

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

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

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**JOINT COMMENTS OF THE MASSACHUSETTS DISTRIBUTION COMPANIES ON  
THE DEPARTMENT OF PUBLIC UTILITIES’ DECEMBER 28, 2022  
INTERLOCUTORY ORDER AND DRAFT POLICY**

**I. INTRODUCTION**

On April 16, 2021, the Department of Public Utilities (the “Department”) issued a Vote and Order Opening Inquiry in the above-captioned docket (the “NOI”). The NOI sought input from interested persons on methods to procedurally enhance public notice requirements to increase public awareness of and participation in Department proceedings (NOI at 3). On June 14, 2021, the Distribution Companies offered joint comments in response to the Department’s twelve enumerated questions.<sup>1</sup> Initial comments were also submitted in this proceeding by a joint group of stakeholders,<sup>2</sup> as well as by other individuals, including: (a) Browning the Green Space (“BGS”); (b) Andrea Honore; (c) the Department of Energy Resources (“DOER”); (d) the National

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<sup>1</sup> The Distribution Companies are comprised of The Berkshire Gas Company (“Berkshire Gas”), NSTAR Electric Company, NSTAR Gas Company, and Eversource Gas Company of Massachusetts each d/b/a Eversource Energy (collectively, “Eversource”), Liberty Utilities (New England Gas Company) Corp. d/b/a Liberty (“Liberty”), Boston Gas Company, Massachusetts Electric Company, and Nantucket Electric Company each d/b/a National Grid (“National Grid”), and Fitchburg Gas and Electric Light Company d/b/a Unitil (“Unitil”) (collectively, “Distribution Companies”).

<sup>2</sup> The joint group of stakeholders, some of whom also filed their own individual comments, consisted of Conservation Law Foundation (“CLF”); Sierra Club; HEET; GreenRoots, Inc. (“GreenRoots”); Gas Leak Allies (“GLA”); Sunrise Boston; Coalition for Social Justice; Acadia Center; PLAN-NE; Unitarian Universalist Mass Action; Take Back the Grid; Environmental Justice Legal Services; Alternatives for Community and Environment; Climate Action Now WMA; and the Longmeadow Select Board.

Consumer Law Center (“NCLC”); (e) the Office of the Attorney General (“AGO”); (f) the Environmental Defense Fund (“EDF”); (g) Mass Climate Action Network (“MCAN”); (h) PowerOptions; and (i) the Rev. Betsy Sowers.

On April 27, 2022, the Hearing Officers in the above-captioned proceeding issued a memorandum to the Distribution Companies (the “April 27 Memorandum”). The April 27 Memorandum sought the Distribution Companies’ responses to certain prompts and requested information regarding customer outreach, social media platforms and engagement, and languages in the Distribution Companies’ various service areas. On May 25, 2022, the Distribution Companies submitted joint responses to the April 27 Memorandum. On September 16, 2022, the Distribution Companies submitted further comments on the following topics discussed during the stakeholder roundtable session:

1. Improved communication with customers, community-based organizations, and local government officials to maximize public engagement in our proceedings;
2. Whether all notices for agency proceedings should receive the same level of publication and outreach, or whether there should be some prioritization or variation in approach to avoid overwhelming or desensitizing readers with frequent notices. If there should be variation, discuss the types of proceedings that warrant additional publication and outreach efforts; and
3. The most effective methods that Distribution Companies use currently to reach customers.

On December 28, 2022, the Department issued an Interlocutory Order and Draft Policy on Enhancing Public Awareness and Participation (the “Draft Policy”). The Draft Policy outlines actions intended to increase the visibility of the Department’s public notices and stakeholder involvement in Department proceedings, provides a framework for the levels of notice required by

different types of proceedings, and presents a draft public outreach plan requirement (Draft Policy at 8-9). As outlined below, the Distribution Companies appreciate the Department’s consideration of their prior comments, particularly with respect to the tiered structure outlining different levels of notice for different proceedings. The Distribution Companies offer the comments that follow on the Draft Policy for the Department’s consideration. In addition, the Distribution Companies respectfully request that the Department convene one or more technical sessions on the Draft Policy to afford stakeholders and subject matter experts the opportunity to provide additional information and detail concerning the practical implications of certain requirements, discuss potential unintended consequences, and collaboratively discuss alternatives to achieve the same or better outcomes.

