

COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

Initial Petition and Application of NSTAR Electric Company)	
d/b/a Eversource Energy for a Certificate of Environmental)	EFSB 22-01
Impact and Public Interest Pursuant to G.L. c. 164, §§ 69K-69O)	
)	

**APPLICATION OF NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY
FOR A CERTIFICATE OF ENVIRONMENTAL IMPACT AND PUBLIC INTEREST
PURSUANT TO G.L. c. 164, §§ 69K-69O**

I. INTRODUCTION

NSTAR Electric Company d/b/a Eversource Energy (“Eversource” or the “Company”) files this Application seeking a Certificate of Environmental Impact and Public Interest (the “Certificate”) from the Energy Facilities Siting Board (the “Siting Board”) pursuant to G.L. c. 164, §§ 69K-69O and 980 C.M.R. §§ 6.00 et seq. for an imminently needed, new electric substation on a Company-owned lot in East Boston (the “East Eagle Substation” or the “Substation”).^{1,2} A Certificate should be issued because the processing and granting of four applications for local approvals required to construct the Substation that was approved by the Siting Board in 2017 and 2021 have been unduly delayed and unreasonably conditioned by two City of Boston (the “City”) agencies.³ The Company requests that the Certificate, as directed by

¹ For ease of reference, the attachments to the Initial Petition and this Application are numbered together as one sequential set. Thus, the attachments hereto begin with Attachment 46. A complete list of attachments is included at the end of this Application.

² A draft of the Company’s proposed Certificate is provided as Attachment 46.

³ As required by G.L. c. 164, § 69K and 980 C.M.R. § 6.02(2)(b), the Company sent written notice to both agencies by certified mail on January 14, 2022, thereby providing 30 days’ advance notice of the Company’s intent to file the Initial Petition if the agencies did not take immediate action to process the Company’s permit applications. See Initial Petition, Attachments 1 and 2.

the Legislature in G.L. c. 164, § 69K, comprehensively include, not only those four approvals, but all state and local permits, approvals, licenses, certificates or other forms of authorization that are otherwise necessary to construct the Substation.⁴

The Substation is critically needed to assure reliable electric service to customers in East Boston now and in the future. The reliability risk in East Boston is one of the most pressing electric needs on the entire Eversource system. To minimize administrative burdens and to allow construction of the final project component to proceed expeditiously, Eversource is filing this Application contemporaneously with the Initial Petition (the “Initial Petition”). The Initial Petition, incorporated herein by reference and made a part hereof, demonstrates that the Company has met the criteria to file the Application and seeks approval to do so pursuant to G.L. c. 164, §§ 69K-69O and 980 C.M.R. §§ 6.00 et seq. Accompanying the Initial Petition and Application is the Company’s motion requesting that the Energy Facilities Siting Board (“Siting Board”) accept the Company’s application for a Certificate of Environmental Impact and Public Interest and Approve Service and Notice (the “Motion”).⁵

Time is of the essence for the Company to begin construction of the Substation so that customers in East Boston, Chelsea and surrounding communities continue to have access to reliable electric service. Peak loads are expected to occur on the hottest days of the year when electric cooling equipment adds substantially to the load carried on the electric distribution and transmission system. In the event that peak loading exceeds the system capability, customer

⁴ G.L. c. 164, § 69K expressly provides that a certificate “shall be in the form of a composite of all individual permits, approvals or authorizations which would otherwise be necessary for the construction and operation of the facility.”

⁵ The procedure of submitting the Initial Petition and Application simultaneously, accompanied by a motion to approve their concurrent filing, was approved by the Siting Board in Vineyard Wind LLC, EFSB 19-05, Presiding Officer Stamp Approval of Motion to Serve and Notice Application for a Certificate Subsequent to Filing Application (August 7, 2019).

outages will occur that will be challenging to remediate, particularly in the short run, creating the potential for extended outage durations in neighborhoods that will experience unique hardships with the loss of power. Construction of the Substation is expected to take at least two years and must get started to alleviate forecasted emergency loading conditions. Four of the remaining requisite approvals are indefinitely delayed and unreasonably conditioned as of the date hereof, without any identifiable timeframe or process for prompt resolution. The ongoing delay in obtaining all necessary permits and approvals to construct the Substation places reliable electric service in the East Boston/Chelsea area at considerable risk. Accordingly, the Company respectfully requests that the Siting Board expeditiously exercise its authority pursuant to G.L. c. 164, §§ 69K-69O and 980 C.M.R. §§ 6.00 et seq. and grant Eversource the composite Certificate.

II. THE SUBSTATION

The Substation is a critical component of the Mystic-East Eagle-Chelsea Reliability Project (the “Project”) approved by the Siting Board on December 1, 2017, after more than three years of review. NSTAR Electric Company d/b/a Eversource Energy, EFSB-14-04/D.P.U. 14-153/14-154 (2017) (“Eversource 2017” and “Original 69J Proceeding”). More recently, on February 26, 2021, the Siting Board approved the relocation of the East Eagle Substation approximately 190 feet to the west of the site that it had originally approved. NSTAR Electric Company d/b/a Eversource Energy, EFSB-14-04A/D.P.U. 14-153A/14-154A (2021) (“Eversource 2021” and “Project Change Proceeding”).⁶ See Attachment 47.

⁶ For purposes of the Siting Board’s current review, Eversource requests that, pursuant to 980 C.M.R. § 1.06, the Presiding Officer incorporate the evidentiary records from both Eversource 2017 and Eversource 2021 into the record of this proceeding.

As proposed, the Project includes two 115-kilovolt transmission lines, one each from Mystic Station and Chelsea Substation to the East Eagle Substation which, as approved in Eversource 2017, would cross the Chelsea Creek via an existing duct bank and loop through the Substation to bring critical transmission capability to East Boston. Because of the undue delay in the processing and granting of four local approvals, as well as pending appeals of state and local permits already granted, the Substation is the only component of the Project that is not yet constructed. The new transmission lines are currently operating as a single line connecting the Mystic and Chelsea Substations on the Chelsea side of the Chelsea Creek. but without supplying any transmission capacity into East Boston. Absent the East Eagle Substation, East Boston continues to be an electrical island without any transmission facilities serving the area, which is a situation designed to be remedied by the Siting Board's orders in Eversource 2017 and Eversource 2021.⁷

The Substation is described in more detail in the Initial Petition (at 4-5), in Eversource 2017 at 33, 121, 135 and in Eversource 2021 at 2-4.

III. PERMITTING HISTORY

A. Siting Board Procedural History

A summary of the procedural history of Eversource 2017 and Eversource 2021 is provided in Section III of the Initial Petition. In approving the Project in 2017, the Siting Board found a substation-specific need, determining that additional energy resources were needed to maintain a reliable supply of electricity to customers. Eversource 2017 at 28-29. In 2021, the Siting Board

⁷ At present, East Boston is served only by distribution lines, without any transmission capacity existing in East Boston to provide for the area's growing needs. This situation leaves East Boston particularly exposed to the limits of substation capacity in Chelsea, through which it is now served, and other contingencies on the Company's system that restrict the amount of capacity that is available to supply East Boston and its increasing electric load.

confirmed its findings in Eversource 2017 and approved a small shift in the relocation of the Substation to its present site on the west side of the City Parcel in East Boston. Eversource 2021. No circumstances exist or have occurred to change the need for the Project. The Project is critically needed to maintain the reliability of electric service in East Boston and Chelsea and failure to move ahead with the Project will be detrimental to customers in the area.

