



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

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## **Introduction**

The Department of Public Utilities (“Department”) has a dual role of ensuring that regulated industries provide quality service at reasonable rates and promoting public safety. Public safety, particularly in the natural gas pipeline and transportation industries, is the Department’s most important responsibility.

The Department is overseen by a three-person Commission appointed by the Governor. The Governor designates one of the Commissioners as Chair. The Department's responsibilities include establishing rates and ensuring service quality for the investor-owned electric power, natural gas, and water industries; regulating safety in the transportation and gas pipeline areas; and for the siting of energy facilities. The Department does not regulate municipal electric companies or public water authorities.

In 2008, Governor Patrick signed the Green Communities Act (“GCA”) into law, which significantly advanced the Commonwealth's commitment to the development of energy efficiency, demand response, and renewable resources. In 2012, Governor Patrick signed into law Chapter 209 of the Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth (“2012 Energy Law”). This law expands upon many of the renewable energy and energy efficiency goals of the GCA. The Department's implementation of many of these new provisions is making Massachusetts a national leader in the clean energy revolution.

The Department has also increased its involvement in the federal policy-making process by establishing the Division of Regional and Federal Affairs (“DRFA”). In an effort to continue protecting Massachusetts ratepayers, DRFA directly participates in activities and decisions taking place at the regional and federal levels and also in conjunction with New England Conference of Public Utility Commissioners, National Association of Regulatory Utility Commissioners.

This report summarizes the responsibilities of the various divisions within the Department, provides information regarding the day-to-day functions of the agency, and outlines the major activities and accomplishments during 2012.

## **Consumer Division**

### **Mission**

The Consumer Division is the Department's primary link with utility customers. The Consumer Division works to ensure that consumers, utilities, and the public receive fair and equitable treatment through education, complaint resolution, and evaluation of utility compliance with consumer protection rules and policies. The Consumer Division educates the public and utilities about consumer rights and responsibilities and other utility-related consumer issues, investigates and resolves disputes between consumers and utilities, and evaluates utility compliance with the Commonwealth's statutes, Department regulations, Orders, and the utility's terms and conditions for service. The Consumer Division conducts informal hearings as appropriate to try and resolve customer complaints against their respective utility company.

### **Responsibilities**

#### **Investigation and Resolution of Customer Complaints**

The Consumer Division is available to assist customers in resolving problems they are having with their providers. Most complaints are made by phone, but also by mail, email, and through the Department's website. The majority of the complaints concern billing disputes, credit issues, or poor quality of service allegations. In those cases in which the utility company is found to be at fault, the Consumer Division will order the company to correct the problem, and to make any necessary bill adjustments. This past year, the Consumer Division directed the utilities to make \$35,997.94 in adjustments.

If a consumer or utility company is not satisfied with the resolution of a complaint filed with the Consumer Division, either party may request an informal hearing. Informal hearings for residential complaints are conducted by a Consumer Division Hearing Officer. Parties may appeal the Hearing Officer's decision to the Department's Commission.

#### **Utility Monitoring**

The Consumer Division collects extensive data about the quality of service utility customers receive. This data is used to generate monthly reports, which include cases, inquiries, and bill adjustment amounts per industry and their percentage increase or decrease in the previous twelve-month average. The reports compare companies using measures such as the number of residential complaints per 1,000 customers, and the total number of complaints per month. This data is also used to evaluate whether to grant energy supply licenses and renewals.<sup>1</sup>

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<sup>1</sup> Massachusetts customers may choose to obtain electric and gas supply from a competitive supplier other than their local distribution utility. The Department annually certifies the suppliers and agents selling this competitive supply.

To facilitate compliance with Department regulations and policies, Consumer Division staff reviews regulations pertaining to billing, protections from shut-offs, policies on abatements, and other areas of consumer protection. The Consumer Division also reviews utility billing materials and notices. The Consumer Division reviews bill format changes, bill inserts and notices, including rate change notices, as well as informational letters sent to consumers. The Consumer Division may recommend changes to notices where necessary to ensure that consumers are provided clear and accurate information.

### **Storms**

As the number of serious weather events has risen dramatically in Massachusetts, it is crucial for customers to have utility service that is both safe and reliable. The Consumer Division gathers and disseminates timely and accurate information regarding outages and restoration efforts during weather-related events so that appropriate actions may be taken by customers, communities, and utilities. This past year, the Consumer Division Director served as the point person for municipalities and the utilities in a new effort to increase communication during storm-related events.

### **Department Proceedings**

#### **Service Quality**

The Consumer Division is intimately involved with two of the four prongs set forth in the Department's mission statement:<sup>2</sup> the provision of the most reliable service at the lowest possible cost; and ensuring that residential ratepayers' rights are protected. As part of this involvement, the Consumer Division works with the Department's other divisions to compile and review each utility's annual performance regarding customer service, billing, customer satisfaction, safety and reliability. This past year, the Consumer Division has joined with the Department's other divisions to revamp the performance measures by which the utilities are evaluated.<sup>3</sup>

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<sup>2</sup> The mission of the Department is to ensure that utility consumers are provided with the most reliable service at the lowest possible cost; to protect the public safety from transportation and gas pipeline related accidents; to oversee the energy facilities siting process; and to ensure that residential ratepayers' rights are protected.

<sup>3</sup> The current performance standards were first issued in 2001 and slightly modified in 2006.

### **Municipal Aggregation**

General Law c. 164, § 134 authorizes municipalities to aggregate the electrical load of customers within their borders to procure competitive supply of electricity. The Director of Consumer Division participates in the reviewing the aggregation plans to ensure customer education and outreach.

## Division of Regional and Federal Affairs

### Overview

Wholesale electricity and transmission costs constitute as much as two-thirds of the retail price of electricity, and commodity prices for natural gas similarly constitute the majority of prices paid by natural gas customers in Massachusetts. The Division of Regional and Federal Affairs (“DRFA”) supports the Department by collecting, synthesizing, and evaluating the technical and legal factors driving wholesale energy costs in Massachusetts and seeks to influence changes in underlying federal policy, market rules, and regional energy infrastructure planning and operations that are in the best interest of Massachusetts consumers. DRFA also helps to coordinate with other energy and environmental agencies within and outside Massachusetts to influence regional and federal developments.

DRFA actively monitors ISO New England Inc. (“ISO-NE”) planning and operations, and participates in ISO-NE’s stakeholder processes; monitoring and participating in various New England Power Pool (“NEPOOL”) technical committees, and participating in the transmission planning process through ISO-NE’s Planning Advisory Committee. These committees held approximately 100 meetings in 2012. DRFA also participates in national and regional policy groups including the National Association of Regulatory Utility Commissioners (“NARUC”), the Eastern Interconnection States’ Planning Council (“EISPC”), the New England Conference of Public Utility Commissioners (“NECPUC”), the New England States Committee on Electricity (“NESCOE”), and the Power Planning Committee of the New England Governor’s Conference (“NEGC PPC”).<sup>4</sup> DRFA monitors and oversees the Department’s participation in proceedings before the Federal Energy Regulatory Commission (“FERC”), as well as other federal agencies that take action relative to system reliability and/or issues with cost implications for Massachusetts electric and gas consumers.

### Filings

Over the course of 2012, on behalf of the Department, DRFA filed written comments with FERC, other federal agencies, and ISO-NE on a variety of matters, representing Massachusetts’ view on issues affecting system reliability and consumer costs. DRFA’s written comments include:

- Approximately ten filings with FERC, including a protests of ISO-NE’s proposed Forward Capacity Market Rules implementing the Minimum Offer Price Rule and ISO ISO-NE proposed tariff changes to comply with FERC Order 1000;

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<sup>4</sup> As of September 1, 2012, the New England Governors' Conference, Inc. (“NEGC”) has been merged into the Coalition of Northeastern Governors (“CONEG”),

- Filings with the U.S. Department of Energy and with the North American Electric Reliability Corporation (“NERC”).

### **Representative Matters**

The following is a sampling of some of the major issues DRFA was engaged in during 2012 to protect Massachusetts ratepayers:

- **ISO-NE’s proposed tariff changes in compliance with FERC Order 1000 (FERC Docket No. ER13-193/196)**
- **ISO-NE’s Strategic Planning Initiative**
- **Stipulation and Disbursement of funds from FERC’s consent agreement with Constellation Energy Commodities Group (FERC Docket No. IN12-7)**
- **Complaint on Transmission Base Return on Equity (FERC Docket No. EL11-66)**
- **Forward Capacity Market Modifications – Proposed Minimum Offer Price Rule (FERC Docket Nos. ER12-953)**
- **Complaint by the New England States Committee on Electricity on the application of the Minimum Offer Price Rule to renewable resources (FERC Docket No. EL13-34)**

## Electric Power Division

### Overview

The Electric Power Division (“EPD”) provides technical support to the Department in the regulation of the state’s five investor-owned electric distribution companies: Fitchburg Gas and Electric Light Company, doing business as Unitil (“Unitil”); Massachusetts Electric Company (“MECo”) and Nantucket Electric Company (“Nantucket Electric”), together doing business as National Grid (“National Grid”)<sup>5</sup>; NSTAR Electric Company (“NSTAR Electric”); and Western Massachusetts Electric Company (“WMECo”). EPD’s responsibilities fall into five general categories: (1) energy efficiency; (2) renewable energy resources; (3) “grid modernization,” including “smart grid;” (4) the retail power supply markets in Massachusetts; and (5) safe and reliable electric service. While EPD has had many of these responsibilities for some time, several of these areas are new or have been expanded through recent legislation, particularly, An Act Relative to Green Communities, Chapter 169 of the Acts of 2008 (“Green Communities Act” or “GCA”), enacted on July 2, 2008 and An Act Relative to Competitively Priced Electricity in the Commonwealth (“2012 Energy Law”), Chapter 209 of the Acts of 2012, enacted on August 3, 2012. In addition to these specific categories, EPD staff work with other Department divisions on larger cases such as distribution company rate cases and merger proposals.

### Energy Efficiency

Massachusetts electric distribution companies have administered and implemented ratepayer-funded energy efficiency (“EE”) programs for over 20 years. The Green Communities Act includes provisions that significantly change the manner in which the program administrators (“PAs”)<sup>6</sup> provide EE services. The GCA requires PAs to develop, in consultation with the newly-formed Energy Efficiency Advisory Council, three-year plans that acquire all available cost effective EE resources.

On January 28, 2010, the Department approved the initial Electric and Gas Three-Year EE Plans, covering the years 2010 through 2012. On a statewide basis, the Three-Year Plans are expected to provide net benefits of approximately \$3.9 billion, resulting in almost three dollars in benefits for every dollar spent, over the lifetime of the efficiency measures installed. On the electric side, total lifetime savings associated with the approved EE programs will cost roughly 4.6 cents/kWh, well below the cost of the traditional electricity resources that would otherwise need to be purchased by consumers. In addition, the EE programs in the Three-Year Plans are expected to reduce statewide greenhouse gas emissions by roughly 15 million tons and create nearly 3,900 local jobs throughout the lifetime of the measures installed in Massachusetts.

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<sup>5</sup> MECo and Nantucket Electric frequently make joint filings.

<sup>6</sup> Program Administrators are those entities that administer energy efficiency programs, including the distribution companies and municipal aggregators.



On November 2, 2012, utilities filed their second Three-Year Plan, covering the years 2013 through 2015. The Department approved the plan on January 31, 2013. On a statewide basis, the 2013-2015 Plan is expected to provide net electric benefits of approximately \$5.6 billion, resulting in greater than three dollars in benefits for every dollar spent, over the lifetime of the efficiency measures installed.

## **Renewable Energy Resources**

### **Introduction**

The Green Communities Act and subsequent legislation include provisions on the following policies related to renewable energy resources: (1) net metering; (2) long-term contracts; (3) ownership by electric distribution companies of solar generation facilities; and (4) interconnection.

### **Net Metering**

Section 78 of the Green Communities Act requires the Department to adopt rules and regulations necessary to implement the provisions relating to net metering. Net metering refers to the process of measuring the difference between (1) the electricity generated by a customer-owned generator and fed back to the grid, and (2) the electricity delivered to the customer by its distribution company. On October 15, 2010, Governor Patrick signed into law Chapter 359 of the Acts of 2010, An Act Making Appropriations for the Fiscal Years 2010 and 2011 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects (“2010 Act”). Both the 2010 Act and the 2012 Energy Law require the Department to adopt rules and regulations implementing certain changes to the net metering provisions of G.L. c. 164, §§ 138 and 139. St. 2010, c. 359, §§ 25-30; St. 2012, c. 209, §§ 23-30. In regard to net metering in 2012, the Department: (1) adopted emergency regulations; (2) reviewed and approved revised net metering tariffs; (3) continued to work on a multi-faceted docket to address issues associated with net metering, including (a) creation of a net metering system of assurance, (b) net metering billing issues, and (c) further definition of terms, including “Unit” and “Facility;” (4) reviewed four petitions for an exemption from the net metering regulations; (5) reviewed 41 applications for classification of entities as municipalities or other governmental entities (together “public”) for the purposes of net metering, thus allowing them to qualify for the public net metering cap; (6) conducted multiple public education presentations and/or discussions; and (7) answered many implementation questions.

### **Long-Term Contracts**

Section 83 of the Green Communities Act and Section 83A of the 2012 Energy Law, require the Department to adopt rules and regulations necessary to implement the provision relating to long-term contracts between electric distribution companies and renewable energy project developers. In 2012, pursuant to its Section 83 long-term contract regulations (220 C.M.R. § 21.00), the Department adjudicated a long-term contract filed by NSTAR Electric.

## **Utility Ownership of Solar Facilities**

Section 58 of the Green Communities Act provides that electric distribution companies may construct, own, and operate solar generation facilities.

### **Interconnection**

Interconnection is the process by which distributed generation is electrically integrated into the electric power system. In 2011, the Massachusetts Department of Energy Resources (“DOER”) filed a petition with the Department requesting that the Department open a proceeding on the interconnection of distributed generation. DOER’s petition was accompanied by a report entitled “Massachusetts Distributed Generation Interconnection Report,” which identified various issues associated with the current distributed generation interconnection standards and application procedure. As a result of DOER’s petition, the Department issued a notice of investigation and opened a generic proceeding. The purpose of the investigation is to ensure an efficient and effective interconnection process. As part of the investigation, the Department convened a distributed generation working group (“DG WG”) to (1) determine what issues should be resolved regarding the current distributed generation interconnection standards and application procedure to ensure an efficient and effective interconnection process, and (2) deliberate with the goal of reaching a consensus on a resolution of such issues for Department review and approval. The Department’s investigation into interconnection continued throughout the year 2012.

### **Grid Modernization or Smart Grid**

Section 85 of the Green Communities Act requires each electric company to file a plan with the Department to establish a Smart Grid pilot program. Each pilot program must include advanced technology that provides for (1) real-time measurement and communication of energy consumption, (2) automated load management systems, and (3) remote status detection and operation of distribution system equipment

In 2009, the distribution companies submitted their proposed Smart Grid pilots to the Department. In 2010, the Department issued an order on National Grid’s smart grid pilot proposal, wherein we supported certain elements of the proposal but directed National Grid to make additional filings to address certain issues. In February 2011, National Grid filed a motion to withdraw its pilot proposal, stating that technology had matured since their original proposal and that National Grid determined it could deliver the pilot in a more cost-effective manner with a refreshed proposal. National Grid resubmitted its pilot in December 2011.

In 2010, the Department convened a Smart Grid Pilot Program Evaluation Working Group (“Working Group”) to ensure that certain elements of the pilot programs would be conducted in comparable way by each company so as to maximize the value of results from the pilot programs on a statewide level. In March 2011, the Working Group submitted a Common Evaluation Framework report that included standardized methodologies and demographic sampling approaches to ensure that the quantitative and qualitative information collected by the various

pilot programs will be consistent and that the results will be reliable and comparable where appropriate.

