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**DEPARTMENT OF PUBLIC UTILITIES**

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**ANNUAL REPORT**  
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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 into law, which significantly advanced the Commonwealth's commitment to the development of energy efficiency, demand response, and renewable resources. 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 a new division, known as the Division of Federal and Regional 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, and New England.

This report summarizes the responsibilities of the various staff divisions within the Department, provides information regarding the day-to-day functions of the agency, and outlines the major activities and accomplishments during 2010.

## **Division of Regional and Federal Affairs**

### **Overview**

Wholesale electricity and transmission costs constitute roughly 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.’s (“ISO-NE”) planning and operations, and participates in ISO-NE’s stakeholder processes; monitoring and participating in various New England Power Pool (“NEPOOL”) Committees, and participating in the transmission planning process through ISO-NE’s Planning Advisory Committee. These committees held a total of approximately 80 meetings in 2010. DRFA 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 Governors’ Conference (“NEGC PPC”). DRFA monitors and regularly participates 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 2010, 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:

- Over 15 filings with FERC, including filings led by the Department on behalf of NECPUC, and a joint filing with the Department of Energy Resources (“DOER”);
- Filings with the Federal Trade Commission and U.S. Department of Energy (“DOE”); and
- Comments to ISO-NE on its 2010 Regional System Plan.

## **Representative Matters**

The following is a sampling of some of the major issues DRFA was engaged in during 2010 to protect Massachusetts ratepayers:

- **FERC Rulemaking on Transmission Planning and Cost Allocation (FERC Docket No. RM10-23)**
- **Forward Capacity Market Modifications (FERC Docket Nos. ER10-787; EL10-50; EL10-57) (consolidated))**
- **Tennessee Gas Pipeline Company Rate Case (FERC Docket No. RP11-1566)**
- **Proposed Rule on Price-Responsive Demand (FERC Docket No. RM10-17)**
- **Eastern Interconnection States' Planning Council**

## **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>1</sup>; NSTAR Electric Company (“NSTAR Electric”); and Western Massachusetts Electric Company (“WMECo”). The responsibilities of the Electric Power Division (“EPD”) fall into five general categories: (1) energy efficiency; (2) renewable energy resources; (3) “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. In addition to these specific categories, EPD staff work with other DPU 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>2</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>1</sup> MECo and Nantucket Electric frequently make joint filings.

<sup>2</sup> Program Administrators are those entities that administer energy efficiency programs, including the distribution companies and municipal aggregators.

## **Renewable Energy Resources**

### **Introduction**

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

### **Net Metering**

Section 78 of the Green Communities Act requires the Department to adopt rules and regulations necessary to implement the GCA's 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. Since the Department completed the implementation of Section 78 in calendar year 2009, the majority of calendar year 2010 – at least for the purposes of net metering – was spent on public education, implementation support, and the identification of future net metering issues. Further, 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"). The 2010 Act requires 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. The implementation of the changes pursuant to the 2010 Act started immediately following its passage. The Department will continue implementation of the changes to net metering in early 2011.

### **Long-Term Contracts**

Section 83 of the Green Communities Act requires 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. At the end of 2009, the Department finalized long-term contract regulations (220 C.M.R. § 17.00). However, those regulations were subsequently revised in calendar year 2010. Pursuant to the Department's long-term contract regulations, the Department adjudicated a long-term contract for offshore wind power between National Grid and Cape Wind.

### **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.

## **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 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, we approved pilots for Unitil and NSTAR Electric as meeting the requirements of the Green Communities Act. In addition, the Department issued an Order in 2010 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 2010, the Department also convened a Smart Grid Pilot Program Evaluation Working Group to ensure that certain elements of the pilots would be conducted in comparable way across pilots, in order to maximize the value of results from the pilots on a statewide level.

## **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, in order 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>3</sup> and electricity brokers<sup>4</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 2010, the Department approved licenses for nine competitive suppliers and 39 electricity brokers. As of year-end 2010, there were 80 licensed

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3 Competitive suppliers are entities that procure electricity from generation facilities at the wholesale level and sell the electricity to consumers at retail costs.

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

competitive suppliers and 174 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.

### **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.<sup>5</sup>

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 the division within the Department 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 the electric companies to submit periodic reports on issues related to

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<sup>5</sup> The 2010 Massachusetts RPS requirements include: (1) 5.0 percent for Class I RPS, which promotes new renewable energy, and includes a carve out for solar generation; (2) 3.6 percent for Class II RPS, which supports continued operation of older (pre-1998) renewable energy generating facilities, (3) 3.5 percent for waste energy resources; and (4) 1.5 percent for alternative portfolio standards (“APS”), which support other innovative energy technologies.



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 outage that occurs 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 report includes an analysis of each 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 events that may occur during hurricane season. The companies are required to file their ERPs annually, which include actions taken to prepare for an emergency event. The ERPs are established consistent with the Department's Regulations at 220 C.M.R. § 19, *Standards of Performance for Emergency Preparation and Restoration of Service for Electric Distribution and Gas Companies*, and *Emergency Response Plan Guidelines*. The response to the December 2010 snowstorm was the first event investigated by the Department pursuant to the ERPs.

**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 any corrective actions taken. EPD continues to track those corrective actions and related activities.

**Semi-Annual Double Pole Reports** - The reports detail 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 review 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. These outage reports can be accessed by Department staff via a secure internet-based Outage Reporting Protocol ("ORP") system. The ORP information, includes, but is not limited to (1) the location of the outage; (2) the number of customers affected; (3) the number of circuits affected or out-of-service; (4) the likely cause; (5) any bodily injury; and (6) whether a critical facility, such as a hospital, is involved. EPD staff monitors ORP data, and responds to reports of significant and/or frequent interruptions to customers, and when a reliability trend is observed. In addition, the companies file, annually, reports of all customer outages that occurred on their systems 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 the companies' 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.

### **Other Cases**

In 2010, EPD staff also assisted in the base distribution rate case for WMECo.

## **Natural Gas Division**

### **Overview**

The Natural Gas Division (“Gas Division”) provides technical support to the Department in the regulation of the state’s nine 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”), Colonial Gas Company (“Colonial”), and Essex Gas Company (“Essex”), 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 1.51 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’ EE 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 Division must determine whether the plan is adequate to meet projected customer demand under a range of contingencies. During 2010, the Gas Division reviewed two 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 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 2010, the Gas Division reviewed six long-term supply contracts.

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

Large C&I 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 2010, the Gas Division reviewed 31 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 Cost of Gas Adjustment Factor. 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 2010, the Gas Division reviewed 22 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 rates.<sup>6</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 2010, the Gas Division reviewed twelve 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. The companies' plans typically include weatherization service programs (offering energy audits, attic insulation, wall insulation, air sealing, and heating system repairs) and rebates for the installation of clock 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 programs to ensure cost effectiveness. The companies can then recover energy efficiency-related costs via the LDAF. In 2010, the Division reviewed eight energy efficiency plans.

### **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. As the gas industry makes the transition to a competitive supply environment, the Department will continue to require gas companies to provide least cost distribution service, but this requirement will be implemented through performance-based regulation ("PBR"). PBR refers to the use of incentives and price caps as a means of setting utility rates – in contrast to traditional rate-of-return rate making, which is based on a company's cost of service. An important feature

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<sup>6</sup> Base 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.

of PBR is a service quality program, which ensures that companies will not compromise service through insufficient expenditures on customer service activities. In 2010, the Gas Division participated in the Department's review of seven rate case-related filings.

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

In June 2001, the Department issued an Order finalizing service quality standards for all gas and electric 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 the Spring of 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 2010, the 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. However, the price charged by these competitive suppliers for natural gas 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 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 2010, the Department reviewed 39 applications and approved twelve gas suppliers and 27 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. 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. In 2010, the Department reviewed one FERC-related case.

## **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 assists the Department's Consumer Division in addressing gas-related consumer issues.

## **2010 Gas Division Accomplishments**

During 2010, the Gas Division reviewed:

- Two forecast and supply plan filings.
- Six long-term gas supply contracts.
- 31 non-tariff contracts for the sale and transportation of natural gas (firm service, quasi-firm service).
- 22 gas-cost-recovery filings pursuant to the CGAC.
- Twelve cost recovery filings pursuant to the LDAC.
- Eight energy efficiency filings, as well as nine residential energy conservation service program filings.
- Nine service quality reports.
- 37 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.

