

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF PUBLIC UTILITIES**

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Notice of Inquiry by the Department of Public )	
Utilities on its own Motion into procedures )	D.P.U. 21-50
for enhancing public awareness of and )	
participation in its proceedings. )	
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**I. INTRODUCTION**

On April 16, 2021, the Department of Public Utilities (Department) opened an inquiry into the procedural enhancements to its public notice requirements to increase public awareness of and participation in Department proceedings. In response to the Department’s request for comments, the Department of Energy Resources (DOER) submitted comments in response to the Department’s questions on June 14, 2021. On December 28, 2022, the Department issued its Interlocutory Order and Draft Policy on Enhancing Public Awareness and Participation.<sup>1</sup> DOER, an agency of the Commonwealth of Massachusetts that frequently participates in dockets and proceedings at the Department, appreciates the opportunity to respond to the Department’s draft policy and to support the Department’s efforts on improving public awareness and involvement in Department proceedings. DOER appreciates the Department’s efforts to enhance public awareness and participation in its proceedings and welcomes the Draft Policy proposed in the

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<sup>1</sup> *Notice of Inquiry by the Department of Public Utilities on its own Motion into procedures for enhancing public awareness of and participation in its proceedings*, D.P.U. 21-50, Interlocutory Order (Dec. 28, 2022).

Interlocutory Order. DOER provides the following comments to the Department in the interest of advancing the shared goal of increased public awareness and participation.

## **II. COMMENTS**

### **A. Proposed Tiers**

DOER supports the Department's proposal to categorize proceedings into three tiers. Given the volume of proceedings before the Department at any given time, it is prudent to categorize these proceedings by significance and impact so that stakeholders can prioritize time and attention. Stakeholders and intervenors before the Department are likely familiar with the problem of "stakeholder fatigue," wherein the volume of simultaneous policy topics and proceedings occurring at any given time can become overwhelming and lead to decreased engagement by stakeholders. To avoid stakeholder fatigue, we support the Department's proposal to prioritize outreach efforts for Tier 1 proceedings with major potential impacts, rather than conducting significant stakeholder outreach for all proceedings, including routine and administrative ones.

### **B. Outreach for Tier 1**

DOER is generally supportive of the outreach methods the Department proposes to use for Tier 1 proceedings (those deemed as major, significant proceedings of general public importance and/or having specific impacts on environmental justice (EJ) communities).<sup>2</sup> To further the Department's goals for Tier 1 outreach, DOER recommends the Department consider using public Mass.gov webpages in the standard outreach process for these proceedings. DOER supports the

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<sup>2</sup> Interlocutory Order at 8.

Department's recent creation of dedicated webpages for major proceedings of public interest (like this proceeding)<sup>3</sup> as a way of providing access to information about proceedings in a format that is more searchable and readable than the File Room. DOER therefore recommends that the Department consider creating similar Mass.gov webpages for all Tier 1 proceedings which would include plain-language summaries provided by the petitioners of the proceeding's purpose and goals, current status, and instructions for providing public input. We also recommend that the Department consider adding a sign-up form for members of the public to be notified during the proceeding. This could be maintained separately from the traditional service list, which the Department traditionally uses to inform attorneys for petitioners and intervenors of filings in the proceeding. Instead, the public notification list could be used to provide timely updates from the Department regarding the proceeding, written in plain language. Members of the public could also be given the opportunity to sign up for these notification lists by contacting the Department by phone, email, or postal mail.

In addition to maintaining these public Mass.gov webpages and notification lists for Tier 1 dockets, DOER recommends the Department consider additional points-of-contact to answer general or procedural questions from members of the public and other non-intervenors regarding the Tier 1 proceedings. Providing phone and email contact information on the webpages would allow members of the public to ask questions and learn about the proceeding without the need to become a formal intervenor.