On October 2, 2012, the Department opened a generic investigation on the “Modernization of the Electric Grid” to investigate policies that will enable Massachusetts electric distribution companies and their customers to take advantage of grid modernization opportunities.

## **Retail Power Supply Markets**

### **Introduction**

Prior to the enactment of Chapter 164 of the Acts of 1997 (the “Electric Restructuring Act”), customers had no choice but to purchase electricity from their electric company. The Electric Restructuring Act introduced competition in Massachusetts by giving consumers the option to buy electricity from a competitive retail supplier or to continue receiving electricity procured by their electric company.

### **Competitive Power Supply**

Consistent with the objectives of the Electric Restructuring Act, the Department’s goal is to provide electricity customers with a broad choice of competitive supply options to allow customers to fully realize the benefits of the restructured electric industry. The Department grants licenses to qualified entities to serve as competitive suppliers<sup>7</sup> and electricity brokers<sup>8</sup> in the restructured industry. EPD staff review license applications to determine whether the applicant has demonstrated, among other things, the financial and technical capability to provide the applicable services. During 2012, the Department approved licenses for ten competitive suppliers and 13 electricity brokers. As of year-end 2012, there were 76 licensed competitive suppliers and 237 licensed electricity brokers in Massachusetts. While these suppliers and brokers provide services primarily to large and medium-sized commercial customers, they are increasingly serving residential customers as well.

The Electric Restructuring Act included provisions that allow a municipality (or group of municipalities) to aggregate the electrical load of customers located within its municipal boundary for the purpose of purchasing competitive power supply. A municipality that seeks to implement a “municipal aggregation” plan must receive Department approval. In 2012, the Department approved a municipal aggregation plan for the Town of Lancaster.

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<sup>7</sup> Competitive suppliers are entities that procure electricity from generation facilities at the wholesale level and sell the electricity to consumers at retail cost.

<sup>8</sup> Electricity brokers are entities that facilitate or arrange for the sale of electricity to customers, acting as "middlemen" between suppliers and customers.

## **Basic Service**

Basic service, formerly known as “default service,” is the retail power supply service that each electric distribution company provides to customers not receiving such service from the competitive market. Each distribution company procures power supply for its basic service customers from the wholesale electricity markets through competitive solicitation processes.

For its residential and small commercial and industrial (“C&I”) customers, each distribution company issues a Request For Proposals (“RFP”) for basic service supply on a semi-annual basis. Each solicitation procures 50 percent of the company’s basic service supply requirement for these customers for a twelve-month term. As such, at any point in time, basic service rates for residential and small C&I customers are based on the winning bid prices from the two most recent solicitations.

For its medium and large C&I customers, a distribution company issues an RFP solicitation for basic service supply on a quarterly basis. Each solicitation procures 100 percent of the company’s basic service supply requirement for these customers for a three-month term.

In addition to procuring power supply for its basic service customers, each distribution company must comply with the state’s Renewable Portfolio Standards (“RPS”). The RPS requires that competitive suppliers and distribution companies providing basic service provide Renewable Energy Certificates for certain percentages of sales for various classes of renewable energy resources.

EPD staff reviews each company’s solicitations to ensure that they (1) comply with the Department’s rules and regulations, and (2) are sufficiently competitive such that the results of the solicitations are consistent with prevailing market conditions.

## **Distribution Service Quality and Reliability**

The Electric Power Division is responsible for ensuring that the Massachusetts electric companies provide their customers with safe and reliable distribution service. EPD discharges this responsibility through three primary tools. First, the Department requires electric companies to submit periodic reports on issues related to distribution service quality and reliability. Some of the periodic reports are described below. Second, the Department requires that the companies maintain an outage reporting website, which allows the Department to access real-time information regarding significant power outages that occur on their distribution systems. Finally, the Department reviews the companies’ annual service quality reports to determine if a penalty is warranted.

## **Reporting Requirements**

The Department requires each electric distribution company to periodically file reports on issues related to distribution service quality and reliability. EPD staff review these reports and meet with the companies, as necessary, to ensure that the companies’ actions are consistent with

Department requirements. Some of the periodic reports filed with the Department are described below.

### **Annual Planning and Reliability Report**

The annual planning and reliability report includes an analysis of the company's distribution system, including (1) a ten-year load growth forecast capable of identifying high-growth areas/zones; (2) a description of the company's transmission and distribution design and planning criteria and an explanation of how those criteria are applied; (3) a distribution system operating study focused on contingency analysis and management; and (4) an update to corrective actions and significant capital investments planned for the next five years.

### **Annual Storm and Emergency Restoration Report**

The report details the company's storm and emergency plans ("ERPs") to respond to any emergency event such as hurricanes or snowstorms. The companies are required to file their ERPs annually, including actions taken to prepare for an emergency event. The ERPs are established pursuant to 220 C.M.R. § 19.00, Standards of Performance for Emergency Preparation and Restoration of Service for Electric Distribution and Gas Companies, and Emergency Response Plan Guidelines for electric companies. Consistent with the ERPs, the Department conducted five investigations on responses to the August 28, 2011 Tropical Storm Irene, and the October 29, 2011 snowstorm.

### **Quarterly Outage Report**

The report summarizes all significant outages that occurred in a company's electric system, within the reporting quarter, including the actions taken or planned to mitigate the outage causes.

### **Quarterly Stray Voltage and Manhole Safety Report**

The report describes each company's practices with regard to stray voltage and manhole issues, including systematic testing/inspection and corrective actions performed consistent with the approved distribution safety plans. In addition, the companies are required to report stray voltage and manhole incidents as soon as they occur, including corrective actions. EPD continues to track those corrective actions and related activities.

### **Semi-Annual Double Pole Reports**

The report details the companies' efforts to address the double pole issue, including removal of poles and transfer of wires owned by various attachers. The double pole reports are filed pursuant to the Department's regulations relative to reducing the number of double utility poles in the Commonwealth, as required by Chapter 46 of the Acts of 2003. The source of the double pole data comes from a pole life-cycle management system ("PLM") database jointly developed by the utilities. The Department continues to monitor the semi-annual double pole reports.

### **Reporting of Outage Events**

Each electric distribution company is required to maintain, on a real-time basis, information regarding outages that occur on its distribution system. Each company's outage report can be accessed by Department staff via a secure internet-based Outage Reporting Protocol ("ORP") system. The ORP information includes, for example, (1) the location of the outage; (2) number of customers affected; (3) number of circuits affected or out-of-service; (4) likely cause; (5) any bodily injury; and (6) whether a critical facility, such as a hospital, is involved. EPD staff monitors the ORP data, and responds to reports of significant and/or frequent interruptions to customers, and when a reliability trend is observed. In addition, each company files, annually, a report of all customer outages that occurred on its system in the prior year.

### **Service Quality Standards**

The Department requires that each electric distribution company submit an annual service quality report that details how the company has performed with respect to standards established in the Department's Service Quality Guidelines. A major component of these guidelines relates to companies' performance regarding the frequency and duration of outages during the previous year, both on a system-wide and circuit-specific level, and performance relating to customer billing and other complaints. EPD staff reviews each electric company's service quality report to evaluate performance. A company can incur a penalty of up to 2.5 percent of its distribution and transmission revenue if its service quality performance degrades in comparison to historic benchmark performance levels.

On December 11, 2012, the Department opened a generic investigation regarding the service quality guidelines established in Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84 (2001) and amended in Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116 (2007).

## Natural Gas Division

### Overview

The Natural Gas Division (“Gas Division”) provides technical support to the Department in the regulation of the state’s eight investor-owned natural gas companies (also called “local distribution companies” or “LDCs”): Bay State Gas Company (“Bay State”); The Berkshire Gas Company (“Berkshire”); Blackstone Gas Company (“Blackstone Gas”); Unitil; Boston Gas Company (“Boston Gas”) and Colonial Gas Company (“Colonial”), together doing business as National Grid (“National Grid”); New England Gas Company (“NEGC”); and NSTAR Gas Company (“NSTAR Gas”). In total, these companies serve approximately 1.47 million gas customers, and have combined operating revenues of approximately \$2.49 billion.

Over the last several years, the Gas Division has worked to promote competition in the local gas distribution industry through the “unbundling” of rates. The Gas Division has brought about regulatory changes that provide gas customers with opportunities to participate in a competitive gas market, while maintaining traditional consumer protections.

The Gas Division has the authority and the responsibility to:

- Review LDCs’ forecast and supply plans and long-term gas supply contracts;
- Review non-tariff contracts for the sale and transportation of natural gas;
- Review the appropriateness and accuracy of LDC filings made pursuant to the Cost of Gas Adjustment Clause (“CGAC”) and the Local Distribution Adjustment Clause (“LDAC”);
- Review LDCs’ energy efficiency plans;
- Assist the Rates and Revenue Requirements Division in base rate, merger, and financing filings;
- Review LDCs’ service quality filings;
- License gas suppliers and retail agents; and
- Review and, where appropriate, intervene in federal regulatory proceedings and activities that affect the interests of gas consumers in the Commonwealth.

## **Natural Gas Division Responsibilities**

### **Review of Forecast and Supply Plans**

LDCs must submit a five-year Forecast and Supply Plan to the Department for approval every two years. In its review of the forecast component, the Gas Division determines whether the company has accurately projected the gas requirements of the company's service area. A forecast must contain accurate and complete historical data and employ reasonable statistical projection methods. In its review of the supply plan, the Gas Division must determine whether the plan is adequate to meet projected customer demand under a range of contingencies. During 2012, the Gas Division reviewed four forecast and supply plans.

### **Review of Long-Term Gas Supply Contracts**

LDCs must submit all supply contracts with terms longer than one year to the Department for review and approval. Long-term supply contracts include both gas commodity (the natural gas itself) and capacity (the pipeline required to transport the natural gas from the production areas to the LDC's distribution system). In evaluating a gas company's proposed contract for commodity or capacity, the Gas Division examines whether the acquisition of the resource would be consistent with the public interest. To do so, the Gas Division determines whether the LDC has shown that the acquisition (1) would be consistent with the company's portfolio objectives, and (2) would compare favorably to the range of options reasonably available to the company and its customers. During 2012, the Gas Division reviewed seven long-term supply contracts.

### **Review of Non-Tariff Contracts**

Large commercial and industrial gas customers capable of burning alternative fuels, such as oil or coal, sometimes find that their gas companies' Department-approved tariffs are not competitive with alternative fuel options. To retain these customers and assure a continued stream of revenue, LDCs may offer them non-tariff contracts, subject to Department approval. In its review, Gas Division staff ensures that (1) the customer is capable of burning an alternative fuel; (2) the price charged under the contract exceeds the marginal cost of providing this service; and (3) the company's existing ratepayers are not responsible for any of the costs associated with providing the specified service. In 2012, the Gas Division reviewed 25 non-tariff contracts.

### **Review of Requests for Cost Adjustments**

Department regulations allow gas companies to recover costs incurred for the purchase, storage, and interstate transportation of gas (referred to as "gas supply costs"). Gas commodity costs typically fluctuate seasonally. Through semi-annual cost-of-gas adjustment filings, LDCs request billing changes that enable them to reconcile these fluctuations. The Gas Division reviews these filings to ensure accounting accuracy and prudent company practices, and approves adjustments to billings via the CGAC. In 2001, the Department amended its regulations to require gas companies to make interim filings for recovery of gas supply costs, when projected under- or over-collections exceed five percent. These adjustments help reduce



the impact on customers' bills when there are significant changes in gas supply costs. During 2012, the Gas Division reviewed 21 requests for cost adjustments.

Similarly, Department regulations allow a gas company to recover or credit, on a reconciling basis, a variety of costs that have been determined to be distribution-related but are not included in base distribution rates.<sup>9</sup> The charge used to recover all of these costs is referred to as the Local Distribution Adjustment Factor ("LDAF"). Examples of recoverable expenses include the costs of energy efficiency programs and costs related to the federal restructuring of the gas industry. LDCs can also recover costs associated with federal and state-mandated cleanups of past contamination at sites polluted by wastes from gas manufacturing plants. Although most gas manufacturing plants in Massachusetts ceased operations by the early 1950s, their wastes continue to present environmental hazards. The Gas Division reviews all company requests for adjustments via the LDAF to ensure accounting accuracy and prudent company practices. During 2012, the Gas Division reviewed 16 LDAF requests.

### **Review of Energy Efficiency Plans**

Since 1992, the Department has required LDCs to develop energy efficiency plans that bring cost savings to consumers and reduce the overall need for gas. With the passing of the Green Communities Act in 2008, gas companies are now required to submit energy efficiency plans to the Department for approval every three years. The companies' plans include weatherization service programs (e.g., energy audits, attic and wall insulation, air sealing, and heating system repairs), behavioral feedback programs, and rebates for the installation of thermostats or for the replacement of boilers, furnaces, and water heaters with high-efficiency units. Gas companies must submit energy efficiency plans to the Gas Division, which reviews the proposed plans to ensure that, among other things, (1) the programs are delivered cost-effectively, capturing all available energy efficiency opportunities; (2) administrative costs have been minimized to the fullest extent practicable; and (3) competitive procurement processes have been used to the fullest extent practicable, while also being mindful of rate and bill impacts on consumers. The companies can then recover energy efficiency-related costs via the energy efficiency surcharge in the LDAF. In 2012, the Gas Division reviewed 20 energy efficiency filings.

### **Cooperation with the Rates and Revenue Requirements Division**

The Gas Division works closely with the Rates and Revenue Requirements Division to review various rate case filings and merger and acquisition petitions. In traditional rate cases, Gas Division staff is responsible for reviewing the terms and conditions of distribution service, the allocation of local production and storage costs, weather normalization, gas-related cash working capital, marginal costs, and the treatment of revenues from off-tariff contracts. In 2012, the Gas Division participated in the Department's review of one rate case-related filing.

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<sup>9</sup> Base distribution rates are designed to recover distribution-related costs (i.e., the costs to operate the LDC), including plant and equipment, labor, taxes, interest on borrowed funds, return on investment, billing, metering, and customer service.

### **Review of Service Quality Filings**

In June 2001, the Department issued an order finalizing service quality standards for all electric and gas distribution companies. The order established performance measures for customer service, billing, customer satisfaction, staffing levels, safety, and reliability. Pursuant to this order, the LDCs filed company-specific service quality plans for Department review, which the Department approved in Spring 2002. Each gas company filed a service quality report in March 2006 (and must do so every March), comparing its actual performance against the service quality standards established by the Department. The Gas Division is responsible for the review of all gas service quality plans to ensure that the companies maintain a minimum quality of service. During 2012, the Gas Division reviewed nine service quality plans.

### **Licensing of Gas Suppliers and Retail Agents**

Massachusetts customers may choose a gas supplier other than the LDC serving the customer's neighborhood. This allows customers to comparison shop and negotiate for the best value in gas commodity from competitive suppliers. The price charged by these competitive suppliers for natural gas, however, is not regulated. Instead, competitive gas suppliers set their own prices, just like the sellers of most goods and services in the marketplace.

Gas suppliers and retail agents wishing to sell natural gas to Massachusetts retail customers must be certified by the Department on an annual basis. The Gas Division reviews the applications for these licenses and conducts interviews with the applicants. Staff determines whether the applicants have the technical ability to procure and deliver natural gas, and whether they are familiar with the Department's rules and the gas industry in general. The Gas Division also evaluates documentation of the applicant's financial capability, such as the level of capitalization or corporate backing, to provide the proposed services. In 2012, the Department reviewed 66 applications and approved 15 gas suppliers and 51 retail agents.

### **Participation in Federal Policy-Making**

Over the past decade, actions taken by FERC, the U.S. Department of Energy, and Congress have dramatically changed federal regulation of the natural gas industry. These changes directly affect the interests of Massachusetts customers who are served by federally regulated pipelines and liquefied natural gas ("LNG") import terminals. Gas Division staff works with other state agencies and regional organizations to stay informed regarding current federal statutory and regulatory proposals, and to develop public positions on issues that may affect Commonwealth interests.