## II. DISCUSSION

### A. **The Distribution Companies Request Clarification on the Types of Proceedings Outlined in the Draft Policy**

The Draft Policy correctly concludes that “[d]ifferent types of proceedings [before the Department] should merit different levels of publication and outreach, with certain cases receiving the greatest level of publication and outreach, and less significant and routine cases requiring less publication and outreach.” Draft Policy at 8. In recognition of this conclusion, the Department’s Draft Policy establishes three tiers of proceedings:

Tier 1 proceedings are major, significant proceedings (which may include gas or electric base distribution rate cases or significant policy change initiatives) or **proceedings with significant geographic-specific impact on environmental justice communities** (as identified by the Massachusetts Environmental Justice information and maps, <https://www.mass.gov/environmental-justice>) and shall receive the following publication and outreach efforts: prominent publication on the petitioner’s website; newspaper postings; outreach to interested persons and service lists; email notification to customers; outreach to municipal and community leaders; and social media posts. In addition, customers will also receive bill insert messaging for base distribution rate cases and significant policy change initiatives. These cases shall also have translated notices and

interpretation services at the public hearing consistent with the Department's Language Access Plan.

Tier 2 proceedings will encompass the majority of proceedings, include ratemakings, rulemakings, and proceedings requiring public hearings (which may include Department policy change initiatives, rulemaking proceedings, and forecast and supply plans), and shall receive the following publication and outreach efforts: prominent publication on the petitioner's website; newspaper postings; and outreach to interested persons and service lists.

Tier 3 proceedings will encompass routine proceedings that do not include a public hearing (which may include annual rate-setting filings (e.g., gas adjustment factor filings, basic service filings, true-up filings), service quality filings, and informational filings) and shall receive the following publication and outreach efforts: prominent publication on the petitioner's website; and outreach to service lists. Customers will continue to receive 30-day notice of changes in basic service rates. Default Service Pricing and Procurement, D.T.E. 99-60-C at 7 (2000).

Id. (emphasis added). The Distribution Companies generally support the tiered approach outlined in the Draft Policy.

The Distribution Companies seek clarification on the phrase "proceedings...with significant geographic-specific impact on environmental justice communities..." Specifically, the Distribution Companies request that the Department clarify both the definition of "significant" and whether this phrase is intended to apply only to Department proceedings dealing with discrete physical infrastructure in a specific location, and does not apply to proceedings that would otherwise fall into Tiers 2 or 3 but for the geographic make up of a particular company's service area.<sup>3</sup> Examples of petitions dealing with discrete physical infrastructure or discrete physical locations include zoning exemption petitions pursuant to G.L. c. 40A, § 3, filings for transmission facilities subject to G.L. c. 164, § 72, eminent domain petitions pursuant to G.L. c. 160, § 83 or G.L. c. 164, § 69R, demonstration projects (e.g., D.P.U. 21-24), or other petitions tied to

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<sup>3</sup> For example, Liberty's service area includes portions of Blackstone, Bellingham, Fall River, North Attleboro, Plainville, Swansea, Somerset, Westport, and Wrentham. Given the composition of these communities, particularly Fall River, absent the requested clarification almost any filing initiated by Liberty could be viewed to have a "geographic-specific impact" on an environmental justice ("EJ") community.

specific locations (e.g., D.P.U. 22-51; D.P.U. 22-52; D.P.U. 22-53; D.P.U. 22-54; D.P.U. 22-55, etc.).

