The Clean Energy Industry Partners include New Leaf Energy and BlueWave Energy, members of the Massachusetts Commission on Energy Infrastructure Siting and Permitting:

May 19, 2025

Via E-mail to sitingboard.filing@mass.gov

The Executive Office of Energy and Environmental Affairs;
The Office of Environmental Justice and Equity;
The Energy Facilities Siting Board ("EFSB");
The Department of Public Utilities ("DPU"); and
The Department of Energy Resources ("DOER")

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Re: Comments on the Staff Straw Proposal on Pre-filing Consultation and Engagement Requirements

Dear Climate Act Implementing Agencies:

The Clean Energy Industry Partners (the "Industry Partners") thank the Climate Act Implementing Agencies[1] and their staff for their work on the stakeholder sessions to date and the accompanying straw proposals. Solicitation of diverse input is critical for the success of efforts to implement the 2024 Climate Act (An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239) (the "Climate Act").

Unfortunately, the Staff Straw Proposal on Pre-filing Consultation and Engagement Requirements (the "Straw Proposal") sets out an overly long and complex pre-filing process that would be problematic for the future development of clean energy infrastructure in

[1] As used in this letter, the "Climate Act Implementing Agencies" or "Implementing Agencies" refers to: the Executive Office of Energy and Environmental Affairs ("EEA"), the Office of Environmental Justice and Equity ("OEJE"), the Energy Facilities Siting Board ("EFSB"), the Department of Public Utilities ("DPU"), and the Department of Energy Resources ("DOER").

Massachusetts. The Industry Partners are committed to effective community engagement in the development of clean energy facilities. However, as currently proposed, the Straw Proposal would make developing some clean energy infrastructure—particularly clean energy generation and storage—more time consuming, more complicated, and more expensive than under prior law. This result would be contrary to the intent behind the Climate Act and would impair the Commonwealth's ability to meet its energy and climate goals.

The Industry Partners urge the Implementing Agencies to focus on pre-filing engagement that is streamlined, simple, and clear in its requirements, while also enabling the flexibility necessary to account for diversity of projects that will petition the EFSB. These features will benefit project proponents, stakeholders, and the Commonwealth at large. The Implementing Agencies should:

- Streamline pre-filing requirements, removing redundancies and allowing the required actions to occur within a shorter time period;
- Simplify and clarify requirements into a list of precise and objective actions; and
- Make clear that not all projects must present alternative sites or routes and adjust requirements and timelines to better reflect these more straightforward projects.

In addition, it is imperative that the Implementing Agencies set a clear plan for the transitional period to the new permitting process. As it relates to prefiling engagement, § 132 of the Climate Act provides that the new regulations for EFSB approvals will be issued by March 1, 2026 and will apply to applications submitted on and after July 1, 2026. The Straw Proposal currently provides for 12-15 months of pre-filing process that must be conducted prior to submitting an application for EFSB approval. But these pre-filing regulations are unlikely to be issued before March 1, 2026, so project proponents will not be in position to comply prospectively. As a result, unless the regulations explicitly account for a transitional period, **this could mean that no new project applications will be in a position to be filed between July 1, 2026 and the spring of 2027** (i.e. 12-15 months after March 1, 2026). A transition that results in roughly a full year during which no clean energy facilities can advance their required permitting would be devastating to achievement of the Commonwealth's clean energy goals and could put the reliability of Massachusetts' electric system at risk.

This letter provides general comments before responding to the specific requests set out in the Straw Proposal.

I. General Comments

Effective community and stakeholder engagement is critical to developing clean energy facilities. Pre-filing requirements can support consistent and effective stakeholder engagement while also informing the development community of the steps they must take to position projects for efficient permitting. To serve these purposes, pre-filing requirements must be clear: ambiguity creates uncertainty and engenders disputes. They must also be straightforward: convoluted and repetitive stakeholder processes place undue burden on project proponents, drive up costs, and confuse and frustrate stakeholders, who have limited time to invest in engagement. Pre-filing processes should also be streamlined to avoid redundancy, unnecessary delay, or interference with other critical aspects of project development, such as the need to obtain interconnection rights.

