

VOLUME 1, PAGES 1-18

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES  
DPU 23-58, 23-70, 23-91, 23-93

PUBLIC HEARINGS held via Zoom video  
conference by the Department of Public Utilities,  
One South Station, Boston, Massachusetts, on Friday,  
December 15, 2023, commencing at 2:03 p.m.,  
concerning

Three-Year Energy Efficiency Plans  
Cape Light Compact JPE; Unitil;  
Liberty Utilities; The Berkshire Gas Company

SITTING:

Elyssa Klein, Hearing Officer  
Krista Hawley, Hearing Officer  
Gas Division: Cara Mottola, Eli Moses  
Electric Power Division: Sharon Ballard

-----Reporter: David A. Arsenault, RPR-----

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11 Liberty Utilities (New England Natural

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1 PROCEEDINGS -- 2:03 p.m.

2 -----

3 MS. KLEIN: We are on the record.

4 Good afternoon. This is four public

5 hearings on the following petitions:

6 The petitions of the Towns of Aquinnah,

7 Barnstable, Bourne, Brewster, Chatham, Chilmark,

8 Dennis, Eastham, Edgartown, Falmouth, Harwich,

9 Mashpee, Oak Bluffs, Orleans, Provincetown,

10 Sandwich, Tisbury, Truro, Wellfleet, West Tisbury

11 and Yarmouth, and Dukes County, acting together as

12 the Cape Light Compact JPE in DPU 23-58;

13 Petition of Fitchburg Gas and Electric

14 Light Company doing business as Unitil in DPU 23-70;

15 Petition of Liberty Utilities (New

16 England Natural Gas Company) Corp. doing business as

17 Liberty in DPU 23-91;

18 And petition of The Berkshire Gas

19 Company in DPU 23-93.

20 The petitioners are each seeking a

21 midterm modification of its 2022-2024 three-year

22 energy efficiency plan approved by the Department in

23 2022-2024, three-year energy efficiency plans DPU

24 21-120 through DPU 21-129 in 2022.