Based on the tiered structure outlined in the Draft Policy and the potential unintended consequences outlined in these comments, the Distribution Companies presume that by including this phrase the Department did not intend to sweep virtually all Department proceedings initiated by Liberty or Unitil, whose service areas are comprised largely of EJ communities into Tier 1,<sup>4</sup> but rather that the Tier 1 designation applies only to discrete petitions that impact specific areas within an EJ community. If all routine proceedings filed by Liberty or Unitil fall into Tier 1, this would trigger a substantial increase in the frequency and volume of outreach, increase costs, create customer confusion, and could have serious implications for Liberty and Unitil’s overall customer communications. This would lead to vastly different results for similarly situated proceedings amongst the other Distribution Companies. Such a result plainly conflicts with the logic underpinning the tiered approach that different proceedings warrant more communication and outreach than others by virtue of their scope, subject matter, and potential impact. This clarification will help provide certainty to the Distribution Companies that they are complying with the requisite notice requirements for each of their proceedings before the Department. Accordingly, the Distribution Companies respectfully request that the Department clarify that the phrase “proceedings with significant geographic-specific impact on environmental justice communities” is intended to apply to proceedings dealing with discrete physical infrastructure in a specific location, and does not apply to proceedings that would otherwise fall into Tiers 2 or 3.

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<sup>4</sup> The Massachusetts Executive Office of Environmental Affairs has designated 78 percent of the Block Groups within the City of Fitchburg as EJ communities and approximately 73 percent of the total population within the City reside within an EJ Block. Approximately 65 percent of Unitil’s Massachusetts customers are located within the City of Fitchburg.

The Distribution Companies also request clarification as to the contents of Footnote 7 from the Draft Policy. Footnote 7 states:

For any proceeding involving an environmental justice population designated as such on the basis of English isolation (i.e., limited English proficiency), the Department may require the translation of notices and interpretation services at the public hearing into relevant languages. For any proceeding requiring translation and interpretation services, interested parties may request that additional languages be accommodated.

(Draft Policy at 8). The Distribution Companies seek to clarify whether, under the Department's Language Access Plan, the Department is responsible for securing translation of notices and translation services when necessary, or if that process will be the responsibility of the Distribution Companies. To date, the Distribution Companies have had mixed experience with translation requirements, where in some proceedings the Distribution Company has been responsible for securing interpreters and obtaining translation of notices (e.g., D.P.U. 19-140/19-141; D.P.U. 20-120; D.P.U. 21-109), while in other proceedings the Department has taken on that responsibility (e.g., D.P.U. 21-50 (notice provided by Department in English, Spanish, and Portuguese)).<sup>5</sup>

If this responsibility is intended to or will reside with the Distribution Companies, there must be a mechanism to recover the associated costs, and the Distribution Companies respectfully request that the increased costs associated with these translation and interpretation services be

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<sup>5</sup> One issue that is appropriate for additional discussion in the context of a technical session as requested in these comments is the model that should be employed to provide translation and interpretive services to promote uniformity, efficiency, high-quality service, and cost-effectiveness. There are at least three possible approaches that are worthy of discussion. The first approach is for the Department to enter into a blanket contract with a service provider, similar to what it does for transcription services today, and that service provider could invoice the individual Distribution Companies for service rendered. This approach is ideal from the perspective of efficiency and uniformity and logical because the requirement for translation and interpretive services originates with the Commonwealth. A second approach would be for the Distribution Companies to jointly enter into a blanket contract for a translation services provider, and that service provider would invoice the individual Distribution Companies for services rendered. This approach is beneficial in terms of uniformity and, possibly, cost-effectiveness. However, this may not be the most efficient approach because procurement practices vary considerably across the Distribution Companies and it could take considerable time for multiple, disparate entities to finalize a joint contract. A third approach is for each, individual Distribution Company to be responsible for providing these services, but that model could lead to inconsistencies in the cost and quality of services. It also would be administratively inefficient for each Company to seek recovery for the costs associated with these services on a rolling basis.

recovered through rates. In addition, if the responsibility resides with the Distribution Companies, the Distribution Companies request that the Department adopt a phased-in deadline of 180 days from the effective date of the Draft Policy. This period of time is necessary for the Distribution Companies to obtain the resources, personnel, or business contacts required to effectuate the new translation requirement. Currently, the Distribution Companies likely do not all have the resources required to quickly begin accurately translating notices or providing approved interpretation services, and a phased-in approach will provide sufficient time to obtain such resources.