A. As Proposed, the Straw Proposal Would Impose Problematic Delays.

The pre-filing requirements presented in the Straw Proposal would impose unnecessary delays on the permitting of clean energy facilities. Essentially, the Straw Proposal would double the permitting review period for clean energy facilities in Massachusetts. It would add 15 months of regulated process to the 15-month maximum approval period set in the Climate Act for approval of "large" facilities. *See* G.L. c. 164, § 69T(i). The result would be a nearly three-year timeline for these projects: no better than under the preexisting law for many projects and ***far worse than preexisting law for energy storage facilities (which do not currently require EFSB approval)***. Such timelines wholly fail to realize the intent of the Climate Act.

Similarly, the Straw Proposal would add 12 months of regulated pre-filing processes to the 12-month maximum approval period that the Climate Act sets for "small" clean energy facilities. *See* G.L. c. 25A, § 21(d); G.L. c. 164, § 69U(c); G.L. c. 164, § 69V(c); Straw Proposal at 4. The associated burden would be especially significant for small clean energy generation and storage facilities. Indeed, the delay and burden for those projects is likely to prevent such facilities from pursuing an EFSB approval at all.

Small clean generation facilities—like an energy storage facility under 100 megawatt-hours ("MWh") or a five-megawatt ("MW") solar photovoltaic ("PV") facility—will generally only seek EFSB approval under G.L. c. 164, § 69V, which allows them to obtain a consolidated approval covering all state approvals. Critically, this is an optional process, and projects pursuing this option must still go through the extensive municipal approval process under G.L. c. 25A, § 21 with respect to local approvals. That means that the 12 months of proposed pre-filing process and the 12-month adjudicatory process associated with EFSB approval would be ***in addition to the 12 months of local review under G.L. c. 25A, § 21 and any associated pre-filing requirements.*** It is unlikely that this would be a reasonable option for a small generation or storage project.

Overly long permitting processes are not just an annoyance. They can slow or prevent development of clean energy infrastructure by creating conflicts with other aspects of project development. For instance, long permitting timelines can interfere with the ability of projects to manage and align the interconnection process applicable to generation and storage facilities. A year or more of pre-filing requirements is potentially problematic for clean energy facilities due to the need for projects to also progress through state or regional interconnection processes. Interconnection processes can be critical to informing the final design (and environmental impacts) of a project, and they often must be significantly advanced to give project developers the confidence to proceed with permitting approvals. However, interconnection processes often rely on an analysis of the existing electric system, a queuing mechanism, and obligations to make financial commitments and advance system upgrades. These processes may not be amenable to 24- or 30-month delays for project permitting approvals.

The Implementing Agencies should adopt a more efficient and expeditious approach. As described below, the actions identified in the Straw Proposal to occur during the prefiling periods could be condensed into much shorter overall timeframes.[2] This is especially true of clean energy generation and clean energy storage facilities, which are not required to present alternative sites in the permitting process. *Compare* G.L. c. 164, § 69T(c) (transmission and distribution facilities are required to describe alternatives); *with* G.L. c. 164, § 69T(d) (clean energy generation and storage facilities are required to present a description of the site selection process).

In addition, the Implementing Agencies should consider significantly reducing or conjoining pre-filing requirements for projects that are going through both the consolidated municipal process and the Section 69V process. It does not make sense to run two separate pre-filing engagement processes of this intensity for one project and one set of affected stakeholders.

B. The Straw Proposal Includes Overly Complex and Unclear Requirements.

The Straw Proposal sets out a complex, multiphase, and multi-step process that requires redundant filings sometimes linked to vague language. These features make the Straw Proposal likely to lead to confusion and disputes. Simple and clear requirements would be more effective and more efficient.

