**TO: Department of Public Utilities, Commonwealth of Massachusetts**

**FROM: Vote Solar**

**RE: DPU 21-50, Public Awareness and Participation Procedures**

**DATE: September 14, 2022**

Vote Solar is a nonprofit organization that works state by state to repower our communities with sunshine and build a thriving clean economy with affordable solar energy for all. We appreciate the Department’s commitment to improving public awareness and participation procedures for its various proceedings. Robust public engagement is a necessary component of an accountable DPU and can inspire trust and collaboration in Departmental decisions. Thank you for the opportunity to provide comments on this important matter. Vote Solar is happy to follow up with Department staff about any of the recommendations included below.

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**Outreach and Engagement**

The Department can greatly increase stakeholder participation by effectively engaging and informing community-based organizations (CBOs) about proceedings so that they can participate and inform their members to do the same. An engagement strategy should focus on educating these stakeholders about the role of the Department and the Siting Board as well as empowering them to actively participate by providing public comment.

The Department inquired about effective methods of Distribution Companies reaching customers. Since all customers receive regular correspondence from Distribution Companies in the form of a bill, we recommend including notice about public proceedings alongside bills. Even though customers might not necessarily feel warmly towards their Distribution Companies, especially when they are receiving a bill, it is a name they recognize as legitimate.

The Department also inquired about including a selective sample of proceedings notices so as not to overwhelm readers with notices that come too frequently. We recommend having an “opt-out” model for notices related to rates, energy efficiency three-year planning, Energy Facilities Siting Board matters, and any proceeding that affects a line item on a ratepayer’s bill. We recommend an opt-in model for notices related to all other matters.

**Technical Assistance**

The Department should offer technical assistance (TA) to CBOs to help them participate in non-adjudicatory activities like comment periods and workshops. TA is the provision of targeted and customized support by a professional with subject matter and knowledge and skills. TA strategies include coaching, mentoring, consultation, advising, and peer-to-peer support. Access to tools and resources like those will help more CBO’s participate and bring a diversity of perspective.

The Department can also provide TA should to companies interested in submitting a new project to obtain input from impacted communities. When a project might impact a frontline community, TA can ensure that companies do not skimp on gathering input early and often, and that they are using this input to guide their plans and sharing it with the Siting Board.

**Intervenor Compensation**

The Department should allow qualified parties to participate in proceedings and to request compensation for their participation (general costs and fees, plus staff time). Department proceedings’ effectiveness depends on the input, questions, and feedback from the general public. By having access to different perspectives, the Department can make more informed decisions that consider impacts to local communities.

Intervenor Compensation is intended to ensure that groups that are representative of a community or significant segments of a community have the financial resources to bring their concerns and interests to the Commission during formal proceedings. To qualify for intervenor compensation groups must be:

* A non-profit organization or CBO that is representing the interest of those groups and has made a substantial contribution to a Department decision; and
* Possess no conflicts of interest.

We propose that the Department consider the California Public Utilities Commission’s Intervenor Compensation program as a model.

**Staffing Considerations**

We recognize that Department and Siting Board staff are stretched thin and these recommendations require a significant amount of time. To that end, we propose the creation of these three positions at the Department:

* **Community Outreach and Engagement Specialist:** This position performs specialized duties in support of increasing access to learning about the Department and issues pending before it. This role works directly and regularly with the public and CBOs and to provide information to assist with understanding problems, alternatives, opportunities, and solutions. This role can also facilitate feedback and analysis of engagement opportunities to make necessary adjustments.
* **Technical Assistance Specialist**: The purpose of this role is to support the public, CBOs, and companies with various TA needs. This role will work closely with CBOs and the public to ensure the delivery of training on how to participate at the Department and guidance on technical issues and questions. This role will also provide TA to companies on community outreach and engagement prior to a project.
* **Department Ombudsperson**: We recommend the Department put in place an Ombudsperson(s) to serve as a neutral, independent, and confidential resource for the resolution of informal concerns and complaints.Normal channels for dealing with conflict at the Department are challenging for the public to navigate, and an Ombudsperson is a legitimate option for informal problem solving assistance. The Ombudsperson(s) should report only to the Department Chair and have freedom to carry out their duties free of control from other Department staff.[[1]](#footnote-0) The Ombudsperson exists to serve and resolve issues presented by the public in regard to Department activities and proceedings that directly impact them. Given that the Ombudsperson will serve one constituency (the public), it is important to make clear that they are not an advocate for members of any group but a fair and impartial means of informal issue resolution. The Ombudsperson serves to empower individuals to work through conflicts and concerns. An ombudsperson can help the Department examine risk, strengthen culture, and address issues that are in the way of achieving just and equitable goals. This can also be an administratively efficient way for the Department to resolve issues without raising them to the Commission. This role(s) must convey to the public that the Department is committed to listening and responding to conflicts and concerns in a fair manner, and not prohibit an entity from filing a formal complaint to the Commissione.

1. International Ombudsman Association, <https://www.ombudsassociation.org/>. [↑](#footnote-ref-0)