



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 22-70

November 9, 2022

Petition of NSTAR Electric Company d/b/a Eversource Energy for approval by the Department of Public Utilities of two long-term contracts for procurement of offshore wind energy generation, pursuant to St. 2008, c. 169, § 83, as amended by St. 2016, c. 188, § 12; St. 2021, c. 8 § 91 et seq.; and St. 2021, c. 24, §§ 69, 72; and 220 CMR 23.00.

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D.P.U. 22-71

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval by the Department of Public Utilities of two long-term contracts for procurement of offshore wind energy generation, pursuant to St. 2008, c. 169, § 83, as amended by St. 2016, c. 188, § 12; St. 2021, c. 8 § 91 et seq.; and St. 2021, c. 24, §§ 69, 72; and 220 CMR 23.00.

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D.P.U. 22-72

Petition of Fitchburg Gas and Electric Light Company, d/b/a Unitil for approval by the Department of Public Utilities of two long-term contracts for procurement of offshore wind energy generation, pursuant to St. 2008, c. 169, § 83, as amended by St. 2016, c. 188, § 12; St. 2021, c. 8 § 91 et seq.; and St. 2021, c. 24, §§ 69, 72; and 220 CMR 23.00.

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HEARING OFFICER RULING ON COMMONWEALTH WIND, LLC'S  
MOTION FOR AN EXTENSION OF TIME

## I. INTRODUCTION

On May 25, 2022, NSTAR Electric Company d/b/a Eversource Energy (“NSTAR Electric”), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (together “National Grid”); and Fitchburg Gas and Electric Light Company d/b/a Unutil (“Unutil”) (collectively, “Companies”) filed petitions with the Department of Public Utilities (“Department”) seeking approval of two long term contracts to purchase offshore wind energy generation (referred to as power purchase agreements or “PPAs”) with Mayflower Wind Energy LLC and Commonwealth Wind, LLC (“Commonwealth Wind”). The Department docketed the NSTAR Electric petition as D.P.U. 22-70; the National Grid petition as D.P.U. 22-71; and the Unutil petition as D.P.U. 22 72.

On November 4, 2022, the Department issued an order denying motions by Commonwealth Wind for a one-month suspension of the proceedings and for leave to reopen the evidentiary records. NSTAR Electric Company et al., D.P.U. 22-70/D.P.U. 22-71/D.P.U. 22-72, Interlocutory Order at 12 (November 4, 2022). The Department directed Commonwealth Wind to notify the Department and the Companies whether they (1) intend to move forward with their contractual obligations under the PPAs or (2) file to request to dismiss the proceedings. D.P.U. 22-70/D.P.U. 22-71/D.P.U. 22-72, Interlocutory Order at 13.

On November 8, 2022, Commonwealth Wind moved for a two-business-day extension of time to comply with the Department’s directive pursuant to 220 CMR 1.04(5), 1.02(5) and submitted a supplement to its motion. Commonwealth Wind represents that, based on communications with the other parties, no party opposes the request for an extension (Motion at 3). Commonwealth Wind states it has good cause because a two-business-day extension is necessary for Commonwealth Wind to: (1) meet with parties that will be directly and substantially affected by the response to the Department’s order and are not available until after the deadline; (2) convene senior management meetings to consider legal and economic advice and any necessary board and governance actions; and (3) prepare its written response to the Department (Motion at 2-3; Motion Supplement at 2).

## II. ANALYSIS AND FINDINGS

For good cause shown, the Department has discretion to extend time limits prescribed or allowed by its Procedural Rules. 220 CMR 1.02(5). The Department has stated that good cause is a relative term and depends on the circumstances of an individual case. Boston Edison Company, D.P.U. 90-335-A at 4 (1992). Whether good cause has been shown “is determined in the context of any underlying statutory or regulatory requirement and is based on a balancing of the public interest, the interest of the party seeking an exception, and the interests of any other affected party.” D.P.U. 90-335-A at 4.

After review and consideration of Commonwealth Wind's motion and representation that no party opposed the motion, I find it is appropriate to exercise discretion pursuant to 220 CMR 1.02(5) and grant Commonwealth Wind's request for an extension of two business days.

III. RULING

Based on the findings above, Commonwealth Wind, LLC's motion for an extension of time is APPROVED.

Under the provisions of 220 CMR 1.06(5)(d)(3), any party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within [ ] days of the appeal. The Ruling remains in full force and effect unless and until set aside or modified by the Commission. 220 CMR 1.06(5)(d)(2).

/s/

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Kevin T. Crane, Jr.  
Hearing Officer