



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

TO: Service Lists (e-mail only) in NSTAR Electric Company, D.P.U. 24-10; Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 24-11; and Fitchburg Gas and Electric Light Company, D.P.U. 24-12

FROM: Kerri DeYoung Phillips, Hearing Officer

RE: Evidentiary Hearings and Updated Service List

DATE: April 1, 2024

CC: Mark D. Marini, Department Secretary
Shirley Barosy, Legal Assistant, Legal Division

I. INTRODUCTION

On January 29, 2024, NSTAR Electric Company d/b/a Eversource Energy, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, and Fitchburg Gas and Electric Light Company d/b/a Unitil (collectively, “Companies”) each filed for approval with the Department of Public Utilities (“Department”) an electric sector modernization plan. The Department docketed these filings as D.P.U. 24-10, D.P.U. 24-11, and D.P.U. 24-12, respectively.

In this memorandum, the Department: (1) establishes the evidentiary hearing schedule; (2) provides ground rules and additional details for the hearings, including deadlines for notifications of hearing participants (**Wednesday, April 3, 2024**) and confirmation of dedicated hearing links (**Friday, April 5, 2024**); and (3) updates the service list for these proceedings.

II. EVIDENTIARY HEARING SCHEDULE

For the upcoming evidentiary hearings in these matters, the Department and the parties identified topics to be addressed at the hearings, as well as estimated reservations of time on particular topics and/or witnesses. The following intervenors reserved estimated time for cross-examination of witnesses: (1) for all three dockets, the Attorney General of the

Commonwealth of Massachusetts (“Attorney General”), the Massachusetts Department of Energy Resources (“DOER”), and the Clean Energy Coalition (“CEC”); (2) for D.P.U. 24-10, the Cape Light Compact (the “Compact”); and (3) for D.P.U. 24-11, Williams College.

After consultation with other parties, the Companies jointly proposed an evidentiary hearing schedule. After review, the Department establishes the following evidentiary hearing schedule. This schedule is subject to revision as needed and at the discretion of the Hearing Officer.

APRIL EVIDENTIARY HEARING SCHEDULE				
<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
	9 <i>Forecasts and Demand Assessments</i>	10 <i>Forecasts and Demand Assessments</i>	11 <i>Cost Recovery Framework Considerations</i>	12 <i>Net Benefits</i>
April 15, 2024 STATE HOLIDAY <i>No Hearings</i>	16 OFF	17 <i>New Proposed Investments</i>	18 <i>New Proposed Investments</i> <i>Future Process</i>	19 <i>Future Process</i>
22 <i>Stakeholder Outreach (to no later than 1 p.m.)</i>	23 <i>Stakeholder Outreach (to no later than 1 p.m.)</i> <i>Attorney General Witnesses (Nelson, Balakumar, Cook)</i> <i>DOER Witnesses (Edington and Harkavy)</i>	24 <i>Clean up, if needed</i>	25 <i>Clean up, if needed</i>	26 OFF

Department staff will begin cross-examination on each issue or intervenor witness, to the extent they have cross-examination at that time, followed by the Attorney General, DOER, the Compact, CEC, and Williams College. Other parties will be afforded an opportunity to conduct cross-examination thereafter.¹

III. GROUND RULES FOR VIRTUAL EVIDENTIARY HEARINGS

A. Authority

These proceedings shall be conducted in accordance with the provisions of G.L. c. 30A and 220 CMR 1.00. Pursuant to 220 CMR 1.06(5)(c)2, the ground rules issued in each docket on February 23, 2024, and the following ground rules for virtual evidentiary hearings shall supplement the Department's procedural rules in the conduct of these proceedings. These ground rules for virtual evidentiary hearings are deemed consistent with the orderly conduct of these proceedings. Exceptions to any ground rule may be made by the Hearing Officer for good cause shown.