For instance, it is unnecessary to formally split pre-filing requirements into multiple phases, each of which has similar and interrelated steps. A more straightforward approach would be superior: the Implementing Agencies should identify the specific actions they

[2] It is important to note that community outreach and engagement do not end when a project submits an application, so the period of time devoted to outreach would actually be far more than the 12 or 15 months described in the Straw Proposal. *See, e.g.*, slide 32 from the April 10, 2025 Stakeholder Session (outlining the EFSB's intent to provide for public comment and a public hearing following submission of an application).

intend to require and list them sequentially and with specificity as to the action required of the project proponent (*e.g.*, "(a) no later than three months before filing, the proponent must . . .; (b) no later than one month before filing, the proponent must . . . .").

One example of unnecessary complexity and redundancy is that the Straw Proposal appears to envision at least four pre-filing submissions from project proponents, all of which would convey essentially the same information regarding completion of required outreach: a "self-attested" Phase 1 checklist, a "self-attested" Phase 2 checklist, a pre-filing notice, and statutorily-required evidence of compliance included with an application. This redundant approach would create unnecessary burdens on project proponents, stakeholders, and the EFSB; no one benefits from redundant filings contributing to an overly large record. The Climate Act states that a project application should include "evidence that all pre-filing consultation and community engagement requirements have been satisfied." G.L. c. 164, §§ 69T(c) and (d). A simpler way to implement this requirement would be to do what the statute says: require one submission *with an application* that demonstrates compliance.[3] Project proponents will be highly motivated to make sure they comply with these requirements, and it is unnecessary to require four or more certifications/attestations along the way.

The Straw Proposal also includes vague requirements that are either not measurable actions or not fully in the control of the project proponent. For instance, it proposes to require project proponents to submit a certification from "affected municipalities" about negotiation efforts. *See* Straw Proposal at 10. Putting aside that the term "affected municipalities" is vague and could lead to unnecessary disputes—it would be clearer to define the relevant municipalities as those in which the project is located—a project proponent has no way to compel a municipality to submit a certification of this type (let alone on a strict timeline). This means that imposing this requirement would give municipalities a *de facto* veto over any proposed project or necessitate a process for exceptions.

[3] The Straw Proposal would require substantial information be included with the proposed "pre-filing notice," sometimes referred to as a "notification of intent to file application." *See* Straw Proposal at 9-10. But it is not clear that such a filing would provide additional benefits, given that the Climate Act already requires that such information be included with an application. Crafting a structure where a statutorily required component of an application must be filed before the remainder of the application also seems inconsistent with the structure of the Climate Act, which mandates that decisions be rendered by the EFSB within a set time period after receiving a complete application. The Straw Proposal further requires that the pre-filing notice be filed within a specific window relative to the application and links procedural penalties to that timing. *See* Straw Proposal at 9. This approach compounds the potential for this requirement to introduce unnecessary delay.

C. *Analysis of Site and Route Alternatives Are Not Required for Clean Energy Generation and Storage Facilities and Should Not Be Part of Pre-filing Requirements for those Facilities.*

The Straw Proposal seems to assume that all applicants will be engaging with stakeholders regarding alternative sites or routes. For instance, it describes "Phase 1" outreach as occurring while "multiple potential routes and sites are still under consideration." Straw Proposal at 6. "Phase 2" outreach is intended to commence once "there are likely a narrower set of potential project routes or sites under consideration." Straw Proposal at 7. This presumption is incorrect and may lead to unduly long pre-filing periods with unnecessarily complex requirements for projects that do not require presentation of alternatives. The Implementing Agencies should revise this approach to eliminate process and time that is unnecessary for projects that are not required to present alternative sites or routes.

The Climate Act does not require proponents of Clean Energy Generation Facilities or Storage Facilities to present alternative routes or sites. Rather, they must present "a description of the site selection process and alternatives analysis used in choosing ***the [singular] location*** of the proposed [facility]." G.L. c. 164, § 69T(d) (emphasis added); *compare* G.L. c. 164, § 69T(c) (requiring alternatives be analyzed as part of transmission and distribution applications). This is a critical point that is not reflected in the Straw Proposal. The Climate Act deliberately differentiates between transmission and distribution projects (which are often advanced by regulated utility companies to address a reliability "need" that must be addressed but could be addressed in multiple ways) and generation and storage facilities (which are independently developed in response to market factors).[4] Unlike utility-managed transmission and distribution projects, developers of clean energy generation and storage are typically not responding to a need to serve, *i.e.*, a situation where one alternative to meet a need must be selected and the others will not proceed; they are advancing projects that will proceed or fail on their own merits independent of whether other generation or storage projects will proceed at other locations.

