

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF ENVIRONMENTAL JUSTICE AND EQUITY**

**JOINT COMMENTS OF NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE
ENERGY AND NEW ENGLAND POWER COMPANY, MASSACHUSETTS ELECTRIC
COMPANY, AND NANTUCKET ELECTRIC COMPANY, EACH D/B/A NATIONAL
GRID ON DRAFT GUIDELINES ON COMMUNITY BENEFITS PLANS AND
COMMUNITY BENEFITS AGREEMENTS PROPOSED BY THE EXECUTIVE
OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS, OFFICE OF
ENVIRONMENTAL JUSTICE AND EQUITY**

I. INTRODUCTION

On November 20, 2024, An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers (the “2024 Climate Act”) was signed into law by Governor Maura Healey. The 2024 Climate Act requires several agencies within the Executive Office of Energy and Environmental Affairs (“EEA”), including the Department of Public Utilities (“DPU”), the Energy Facilities Siting Board (the “Siting Board”), and the Department of Energy Resources (“DOER”), to propose regulations and guidance for comment to implement the new streamlined siting and permitting pathways for clean energy facilities in the Commonwealth and other related requirements from the 2024 Climate Act. Section 5 of the 2024 Climate Act, codified at G.L. c. 21A, § 29, created and authorized the Office of Environmental Justice and Equity (“OEJE”) within EEA to “develop standards and guidelines governing the potential use and applicability of . . . community benefit plans [“CBPs”] and agreements [“CBAs”] . . . in developing energy

infrastructure” On September 12, 2025, OEJE issued Draft Standards and Guidelines for CBPs and CBAs (the “Draft Guidelines”).¹

On October 9, 2025, EEA and OEJE hosted a public webinar to present an overview of the Draft Guidelines and to receive public input. Written comments on the Draft Guidelines were requested from stakeholders by October 24, 2025. NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) and New England Power Company, Massachusetts Electric Company, and Nantucket Electric Company, each d/b/a National Grid (“National Grid”; together, the “Companies”) submit these written comments in response to the OEJE’s Draft Guidelines.²

II. BACKGROUND

The Companies strongly support the 2024 Climate Act and its overarching purpose to: (a) accelerate the responsible deployment of clean energy infrastructure through siting and permitting reform in a manner consistent with applicable legal requirements and the Clean Energy and Climate Plan; (b) facilitate community input into the siting and permitting of clean energy infrastructure; and (c) ensure that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth. Governor Healey Executive Order No. 620: Establishing the Commission on Energy Infrastructure Siting and Permitting (September 26, 2023). At the same time, the Companies recognize that the 2024 Climate Act created an enormous task for EEA, OEJE, and EEA’s other agencies; namely, developing a functional, efficient, and fully integrated state and local review process for multiple types of clean energy projects, to be

¹ Section 5 of the 2024 Climate Act also directs OEJE to develop standards and guidelines governing the potential use and applicability of cumulative impact analyses (“CIAs”). It is expected that the Siting Board will be providing draft regulations and guidance on the topic of CIAs, which the Companies anticipate will provide additional direction on the use of CBPs and CBAs that will soon be issued as 980 C.M.R. 15.00. The Companies intend to provide additional comments once the preliminary draft regulations at 980 C.M.R. 15.00 and any related guidance documents are issued.

² EEA has also issued Draft Guidance on Site Suitability Assessments and has likewise requested comments from stakeholders by October 24, 2025. The Companies are providing comments on that topic separately.

implemented by March 1, 2026, for projects filed with the Siting Board on or after July 1, 2026. The stakeholder process and draft regulations and guidance developed to date have reflected significant work and effort by the agencies' staff and the Companies greatly appreciate those efforts.

III. COMMENTS ON KEY TOPICS

Engagement with host communities and all affected stakeholders – both prior to filing permit applications and throughout the review and construction process – is a top priority for the Companies. The Companies each support equitable and meaningful engagement within reasonable timeframes that enable the timely and efficient siting of clean energy infrastructure in Massachusetts. The Companies agree with OEJE that CBPs and CBAs may be an appropriate mechanism to address local community concerns regarding many clean energy infrastructure projects by documenting mitigation measures and memorializing the energy and environmental benefits of a given project with the community.