B. Video Conferencing Platform and Public Access

The Department will facilitate the evidentiary hearings via the Zoom videoconferencing platform. Members of the public, interested parties, and hearing participants² may create a basic account at <https://zoom.us/> at no cost. Members of the public and interested parties may view the hearings through their web browser by clicking on the hyperlink, <https://us06web.zoom.us/j/81023311094>, or listen in audio-only mode by dialing in at (646) 558-8656 (not toll free) and then enter **Webinar ID# 810 2331 1094**.³ Hearing participants will receive an e-mail that provides an individual or dedicated link to join into the hearings.⁴ Prior to the hearings, each party shall conduct a test Zoom meeting with its hearing participants to confirm that each hearing participant was able to attend a Zoom meeting with functioning video, audio, and microphone. Any party not experienced with the Zoom platform is advised to contact the Hearing Officer.

¹ Cross-examination should be consistent with the Interlocutory Order issued in these proceedings on February 20, 2024.

² Refer to Section III.D.1. for the definition of "hearing participants."

³ These details are also available on the Department's website at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/Hearings/ByDate>.

⁴ The e-mail will identify the hearing participant as a "panelist."

C. Hearing Record and Recording

The evidentiary hearings will be transcribed by a stenographer. The stenographer's transcript will be the official record of the hearings. While the Zoom videoconferencing platform will livestream the hearings via the hyperlink provided above, this livestream will not be recorded and will not be part of the official record for these proceedings. To ensure the orderly conduct of these proceedings and an accurate record, the chat and record features of the Zoom platform will not be used during the hearings.

The parties and hearing participants shall not record, via audio, video, or screenshot, or permit any other person to record, via audio, video, or screenshot the hearing or any part of it. The parties and hearing participants will ensure that each additional hearing attendee for which that party or participant is responsible also acknowledges and agrees to this prohibition on recording.

D. Hearing Participants

1. Definition and Participation at the Hearings

To ensure the orderly conduct of these proceedings, only hearing participants sent a dedicated link by the Department will be admitted as participants to the evidentiary hearings. For the purposes of these proceedings, "hearing participants" is defined as: the Department Commissioners; Department staff; witnesses scheduled to appear for examination on a particular hearing day; counsel and support staff, as defined in Section III.D.2., for the Companies and intervenors; and a stenographer.

Counsel for the parties and witnesses scheduled to appear before the Department for examination must join the hearing each day no later than 9:45 a.m. to ensure proper functioning of their audio and video prior to the hearing. The hearing monitor will admit the hearing participants before opening the proceeding to members of the public.

2. Notice of Hearing Participants

The Companies and intervenors must provide notice to the Hearing Officer of the hearing participants that will be present at evidentiary hearings no later than the close of business on **Wednesday, April 3, 2024**. For each hearing participant, the notice must include the e-mail address that will be used to allow access for the individual to participate at the hearings and be viewed on the Zoom videoconference.

At evidentiary hearings before the Department, it is customary for the staff, colleagues, and associates who assisted witnesses in the preparation and presentation of their testimony to attend the evidentiary hearings ("Witness Support Staff"). Similarly, it is customary for the staff, colleagues, and associates of the parties' legal representatives who

assisted in the preparation and presentation of their client's case to attend the evidentiary hearings ("Representative Support Staff"). For purposes of the virtual evidentiary hearings, the notice of hearing participants must identify all Witness Support Staff and Representative Support Staff that a party wishes to include as a hearing participant for purposes of receiving a dedicated hearing link. Witness and Representative Support Staff may otherwise view the hearings via the hyperlink made available to members of the public.⁵

Parties shall limit the number of designated hearing participants to individuals that are essential to the efficient and orderly conduct of the evidentiary hearings. If a hearing participant is not needed on a particular hearing day, that individual should use the public hearing link to view the hearings using an alternate e-mail address than provided to the Department. The parties sponsoring witnesses may also request to add hearing participants during the course of the hearings who may be designated as a panelist from the public viewers by the hearing monitor.

3. Hearing Invitation

Each hearing participant will receive an individual e-mail invitation from the Department with a dedicated link to access the evidentiary hearings. This dedicated link will be the same for each day of hearings. Hearing participants must not share their invitations with any other hearing participant, as each link is specific to that individual. By **Friday, April 5, 2024**, counsel for each party shall confirm via e-mail to the Hearing Officer and to the hearing monitor, Shirley Barosy, that each designated hearing participant for the party has received an e-mail with the dedicated hearing link.