### **Public Information and Review of Consumer Complaints**

Gas Division staff provides information and assistance on a daily basis to consumers, government officials, marketers, regulated companies, consultants, and financial analysts. In addition, Gas Division staff assist the Department's Consumer Division in addressing gas-related consumer issues.

## **2012 Gas Division Accomplishments**

During 2012, the Gas Division reviewed:

- 4 forecast and supply plan filings;
- 7 long-term gas supply contracts;
- 25 non-tariff contracts for the sale and transportation of natural gas (firm service, quasi-firm service);
- 21 gas-cost-recovery filings pursuant to the CGAC;
- 16 cost recovery filings pursuant to the LDAC;
- 20 energy efficiency filings;
- 9 service quality reports; and
- 66 applications for the licensing of gas suppliers and gas retail agents.

## **Legal Division**

### **Overview**

The Legal Division staff serves as the chief legal and policy advisor to the Commission and provides legal support to all divisions of the Department.

### **Legal Division Responsibilities**

#### **Formal Adjudications**

The Legal Division's primary duty is presiding over adjudicatory proceedings conducted under the Massachusetts Administrative Procedures Act (G.L. c. 30A) and the Department's procedural regulations (220 C.M.R. § 1.00). During 2012, the Legal Division participated in the issuance of 281 Orders. A list of the Department's 2012 Orders is attached at Appendix 2.

Adjudications are the formal determination of parties' rights through a quasi-judicial process. All parties — both the party filing the action and any intervenors — are entitled to due process safeguards, meaning that the parties are entitled to adequate notice and the opportunity to be heard. Parties to the action have the right to present evidence, cross-examine witnesses, and receive a written decision from the Department. Pursuant to G.L. c. 25, § 4, the Chairman of the Department may delegate authority to an attorney from the Legal Division, known as the "Hearing Officer," to preside over Department adjudications.

Adjudicatory proceedings vary in complexity and include a wide range of subjects, such as reviews of:

- rates;
- contracts for the sale and purchase of electric power, natural gas, and water;
- long-term contracts for renewables;
- long-range forecast and supply planning;
- energy efficiency plans;
- service quality plans;
- financial transactions (e.g., stock, bond, and security issuances);
- proposed mergers;
- storm investigations;

- emergency response plans;
- municipal aggregation plans;
- proposed energy facility construction and siting (e.g., electric generation facilities and transmission lines); and
- billing disputes between residential consumers and utilities.

In conducting a formal adjudicatory proceeding, the Department generally holds two types of hearings: (1) a public hearing; and (2) an evidentiary hearing. Public hearings are publicized throughout the utility's service territory. In certain types of cases, public hearings are held in a utility's service territory. Public hearings are transcribed by a stenographer. If held in a utility's service territory, public hearings are conducted during the evening, usually in an easily accessible public building such as the Town Hall, and are usually presided over by a Commissioner. The public hearings afford local consumers the opportunity to learn more about a rate request, offer their input about the pending case, and comment on the practices of the utility. Residential and business customers are a valuable source of information to the Department in developing a case record.

Evidentiary hearings are conducted in a courtroom setting in the Department's Boston offices. These proceedings are also transcribed by a stenographer. The hearings are presided over by the Hearing Officer, with the active participation of the Department's technical staff. The technical staff participates by questioning witnesses to ensure that the record is accurate and complete.

While the adjudicatory process does not require adherence to all formal rules of evidence, the evidentiary hearing process follows many rules of civil procedure, and parties are almost always represented by counsel from the utility bar. Evidentiary hearings afford intervenors and the Department the opportunity to question company witnesses. In many cases, the Attorney General of the Commonwealth is an intervenor. Other intervenors may include public interest organizations, the Division of Energy Resources ("DOER"), and local consumer, business, or neighborhood groups. Sometimes intervenors put on a direct case with witnesses of their own.

Based on the evidence in the record, the Department issues a Final Order at the conclusion of each adjudicatory proceeding. Pursuant to G.L. c. 25, § 5, the Department's Final Order is appealable directly to the Massachusetts Supreme Judicial Court.

## **Other Types of Proceedings**

### **Requests for Advisory Rulings**

The Department is sometimes called upon to issue advisory rulings with respect to the applicability of any statute or regulation enforced or administered by the Department. The Department has discretion to decline a request for an advisory ruling. G.L. 30A, § 8; 220 C.M.R. § 2.08.

### **Notice of Inquiry Proceedings**

The Department issues a Notice of Inquiry (“NOI”) when the agency desires public input on a particular issue. Thus, NOIs are Department-initiated investigations that are neither formal adjudications nor rulemakings. The goal of the NOI is to encourage broad input into the development of public policy. The Department derives authority to issue an NOI from G.L. c. 164, § 76.

Participants in an NOI proceeding file comments and may provide sworn testimony. However, participants normally are not subject to cross-examination and do not have appeal rights. The order issued at the close of the investigation is usually a general policy statement with guidelines for future actions by utilities or by the Department. The policy established through the NOI may be further developed in the future through company-specific adjudications. In 2012, the Department issued two NOIs: D.P.U. 12-76, Investigation into Grid Modernization and D.P.U. 12-120, Investigation into Service Quality.

### **Rulemakings**

The Department conducts rulemakings pursuant to G.L. c. 30A, §§ 2 - 5 and 220 C.M.R. § 2.00, to adopt, amend, or repeal regulations pertaining to the activities of all industries the Department is charged by statute with regulating. A rulemaking proceeding may involve simple procedural regulations or may address complex regulatory issues. The Department is required to provide public notice of a proposed rulemaking and to allow an opportunity for public comment. After consideration of the public comment, the Department may issue final regulations. Any final regulation must be published in the Code of Massachusetts Regulations. In 2012, the Department conducted three rulemakings. Two proceedings amended 220 C.M.R. § 18.00, Net Metering: D.P.U. 11-10, regulations effective March 2, 2012; and D.P.U. 12-81, emergency regulations effective November 1, 2012. In addition, in D.P.U. 12-33, the Department adopted new regulations 220 C.M.R. § 20.00, Steam Distribution Companies, effective August 17, 2012.

## **Pipeline Engineering and Safety Division**

### **Overview**

The Pipeline Engineering and Safety Division (“Pipeline Safety Division”) is responsible for technical and safety oversight of seven investor owned natural gas companies and four municipal gas departments in Massachusetts. As a certified agent of the U.S. Department of Transportation (“US DOT”), the Pipeline Safety Division enforces federal regulations pertaining to natural gas distribution pipelines within the Commonwealth. The Pipeline Safety Division also enforces the Department’s own comprehensive gas safety regulations and the state’s “Dig Safe” law, a statute requiring companies and individuals performing excavation work to notify the Dig Safe program in order to ensure safe excavation work.

The Pipeline Safety Division’s authority over technical and safety issues requires it to:

- Inspect gas facilities for compliance with federal and state design, construction, operating, maintenance, and emergency and plant security regulations, and enforce such regulations;
- Investigate and determine the cause of gas related accidents and make recommendations to minimize recurrences;
- Develop regulations applicable to the gas industry to enhance public safety;
- Enforce the Dig Safe Law by investigating alleged violations and assessing civil penalties;
- Inspect and test gas meters for accuracy and safety before the meters are installed at consumers’ premises;
- Resolve consumer complaints regarding the accuracy of electric and gas meters by field tests; and
- Ensure that utility operators restore the streets and roads after excavating in the public way.

### **Pipeline Safety Division Responsibilities**

Natural gas is considered a hazardous fuel by both the state and the federal government. Massachusetts has over 21,130 miles of gas mains and eight operators with 20 liquefied natural gas (“LNG”) plants. These facilities serve over 1.4 million customers.

To protect consumers and the general public from the potential hazards involved in the transmission, distribution, production, storage, and use of natural gas and propane, both the US DOT and the Department regulate these facilities. In addition to enforcing the Department’s

regulations, the Pipeline Safety Division acts as an agent for the US DOT in the enforcement of federal regulations. The Pipeline Safety Division inspects natural gas distribution pipeline facilities within the Commonwealth, investigates incidents, and imposes remedial actions. These remedial actions can include civil penalties when the Department determines that a natural gas operator did not comply with federal and state pipeline safety regulations.

The Department is authorized to assess civil penalties for violations of federal and state safety regulations. The penalties cannot exceed \$50,000 per violation for each day the violation persists and \$1,000,000 for any related series of violations. G.L. c. 164, § 105A.

### **Gas Facility Inspections**

The Pipeline Safety Division's engineers inspect jurisdictional gas facilities — pipelines, meter stations, regulator stations, dispatch centers, LNG plants, and propane air plants — for compliance with federal and state safety regulations. If it determines that violations may exist, the Pipeline Safety Division issues a Notice of Probable Violation (“NOPV”) or Warning Letter to the alleged violator along with a Consent Order. The Consent Order includes proposed action(s) to be taken by the alleged violator to correct the violation, and a proposed civil penalty. The alleged violator may agree to the Consent Order, thereby resolving the case, or may request an informal review conference with Pipeline Safety Division. Following a requested informal review conference, the Pipeline Safety Division issues a written decision. If a company disputes the written decision, it may request an adjudicatory hearing before the Department.

In 2012, the eight Public Utilities Engineers spent over 795 person days performing inspections. The Pipeline Safety Division issued 15 NOPVs and levied \$235,000 in civil penalties. The Pipeline Safety Division collected a total of \$117,500 in civil penalties. These civil penalties are deposited into the General Fund of the Commonwealth.

### **Intrastate Transmission Pipelines**

There are 34.3 miles of intrastate gas transmission lines in Massachusetts. The increased use of natural gas to generate electricity has resulted in the construction of new intrastate pipelines to connect power plants directly to interstate gas transmission lines. As intrastate facilities, these pipelines fall under the aegis of the Pipeline Safety Division, whose engineers inspect their design, construction, operation, and maintenance. Such pipelines typically operate at pressures significantly higher than local gas distribution pressures.

### **Investigation of Natural Gas Incidents**

When a gas related incident occurs, such as a fire or explosion that results in personal injury and/or significant property damage, the Pipeline Safety Division's engineers: (1) investigate to determine its cause; (2) determine whether the pipeline operator was in violation of any safety regulations; and (3) ascertain what actions an operator could take to prevent or minimize a recurrence. During 2012, the Pipeline Safety Division investigated three gas-related incidents.



### **Intrastate LNG Facilities**

LNG plants provide an important part of the gas supply in Massachusetts. Especially in winter months, LNG plants provide as much as 20 percent of the daily gas supply used during peak demand times. Ensuring the safe and effective operation of these plants has always been a priority for the Pipeline Safety Division.

The Pipeline Safety Division inspects each LNG plant comprehensively once every four years. In addition, the Pipeline Safety Division conducts specialized inspections at each LNG plant at least once in a 24-month period. The security of these plants is a large concern for the Pipeline Safety Division. The Pipeline Safety Division continually monitors the security of the LNG plants. Monitoring includes on-site inspections, reviews of procedures, and reviews of operating and maintenance records.

### **Dig Safe Law Enforcement**

Massachusetts' Dig Safe law requires any person who proposes to excavate in public or private land to pre-mark the excavation site and to notify the Dig Safe Center of the intent to excavate. The Dig Safe Center then contacts all operators of underground gas pipelines and electric, telecommunication, and television cables in the excavation locale. These operators, in turn, must mark the locations of their facilities in advance of the excavation to minimize the risk of potential damage by the excavator. Lastly, the excavator must take adequate precautions to prevent damage to the facilities while digging.

Any person aware of possible violations of Dig Safe procedures may report them to the Pipeline Safety Division; utility operators are mandated by regulation to report possible Dig Safe violations. The Pipeline Safety Division investigates the reports, issues NOPVs, conducts informal review conferences with the respondents and operators of the facilities, and performs field inspections, as necessary. The Pipeline Safety Division then issues a written decision, and has the authority to assess a civil penalty of \$1,000 for a first offence and up to \$10,000 in certain circumstances. An alleged violator that disputes the written decision may request an adjudicatory hearing before the Department.

In 2012, the Pipeline Safety Division received 749 reports of possible Dig Safe violations. After investigating these reports, the Pipeline Safety Division issued 229 NOPVs, and collected \$193,000 in civil penalties.

### **Gas Meter Testing**

State law requires that each gas meter be tested by the Pipeline Safety Division for volumetric accuracy and for leakage once every seven years, or when the meter is removed from service. Gas companies and municipal gas departments ("operators") typically remove meters to be tested and replace them with previously approved meters. Operators then deliver meters to their meter shops where one of the Pipeline Safety Division's compliance officers tests them to ensure that

they are not leaking and that the consumer is getting the correct amount of gas. In 2012, the Pipeline Safety Division collected \$2,075,010 in meter testing fees.

### **Consumer Metering Complaints**

The Pipeline Safety Division assists the Department's Consumer Division in addressing complaints by customers pertaining to both electric and gas metering. In the case of an electric meter, the Pipeline Safety Division witnesses a test of the "complaint" meter in the field to determine its accuracy. For gas meters, the suspect meter is removed and tested at the operator's premises by a Pipeline Safety Division compliance officer.

### **Restoration of the Public Way after Utility Openings**

In response to complaints from municipalities and the industry about the lack of repairs made to public roads after utility work was completed, the Department promulgated street restoration standards in 1998. The regulations set standards for soil compaction, paving, and other activities affecting road condition.

### **Partnership with Industry**

In areas of cooperation, the Pipeline Safety Division has worked with regulators in the other five New England states and Northeast Gas Association, or NGA, to develop qualification procedures for welders of steel pipelines and fusers of plastic pipeline. This effort resulted in uniform qualifications for welders and fusers throughout New England that allows operators to avoid expending resources for the requalification of an employee from another New England state. At the same time, pipeline safety regulators are assured that the personnel are qualified in these essential pipeline construction functions.

The Pipeline Safety Division also worked with utilities and the Dig Safe Center to conduct training sessions for excavators. The sessions provide excavators with information about underground utility lines and precautions to take when excavating near those lines. Programs such as Managing Underground Safety Training are an important tool for preventing damage to underground pipelines and cables.

### **Precedent, Policies, and Practice**

The Department is a national leader in gas pipeline safety. The Pipeline Safety Division's actions in response to violations of gas-related safety regulations have gained the recognition of US DOT and agencies in other states. With more LNG plants than any other state in the country, the Commonwealth's LNG safety regulations are among the most stringent in the country.

Massachusetts has continued to address the important issue of replacement or abandonment of aged cast-iron pipe. The Department's regulations require pipeline operators to prioritize and replace segments of old cast-iron pipe in accordance with Department developed criteria. In

addition, companies must replace or abandon such pipes, subject to specific criteria, when third-party excavation occurs nearby.

The Department has taken measures to address the potential safety hazards posed by unused service lines. The Department has updated existing regulations requiring the abandonment of unused lines. The regulations also specify more stringent gas leakage survey methods for operating lines.

### **2012 Pipeline Safety Division Accomplishments**

In Summary, the Pipeline Safety Division in 2012:

- Conducted gas facility inspections, resulting in the issuance of 15 compliance actions for violations of pipeline safety regulations, and collected \$117,500 in civil penalties from operators who violated the pipeline safety regulations.
- Investigated 749 reports of Dig Safe violations and issued 229 Notices of Probable Violation for violations against the Dig Safe Law, and collected \$193,000 in civil penalties from Dig Safe violators.
- Tested approximately 198,676 gas meters, thereby collecting \$2,075,010 in meter testing fees.
- Initiated investigations of three gas-related incidents.

## **Rates and Revenue Requirements Division**

### **Overview**

The Rates and Revenue Requirements Division (“Rates Division”) is responsible for providing the technical expertise the Department needs to determine the appropriate levels of revenues, rates, and charges for the five investor-owned electric companies, eight investor-owned gas companies, and seventeen investor-owned water companies conducting business in Massachusetts. The technical support provided by the Rates Division includes expertise in economics, finance, accounting, and public policy.