B. Approvals That Are Unduly Delayed

As described in detail in the Initial Petition, despite the Company's good-faith efforts, the processing and granting of four local approvals necessary to construct the Substation have been unreasonably conditioned and unduly delayed. These permits are: (1) an approval from the City's Parks and Recreation Commission ("Commission") pursuant to Boston Municipal Code Section 7-4.11, which is required because the Substation is within 100 feet of a park or parkway; and (2) related permits for the Substation that are within the authority of the City's Public Improvement Commission ("PIC"), which are: (a) a Condor Street pedestrian easement; (b) grants of location pursuant to G.L. c. 164, § 22 for new duct bank, conduit and manholes in a public way (Condor Street, East Eagle Street, Glendon Street, Lexington Street, Shelby Street, and Chelsea Street); and (c) approval of a specific repair plan for Condor Street (including the execution of a license agreement). These four outstanding approvals are described in detail Section V.A. of the Initial Petition.⁸

⁸ The Company is committed to continuing its good-faith efforts to obtain all of its remaining permits and approvals from the City's agencies in parallel with the Siting Board's certificate review. If the Company were to obtain any of these in an acceptable form during the pendency of this proceeding, the Company would be amenable to eliminating that permit from its Certificate request once that permit becomes non-appealable and final in all respects. See, e.g., NSTAR Electric Company d/b/a Eversource Energy, EFSB 18-03, at 3, n.6 (2019), which notes that that the Company withdrew its request for two permits during the course of the Certificate proceeding because local agencies had subsequently issued the permits and no appeals had been taken.

C. Permits Needed for the Substation and Requested in the Composite Certificate

In addition to the four approvals described above, there are several other permits and approvals that the Company requests be part of the composite Certificate. As discussed in Section V.B. of the Initial Petition, some permits have already been obtained by the issuing agency but are under appeal, while other permit applications are pending review. The following table lists the permits and approvals needed to construct the Substation and operate the Project as approved by the Siting Board, and which the Company requests be included in the Certificate. The affidavit of David Petersile, Project Manager for the East Eagle Substation, is appended hereto as Attachment 48 and attests to the Company's good-faith efforts to obtain the required permits and approvals.

State and Local Permits/Approvals Requested in the Certificate

Agency/Regulatory Authority	Permit	Application Date	Status
MassDEP	G.L. c. 91 Waterways License	11/19/2014	Draft Waterways License issued by MassDEP on 01/03/22. Two appeals pending at MassDEP.
MassDEP	G.L. c. 131, § 40 Final Order of Conditions	1/22/2020	Superseding Order of Conditions (“SOC”) issued by MassDEP on 10/29/2021; SOC appealed on 11/14/2021, which appeal is currently pending.
Boston Conservation Commission	Boston Wetlands Ordinance Order of Conditions	1/22/2020	Order of Conditions (“OOC”) issued by the Boston Conservation Commission on 11/19/2020. OOC appealed to Superior Court on 12/18/2020. Superior Court denied appeal on 12/02/2021; awaiting docketing of appeal with the Appeals Court.
Boston Public Improvement Commission	(1) Condor Street pedestrian easement (2) GOLs for new conduit and manholes (3) Approval of a Specific Repair Plan for the sidewalk along Condor Street, including the License Maintenance Agreement and approval for the street trees, hydrant and streetlight relocation, curb cut and sidewalk repairs.	4/1/2021	Pending before the PIC with no action taken since 4/1/2021.

Agency/Regulatory Authority	Permit	Application Date	Status
Boston Parks and Recreation Commission	Permit for all buildings and structures that are constructed or altered within 100 feet of a park or parkway pursuant to Boston Municipal Code Section 7-4.11	3/5/2021	Pending with no action taken since 3/5/2021.
Boston Inspectional Services Department	Foundation/Building Permits pursuant to 780 CMR 104.2	2/9/2022	Application for foundation permit pending; application for building permit not made due to futility.
Chelsea Department of Public Works	Street Occupancy Permit for manhole access	2/9/2022	Pending review.
Boston Department of Public Works	(1) Street Excavation Permit and Street/Manhole Occupancy Permits for duct bank installation (2) Street Excavation Permit for General Services Application connections (3) Sidewalk Occupancy Permit in connection with Specific Repair Plan.	2/11/2022 2/14/2022 2/10/2022	Pending review by Boston DPW
Boston Water & Sewer Commission	(1) Construction Dewatering Discharge Permit (streets) (2) Construction Stormwater Permit (3) General Services Application	2/9/2022	Pending review.

IV. LEGAL AUTHORITY/STANDARD OF REVIEW

A. Siting Board Authority

The Siting Board is the preeminent state agency in Massachusetts charged by the Legislature with overseeing and permitting the siting, construction and operation of jurisdictional energy facilities in the Commonwealth to ensure a reliable supply of energy at the lowest possible cost and with the least environmental impact. G.L. c. 164, §§ 69G *et seq.*; *see, e.g., Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663, 667 (2010)

(“Alliance II”); Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd., 448 Mass. 45, 46-47 (2006) (“Alliance I”); City Council of Agawam v. Energy Facilities Siting Bd., 437 Mass. 821, 822 (2002) (“Agawam”); Box Pond Ass’n. v. Energy Facilities Siting Bd., 435 Mass. 408, 409-10 (2001) (“Box Pond”); Town of Andover v. Energy Facilities Siting Bd., 435 Mass. 377, 378-79 (2001) (“Town of Andover”). In accordance with this broad authority, the Siting Board is the first state agency to issue a permit for a proposed facility (G.L. c. 164, § 69J); is exempt from complying with the requirements of the Massachusetts Environmental Policy Act (“MEPA”) (G.L. c. 164, § 69I); and has express eminent domain powers pursuant to G.L. c. 164, § 69R. Most importantly to the matter at hand, the Siting Board has also been delegated the statutory authority to issue Certificates of Environmental Impact and Public Interest for jurisdictional energy facilities that have been unable to obtain state or local permits, approvals, licenses or other forms of authorizations, but that are needed for crucial energy infrastructure. G.L. c. 164, §§ 69K-69O. Accordingly, the Legislature has provided the Siting Board with comprehensive powers to ensure that it is able to implement its statutory mandate of a reliable energy supply for the benefit of consumers and businesses in Massachusetts.

