



**Via Electronic Mail**

Staci Rubin, Commissioner  
Department of Public Utilities

Maria Belén Power, Undersecretary  
Executive Office of Energy and Environmental Affairs

Michael Judge, Undersecretary  
Executive Office of Energy and Environmental Affairs

c/o Energy Facilities Siting Board & DPU Division of Public Participation  
One South Station  
Boston, MA 02111

May 9, 2025

**re:   Comments on Proposed Pre-Filing Consultations and Engagements  
Requirements for Siting and Permitting**

Dear Commissioner Rubin, Undersecretary Judge, and Undersecretary Power,

On behalf of Advanced Energy United, thank you for the opportunity to provide comment on the “Staff Straw Proposal: Pre-Filing Consultation and Engagement Requirements for Siting and Permitting” (the “Straw Proposal”).<sup>1</sup> With the passage of the 2024 Climate Act (the “Act”),<sup>2</sup> the Commonwealth has an opportunity to chart a new course for the responsible, inclusive development of much-needed clean energy infrastructure. To seize this opportunity, we must collectively develop a set of thoughtful regulations and processes that respect communities, reduce friction, and lead to construction and operation of new projects.

The period prior to filing a project application offers an opportunity for project proponents, community members, relevant state and local agencies, and other key stakeholders to initiate communication and collaboration. Broadly, pre-filing

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<sup>1</sup> Advanced Energy United (“United”) is a national association of businesses that works to accelerate the move to 100% clean energy and electrified transportation in the U.S. United’s Managing Director and General Counsel Jeremy McDiarmid served on the [Commission on Energy Infrastructure Siting and Permitting](#).

<sup>2</sup> See, generally, Ch. 239 of Mass. Acts of 2024.

procedures should set an encouraging tone for stakeholders to communicate openly, establish a supportive working environment, and build consensus. The pre-filing documents plays a critical part influencing the roles and attitudes of participants in these early project stages. Much of the Straw Proposal promotes a constructive process for meaningful stakeholder engagement in advance of the formal permitting process.

However, we have concerns that the incredibly high expectations of project proponents are unrealistic and unbalanced. Certain elements of the Straw Proposal risk creating an adversarial posture between communities and clean energy developers, which runs counter to the intention of the 2024 legislation. We recommend including language that conveys the importance of getting good clean energy projects built in the Commonwealth provided that there is authentic community engagement. The pre-filing process should not prematurely dissuade clean energy projects from being contemplated.

United agrees that a statewide uniform set of pre-filing expectations is necessary to create certainty for all stakeholders, increase the level of consistency, and improve communication among parties. Generally speaking, United generally supports the Pre-filing Outreach Components for Proponent listed in the Straw Proposal.<sup>3</sup>

United questions, however, whether the proposed two-phase approach is necessary. It is unclear how that structure improves engagement and timeliness for pre-filing activities, and we recommend that EFSB consolidate the steps into a single streamlined process. To be clear, sequencing the necessary steps may be necessary, but dividing the process—a process that is a prelude to a formal permit application—into two phases risks creating additional barriers to projects without sufficient community benefit. As the Straw Proposal is refined, we urge a focus on the specific actions required by developers (and other stakeholders), clearly defined and sequenced, that will improve engagement between developers, community members, municipalities, and other key stakeholders.

In a similar vein, United does not support a minimum time schedule because it is likely to create unnecessary and artificial barriers to the development process. While the Act requires that the Energy Facility Siting Board (“EFSB”) establish pre-filing requirements for clean energy infrastructure, it does not stipulate specific timelines for the pre-filing activities. We recommend that pre-filing requirements set out required

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<sup>3</sup> While broadly supportive of considering the cumulative impacts of infrastructure decisions in communities, particularly in overburdened communities, United has not reviewed the [May 5<sup>th</sup> proposal](#) on cumulative impact analyses and therefore does not take a position on what has been proposed.



actions to be taken by the project proponent rather than the minimum timelines. The proposed deadlines also seem needlessly rigid and create a significant risk of frustrating one of the key promises of the Act—getting projects built.

The 15-24 months of pre-filing requirements in prior to submitting the project application is a lengthy time horizon that creates a steep barrier for clean energy planning and construction. We agree it is reasonable to ensure there is adequate time and notice for scheduling meetings and convening input from multiple sources. However, we advise enabling opportunities for efficient proceedings where possible as long as project proponents take the necessary actions to engage meaningfully with stakeholders.

There are numerous factors that go into the availability of a potential project site (e.g. land ownership, availability of grid capacity, zoning, options for use, etc.). At the pre-application stage of a potential project, of that information is highly sensitive. We support the self-attestation outreach completion checklist as a tool to ensure preparedness of proponent expectations and to facilitate readiness of the project. However, the requirement of community benefit agreement (CBA) discussions for every project and alternative is not appropriate and overly burdensome to all interested parties.

The overall inclusive approach being integrated across the series of siting and permitting reforms is a welcome improvement that will support transparency and constructive engagement among stakeholders. With these meaningful modifications, we believe the pre-filing process will be successful honoring community interests while facilitating the critical growth of clean energy across Massachusetts.

Thank you for the opportunity to offer a written response. We look forward to working with you and other stakeholders on to ensure that, collectively, we seize the opportunities set out in the 2024 Climate Bill.

Sincerely,

/s/ Kat Burnham

Kat Burnham  
Senior Principal

cc: Rebecca Tepper, Secretary of Energy & Environmental Affairs  
James Van Nostrand, Chair, Department of Public Utilities