Lastly, the Distribution Companies note that the Draft Policy provides, for Tier 1 proceedings, that the Department will provide information on its website on how “community based organizations and other interested parties” may subscribe to particular dockets to receive notices of the proceeding. Draft Policy at 9. The Distribution Companies are interested in sharing such information with the Department, as it could inform which groups and individuals are self-selecting to participate in or otherwise follow Department proceedings.

With the clarifications and confirmations requested above, the Distribution Companies support the Tiers established in the Draft Policy and the Department’s recognition that different proceedings before the Department merit different notice requirements.

**B. The Draft Policy’s Petitioner Outreach Plan Requires Necessary Amendments and Clarifications**

1. The Petitioner Outreach Plan Appears Inconsistent with the Tiers of Proceedings Established by the Draft Policy.

The Distribution Companies fully support the Department’s goals of increased public awareness and participation and the new requirements and rules that provide the Distribution Companies with certainty that appropriate steps will be taken to notify customers of Department filings. The Draft Policy’s Petitioner Outreach Plan, however, appears to be inconsistent with the

levels of notice established for Tier 1, 2 and 3 proceedings, which will cause confusion, inefficiencies, duplicative, and unnecessary work. These inconsistencies can and should be resolved through certain suggestions made by the Distribution Companies in Sections II.B and II.C of these comments.

As noted above, the Draft Policy establishes three Tiers of Department proceedings, each with varying levels of required outreach given the content and general import of the proceeding. Draft Policy at 8. Tier 1 proceedings are “major, significant proceedings” with “a significant policy change initiative” or with “significant geographic-specific impact on environmental justice communities....” (*id.*). For these “significant” proceedings, the Distribution Companies must work to publish the notice as follows:

- (1) outreach to interested persons and service lists;
- (2) email notification to customers;
- (3) outreach to municipal and community leaders;
- (4) social media posts; and
- (5) customers will also receive bill insert messaging for base distribution rate cases and significant<sup>6</sup> policy change initiatives.

*Id.* Additionally, Tier 1 proceedings may require translation and interpretation services “[f]or any proceeding involving an environmental justice population designated as such on the basis of English isolation...” *Id.* at 8, n.7). In contrast, Tier 2 and 3 proceedings do not require as intensive a level of outreach, nor do they require translation or interpretation.<sup>7</sup> Subject to these clarifications, the Distribution Companies largely support the tiered approach outlined in the Draft Policy.

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<sup>6</sup> As discussed above, the Distribution Companies request clarification on the term “significant.”

<sup>7</sup> Tier 2 proceedings require prominent publication on the petitioner’s website; newspaper postings; and outreach to interested persons and service lists. Draft Policy at 8. Tier 3 proceedings require prominent publication on the petitioner’s website; and outreach to service lists. *Id.*



The Draft Policy’s Petitioner Outreach Plan appears to require additional planned outreach not contemplated for Tiers 2 and 3. Specifically, it requires a “community outreach plan relevant to the subject matter and geographic scope of the filing and consistent with the level of scrutiny required by the tier into which it falls” and each plan “must include a list of the municipal and community organizations to whom the notice will be issued, provide plans for translation and interpretation services (including which languages and the justification for those languages) and indicate which steps of the outreach plan have already been accomplished.” Draft Policy at 9.

