

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

Petitions of NSTAR Electric Company d/b/a)	
Eversource Energy, Massachusetts Electric)	
Company and Nantucket Electric Company d/b/a/)	
National Grid, and Fitchburg Gas and Electric)	D.P.U. 22-70
Company, d/b/a Unitil for Approval of Proposed)	D.P.U. 22-71
Long-Term Contracts for Clean Energy Projects)	D.P.U. 22-72
Pursuant to Section 83C of An Act Relative to Green)	
Communities, St. 2008, c. 169, as amended by St.)	
2016, c. 188, § 12; St. 2021, c. 8, §§ 91, et. seq.)	

**ANSWER OF MAYFLOWER WIND ENERGY
TO MOTION TO DISMISS**

Pursuant to 220 CMR 1.04(5)(c), Mayflower Wind Energy LLC (“Mayflower Wind”) hereby files this Answer to the Motion to Dismiss filed on December 16, 2022 by Commonwealth Wind, LLC (“Commonwealth Wind”) in the above-referenced proceedings (the “Motion”).

In that Motion, Commonwealth Wind requested that the Department of Public Utilities (“Department”) dismiss the above-referenced proceedings as to the power purchase agreements (“PPAs”) between Commonwealth Wind and each of the Massachusetts electric distribution companies (“EDCs”) in connection with the offshore wind generation facility being developed by Commonwealth Wind (the “Commonwealth Wind Project”). In support of its Motion, Commonwealth Wind stated that the PPAs to which it is a party do not meet the fundamental statutory threshold set forth in Section 83C(a),¹ which requires that the PPAs “facilitate the financing of offshore wind generation.” Motion at 2.

¹ Section 83C of An Act Relative to Green Communities, St. 2008, c. 169, as amended by St. 2016, c. 188 §12, St. 2021, c. 8, § 91 et seq., St. 2021, c. 24, §§ 69 and 72, and St. 2022, c. 179, § 61 (“Section 83C”).

Mayflower Wind recognizes the importance to the Commonwealth of the clean energy that the project that Mayflower Wind is developing (the “Mayflower Wind Project”) will generate. This energy will assist the Commonwealth in reaching its climate goals and increasing energy security and resilience, while protecting the rate payers. Mayflower Wind is committed to working as a collaborative partner with all of the parties to this proceeding to help achieve the climate change priorities of the Commonwealth. To this end, Mayflower Wind continues to develop the Mayflower Wind Project consistent with the timelines set forth in its PPAs.

Notwithstanding the firm commitment expressed above, Mayflower Wind respectfully must nonetheless agree with much of the factual analysis underlying Commonwealth Wind’s conclusion, especially as Mayflower is subject to these same facts, pressures and realities.

In its Answer in Support of Motion for a One-Month Suspension filed by Mayflower Wind in these proceedings on October 27, 2022 (the “Answer in Support”), Mayflower Wind stated that current extraordinary global economic conditions, including unexpected and significant commodity price increases and supply shortages, have materially increased the expected cost of financing and constructing the Mayflower Wind Project. These unprecedented global economic conditions could not have been reasonably foreseen by Mayflower Wind (or, for that matter, any other party to these proceedings), and impose significant economic hardship on the Mayflower Wind Project. Furthermore, the project and tax equity financing required for the delivery of Mayflower Wind Project, along with the cost of such financing, has changed dramatically and unexpectedly as interest rates have risen sharply, presenting significant challenges to the Mayflower Wind Project’s economics. Mayflower Wind is diligently working to develop and provide to the Department a detailed third-party analysis on the impact of these

unforeseen events on the financeability on the Mayflower Wind Project, as Mayflower Wind committed to do in its earlier filings with the Department.

Mayflower Wind notes that Commonwealth Wind's Motion to Dismiss has materially disrupted the Section 83C procurement process, and therefore altered the underlying assumptions on which Mayflower relied when it made its two successful Section 83C bids.² Accordingly, Mayflower Wind respectfully requests that the Department allow time for coordinated meaningful discussion among all interested parties, before making a final decision on the Mayflower Wind PPAs.

Respectfully submitted,

Mayflower Wind Energy LLC

By its attorney,



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² Mayflower Wind also requests that the DPU take notice of the proceedings in Dockets 20-16, 20-17 and 20-17, which relate to the PPAs for Mayflower Wind's "83CII" project PPAs. Those PPAs are pending approval of amendments, the most significant of which is reassignment of the point of interconnection to Brayton Point. This reassignment will link Mayflower Wind's "83CII project" (and its related PPAs) with the Mayflower Wind Project (and its related PPAs that are the subject of this proceeding), and allow the harmonized delivery of 1200 MW of clean energy to the Commonwealth on a cost effective and timely basis.