The Straw Proposal seems to imply that clean energy generation and storage projects would be required to engage stakeholders around "alternative" locations. If that were the case, it would impose undue burdens on project proponents and communities that are inconsistent with the scope of review for such projects under the Climate Act. Developers need to advance design of a project significantly before they are in position to discuss that project and its associated impacts with stakeholders. It would not be helpful (and could be harmful) to go to stakeholders before the contours of a potential project and its impacts are reasonably understood. As a result, requiring engagement around

[4] Clean energy generation and storage facilities are also not required to demonstrate "need." *Compare* G.L. c. 164, § 69T(d) *and* G.L. c. 164, § 69T(c).

alternative sites would entail substantial additional costs and delay. Indeed, engaging stakeholders about a particular locus before obtaining a right to relevant property could kill a project by making it more costly or even impossible to acquire necessary property interests.

Neither stakeholders nor project developers would benefit from required outreach about "alternative" project sites that are not actually alternatives in the sense of either-or options. Facilities that relate to only one location will typically not require outreach to as many stakeholders and can conduct relevant outreach more quickly. The applicable pre-filing regulations should reflect this reality and not impose undue burdens inconsistent with the ultimate scope of review for these projects.

D. A Simpler, Streamlined Approach to Pre-Filing Requirements Would Be Preferable.

Ultimately, it appears from the Straw Proposal and associated presentation that the Implementing Agencies want project proponents to engage in the following pre-filing actions:

(1) A meeting with the DPU Division of Public participation ("DPP") and OEJE on outreach strategy (and consultation with the Massachusetts Environmental Policy Act ("MEPA") Office for large projects);
(2) Early meetings with "key stakeholders" (permitting agencies, municipal officials, abutters and community groups);
(3) Publication of project information using appropriate channels; and
(4) At least two public meetings.

See Straw Proposal at 5-6.[5]

The Industry Partners offer the following simple proposal as an example of an alternative approach that could be applied to all non-transmission and distribution projects. It includes all the key elements of the Straw Proposal within a streamlined schedule that still provides ample opportunity to complete these tasks. The timelines presented here are intended to show that the same outreach activities could fit within a far

[5] The Straw Proposal also includes a second meeting with MEPA and permitting agencies between the two public meetings. A second meeting is unnecessary and would be burdensome. Agency meetings with all permitting agencies may be difficult to schedule. There is no need to require two such meetings before going into the adjudicatory process, especially since all stakeholders (including MEPA and permitting agencies) can provide input at any point during the pre-filing period. The Straw Proposal also lists a "public comment period." While project proponents should accept comments during the pre-filing process, calling this a "public comment period" is potentially confusing because there will be a formal comment period for the EFSB following an application. Other "requirements listed on pages 5 and 6 of the Straw Proposal, such as "consider[ing]" applicable criteria and guidance and "demonstrate[ing]'" efforts to engage with stakeholders, are implicit in other actions and not the type of clear, objective requirements that should be included in regulations setting out pre-filing requirements.

shorter period than provided in the Straw Proposal. The ideal approach would be to not prescribe set timeframes for all projects, but to allow flexibility to adjust periods so that they are appropriate for the specific project at issue.