The Rates Division assists the Department’s Legal Division in developing the evidentiary record in adjudicatory proceedings concerning the rates and finances of the investor-owned natural gas, electric, and water companies doing business in Massachusetts. The Department’s decisions in these proceedings are directly appealable to the Supreme Judicial Court under G.L. c. 25, § 5.

The regulation of the natural gas, electric, and water industries requires the Rates Division to:

- Analyze electric utility restructuring-related filings including reconciliation of basic/default service, transmission and transition costs and revenues.
- Analyze requests to change base distribution rates through historic test year cost-of-service regulation, as well as Offers of Settlement regarding base distribution rates
- Analyze Revenue Decoupling proposals
- Analyze financing petitions (issuing securities)
- Analyze mergers and acquisitions proposals
- Assist in determining the annual assessment of electric, gas and water utilities
- Analyze municipal streetlight undepreciated acquisition costs
- Assist the Electric Power Division in implementing the provisions of the Green Communities Act, the Energy Act of 2012, retail power supply markets, and service quality investigations where expertise in rates is needed.
- Provide information and assistance to the public, government agencies, press, private industries, and other government officials

### **Review of Electric Utility Restructuring-Related Filings**

As part of the continued implementation of the Electric Restructuring Act, the Department annually conducts a reconciliation or true-up for each electric company’s transition, basic

service, and transmission factors. Under the Electric Restructuring Act, each electric distribution company may collect (1) those stranded or transition costs associated with divesting its generation business that it cannot mitigate; (2) the costs it incurs to procure electric power to meet its basic service obligations; and (3) the costs it incurs on behalf of its retail customers to provide transmission service. In a true-up, the Rates Division evaluates the costs and revenues that each electric distribution company proposes to reconcile to determine if they meet the requirements of the Restructuring Act and its restructuring plan,

### **Review of Requests to Change Base Rates**

The Rates Division investigates petitions to change base rates as follows:

- Reviewing initial filings
- Participating in informal technical conferences
- Issuing information requests to the Company and Intervenors
- Drafting pre-hearing memoranda for the Commission
- Cross-examining Company and Intervenor witnesses during hearings
- Developing and discussing with the Commission various options for resolution of issues
- Preparing Draft Orders per the directives from the Commission

Changes to base rates are based on historic test year cost-of-service regulation. The Department sets rates using cost-of-service pricing principles where electric, gas, and water rates are based upon the cost to serve various classes of ratepayers. Under cost-of-service pricing, the Rates Division reviews the costs incurred by utility companies during a historic test year adjusted for known and measurable changes to determine the reasonableness of such costs and to determine whether they were prudently incurred. The categories of costs include company annual operation and maintenance expenses, capital investments, and rates of return for shareholders (*i.e.*, return on equity). Appropriate annual expenses plus a return on undepreciated rate base (*i.e.*, return on net capital investment) make up the company's cost of service or the revenue requirement upon which rate structures must be designed to recover.

Once the company's cost of service has been determined, a rate structure must be established that affords the company a reasonable opportunity to earn its allowed rate of return while meeting other policy goals. Rate structure is the level and pattern of prices that customers are charged for the use of utility services. A customer class rate structure is a function of the cost of serving that rate class and the design of rates calculated to cover that cost. In setting rates, the Department balances its goals for utility rate structure by taking into consideration multiple factors such as economic efficiency, continuity, fairness, earnings stability, and simplicity.

For water companies, the traditional review of rate cases through adjudicatory proceedings is not always cost-effective because the administrative costs of preparing and litigating a rate case for a small water company can equal or exceed the rate relief sought. To streamline the regulatory process, the Department has created a Settlement Intervention Staff, or SIS, comprised of Rates Division staff and Legal Division staff, that independently reviews rate requests and conducts off-the-record negotiations with water company officials and intervenors. The Settlement Intervention Staff does not have direct communication with the Commission regarding pending cases. Rather, the Settlement Intervention Staff and the other parties on the case may submit a proposed rate settlement to the Commission. An Adjudicatory Team comprised of Rates Division and Legal Division staff review the proposed settlement and make recommendations to the Commission. The Commission may either approve the settlement, return it to the settling parties with suggested modifications, or reject it with or without subsequent evidentiary hearings. To date, this process has saved the Department, water companies, and ratepayers considerable amounts of time, resources, and expenses.

The Department's regulatory authority over investor-owned water systems is in certain areas concurrent with that of the Massachusetts Department of Environmental Protection ("DEP"). In situations where cross-over issues are involved, such as in water conservation and adequacy of service, Rates Division staff work with staff at the DEP to ensure that the provisions of the agencies' respective duties are implemented in a harmonious manner.

Replacement of gas infrastructure through a mechanism known as the Targeted Infrastructure Reinvestment Factor, or TIRF, allows gas companies accelerated recovery through retail rates of the cost to replace leak-prone mains and services pursuant to the recovery plan approved by the Department in its last base rate case. Annual recovery of the revenue requirement associated with these investments is approved subject to further review.

### **Green Community Act Legislation Initiatives**

In response to the Green Community Act requirements, the Rates Division reviewed long-term purchase power contracts for renewable energy (Cape Wind), analyzed solar installation programs, smart grid pilot programs, as well as assisted the Department's Electric Power Division in establishing net metering tariffs.

### **2012 Energy Legislation**

In 2012, legislation was passed that focused on energy issues in the Commonwealth. While that legislation was being crafted, Rates Division staff spent considerable time reviewing and commenting on draft legislation. In addition, once the bill was signed into law, Rate Division staff spent considerable time developing a plan for addressing the provisions of the legislation that directly deal with work performed by the Rates Division, such as Section 51, which requires that reconciling factors be cost-based.

### **Review of Requests to Change Reconciling Rates**

In addition to reviewing changes to base rates, the Rates Division is responsible for reviewing proposed rate changes to items for which the Companies are allowed to collect their actual costs (i.e., where dollar-for-dollar recovery is intended). These items include the pension and post-retirement benefit adjustment factors, or PAFs, and the Residential Assistance Adjustment Factors, or RAAF, that are designed to recover costs related to low-income discounts and arrearage management programs. Further, the Department has approved, where appropriate, storm recovery adjustment factors to recover costs associated with major storms. The annual cable surcharge for Nantucket Electric is also a reconciling rate mechanism that is reviewed by the Rates Division. Additionally, pursuant to a Department approved settlement, the Department reviews on an annual basis the recovery of costs associated with NSTAR Electric's Capital Projects Scheduling List, or CPSL, that recovers costs associated with measures NSTAR has taken to mitigate the occurrence of stray voltage, to inspect manholes, and to reduce the amount of double utility poles in its service area.

Another reconciling factor is the Revenue Decoupling Mechanism, or RDM, that allows the electric and gas companies to reconcile the revenues collected from base distribution rates with the revenue requirement approved by the Department in its last base rate case, pursuant to the revenue decoupling plan approved by the Department. RDM adjustments are filed annually for the electric companies and semi-annually for the gas companies. Further, for National Grid's electric subsidiaries, the Department approved a Capital Expenditure, or Cap-Ex Mechanism that allows National Grid to recover the revenue requirement associated with a pre-determined amount of its annual capital investment incurred since its prior rate case.

### **Review of Financing Requests**

The Rates Division is also responsible for the review of financing petitions. Financing petitions include the issuance of debt or equity securities, as well as investment of funds or guaranteeing the indebtedness of other companies. The primary focus in such cases is to carry out statutory mandates that require utilities to issue only those securities reasonably necessary for utility operations and to avoid overcapitalization.

### **Review of Mergers and Acquisitions**

Pursuant to G.L. c. 164, § 96, the Rates Division reviews all intrastate merger and acquisition proposals that are filed with the Department to determine if they are in the ratepayers' best interests. The Rates Division analyzes the proposal's effect on:

- Rates;
- Service Quality;
- Net Savings;

- Competition;
- The financial integrity of the post-merger entity;
- Fairness in the distribution of resulting benefits between shareholders and ratepayers;
- Societal effects such as job loss and economic development;
- Long-term strategies to ensure a reliable and cost-effective delivery system;
- Any anticipated disruption in service; and
- Other factors that may negatively affect customer service.

#### **Coordination of Annual Assessments**

Pursuant to G.L. c. 25, § 18, electric and gas companies that do business in Massachusetts are subject to an annual assessment on a percentage of their intrastate revenues. The Rates Division is responsible for gathering the revenue figures for the electric and gas utilities.

#### **Review of Retail Electric Contracts**

The Rates Division is responsible for the mandatory review of negotiated electric contracts between electric distribution companies and retail customers. Such contracts are evaluated to ensure consistency with Department standards. The onset of competitive options for generation service for industrial customers has reduced the number of requests for electric contracts in recent years.

#### **Review of Utility Accounting Matters**

Utility companies are required to maintain their books in accordance with Department regulation. To maintain uniformity of accounting, utilities are required to submit questions concerning the appropriate interpretation of the Department's accounting regulations to the Department. During 2012, the Rates Division staff received and responded to a number of accounting questions from utilities, primarily from municipally operated systems and water companies. The Rates Division also reviews requests involving accounting practices, including requests by companies to defer expenses on their books for later review in a base rate proceeding.

#### **Oversight of Municipal Utilities**

The Department's role in regulating municipal light plants is limited in comparison to the jurisdiction exercised over investor-owned utilities. Municipal light plant rates are set by public officials acting under legislative mandate and therefore do not require the close scrutiny and



measure of Department supervision that is authorized or required in the case of investor-owned utilities. For example, the Department does not have authority over municipal light plant financing, and does not have authority to suspend and investigate the rates of municipal light plants. The Department generally defers to the ratemaking authority and policies vested by statute in the municipality unless the rates are prohibited by statute or rise to the level of undue discrimination.

The Department's jurisdiction over municipal light plants can be summarized as follows:

- requiring annual returns pursuant to General Laws ("G.L.") c. 164, § 63;
- requiring that accounting records be maintained in accordance with the Department's Uniform System of Accounts pursuant to G.L. c. 164, § 63;
- requiring rate filings pursuant to G.L. c. 164, §§ 58, 59;
- reviewing and approving changes in depreciation accrual rates from the statutory permitted 3.0 percent set forth in G.L. c. 164, § 57;
- requiring compliance with the Department's billing and termination regulations in accordance with 220 C.M.R. §§ 25.00 et seq.; and
- hearing petitions from customers who have been denied service, pursuant to G.L. c. 164, § 60.

The Department does not have any jurisdiction over the municipal light plant in Gosnold. While this system is subject to the requirements of G.L. c. 164, Gosnold was exempted from Department oversight by special legislation in 1936 and 1941. Similarly, the Department does not exercise any jurisdiction over Devens Utilities, a combination gas/electric/water/wastewater system operated by the Massachusetts Development Finance Agency ("MDFA") that serves the Devens Economic Area at the site of the former Fort Devens. The MDFA is authorized pursuant to G.L. c. 23G, § 3 to provide utility services to the former Fort Devens facility; Section 31 of the 1998 enabling act exempts the MDFA as a quasi-government agency from any state oversight of its utility rates.

### **Review of Municipal Depreciation Requests**

Pursuant to G.L. c. 164, § 57, municipal utilities are allowed to include in their rates an annual provision for depreciation expense equal to three percent of depreciable plant (plant less land and land rights), unless otherwise allowed by the Department. Because municipal utilities rely on depreciation funds as a source of funds for plant improvements and expansions without resorting to outside financing, municipal utilities may seek authorization to increase their depreciation rate for a particular year. During 2012, the Rates Division evaluated and approved six requests for increases in municipal depreciation rates.

## **Review of Customer Complaints**

The Rates Division provides assistance to the Department's Consumer Division in the review of rate and billing disputes by residential customers. In addition, because billing disputes by commercial and industrial customers are not generally handled by the Consumer Division, the Rates Division, has, at times, provided informal assistance in resolving these billing disputes, primarily through review and interpretation of the applicable tariffs.

## **Public Information**

Another important responsibility of the Rates Division is to provide timely and accurate information to the public regarding activities in the electric, gas, and water industries. This task requires working with other regulatory agencies, consumer groups, public interest groups, power suppliers, and utility companies to help them understand Department regulations and policies. The Rates Division also assists in the development of agency regulations to address the changing circumstances in the utility industry such as electric industry restructuring, gas unbundling, and new financial accounting standards. The Rates Division also works with the Department's Consumer Division to respond to consumer complaints and to draft policy recommendations regarding consumer issues.

## **2012 Rates Division Major Decisions**

During 2012, the Rates Division actively participated in the following significant filings:

- Bay State Gas Company, D.P.U. 12-25. Base Distribution Rate Case
- Milford Water Company, D.P.U. 12-86. Water Rate Case
- Aquarion Water Company, D.P.U. 11-43. Water Rate Case
- Western Massachusetts Electric Company/NSTAR Electric Company, D.P.U. 10-170. Merger. The Department approved an Offer of Settlement
- Western Massachusetts Electric Company, D.P.U. 12-97. Rate Redesign
- NSTAR Electric Company, D.P.U. 12-30. Long-term Contract for Renewable Energy (Cape Wind)
- NSTAR Electric Company, D.P.U. 12-98. Long-term Contract for Solar Renewable Energy Certificates
- Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid – Electric, D.P.U. 11-129. Smart Grid Pilot Program
- Grid Modernization Notice of Inquiry, D.P.U. 12-76

- Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid – Electric, D.P.U. 12-48. Compliance Capital Expenditure Factor
- NSTAR Electric Company, D.P.U. 12-32. Financing
- Milford Water Company, D.P.U. 12-21. Financing
- Whitinsville Water Company, D.P.U. 12-27. Financing
- New England Gas Company, D.P.U. 12-37. Compliance Targeted Infrastructure Reinvestment Factor
- Boston Gas Company, Colonial Gas Company, Essex Gas Company – d/b/a National Grid - Gas, D.P.U. 12-38. Compliance Targeted Infrastructure Reinvestment Factor
- Bay State Gas Company, D.P.U. 10-52. Compliance Targeted Infrastructure Reinvestment Factor
- NSTAR Electric Company, D.P.U. 12-87. Standby Rate Tariff

## **Energy Facilities Siting Board and Department Siting Division**

### **Overview**

The Energy Facilities Siting Board (“Siting Board”) is a nine-member review board charged with reviewing certain proposed energy facilities so as to provide “a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost.” The Siting Board’s primary function is to review, and where appropriate, issue certificates, zoning exemptions, and other approvals necessary for the construction of major energy infrastructure in Massachusetts, including large power plants, electric transmission lines, natural gas pipelines, and natural gas storage facilities. The Siting Board also has the authority to remove regulatory obstacles to the construction of energy infrastructure by issuing, or altering the terms of, other state and local permits.

Administratively, the Siting Board is located within the Department, but is not subject to Department supervision or control. The nine-member Board is comprised of the Secretary of Energy and Environmental Affairs, who is the Chairman of the Board, the Secretary of Housing and Economic Development, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Energy Resources, two commissioners of the Department of Public Utilities, and three public members appointed by the Governor for a term coterminous with that of the Governor.

The Siting Board is staffed by members of the Department’s Siting Division. Siting Division responsibilities to the Siting Board and to the Department require its staff to:

- Adjudicate petitions to site and construct major energy infrastructure;
- Represent the Commonwealth in proceedings before FERC with respect to energy facilities to be sited in Massachusetts;
- Adjudicate petitions by public service corporations for exemptions from local zoning requirements;
- Adjudicate petitions by utility companies for eminent domain and for land survey access;
- Adjudicate petitions for override of state and local permits, licenses, or other requirements;
- Adjudicate petitions by electric companies for approval to construct transmission lines; and
- Enforce decisions of the Siting Board through the issuance of orders and civil penalties.