<p style="text-align: right;">Page 6</p> <p>1 This is a public hearing to allow any                  2 interested persons to provide comment on these                  3 petitions. Additionally, pursuant to the notices                  4 issued in these four proceedings the Department will                  5 accept written comments on these proposed midterm                  6 modifications before close of business on Monday,                  7 December 18, 2023.                  8 My name is Elyssa Klein. I'm the                  9 hearing officer assigned by the Commission to DPU                  10 23-70, DPU 23-91 and DPU 23-93. With me on the                  11 Bench today is Krista Hawley, who is the hearing                  12 officer assigned by the Commission to DPU 23-58.                  13 With us from the Department is Cara Mottola, the                  14 assistant director of the Gas Division, Eli Moses                  15 from the Gas Division, and Sharon Ballard from the                  16 Electric Power Division.                  17 Also with us today is Shirley Barosy,                  18 the legal assistant from the Department's Legal                  19 Division. Ms. Barosy is today's virtual monitor.                  20 Please report any technical difficulties to                  21 Ms. Barosy.                  22 This public hearing is being                  23 live-streamed via the Zoom platform link and audio-                  24 only telephone number provided in the notices of</p>	<p style="text-align: right;">Page 8</p> <p>1 Liberty Utilities (New England Natural Gas Company)                  2 Corp. doing business as Liberty, Kevin Penders and                  3 Michael Hershberg from the law firm of Keegan                  4 Werlin.                  5 MS. KLEIN: Great.                  6 Mr. Lyne and Mr. Dorfler, would you                  7 please enter your appearances for Berkshire in DPU                  8 23-93.                  9 MR. DORFLER: This is Joe Dorfler and                  10 Emmett Lyne from the law offices of Rich May                  11 appearing on behalf of The Berkshire Gas Company.                  12 And appearing but not with us today are our                  13 colleagues David Lyons and Leah Cohen.                  14 MS. KLEIN: Great.                  15 The Department required the petitioners                  16 to provide notices of the filings and public                  17 hearings in accordance with the November 21, 2023                  18 order of notice issued in these proceedings. The                  19 petitioners have provided the Department with the                  20 returns of service and proofs of publication. These                  21 appear to be in order and are accepted as such.                  22 The Department has received the Attorney                  23 General's notice of intervention in DPU 23-58, DPU                  24 23-70, DPU 23-91 and DPU 23-93. Accordingly, the</p>
<p style="text-align: right;">Page 7</p> <p>1 public hearing issued on November 21, 2023 in the                  2 respective dockets. Additionally, the public                  3 hearing is being transcribed by a court reporter and                  4 will not be recorded by the Department. The                  5 official record for these proceedings will be the                  6 transcript created by the court reporter.                  7 At this time I will ask for the                  8 appearances of counsel.                  9 Ms. Kiernan, would you please enter your                  10 appearances for the Cape Light Compact in DPU 23-58.                  11 MS. KIERNAN: Good afternoon. Audrey                  12 Eidelman Kiernan from KO Law PC appearing on behalf                  13 of Cape Light Compact JPE.                  14 MS. KLEIN: Mr. Penders and                  15 Mr. Hershberg, could you please enter your                  16 appearances for Unitil in DPU 23-70.                  17 MR. PENDERS: On behalf of Fitchburg Gas                  18 and Electric Light Company doing business as Unitil,                  19 Kevin Penders and Michael Hershberg from the law                  20 firm Keegan Werlin, 99 High Street, Suite 2900                  21 Boston, Mass. 02110.                  22 MS. KLEIN: Great. And can you both                  23 enter your appearances for Liberty in DPU 23-91?                  24 MR. PENDERS: Sure. On behalf of</p>	<p style="text-align: right;">Page 9</p> <p>1 Department recognizes the Attorney General as an                  2 intervenor in these proceedings. May I have the                  3 appearance of counsel for the Attorney General in                  4 each docket?                  5 MR. ROSE: Yes. William Rose, Assistant                  6 Attorney General for the Attorney General of the                  7 Commonwealth in all four dockets.                  8 MS. KLEIN: Great.                  9 The deadline to file petitions to                  10 intervene in these proceedings was December 11,                  11 2023. Yesterday the Department approved the                  12 petitions of the Massachusetts Department of Energy                  13 Resources and the Low-Income Fuel Weatherization and                  14 Fuel Assistance Program Network and the Low-Income                  15 Energy Affordability Network, also known as LEAN,                  16 for full-party status in DPU 23-91 and DPU 23-93.                  17 The Department also approved the                  18 petition of LEAN to intervene in DPU 23-58 and DPU                  19 23-70 as a full party.                  20 May I have the appearance for the                  21 Department of Energy Resources in DPU 23-91 and DPU                  22 23-93.                  23 MS. EVANS: For the Department of Energy                  24 Resources, Rachel Graham Evans. Appearing with me</p>

