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January 20, 2023

**VIA ELECTRONIC MAIL ONLY**

Mark Marini, Secretary  
Laurie Weisman, Hearing Officer  
Scott Seigal, Hearing Officer  
Massachusetts Department of Public Utilities  
One South Station, 5<sup>th</sup> Floor  
Boston, Massachusetts 02110

Subject: DPU Docket No. 21-50 *Notice of Inquiry by the D.P.U. on its own Motion into Procedures for Enhancing Public Awareness of and Participation in its Proceedings*  
CLF Comments on Draft Policy

Dear Secretary Marini, Hearing Officer Weisman, Hearing Officer Seigal, and Service List:

Conservation Law Foundation (“CLF”) offers the following comments regarding the Department of Public Utilities’ (“DPU” or “the Department”) Draft Policy regarding enhancement of public awareness and participation in Department proceedings.

CLF was founded and incorporated in 1966 as a non-profit, member-supported organization dedicated to protecting New England’s environment for the benefit of all people. We use the law, science, and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. CLF thanks the Department for its continued efforts to manage just and transparent processes for its proceedings and welcome the opportunity to aid the Department in its effort to make its proceedings more equitable by enhancing public awareness and participation.

*Comments on Draft Policy*

CLF acknowledges that the draft policy was released for public comment on December 28, 2022 during a time when many of our partner organizations were out of the office. We have been unable to pursue consensus comments due to the short window of time to review and comment while managing competing deadlines for the new legislative session and for reviewing and commenting on the draft Executive Office of Energy and Environmental Affairs (EEA) Environmental Justice Strategy.

CLF suggests that the Department insert an introductory section to its policy to provide context,

including a brief history of the DPU 21-50 proceeding and reference to Executive Order 552,<sup>1</sup> An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (Roadmap Law),<sup>2</sup> EEA Environmental Justice Policy,<sup>3</sup> and Department Language Access Plan. Over time, as new Hearing Officers and staff join the Department, this will help them understand the significance of the policy and the efforts from the Department, the public, and the utilities which culminated in its creation.

## 1. Types of Proceedings

CLF agrees that different types of proceedings merit different levels of publication and outreach. To avoid confusion and ensure predictability for stakeholders and the regulated utilities, we recommend more specificity in describing the types of proceedings that fall under each tier of the policy and providing examples where helpful.

The timeline of the impact of a proceeding should also impact the significance of the proceeding; for example, where a company's petition may only lay out proposed actions for the following year, but the term of the whole project lasts well into the next decade, such proceeding should merit Tier I engagement. CLF supports Tier I proceedings including rate cases, policy change initiatives, and proceedings with significant geographic impacts for environmental justice populations. In addition, we recommend the following types of proceedings being designated as Tier I: energy efficiency three-year plans, investigations, mergers, pipeline expansion, siting, and smart grid. CLF agrees with the Tier II and Tier III examples. For the materials to be posted on the Department's website, they should be available in a second location in addition to the File Room as the File Room is not user-friendly for individuals unfamiliar with Department proceedings.

CLF supports the Department's proposal to establish a subscription mechanism for community groups to receive notices and information about DPU proceedings and to provide timely updates on important proceedings on the Department's website. We note that these should be written in plain language that is readily understood by the general public and translated into such languages as deemed appropriate under the to-be-revised Language Access Plan. We encourage the Department to utilize existing tools regarding language needs in the Commonwealth to inform the Language Access Plan revision.<sup>4</sup>

## 2. Petitioner Outreach Plan

CLF agrees that the project proponent of a matter before the Department should bear the burden of engaging with the impacted community to ensure adequate public engagement but cautions against providing too much discretion to petitioners. The Department should establish specific

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<sup>1</sup> Exec. Order No. 552, Massachusetts Executive Order on Environmental Justice (2014).

<sup>2</sup> St. 2021, c. 8.

<sup>3</sup> Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs (2021), available at <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>.

<sup>4</sup> Massachusetts Executive Office of Energy and Environmental Affairs Languages Spoken in Massachusetts Interactive Tool, <https://mass-eoea.maps.arcgis.com/apps/webappviewer/index.html?id=dfdfbf9c109647fc9601f7524c1fd9f4>.

dates by which petitioners must undertake certain actions.

*Comments on Department Actions to Date*

CLF notes that the Department has already begun to implement some of the changes suggested during the course of this proceeding and appreciates the Department's efforts to incorporate these recommendations. On initial review of these changes, we note two matters for the Department's consideration. First, we commend the Department on the establishment of the Public Access Coordinator role, but note that, especially as the energy transition continues to ramp up, it likely requires more than one full-time employee, who is also working on public records according to the job posting, to adequately complete the proposed duties of this position. Additionally, we appreciate the Department's creation of a special page on its website for proceedings of note and recommend that in addition to the docket number, the Department include the title of the proceeding, the case type, the petitioner (if applicable), and a one to two sentence description of the matter, for the benefit of the general public who may not be aware of what each docket number represents.

Although there are many community groups throughout Massachusetts working on climate and energy issues, there remain some pockets of the Commonwealth which do not have the benefit of such advocacy. In the case where an impacted community does not have the support of local environmental advocacy groups with experience and substantive knowledge of Department proceedings, the Department should require a petitioner to reach out to known advocates – such as CLF, Acadia Center, Sierra Club, Environmental Defense Fund, and Gas Transition Allies – who can provide important perspectives regarding public engagement and who potentially have project-area contacts. Moreover, we recommend that the Department utilize the same community outreach list as is used by the Massachusetts Environmental Policy Act Office, since that is a list that has been relied upon for more than a year to communicate with interested stakeholders.

*Conclusion*

CLF thanks the Department for its commitment to implementing the Roadmap Law and expand access to agency proceedings. CLF appreciates the Department for the opportunity to provide these recommendations for manners in which the agencies can and should enhance awareness of and public participation in its proceedings. We welcome any additional inquiries and collaboration on this matter. To that end, please contact Staci Rubin ([srubin@clf.org](mailto:srubin@clf.org)) or Priya Gandbhir ([pgandbhir@clf.org](mailto:pgandbhir@clf.org)) with any questions or comments. Thank you for your time and attention to this matter.

Very truly yours,



Staci Rubin, Vice President, Environmental Justice  
Priya Gandbhir, Senior Attorney

CC: 21-50 Service List