As currently drafted, the Distribution Companies would be required to outline translation efforts for Tier 2 and 3 proceedings and dissemination of notices within specific communities, which are actions that are not required under the Tiers established in the Draft Policy. It is also unclear which stakeholders the Distribution Companies must work with, the nature of that collaboration, and how such collaboration can be deemed successful (Draft Policy at 9). Section II.C of these comments requests an open technical session, as opposed to a roundtable of presentations, where these inconsistencies can be addressed and clarified, a framework for the requested community interactions could be openly discussed, and a more concrete plan can be developed.<sup>8</sup>

## 2. The Distribution Companies Suggest a Form Petitioner Outreach Plan

One issue with the Petitioner Outreach Plan that can be clarified by the Department without a technical session is the use of a form outreach plan for Tier 2 and 3 proceedings. First, as outlined above, the thrust of the Petitioner Outreach Plan in the Draft Policy appears aimed more at Tier 1 proceedings, which have significant impacts and require a wide dissemination of the relevant

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<sup>8</sup> A technical session could help to define how the Distribution Companies are to interact with interested stakeholders, and whether these stakeholders would help to disseminate notices, or the general mechanics of the Petitioner Outreach Plan.

notices. Second, the Department should direct the Distribution Companies to file a form outreach plan for Tier 2 and 3 proceedings once a year with the Department. This would be the most efficient approach given the level of notice required by the tiered structure and the sheer number of petitions that fall into Tiers 2 and 3 for each Distribution Company. Table 1, below, summarizes each Distribution Company’s filings with the Department for 2022:

**Table 1 – Distribution Company Filings 2022<sup>2</sup>**

<b>Distribution Company</b>	<b>Approximate Total Per Department Website<sup>10</sup></b>
NSTAR Electric	43
NSTAR Gas	18
EGMA	13
Massachusetts Electric Company and Nantucket Electric Company	34
Boston Gas	60
Unitil	32
Liberty	17
Berkshire	12

As discussed above, the Distribution Companies are seeking clarification on which Department proceedings fall into Tiers 2 and 3. However, the majority of each of the Distribution Company’s filings with the Department in 2022 did not constitute Tier 1 filings. Therefore, these filings would fall into the Tier 2 and Tier 3 categories, which the Department has stated are “routine” for Tier 3,

<sup>9</sup> Note that these counts do not include multiple reports that the Distribution Companies also file with the Department, some on a monthly or quarterly basis.

<sup>10</sup> <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bypetitioner>

and are subject to notice requirements that are less expansive than those established for Tier 1 proceedings. Draft Policy at 8. In light of that, it is inconsistent with the established notice requirements to require individualized and discrete outreach plans for matters that fall into Tiers 2 and 3. As discussed above, a solution to this inconsistency would be to allow a form Petitioner Outreach Plan for Tier 2 and Tier 3 proceedings that adequately reflects the level of notice required for those proceedings. These form plans could be updated annually to account for feedback from the Department and to ensure that they do not become stale. For Tier 1 proceedings, the Distribution Companies agree that discrete, tailored outreach plans can be developed and filed depending on the circumstances of each particular Tier 1 filing.<sup>11</sup>

### 3. The Petitioner Outreach Plan Should Reconsider the Use of Texting and Email

The Draft Policy states:

No later than [TBD], distribution companies must establish email and text distribution lists for all notices, with opt out provisions, specific options for issues and locations, and plans for social media usage.

Draft Policy at 9. The Distribution Companies oppose this requirement, and it merits an open discussion as part of a technical session.

As explained in prior comments, e-mail is an important communications channel between a company and its customers. Although the Distribution Companies do not possess customer emails for all customers,<sup>12</sup> email is an effective channel for communications between the Distribution Companies and customers who choose to share their email addresses and consent to

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<sup>11</sup> Following discussion and clarification of issues at a technical session or sessions with interested stakeholders and the Department.