A list of Siting Board decisions and Department Siting Division orders from 2012 is attached as Appendix 1.

## **Siting Board Responsibilities**

### **Overview**

The Siting Board reviews petitions to construct major new energy infrastructure, including power plants, electric transmission lines, natural gas pipelines, and natural gas and fuel oil storage facilities. G.L. c. 164, §§ 69 G-S. Siting Board review is conducted by means of a formal adjudicatory proceeding in accordance with G.L. c. 30A. Final decisions of the Siting Board are appealable directly to the Massachusetts Supreme Judicial Court.

The Siting Board's review of most types of energy infrastructure encompasses the need for the facility, alternative means of meeting that need, alternative sites, and environmental impacts and cost; however, since restructuring of the electric utility industry in 1997, the Board's review of power plants is generally limited to potential environmental impacts. The Siting Board's environmental review covers a broad range of issues, including (1) potential impacts of a project on air quality, land use, water resources, noise, and health; (2) impact mitigation; and (3) the cost of impact mitigation. Siting Board decisions typically represent a balancing of cost, local and regional environmental impacts, and the benefits of the project in terms of contributing to a reliable energy supply.

### **Review of Generation Facilities**

In 2012, the first petition submitted to the Siting Board petition for a new generation facility since 2008, with the August 3, 2012 filing by Footprint Power Salem Harbor Development LP for a new 630 megawatt (692 MW with duct firing) combined cycle natural gas-fired power plant at the site of the current coal- and oil-fired Salem Harbor Station -- scheduled for retirement on June 1, 2014. The Siting Board held a well-attended public hearing in Salem, followed by the intervention of eight entities in the case and the commencement of written information requests. A final decision by the Siting Board is expected in early Fall 2013.

The Siting Board received a compliance filing in connection with the Pioneer Valley Energy Center ("PVEC"), a 400 MW dual fuel power plant project approved in 2009, which has yet to commence construction, although the approval remains in effect based on legislative extensions granted to date. The filing provided the Company's final interconnection plans and designs for transmission upgrades, including measures to minimize magnetic field impacts. Staff of the Siting Division determined that the compliance filing is consistent with the requirements of the Siting Board's Final Decision and sent a letter informing PVEC of this on August 29, 2012.

Through an Action By Consent ruling on January 9, 2012, the Siting Board approved GenOn Kendall, LLC's Notice of Project Change regarding cooling water technology approved in the Final Decision in 2000. The company proposed to install an air-cooled condenser and a back-pressure steam turbine while the earlier Final Decision had approved the use of once-

through cooling. The Project Change was required to bring the Company into compliance with the National Pollution Discharge Elimination System permit and associated administrative orders of the U.S. EPA and MADEP.

Siting Board staff continued to assist the Office of the Attorney General during 2012 in connection with an ongoing appeal of the Siting Board's Final Decisions in EFSB 07-7/D.P.U. 07-58/59 and EFSB 07-7A/D.P.U. 07-58/59 concerning a 350 MW power plant proposed for construction in Brockton by Brockton Power Company LLC. On August 1, 2012, the Department forwarded a certified copy of the docket to the Supreme Judicial Court in connection with the pending Supreme Judicial Court Consolidated Docket Nos. SJ-2009-0453, SJ-2009-0465, and SJ-2009-0470.

### **Review of Transmission Facilities**

At the start of 2012, there were two transmission petitions pending before the Siting Board: (1) a project in Hampden County, and (2) the "Lower SEMA" project to serve the Cape Cod area. The petition to construct the Hampden County Reliability Project, jointly filed in 2010 by the New England Power Company and the Western Massachusetts Electric Company, included a new 115 kV transmission line in Palmer, Monson, and Hampden, and a new substation in the western part of Hampden. The Siting Board met to consider the Hampden County Issues Memo prepared by Staff on March 8, 2012 and then met again on May 10, 2012 to approve the petition with conditions in the Tentative Decision. The Siting Board issued the Final Decision on May 16, 2012.

The Siting Board's work continued on review of NSTAR Electric Company's Lower SEMA petition to construct 18 miles of new 345 kV transmission line from Carver Substation to Bourne Substation; a new substation in Barnstable; operate an existing 115 kV transmission line from Bourne to Barnstable at 345 kV; modify the existing 345 kV crossing of the Cape Cod Canal; and to modify existing substations and junctions in Carver, Plymouth, and Bourne. The case included active intervention by ISO-NE, the Attorney General, the Town of Sandwich, and GenOn Canal. The Siting Board met to consider the Lower SEMA Issues Memo on January 12, 2012 and met again on April 12, 2012 to approve the petition with conditions in the Tentative Decision. The Siting Board issued the Final Decision on April 27, 2012.

Following issuance of the Lower SEMA Final Decision, the Company submitted a project change filing on September 14, 2012 indicating a need to alter several aspects of the design presented to the Siting Board during the case to address FAA concerns and other engineering requirements. Staff review of the filing determined that the proposed changes would not alter in any substantive way either the assumptions or conclusions reached by the Siting Board in its analysis of the project's environmental impacts in the original proceeding, and that no further inquiry was necessary.

On June 21, 2012 New England Power Company d/b/a National Grid filed a petition with the Siting Board seeking approval to construct and operate the Interstate Reliability Project ("IRP"), a 75-mile 345 kV overhead transmission line that would run from Millbury, Massachusetts to

North Smithfield, Rhode Island, and then terminate in Lebanon, Connecticut. The Massachusetts portion of IRP is approximately 15 miles, with the proposed route along existing right-of-way in the towns of Millbury, Sutton, Northbridge, Uxbridge and Millville. The Company also sought individual and comprehensive local zoning exemptions under the Board's delegated Department authority. Public hearings were held on August 14, 2012 in Uxbridge and on August 16, 2012 in Milford. Siting Board Staff issued the first round of written information requests in November 2012; discovery in the case continued into 2013.

With regard to the Greater Springfield Reliability Project, located in Ludlow, Chicopee, Springfield, West Springfield, and Agawam, the Siting Board received a number of compliance reports as well as requests to allow extended construction hours during certain periods to ensure timely completion of this large and complex project. Siting Board Staff evaluated these reports and requests so as to minimize impacts on nearby residents and other receptors, and resolved potential issues with the Company without the need for formal Board action.

The Siting Board reviewed a compliance filing made initially by Cape Wind Associates, LLC on February 23, 2012 in which the company demonstrated that there is need for additional transmission resources to interconnect the proposed wind farm with the regional transmission grid by submitting copies of all permits (including the FAA's No Hazard Determination) required for Cape Wind to begin installation of the wind farm equipment in Nantucket Sound.

On October 9, 2012, the Colonial Gas Company d/b/a National Grid submitted a Project Change Filing to the Siting Board regarding a gas pipeline previously approved by the Siting Board for construction in Sandwich and several other Cape Cod municipalities. The Company proposed the Project Change Filing in response to concerns expressed by the Town of Sandwich and the Sandwich Water District due, in part, to the existing density of utilities contained within the road layout where the pipeline was originally approved for construction. The Project Change was docketed as EFSB 05-2A, and Siting Board staff began an investigation of the company's filing, which continued into 2013.

### **Review of Natural Gas Storage Facilities**

On April 26, 2012, the University of Massachusetts at Amherst petitioned the Siting Board for an advisory ruling concerning the Board's jurisdiction over the siting and construction of a temporary liquefied natural gas storage facility to be located at UMASS's Campus Heating Plant. Through an Action-by-Consent ruling, the Siting Board advised UMASS that the LNG facility proposal, as described by UMASS, would not require Siting Board review and approval if the total storage quantity were limited to 30,000 gallons or less. The Siting Board's ruling noted the cost-savings and environmental benefits associated with greater use of the highly efficient UMASS Campus Heating Plant.

### **Federal Licensing Proceedings**

The Siting Board represents the Commonwealth in proceedings before federal agencies such as FERC with respect to the construction of energy facilities in Massachusetts. 980 C.M.R. § 7.07(9). No such involvement occurred in 2012.

### **Permit Override Authority**

Through the granting of a Certificate of Environmental Impact and Public Interest, the Siting Board has the authority to override a state or local ordinance, permit requirement, license, or other “burdensome condition or limitation” that would unduly delay or prevent construction of an energy facility approved by the Board. G.L. c. 164, §§ 69K-69O2. A facility developer may also apply for a Certificate if it determines there are inconsistencies among resource use permits issued by state or local agencies. The Siting Board has exercised its certificate-issuing authority twice — in 1999 and in 2009. Each certificate was appealed to the Supreme Judicial Court; each was upheld. No permit override petitions were received in 2012.

### **Enforcement**

The Siting Board is authorized to levy a civil penalty when an applicant has violated any order of the Board. G.L. c. 164, § 69H. The maximum fine is \$1,000 per day per violation, with a maximum civil penalty of \$200,000 for any related series of violations. The Siting Board did not levy any civil penalties in 2012.

### **Siting Board Regulations**

The regulations of the Siting Board are contained in 980 C.M.R. §§ 1.00-12.00. In 2012, no new regulations were promulgated, nor were any rescinded or modified. GL c. 30A, § 5A requires state agencies to produce a small business impact statement for existing regulations that are twelve years old or older in order to evaluate whether the regulation continues to be necessary and to consider the economic impacts of that regulation on small businesses. In 2012, the Siting Division participated in an ongoing effort across state government to identify regulations that have potentially adverse effects on small businesses in the Commonwealth and are no longer necessary or useful for their intended purposes.

### **Participation in Regional Transmission Planning Activities**

Siting Division staff, along with DRFA staff, participated in efforts by NESCOE and ISO-NE to better understand existing regional transmission planning procedures and identify areas where new approaches could be beneficial. Siting Division staff were actively involved in reviewing ISO-NE’s Draft Planning Technical Guide and offering comments and suggestions on successive drafts. Division Staff also attended ISO-NE training sessions on Regional System Planning as well as related meetings, conferences, webinar and workshops. Staff also reviewed and commented on NESCOE’s Non-Transmission Alternatives (“NTA”) Framework and began a preliminary evaluation of implementation approaches and options.



In coordination with DRFA, NESCOE and other New England states, the Siting Division prepared an application to NARUC under a competitive solicitation to obtain consulting assistance to help inform stakeholders in New England about probabilistic transmission planning concepts, including the feasibility of introducing such planning to the existing ISO-NE planning process. By the end of 2012, NARUC informed the DPU that the application had been approved, although it was later redirected into expanded version of proposal under the auspices of EISPC. The EISPC study would address probabilistic transmission planning in a broader regional context. The Siting Division and DRFA remain actively involved in the EISPC effort.

### **Siting Division Responsibilities**

The Siting Division, comprised of attorneys and technical analysts, performs the staff work for the Siting Board under its statutory mandates. In addition, the Siting Division handles a variety of land use cases for the Department, including petitions for zoning exemptions, for authority to exercise eminent domain, and for permission to construct transmission lines.

### **Zoning Exemption Review**

State law authorizes the Department to exempt public service corporations from compliance with specific municipal zoning ordinances or by-laws if it determines that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public. G.L. c. 40A, § 3. The Siting Division adjudicates these cases for the Department. In several cases, zoning cases were combined with facilities cases, as described above and below.

In 2011, NSTAR Electric filed a petition for zoning exemptions for modifications to the Brook Street switching station in Plympton. These modifications were proposed to improve the reliability of 23 kV distribution circuits in Plymouth, Kingston and Carver. Evidentiary hearings were held in January 2012, and the Department approved the petition with conditions on July 9, 2012.

On January 6, 2012, the Department issued an order approving with conditions a petition by Tennessee Gas Pipeline Company for zoning exemptions sought for a proposed new 2,000 horsepower compressor station in Southwick. The purpose of the project is to provide a total of 10,400 Dekatherms per day of additional capacity for the transportation of natural gas to Berkshire Gas Company and Bay State Gas Company in response to increasing demands for natural gas in the northeast.

### **Transmission Line Review**

G.L. c. 164, § 72, requires electric companies to obtain Department approval prior to the construction or alteration of transmission lines. To receive such approval, the electric company must show that the proposed project is needed and that it serves “the public convenience and is consistent with the public interest.” The Siting Division typically adjudicates these petitions on behalf of the Department.

In 2011, NSTAR Electric Company and New England Power Company jointly submitted a filing pursuant to G.L. c. 164, § 72, requesting 0.5 miles of additional 115 kV underground transmission cable in Everett and Boston. On February 27, 2012, the Department issued an order granting approval of the petition with conditions.

On January 13, 2012, New England Power Company filed a petition with the Department pursuant to G.L. c. 164, § 72, for approval to construct and operate a 0.3-mile 115 kV transmission line in the Town of Westborough and a related petition pursuant to G.L. c. 40A, § 3, seeking both individual and comprehensive exemptions from the Zoning Bylaw of the Town of Westborough. The Project also includes the installation of a second 115 kV/13.8 kV transformer at the East Main Street No. 314 Substation. The Department approved the petition with conditions on October 9, 2012, granting the requested individual zoning exemptions, but not a comprehensive zoning exemption.

### **Eminent Domain and Survey Access**

On behalf of the Department, the Siting Division adjudicates petitions by electric, natural gas, water, and railroad companies for the right to exercise the power of eminent domain to meet their public service obligations. G.L. c. 164, §§ 72, 72A; G.L. c. 160, § 83. To grant eminent domain, the Department must determine that the project is necessary for the purpose alleged, will serve the public convenience, and is consistent with the public interest. No eminent domain petitions were filed with or reviewed by the Siting Division during 2012.

The Siting Division also administers the Department's authority to grant permission to electric, natural gas, and water companies to enter private lands for the purpose of making a survey prior to eminent domain proceedings.

### **Assistance to Other Department Divisions**

In 2012, the Siting Division provided technical and legal support to other Department divisions to assist with ongoing cases and special projects, as needed. In particular, several members of the Siting Division contributed significantly to the Department's storm-related investigations of Tropical Storm Irene and the October 2011 snowstorm; a legislatively required investigation into the need for additional capacity in the NEMA/Boston area; and a review of NSTAR Electric Company's power purchase agreement with the Cape Wind Associates.

## **Transportation Oversight Division**

### **Overview**

The Transportation Oversight Division regulates the rates and practices of common carriers used to transport passengers and property, including trucks, railways, buses, household moving companies, towing companies, and hazardous waste companies. In addition, the Transportation Oversight Division licenses all intra-state Massachusetts-based motor bus companies. The Transportation Oversight Division investigates and may hold fitness hearings after a consumer complaint, a driving violation, or an accident involving a common carrier. Undoubtedly, the most critical function of the Transportation Oversight Division is public safety. The other major responsibility of the Transportation Oversight Division is consumer protection.

Although no assessments are levied against regulated common carriers, these companies are subject to fees for services such as licensing, inspection, and examination. These revenues are not retained by the Department, but are deposited directly into the Commonwealth's General Fund. During 2012, the Transportation Oversight Division generated approximately \$484,550 in revenues, which was deposited into the General Fund.

### **Critical Public Safety Functions**

In accordance with the provisions of G.L. c. 90, § 8A, and G.L. c. 159A, § 9, the Transportation Oversight Division issues School Bus Driver Certificates and Motor Bus Driver Certificates. During 2012, the Transportation Oversight Division issued over 2,200 new school bus driver certificates. Ensuring a cadre of reliable school bus drivers is essential to children's safety. The Transportation Oversight Division licenses all school bus drivers in Massachusetts after (1) reviewing a physician's exam, (2) evaluating driving records, (3) performing a criminal record check and Sex Offender Registry Review, and (4) administering a three-part driving skills test. The Transportation Oversight Division works with the Registry of Motor Vehicles ("RMV") and the school bus industry to set standards for school bus drivers as well as other commercial driver training and qualification requirements.