Broadly speaking, however, the Companies are concerned that the Draft Guidelines do not properly recognize the distinction between: (1) regulated public utilities with long-standing commitments in the communities they serve, and with the obligation to provide safe, reliable, and affordable service to their customers; and (2) private developers. The Companies do not believe that “a one size fits all” expectation for CBPs/CBAs is a sound policy. As public utilities, the Companies have to carefully weigh ratepayer considerations, such as affordability and equity, relative to the costs they incur in executing their infrastructure projects, including those related to CBPs/CBAs.³ The Companies are simply not in a position to offer many of the benefits to

³ Additionally, the Companies' projects are not discretionary. The Companies have an obligation to serve and must build new infrastructure to ensure reliable electric service in a consistent manner across each of the communities they serve.

communities contemplated by the Draft Guidelines beyond those directly related to the project itself. For that reason, the Companies believe that proposed benefits that are unrelated to project impacts should not be expected for utility-level clean energy infrastructure proposals. Further, for many of the Companies' smaller projects, with only minimal or localized impacts to the communities they serve, the regulations should recognize that a CBP or CBA is not necessary. Nevertheless, even where a CBP or CBA might be appropriate for a given project, it is critical that any mitigation measures be reasonable in scope and limited to those that have a direct nexus to project impacts.

In that vein, the Companies raise two overarching concerns with the Draft Guidance: (1) CBPs (and CBAs) are not required by the 2024 Climate Act and, therefore, CBPs (draft or otherwise) should not be a necessary component of all applications for clean energy infrastructure facilities; and (2) as rate-regulated public utilities, the Companies are concerned that requiring the completion of CBPs and undertaking many of the types of recommendations in the Draft Guidance will trigger affordability considerations for customers, and introduce complexities into the permitting process, that are inconsistent with the streamlined permitting process required by the 2024 Climate Act.

A. CBPs Are Not Mandated By the 2024 Climate Act.

A threshold issue in the Draft Guidance is that OEJE recommends "that a draft CBP be a required component of a project's application to a municipality and [the Siting Board]." Draft Guidelines at 13. The Companies disagree with this recommendation for two primary reasons. First, mandating preparation of a CBP is inconsistent with what the 2024 Climate Act requires of OEJE, which is limited to developing "standards and guidelines governing [their] potential use and applicability." G.L. c. 21A, § 29 (emphasis added). Nothing in the 2024 Climate Act requires

project applicants to consummate CBPs (or CBAs), or vests either the Siting Board or local governments with any new authority with respect to mandating CBPs or CBAs. To that end, the Siting Board's new standard of review, as set forth in Section 60 of the 2024 Climate Act, adds no new requirements relative to CBPs/CBAs. St. 2024, c. 239, § 60. Although the 2024 Climate Act establishes a mitigation hierarchy to be applied such that project applicants endeavor to "avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts" (G.L. c. 164, § 69T(c)), there is no requirement for CBPs/CBAs for all infrastructure projects. See, e.g., Moot v. Dep't of Env'tl. Prot., 448 Mass. 340, 353 (2007) (rejecting agency regulation developed in excess of statutory authority).

A CBP or CBA is not appropriate in every instance. The Companies have extensive experience addressing project mitigation throughout decades of Siting Board and DPU proceedings and are committed to mitigating those impacts to the extent practicable, consistent with cost considerations. Many of the Companies' clean energy infrastructure projects are routine with minimal and localized impacts that simply do not warrant a full-scale CBP (or CBA). To require a CBP/CBA would impose additional process, raise community expectations, extend project schedules, and increase project costs beyond what is anticipated by the 2024 Climate Act. Being clear on this point is critically important because the Draft Guidelines will establish expectations by communities and other stakeholders. An expectation that a CBP/CBA is a formal requirement may inevitably lead to frustration and misunderstandings. Accordingly, the Draft Guidelines should be revised to clarify that, while a CBP may be encouraged (and in various cases warranted), it is not an express requirement for all projects.

B. Mitigation Measures and Community Benefits Must Have A Direct Nexus to Project Impacts.

Affordability of electric service is a significant concern for the Companies and Governor

Healey.⁴ The basic regulatory compact between public utilities, such as the Companies, and the communities that they serve, is that the utilities provide a vital public service (e.g., keeping the lights and heat on) in exchange for the right to recover prudently incurred costs required to provide those services (as determined by the Companies' rate regulators such as the DPU and the Federal Energy Regulatory Commission). That is the essential reason why any mitigation offered by the Companies must be reasonable in amount and have a direct nexus to specific project-related impacts. Going beyond this core responsibility is simply not appropriate for regulated utility companies with obligations to keep customer costs as low and reasonable as possible. At most, in situations where it is deemed appropriate, the Siting Board may encourage a project proponent to enter into good-faith negotiations for a CBP or CBA⁵ (with no mandate that a plan or an agreement must be consummated), provided that any such CBP or CBA should be limited to measures to mitigate project-related impacts and enhance project-related energy and environmental benefits. See NSTAR Electric Company d/b/a Eversource Energy, EFSB 14-04A/D.P.U. 14-153A/14-154A at 99 (Condition AA) (2021).⁶

⁴ See, e.g., <https://www.mass.gov/news/governor-healey-calls-for-dpu-to-launch-first-ever-comprehensive-review-to-lower-gas-and-electric-costs>.