<sup>12</sup> Across the Distribution Companies, the percentage of customers with a valid email address range from 29 percent to approximately 70 percent.

email communications, and with certain limitations,<sup>13</sup> can be a useful tool to disseminate information on Department regulatory proceedings. However, as the Distribution Companies have explained, any requirement to communicate Department-mandated notices should be consistent with email communications best practices, should avoid “email fatigue,”<sup>14</sup> and should enhance, not detract from, the overall customer experience. It is not clear that an opt-out email approach would accomplish this, running the risk of “email fatigue” with limited value provided to customers.

The Distribution Companies have determined that the most effective practice is to send customers emails a maximum of approximately *four times per month*. This cadence of email communications helps the Distribution Companies convey important messages to their customers without inundating customer inboxes. Increasing the frequency of email communications with customers risks customers unsubscribing from email updates, making it more difficult for the Distribution Companies to reach customers on one of their preferred channels of communication. Additionally, the Distribution Companies employ communications professionals who strive to develop a dialog with customers using language that is not too business-centric, legalistic, or otherwise overly complex. Essentially, the Distribution Companies aim to convey important messages in an accurate manner that can be easily understood by customers.

In light of email practices concerning both the number and wording of email communications with customers, the Distribution Companies recommend that the Department not

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<sup>13</sup> Additionally, the Distribution Companies do not have reliable information about the percentage of customers who actually open and interact with the email messaging. This information is more difficult to track given security updates to the iOS operating system.

<sup>14</sup> This is a phenomenon that occurs when recipients get tired of receiving emails and begin to ignore messages, delete them, unsubscribe, or send them to their spam folder. Email fatigue caused by an overabundance of emails regarding Department proceedings could have serious unintended consequences if customers chose to ignore all Distribution Company email communications, such as pending storm or other emergency event notifications.

require opt-out email communication for all Department-issued notices for regulatory filings. As the Distribution Companies regularly appear before the Department, emailing each individual notice to customers for a majority of cases would likely lead to confusion and frustration on the part of customers, and may ultimately lead to “email fatigue” and customers unsubscribing from email communications.

In addition to the avoidance of “e-mail fatigue,” the Distribution Companies strongly oppose an opt-out text messaging strategy. First, many companies do not have the capability to text their customers regarding Department-issued notices. Table 2, below, outlines the Distribution Companies’ capabilities with respect to text messaging.

**Table 2 - Text Messaging Abilities and Limitations**

<b>Distribution Company</b>	<b>Texting Ability</b>	<b>Limitations</b>
NSTAR Electric	Yes <sup>15</sup>	Limited to outage billing, payment, and disconnect notifications
NSTAR Gas	Yes	Limited to billing, payment and disconnect notifications
EGMA	Yes	Limited to billing, payment and disconnect notifications
Massachusetts Electric Company and Nantucket Electric Company	Yes	Limited to outage notifications and bill payment notifications
Boston Gas	No	Not applicable

<sup>15</sup> Customers must opt-in to receive each specific type of text message from Eversource (i.e., a customer may opt-in to receive billing notifications but elect not to opt-in to disconnect notifications). Each text message has a cost and is limited to 160 characters.

<b>Distribution Company</b>	<b>Texting Ability</b>	<b>Limitations</b>
Unitil	Yes	Limited to outage management and emergency communications
Liberty	No	Not applicable
Berkshire	No	Not applicable

Text messaging customers is a critical channel of communication used, where available, to inform customers of: (1) safety or outage information; and (2) bill payment information. Inundating customers with text messages for Department regulatory proceedings, where these customers have not self-selected to receive such updates, will inevitably lead to customers unsubscribing from general text message updates, and the Company losing out on its ability to provide necessary outage and safety updates. The Distribution Companies caution against use of opt-out e-mail and text messaging for dissemination of Department notices. Such a process risks increased opt-outs from these messaging channels, thereby hampering the Distribution Companies' ability to communicate with customers.