Proponent Action	**Timeline ("Large" Facilities)**	**Timeline ("Small" Facilities)**
A proponent must meet with DPP & OEJE.	No less than six months prior to filing an application.	No less than four months prior to filing an application. Subject to modification to align with (or be implemented in conjunction with) outreach being managed under G.L. c. 25A, § 21.
A proponent must offer to meet with MEPA, state and local permitting agencies, and municipal officials in any municipality in which the proposed project is located or that is within [a to-be-determined distance] of the proposed project.	No less than five months prior to filing an application.	No less than three months prior to filing an application. No MEPA consultation required, and no local consultation requirements for projects that are also proceeding under G.L. c. 25A, § 21.
A proponent must offer to meet with abutters to the proposed project and representatives of any community group identified for this purpose by DPP, OEJE, MEPA, or state and local permitting agencies.	No less than four months and two weeks prior to filing an application.	No less than two months and two weeks prior to filing an application (coordinated so as not to be redundant with any requirements under G.L. c. 25A, § 21).
A proponent must publicize project information and at least one public meeting date.	No less than four months prior to filing an application.	No less than two months prior to filing an application. May be combined with notice under G.L. c. 25A, § 2.
A proponent must hold at least two public comment meetings.	Following publication of project information and separated by at least two weeks.[6]	Following publication of project information and separated by at least two weeks.

[6] The Straw Proposal proposes requiring publication of a public meeting date at least 3 weeks prior to the meeting. *See* Straw Proposal at 8. It would be better to allow at least the second meeting to be scheduled

		May be combined with hearings under G.L. c. 25A, § 21.[7]
A proponent must provide evidence that all pre-filing consultation and community engagement requirements have been satisfied.	With an application.	With an application.

II. Responses to Questions Posed in the Straw Proposal

Question 1: *How many site/route alternatives are typically considered for different project types (e.g., solar, wind, battery storage)? At what stage of the project development cycle are the project site/route options under consideration ready to be shared with stakeholders during Phase 1 outreach?*

Response: Please see the discussion above. Clean energy generation and storage projects are not "alternatives" to each other and are not developed in that manner. Unlike transmission and distribution projects, which are typically proposed by regulated utility companies as solutions to a "need" that may be met in alternative ways (*e.g.*, a reliability need that could be met by deploying one of multiple infrastructure solutions), generation and storage projects are developed based on market forces and their own merits. Developing a generation or storage project in one location typically does not preclude development of generation or storage projects in another location by the same or a different developer. In most cases, both projects or neither project could be developed. As explained above, the Climate Act explicitly accounts for this reality and requires need and alternative analyses only of transmission and distribution projects.

Generally speaking, clean energy generation and storage projects are developed by identifying potential sites and advancing analysis of whether each site is appropriate for development independently. Developers may have different methods of determining which potential sites to pursue and which not to pursue. They would typically take into account factors such as availability of land, constructability, ability to interconnect and permit the

with less notice (2 weeks), to allow increased scheduling flexibility given likely efforts to coordinate with other stakeholders.

[7] *See supra* note 6.

project, likely permitting timeline, community support or opposition, environmental impacts, and financial considerations.

As described above, outreach to stakeholders about a particular project generally is not appropriate until after significant work has been done to advance what a project at a particular location would entail in terms of design and engineering. A developer will typically need to be able to describe the project in sufficient detail to respond to questions and convey meaningful information about the project and its associated impacts. The factors identified above should also be assessed before engaging stakeholders to ensure a project is viable. Because public information about potential development can affect the availability and price of property rights, it is often unreasonable to engage stakeholders prior to obtaining a property interest that can support the project.

All of this means that there are considerable costs and effort associated with advancing a project to the point where stakeholder outreach is possible. Depending on the project and the applicable permits and approvals, the amount of effort needed to prepare a project to present to stakeholders may be similar to what is required to begin permitting.

Question 2: *What additional suggestions do you have to involve stakeholders, especially during Phase 1 outreach, to inform the selection of site/route options?*

Response: Please see the response to Question 1 and the general discussion above. It is not accurate to view clean energy generation and storage facility development through a site/route alternative lens. For these facilities, multiple sites or locations correspond to multiple potential facilities, each of which should be assessed on its own merits. Such facilities can, however, be designed in different ways that may affect the associated impacts. Stakeholder engagement for these facilities is more effective if it contributes to an understanding of the impacts or benefits of a proposed project or to identifying means to improve a project (by reducing impacts or otherwise). Stakeholders may be well-positioned to provide information on these issues due to familiarity with the community and site.