### **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 2010, the Legal Division participated in the issuance of 245 Orders. A list of the Department's 2010 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 Ruling**

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 in the development of public policy. The Department derives authority to issue a 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.

### **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 2010, the Department issued two emergency regulations: D.P.U. 10-01, Emergency Preparation and Restoration of Service, 220 C.M.R. § 19, issued on April 26, 2010; and D.P.U. 10-58, Long-Term Contracts for Renewable Energy, 220 C.M.R. § 17.00, issued on April 20, 2010.

## **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 21,130 miles of gas mains, eight liquified 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 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 has reason to believe 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 2010, the eight Public Utilities Engineers spent over 944 person days performing inspections. The Pipeline Safety Division issued eleven NOPVs and levied \$104,000 in civil penalties. The Division collected a total of \$129,500 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 2010, the Pipeline Safety Division investigated five possible 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 twenty-four 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 his 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 2010, the Pipeline Safety Division received 1,037 reports of possible Dig Safe violations. After investigating these reports, the Pipeline Safety Division issued 247 NOPVs, and collected \$155,000 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 or 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. The Pipeline Safety Division collected \$2,175,780 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 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 re-qualification 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 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.

### **2010 Pipeline Safety Division Accomplishments**

In Summary the Pipeline Safety Division:

- Conducted gas facility inspections, resulting in the issuance of eleven compliance actions for violations of pipeline safety regulations; collected \$129,500 in civil penalties from operators who violated the pipeline safety regulations.
- Investigated five events related to the possible release of natural gas from jurisdictional pipelines and these events resulted in personal injury, and/or property damage greater than \$50,000, or other significant factors.
- Investigated 1,037 reports of Dig Safe violations; issued 247 Notices of Probable Violation for violations against the Dig-Safe Law; collected \$155,000 in civil penalties from Dig Safe violators.
- Tested approximately 217,578 gas meters, thereby collecting \$2,175,780 in meter testing fees.

## **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, nine 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
- Analyze mergers and acquisitions proposals
- Assist in determining the annual assessment of electric and gas utilities
- Analyze municipal streetlight purchase disputes
- Assist the Electric Power Division in implementing the provisions of the Green Communities Act, 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 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 ("MDEP"). 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 MDEP 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**

The Revenue Decoupling Mechanism, or RDM, 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 in its last base rate case. 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 capped amount of its capital investment incurred since its prior rate case.

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.

### **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 that the Companies are allowed to collect their actual costs (*i.e.*, where dollar-for-dollar recovery is intended). These include the pension and post-retirement benefit adjustment factors and the Residential Assistance Adjustment Factors, or RAAFs, 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.

### **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 have sufficient net plant (*i.e.*, undepreciated assets in rate base) to ensure sound securities.

### **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 2010, 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.

### **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 2010, the Rates Division evaluated and approved twelve 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.

### **2010 Rates Division Major Decisions**

The Rates Division actively participated in the following major filings during calendar year 2010:

- Boston Gas Company, Colonial Gas Company, and Essex Gas Company d/b/a National Grid, D.P.U. 10-55. Distribution Rate Case, Revenue Decoupling Proposal, and TIRF Mechanism. Final Order was issued on November 2, 2010
- The Berkshire Gas Company, D.P.U. 10-83. Merger. The Company petitioned the Department for acquisition by UIL Holdings Corporation. The Department determined that the proposed acquisition did not require Department approval and an Order to that effect was issued on August 31, 2010
- The Berkshire Gas Company, D.P.U. 10-57. Compliance to Performance Based Rates approved in D.P.U. 01-56
- Bay State Gas Company, D.P.U. 10-52. Review of initial Target Infrastructure Reinvestment Factor (TIRF) Filing

- Boston Edison Company, Cambridge Electric Company, and Commonwealth Electric Company d/b/a NSTAR Electric Company, D.P.U. 06-82. Capital Projects Scheduling List (CPSL). Final Order was issued on December 20, 2010
- Boston Gas Company, Colonial Gas Company, and Essex Gas Company d/b/a National Grid, D.P.U. 10-155. The Department conducts an investigation/audit of the allocations and assignments of employee and other costs allocated to National Grid's gas distribution affiliates in Massachusetts
- Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid - Electric, D.P.U. 10-79. Capital Expenditure (Cap-Ex). The Company petitions the Department for approval of their Capital Investment Factor for the year 2009 pending further review and reconciliation, pursuant to D.P.U. 09-39
- Bay State Gas Company d/b/a Columbia Gas of Massachusetts, D.P.U. 10-120. Revenue Decoupling Adjustment Factor. The Company petitions the Department for review and approval of their Decoupling Adjustment Factor for the 2010-2011 Peak Period pending further review and reconciliation
- Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, D.P.U. 10-152. Revenue Decoupling Adjustment Factor. The Company petitions the Department for review and approval of their first Revenue Decoupling Mechanism pending further review and reconciliation
- Whitinsville Water Company, D.P.U. 09-44. Petition by the Company to change its Water base rates. The Department approved an offer of settlement
- Fitchburg Gas and Electric Light Company, D.P.U. 09-31. Petition by the Company to recover costs to implement its Smart Grid Pilot Program
- Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, D.P.U. 09-39-A. Base distribution rate case decided on November 30, 2009; post Order Motions submitted for Reconsideration and Recalculation. Final Order issued April 13, 2010.

## **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
- Enforce decisions of the Siting Board through the issuance of orders and civil penalties.

A list of Siting Board decisions, Department Siting Division orders and Siting Board federal agency filings from 2010 is attached as Appendix 1.

## **Siting Board Responsibilities**

### **Energy Facility Review**

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 1997, the Board's review of power plants generally is limited to potential environmental impacts. The Siting Board's environmental review covers a broad range of issues, including potential impacts of a project on air quality, land use, water resources, noise, and health; impact mitigation; and 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.

Following the approval in 2009 of three petitions for construction of new power plants, and approvals related to two transmission lines serving proposed power generators, the Siting Board's caseload was reduced in 2010 as a result of the 2008 recession.

Among the three petitions for construction of power plants approved in 2009 was Brockton Power, for which siting approval was granted and exemption from local zoning was denied. On April 9, 2010, Brockton Power submitted a project change filing to the Siting Board, seeking approval to: (1) eliminate the use of oil and to rely solely on natural gas for fuel; (2) change the design of the buildings in order to comply with local zoning restrictions; and (3) use water from the Brockton Municipal Water System for cooling, rather than municipal wastewater.

In the fall of 2010, the Siting Board approved the petition of WMECO to construct electric transmission facilities collectively called the Greater Springfield Reliability Project ("GSRP"). The GSRP includes construction of new 345 kilovolt transmission lines from Ludlow Substation to Agawam Substation and from Agawam Substation to a substation in Connecticut, as well as reconstruction of several 115 kV circuits in the same area, and substantial changes to substations along the routes of the 345 kV and 115 kV circuits. The GSRP includes significant construction in rights-of-way and in substations located in Ludlow, Chicopee, Springfield, West Springfield, and Agawam, as well as in Connecticut. The project alignment includes a number of densely populated residential areas in Greater Springfield. At the time the Company filed its petition with the Siting Board, the Company also filed a petition with the Department requesting



an exemption from certain provisions of the zoning bylaws of the various municipalities. As allowed by statute, the Chairman of the Department referred this petition to the Siting Board for review and decision in conjunction with the transmission facility petition.

The Siting Board approved the GSRP, subject to several conditions including those related to mitigating construction impacts, minimizing visual and magnetic field impacts, and monitoring project costs. Siting Board construction impact conditions related to wetlands, schools, residential area noise, traffic, and diesel exhaust. The Siting Board specified a small number of structure relocations and other adjustments, and required WMECO to plan and implement a process to allow abutters input on structure placement, within engineering constraints. The Siting Board also required WMECO to plan and implement a process of offering visual mitigation (e.g., plantings) for the project. Following a suggestion of the Attorney General, an intervenor in the case, the Siting Board introduced a requirement for periodic updates for project construction costs. The Siting Board also granted WMECO exemption from provisions of applicable municipal zoning bylaws.

Three other transmission petitions were pending before the Siting Board at the end of 2010. In 2009, New England Power Company filed a petition to construct 3.5 miles of new, underground 115 kV transmission line within Worcester and to make ancillary changes in substations in Worcester and Millbury, for reliability purposes. During the end of 2009 and continuing into 2010, the Siting Board conducted evidentiary hearings in the matter, reviewed a staff memorandum outlining major issues in the case, and directed staff to prepare a decision approving the project. However, in July 2010, New England Power Company filed a request for a delay in presenting a decision, in order to accommodate plans by CSX to expand its freight capabilities in Worcester. Following receipt of additional testimony from New England Power, the Siting Board held an additional public hearing for the case in December 2010.