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1 but not here today Sarah McDaniel.  
 2 MS. KLEIN: Great.  
 3 MS. EVANS: Just to clarify, Hearing  
 4 Officer, we have granted intervention in all four  
 5 dockets?  
 6 MS. KLEIN: I don't think in 23-70 or  
 7 23-58.  
 8 MS. EVANS: Thank you. I don't believe  
 9 we have anybody from LEAN today.  
 10 On December 12, 2023 the Department  
 11 received proposed settlement agreements filed by  
 12 Liberty and Berkshire in DPU 23-91 and DPU 23-93,  
 13 respectively, that are with the Attorney General,  
 14 LEAN and the Department of Energy Resources.  
 15 Pursuant to the hearing officers' memorandums issued  
 16 yesterday in these dockets, the Department will  
 17 accept written comments on the proposed settlement  
 18 agreements before the close of business on Monday,  
 19 December 29, 2023.  
 20 The Department will accept reply  
 21 comments on the proposed settlement agreements  
 22 before the close of business on Monday, January 8,  
 23 2024.  
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1 MS. KLEIN: We will now turn to the  
 2 public hearing in DPU 23-58.  
 3 MS. HAWLEY: Thank you, Elyssa.  
 4 Good afternoon. My name is Krista  
 5 Hawley, and I'm the hearing officer assigned to this  
 6 docket. This is a public hearing regarding the  
 7 petition of the Cape Light Compact JPE seeking a  
 8 midterm modification of its 2022-2024 three-year  
 9 energy efficiency plan as approved by the Department  
 10 in 2022-24 three-year energy efficiency plans,  
 11 Dockets DPU 12-120 through DPU 21-129, issued  
 12 in 2022. The compact seeks approval to modify  
 13 its 2022-2024 three-year energy efficiency plan to  
 14 increase its Department-approved energy efficiency  
 15 budgets in the residential and income-eligible  
 16 sectors, and to decrease its Department-approved  
 17 energy efficiency budget in the commercial and  
 18 industrial sector. This filing is docketed as DPU  
 19 23-58.  
 20 This hearing is designed to ensure that  
 21 members of the public have an opportunity to comment  
 22 on the Compact's filing. Are there members of the  
 23 public on today who would like to comment on this  
 24 filing? I'm seeing no hands raised. Shirley,

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1 please correct me in I'm wrong.  
 2 MS. BAROSY: You are correct.  
 3 MS. HAWLEY: Thank you.  
 4 Let the record reflect there are no  
 5 members of the public present in the attendee queue  
 6 who wish to be heard.  
 7 As a reminder, written comments may be  
 8 submitted by the close of business Monday, December  
 9 18, 2023. The public hearing for DPU 23-58 is  
 10 adjourned. Thank you.  
 11 MS. KLEIN: Thank you, Krista.  
 12 -----  
 13 DPU 23-70  
 14 MS. KLEIN: Good afternoon. This is the  
 15 public hearing regarding the petition of Fitchburg  
 16 Gas and Electric Company, doing business as Unitil,  
 17 gas division, seeking a midterm modification of  
 18 a 2022-2024 three-year energy efficiency plan  
 19 approved by the Department in 2022-2024 three-year  
 20 energy efficiency plans DPU 21-120 through DPU  
 21 21-129. The company seeks approval to modify  
 22 its 2022-2024 three-year energy efficiency plan to  
 23 increase its Department-approved energy efficiency  
 24 budgets in the residential, income-eligible, and

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1 commercial and industrial sectors. The filing is  
 2 docketed as DPU 23-70.  
 3 This hearing is designed to ensure that  
 4 members of the public have the opportunity to  
 5 comment on the company's filing. As stated earlier,  
 6 this hearing is being transcribed by a stenographer  
 7 and the transcript will become part of the docket in  
 8 this case. To create an accurate written record at  
 9 this hearing it is essential that each person speaks  
 10 clearly and that only one person at a time speaks.  
 11 For those intending to provide comments  
 12 today, please use the raise-hand function located at  
 13 the bottom of the screen when instructed to do so.  
 14 Selecting this icon will alert Department staff that  
 15 you intend to make a comment; or anyone who called  
 16 in today by telephone who wishes to raise their hand  
 17 in order to comment, please press Star 9 when  
 18 instructed. After we hear from all members of the  
 19 public wishing to speak, I will adjourn this public  
 20 hearing.  
 21 If anyone would like to comment at this  
 22 time, please raise your hands.  
 23 I see no one has raised their hands.  
 24 Shirley, is that correct?