Question 3: *[To agencies] Should meetings with MEPA and other state agencies happen during Phase 1 outreach (when there are several potential site/route options)*

or during Phase 2 when there are fewer options or in both phases? Please specify the agencies that should be consulted during each phase.

Response: N/A

Question 4: *At what point should pre-filing engagement change from Phase 1 (targeted outreach to key stakeholders) to Phase 2 (broader information sharing with wider community)? Should it be based on the number of routes/sites under consideration or other parameters?*

Response: As described above, the incremental Phase 1 and Phase 2 approach is unnecessarily complex. While outreach should change over the course of the pre-filing period, there is no need to create additional complexity or the rigidity of sharp dividing lines between phases. Rather, the pre-filing actions that a project proponent must take should be simply identified and sequenced in a manner that provides flexibility so that project proponents can respond to the needs of their project and the communities they are working in. The factors relevant to the appropriate scope and timing of outreach are likely to be project and community-specific (*e.g.*, the needs of a project may change depending on the number of abutters or stakeholders that are directly affected and whether or not there are issues of broader public interest).

It may make sense to provide additional pre-filing requirements for projects that are required to describe alternatives. *See* G.L. c. 164, § 69T(c). More alternatives will likely correspond to more stakeholders and more issues to consider (*i.e.*, the different set of impacts associated with each possible alternative and possible comparisons among those alternatives).

Clean energy generation and storage facilities, however, do not need to present alternative routes or sites. Rather, they must present "a description of the site selection process and alternatives analysis used in choosing ***the [singular] location*** of the proposed [facility]." G.L. c. 164, § 69T(d) (emphasis added). The Implementing Agencies should facilitate efficient pre-filing processes for all facilities; they should not require any facilities to engage in additional or lengthier processes simply because other types of facilities must do so.

Question 5: *This straw proposal suggests that Phase 2 outreach requirements for large clean energy infrastructure facilities should commence at least 9 months before the proponent submits the pre-filing notice to EFSB. For small clean*

energy infrastructure facilities, this should commence at least 6 months before. Does this timing need to be modified?

Response: This timing is too long and unnecessarily rigid. The associated delays and additional costs could significantly impair the development of clean energy facilities in Massachusetts. Phase 2 is proposed to include two public meetings and efforts to coordinate with stakeholders. These tasks could be completed in a fraction of the time provided, especially for relatively straightforward projects, including those that do not involve alternative locations. For some projects, such as those with very few impacts or abutters, two public meetings before entering the EFSB review process (which will include public hearings) may be unnecessary. Further, this six- or nine-month period is proposed in addition to three months of prior outreach to stakeholders and a further three months of subsequent public outreach. After filing an application, there are likely to be additional months of public comment and public hearings. The cumulative effect is an unnecessarily rigid and unnecessarily long timeframe.

Question 6: *Are there additional pre-filing requirements that should be considered to improve transparency and ensure that potentially impacted stakeholders have an opportunity to provide input, especially around route/site selection?*

Response: The Industry Partners believe in ensuring that stakeholders have meaningful opportunities to participate in siting decisions. The current Straw Proposal, along with the 12-15 months of following adjudicatory process, would provide years of opportunity for any stakeholder to provide input to a project proponent, to relevant agencies and officials, or to the EFSB. It also provides multiple rounds of targeted and public notices. Providing additional prescriptive requirements is not likely to improve opportunities for meaningful engagement.

Question 7: *Should the type or amount of applicant's outreach to the community vary depending on project type, scale, or location?*

Response: Yes. Every project is different. The Implementing Agencies should be aiming for efficient processes. That means that projects with fewer impacts and fewer impacted stakeholders should not be required to undertake outreach that makes sense only for projects that have greater impacts or more impacted stakeholders. As described above, the Straw Proposal seems to assume that all projects will present alternative sites or routes and bases its

proposed requirements on that assumption. This is not correct. Projects that do not have the requirement to present alternative sites or routes should not be bound to an unnecessarily long process as a result.