On August 31, 2010, New England Power Company and WMECO filed a joint petition to construct electrical transmission facilities in Hampden County, including a new 115 kV transmission line from Palmer Substation to a new West Hampden Substation that would replace an existing 69 kV transmission line in the same area, along with requests for exemption from zoning provisions. Transmission line construction would occur in Palmer, Monson, and Hampden, and there would also be substation work in Palmer and Hampden. A public hearing in the matter was held October 27, 2010, in Hampden and intervenor status has been adjudicated.

On September 20, 2010, NSTAR Electric Company filed a petition to construct 18 miles of new 345 kV transmission line from Carver Substation to Bourne Substation, to construct a new substation in Barnstable, to operate previously constructed conductors from Bourne to Barnstable at 345 kV, to modify the existing 345 kV crossing of the Cape Cod Canal, and to modify existing substations and junctions in Carver, Plymouth, and Bourne. NSTAR also filed a petition for zoning exemptions in Carver, Plymouth, Bourne, and Barnstable. Public hearings have been held in three host communities, with project evaluation and evidentiary hearings scheduled for 2011.

## **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 2010.

## **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-69O. A facility developer may also apply for a certificate if it believes there are inconsistencies among resource use permits issued by state or local agencies.

In 1999, the Siting Board exercised its certificate-issuing authority for the first time. In a 2002 decision, the Supreme Judicial Court upheld a Siting Board certificate overriding local requirements. Again in 2010, the Supreme Judicial Court has upheld such a certificate, in this case the Board’s 2009 approval of a petition from Cape Wind Associates LLC to override a decision of the Cape Cod Commission denying approval of the Company’s transmission line project that would interconnect a proposed off-shore wind farm.

## **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 2010.

## **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 Exemptions**

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 most cases, zoning cases were combined with Siting Board facilities cases, as described above. One case, involving the siting of a water storage tank in Sheffield, started in November 2010.

The Sheffield Water Company is requesting zoning relief in order to construct a water tank. Hearings and discovery are scheduled for 2011.

### **Transmission Line Approval**

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.

On March 19, 2010, the Department approved under G.L. c. 164, § 72 authority WMECO’s petition to reconstruct two parallel 2.5-mile 115 kV transmission lines from Agawam Substation to West Springfield; the case also included requisite zoning exemptions.

On March 26, 2010, the Department approved under G.L. c. 164, § 72 and exempted from local zoning a 7.2-mile 115 kV transmission line in Groveland, West Newbury, Merrimac, and Amesbury in existing rights-of-way.

Also in 2010, the Department began its review of a petition by National Grid to construct a transmission line in Easton and Mansfield intended to provide the municipal power plant in Mansfield with a second source of 115 kV power.

### **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. In 2010, the Department reviewed ten eminent domain petitions associated with a CSX freight yard in Worcester.

The Siting Division also administers the Department’s authority to grant electric, natural gas, and water companies’ permission to enter private lands for the purpose of making a survey prior to eminent domain proceedings. No survey cases were filed in 2010.

### **Siting Board Regulations**

On January 14, 2010, the Siting Board adopted final regulations at 980 C.M.R. § 1.00, “Rules for the Conduct of Adjudicatory Proceedings” and at 980 C.M.R. § 2.00, “General Information; Conduct of Board Business.” Existing procedural regulations were revised to conform with statutory changes dating to 1975, the 1990s, and 2007. This set of proceedings began in 2008. Also in 2010, the Siting Board initiated a rulemaking to develop a size threshold below which natural gas storage facilities would be exempt from regulation as a

“facility” under the Siting statute, in accordance with statutory provisions authorizing the Board to set such a threshold by regulation. Specifically, the proposed new rule exempts from the Siting Board’s definition of a “facility” requiring G.L. c. 164, §§ 69G-S review of: (1) gas storage facilities of less than 25,000 gallons capacity; (2) gas manufacturing facilities of less than 2000 MMBtu/day capacity; (3) research facilities; (4) landfills; and (5) wastewater facilities. 980 C.M.R. § 1.01(4).

## **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 2010, the Transportation Oversight Division generated approximately \$526,000 thousand dollars in revenues that 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 both School Bus Driver Certificates and Motor Bus Driver Certificates. During 2010, the Transportation Oversight Division issued over 2200 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 and other commercial driver training and qualification requirements.

### **School Bus Driver Certificates and Motor Bus Driver Certificates issued in 2010**

|   |        |
|---|--------|
| School Bus Driver Certificates:<br>(New and Renewals) | 10,558 |
| Motor Bus Driver Certificates:                        | 917    |
| <hr/>   |        |
| Total Certificates Issued:                            | 11,475 |

### **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 a RMV official conducts a safety inspection of the school bus.

During calendar year 2010, one statewide compliance review was performed in October:

| <u>Companies Reviewed</u> | <u>Drivers Reviewed</u> | <u>Total Violations Identified</u> |
|---------------------------|-------------------------|------------------------------------|
| 68                        | 468                     | 74                                 |

### **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 2,961 safety inspections during 2010.

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 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 2010, the Division participated in 127 internal transit safety and 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, Division staff reviews and participates in internal safety and security audits to further enhance compliance and safety and 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 calendar year 2011, the Department will conduct the next scheduled 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 2010**

|   |       |
|---|-------|
| Transit bus, motor coach and sightseeing vehicles                             | 2,961 |
| Highway/railroad grade crossing signal systems<br>(New installation/upgrades) | 19    |
| Transit audits  | 127   |
| New Entrant Safety Audit  | 26    |
| <hr/>   |       |
| Total Safety Inspections:   | 3,133 |

### **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 2010, the Transportation Oversight Division conducted 89 licensing hearings.

### **Licensing Hearings in 2010**

|                  |    |
|------------------|----|
| Bus Companies    | 32 |
| Tow Companies    | 30 |
| Household Movers | 27 |
| Hazardous Waste  | 0  |
| <hr/>            |    |
| Total:           | 89 |

In addition, 67 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 2010, the Transportation Oversight Division issued 4,916 decals and permits, collecting over \$213,970 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 124 consumer complaints in 2010.

### **Consumer Complaints (Tow Companies and Moving Companies) 2010**

|   |              |
|---|--------------|
| Complaints regarding tow companies:         | 103          |
| Number of complaints resulting in a refund: | 28 (27.2%)   |
| Total dollars refunded:                     | \$ 8,145.34  |
| Average refund                              | \$ 290.91    |
|   |              |
| Complaints regarding moving companies:      | 21           |
| Number of complaints resulting in a refund: | 8 (38.1%)    |
| Total dollars refunded:                     | \$ 2,036.33  |
| Average refund                              | \$ 254.54    |
| <hr/>                                       |              |
| Total Refunds to Consumers                  | \$ 10,181.67 |

### **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 2010, 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 review’s 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 – 2010 Siting Board Decisions, Department Orders and Siting Board**

### **Federal Agency Filings**

#### **Energy Facilities Siting Board**

|                         |  |
|-------------------------|--|
| EFSB-08-RM-1            | Proposed rulemaking to amend Regulations 980 C.M.R. 1.00 and 980 C.M.R. 2.00<br>Decision issued January 14, 2010   |
| EFSB 09-RM-1            | Rulemaking adopting final regulation at 980 C.M.R. 1.01(4)(e) excluding certain “facilities” from EFSB jurisdiction<br>Decision to open rulemaking process issued May 17, 2010   |
| EFSB 08-2/08-105/08-106 | Western Massachusetts Electric Company (WMECO)<br>Petition to construct and operate new overhead 345 kV transmission facilities, rebuild existing 115 kV overhead transmission lines and construct various other ancillary facilities in Agawam, Chicopee, Ludlow, Springfield, and West Springfield<br>Decision issued September 28, 2010 |