To further the reach of notifications for Tier 1 proceedings, DOER recommends the Department consider some of its earlier comments in this proceeding regarding specific outreach

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<sup>3</sup> Interlocutory Order at 6.

methods. For instance, DOER encourages the Department's future use of a wider variety of platforms, including but not limited to non-English media – including television, radio, and print, and posting to municipal websites and in municipal buildings with physical flyers in multiple languages.<sup>4</sup> Additionally, DOER recommends that the Department solicit assistance from existing community-based organizations to notify neighborhood residents and that physical flyers be placed in areas the community already gathers, such as libraries, houses of worship, food markets, farmers' markets, and local fairs.<sup>5</sup> Finally, to further its goals for public access to Tier 1 proceedings, DOER also recommends the Department consider hosting meetings and hearings outside of traditional work hours such as during the evening or on weekends to increase access for members of the public who cannot attend during business hours.<sup>6</sup>

### **C. Outreach for Tier 2 and Tier 3**

For Tier 2 and Tier 3 proceedings DOER encourages the Department to continue to maintain active and up-to-date information in plain language on its public Mass.gov websites. The Department maintains many of these websites, for instance for gas adjustment filings, which are a helpful public resource.<sup>7</sup> We encourage the Department to continue to build out the plain-language information that is available on these public webpages to clarify impacts to stakeholders and the public.

One suggestion raised during the Department's roundtable discussion in August 2022 was to provide a plain-language webpage explaining why electric rates have increased substantially for

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<sup>4</sup> DOER Initial Comments at 4 (June 14, 2021).

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 12-13.

<sup>7</sup> Department, Cost of Gas Adjustment Factor Rates and Information, available at: <https://www.mass.gov/info-details/cost-of-gas-adjustment-factor-rates-and-information>.

2022-23. We encourage the Department to consider creation of a webpage, which explains the different rates on customers' bills and how the rates are derived. This website could also describe how rates are impacted by market conditions and global energy market volatility. This would provide important consumer information on rates and provide a foundational information baseline for stakeholders. DOER can support this effort and help ensure that public communication is clear and consistent.

DOER also recommends the Department consider adding plain-language information to the Department's existing webpage describing service quality standards<sup>8</sup> to explain the frequency of power outages in Massachusetts distribution company service territories, how and why the Department tracks and enforces service quality standards, where consumers can find information about power outages, and contact information for the distribution companies for consumers wishing to report outages. Service quality is important to consumers since it relates to power outages, which can have significant quality-of-life impacts, especially on EJ populations. It would be helpful for the Department to request and share metrics tracking outages and service quality in communities and provide these on the webpage.

Since Tier 2 accounts for the majority of proceedings, DOER also recommends the Department consider requiring petitioners to notify local governments and elected officials in Tier 2 proceedings that require public hearings or that have a specific geographic impact.<sup>9</sup>

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<sup>8</sup> Department, Service quality, available at: <https://www.mass.gov/info-details/service-quality>.

<sup>9</sup> DOER Initial Comments at 4.

#### **D. Petitioner Outreach Plans and the Department's Role**

In its Draft Policy, the Department proposes requirements for petitioners to produce a Petitioner Outreach Plan alongside any filing. DOER supports this proposal and recommends that the Department review the plans and make appropriate modifications to ensure that the Plans further the Department's priorities and goals for public awareness and participation.

#### **E. Language Access Evaluation and Stakeholder Feedback**

DOER commends the Department's progress on improving the accessibility of proceedings and public notices by providing additional translation and interpretation services. We support including translated notices and interpretation services at public hearings in the publication and outreach efforts of Tier 1 proceedings. To further the Department's goals on language access, DOER also recommends the Department consider evaluating the effectiveness of translation and interpretation services that are offered for Department proceedings. We recommend that evaluation include, at a minimum, usage statistics of relevant languages and stakeholder and community feedback on language access efforts, and that the evaluation be provided for public comment. Understanding the effectiveness of language accessibility services will enhance the Department's efforts to improve the awareness of and participation in proceedings and establish a process for continuous improvement.

#### **F. Additional Actions**

DOER remains supportive of the actions suggested in its Initial Comments, though it recognizes that the Draft Policy for procedural enhancements to the Department's notice requirements is an important first step to increase meaningful participation in Department proceedings. DOER looks forward to continued engagement with the Department and stakeholders in this proceeding to address additional recommendations for increasing public

participation, including consideration of alternative methods for public comment and the creation of an Intervenor Compensation Fund.<sup>10</sup>

### III. CONCLUSION

DOER appreciates the opportunity to provide this comment and looks forward to working collaboratively with the Department to establish a pathway to a more accessible and equitable future.

Respectfully submitted by,

THE MASSACHUSETTS  
DEPARTMENT OF ENERGY  
RESOURCES

By its attorneys,

*s/Sarah McDaniel*

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DATE: January 20, 2023

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<sup>10</sup> See California Public Utilities Commission Intervenor Compensation Program, <https://www.cpuc.ca.gov/proceedings-and-rulemaking/intervenor-compensation> (last visited January 12, 2023).