Question 8: *Is there a key stage in the project development cycle when project design is substantive enough for meaningful input, but the route/site option can still be relatively easily modified based on input?*

Response: Please see the discussion above and the responses to Questions 1, 2, and 4. Route/site optionality is not a helpful or meaningful lens for most clean energy generation and storage projects. Utility projects are often advanced to address reliability concerns or other specific needs that cannot go unaddressed. So, if one approach to meeting that need is rejected, another will be pursued. This is usually not the case for generation and storage projects, which are usually advanced on their own merits. It is also important to understand the amount of effort that goes into preparing a proposal to the point that it is ready to be shared with stakeholders. Clean energy generation and storage projects require substantial at-risk investments to reach this point.

Question 9: *Is the proposed timeframe for the project proponent to submit the pre-filing notice to EFSB for large and small clean energy infrastructure facilities adequate?*

Response: As explained above, the "pre-filing notice" should be eliminated. The EFSB will (or could) receive notice at the very beginning of the process when a project proponent reaches out for a first meeting with DPP. The EFSB will also receive evidence with an application that all pre-filing requirements have been completed. There is no need for an intermediary submission, which would duplicate the content required under the Climate Act for an application. Indeed, there would be no reason for the EFSB to begin adjudicating the content of the pre-filing notice when it is filed, since it would inevitably be updated with the filing of an application. Further, this step is inconsistent with the structure of the Climate Act (which sets a limited period for review of applications) and would be redundant and burdensome.

Question 10: *Which outreach channels and engagement practices are most effective and could be used by project proponents to inform the communities impacted by a project?*

Response: While various channels of engagement can be effective, in general, electronic forms of outreach are often the most effective. Electronic outreach can be quickly shared with little effort and cost, can be generated and amended easily, can include optionality unavailable for other channels (e.g. color images, links, and large maps), and can be posted to the internet, making them widely accessible to anyone with internet access. In person meetings with individuals and small groups can also be highly effective because of the ability for back and forth communication. They are, however, more resource intensive. The appropriate outreach for a specific project will depend on the project and the affected communities.

Question 11: *Should EFSB require that every project proponent discuss community benefit agreements with municipal representatives?*

Response: No. It would be reasonable for the EFSB to *encourage* such discussions, but inappropriate for it to require them. Community benefit agreements are necessarily voluntary on the part of both parties. They may not be appropriate for all projects. Attempts at compelling such agreements could be counterproductive.

Question 12: *Should the pre-filing process timelines be differentiated by technology type? If so, please explain how.*

Response: The pre-filing timelines should not be as long and rigid as set forth in the Straw Proposal. Projects that do not entail significant impacts should not be required to meet timelines that are adapted to the most impactful and complex projects. This is especially true of projects that do not require presentation of alternative sites or routes: namely, clean energy generation and storage facilities. These facilities could progress within far shorter timelines.

Question 13: *Should pre-filing process timelines for small clean energy infrastructure facilities that elect to seek a consolidated permit from the EFSB be the same as the pre-filing timelines for small clean energy infrastructure facilities?*

Response: For the sake of both project proponents and stakeholders, the pre-filing and outreach efforts for a small clean energy infrastructure facility that is going through both a municipal and an EFSB process should be coordinated. Unless timing prevents doing so, the best outcome for all involved would be

to conduct one consolidated pre-filing outreach process. There is no reason to require twice as many public meetings with the same stakeholders simply because the project is going through both the municipal process under G.L. c. 25A, § 21 and the EFSB process under G.L. c. 164, § 69V.

III. Conclusion

The Industry Partners again thank the Implementing Agencies and their staff for their work on the Straw Proposal and the stakeholder sessions more broadly.

As described in our comments above, while we share the same goals of improving public engagement, advancing the approach in the Straw Proposal would be problematic for the future development of clean energy facilities in Massachusetts. The Industry Partners strongly encourage the Implementing Agencies to reconsider their approach to the pre-filing process and significantly amend their requirements in order to best serve the Climate Act's purpose of creating a more efficient siting and permitting process for energy facilities.

Please do not hesitate to reach out with any questions or to discuss these comments further.

Sincerely,

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