#### **School Bus Driver Certificates and Motor Bus Driver Certificates issued in 2012**

School Bus Driver Certificates: (New and Renewals)	10,431
Motor Bus Driver Certificates:	1,011
Total Certificates Issued:	11,442

### **On-Site School Bus Driver Compliance Reviews**

In cooperation with the RMV, Transportation Oversight Division staff performs periodic, random compliance reviews of school bus drivers. The reviews are conducted on-site, at

schools, and are arranged so as not to interfere with the school day. Transportation Oversight Division staff reviews the driver's license and certification while an RMV official conducts a safety inspection of the school bus.

During calendar year 2012, two statewide compliance reviews were performed in March and October:

	<u>Companies Reviewed</u>	<u>Drivers Reviewed</u>	<u>Total Violations Identified</u>
March	29	237	52
October	31	254	33

### **Safety Oversight of Transit Authorities and Passenger-For-Hire Bus Companies**

State law specifies the Department as the oversight agency responsible for the safety of equipment and operations of all Massachusetts transit authorities and passenger-for-hire bus companies based in Massachusetts, including transit bus systems, motor coaches, and sightseeing vehicles. The Transportation Oversight Division performed 2,767 safety inspections during 2012.

The Federal Transit Administration (“FTA”) requires that states oversee the safety and security of Rail Fixed Guideway Systems. The Massachusetts Bay Transportation Authority (“MBTA”) is the only Massachusetts transit authority that operates a rail fixed guideway system. As required by G.L. c. 161A, § 3(I), and 49 C.F.R. Part 659, the Transportation Oversight Division approves and monitors the safety and security program plans of the MBTA, the fifth largest transit authority in the United States. The Transportation Oversight Division also monitors the MBTA's compliance with the Department's System Safety and Security Program Standard. While other states with smaller transit authorities often dedicate an entire regulatory division to overseeing the transit authority's Rail Fixed Guideway System, MBTA oversight is but one responsibility of the Transportation Oversight Division. A random inspection of MBTA subway cars is a component of this oversight program. During 2012, the Transportation Oversight Division participated in 153 internal transit safety/security audits. In accordance with the provisions of 49 C.F.R. Part 659, the Transportation Oversight Division annually reviews, tests, and approves the System Safety Plan and Security Program Plan created by the MBTA. Transportation Oversight Division staff work closely with MBTA staff conducting on-site inspections of facilities and equipment. In addition, Transportation Oversight Division staff review and participate in internal safety and security audits to further enhance compliance and safety/security plans.

Also, as required by the FTA, in July 2005, the Department conducted a triennial audit of the MBTA as a means to test both the MBTA's System Safety Plan and Security Program Plan. The Transportation Oversight Division performed the safety portion of the audit and hired a transit security consultant to conduct the security portion of the triennial audit. During calendar year 2006 the MBTA began implementing Corrective Action Items agreed to in the 2005 audit report. During 2012, the Department conduct audits on seven elements of the MBTA triennial audit.

In addition, under authority delegated by the Federal Railroad Administration and as required by G.L. c. 160, the Transportation Oversight Division performs inspections of new installations and upgrades of highway/railroad grade crossing signal systems.

### **Safety Inspections (Bus and Rail) in 2012**

Transit bus, motor coach, and sightseeing vehicles	2,767
Highway/railroad grade crossing signal systems (New installation/upgrades)	4
Transit audits	153
New Entrant Safety Audit	8
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Total Safety Inspections:	2,932

### **Licensing of Certain Common Carriers**

In accordance with G.L. c. 159B, § 3, and G.L. c. 159A, §§ 7 and 11A, the Transportation Oversight Division licenses common carriers transporting people or property by vehicle. During 2012, the Transportation Oversight Division conducted 90 licensing hearings.

### **Licensing Hearings in 2012**

Bus Companies	35
Tow Companies	28
Household Movers	27
Hazardous Waste	0
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Total:	90

In addition, five licenses were revoked or disciplinary action was taken against carriers that failed to maintain insurance and/or to obtain current-year identification devices.

### **Provision of Decals and Permits**

Vehicle specific decals and permits (for trucks, buses, etc.) are required by law to denote a licensed common carrier. In 2012, the Transportation Oversight Division issued 3,807 decals and permits, collecting over \$152,260 in revenues.

### **Consumer Complaint Investigations**

In accordance with the provisions of G.L. c. 159B, § 6B and 220 C.M.R. § 272.00, the Transportation Oversight Division regulates the price and service related to the towing and storage of vehicles towed without the permission of the owner or operator. The Transportation Oversight Division will respond to or investigate consumer complaints submitted in writing

regarding towing companies or companies transporting household goods (moving companies). The Transportation Oversight Division received 90 consumer complaints in 2012.

### **Consumer Complaints (Tow Companies and Moving Companies) 2012**

Complaints regarding tow companies:	80	
Number of complaints resulting in a refund:	18	(22.5%)
Total dollars refunded:	\$ 2,952.95	
Average refund	\$ 164.05	
Complaints regarding moving companies:	10	
Number of complaints resulting in a refund:	1	(10%)
Total dollars refunded:	\$ 563.50	
Average refund	\$ 563.50	
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Total Refunds to Consumers	\$ 3,516.45	

### **Inter-Agency Cooperation**

The Transportation Oversight Division interacts with the following Massachusetts trade groups, and state and federal agencies:

#### **Statewide Towing Association (“STA”)**

The STA petitions the Department for rate relief regarding police/public authority ordered tow rates. The maximum rate for “involuntary tows” is established through a Department rulemaking procedure.

#### **School Transportation Association of Massachusetts (“STAM”)**

STAM represents the school bus industry in Massachusetts. The Transportation Oversight Division licenses all the school bus drivers in Massachusetts. The Transportation Oversight Division works with STAM to formulate outreach programs such as safety training for drivers and school bus company personnel.

#### **New England Bus Transportation Association (“NEBTA”)**

NEBTA represents the motor bus industry in Massachusetts. All Massachusetts-based motor bus companies must be licensed by the Department. NEBTA occasionally intervenes on behalf of a member at a license hearing.

#### **Massachusetts Movers Association (“MMA”)**

The MMA represents the moving industry in Massachusetts. Household goods movers are regulated by the Department.

**U.S. Department of Transportation, Federal Motor Carrier Safety Administration (“FMCSA”)**

The FMCSA conducts carrier safety audits of Massachusetts-based truck and motor bus companies. FMCSA provides guidance regarding federal safety regulations and commercial driver qualifications. The Transportation Oversight Division provides assistance by conducting New Entrant Safety Audits and Compliance Reviews on behalf of the FMCSA. Further, the Transportation Oversight Division provides feedback to the FMCSA regarding the safety practices of motor bus companies based in Massachusetts. In 2012, additional Transportation Oversight Division staff was trained to perform FMCSA-related safety audits.

**Federal Transit Administration (“FTA”)**

The FTA publishes rules that mandate a state safety/security oversight program for Rail Fixed Guideway Systems (subway systems). Under this program, the Department is the oversight agency for the MBTA subway operations. The Department is also the state safety oversight agency for all 16 regional transit agencies in Massachusetts.

**Federal Railroad Administration (“FRA”)**

The Department is mandated by statute to ensure all new and modified highway/railroad grade crossing signal systems operate in accordance with FRA regulations. No changes to a highway/railroad grade crossing signal system can occur without a “Notice to Proceed” from the Department. The Department participates in the FRA State Rail Safety Participation program.

**Commercial Vehicle Safety Alliance (“CVSA”)**

CVSA is an international association of state, provincial, and federal officials responsible for the administration and enforcement of motor carrier safety laws in the United States, Canada, and Mexico. CVSA’s mission is to promote commercial motor vehicle safety and security by providing leadership to law enforcement, the bus and truck industry, and policy makers. The Transportation Oversight Division Assistant Director is the Chairman of the CVSA Passenger Carrier Committee.

**Massachusetts State Police (“MSP”)**

As set forth in a Memorandum of Understanding, the Transportation Oversight Division works closely with the MSP Commercial Vehicle Enforcement Section to conduct motor coach inspections at facilities and destinations.

**Registry of Motor Vehicles (“RMV”)**

The Department, through a Memorandum of Understanding with the RMV, licenses all school bus drivers in the Commonwealth, conducts school bus driver compliance reviews, and administers the Commercial Driver License, or CDL, exam for all new school/motor bus drivers.

### **The Unified Carried Registration (“UCR”) Plan and Agreement**

The UCR is part of a federal-mandated, state-administered program that went into effect September 10, 2007. Under this program, states collect fees from motor carriers, motor private carriers, freight forwarders, brokers, and leasing companies, based on the number of qualifying commercial motor vehicles, or CMVs, in their fleets.



**Appendix 1 – 2012 Siting Board Decisions and Siting Division’s Department Orders**

EFSB 99-4C	GenOn Kendall, LLC Notice of Project Change Action by Consent issued January 9, 2012
EFSB10-1/DPU10-107/108	Petition of New England Power Company d/b/a National Grid and Western Massachusetts Electric Company for Approval of the Construction of a New 115 kV Overhead Transmission line in the Towns of Hampden, Palmer and Monson, and Necessary Ancillary Facilities in the Towns of Hampden and Palmer, pursuant to G.L. c. 164, § 69J  Approval to Construct and Operate Transmission Facilities, pursuant to G.L. c. 164, § 72.  Individual and Comprehensive Zoning Exemptions from the Zoning Ordinance of the Town of Palmer and the Zoning Bylaws of the Towns of Monson and Hampden, pursuant to G.L. c. 40A, § 3. Decision issued May 16, 2012
EFSB10-2/10-131/132	Petition of NSTAR Electric Company for Approval to Construct and Operate New Overhead 345 kV Transmission Facilities, and Construct a New 345 kV to 115 kV Substation in the Town of Barnstable and to Modify Various other Ancillary Facilities in the Towns of Carver, Plymouth, Bourne, and Sandwich  Approval to Construct and Operate Transmission Facilities, pursuant to G.L. c. 164, § 72  Individual and Comprehensive Zoning Exemptions, pursuant to G.L. c. 40A, § 3 Decision issued April 27, 2012
UMASS Amherst Advisory Ruling	Request for advisory ruling pursuant to the provisions of 980 CMR 2.08 and G.L. c. 30A, § 8 concerning the Board's jurisdiction over the siting and construction of a temporary LNG storage facility to be located at UMASS Ruling issued August 20, 2012

- D.P.U. 12-02                      Petition of New England Power Company d/b/a National Grid for a determination pursuant to G.L. c. 164, § 72, and Petition of New England Power Company and Massachusetts Electric Company d/b/a National Grid for a Zoning Exemption pursuant to G.L. c. 30A, § 3.  
Order issued October 9, 2012
- D.P.U. 11-80                      Petition of NSTAR Electric Company for an Exemption from the Zoning By-laws of the Town of Plympton, pursuant to G.L. c. 40A, for proposed modifications to the Company's existing electric switching station of Brook Street in the Town of Plympton, Massachusetts.  
Order issued July 9, 2012
- D.P.U. 11-51                      Petition of NSTAR Electric Company and New England Power Company d/b/a National Grid to G.L. c. 164, § 72 for Approval to Upgrade an Existing 115 kV Underground Transmission Line Located in the Cities of Boston and Everett, Massachusetts.  
Order issued February 27, 2012
- D.P.U. 11-26                      Petition of Tennessee Gas Pipeline Company for certain Exemptions from the Zoning Bylaw of the Town of Southwick, Massachusetts, pursuant to G.L. c. 40A, § 3.  
Order issued January 6, 2012

## Appendix 2 - Department Orders Issued in 2012

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
11-26	Petition of Tennessee Gas Pipeline Company for certain Exemptions from the Zoning Bylaw of the Town of Southwick, Massachusetts, pursuant to G.L. c. 40A, § 3.	1/6/2012	Order
11-SQ-04	Investigation by the Department of Public Utilities into Fitchburg Gas and Electric Light Company d/b/a Unutil's Gas Division 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-06	Investigation by the Department of Public Utilities into Colonial Gas Company d/b/a National Grid's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-07	Investigation by the Department of Public Utilities into Essex Gas Company d/b/a National Grid's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-08	Investigation by the Department of Public Utilities into New England Gas Company's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-02	Investigation by the Department of Public Utilities into Berkshire Gas Company's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-05	Investigation by the Department of Public Utilities into Boston Gas Company d/b/a National Grid's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-09	Investigation by the Department of Public Utilities into NSTAR Gas Company's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
11-SQ-01	Investigation by the Department of Public Utilities into Bay State Gas Company d/b/a Columbia Gas of Massachusetts 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
11-SQ-03	Investigation by the Department of Public Utilities into Blackstone Gas Company's 2010 Service Quality Report filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116-B (2006) and D.T.E. 04-116-C (2007).	1/13/2012	Order
12-BSF-A1	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of its basic/default service tariff filing M.D.P.U. No. 216 effective March 1, 2012.	1/23/2012	Stamp Approval
11-75-A	Department Investigation on Distributed Generation Interconnection.	1/23/2012	Order
08-64	Petition of the New England Gas Company to the Department of Public Utilities requesting an Earnings Sharing Rate Adjustment.	1/27/2012	Order
11-GAF-P1	Petition of Bay State Gas Company for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	1/30/2012	Letter Order
11-GAF-P4	Petition of Fitchburg Gas and Electric Light Company for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	1/30/2012	Letter Order
10-65	Notification of Bay State Gas Company of contract extensions to three existing Tennessee Gas Pipeline Company long-term firm transportation contracts.	2/9/2012	Letter Order

Docket #	Caption	Issued	Order Type
09-134	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for review and approval of a proposed Standard Offer Service Adjustment Factor, effective January 1, 2010.	2/9/2012	Order
12-BSF-B1	Petition of Western Massachusetts Electric Company for approval of an amended basic service tariff and for the Results of the Solicitation for the Provision of Basic Service Supply.	2/9/2012	Stamp Approval
11-GC-32	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities of a special contract for firm transportation between the Company and The Newark Group d/b/a Newark America.	2/15/2012	Letter Order
12-ASMT-01	Assessments applied to selected utility companies owning or having entitlements to electric power from certain nuclear generating facilities inside and outside of Massachusetts for the purpose of reimbursing the Commonwealth for expenditures incurred by the Massachusetts Emergency Management Agency related to such facilities pursuant to Section 2 of Chapter 131 of the Acts of 2011 (Fiscal Year 2012 General Appropriations Act).	2/16/2012	Order
12-08	Petition of Braintree Electric Light Department to the Department of Public Utilities for approval to use a rate of depreciation of five percent for the calendar year 2012.	2/17/2012	Order
11-10	Rulemaking pursuant to G.L. c. 30A, § 2, and 220 C.M.R. § 2.00 et seq., to Amend 220 C.M.R. § 18.00 et seq. by Implementing the Net Metering Provisions of An Act Making Appropriations for the Fiscal Years 2010 and 2011 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, St. 2010, c. 359, §§ 25-30.	2/17/2012	Order
12-BSF-C1	Petition of NSTAR Electric Company for approval of its basic/default service pricing and procurement pursuant to G.L. c. 164, §1B(d), effective April 1, 2012.	2/21/2012	Stamp Approval
11-GAF-P6	Petition of New England Gas Company for review and approval by the Department of Public Utilities of the Company's 2011-2012 Peak Cost of Gas Adjustment Clause filing, and its proposed 2011-2012 Local Distribution Adjustment Factor.	2/27/2012	Letter Order