#### **Department of Public Utilities**

|                 |   |
|-----------------|---|
| DPU 09-24/25    | Western Massachusetts Electric Company (WMECO)<br>Petitions for exemptions from zoning ordinances of towns of Agawam and West Springfield, and approval to alter an existing transmission line, pursuant to G.L. c.40A, §3 and c.164, §72 in the towns of Agawam and West Springfield<br>Decision issued March 19, 2010   |
| DPU 09-27/09-28 | New England Power Company (NGRID)<br>Petitions for exemptions from zoning ordinances of towns of Groveland, West Newbury, Merrimac, and Amesbury; and determination of necessity to construct a 115 kV overhead transmission line, pursuant to G.L. c. 40A, § 3 and c.164, § 72 in the towns of Groveland, West Newbury, Merrimac, and Amesbury<br>Decision issued March 26, 2010 |
| DTE/DPU 06-60-C | Russell Biomass LLC<br>Petition for an exemption of a 50 MW biomass generating facility from the Town of Russell Zoning By-Laws<br>Decision denying extension of appeal period issued May 26, 2010  |

DPU 10-105,  
DPU 10-127,  
DPU 10-128,  
DPU 10-129,  
DPU 10-130

CSX Transportation, Inc.  
Petitions to acquire property by eminent authority  
Withdrawn

## Appendix 2 – Department Orders Issued in 2010

| Docket Number | Caption   | Date Issued | Order Type       |
|---------------|---|-------------|------------------|
| RA-020        | Absolute Energy Services - Gas Retail Agent License   | 1/5/2010    | STAMP APPROVAL   |
| GS-026        | Northeast Energy Partners LLC - Gas Supplier License  | 1/5/2010    | STAMP APPROVAL   |
| RA-037        | Blue Rock Energy Services Inc.- Gas Retail Agent License  | 1/5/2010    | STAMP APPROVAL   |
| RA-011        | Titan Energy New England - Gas Retail Agent License   | 1/5/2010    | STAMP APPROVAL   |
| RA-037        | World Energy Solutions, Inc. - Gas Retail Agent License   | 1/5/2010    | STAMP APPROVAL   |
| RA-09-10      | Goldstar Energy Group Inc. - Gas Retail Agent License   | 1/5/2010    | STAMP APPROVAL   |
| RA-019        | Premier Energy Group LLC - Gas Retail Agent License   | 1/5/2010    | STAMP APPROVAL   |
| 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.  | 1/8/2010    | STAMP APPROVAL   |
| 09-115        | Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of changes to (1) Transition Charge reconciliation, (2) Transmission Cost reconciliation, (3) Default Service Cost Adjustment and Uncollectible/Bad Debt reconciliation, (4) Default Service Cost Adjustment True-up reconciliation and (5) Capital Projects Scheduling List cost adjustment.  | 1/12/2010   | STAMP APPROVAL   |
| 08-110        | Petition and Complaint of Attorney General of the Commonwealth for an Audit of New England Gas Company, D.P.U. 08-110 – Department Selection of Auditor   | 1/13/2010   | LETTER ORDER     |
| 08-18         | Investigation by the Department into Fitchburg Gas and Electric Light Company's 2007 Service Quality Report, filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84, Att. 1, IX (June 29, 2001).  | 1/13/2010   | LETTER ORDER     |
| 08-20         | Investigation by the Department into NSTAR Electric Company's 2007 Service Quality Report, filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84, Att. 1, IX (June 29, 2001).  | 1/13/2010   | LETTER ORDER     |
| 08-23         | Investigation by the Department into Western Massachusetts Electric Company's 2007 Service Quality Report, filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 99-84, Att. 1, IX (June 29, 2001).  | 1/13/2010   | LETTER ORDER     |
| 09-10-E       | Petition of the Marblehead Municipal Light Commission for authorization and approval of an increase in the rate of depreciation, from the statutory rate of three percent to five percent for the year 2009.  | 1/14/2010   | LETTER ORDER     |
| EB-137        | Atlantic Group Energy Electricity - Broker Application  | 1/14/2010   | LETTER ORDER     |
| 05-89-A       | Petition of Cambridge Electric Light Company and Commonwealth Electric Company d/b/a NSTAR Electric Company for approval of their 2005 Transition Cost Reconciliation Filing pursuant to G.L. c. 164, § 1A(a) and 220 C.M.R. § 11.03(4).  | 1/21/2010   | ORDER            |
| 09-50         | Petition of Western Massachusetts Electric Company for authorization and approval to: (1) issue long-term debt securities in an amount not to exceed \$150,000,000 pursuant to G.L. c. 164, § 14; (2) lend surplus funds to all companies affiliated with the Northeast Utilities system pursuant to G. L. c. 164, §17A; (3) obtain a waiver from the advertising requirements of G.L. c. 164, §15, and; (4) obtain an exemption from the par value requirements of G.L. c. 164, § 15A. | 1/22/2010   | ORDER            |
| 09-142        | Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.P.U. No. 11, filed by Sheffield Water Company on December 23, 2009, and suspended for further investigation.  | 1/25/2010   | SUSPENSION ORDER |
| 10-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. 185 effective March 1, 2010.   | 1/25/2010   | STAMP APPROVAL   |

| <b>Docket Number</b>  | <b>Caption</b>   | <b>Date Issued</b> | <b>Order Type</b> |
|-----------------------|--|--------------------|-------------------|
| 09-GC-24              | National Grid and Beverly Hospital - Gas Contract  | 1/26/2010          | LETTER ORDER      |
| 09-GC-25              | National Grid and Harrington Memorial Hospital - Gas Contract  | 1/26/2010          | LETTER ORDER      |
| 09-116 through 09-120 | Electric Companies Three Year Energy Efficiency Plans  | 1/28/2010          | ORDER             |
| 09-121 through 09-128 | Gas Companies Three Year Energy Efficiency Plans   | 1/28/2010          | ORDER             |
| 09-GAF-P2             | The Berkshire Gas Company - Revised GAF  | 1/29/2010          | LETTER ORDER      |
| 09-GAF-P4             | Fitchburg Gas & Electric Light Company - Revised GAF   | 1/29/2010          | LETTER ORDER      |
| 09-GAF-P5             | National Grid - National Grid - Revised GAF  | 1/29/2010          | LETTER ORDER      |
| 09-GAF-P6             | New England Gas Company - Revised GAF  | 1/29/2010          | LETTER ORDER      |
| 09-132                | NSTAR Electric Company - RAAF Tariff   | 1/29/2010          | STAMP APPROVAL    |
| 10-01                 | Investigation by the Department of Public Utilities on its own Motion commencing a rulemaking pursuant to 220 C.M.R. § 2.00 et seq. establishing 220 C.M.R. § 19.00.   | 2/2/2010           | RULE MAKING       |
| 09-01-B               | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of the Massachusetts Electric Distribution Companies to the December 12, 2008 Winter Storm.  | 2/2/2010           | LETTER ORDER      |
| 09-01-C               | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of the Massachusetts Electric Distribution Companies to the December 12, 2008 Winter Storm.  | 2/2/2010           | LETTER ORDER      |
| 09-01-D               | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of the Massachusetts Electric Distribution Companies to the December 12, 2008 Winter Storm.  | 2/2/2010           | LETTER ORDER      |
| 10-GC-1               | National Grid and Boston University - Gas Contract   | 2/3/2010           | LETTER ORDER      |
| 09-30-A               | Petition of Bay State Gas Company, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Gas Distribution Rates Proposed in Tariffs M.D.P.U. Nos. 70 through 105, and for Approval of a Revenue Decoupling Mechanism. | 2/4/2010           | ORDER             |
| GS-017                | BP Energy Company - Gas Supplier License   | 2/4/2010           | STAMP APPROVAL    |
| GS-008                | Sprague Energy Corp. - Gas Supplier License  | 2/4/2010           | STAMP APPROVAL    |
| 09-46                 | Investigation by the Department of Public Utilities on its own Motion into Terms and Conditions for Competitive Electric Suppliers Consistent with An Act Relative to Green Communities.   | 2/8/2010           | STAMP APPROVAL    |
| 10-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, 2010 through June 30, 2010.  | 2/11/2010          | STAMP APPROVAL    |
| 08-23                 | Western Massachusetts Electric Company - Service Quality Plan 2007 Annual Report   | 2/12/2010          | STAMP APPROVAL    |
| 10-02                 | Investigation by the Department of Public Utilities on its own Motion to Establish Guidelines for Electric Companies' Emergency Response Plans.  | 2/16/2010          | ORDER             |
| RA-10-01              | Great Eastern Energy - Gas Retail Agent License  | 2/17/2010          | STAMP APPROVAL    |
| 10-BSF-B1             | Petition of Western Massachusetts Electric Company for approval of its basic/default service pricing and procurement pursuant to G.L. c. 164, § 1B(d).   | 2/22/2010          | STAMP APPROVAL    |
| 09-GAF-P3             | Petition of Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2009 Peak Cost of Gas Adjustment Clause filing.  | 2/26/2010          | LETTER ORDER      |
| 08-108                | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company each d/b/a National Grid to the Department of Public Utilities for review and approval of its Long-Range Resource and Requirements Plan for the forecast period 2008/09 to 2012/13.    | 2/26/2010          | ORDER             |
| 09-44                 | Petition of Whitinsville Water Company to the Department of Public Utilities for a general rate increase as set forth in M.D.P.U. Nos. 20 and 21.  | 2/26/2010          | ORDER             |
| 10-05                 | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, for approval of its annual residential assistance adjustment factor reconciliation filing for effect on and after March 1, 2010.                                    | 2/26/2010          | ORDER             |