The authority to issue the Certificate is an integral component of the Siting Board’s jurisdiction over energy facilities in the Commonwealth. It represents an explicit recognition by the Legislature that energy facilities that satisfy the Siting Board’s statutory mandate under G.L. c. 164, §§ 69H-69O should not be thwarted by the contrary actions of other state or local governmental bodies. See Alliance II, 457 Mass. at 674; Agawam, 437 Mass. at 828 (“the intent and purpose of the [Siting Board] statute . . . is in part to ensure that local boards do not use their power over licenses and permits to thwart the needs of the broader community for a reliable, affordable, and environmentally sound energy supply”). Notably, the Legislature provided that

no state or local government agency can prevent the construction or operation of a facility for which the Siting Board has granted a Certificate, as follows:

no state or local government shall require any approval, consent, permit, certificate or condition for the construction, operation or maintenance of the facility with respect to which the [C]ertificate is issued and no state agency or local government shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action which would delay or prevent the construction, operation or maintenance of such facility... A [C]ertificate, if issued, shall be in the form of a composite of all individual permits, approvals, or authorizations which would otherwise be necessary for the construction and operation of the facility and that portion of the [C]ertificate which relates to subject matters within the jurisdiction of a state or local agency shall be enforced by said agency under the other applicable laws of the commonwealth as if it had been directly granted by said agency.

G.L. c. 164, § 69K (emphasis added); see also 980 C.M.R. § 6.05(3). Accordingly, several critical principles are plainly established with respect to the Certificate issued by the Siting Board under Section 69K:

- (1) the Certificate **shall** be a composite of all remaining permits, licenses, approvals or authorizations that would otherwise be necessary for the subject facility;
- (2) despite any other law to the contrary, no state or local agency **shall** require an approval, permit, license, consent or other form of authorization regarding the facility for which the Certificate is issued;
- (3) no state or local agency **shall** enforce or apply any law, ordinance, bylaw, rule or regulation to delay or prevent construction or operation of the facility once the Certificate is issued; and
- (4) a state or local agency **shall** enforce the Certificate under applicable laws in the same manner as if the agency had granted the approval itself.

See Alliance II, 457 Mass. at 677-79.

This comprehensive grant of regulatory power is an essential feature of the Legislature's establishment of the Siting Board as the chief energy-facility siting agency in the Commonwealth with superior and overarching authority to ensure that needed, least-cost and least-environmental-

impact facilities materialize for the benefit of the citizens of Massachusetts in a timely manner.⁹ See, e.g., Alliance II, 457 Mass. at 668; Alliance I, 448 Mass at 46-47; Agawam, 437 Mass. at 822; Box Pond, 435 Mass. at 409-10; Town of Andover, 435 Mass. at 378-79; Boston Edison Co., 444 Mass. at 781; Pereira v. New England LNG Co., Inc., 364 Mass. 109, 121 (1973).

The Siting Board has well-established standards that apply to its consideration of an Application for a Certificate. Pursuant to G.L. c. 164, § 69O and 980 C.M.R. § 6.05(3)(a) through (d), the Siting Board shall make its decision in writing and shall include therein its findings and opinions with respect to the following:

- (1) the need for the facility to meet the energy requirements of the applicant's market area taking into account wholesale bulk power or gas sales or purchases or other cooperative arrangements with other utilities and energy policies as adopted by the Commonwealth;
- (2) the compatibility of the facility with considerations of environmental protection, public health and public safety;
- (3) the extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by-laws, rules and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in this chapter to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and
- (4) the public interest, convenience and necessity requiring construction and operation of the facility.

See NSTAR Electric Company, EFSB 18-03, at 24-25 (2019) ("Woburn-Wakefield"); Cape Wind Associates, LLC, EFSB 07-8, at 12-13 ("Cape Wind"); Colonial Gas Company d/b/a KeySpan Energy Delivery New England, EFSB 06-1, at 8 (2007) ("KeySpan"); IDC Bellingham LLC, 13 DOMSB 1 (2001); Berkshire Power Development, Inc., 8 DOMSB 274, 290-91 (1999) ("Berkshire").

⁹ In that regard, the Legislature also set forth that final decisions of the Siting Board (including those in a certificate proceeding) are subject to a single appeal directly to the Supreme Judicial Court (the "SJC"), without necessitating the delay and expense that would be associated with a series of interim appeals/challenges to lower courts or other administrative bodies. G.L. c. 164, § 69P.

The Siting Board bases its findings and opinions “on both the record developed in the Certificate proceeding and the record developed in the underlying Siting Board proceeding in which the Board reviewed and approved the proposed facility.” Woburn-Wakefield, at 25; see also Exelon West Medway, LLC, EFSB 17-01, at 12 (2017) (“Exelon West Medway”); Cape Wind at 13. A fundamental precept of Certificate proceedings before the Siting Board is that they are *not* a forum to “relitigate . . . issues already fully and fairly determined in the underlying proceedings.” Woburn-Wakefield, EFSB 18-03, at 25 (emphasis added); see Cape Wind at 13; KeySpan at 12. Recognizing the clarity of the Legislature’s delegation of comprehensive authority to the Siting Board and the need for expedition in implementing its statutory mandate, the SJC has underscored the limited scope of Certificate proceedings before the Siting Board: “Nothing in the Siting Board statute or its regulations requires the Siting Board to conduct, in a certificate proceeding under G.L. c. 164, §§ 69K-69P, a de novo review of issues such as need or cost that it has addressed in a § 69J proceeding.” Alliance II, 457 Mass. at 694, n.42; accord Agawam, 437 Mass. at 829 (“A certificate proceeding conducted pursuant to [G.L. c. 164, § 69K1/2,] is not a vehicle for the relitigation of issues that have already been fully and fairly determined”); see also Box Pond, 435 Mass. at 419.

With respect to any issues raised by the state or local agency whose actions are the subject of the Application, the Siting Board ensures that such issues are addressed in a comprehensive manner, either in its original review of the facility under G.L. c. 164, § 69J or during its certificate review under G.L. c. 164, § 69K. See Woburn-Wakefield at 25; Cape Wind at 13; KeySpan at 12. If the issues raised by the state or local agency have already been comprehensively addressed by the Siting Board in prior proceedings, they are not relitigated as part of the Section 69K certificate review. Alliance II, 457 Mass. at 694, n.42; Agawam, 437 Mass. at 822; see KeySpan

at 12; Berkshire at 291. Further, the Siting Board also considers whether an applicant has made a good-faith effort to obtain necessary approvals, but, consistent with G.L. c. 164, § 69O, does not require a finding of good faith as a prerequisite for the grant of the Certificate. Woburn-Wakefield at 45; Exelon West Medway, EFSB 17-01, at 34-35. Lastly, to ensure that the overarching purpose of the Siting Board's statutory mandate is achieved, the Siting Board is directed to complete its review in Certificate proceedings by issuing a Final Decision within six months. G.L. c. 164, § 69O ("As expeditiously as possible but in no event later than six months from the date of filing of the petition for a certificate pursuant to section 69K, the [Siting Board] shall by a majority vote render a decision upon the petition").