Docket #	Caption	Issued	Order Type
11-GAF-P3	Petition of Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	2/27/2012	Letter Order
11-51	Petition of NSTAR Electric Company and New England Power Company d/b/a National Grid to G.L. c. 164, § 72 for Approval to Upgrade an Existing 115 kV Underground Transmission Line Located in the Cities of Boston and Everett, Massachusetts.	2/27/2012	Order
11-117	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for review and approval by the Department of Public Utilities of the Companies' Annual Revenue Decoupling Mechanism Filing for Calendar Year 2011.	2/28/2012	Order
12-12	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for review and approval of the Company's annual reconciliation filing associated with its Pension and Post Retirement Benefits other than Pensions Adjustment Factor.	2/28/2012	Order
11-RAAF-09	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for review and approval of its Annual Residential Assistance Adjustment Factor Reconciliation and rate filing, effective March 1, 2012.	2/28/2012	Order
11-75-B	Department Investigation on Distributed Generation Interconnection.	3/8/2012	Order
11-39	Adjudicatory hearing in the matter of complaint by Littleton Industrial Park LLC relative to electricity sold by Littleton Electric Light Department.	3/9/2012	Order
10-155	Audit of the Allocations and Assignments of Employee and Other Costs Allocated to Boston Gas Company, Essex Gas Company and Colonial Gas Company by the National Grid Service Companies.	3/12/2012	Order
12-GC-01	Petition of Boston Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and Wellesley College, regarding meter # 001925788.	3/13/2012	Letter Order

Docket #	Caption	Issued	Order Type
12-GC-02	Petition of Boston Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and Wellesley College, regarding meter # 002921721.	3/13/2012	Letter Order
12-GC-03	Petition of Colonial Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and Aggregate Industries - Northeast Region Inc.	3/13/2012	Letter Order
12-19	Petition of NSTAR Electric Company for approval of a proposed timetable and method for the solicitation and execution of a long term contract for renewable energy with Cape Wind Associates, LLC pursuant to St. 2008, c. 169, § 83.	3/22/2012	Order
12-18	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval by the Department of Public Utilities for cost recovery associated with the Company's solar generation facility in Dorchester, Massachusetts, pursuant to D.P.U. 09-38 (2009).	3/23/2012	Order
11-50	Investigation by the Department of Public Utilities as to the propriety of the rates and charges set forth in the following tariff: M.D.P.U. No. 11, filed with the Department on June 15, 2011 to become effective July 1, 2011, by East Northfield Water Company, pursuant to G.L. c. 164, § 94 and G.L. c. 165, § 2.	3/23/2012	Order
12-04	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for approval of certain gas-resource contract extensions with National Fuel Gas Supply Corporation, Texas Eastern Transmission, LP, Transcontinental Gas Pipe Line Company, LLC, Algonquin Gas Transmission, LLC, and Tennessee Gas Pipeline Company.	3/26/2012	Order
12-BSF-D1	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval of its basic/default service pricing and procurement, for the periods May 1, 2012 through October 31, 2012 for residential and commercial Basic Service customers and May 1, 2012 through July 31, 2012 for industrial Basic Service customers, pursuant to G.L. c. 164, §1B(d).	3/28/2012	Stamp Approval
11-GAF-P2	Petition of The Berkshire Gas Company for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	3/29/2012	Letter Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
11-43	Petition of Aquarion Water Company of Massachusetts, Inc., for approval by the Department of Public Utilities of general changes in rates, pursuant to M.G.L. c. 164, § 94, and M.G.L. c. 165, § 2.	3/30/2012	Order
09-48	Complaint of Twenty Customers in the Town of Hull, Massachusetts against the Aquarion Water Company of Massachusetts, seeking review by the Department of Public Utilities, pursuant to M.G.L. c. 164, § 93 and M.G.L. c. 165, §2.	3/30/2012	Order
10-170	Petition of NSTAR Electric Company, NSTAR Gas Company and Western Massachusetts Electric Company along with holding company parent Northeast Utilities to the Department of Public Utilities for approval of a proposed merger.	4/4/2012	Order
12-28	Petition of the Energy Efficiency Advisory Council for approval by the Department of Public Utilities of its 2012 Consultant Budget, pursuant to M.G.L. c. 169 of the Acts of 2008, § 2(c).	4/4/2012	Letter Order
12-13	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Gas Division) for review and approval by the Department of Public Utilities of the Company's First Semi-Annual Off-Peak Period Revenue Decoupling Adjustment Factor Reconciliation and Rate Filing.	4/5/2012	Order
12-GC-04	Petition of The Berkshire Gas Company for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between The Berkshire Gas Company and Onyx Specialty Papers, Inc.	4/12/2012	Order
12-GC-05	Petition of The Berkshire Gas Company for approval by the Department of Public Utilities of a firm transportation agreement between The Berkshire Gas Company and Specialty Minerals, Inc.	4/12/2012	Order
12-22	Petition of Braintree Electric Light Department to the Department of Public Utilities for approval to use a rate of depreciation of five percent for the calendar year 2011.	4/12/2012	Order
10-160	Petition of Fitchburg Gas and Electric Light Company to the Department of Public Utilities for review and approval of its 2010 Integrated Gas Resource Plan.	4/12/2012	Order



<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
11-61	Petition of The Berkshire Gas Company for review and approval by the Department of Public Utilities of a Balancing Services Agreement with the University of Massachusetts - Amherst, pursuant to G.L. c. 164, § 94 and 220 C.M.R. 5.03.	4/13/2012	Stamp Approval
12-BSF-A2	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of its basic/default service tariff filing M.D.P.U. No. 208 effective June 1, 2012.	4/13/2012	Stamp Approval
12-16	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities of certain gas transportation contract extensions with Tennessee Gas Pipeline Company.	4/13/2012	Order
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	4/23/2012	Order
11-125	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for review and approval of its Annual Electric Reconciliation Mechanism filing.	4/25/2012	Order
12-GAF-O2	Petition of The Berkshire Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	4/27/2012	Letter Order
12-GAF-O3	Petition of The Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	4/27/2012	Letter Order
12-GAF-O4	Petition of Fitchburg Gas and Electric Light Company for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	4/27/2012	Letter Order
12-20	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for review and approval of its Energy Efficiency Reconciliation Factor filing.	4/30/2012	Order

Docket #	Caption	Issued	Order Type
12-23	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for review and approval of the Company's reconciliation filing of administrative costs associated with Basic Service for the twelve month period ending December 31, 2011 and the proposed Basic Service Administrative Cost Adjustment Factors effective May 1, 2012, in accordance with the provisions of the Company's Basic Service Adjustment Provision tariff, M.D.P.U. No. 1199.	4/30/2012	Order
12-ASMT-2	General Assessment of the Department of Public Utilities pursuant to G.L. c. 25, § 18, for fiscal year 2013.	5/1/2012	Order
11-128	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for deferral of costs associated with Tropical Storm Irene and the October 29, 2011 snowstorm.	5/1/2012	Order
12-29	Petition of TECO Americas, pursuant to G.L. c. 164, § 75A, for approval of the TECO FireBag thermal gas shut-off fitting.	5/4/2012	Order
11-09	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid to the Department of Public Utilities for review and approval of its Long-Range Resource and Requirements Plan for November 1, 2010 through October 31, 2015.	5/7/2012	Order
12-09	Petition of Chicopee Electric Light Department to the Department of Public Utilities for approval to use a rate of depreciation of five percent for the calendar year 2012.	5/9/2012	Order
11-96	Petition of the Cape & Vineyard Electric Cooperative, Inc. for an exception from the net metering regulation at 220 C.M.R. § 18.05(4).	5/16/2012	Order
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	5/17/2012	Order

Docket #	Caption	Issued	Order Type
12-15	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Electric Division), for Approval by the Department of Public Utilities of Its Energy Efficiency Reconciliation Factor for effect June 1, 2012.	5/18/2012	Order
12-GAF-O8	Petition of NSTAR Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	5/29/2012	Letter Order
12-GAF-O1	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	5/29/2012	Letter Order
11-16	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for Approval of Modification of its Large Customer Default Service Procurement Pilot Program.	6/13/2012	Order
12-21	Petition of Milford Water Company to the Department of Public Utilities for authorization and approval to issue up to \$20,000,000 of long-term debt pursuant to M.G.L. c. 164 §§ 14 and 16 and M.G.L. c. 165 § 2.	6/14/2012	Order
09-142	Petition of the Sheffield Water Company to the Department of Public Utilities for a Rate Increase.	6/25/2012	Order
12-BSF-D2	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval of its basic/default service pricing and procurement, for the period August 1, 2012 through October 31, 2012, pursuant to G.L. c. 164, §1B(d).	6/27/2012	Stamp Approval
12-35	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of a change to its Energy Efficiency Program Cost Adjustment Factors, effective July 1, 2012.	6/28/2012	Order
12-42	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for approval to implement a change to its Default Service Tariff.	6/28/2012	Order

Docket #	Caption	Issued	Order Type
12-GAF-06	Petition of New England Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Off-Peak Cost of Gas Adjustment Clause filing.	6/29/2012	Letter Order
11-80	Petition of NSTAR Electric Company for an Exemption from the Zoning By-laws of the Town of Plympton, pursuant to G.L. c. 40A, for proposed modifications to the Company's existing electric switching station of Brook Street in the Town of Plympton, Massachusetts.	7/9/2012	Order
12-01	Investigation by the Department of Public Utilities to Develop Tariffs Governing Net Metering Pursuant to the Net Metering Provisions of An Act Making Appropriations for the Fiscal Years 2010 and 2011 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, St. 2010, c. 359, §§ 25-30.	7/9/2012	Order
12-GC-08	Petition of Boston Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and Bunker Hill Community College.	7/10/2012	Letter Order
11-87	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for review and approval by the Department of Public Utilities of the Company's 2011-2012 Peak Period Revenue Decoupling Adjustment Factor, to become effective November 1, 2011.	7/11/2012	Order
10-134	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for approval of contract extensions to three existing Algonquin Gas Transmission long-term firm transportation contracts.	7/20/2012	Stamp Approval
12-40	Petition of NSTAR Electric Company to the Department of Public Utilities for Approval of the Timetable and Method for the Solicitation and Execution of long-term solar renewable contracts.	7/23/2012	Order
12-32	Petition of NSTAR Electric Company to the Department of Public Utilities for Authorization and Approval of the issuance of long-term debt in an amount not to exceed \$600,000,000.	7/31/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-33	Investigation of the Department of Public Utilities, on its own motion, instituting a Rulemaking pursuant to G.L. c. 164B, § 1; G.L. c. 30A, § 2; and 220 C.M.R. § 2.00 et seq., pertaining to Steam Distribution Companies.	8/2/2012	Order
12-GC-06	Petition of Boston Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and North Shore Medical Center d/b/a Salem Hospital.	8/7/2012	Order
12-GC-07	Petition of Boston Gas Company d/b/a National Grid for approval by the Department of Public Utilities of a Firm Transportation Service Agreement between National Grid and Simmons College.	8/7/2012	Order
11-58	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for review and approval by the Department of Public Utilities of their 2011-2012 Peak Revenue Decoupling Adjustment Factors, pursuant to the Company's Revenue Decoupling Adjustment Clause approved by the Department in D.P.U. 10-55 and set forth in Boston Gas and Colonial Gas Tariff M.D.P.U. No. 5.	8/7/2012	Order
12-BSF-C3	Petition of NSTAR Electric Company for approval of its basic service pricing and procurement pursuant to G.L. c. 164, §1B(d).	8/9/2012	Stamp Approval
11-120	Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines.	8/10/2012	Order
10-RAAF-10	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of the company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	8/16/2012	Order
10-RAAF-07	Petition of NSTAR Gas Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	8/16/2012	Order

Docket #	Caption	Issued	Order Type
12-ASMT-3	Trust Assessment of the Department of Public Utilities pursuant to G.L. c. 25, § 18, for fiscal year 2013.	8/20/2012	Order
12-27	Petition of Whitinsville Water Company to the Department of Public Utilities, pursuant to M.G.L. c. 165, § 2, and M.G.L. c. 164, § 14, for approval and authorization to issue and sell, Term Notes in the aggregate principal amount of up to \$5,300,000.	8/20/2012	Order
11-18	Petition and Complaint of the Massachusetts Attorney General Requesting an Audit of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid.	8/29/2012	Order
12-GAF-05	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for review and approval by the Department of Public Utilities of the Companies' 2012 Off-Peak Cost of Gas Adjustment Clause filing.	8/31/2012	Letter Order
10-114	Petition of New England Gas Company to the Department of Public Utilities for review and approval of changes in its schedule of rates, pursuant to G.L. c. 164, § 94 and 220 C.M.R. §§ 5.00 et seq.	9/7/2012	Order
12-39	Petition of the Town of Lancaster to the Department of Public Utilities for Review and Approval of an Aggregation Plan pursuant to G.L. c. 164, §134.	9/14/2012	Order
12-49	Petition of NSTAR Gas Company to the Department of Public Utilities for approval to modify and extend an existing long-term gas transportation agreement with Dominion Transmission Incorporated.	9/14/2012	Stamp Approval
12-34	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of Company's proposed Energy Efficiency Reconciliation Factors for effect July 1, 2012 through June 30, 2013.	9/19/2012	Stamp Approval
10-70	Petition of Western Massachusetts Electric Company, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Electric Distribution Rates and a Revenue Decoupling Mechanism.	9/19/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-36	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of its NSTAR Green Rate Adjustment/Reconciliation filing.	9/19/2012	Stamp Approval
12-38	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid to the Department of Public Utilities for review and approval of its Targeted Infrastructure Recovery Factor for calendar year 2011.	9/21/2012	Order
10-RAAF-02	Petition of The Berkshire Gas Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor filing for the 2010-2011 Peak Period.	9/24/2012	Order
10-RAAF-11	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor.	9/24/2012	Order
10-RAAF-06	Petition of New England Gas Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	9/24/2012	Order
10-RAAF-01	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor.	9/24/2012	Order
10-RAAF-08	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for review and approval of Unitil's Annual Residential Assistance Adjustment Factor Reconciliation and rate filing.	9/24/2012	Order
10-RAAF-09	Petition of Massachusetts Electric Co. and Nantucket Electric Co. d/b/a National Grid to the Department of Public Utilities for review and approval of National Grid's Annual Residential Assistance Adjustment Factor Reconciliation and Rate filing.	9/24/2012	Order
10-RAAF-03	Petition of Blackstone Gas Company to the Department of Public Utilities for review and approval of the company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	9/24/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
10-RAAF-04	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for review and approval of the company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	9/24/2012	Order
10-RAAF-05	Petition of Boston Gas Company, Colonial Gas Company and Essex Gas Company d/b/a National Grid to the Department of Public Utilities for review and approval of the company's Residential Assistance Adjustment Factor for the 2010-2011 Peak Period.	9/24/2012	Order
11-RCS-09-A	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for Approval of Amendment to Calendar Year 2012 Residential Energy Conservation Service Program Budgets and Surcharges.	9/27/2012	Stamp Approval
12-17	Petition of NSTAR Gas Company, pursuant to G.L. c. 164, § 69I, to the Department of Public Utilities for review and approval of the Company's Forecast and Supply Plan the period November 1, 2011 through October 31, 2016.	9/27/2012	Order
12-ASMT-4	Steam Distribution Company Assessment of the Department of Public Utilities pursuant to G.L. c. 25, §18A, for fiscal year 2013.	9/28/2012	Order
12-ASMT-5	Storm Trust Fund Assessment of the Department of Public Utilities pursuant to G.L. c. 25, § 12P, for fiscal year 2013.	9/28/2012	Order
12-50	Petition of New England Gas Company to the Department of Public Utilities for review and approval of the Company's Revenue Decoupling Adjustment Factor for the 2012 Peak Period.	9/28/2012	Order
11-89	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for review and approval by the Department of Public Utilities of the Company's Long-Range Integrated Forecast and System Gas Supply Resource Plan for the period November 1, 2011 through October 31, 2016.	9/28/2012	Order
12-77	Investigation by the Department of Public Utilities on its own motion into the need for additional capacity in NEMA/Boston within the next ten years, pursuant to Chapter 209, Section 40 of the Acts of 2012 An Act Relative to Competitively Priced	10/1/2012	Order



