

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

Massachusetts Electric Company/)
Nantucket Electric Company)
d/b/a National Grid)
_____)

D.P.U. 10-____

**PETITION FOR INVESTIGATION OF MASSACHUSETTS ELECTRIC
COMPANY AND NANTUCKET ELECTRIC COMPANY REGARDING
EMERGENCY PREPARATION OR RESTORATION OF SERVICE**

I. INTRODUCTION

1. Attorney General Martha Coakley files this petition, under authority of G.L. c. 164, § 1J and 220 C.M.R. § 19.00 *et seq.*, requesting that the Department of Public Utilities (“Department”) open a full investigation into the performance of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid” or “Company”), regarding emergency preparation or restoration of service and violations of the Department’s standards established in 220 C.M.R. § 19.03, in response to the winter storm, during which Governor Patrick declared a State of Emergency on December 26, 2010.

II. JURSDICTION AND VENUE

2. The Department has jurisdiction over the subject matter of this action pursuant to G. L. c. 164, §§ 1I, 1J, and 85B. The Department is required to open a full investigation upon petition of the Attorney General pursuant to G. L. c. 164, § 1J.

3. The Department is a proper venue for this action according to the provisions of G. L. c. 164, § 1J.

III. PARTIES

4. The Attorney General is the chief law enforcement officer of the Commonwealth and, pursuant to G. L. c. 12, § 11E, is specifically authorized to institute administrative, regulatory, or judicial proceedings on behalf of any group of consumers in connection with any matter involving rates, charges, prices, and tariffs of an electric company, gas company, generator, transmission company, telephone company, or telegraph company doing business in the Commonwealth and subject to the jurisdiction of the Department of Public Utilities or the Department of Telecommunications and Cable.

5. Massachusetts Electric Company and Nantucket Electric Company are Massachusetts electric distribution companies subject to the regulatory jurisdiction of the Department pursuant to G.L. c. 164, with a principal place of business at 40 Sylvan Road, Waltham, Massachusetts. Massachusetts Electric Company and Nantucket Electric Company are subsidiaries of National Grid USA, a company wholly owned by National Grid, plc, based in London, UK. In addition to its operations in Massachusetts, National Grid also operates in New Hampshire, Rhode Island, and New York. National Grid operates as both an electric and gas company, owns electricity generation, and has related business providing LNG importation, land remediation, interconnection, and metering.

National Grid provides electric distribution service to approximately 1.2 million residential, commercial, and industrial customers in 168 Massachusetts communities. Nationally, National Grid delivers electricity to approximately 3.3 million customers. National Grid is also the largest natural gas distributor in the country.

IV. STATEMENT OF FACTS AND CONTENTIONS OF LAW

6. National Grid possessed sufficient notice that a widely forecast storm would impact its service territory on or about December 26, 2010.

7. The Governor declared a state of emergency on December 26, 2010.

8. National Grid failed to deploy adequate resources in preparation for the storm event. National Grid deployed only seven trouble trucks for all of Plymouth County on or about December 26, 2010.

9. On information and belief, as a result of the storm, approximately 30,000 of National Grid's customers suffered service interruptions or outages beginning on or about December 26, 2010. Approximately 5,000 customers were still without power as of 5 p.m. on December 28, 2010.

10. Despite sufficient notice of the storm, National Grid failed to timely activate its Department-approved Emergency Response Plan ("ERP") and as a consequence failed to establish an emergency operations center in violation of 220 C.M.R. § 19.03.

11. Despite sufficient notice of the storm, National Grid failed to communicate effectively with local officials as required by G.L. c. 164, § 85B(a)(4) and the ERP in violation of 220 C.M.R. § 19.03.

12. The failure of National Grid to communicate and coordinate effectively with local officials resulted in municipal public safety resources being diverted to secure live downed wires, thus imposing unreasonable costs on municipalities and complicating efforts to respond to other emergencies.

13. One example of the difficulties created by National Grid's failures was that the City of Brockton was forced to request mutual aid from surrounding communities for

assistance on December 27, 2010 with a house fire while the City's fire apparatus attended to National Grid's downed wires.

14. Despite sufficient notice of the storm, National Grid failed to communicate effectively with customers as required by G.L. c. 164, § 85B(a)(2) and the ERP in violation of 220 C.M.R. § 19.03.

15. National Grid otherwise failed to carry out its duties during an Emergency Event pursuant to its ERP in violation of 220 C.M.R. § 19.03.

V. CONCLUSION

WHEREFORE, the Attorney General respectfully requests that:

1. The Department initiate a full investigation, under Section 1J of Chapter 164 of the Massachusetts General Laws, of the Company's emergency preparation and restoration of service activities in response to the winter storm during which a State of Emergency was declared by the Governor on December 26, 2010; and
2. The Department designate a Hearing Officer for this investigation and schedule an initial conference with all interested parties as soon as possible.

Respectfully submitted,

MARTHA COAKLEY
ATTORNEY GENERAL

By:



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**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

D.P.U. No. ____

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the following persons in accordance with the requirements of 220 C.M.R. § 1.05(1) (Department's Rules of Practice and Procedure):

Ronald Gerwatowski
Amy Rabinowitz
National Grid USA Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451

Dated at Boston, Massachusetts this 30th day of December, 2010.



Sandra Callahan Merrick