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November 9, 2022

Katie Zilgme, Hearing Officer  
Mark D. Marini, Secretary  
Massachusetts Department of Public Utilities  
One South Station, 5th Floor  
Boston, Massachusetts 02110

Subject: D.P.U. 22-107 *Petition of NSTAR Gas Company d/b/a Eversource Energy for Authorization by the Department of Public Utilities to Distribute Gas in the Town of Douglas, Massachusetts, pursuant to the provisions of G.L. c. 164, §30.*  
Letter in Lieu of Reply Comments of Conservation Law Foundation

Dear Hearing Officer Zilgme and Secretary Marini:

Conservation Law Foundation (“CLF”) submits this letter in lieu of filing reply comments in the above-referenced proceeding, in which NSTAR Gas Company d/b/a Eversource Energy (“Eversource” or “the Company”) has filed a petition to expand its service territory into the Town of Douglas, MA. The Company’s Petition does not serve the public interest.

The Company seeks approval to distribute gas in Douglas pursuant to M.G.L. c. 164 § 30 (“Section 30”), which states that the Department may authorize a gas company to carry on its business in a municipality in the Commonwealth.<sup>1</sup> There is little case law to provide clarity or guidance upon this standard, but the Department generally uses a “reasonableness” standard in such matters.<sup>2</sup> The word “may” in Section 30 confers the Department with discretion to authorize or deny a utility’s proposal under this law and so the Department should be careful to consider all of the circumstances at play, including the potential impact approval in this docket will have with regard to Massachusetts energy and climate law and policy.

The Company’s assertions that replacement of fuels currently used in Douglas’ commercial and industrial spaces with methane gas will advance Massachusetts’ legal mandate to eliminate greenhouse gas (“GHG”) emissions fails. In its Petition, the Company asserted that expansion of gas distribution into the Town of Douglas will not cause a negative environmental impact because the majority of Douglas residents rely on heating oil and propane at present and that the proposed gas installation will displace diesel emissions from emergency power consumption at

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<sup>1</sup> M.G.L. c. 164 § 30.

<sup>2</sup> See, e.g. MA D.T.E. 03-49, *Petition of Boston Gas Company d/b/a KeySpan Energy Delivery New England for authorization to carry on its business in the Town of Oxford, Massachusetts pursuant to G.L. c. 164, § 30.*



the Douglas Wastewater Treatment facility. In discovery and throughout this proceeding, the Company has asserted that moving commercial and industrial customers from oil and propane to methane gas will help to advance Massachusetts' climate mandate, alleging substantially higher emissions from oil and propane. These assertions fail for multiple reasons. First methane itself is a potent GHG, so any leaks contribute to GHG emissions even if the methane is not combusted. The Company provides no evidence that replacing the use of propane and backup diesel with pipeline fossil methane that leaks from pipelines and end use appliances would provide an emissions benefit. Combustion of propane releases carbon dioxide, which is a much less potent greenhouse gas than methane. Lastly, the Company's proposed approach further ties the Commonwealth to methane gas, resulting in additional stranded assets and preventing Massachusetts from taking a holistic, strategic approach to decarbonization.

In the context of an ongoing investigation of the future of gas, where even the gas utilities acknowledge that gas system expansion cannot continue, it cannot be reasonable to approve an expansion of the gas system outside the current boundaries of the duty to serve. For the reasons described herein, the Company's Petition is not in the public interest and should be denied.

Very truly yours,

A handwritten signature in black ink that reads "Priya Gandbhir". The signature is written in a cursive, flowing style.

Priya Gandbhir, Staff Attorney  
Conservation Law Foundation

CC: Service List (by electronic mail only)