| Docket Number      | Caption  | Date Issued | Order Type       |
|--------------------|--|-------------|------------------|
| 10-05              | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, for approval of its annual residential assistance adjustment factor reconciliation filing for effect on and after March 1, 2010.  | 2/26/2010   | SUSPENSION ORDER |
| 10-03              | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval of its annual retail rate reconciliation and adjustment filing.   | 2/26/2010   | ORDER            |
| 10-GC-3            | National Grid and Aggregate Industries – Northeast Region, Inc. - Gas Contract   | 3/1/2010    | LETTER ORDER     |
| 10-GC-2            | Bay State Gas and Middleborough Gas & Electric Dept. - Gas Contract  | 3/1/2010    | LETTER ORDER     |
| RA-10-02           | Acclaim Energy Ltd. - Gas Retail Agent License   | 3/1/2010    | STAMP APPROVAL   |
| 09-GAF-P5          | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid for approval by the Department of Public Utilities of their 2009 Peak Cost of Gas Adjustment Factors and Local Distribution Adjustment Factors.                        | 3/2/2010    | ORDER            |
| GS-037             | Distrigas of Massachusetts, LLC. - Gas Supplier License  | 3/4/2010    | STAMP APPROVAL   |
| RA-10-03           | Evolving Energy Systems, LLC. - Retail agent License   | 3/4/2010    | STAMP APPROVAL   |
| 08-79              | Petition of Bay State Gas Company to the Department of Public Utilities pursuant to G.L. c. 164, § 69I, for Review and Approval of its Load Forecast and Supply Plan for the five year period November 1, 2008, through October 31, 2013.                                    | 3/4/2010    | ORDER            |
| 09-01-A            | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Fitchburg Gas and Electric Light Company d/b/a Unitil to the December 12, 2008 Winter Storm (Management Audit), D.P.U. 09 01 A (Phase II)                         | 3/4/2010    | LETTER ORDER     |
| 08-131             | Petition of Milford Water Company of Massachusetts for an accounting ruling and a deferral of expenditures incurred in connection with an abandoned well project in Upton, Massachusetts.  | 3/4/2010    | ORDER            |
| 09-62              | Petition of New England Gas Company - Fall River Service Area, for approval of its Year 5 Final Energy Efficiency Program for the period May 1, 2008 through April 30, 2009.   | 3/5/2010    | STAMP APPROVAL   |
| 09-TD-1            | Appeal of Filipp Banar from a decision of the Director of the Department of Public Utilities' Transportation Oversight Division denying his application for a school bus driver certificate.   | 3/16/2010   | ORDER            |
| 10-10              | Investigation by the Department of Public Utilities into the buy-out of a special contract between Bay State Gas Company and MASSPOWER.  | 3/16/2010   | ORDER            |
| 09-58              | Petition of NSTAR Gas Company for approval by the Department of Public Utilities of its Energy Efficiency Annual Report for the Program Year ending April 30, 2009.  | 3/18/2010   | ORDER            |
| 09-24/09-25        | Petition of Western Massachusetts Electric Company pursuant to G.L. c. 164, § 72 for approval to alter and operate as altered existing transmission lines and petition pursuant to G.L. c. 40A, § 3 for exemption from the zoning ordinances of Agawam and West Springfield. | 3/19/2010   | ORDER            |
| 09-01-A (Phase II) | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Fitchburg Gas and Electric Light Company d/b/a Unitil to the December 12, 2008 Winter Storm (Management Audit), D.P.U. 09 01 A (Phase II)                         | 3/23/2010   | STAMP APPROVAL   |
| EB 09-28           | Beacon Energy Solutions - Electric Broker License  | 3/24/2010   | STAMP APPROVAL   |
| EB 10-01           | PAETEC Energy - Electric Broker License  | 3/24/2010   | STAMP APPROVAL   |
| EB 09-29           | PES Brokers, Inc., Electric Broker License   | 3/24/2010   | STAMP APPROVAL   |
| EB 09-27           | Reflective Energy Solutions - Electric Broker License  | 3/24/2010   | STAMP APPROVAL   |
| EB 09-30           | Unified Energy Services - Electric Broker License  | 3/24/2010   | STAMP APPROVAL   |
| 08-44              | Petition of Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, pursuant to G.L. c. 25, § 19 and G.L. c. 25A § 11G, for approval by the Department of Public Utilities of its 2007 Energy Efficiency Annual Report.                          | 3/24/2010   | ORDER            |
| 09-33              | Petition of NSTAR Electric Company for approval pursuant to St. 2008, c. 169, § 85 of a Smart Grid Pilot Program.  | 3/24/2010   | ORDER            |
| RA-010             | James Devaney Fuel Company, Inc., - Retail Agent License   | 3/25/2010   | STAMP APPROVAL   |

| <b>Docket Number</b> | <b>Caption</b>  | <b>Date Issued</b> | <b>Order Type</b> |
|----------------------|---|--------------------|-------------------|
| RA-014               | UMG Inc., - Retail Agent License  | 3/25/2010          | STAMP APPROVAL    |
| RA-027               | Patriot Energy Group Inc., - Retail Agent License   | 3/25/2010          | STAMP APPROVAL    |
| RA-10-02             | Acclaim Energy LTD - Retail Agent License   | 3/25/2010          | STAMP APPROVAL    |
| RA-028               | Secure Energy Solutions LLC - Retail Agent License  | 3/25/2010          | STAMP APPROVAL    |
| GS-10-01             | Glacial Natural Gas Inc., - Gas Supplier License  | 3/25/2010          | STAMP APPROVAL    |
| 10-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 pursuant to G.L. c. 164, §1B(d).  | 3/25/2010          | STAMP APPROVAL    |
| 10-12                | Petition of NSTAR Electric Company requesting approval of its NSTAR Green Rate Adjustment/Reconciliation Filing for effect on and after April 1, 2010.  | 3/26/2010          | SUSPENSION ORDER  |
| 09-27/09-28          | Petition of New England Power Company d/b/a National Grid pursuant to G.L. c. 164, § 72, for approval to construct and operate a 115 kV transmission line in the Towns of Groveland, West Newbury, Merrimac and Amesbury and Petition pursuant to G.L. c. 40A, § 3 for exemption from the Zoning By-Laws of Groveland, West Newbury, Merrimac and Amesbury to construct a 115 kV transmission line project. | 3/26/2010          | ORDER             |
| 08-8-B               | Petition of Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, pursuant to G.L. c. 25, § 19 and G.L. c. 25A, § 11G, for approval by the Department of Public Utilities of its 2008 Energy Efficiency Plan.   | 3/31/2010          | ORDER             |
| 08-10-B              | Petition of NSTAR Electric Company pursuant to G.L. c. 25, § 19 and G.L. c. 25A, § 11G, for approval by the Department of Public Utilities of its 2008 Energy Efficiency Plan.  | 3/31/2010          | ORDER             |
| 08-37                | Petition of Fitchburg Gas and Electric Light Company, d/b/a Unitil, pursuant to G.L. c. 25, § 19 and G.L. c. 25A § 11G, for approval by the Department of Public Utilities of its 2007 Electric Energy Efficiency Annual Report.  | 3/31/2010          | ORDER             |
| 09-GAF-P1            | Petition of Bay State Gas Company for review and approval by the Department of Public Utilities of the Company's 2009 Peak Cost of Gas Adjustment Clause filing.  | 3/31/2010          | LETTER ORDER      |
| 09-GAF-P4            | Petition of Fitchburg Gas and Electric Light Company for review and approval of the Company's 2009 Peak Cost of Gas Adjustment Clause filing.   | 3/31/2010          | LETTER ORDER      |
| 09-141               | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid, for approval pursuant to G.L. c. 164, § 94A of an extension of a natural gas co management services agreement with ConocoPhillips Company.   | 4/6/2010           | ORDER             |
| 08-46                | Petition of NSTAR Electric Company, pursuant to G.L. c. 25, § 19 and G.L. c. 25A § 11G, for approval of its 2007 Energy Efficiency Annual Report.   | 4/9/2010           | ORDER             |
| 08-74-A              | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval of its annual retail rate reconciliation and adjustment filing and distribution rate index filing in compliance with Massachusetts Electric Company/Eastern Edison Company, D.T.E. 99-47 (2000).   | 4/12/2010          | ORDER             |
| 08-114-A             | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of its 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.  | 4/12/2010          | ORDER             |
| 09-31                | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of a smart grid pilot program.   | 4/12/2010          | ORDER             |
| 08-109-A             | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, d/b/a National Grid for approval by the Department of Public Utilities of its 2009 Energy Efficiency Plan and Offer of Settlement.   | 4/12/2010          | ORDER             |
| 08-89                | Petition of Western Massachusetts Electric Company for approval of its 2008 rate reconciliation and adjustment filings pursuant to the Electric Industry Restructuring Act, St. 1997, c. 164.   | 4/12/2010          | ORDER             |
| 09-39-A              | Petition of Massachusetts Electric Company and Nantucket Electric Company, pursuant to G. L. c. 164, § 94, and 220 C.M.R. § 5.00 et seq., for a General Increase in Electric Rates and Approval of a Revenue Decoupling Mechanism.  | 4/13/2010          | ORDER             |