B. Application Requirements

The Siting Board's regulations at 980 C.M.R. § 6.03(3) list the required contents of the Application. Consistent with the regulations, Eversource provides the following information with this Application:

- (1) A 1:24,000 scale United States Geologic Survey topographical map with transparent overlays showing the boundaries of the Substation site and the precise location of the Substation (980 C.M.R. § 6.03(3)(d)). See Attachment 49.
- (2) A detailed description of and plans for the Substation (980 C.M.R. § 6.03(3)(f)). See Section II of Initial Petition and Attachment 50 (Eversource 2021, Exh. EV-1, Appendix C).
- (3) Photographs of the Substation site (980 C.M.R. § 6.03(3)(g)). See Attachment 51.
- (4) Aerial photographs of the Substation site (980 C.M.R. § 6.03(3)(h)). See Attachment 50 (Eversource 2021, Exh. EV-1, Appendix A).
- (5) A copy of each study that Eversource has conducted regarding the environmental impacts of the Substation site (980 C.M.R. § 6.03(3)(3)(i)). See Attachment 50 Eversource 2021, Section 2.5, Exh. EV-1, Appendix F (Noise Study), Appendix G (Flood Elevation Study).
- (6) A statement of the reasons for the choice of Substation site (980 C.M.R. § 6.03(3)(j)). See Eversource 2017 at 68-71, 75-76; Eversource 2021 at 3-4, 30-31.

- (7) A list of all licenses, permits and approvals already obtained for the Project (980 C.M.R. § 6.03(3)(3)(k). See Section V.B. of the Initial Petition).
- (8) A list of all other licenses, permits and approvals expected to be required for the Project (980 C.M.R. § 6.03(3)(1)). See Section V.C. of the Initial Petition and the table in Section III.C. above.
- (9) A statement setting forth Eversource's need for the Certificate (980 C.M.R. § 6.03(3)(3)(m). See Sections IV and V of the Initial Petition and Section V, below).^{10,11}

V. ANALYSIS

As the Company has detailed above and in its Initial Petition, the undue delay and unreasonable conditioning in the processing and granting of four approvals by the Commission and the PIC have precluded construction of the imminently needed Substation. The PIC approvals are prerequisites to obtaining other local permits and, therefore, the Company must obtain them before it can obtain all other permits from the City needed to construct the Substation. The inaction of the Commission and the PIC necessitates that the Siting Board issue a Certificate, inclusive of all remaining permits and approvals, so that the Substation can be constructed expeditiously consistent with the approvals already granted by the Siting Board in Eversource 2017 and Eversource 2021.

¹⁰ The Siting Board's regulations specify the provision of information relating to the Company's electric long-range forecast and other evidence of the need for the Project. See 980 C.M.R. 6.03(3)(a), (b), (c), and (o). However, pursuant to Chapter 164 of the Acts of 1997 and the Department's Order in D.T.E. 98-84A, Massachusetts electric companies are now exempt from the requirements of G.L. c. 164, § 69I. New England Power Company d/b/a National Grid, 20 DOMSB 129, EFSB 13-2/D.P.U. 13-151/13-152, at 6, n.4 (2014); Order Exempting Electric Companies From Any and All of the Provisions of G.L. c. 164, § 69I, D.T.E. 98-84/EFSB 98-5, at 5 (2003). Thus, the Siting Board no longer considers whether the proposed transmission facilities are consistent with a recently approved long-range forecast. Id. In any event, the need for, and cost superiority of, the Project were extensively documented and confirmed in the underlying proceedings. Eversource 2017 at 143, 165; Eversource 2021 at 28-29.

¹¹ The Siting Board's regulations also require a copy of every decision by and study by the agency or agencies complained of concerning the subject facility. 980 C.M.R. § 6.03(3)(n). Neither the Commission nor the PIC has issued any such decision or study.

Consistent with its statutory mandate, the Siting Board should issue Eversource a composite Certificate that includes all state and local permits required to construct the Substation that have not yet been obtained or are presently under appeal. Issuing a Certificate would be consistent with G.L. c. 164, § 69O and the Siting Board's regulations at 980 C.M.R. § 6.05(3) because: (i) the Substation is needed; (ii) the Substation is compatible with environmental protection, public health, and public safety; (iii) the Substation conforms to state and local laws and reasonable exemptions thereunder; and (iv) the Substation is in the public interest. See, e.g., Woburn-Wakefield, EFSB 18-03, at 24-25. The relevant facts and circumstances were comprehensively evaluated and decided by the Siting Board in the two underlying proceedings, Eversource 2017 and Eversource 2021, and should not be relitigated here. See id. at 25; see also Alliance II, 457 Mass. at 694, n.42. In addition to meeting the statutory criteria, the Company has made a good-faith effort to obtain all relevant permits and approvals. As shown below, each of the statutory standards set forth in G.L. c. 164, § 69O has been satisfied by Eversource. Accordingly, the Application for a composite Certificate should be granted.

1. The Substation Is Critically Needed to Ensure System Reliability and to Meet Both Existing and Forecasted Load Requirements in the East Boston and Chelsea Area.

The critical need for the East Eagle Substation was first identified in the Company's Original 69J Proceeding. After extensive investigation and consideration of the evidence, the Siting Board fully and fairly determined in Eversource 2017 that the Substation, an integral part of the Project, is urgently needed for the Company to maintain reliable electric service to its customers and to support future load growth in the areas served by the Substation, including East Boston and Chelsea. Eversource 2017 at 26-29, 165. The Siting Board concluded in the Original 69J Proceeding that Chelsea Substation, which currently supplies electricity to East Boston through a distribution network, has pre- and post-contingency capacity constraints and the risk of

post-contingency load shedding. Eversource 2017 at 28-29.

With respect to alternative options to satisfy the need, the Siting Board also fully considered possible alternatives. During the Original 69J Proceeding, the Company presented extensive evidence on potential transmission and non-transmission alternatives to meet the identified need in East Boston and Chelsea and demonstrated that none would be sufficient and/or those alleged alternatives would be more costly, more complex and less reliable to implement than the Project. Eversource 2017 at 59-63. In its review of the record evidence, the Siting Board agreed, finding that “the Project is superior to the other alternatives identified with respect to providing a reliable energy supply for the Commonwealth with minimum impact on the environment at the lowest possible cost.” Eversource 2017 at 166. It also bears emphasis that the Substation is the last piece of the overall Project to be constructed. At this late date, there is no alternative that could reliably serve the purpose of the Substation and its connection to the Project’s two, completed transmission lines.

Although the issue of need and alternatives was outside the scope of the Project Change Proceeding concluded just a year ago in Eversource 2021, the Siting Board reviewed need testimony proffered by GreenRoots and concluded that the testimony, even if allowed into the proceeding, would not alter in any substantive way the Siting Board’s assumptions and conclusions concerning need in Eversource 2017. Eversource 2021 at 26. In Eversource 2021, the Siting Board confirmed that the Substation is required to serve the reliability needs of East Boston and Chelsea. Eversource 2021 at 93. Acknowledging the time-sensitive need for the Substation, the Siting Board found that “[t]he residents of East Boston, Chelsea, and Everett are entitled to a reliable electric system and any additional delay in construction of the Substation will also delay the reliability benefits of the entire Project.” Eversource 2021 at 93.