⁵ The Companies note the Draft Guidelines do not provide any standards or guidance relating to identifying local entities for negotiating CBPs. Consistent with these comments, there should be no expectation for project proponents to negotiate with local entities for benefits that have no direct nexus to underlying project impacts. In addition, to avoid confusion, in communities where multiple local entities express an interest in a CBP, it is important that those entities are coordinated in conducting any such discussions with an applicant such as the Companies.

⁶ The specific language of Condition AA from the Siting Board's Final Decision in EFSB 14-04A/D.P.U. 14-153A/14-154A was as follows: "In recognition of the environmental justice populations residing in the East Boston community, and the unique legacy of significant environmental impacts associated with existing major infrastructure in this community, the Siting Board directs the Company to enter into good-faith negotiations for a [CBA] prior to the physical construction at the site of the East Eagle Substation, not including site preparation, contracting, and delivery of equipment and materials to the site. The Agreement shall aim to include measures to further mitigate impacts and further increase environmental and energy benefits, as defined in the Commonwealth's Environmental Justice Policy. As part of the Agreement, the Company shall ameliorate negative impacts that are reasonably likely to occur as a result of the construction of the substation. Any expenditures or actions taken under an Agreement negotiated pursuant to this condition must directly benefit the community of East Boston" (emphasis added).

To that end, mitigation measures with a direct nexus to project impacts, such as restoration of project-affected streets and green space, or measures that offset significant visual or noise impacts, such as noise/vibration monitoring, fencing, lighting, and visual screening, are the types of mitigation measures that the Companies believe are appropriate for potential CBPs or CBAs.⁷ The Draft Guidelines, however, include a variety of specific recommendations that are not appropriate for public utilities like the Companies, with potentially broad scope and significant associated cost. For example, the Draft Guidelines recommend “examples of meaningful commitments” such as the creation of a “Community Advisory Committee” (“CAC”) that would be “composed of diverse local residents and organizations to guide benefit development and implementation” with “compensation for members.”⁸ Draft Guidelines at 11, 15. In addition, the Draft Guidelines recommend measures such as funding retrofits of public buildings like public libraries and community centers with solar or battery backup, expanding broadband access, providing Wi-Fi hotspots, adopting programs to “lower energy costs in the host municipality,” as well as supporting workforce development and investing in affordable housing. Draft Guidelines

⁷ The Draft Guidelines attempt to make a distinction between “mitigation” and “benefits” and states that they “are not the same.” Draft Guidelines at 7. In fact, they are closely related and similar in many ways. For example, landscaping and vegetation plans, remediating brownfields, facilitating recreational uses, and many other remedial actions taken regularly by the Companies on their respective projects provide both mitigation and benefits to the communities in which they are located.

⁸ As a practical matter, the concept of a CAC (or some other type of third-party evaluator) has the potential to become unwieldy, unworkable, and costly to the extent that applicants may be required to fund those entities. As with CBPs, while there may be instances in which a CAC proves to be a constructive vehicle for engagement with a community, there should be no expectation of a CAC in every case. Regardless, as the Companies have emphasized throughout the 2024 Climate Act implementation process, the Companies will engage in meaningful outreach and consult with stakeholders having concerns regarding a given project.

at 6, 14-16.⁹ These measures go well beyond a direct nexus to mitigating project-related impacts and would be inappropriate for the Companies to undertake on a project-by-project basis. Similarly, any suggestion that the Companies are prohibited from locating infrastructure in certain areas (e.g., “on or near culturally significant lands”) may, in some instances, be contrary to the Companies’ obligation to provide reliable electric service throughout their service territories, particularly in highly developed urban areas where limited available options exist. See Draft Guidelines at 15.