| Docket Number | Caption  | Date Issued | Order Type     |
|---------------|--|-------------|----------------|
| 07-111        | Petition of Western Massachusetts Electric Company, pursuant to G.L. c. 25, § 19 and G.L. c. 25A § 11G, for approval by the Department of Public Utilities of its 2006 Energy Efficiency Annual Report.  | 4/14/2010   | ORDER          |
| 10-01-A       | Investigation by the Department of Public Utilities on its own Motion commencing a rulemaking pursuant to 220 C.M.R. § 2.00 et seq. establishing 220 C.M.R. § 19.00.   | 4/16/2010   | RULE MAKING    |
| 10-GC-05      | National Grid - Gas Contract   | 4/20/2010   | LETTER ORDER   |
| 09-70         | Petition of the Town of Milford, Massachusetts, to the Department of Public Utilities, pursuant to G.L. c. 164, § 93 and G.L. c. 165, § 2, requesting a review of the quality of the service provided by Milford Water Company of Massachusetts related to contamination of the water supply during August 2009.   | 4/20/2010   | ORDER          |
| 09-129        | Petition of Southern Union Company for authorization and approval: (1) pursuant to G.L. c. 164, § 17A to invest up to \$500 million in the Company's wholly-owned subsidiary CCE Holdings, LLC; (2) pursuant to G.L. c. 164, § 14 to issue up to \$500 million of long-term debt and/or preferred or equity securities; (3) to obtain an exemption from the advertising requirements of G.L. c. 164, § 15; and (4) to obtain an exemption from the par value requirements of G.L. c. 164, § 15A. | 4/20/2010   | ORDER          |
| 10-02-A       | Investigation by the Department of Public Utilities on its own Motion to establish Guidelines for Electric Companies' Emergency Response Plans.  | 4/20/2010   | ORDER          |
| 10-40         | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid for approval by the Department of Public Utilities of their 2009 Peak Cost of Gas Adjustment Factors and Local Distribution Adjustment Factors.  | 4/23/2010   | ORDER          |
| 10-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. 185 effective June 1, 2010.   | 4/26/2010   | STAMP APPROVAL |
| 10-09         | Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for approval by the Department of Public Utilities of its revised Energy Efficiency Surcharge tariff and factors.   | 4/28/2010   | ORDER          |
| 09-39-B       | Petition of Massachusetts Electric Company and Nantucket Electric Company, pursuant to G. L. c. 164, § 94, and 220 C.M.R. § 5.00 et seq., for a General Increase in Electric Rates and Approval of a Revenue Decoupling Mechanism.   | 5/4/2010    | ORDER          |
| RA 10-04      | Amerex Brokers LLC - Gas Retail Agent License  | 5/6/2010    | STAMP APPROVAL |
| RA-033        | Quest Energy Solutions - Gas Retail Agent License  | 5/6/2010    | STAMP APPROVAL |
| RA-040        | The Legacy Energy Group LLC - Gas Retail Agent License   | 5/6/2010    | STAMP APPROVAL |
| EB 10-02      | Northgate Technologies, Inc. - Electric Broker License   | 5/6/2010    | STAMP APPROVAL |
| EB 10-03      | Acclaim Energy Ltd. - Electric Broker License  | 5/6/2010    | STAMP APPROVAL |
| 10-04         | Petition of the Braintree Electric Light Department for authorization and approval of an increase in their rate of depreciation, from the statutory rate of three percent to five percent for the year 2010.   | 5/7/2010    | ORDER          |
| 10-04A        | Petition of the Chicopee Electric Light for authorization and approval of an increase in their rate of depreciation, from the statutory rate of three percent to five percent for the year 2009.   | 5/7/2010    | ORDER          |
| 10-53         | Investigation by the Department of Public Utilities regarding Purchase of Receivables pursuant to G.L. c. 164, § 1D and G.L. c. 164, § 76.   | 5/10/2010   | ORDER          |
| 09-64         | Petition of NSTAR Electric Company, pursuant to G.L. c. 25, § 19 and G.L. c 25A, § 11G, for approval of its 2008 Energy Efficiency Annual Report.  | 5/13/2010   | ORDER          |
| 09-75         | Petition of Fitchburg Gas and Electric Light Company, d/b/a Unitil, pursuant to G.L. c. 25, § 19 and G.L. c 25A, § 11G, for approval by the Department of Public Utilities of its 2008 Electric Energy Efficiency Annual Report.   | 5/13/2010   | ORDER          |



| Docket Number | Caption   | Date Issued | Order Type     |
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| 10-11         | 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 27 of the Acts of 2009. | 5/14/2010   | ORDER          |
| 10-BSF-B2     | Application of Western Massachusetts Electric Company for Approval of Basic Service Tariff and Basic Service Solicitation Results for the Provision of Basic Service.   | 5/20/2010   | STAMP APPROVAL |
| RA-032        | LPB Energy Management - Gas Retail Agent License  | 5/20/2010   | STAMP APPROVAL |
| 10-08         | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities of its revised Energy Efficiency Surcharge tariff and factors.   | 5/21/2010   | ORDER          |
| EB 09-25      | Northeast Energy Solutions - Electric Broker License  | 5/24/2010   | STAMP APPROVAL |
| EB 10-06      | Duxbury Energy LLC - Electric Broker License  | 5/24/2010   | STAMP APPROVAL |
| 10-GC-06      | National Grid & Bunker Hill Community College - Gas Contract  | 5/24/2010   | LETTER ORDER   |
| 10-GC-07      | National Grid & MATEP LLC - Gas Contract  | 5/24/2010   | LETTER ORDER   |
| 10-GC-08      | National Grid & Global Companies LLC - Gas Contract   | 5/24/2010   | LETTER ORDER   |
| 10-GC-09      | National Grid & McLean Hospital - Gas Contract  | 5/24/2010   | LETTER ORDER   |
| 08-79-A       | Petition of Bay State Gas Company to the Department of Public Utilities pursuant to G.L. c. 164, § 69I, for Review and Approval of its Load Forecast and Supply Plan for the five year period November 1, 2008, through October 31, 2013.   | 5/25/2010   | ORDER          |
| 09-63         | Petition of Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid, pursuant to G.L. c. 25, § 19 and G.L. c. 25A, § 11G, for approval by the Department of Public Utilities of its 2008 Energy Efficiency Annual Report.  | 5/26/2010   | ORDER          |
| 07-104        | Petition of KeySpan Energy Delivery New England to the Department of Public Utilities for review and approval of a Settlement Agreement for a five-year Demand-Side Management/Market Transformation Plan for the period January 1, 2008 through December 31, 2012.   | 5/26/2010   | STAMP APPROVAL |
| 06-60-C       | Petition of Russell Biomass LLC pursuant to G.L. c. 40A, § 3 for exemption from the zoning by-laws of the Town of Russell to construct and operate a 50 MW wood-burning electric generating facility.   | 5/26/2010   | ORDER          |
| 10-55         | Petition of Boston Gas Company, Essex Gas Company and Colonial Gas Company, each d/b/a National Grid, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Gas Distribution Rates, a Targeted Infrastructure Recovery Factor, and a Revenue Decoupling Mechanism.   | 5/27/2010   | ORDER          |
| 06-82-A       | Petition of Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company requesting approval of their 2006 distribution rate adjustments under the "Simplified Incentive Plan" and "Capital Projects Scheduling List" program and their 2006 calculation of the "Inter-rate Stabilization Adjustment" in accordance with a settlement approved in D.T.E. 05-85.   | 5/28/2010   | ORDER          |
| 07-4-B        | Petition of NSTAR Electric Company Requesting Approval of a Revised Basic/Default Service Costs Adder and Base Rate Credit.   | 5/28/2010   | ORDER          |
| 07-30         | Investigation by the Department of Public Utilities on the Petition of the Attorney General of the Commonwealth of Massachusetts into the National Grid plc and KeySpan Corporation merger, pursuant to G.L. c. 164, §§ 76, 76A.  | 6/9/2010    | ORDER          |
| 09-59         | Review by the Department of Public Utilities of The Berkshire Gas Company's 2008 Energy Efficiency Annual Report.   | 6/18/2010   | ORDER          |
| 10-07         | Petition of Western Massachusetts Electric Company for Approval by the Department of Public Utilities of Its Revised Energy Efficiency Surcharge Tariff and Factors.  | 6/24/2010   | ORDER          |
| 10-06         | Petition of NSTAR Electric Company for approval by the Department of Public Utilities of its revised Energy Efficiency Surcharge tariffs and factors.   | 6/24/2010   | ORDER          |