As part of its continual assessment of the adequacy of the transmission and distribution systems to meet anticipated load requirements with the requisite level of reliability, the Company evaluates its existing bulk distribution and transmission substations to confirm that there is adequate capability to reliably supply customers during both normal and contingency conditions.¹² The Company's 2021 forecast for Chelsea Substation confirms that, since 2017, the urgent need for the East Eagle Substation is persisting. As shown in the tables below, the ten-year forecast confirms that the Chelsea Substation is rapidly approaching its 135 megavolt-ampere ("MVA") firm capacity and that it is projected to *exceed that limit* beginning in 2025, putting customers at risk of equipment overloads and resulting prolonged outages to maintain loading below substation equipment limits, particularly during the hottest peak summer periods.¹³

As the Company has reiterated throughout the Project's lengthy review process, the East Boston electric load is supplied solely by distribution lines extending into East Boston from the Chelsea Substation. As a result, East Boston is an *electrical island* with no transmission lines providing service to the residents of East Boston. This situation does not exist for any other subdivision of the City of Boston and it makes East Boston inordinately vulnerable to outages, particularly during peak periods. Typically, electric distribution substations are adjacent to and/or have load transfer capability – which means that if there is a failure of a transformer at a substation, another electrically adjacent substation can almost instantly start serving part of the lost customer service through the use of distribution line ties between those two substations. However, this is

¹² The Company's methodology for conducting its peak load forecast and assessing its supply adequacy at area substations is unchanged from the Siting Board's review in Eversource 2017. Eversource 2017 at 26, 28 (...the Siting Board finds that the Company's forecasts are reviewable, appropriate, and reliable for use in this proceeding to evaluate the Company's assertion of need.").

¹³ The firm capacity number for Chelsea Substation, the only source of transmission capacity serving East Boston, is 135 MVA and is unchanged from the Siting Board's findings in the Original 69J Proceeding. Eversource 2017 at 23.

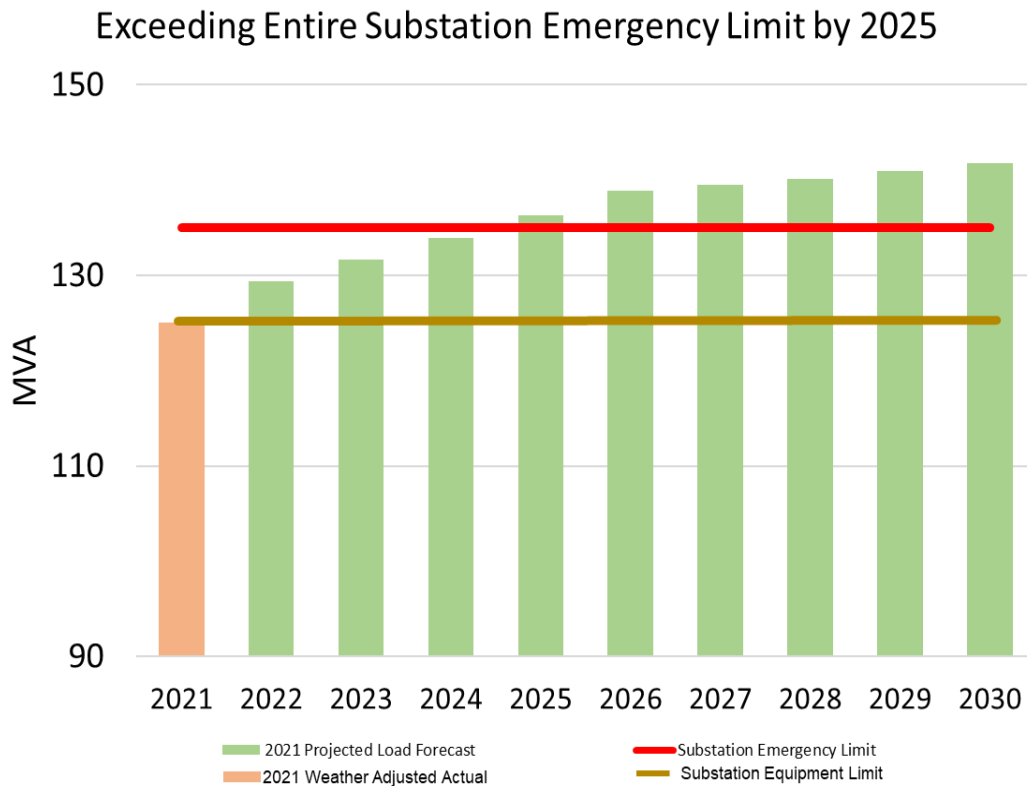
not the case with East Boston customers. Because East Boston is an electrical island served solely and radially out of Chelsea Substation, if there is a failure of equipment at Chelsea Substation or distribution feeders servicing the area, there is no alternative transmission or distribution source available to restore power to East Boston, and East Boston would experience a loss of power that could last for a prolonged period of time – multiple days or even weeks during the hottest weather of the year, which would cause an extraordinary hardship for the citizens of this community. Replacement of a failed substation transformer would require installation of a spare transformer, which could take weeks even if a spare was readily available and had the same design and capacity specifications as of the failed transformer. These risks are especially acute during periods of peak load.

The Company’s most recent 10-year peak load forecast for the area served by Chelsea Substation is provided below.

Chelsea Substation 2021 Peak Load Forecast

YEAR	PEAK LOAD (MVA)	% OF CHELSEA SUBSTATION FIRM CAPACITY
2021	125.0	93%
2022	129.4	96%
2023	131.7	98%
2024	133.9	99%
2025	136.3	101%
2026	138.9	103%
2027	139.5	103%
2028	140.2	104%
2029	140.9	104%
2030	141.8	105%

This load and capacity information is displayed graphically below for Chelsea Substation, showing that load requirements carried by Chelsea Substation will exceed its emergency limit (i.e., firm capacity) by 2025. Significantly, the Company’s forecast for 2021 was closely aligned with actual loads observed in 2021, reaching the normal limits for the substation equipment under peak load conditions.¹⁴



As shown in the graph, starting in 2025, under projected peak loads and given the firm capacity of Chelsea Substation, system overloads will exist and are forecasted to increase over time through the end of the ten-year planning horizon. These overloads range from operational levels of 101% to 105% of Chelsea Substation’s firm capacity. Under these foreseeable

¹⁴ The Substation Equipment Limit at Chelsea Substation is 125 MVA based on the Normal Rating of the two remaining transformers (each 62.5 MVA) after loss of one transformer – to ensure continued operation of the Substation equipment after sustained loss of a single contingency. The Company projects loading above this limit starting in 2022, requiring emergent intervention steps. The Substation Emergency Limit in the graph is the 135 MVA firm capacity of Chelsea Substation, as described in footnote 13, above.

circumstances, the Company would need to shed load to avoid long-term damage to critical operational equipment. This result would be inconsistent with well-established system planning standards, including the Company's SYS PLAN-010.¹⁵ Given the two-year construction period to build and place the Substation into operation, the Company is in immediate need of relief through the Siting Board's certificate process to avoid the potentially dire circumstances facing the load served out of Chelsea Substation.