Additionally, as outlined above in Table 2, each Distribution Company has differing abilities to communicate with customers by text message, with some companies not possessing the ability to text customers, and others limited in how they can use this feature. Given the timing between when the Draft Policy was issued and the filing of these comments, the Distribution Companies have not investigated whether customers want to receive text message updates on regulatory filings, the costs associated with adding customer text messaging capabilities but implementation of automated text messaging or changes to existing text messaging capabilities will necessarily come with increased costs ultimately borne by customers through rates. In seeking

to increase participation in Department proceedings, the Department should be cognizant of requirements that will increase costs while providing minimal benefits to customers or having the unintended consequence of actually decreasing customer engagement.

The technical session(s) requested by the Distribution Companies would provide the appropriate forum to discuss the specifics of how, if at all, text messaging could be utilized to communicate notices to customers (e.g., an opt-in approach, or a pilot program to evaluate the efficacy of how customers respond to text messaging regarding Department proceedings). However, the current language in the Draft Policy regarding the use of text messaging and email to share notices with customers should be removed until these issues can be investigated and resolved.

### **C. The Draft Policy Raises Important Issues that Require Additional Discussion in a Technical Meeting**

As indicated above, the Distribution Companies request that the Department convene a technical session(s) regarding the Draft Policy. A technical session(s), as opposed to a more formal evidentiary hearing or a more rigidly-structured stakeholder roundtable, will allow the Distribution Companies, the Department, and other stakeholders to openly discuss the aims and goals of the Draft Policy, the practical implications of what it would take to accomplish those aims and goals, and the technical realities facing the Distribution Companies that should be reviewed and taken into consideration prior to implementing the Draft Policy. Such an open discussion would facilitate the refinement of the Draft Policy and would allow subject matter experts from the Distribution Companies with discrete expertise on customer communications and interactions and the technical capabilities of the companies' respective systems to discuss technical issues, such as the deployment of texting or email technology to disseminate notices, the use of EJ community data, and other important matters contained in or implicated by the Draft Policy. The Local

Distribution Companies (“LDCs”) engaged in a similar process in D.P.U. 19-44, Investigation of the Department of Public Utilities, on its own motion, instituting a rulemaking pursuant to G.L. c. 30A, § 2, and 220 CMR 2.00, establishing requirements for the annual reporting of lost and unaccounted-for gas. The LDCs actively participated in D.P.U. 19-44, where the issues and concerns raised were technical in nature, and did not lend themselves to being explained in detail or resolved solely through the provision of written comments. The technical meeting process from D.P.U. 19-44 led to open and detailed discussion of the issues raised by the Department as part of that investigation, and ultimately helped produce a consensus outcome, with important technical issues and limitations understood by all parties involved.

Other issues that can be discussed and clarified at a technical session(s) are circumstances where other state agencies as well as municipalities may also require public outreach on the projects that the Department is seeking to increase public outreach on, potentially leading to over-communication, communication fatigue and customers opting out of communications.<sup>16</sup> A single coordinated outreach process could be ideal, in order to make people aware of the project, the anticipated hearings, a website where they can find all the information they need, and an opt-in process for additional communications about whatever hearings they might be interested in. There will also be instances in which a transmission owner files a petition with Department under Section 72 to construct or rebuild a transmission project that is located outside its affiliated Distribution Company service territory. Communication in these circumstances should be discussed and developed during a technical session(s).

An open and free-flowing discussion is important and necessary to delve into the Draft

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<sup>16</sup> For example, a single proceeding could perhaps include communications the from the Department, the Energy Facilities Siting Board, the Department of Environmental Protection, and the U.S. Environmental Protection Agency office in Massachusetts, as well as notices from local boards and commissions.



Policy, practical implementation issues, and certain technical issues (and unintended consequences impacting customers) that could result if implemented without further discussion. The Distribution Companies therefore respectfully request that the Department convene such a technical session(s).

### **III. CONCLUSION**

The Distribution Companies appreciate the opportunity to participate in this important proceeding and submit these comments. The Distribution Companies look forward to continued participation in the remaining phases of this proceeding.

Respectfully submitted by,

**EVERSOURCE**

By its attorney,



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