic electrification offerings” must be implemented “in a cost-effective and cost-efficient manner.” The Program Administrators seek clarification of the Department’s expectation that strategic electrification “offerings” be cost-effective because they maintain an “offering” is not explicitly defined in the 2022-2024 Three-Year Plans Order (Motion for Clarification at 4). Specifically, the Program Administrators seek to clarify whether the Department approved all of the Program Administrators’ proposed electrification measures, including those that replace gas heating with efficient electric heating, which are not cost-effective and may not lower individual customer energy costs, so long as the overarching programs and core initiatives are cost-effective at the sector level and the Program Administrators seek to minimize ratepayer costs (Motion for Clarification at 4). In particular, the Program Administrators assert that 2022-2024 Three-Year Plans Order is unclear as to whether they may offer incentives to natural gas customers for non-cost-effective electrification measures

and, without such clarification, the Program Administrators do not intend to offer these measures (Motion for Clarification at 5, 6).

Additionally, in 2022-2024 Three-Year Plans Order, at 107, the Department found that the Three-Year Plans should be designed to ensure weatherization is completed prior to electrification to the extent possible, in order to minimize the bill impacts, particularly for low- and moderate-income customers. The Program Administrators claim that the 2022-2024 Three-Year Plans Order does not specify whether the requirement to pursue weatherization when installing heat pumps applies to heat pump hot water heaters and seek clarification on this issue (Motion for Clarification at 6-7).

After review, the Department finds that the 2022-2024 Three-Year Plans Order is sufficiently ambiguous as to warrant clarification of the two issues described above. D.P.U. 92-1A-B at 4; D.P.U. 89-67-A at 1-2. The Department further finds that a determination on the Motion to Clarify is immediately necessary without further process in order for the Program Administrators to continue to implement their Three-Year Energy Efficiency Plans.

B. Non-Cost-Effective Electrification Measures

Nowhere in the 2022-2024 Three-Year Plans Order did the Department direct the Program Administrators to cease offering customer incentives for electrification measures to natural gas customers. In fact, the Department approved the Program Administrators' savings goals, which incorporated the proposed natural gas electrification measures.

2022-2024 Three-Year Plans Order, at 85. Nonetheless, the Department recognizes that the

Order, as written, may lead to ambiguity on this topic and requires clarification as set forth below.

The Program Administrators plan to offer several non-cost-effective electrification measures that still offer energy savings, such as measures converting customers with natural gas heating to efficient electric heating. 2022-2024 Three-Year Plans Order, at 111. For this Three-Year Plan term, the Program Administrators do not project that natural gas heating to efficient electric heating conversions will be cost-effective on a stand-alone basis, but argue that their natural gas electrification efforts are cost-effective when aggregated within the 2022-2024 programs (i.e., Residential New Buildings, Residential Existing Buildings, Income Eligible Existing Buildings, C&I New Buildings, and C&I Existing Buildings) (Motion for Clarification at 5).

In 2022-2024 Three-Year Plans Order, at 111, the Department found that Program Administrators may offer non-cost-effective strategic electrification measures that seek to reduce customer energy use, lower GHG emissions, and lower customer energy costs. Further, the Department found that the Program Administrators may offer all of the electrification measures, regardless of planned cost effectiveness, for this Three-Year Plan term. 2022-2024 Three-Year Plans Order, at 112-113. The Department, directed the Program Administrators to strive to “implement their strategic electrification offerings in a cost-effective and cost-efficient manner.” 2022-2024 Three-Year Plans Order, at 112. Based on this directive, the Program Administrators argue that it is unclear whether the Department

approved their natural gas electrification measures as they are not cost-effective as planned (Motion for Clarification at 4).