<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
	Electricity in the Commonwealth and pursuant to G.L. c. 164, § 76.		
12-64	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for approval of the extension of certain gas-resource contracts which company plans to exercise with Algonquin Gas Transmission, LLC, Tennessee Gas Pipeline Company and Texas Eastern Transmission, LP.	10/1/2012	Stamp Approval
05-66	Investigation by the Department of Telecommunications and Energy on its own motion as to the propriety of the rates and charges set forth in the following tariffs: Boston Gas Company, M.D.T.E. Nos 101.2 through 112-2, filed on September 16, 2005, to become effective November 1, 2005.	10/4/2012	Order
12-02	Petition of New England Power Company d/b/a National Grid for a determination pursuant to G.L. c. 164, § 72, and Petition of New England Power Company and Massachusetts Electric Company d/b/a National Grid for a Zoning Exemption pursuant to G.L. c. 30A, § 3.	10/9/2012	Order
11-102	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of its Storm Recovery Reserve Cost Adjustment Factor filing.	10/10/2012	Order
12-31	Petition of Paxton Municipal Light Department to the Department of Public Utilities for approval to use a rate of depreciation of five percent for the calendar year 2011.	10/11/2012	Order
12-ERP-02	2012 Emergency Response Plan of The Berkshire Gas Company.	10/12/2012	Stamp Approval
12-ERP-04	2012 Emergency Response Plan of Fitchburg Gas and Electric Light Company d/b/a Unitil (Gas Division).	10/12/2012	Stamp Approval

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-65	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for review and approval by the Department of Public Utilities of their 2012-2013 Peak Revenue Decoupling Adjustment Factors, pursuant to the Company's Revenue Decoupling Adjustment Clause approved by the Department in D.P.U. 10-55 and set forth in Boston Gas and Colonial Gas Tariff M.D.P.U. No. 5.2.	10/12/2012	Order
12-ERP-05	2012 Emergency Response Plan of Boston Gas Company and Colonial Gas Company d/b/a National Grid.	10/12/2012	Stamp Approval
12-ERP-01	2012 Emergency Response Plan of Bay State Gas Company d/b/a Columbia Gas of Massachusetts.	10/12/2012	Stamp Approval
12-ERP-07	2012 Emergency Response Plan of NSTAR Gas Company.	10/12/2012	Stamp Approval
12-66	Petition of New England Gas Company for review and approval by the Department of Public Utilities of an Asset Management Agreement between New England Gas Company and Hess Corporation.	10/12/2012	Stamp Approval
12-ERP-06	2012 Emergency Response Plan of New England Gas Company.	10/12/2012	Stamp Approval
12-69	Petition of Fitchburg Gas and Electric Light Company d/b/a Until for review and approval by the Department of Public Utilities of an Asset Management Agreement with Hess Corporation.	10/12/2012	Stamp Approval
12-ERP-03	2012 Emergency Response Plan of Blackstone Gas Company.	10/12/2012	Stamp Approval

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-BSF-A4	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of Tariff No. 222 to implement Unitil's revised Default Service prices, effective December 1, 2012.	10/15/2012	Stamp Approval
12-63	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Gas Division) for review and approval by the Department of Public Utilities of the Company's Semi-Annual Peak Period Revenue Decoupling Adjustment Factor Reconciliation and Rate Filing.	10/16/2012	Order
12-75	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for review and approval by the Department of Public Utilities for National Grid's Supplier Terms and Conditions.	10/16/2012	Suspension Order
08-50	Investigation by the Department of Public Utilities on its own motion into Updating its Energy Efficiency Guidelines Consistent with An Act relative to Green Communities.	10/19/2012	Order
12-84	Petition of Aquarion Water Company of Massachusetts, Inc. for authorization and approval by the Department of Public Utilities to reduce its Water Treatment Plant Surcharge, pursuant to M.G.L. c. 164 and M.G.L. c. 165.	10/24/2012	Order
11-11	Inquiry into Net Metering and Interconnection of Distributed Generation.	10/25/2012	Order
10-52	Petition of Bay State Gas Company to the Department of Public Utilities for review and approval of its Calendar Year 2009 Targeted Infrastructure Reinvestment Factor for effect November 1, 2010.	10/30/2012	Order
05-66	Investigation by the Department of Public Utilities on its own motion as to the propriety of the rates and charges set forth in the following tariffs: Boston Gas Company, M.D.T.E. Nos 101.2 through 112-2, filed on September 16, 2005, to become effective November 1, 2005.	10/30/2012	Stamp Approval
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	10/31/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-GAF-P1	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	10/31/2012	Letter Order
12-GAF-P2	Petition of The Berkshire Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Peak Cost of Gas Adjustment Clause filing.	10/31/2012	Letter Order
12-GAF-P3	Petition of Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2011 Peak Cost of Gas Adjustment Clause filing.	10/31/2012	Letter Order
12-GAF-P4	Petition of Fitchburg Gas and Electric Light Company for review and approval by the Department of Public Utilities of the Company's 2012 Peak Cost of Gas Adjustment Clause filing.	10/31/2012	Letter Order
12-GAF-P5	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for approval by the Department of Public Utilities of their 2012 Consolidated Peak Gas Adjustment Factors and Local Distribution Adjustment Factors.	10/31/2012	Letter Order
12-GAF-P8	Petition of NSTAR Gas Company for review and approval by the Department of Public Utilities of the Company's 2012 Peak Cost of Gas Adjustment Clause filing, and its Annual Remediation Adjustment Clause filing.	10/31/2012	Letter Order
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	11/1/2012	Order
12-24	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of the Company's Revenue Decoupling Adjustment Factor for the 2012 Off-Peak Period.	11/15/2012	Order
12-11	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for review and approval by the Department of Public Utilities of the Companies' Revenue Decoupling Adjustment Factors for the 2012 Off-Peak Revenue Period.	11/15/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	11/16/2012	Stamp Approval
12-85	Petition of EMI Dartmouth Solar, LLC to the Department of Public Utilities for a determination on eligibility for net metering services, pursuant to Net Metering and Interconnection of Distributed Generation, D.P.U. 11-11-C (2012).	11/16/2012	Stamp Approval
12-BSF-C4	Petition of NSTAR Electric Company for approval by the Department of Public Utilities of the following tariffs: M.D.P.U. Nos. 190, 290, and 390.	11/19/2012	Stamp Approval
05-GAF-P4	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil, for review and approval by the Department of Telecommunications and Energy of the Company's 2005/2006 Peak Cost of Gas Adjustment Clause filing.	11/26/2012	Order
06-28	Petition of Fitchburg Gas and Electric Light Company to the Department of Telecommunications and Energy for approval of a change in the methodology by which the Company recovers its electric supply-related bad debt costs.	11/26/2012	Order
12-30	Petition of NSTAR Electric Company for approval by the Department of Public Utilities of a long-term contract to purchase wind power and renewable energy certificates, pursuant to St. 2008, c. 169, § 83 and 220 C.M.R. § 17.00 et seq.	11/26/2012	Order
12-BSF-B4	Western Massachusetts Electric Company's Request for Approval by the Department of Public Utilities of the Company's Summary of Electric Delivery Service Rates, Tariff M.D.P.U. No. 1052W, for the period beginning January 1, 2013, and for Solicitation Results for the Provision of Basic Service Supply.	11/26/2012	Stamp Approval
12-79	Petition of Borrego Solar Systems, Inc. for an Exception to the Net Metering Regulation, 220 C.M.R. 18.02, pursuant to 220 C.M.R. § 18.09(7), for the Acushnet Project.	11/27/2012	Order
12-80	Petition of Borrego Solar Systems, Inc. for an Exception to the Net Metering Regulation 220 C.M.R. 18.02, pursuant to 220 C.M.R. § 18.09(7) for the Assumption College Project.	11/27/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-70	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for review and approval of its Annual Reconciliation and Rate Filing for the Default Service Costs Adder, pursuant to Unitil's Tariff M.D.P.U. No. 220.	11/28/2012	Order
12-43	Petition of The Berkshire Gas Company for approval by the Department of Public Utilities of a Financing Plan Involving the Issuance from Time-to-Time of Long-Term Debt Securities in an amount not to Exceed \$20,000,000 and Participation in a Money Pool.	11/28/2012	Order
12-67	Petition of Marblehead Municipal Light Commission to the Department of Public Utilities for approval to use a rate of depreciation of five percent for the calendar year 2012.	11/28/2012	Order
12-42	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for approval to implement a change to its Default Service Tariff.	11/28/2012	Stamp Approval
11-85-A	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid to Tropical Storm Irene.	12/11/2012	Order
11-85-B	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of NSTAR Electric Company to Tropical Storm Irene.	12/11/2012	Order
12-120	Investigation by the Department of Public Utilities on its own motion regarding the service quality guidelines established in Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84 (2001) and amended in Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04-116 (2007).	12/11/2012	Order
11-119-A	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, to the October 29, 2011 snowstorm.	12/11/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
11-119-B	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of NSTAR Electric Company to the October 29, 2011 snowstorm.	12/11/2012	Order
11-119-C	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Western Massachusetts Electric Company to the October 29, 2011 snowstorm.	12/11/2012	Order
11-119	Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, NSTAR Electric Company, and Western Massachusetts Electric Company to the October 29, 2011 snowstorm.	12/11/2012	Order
12-25	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for review and approval of an increase in base distribution rates for gas service, pursuant to G.L. c. 164, § 94.	12/14/2012	Order
11-92	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of proposed tariffs for its Smart Grid Pilot Program for effect January 1, 2012.	12/17/2012	Order
12-78	Petition of NSTAR Electric Company requesting approval of its Smart Grid Rate Adjustment and Reconciliation Filing.	12/17/2012	Order
10-163	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of the Company's Smart Grid Adjustment Factor Tariff.	12/17/2012	Order
12-14	Petition of New England Gas Company for review and approval by the Department of Public Utilities of the Company's Revenue Decoupling Adjustment Factor for the 2012 Off-Peak Revenue Period.	12/17/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-100	Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts to the Department of Public Utilities for approval of its proposed energy efficiency investment plan, budget and allocation of program operating costs during the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-107	Petition of The Cape Light Compact for approval by the Department of Public Utilities of the Compact's proposed Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-102	Petition of Blackstone Gas Company to the Department of Public Utilities for approval of its proposed energy efficiency investment plan, budget and allocation of program operating costs during the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-104	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Gas Division) to the Department of Public Utilities for approval of its proposed energy efficiency investment plan, budget and allocation of program operating costs during the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-106	Petition of New England Gas Company to the Department of Public Utilities for approval of its proposed energy efficiency investment plan, budget and allocation of program operating costs during the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-108	Petition of Fitchburg Gas & Electric Light Company d/b/a Unitil (Electric Division) for approval by the Department of Public Utilities of the Company's Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-109	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for review and approval of the Companies' Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-101	Petition of The Berkshire Gas Company for approval by the Department of Public Utilities of the Company's Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order



<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-103	Petition of Boston Gas Company and Colonial Gas Company d/b/a National Grid for approval by the Department of Public Utilities of the Companies' Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-105	Petition of NSTAR Gas Company for approval by the Department of Public Utilities of the Company's Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-110	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of the Companies' Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-111	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of the Companies' Three-Year Energy Efficiency Plan for the period January 1, 2013 through December 31, 2015.	12/18/2012	Order
12-03	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for review and approval by the Department of Public Utilities of the Company's proposed March 2012 retail rate adjustments for the company's basic service adjustment factor, transition charge and transmission service charge.	12/19/2012	Order
12-30	Petition of NSTAR Electric Company for approval by the Department of Public Utilities of a long-term contract to purchase wind power and renewable energy certificates, pursuant to St. 2008, c. 169, § 83 and 220 C.M.R. § 17.00 et seq.	12/19/2012	Stamp Approval
12-42	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for approval to implement a change to its Default Service Tariff.	12/19/2012	Stamp Approval
12-126	Investigation by the Department of Public Utilities Pursuant to Chapter 209, Section 51 of the Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth.	12/20/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
10-64	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for Approval of Issuance of Long Term Debt and Execution of Interest Rate Transactions pursuant to G.L. c. 164, § 14 and related requests.	12/20/2012	Order
06-AD-1	Adjudicatory hearing in the matter of complaint of Brian Michael Olmstead relative to the rates and charges for electricity sold by Massachusetts Electric Company.	12/20/2012	Order
12-118	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities of the Company's Net Metering Recovery Surcharge, to be effective January 1, 2013, pursuant to 220 C.M.R. 18 and the Company's filed and effective Net Metering Tariff, M.D.P.U. No. 219.	12/21/2012	Order
12-117	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for review and approval by the Department of Public Utilities of the Company's (Electric Division) Annual Pension/PBOP Adjustment Factor Reconciliation and Rate Filing.	12/21/2012	Order
12-116	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of the Company's Net Metering Recovery Surcharge for effect on January 1, 2013.	12/21/2012	Order
12-92	Petition of Western Massachusetts Electric Company for approval by the Department of Public Utilities of its Net Metering Recovery Surcharge effective January 1, 2013.	12/21/2012	Order
12-89	Petition of Western Massachusetts Electric Company for approval by the Department of Public Utilities for a change to the Company's annual Pension and Post-Retirement Other Than Pension Adjustment Mechanism reconciliation mechanism.	12/21/2012	Order
12-114	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Electric Division) for review and approval by the Department of Public Utilities of the Company's Annual Revenue Decoupling Adjustment Factor Reconciliation and Rate Filing.	12/24/2012	Order
09-39	Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to the Department of Public Utilities for approval of an increase in distribution rates.	12/24/2012	Order

<b>Docket #</b>	<b>Caption</b>	<b>Issued</b>	<b>Order Type</b>
12-44	Communications audit of Aquarion Water Company of Massachusetts as directed by the Department of Public Utilities.	12/27/2012	Letter Order
12-RAAF-11	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor.	12/27/2012	Order
12-121	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for review and approval of its 2013 Annual Electric Reconciliation Mechanism filing, pursuant to G.L. c. 164, § 1A(a), 220 C.M.R. § 11.03(4)(e), and D.P.U./D.T.E. 97-115/98-120.	12/27/2012	Order
12-RAAF-10	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of the Company's Residential Assistance Adjustment Factor, effective January 1, 2013.	12/27/2012	Order
12-RAAF-08	Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Electric Division) to the Department of Public Utilities for approval of Unitil's Annual Residential Assistance Adjustment Factor Reconciliation and rate filing.	12/27/2012	Order
12-112	Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of its 2012 Distribution Rate Adjustment/Reconciliation filing.	12/27/2012	Order
12-99	Petition of NSTAR Electric Company to the Department of Public Utilities for approval of its Green Rate Adjustment/Reconciliation filing.	12/27/2012	Stamp Approval
12-91	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of updated cost estimates and project costs for its Solar Program.	12/27/2012	Order
12-88	Petition of Western Massachusetts Electric Company to the Department of Public Utilities for approval of changes in rates for the following components of service: Transition Charge, Retail Transmission Cost Adjustment, Basic Service True-Up, and Basic Service Cost Adjustment Factor, and Attorney General Consultant	12/27/2012	Order

Docket #	Caption	Issued	Order Type
	Expenses.		
12-113	Petition of NSTAR Electric Company and NSTAR Gas Company to the Department of Public Utilities for review and approval of their 9th annual Pension/PBOP Adjustment Factor filing.	12/27/2012	Order
12-GAF-P4	Petition of Fitchburg Gas and Electric Light Company for review and approval by the Department of Public Utilities of the Company's 2012 Peak Cost of Gas Adjustment Clause filing.	12/27/2012	Letter Order
12-GAF-P6	Petition of New England Gas Company for review and approval by the Department of Public Utilities of the Company's 2012-2013 Peak Cost of Gas Adjustment Clause filing, and its proposed 2012-2013 Local Distribution Adjustment Factor.	12/27/2012	Letter Order
10-50	Petition of the Town of Russell Municipal Light Department to the Department of Public Utilities for approval to acquire by purchase or otherwise, the franchise, corporate property and all rights, powers and privileges of Western Massachusetts Electric Company within the Town of Russell, Massachusetts.	12/28/2012	Order