In addition to maintaining system reliability and being able to serve projected load growth over the next decade, additional substation capacity is needed over the longer term to support Governor Baker's *Massachusetts 2050 Decarbonization Roadmap* that calls for increased electrification (e.g., electric vehicles, electric home heating, new heat pump technologies), new local renewable resources (e.g., wind, solar and battery storage), and the delivery of power from remote clean energy resources, such as offshore wind. Similarly, to achieve Mayor Wu's and other local stakeholders' objectives to address climate change and to eliminate reliance on fossil fuels in the City, increased electrification and resulting higher electric loads are inevitable over time. The successful implementation of climate change and electrification policies in East Boston and elsewhere over the following years will be severely restricted without the timely construction of the Substation.

At the time it was approved in Eversource 2017, the East Eagle Substation was expected to be in service in the second quarter of 2022. However, construction of the Substation has not yet commenced due most recently to the Company's inability to obtain certain permits, as discussed herein. Absent the prompt issuance of a composite Certificate and, thereafter, the immediate

¹⁵ The Company's Bulk Distribution Substation Assessment Procedure, SYS PLAN-010, establishes the criteria and guidelines for the planning and design of its bulk substation and distribution facilities, and sets forth the various reliability criteria by which the capacity and reliability performance of the Company's supply systems are gauged, and the means by which these assessments are conducted.

construction of the East Eagle Substation, a reliable electricity supply for the East Boston, Chelsea and surrounding area served by Chelsea Substation is in immediate jeopardy (i.e., within the next 2-3 years). Therefore, in accordance with G.L. c. 164, § 69O(1), the Project, inclusive of the Substation, is critically needed to ensure reliable electric service consistent with the Siting Board's statutory mandate.

As stated above in Section IV.B., in Certificate proceedings, the Siting Board does not relitigate issues where those issues have been fully and fairly determined in the underlying proceeding, especially where the issue in question is one that is central to the Board's fulfillment of its statutory obligations. Berkshire, EFSB 98-6, at 18. This is particularly applicable regarding the issue of whether a facility is needed. Alliance II, 457 Mass. at 694, n.42. Whether additional energy resources are needed is the lynch pin of the Siting Board's obligations in a Section 69 proceeding and a prerequisite to approving a proposed energy facility. G.L. c. 164, § 69J; NSTAR Electric Company d/b/a Eversource Energy, EFSB 14-02/D.P.U. 14-73/14-74, at 7 (2017). The Siting Board fully satisfied its statutory mandate in 2017 (and confirmed it in 2021) by evaluating the need for the Substation to meet reliability, economic efficiency, and environmental objectives. G.L. c. 164, §§ 69H, 69J; Eversource 2017 at 8-29. The passage of time has not caused the need for the facility to abate or subside, but rather has made the situation all the more critical in terms of collapsing the interval between the point when the critical need for the Substation arises and the facility is in service and available to meet that need. Accordingly, a relitigation of need is not required nor warranted as part of the Siting Board's current review.

2. The Project Is Compatible with the Environmental Protection, Public Health and Public Safety Policies of the Commonwealth.

G.L. c. 164, § 69J states that the Siting Board shall approve a petition to construct a facility if it determines that "plans for expansion and construction of the applicant's new facilities are

consistent with current health, environmental protection, and resource use and development policies as adopted by the Commonwealth.” Accordingly, the Siting Board fully analyzed the compatibility of the Project with the Commonwealth’s policies concerning environmental protection, public health and public safety during the two previous proceedings. Eversource 2017 at 143-146, 166; Eversource 2021 at 81. In the Original 69J Proceeding, the Siting Board systematically assessed all environmental impacts of the proposed facility and relevant state policies to determine whether an appropriate balance would be achieved both among conflicting environmental concerns, as well as among environmental impacts and cost. Eversource 2017 at 63-76. Accordingly, the Siting Board found that the Project would achieve the appropriate balance among conflicting environmental concerns as well as among environmental impacts, reliability and cost. Eversource 2017 at 143.

In the Project Change Proceeding, the Company included its specific plans to mitigate environmental impacts consistent with the minimization of costs (e.g., traffic management plans, positioning equipment above anticipated flood level, Substation enclosure for screening and safety, site remediation, and a stormwater pollution prevention plan). See, e.g., Eversource 2021 at 47-48, 53-55, 68. The Siting Board also determined that there were added benefits and value associated with relocating the Substation to the new site and found that, on balance, relocating the Substation provides the best opportunity to meet the identified need with minimum impact on the environment, at the lowest possible cost. Eversource 2021 at 80-81. Based upon the comprehensive factual record, the Siting Board found that, with the implementation of specified conditions and proposed mitigation measures, potential land use impacts, safety impacts, visual impacts, hazardous waste impacts, noise impacts, traffic impacts, water and wetland impacts, and magnetic field impacts associated with the relocation of the Substation to the New Site would be

minimized. Eversource 2021 at 81, 92.

As to public health and safety, the reliable delivery of electricity to Massachusetts residents is “of utmost importance to the safety, health, and welfare of the Commonwealth’s citizens,” and is “essential to the health and well-being of all residents of the Commonwealth.” Id. (quoting Electric Utility Restructuring Act, 1997 Mass. Acts ch. 164, § 1(a), (h)). The Siting Board approved the Substation, finding that it is needed and that it will contribute to a reliable energy supply for the Commonwealth, with a minimum impact on the environment and at the lowest possible cost. See G.L. c. 164, § 69J; Eversource 2021 at 93-94. As the Siting Board concluded in Eversource 2021, “the relocation of the Substation to the New Site continues to be consistent with the Commonwealth’s health and safety policies; its environmental protection policies, including its Environmental Justice Policy [,,]; and its resource use and development policies....” Eversource 2021 at 81. Thus, Eversource demonstrated in both previous proceedings that the Project, including the relocated Substation, meets the Siting Board’s statutory requirements and is consistent with the Commonwealth’s policies. Eversource 2021 at 81, 92; Eversource 2017 at 143-146, 166. Therefore, in accordance with G.L. c. 164, § 69O(2), the Project is compatible with the Commonwealth’s policies concerning environmental protection, public health and safety. See KeySpan at 39; NSTAR Electric Company d/b/a Eversource Energy, EFSB 16-2/D.P.U. 16-77, at 8, 32; NSTAR Electric, EFSB 04-1/D.T.E. 04-5/D.T.E. 04-7 at 52; Colonial Gas, 14 DOMSB at 103-05.

3. The Project Conforms to Existing State and Local Requirements as Well as Provides a Necessary Energy Supply for the Commonwealth with a Minimum Impact on the Environment at the Lowest Possible Cost.