Much of the apparent confusion here can be ascribed to how the Program Administrators calculated the cost effectiveness of electrification measures, rather than the cost effectiveness of their strategic electrification offerings, which are broader in scope. See 2022-2024 Three-Year Plans Order, at 104 n.71. The Green Communities Act requires that strategic electrification offerings⁵ themselves be cost-effective. 2022-2024 Three-Year Plans Order, at 111, citing G.L. c. 25, § 21(b)(2)(iv)(A). Strategic electrification, in the context of energy efficiency programs, encompasses the group of measures that the Program Administrators offer to help cost-effectively lower energy use, GHG emissions, and customer costs. This combination of measures may include weatherization, duct sealing, Wi-Fi thermostats, controls, and other measures that mitigate the impacts of electrification and optimize customer electricity use. As discussed in the Order, the Program Administrators did not present their strategic electrification offerings in a manner that allowed the

⁵ The Program Administrators maintain that the term “offering” is not defined in the Three-Year Plans Order. Nonetheless, the Program Administrators, throughout their Three-Year Plan, discuss various “offerings” (e.g., New Construction Path-to-Zero offering, Active Demand Reduction offerings, Residential Financing offering) and even describe that they offer a comprehensive set of programs, initiatives, and offerings (Statewide Plan, Exh. 1, at 13, 16, 32-34, 60, 115, 134). Regardless of the label used, the Department’s reference to strategic electrification “offerings” encompasses electrification measures and associated energy efficiency measures, such as weatherization, that comprise the comprehensive strategy to motivate customers to convert to a high efficiency electric heating system in a manner that lowers energy consumption, GHG emissions, and customer energy costs.

Department to assess the cost effectiveness of the offerings for this Three-Year Plan.

2022-2024 Three-Year Plans Order, at 111. Instead, the Program Administrators included the various measures within their traditional existing buildings or new buildings programs, which are each cost-effective on their own.

This is the first Three-Year Plan that includes broad scale natural gas electrification measures and the Department has not previously addressed requirements for strategic electrification offerings. Accordingly, the Department clarifies that for this Three-Year Plans term, it has approved the Program Administrators' proposed strategic electrification offerings, including those offerings that replace natural gas heating with efficient electric heating and are not cost-effective, so long as they are within cost-effective programs. However, as the Department found in 2022-2024 Three-Year Plans Order, at 111, the Program Administrators shall revise the Energy Efficiency Data Tables in a manner that provides the allocated costs, benefits, and savings associated with their electrification measures by sector in their compliance filing, as well as their Annual and Term Reports for this Three-Year Plan term.

As we previously stated, the Department encourages the Program Administrators to examine strategies and lessons learned to implement all of their measures in a manner that is as cost-effective and cost-efficient as possible, as well as seeks to lower overall customer costs. See, e.g., 2022-2024 Three-Year Plans Order, at 101 n.70, 108, 112, 219-226, 309. For all future Three-Year Plans, the Program Administrators shall present the costs, savings,

and benefits for their strategic electrification offerings in the Energy Efficiency Data Tables.

2022-2024 Three-Year Plans Order, at 111.

C. Weatherization and Heat Pumps

The Program Administrators seek clarification of whether the requirement to pursue weatherization when installing heat pumps applies to heat pump hot water heaters (Motion for Clarification at 6-7). The Department clarifies that these requirements are specifically in reference to conversions to heat pumps for space heating purposes, and accordingly do not apply to heat pump hot water heaters. 2022-2024 Three-Year Plans Order, at 105-110, 199-200. The Program Administrators, however, should encourage customers to adopt measures in conjunction with heat pump hot water heaters that may further increase energy efficiency, such as low-flow showerheads, faucet aerators, and pipe wrap (Statewide Plan, Exh. 1, at 109).

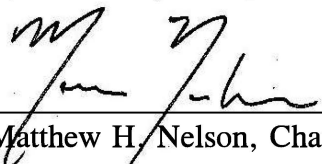
V. ORDER

Accordingly, after due consideration, it is:


ORDERED: That the matters raised in the Motion for Clarification filed by The Berkshire Gas Company, Eversource Gas Company of Massachusetts, d/b/a Eversource Energy, Fitchburg Gas and Electric Light Company, d/b/a Unitil (Gas Division), Liberty Utilities (New England Natural Gas Company) Corp., d/b/a Liberty, Boston Gas Company, d/b/a National Grid, NSTAR Gas Company, d/b/a Eversource Energy, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury,

Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE, Fitchburg Gas and Electric Light Company, d/b/a Unitil (Electric Division), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, and NSTAR Electric Company, d/b/a Eversource Energy are clarified as provided herein.

By Order of the Department,



Matthew H. Nelson, Chair



Robert E. Hayden, Commissioner



Cecile M. Fraser, Commissioner

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.