4. Appearance by Video

Witnesses and legal representatives are expected to make their appearances by video.⁶ Witness Support Staff and Representative Support Staff may attend the hearings by video or by phone. The Department directs all parties to take reasonable measures to ensure that their hearing participants have access to the equipment and internet access necessary to appear by video.

⁵ In order for individuals with dedicated links to watch the hearings via the public link, Zoom will require a separate e-mail address than the one used for the dedicated link.

⁶ Counsel for the parties must notify the Hearing Officer and hearing monitor if any counsel or witness is unable to appear by video or access the hearings.

5. Technical Difficulties

During the hearings, if a hearing participant is unable to appear by video due to technical difficulties, the Hearing Officer will afford the hearing participant a reasonable amount of time to resolve the issue. If such technical difficulties cannot be resolved after reasonable efforts are expended, the Hearing Officer, at their discretion, may direct the hearing participant to appear by phone or postpone the hearing.

6. Video and Audio Controls

To reduce ambient noise and other disturbances, hearing participants must mute themselves unless they are speaking. In addition, hearing participants must turn off their video unless they are actively participating in the hearings.

7. Name Display

Hearing participants must be identified by their full name and organization affiliation.

E. Hearing Monitor

The primary hearing monitor for the evidentiary hearings will be Shirley Barosy, the Legal Assistant for the Department's Legal Division. The hearing monitor has host privileges, enabling them to admit hearing participants. A list of the hearing participants will be provided to the hearing monitor in advance for that purpose. In the event any party experiences technical issues during the hearings, please contact Ms. Barosy directly at shirley.barosy@mass.gov.

F. Witness Communication

All private communication to and from witnesses on the subject matter of these proceedings while the witness is under active examination is prohibited, including, but not limited to, e-mails, texts, and instant messages. The Hearing Officer may allow exceptions to this prohibition at the request of the witness or legal counsel for the sake of administrative efficiency.

G. Access to Exhibits During Hearings

Each party shall be responsible to share screen exhibits for their witness(es) during cross-examination.

H. Offering of Exhibits Not Previously Provided

The proponent of an exhibit that is not already in the Department's possession must serve electronic copies of the proposed exhibit on the Department, service list, and stenographer at least seven (7) days prior to the hearing at which such exhibit is to be offered. 220 CMR 1.10(5)(a). The exhibit must be pre-marked for identification in the format outlined in the Department standard ground rules. Nonconforming documents may not be accepted. All large files must be broken down into electronic files that do not exceed 20 MB.

I. Closed Hearing

Among the many technical and logistical issues to consider in preparing for any virtual evidentiary hearings is the potential for a closed hearing where confidential, privileged, or similar protected information is subject to examination. As with all evidentiary hearings before the Department, it is preferred practice to develop the evidentiary record without the need to use closed hearings. That is, to frame questioning and to refer to documents in a manner that does not disclose the confidential information. Because of the complexities in conducting a virtual evidentiary hearing, we request that the parties take extra effort and precaution to employ examination measures to avoid the need for a closed hearing.

If a closed hearing is needed, the Department will employ necessary measures to ensure the integrity of a closed hearing. Additionally, to minimize the disruption to the conduct of the hearing, the Hearing Officer will determine when the closed session is held.

J. Hearing Arrangements and Breaks

For each day of hearings, the Department will open the Zoom videoconferencing link for hearing participants at approximately 9:30 a.m. before opening the link available to the public. The evidentiary hearings will begin at 10:00 a.m. and end at 5:00 p.m., unless otherwise directed by the Hearing Officer. Scheduled breaks will occur as follows: a brief morning break at approximately 11:30 a.m.; one hour at approximately 1:00 p.m.; and a brief afternoon break at approximately 3:30 p.m. The Hearing Officer may modify the scheduled breaks or schedule additional breaks as necessary. During breaks, the Department will post a notice via the Zoom videoconferencing platform that the hearing is in recess.

IV. UPDATED SERVICE LIST

The current service list for these proceedings is set forth below:

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