The Siting Board’s statutory mandate requires it to review projects to “provide a necessary energy supply for the [C]ommonwealth with a minimum impact on the environment at lowest possible cost.” G.L. c. 164, § 69J. The Legislature has expressly determined that an adequate

and reliable supply of energy is critical to the state’s citizens and economy. Id. In this case, the Siting Board has affirmatively determined that the Project and the Substation are needed and “superior to the other alternatives identified with respect to providing a reliable energy supply for the Commonwealth with minimum impact on the environment at the lowest possible cost.” G.L. c. 164, §§ 69J, 69H; Eversource 2017 at 62-63; see Eversource 2021 at 93-94.

In addition, the Substation conforms to existing state and local requirements to the extent those requirements are reasonably and timely applied. The Substation has been previously approved by the Siting Board consistent with the requirements of G.L. c. 164, § 69J. As for the PIC’s and the Commission’s failure to act on the Company’s pending permit and application, those actions are in direct conflict with Section 69K and the Siting Board’s determination in both Eversource 2017 and Eversource 2021 that the Substation is imminently needed, is least cost and has the least environmental impact and that it conforms to the Commonwealth’s current health, environmental protection, and resource use and development policies. Eversource 2017 at 62-63, 150; Eversource 2021 at 81. Accordingly, Eversource’s Application complies with the standards set forth in G.L. c. 164, § 69O(3).

4. The Public Interest, Convenience and Necessity Require Construction and Operation of the Substation.

During the Original 69J Proceeding, the Siting Board extensively reviewed need, cost, project alternatives, routing alternatives, and environmental impacts of the Project, including the Substation. The Siting Board determined that the Project and the Substation would contribute to a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost. Eversource 2107 at 62-63; Eversource 2021 at 93-94. The very essence of the Siting Board’s approval of the Project under G.L. c. 164, § 69J reflects that the Project is needed to further the public interest in having a reliable, least cost and least environmental impact

supply of electricity for the benefit of the citizens of the Commonwealth. Therefore, the public interest, convenience and necessity require the construction and operation of the Substation.

Further, in both the Original 69J Proceeding and the Project Change Proceeding, the Siting Board granted the Company's request for individual and comprehensive zoning exemptions from the Boston Zoning Code finding that, "the Company demonstrated that the proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public..." Eversource 2021 at 96; see Eversource 2017 at 150-151. The Siting Board found that the general public interest in constructing the Project outweighs any adverse local impacts, and that it is reasonably necessary for the convenience or welfare of the public. Eversource 2017 at 150-151; see Eversource 2021 at 96.¹⁶ In addition, the Siting Board acknowledged the time-sensitive need for the Substation and the reliability benefits it will provide. Eversource 2021 at 93.

In short, all of the statutory findings set forth in G.L. c. 164, § 69O relative to the issuance of the Certificate have been made during the Siting Board's prior proceedings regarding the Project and, in particular, the Substation. Accordingly, the public interest, convenience and necessity require construction of the Substation consistent with the provisions of G.L. c. 164, § 69O(4).

5. Representation of Good Faith

Although G.L. c. 164, § 69O does not require a finding of good faith effort made by the applicant to obtain required approvals in order to grant a Certificate, the Siting Board "recognizes the importance of an applicant's good faith efforts to work with affected communities to seek the

¹⁶ Relatedly, as part of the consolidated proceeding, the Siting Board also made a determination as to the Project's compliance with G.L. c. 164, § 72. Eversource 2017 at 164-166. Pursuant to G.L. c. 164, § 72, in order for a transmission line to be approved, it must satisfy the statutory standard that the proposed facility will "serve the public convenience and is consistent with the public interest." This is precisely the same standard that applies under G.L. c. 164, § 69O(4).

permits it requires” and reviews an applicant’s actions in that light. Woburn-Wakefield, EFSB 18-03 at 45, 49-51; see also G.L. c. 164, § 69L(A)(4) (requiring a representation of good faith as one of the elements of the Application). The Siting Board “does not mandate that an applicant must apply for all permits before requesting a Certificate” but does require “a substantial effort to obtain required approvals.” Woburn-Wakefield, EFSB 18-03, at 50. The permitting and approval process for the Project has been extensive and complex. As described above and in the Initial Petition, the Company has applied for all required permits and approvals in a timely and thorough manner, excepting only the building permit. The Company cannot apply for a building permit until all required City permits have been obtained and it can provide the details about the Substation façade with its building permit application. Because the Company has filed an application for the foundation permit, which needs only to be amended to request a building permit when the façade design is complete and the other City permits have been obtained, the Company herein seeks the inclusion of the both the foundation and building permits in the composite Certificate. The Company intends to continue to press forward to achieve progress on obtaining all of these permits. However, the City’s permitting process is currently at an insurmountable impasse and the Company has not been informed when its permits will be acted upon and what actions it could take to move forward the formal consideration of those permits. See Attachment 48. Therefore, the Company has acted diligently and in good faith in pursuit of its required permits and approvals.

6. Upon Approval of the Initial Petition and Application, a Composite Certificate Should Be Issued by the Siting Board.

As demonstrated above, based upon the unambiguous provisions of the Siting Board’s Certificate authority in G.L. c. 164, § 69K, as conferred by the Legislature, the Siting Board should grant Eversource the Certificate representing a composite of all remaining permits required

for the construction of the Substation. See Cape Wind at 30-35. Otherwise, construction of the Substation would continue to be unduly delayed and prevented, to the detriment of electric system reliability, customer interests, public health and safety, and the economy. The Legislature specifically contemplated this exact circumstance and provided the Siting Board broad powers to directly avoid such an outcome (“A [C]ertificate, if issued, shall be in the form of a composite of all individual permits, approvals, or authorizations which would otherwise be necessary for the construction and operation of the facility”).¹⁷ G.L. c. 164, § 69K (emphasis added); see also 980 C.M.R. 6.05(3). In that regard, the Legislature was explicit that, upon the granting of the Certificate, “no state agency or local government shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action which would delay or prevent the construction, operation or maintenance of such facility.” G.L. c. 164, § 69K (emphasis added); see also 980 C.M.R. § 6.05(3). In enacting Section 69K, the Legislature could not have been clearer. Under the exact circumstances presented here, a composite Certificate should be issued by the Siting Board. See Cape Wind at 30-35. Therefore, in order to implement the provisions of Section 69K, to promote administrative efficiency and to ensure consistency with the Siting Board’s decisions in the Original 69J Proceeding and the Project Change Proceeding, Eversource seeks a Certificate representing a composite permit with respect to the Project. Id.