| Docket Number      | Caption   | Date Issued | Order Type     |
|--------------------|---|-------------|----------------|
| 09-121-A           | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three Year Energy Efficiency Plan for 2010 through 2012.   | 6/24/2010   | ORDER          |
| 09-132             | Petition of Boston Edison Company, Cambridge Electric Light Company and Commonwealth Electric Company d/b/a NSTAR Electric Company for approval by the Department of Public Utilities of its annual residential assistance adjustment factor reconciliation filing for effect on and after January 1, 2010. | 6/28/2010   | ORDER          |
| 10-67              | Investigation by the Department on its own motion regarding a proposed amendment by Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid to its Terms and Conditions for Distribution Service set forth in tariff M.D.P.U. No. 1192.   | 6/29/2010   | ORDER          |
| 10-52              | Petition of Bay State Gas Company for approval by the Department of Public Utilities of its proposed Calendar Year 2009 Targeted Infrastructure Reinvestment Factor for effect November 1, 2010.  | 6/30/2010   | ORDER          |
| 09-85              | Petition of Colonial Gas Company d/b/a National Grid for approval to recover exogenous costs associated with its demand-side management programs for the period May 2008 through April 2009.  | 7/1/2010    | ORDER          |
| 10-57              | Petition of The Berkshire Gas Company to the Department of Public Utilities for approval of its seventh annual Price Cap Mechanism Plan rate adjustment filed pursuant to D.T.E. 01-56.   | 7/13/2010   | ORDER          |
| 09-08              | Petition of Western Massachusetts Electric Company, pursuant to G.L. c. 25, § 19 and G.L. c 25A, § 11G, for approval of its 2007 Energy Efficiency Annual Report.   | 7/22/2010   | ORDER          |
| 10-58-A            | Investigation by the Department of Public Utilities on its own Motion commencing a rulemaking pursuant to G.L. c. 30A, § 2 and 220 C.M.R. §§ 2.00 et seq. revising 220 C.M.R. §§ 17.00 et seq.  | 8/20/2010   | RULE MAKING    |
| 10-83              | Joint Petition of UIL Holdings Corporation and Iberdrola USA, Inc. for Approval of the Acquisition of the Shares of Beneficial Interest of Berkshire Energy Resources, pursuant to G.L. 164, § 96.  | 8/31/2010   | ORDER          |
| 09-139             | Joint Petition of Boston Gas Company and Essex Gas Company, each d/b/a National Grid, for Approval of Merger, pursuant to G.L. 164, § 96.   | 9/3/2010    | ORDER          |
| 09-01-A (Phase II) | Investigation by the Department of Public Utilities on its Own Motion into the Preparation and Response of Fitchburg Gas and Electric Light Company d/b/a Unitil to the December 12, 2008 Winter Storm (MANAGEMENT AUDIT).  | 9/3/2010    | ORDER          |
| 10-03-A            | Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval of its Annual Retail Rate Reconciliation and Adjustment Filing.  | 9/13/2010   | ORDER          |
| 08-27-B            | Petition of Aquarion Water Company of Massachusetts to the Department of Public Utilities for a General Rate Increase as set forth in M.D.P.U. No. 1.   | 9/17/2010   | ORDER          |
| 10-GC-4            | Bay State Gas Company - Petition to Approve Special Contract  | 9/20/2010   | STAMP APPROVAL |
| GS-028             | Direct Energy Services LLC - Gas Supplier License   | 9/20/2010   | STAMP APPROVAL |
| RA-042             | W. Robert Patterson & Associates - Gas Retail Agent License   | 9/20/2010   | STAMP APPROVAL |
| RA-039             | Axess Energy Group LLC - Gas Retail Agent License   | 9/20/2010   | STAMP APPROVAL |
| 10-GC-19           | National Grid & Town of Braintree Electric Light Department - Gas Contract  | 9/22/2010   | LETTER ORDER   |
| 10-12              | Petition of NSTAR Electric Company requesting approval of its NSTAR Green Rate Adjustment/Reconciliation Filing.  | 9/30/2010   | ORDER          |
| RA-016             | Energy Window Inc., - Gas Retail Agent License  | 9/30/2010   | STAMP APPROVAL |
| RA-10-06           | Single Source Energy Solutions, Inc., - Gas Retail Agent License  | 9/30/2010   | STAMP APPROVAL |
| RA 10-07           | Bay State Consultants LLC - Gas Retail Agent License  | 9/30/2010   | STAMP APPROVAL |
| RA-029             | NUS Consulting Group - Gas Retail Agent License   | 9/30/2010   | STAMP APPROVAL |
| RA-035             | Co-Exprise - Gas Retail Agent License   | 9/30/2010   | STAMP APPROVAL |
| GS-10-03           | South Jersey Energy Co., - Gas Supplier License   | 9/30/2010   | STAMP APPROVAL |