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1 MS. BAROSY: That is correct.  
 2 MS. KLEIN: Okay. Let the record  
 3 reflect that there are no members of the public  
 4 present in the attendee queue who wish to be heard.  
 5 As a reminder, written comments may be submitted by  
 6 the close of business on Monday, December 18. The  
 7 public hearing for DPU 23-70 is adjourned. Thank  
 8 you for attending.  
 9 -----  
 10 MS. KLEIN: We are now going to DPU  
 11 23-91. This is a public hearing regarding the  
 12 petition of Liberty Utilities, (New England Natural  
 13 Gas Company) Corp. doing business as Liberty,  
 14 seeking a midterm modification of its 2022-2024  
 15 three-year energy efficiency plan approved by the  
 16 Department in 2022-2024 three-year energy efficiency  
 17 plans DPU 21-120 through DPU 21-129. The company  
 18 seeks approval to modify its 2022-2024 three-year  
 19 energy efficiency plan to increase its Department-  
 20 approved energy efficiency budgets in the  
 21 residential, income-eligible, and commercial and  
 22 industrial sectors. The filing is docketed as DPU  
 23 23-91. On December 12, 2023 the company filed a  
 24 proposed settlement agreement with the Attorney

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1 General, LEAN, and DOER.  
 2 After we hear from all members of the  
 3 public wishing to speak, I will adjourn this public  
 4 hearing. If anyone wishes to speak, please raise  
 5 your hand now.  
 6 I see no one has raised their hand.  
 7 Shirley, is that correct?  
 8 MS. BAROSY: That is correct.  
 9 MS. KLEIN: Okay. Let the record  
 10 reflect there are no members of the public present  
 11 in the attendee queue who wish to be heard.  
 12 As a reminder, written comments on the  
 13 petition may be submitted by the close of business  
 14 on Monday, December 18. Written comments on the  
 15 proposed settlement may be submitted by the close of  
 16 business on Monday, December 29. Any reply comments  
 17 on the proposed settlement may be submitted by the  
 18 close of business on Monday, January 8.  
 19 The public hearing for DPU 23-91 is  
 20 adjourned. Thank you for attending.  
 21 -[-----  
 22 MS. KLEIN: We will move on to our last  
 23 one, DPU 23-93. This is a public hearing regarding  
 24 the petition of The Berkshire Gas Company seeking a

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1 midterm modification of its 2022-2024 three-year  
 2 energy efficiency plan approved by the Department  
 3 in 2022-2024 three-year energy efficiency plans DPU  
 4 21-120 through DPU 21-129. The company seeks  
 5 approval to modify its 2022-2024 three-year energy  
 6 efficiency plan to increase its Department-approved  
 7 energy efficiency budgets in the residential,  
 8 income-eligible, and commercial and industrial  
 9 sectors. The filing is docketed as DPU 23-93.  
 10 On December 12, 2023 the company filed a  
 11 proposed settlement agreement with the Attorney  
 12 General, LEAN and DOER. After we hear from all  
 13 members of the public wishing to speak, I will  
 14 adjourn the public hearing.  
 15 If anyone wishes to speak, please raise  
 16 your hand.  
 17 I see no hands raised.  
 18 Shirley, is that correct?  
 19 MS. BAROSY: That's correct.  
 20 MS. KLEIN: Great. Let the record  
 21 reflect that there are no members of the public  
 22 present in the attendee queue who wish to be heard.  
 23 As a reminder, written comments on the  
 24 petition may submitted by the close of business on

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1 Monday, December 18. Written comments on the  
 2 proposed settlement may be submitted by the close of  
 3 business on Monday, December 29. Any reply comments  
 4 on the proposed settlement may be submitted by the  
 5 close of business on Monday, January 8th.  
 6 The public hearing for DPU 23-93 is  
 7 adjourned. Thank you for attending. We are off the  
 8 record.  
 9 (2:18 p.m.)  
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C E R T I F I C A T E

I, David A. Arsenault, Registered Professional Reporter, and Certified Reporter in the Commonwealth of Massachusetts, #100693, do hereby certify that the foregoing record is a true and accurate transcript of my stenographic notes taken on December 15, 2023 in the above-captioned matter.

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David A. Arsenault, RPR

<b>0</b>	<b>9</b>	<b>behalf</b> 7:12,17,24 8:11	<b>County</b> 5:11	12:18,20,22,23
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