As discussed above in Section III.B. and in the Initial Petition, Eversource has four permit applications that have been pending before the Boston PIC and the Commission for over ten months. For each of these, the Company has diligently and in good faith responded to inquiries and has complied with requests for additional information. Nonetheless, as of the date hereof,

¹⁷ Significantly, the Legislature began the section regarding the Siting Board’s grant of a comprehensive certificate with the proviso “Notwithstanding the provisions of any other law to the contrary.” Given the clarity throughout Section 69K, there can be no doubt about the legislative mandate contained therein.

the Company has not yet received approvals. In addition to the four permit applications whose processing has been unduly delayed by the PIC and the Commission, the Company has filed applications for several other local permits, as identified above in Section III.C. and in the Initial Petition, which are needed for the construction and operation of the Project. Accordingly, Eversource has made diligent, good-faith efforts to secure all of its local permits and approvals and has taken, and will continue to take, reasonable actions to obtain them. See G.L. c. 164, § 69L(4).¹⁸

As for the permits that have been already obtained from the applicable local and state agencies, but are subject to ongoing appeals (an OOC from the Boston Conservation Commission and an SOC and a Chapter 91 License from MassDEP), the Company has taken every action possible to successfully obtain those permits and approvals and has received favorable decisions thus far from the responsible agencies and the reviewing courts. However, continuing challenges from Project opponents continue to delay the final disposition of those approvals. Here too, the Company has acted diligently and in good faith, but has been unable to obtain final, non-appealable permits that are needed for Project construction.

For all of these reasons, Eversource requires a Certificate from the Siting Board in the form of a composite of all local permits and approvals that would otherwise be required in order to authorize Eversource's construction and operation of the Substation as previously approved by the Siting Board.

¹⁸ As stated previously, if the Company were to obtain any of these remaining local approvals or permits in an acceptable form during the pendency of this proceeding, the Company would be amenable to eliminating that local approval or permit from its Certificate request once that approval or permit becomes non-appealable and final in all respects.

VI. CONCLUSION

WHEREFORE, Eversource respectfully requests that the Siting Board approve this Application for a Certificate pursuant to G.L. c. 164, §§ 69K-69O. Without limiting the generality of the foregoing, Eversource requests that the Siting Board approve this Application and grant Eversource the Certificate of Environmental Impact and Public Interest for the Project with respect to the permits and approvals identified above and grant such further relief as may be deemed necessary or appropriate.

Respectfully Submitted,

**NSTAR ELECTRIC COMPANY d/b/a
EVERSOURCE ENERGY**

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Dated: February 16, 2022

List of Attachments¹⁹

- Attachment 1: 30-day Notice Letter to Commissioner Ryan Woods, Parks and Recreation Commission, dated January 14, 2022
- Attachment 2: 30-day Notice Letter to Jascha Franklin-Hodge, Chair, Public Improvement Commission, dated January 14, 2022
- Attachment 3: Notice of Intent
- Attachment 4: Request for Superseding Order of Conditions
- Attachment 5: Superseding Order of Conditions
- Attachment 6: Notice of Claim for Adjudicatory Hearing (SOC appeal)
- Attachment 7: MassDEP Scheduling Order for SOC Appeal
- Attachment 8: Complaint for Judgment on the Pleadings
- Attachment 9: Judgment on the Pleadings
- Attachment 10: Notice of Intent to Appeal Judgment on the Pleadings
- Attachment 11: Draft Waterways License
- Attachment 12: Miller Notice of Claim for Adjudicatory Hearing (Chapter 91)
- Attachment 13: Conservation Law Foundation Notice of Claim for Adjudicatory Hearing (Chapter 91)
- Attachment 14: Email correspondence with Parks and Rec Commission (Carrie Marsh)
- Attachment 15: BPRD Application
- Attachment 16: October 8, 2021 email from Parks and Rec Commission (Carrie Marsh) regarding last permit requirement
- Attachment 17: January 26, 2022 and January 27, 2022 correspondence to and from Commissioner Woods regarding follow up

¹⁹ This is a complete list of the attachments to both the Initial Petition and the Application. The documents appended to the Initial Petition begin with Attachment 1 and go through Attachment 45. The documents appended to the Application begin with Attachment 46 and continue thereafter.

- Attachment 18: PIC Checklists for Grant of Location, Easement and Specific Repairs
- Attachment 19: April 1, 2021 email to the PIC (Todd Liming) initiating PIC process
- Attachment 20: May 26, 2021 email to the PIC (Todd Liming) providing submittal and requesting petition proceed to agenda
- Attachment 21: May 26, 2021 email from the PIC (Todd Liming) notifying that PIC Petitions would not be placed on agenda
- Attachment 22: August 17, 2021 email providing ONS consent
- Attachment 23: August 26, 2021 email providing BTB consent
- Attachment 24: September 20, 2021 and September 22, 2020 emails from the PIC (Todd Liming) that: i) the PIC Petitions will be placed on the PIC's September 23, 2021 agenda; and ii) the PIC Petitions were pulled from agenda
- Attachment 25: PIC September 23, 2021 Meeting Agenda
- Attachment 26: September 23, 2021 email providing BWSC consent
- Attachment 27: October 24, 2021, December 15, 2021, and January 5, 2022 emails to and from BPRD (Liza Meyer) regarding requests for change to landscape plan
- Attachment 28: January 12, 2022 email circulating updated plans
- Attachment 29: Various email correspondence with BPDA (Jill Zick)
- Attachment 30: October 25, 2021 email reminding BPDA (Jill Zick) of first Focus Group meeting
- Attachment 31: October 26, 2021 email providing BPDA (Jill Zick) an update of first Focus Group meeting
- Attachment 32: Attendance Sheet and Update of November 15, 2021 focus group meeting
- Attachment 33: Attendance Sheet and Update of December 13, 2021 focus group meeting
- Attachment 34: January 7, 2022 email from BPDA informing the PIC that it needs more time to review PIC Petitions
- Attachment 35: January 10, 2022 email from the PIC (Todd Liming)
- Attachment 36: PIC Public Agency Contact Information

- Attachment 37: January 26, 2022 and January 27, 2022 to and from the PIC regarding follow up
- Attachment 38: Foundation Permit Application, confirmation of filing
- Attachment 39: Chelsea Street Opening Permit Application, confirmation of filing
- Attachment 40: DPW Street Manhole Occupancy Permit Applications, confirmation of filings
- Attachment 41: DPW Street Excavation Permit Applications, confirmation of filings
- Attachment 42: DPW Sidewalk Occupancy Permit Application, confirmation of filing
- Attachment 43: BWSC Construction Dewatering Discharge Permit Application (streets)
- Attachment 44: BWSC Construction Stormwater Discharge Permit Application
- Attachment 45: BWSC General Services Application, confirmation of filing
- Attachment 46: Draft Certificate
- Attachment 47: NSTAR Electric Company d/b/a Eversource Energy, EFSB-14-04A/D.P.U. 14-153A/14-154A (2021)
- Attachment 48: Affidavit of David Petersile
- Attachment 49: United States Geologic Survey topographical map
- Attachment 50: Eversource Project Change Filing (Exh. EV-1), NSTAR Electric Company d/b/a Eversource Energy, EFSB-14-04A/D.P.U. 14-153A/14-154A
- Attachment 51: Photographs of the Substation site