Further, while recommending a variety of potential commitments that could benefit host communities, the Draft Guidelines do not recognize the fundamental benefits that public utility projects inherently provide to their customers – namely, the provision of safe and reliable electric service. As state courts and the Legislature have repeatedly stated, a reliable energy supply furthers the public good and is essential to the health and welfare of residents and businesses in Massachusetts. See, e.g., Town of Sudbury v. Energy Facilities Siting Bd., 487 Mass. 737, 748 (2021) (“State law makes it clear that the residents of the Commonwealth simply cannot be exposed to foreseeable and avoidable power outages. If government and industry fail to properly plan and act to timely address our energy needs, enormous suffering can result”); see St. 1997, c. 164, § 1(h) (Electric Utility Restructuring Act) (“reliable electric service is of utmost importance to the safety, health, and welfare of the commonwealth's citizens and economy”); St. 1997, c. 164,

⁹ It is important to note that both Eversource and National Grid have various company-wide initiatives that independently work to address various issues suggested in OEJE’s slides. For example, the Electric Power Utility Technology program at Bunker Hill Community College is a collaboration between Eversource and Local 369, Utility Workers Union of America and gives students an opportunity to earn experience and qualifications needed to launch a career in the electric utility industry (<https://www.bhcc.edu/eput/>). National Grid similarly is committed to its Strategic Workforce Development Initiative, which aims to upskill work-ready adults and build the clean energy workforce of tomorrow (<https://www.nationalgridus.com/News/2024/09/National-Grid-Announces-Plans-to-Expand-its-Strategic-Workforce-Development-Initiative/>). These initiatives, among others, should stand alone without requiring the Companies to negotiate project-specific agreements to address the same or similar issues.

§ 1(a) (“electricity service is essential to the health and well-being of all residents of the commonwealth, to public safety, and to orderly and sustainable economic development”).

The Companies’ clean energy infrastructure projects are by their very nature beneficial to the communities they serve for the additional reason that they facilitate the transition to electrification and access to renewable energy resources, which are essential to achieving the overarching emission reduction objectives of the Commonwealth.¹⁰ To deliver these critical public services, the Companies must continually upgrade their transmission and distribution systems, which benefits all their customers in the state. Without significant expansion of existing transmission and distribution infrastructure, the state’s climate goals will not be met. These benefits should not be taken for granted or ignored in determining the overall balance between how communities benefit from electric infrastructure projects and the extent of mitigation that is warranted.

Finally, on a practical note, the Draft Guidelines suggest that applicants and stakeholders should consult “early on” and prepare a draft CBP during the pre-filing consultation and engagement process. Draft Guidelines at 3-4. The Draft Guidelines even go so far as to “strongly encourage” that a “conditional CBA” be “in place before the end of the review process.” Draft Guidelines at 5. As the Companies have stated, they agree that early and ongoing good-faith engagement is critical and should be encouraged. However, preparing detailed CBPs, or even creating expectations regarding executed CBAs, during the pre-filing consultation and engagement

¹⁰ The very purpose of the 2024 Climate Act was to encourage, not discourage, certain types of development, including clean transmission and distribution infrastructure, which is the essential linchpin to the state’s emission reduction goals. It is counter to that purpose to treat clean infrastructure as a disfavored type of development by imposing various additional burdens and hurdles to its development. It bears noting that other types of common projects that inherently serve the public good, such as schools, new roadways, hospitals, and elder care facilities, are not required to enter into broad-based CPBs/CBAs as part of their development.

process is premature because the record in a permitting proceeding regarding a proposed infrastructure project would not be fully developed in advance of the Siting Board's review; thus, key aspects of a project, its design and its potential impacts, along with appropriate mitigation measures, are always subject to further development and refinement.¹¹ Therefore, the Companies emphasize that finalization of any CBP (or CBA), if warranted, should be an output of the permitting process, not a precursor to it. Such commitments or agreements should be negotiated in parallel with, and continuing throughout, the permitting review as the record develops to inform appropriate ways to mitigate impacts of a given project.

IV. CONCLUSION

The Companies appreciate the opportunity to submit these comments on OEJE's proposed Draft Guidelines. The Companies look forward to reviewing the comments of other interested stakeholders and continuing to participate in the remaining phases of OEJE's stakeholder process, including any working group or technical sessions, to formulate a fair and reasonable set of rules, guidelines, and standards to implement the requirements of the 2024 Climate Act.

¹¹ Having a more refined understanding of potential impacts and appropriate mitigation measures helps both the Companies and municipalities and other stakeholders understand the key issues for negotiation of a CBP or CBA, where appropriate.

Respectfully Submitted,

**NSTAR ELECTRIC COMPANY d/b/a
EVERSOURCE ENERGY AND NEW
ENGLAND POWER COMPANY,
MASSACHUSETTS ELECTRIC COMPANY,
AND NANTUCKET ELECTRIC COMPANY
EACH d/b/a NATIONAL GRID**

By their attorneys,

A handwritten signature in black ink, appearing to read "David S. Rosenzweig". The signature is fluid and cursive, with the first name "David" and last name "Rosenzweig" clearly distinguishable.

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