| Docket Number             | Caption  | Date Issued | Order Type       |
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| GS-024                    | Global Montello Group - Gas Supplier License   | 9/30/2010   | STAMP APPROVAL   |
| GS-032                    | Santa Buckley Energy Inc., - Gas Supplier License  | 9/30/2010   | STAMP APPROVAL   |
| GS-034                    | Hudson Energy Services LLC., - Gas Supplier License  | 9/30/2010   | STAMP APPROVAL   |
| 10-68                     | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities to enter into an Asset Management Agreement with Sequent Energy Management, L.P.  | 10/1/2010   | STAMP APPROVAL   |
| 10-69                     | Petition of Blackstone Gas Company, pursuant to G.L. c. 164, § 14, for approval to incur long-term indebtedness in the principal amount of \$600,000.  | 10/1/2010   | ORDER            |
| 10-63                     | Petition of Petition of NSTAR Gas Company, pursuant to G.L. c. 164, '94A, for approval to amend and extend for five years an existing short-haul firm transportation contract with Tennessee Gas Pipeline Company as well as to extend two long-haul firm transportation contracts with Tennessee Gas Pipeline Company.                              | 10/4/2010   | ORDER            |
| 10-67                     | Investigation by the Department on its own motion regarding a proposed amendment by Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, to its Terms and Conditions for Distribution Service set forth in tariff M.D.P.U. No. 1192.   | 10/5/2010   | SUSPENSION ORDER |
| 10-79                     | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval by the Department of Public Utilities of its Capital Investment Report for Calendar Year 2009.  | 10/6/2010   | ORDER            |
| 06-78-A                   | 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. 101.3 through 112.3, filed on September 15, 2006, to become effective November 1, 2006.  | 10/6/2010   | ORDER            |
| 10-05                     | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for review and approval of its Residential Assistance Adjustment Factor, effective March 10, 2010.   | 10/7/2010   | STAMP APPROVAL   |
| 08-110                    | Petition and Complaint of the Attorney General of the Commonwealth for an Audit of New England Gas Company.  | 10/8/2010   | ORDER            |
| 10-112                    | Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid, pursuant to tariff M.D.P.U. 1147-A, to the Department of Public Utilities Seeking to Recover Capital and Incremental Operations and Maintenance Costs Associated with the Solar Generation Facility at the Company's New England Distribution Center. | 10/15/2010  | ORDER            |
| 10-SQ-01 through 10-SQ-09 | Department of Public Utilities review of the 2009 Service Quality Reports of the Local Gas Distribution Companies, filed pursuant to Service Quality Standards for Electric Distribution Companies and Local Gas Distribution Companies, D.T.E. 04 116 B (2006)  | 10/20/2010  | ORDER            |
| 10-GC-20                  | National Grid & Massachusetts Port Authority - Gas Contract  | 10/21/2010  | LETTER ORDER     |
| 10-GC-21                  | National Grid & Northeastern University - Gas Contract   | 10/21/2010  | LETTER ORDER     |
| 10-GC-22                  | National Grid & Faulkner Hospital - Gas Contract   | 10/21/2010  | LETTER ORDER     |
| 10-109                    | Petition of New England Gas Company for review and approval of an Asset Management Contract between New England Gas Company and Hess Corporation.  | 10/22/2010  | STAMP APPROVAL   |
| 10-BSF-A4                 | 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. 190 effective December 1, 2010.   | 10/22/2010  | STAMP APPROVAL   |
| EB 10-17                  | Energy Management Resources of Missouri - Electricity Broker License   | 10/26/2010  | STAMP APPROVAL   |
| EB 10-23                  | Energy Edge Consulting -- Electricity Broker License   | 10/26/2010  | STAMP APPROVAL   |
| EB 10-19                  | Blue Planet Energy, Inc., - Electricity Broker License   | 10/26/2010  | STAMP APPROVAL   |
| EB 10-04                  | Great Lakes Energy, LLC - Electricity Broker License   | 10/26/2010  | STAMP APPROVAL   |
| EB 10-05                  | GSE Consulting - Electricity Broker License  | 10/26/2010  | STAMP APPROVAL   |
| EB 10-20                  | Sprague Energy Corporation - Electricity Broker License  | 10/26/2010  | STAMP APPROVAL   |
| EB 10-21                  | Integrity Energy, LTD - Electricity Broker License   | 10/26/2010  | STAMP APPROVAL   |

| Docket Number       | Caption  | Date Issued | Order Type       |
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| 10-114              | Petition of New England Gas Company, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Gas Distribution Rates, a Targeted Infrastructure Recovery Factor, and a Revenue Decoupling Mechanism, set forth in the following tariffs: M.D.P.U. Nos. 1002B and 1003A through 1024A.  | 10/27/2010  | ORDER            |
| 10-67               | Investigation by the Department of Public Utilities on its own motion regarding a proposed amendment by Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, to its Terms and Conditions for Distribution Service set forth in tariff M.D.P.U. No. 1192, filed on June 16, 2010.   | 10/27/2010  | SUSPENSION ORDER |
| 10-GAF-P1           | Petition of Bay State Gas Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.   | 10/29/2010  | LETTER ORDER     |
| 10-GAF-P5           | Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company d/b/a National Grid for approval by the Department of Public Utilities of their 2010 Consolidated Peak Gas Adjustment Factors and Local Distribution Adjustment Factors.   | 10/29/2010  | LETTER ORDER     |
| 10-GAF-P6           | Petition of New England Gas Company for review and approval by the Department of Public Utilities of the Company's 2010-2011 Peak Cost of Gas Adjustment Clause filing.  | 10/29/2010  | LETTER ORDER     |
| 10-120              | Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for approval of its Revenue Decoupling Adjustment Factor for the 2010-2011 Peak Period.  | 10/29/2010  | ORDER            |
| 10-GAF-P4           | Petition of Fitchburg Gas and Electric Light Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.  | 10/29/2010  | LETTER ORDER     |
| 10-GAF-P8           | Petition of NSTAR Gas Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.   | 10/29/2010  | LETTER ORDER     |
| 10-GAF-P2           | Petition of The Berkshire Gas Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.   | 10/29/2010  | LETTER ORDER     |
| 10-GAF-P3           | Petition of Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.  | 10/29/2010  | LETTER ORDER     |
| 10-41 through 10-48 | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil, NSTAR Gas Company and NSTAR Electric Company, Western Massachusetts Electric Company, The Berkshire Gas Company, Bay State Gas Company, Boston Gas Company, Colonial Gas Company, and Essex Gas Company d/b/a National Grid, New England Gas Company, and Blackstone Gas Company, pursuant to G.L. c. 164, for approval by the Department of Public Utilities of a revised low income discount rate design. | 11/2/2010   | ORDER            |
| 10-55               | Petition of Boston Gas Company, Essex Gas Company and Colonial Gas Company, each d/b/a National Grid, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Gas Distribution Rates, a Targeted Infrastructure Recovery Factor, and a Revenue Decoupling Mechanism.  | 11/2/2010   | ORDER            |
| 10-62               | Investigation by the Department of Public Utilities on its own motion into the ratemaking treatment of margins generated from interruptible transportation, capacity release, off-system sales, interruptible sales, portfolio management and optimization agreements, and related transactions.   | 11/9/2010   | ORDER            |
| 10-67               | Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, to amend its Terms and Conditions for Distribution Service set forth in tariffs for each Company, M.D.P.U. No. 1192.  | 11/10/2010  | ORDER            |
| 10-BSF-B4           | Western Massachusetts Electric Company's Request for Approval of an Amended Basic Service Tariff for the period beginning January 1, 2011 and for Solicitation Results for the Provision of Basic Service Supply.  | 11/12/2010  | STAMP APPROVAL   |
| RA-08-04            | Seven-Utility Management Consultants, LLC - Retail Agent License   | 11/16/2010  | STAMP APPROVAL   |
| GS-014              | Metromedia Energy - Gas Supplier License   | 11/16/2010  | STAMP APPROVAL   |
| RA-038              | Taylor Consulting and Contracting, LLC - Retail Agent License  | 11/16/2010  | STAMP APPROVAL   |
| RA-10-09            | Better Cost Control, LLC - Retail Agent License  | 11/16/2010  | STAMP APPROVAL   |

| Docket Number | Caption  | Date Issued | Order Type       |
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| RA-10-18      | Radius Energy Solutions, LLC - Retail Agent License  | 11/16/2010  | STAMP APPROVAL   |
| 10-GC-23      | National Grid & Eastern Gelatine Group - Gas Contract  | 11/16/2010  | LETTER ORDER     |
| 10-54         | Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for approval by the Department of Public Utilities of two long-term contracts to purchase wind power and renewable energy certificates, pursuant to St. 2008, c. 169, § 83 and 220 C.M.R. § 17.00 et seq. | 11/22/2010  | ORDER            |
| 10-BSF-C4     | Petition of NSTAR Electric Company for approval of its basic/default service pricing and procurement pursuant to G.L. c. 164, §1B(d), effective January 1, 2011.   | 11/22/2010  | STAMP APPROVAL   |
| 10-113        | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval of its annual reconciliation and rate filing for the default service costs adder.   | 11/29/2010  | ORDER            |
| 10-60         | Petition of The Berkshire Gas Company requesting approval to enter into a long-term gas transportation agreement with Tennessee Gas Pipeline Company pursuant to G.L. c. 164, § 94A.   | 11/30/2010  | ORDER            |
| 10-49         | Petition of Bay State Gas Company requesting approval to enter into a long-term gas transportation agreement with Tennessee Gas Pipeline Company pursuant to G.L. c. 164, § 94A.   | 11/30/2010  | ORDER            |
| GS-030        | Constellation New England - Gas Supplier License   | 12/6/2010   | STAMP APPROVAL   |
| RA-024        | World Energy Solutions, Inc. - Retail Agent License  | 12/6/2010   | STAMP APPROVAL   |
| RA-047        | Reflective Energy Solutions, LLC - Retail Agent License  | 12/6/2010   | STAMP APPROVAL   |
| RA-036        | Mirant Energy Trading, LLC - Retail Agent License  | 12/6/2010   | STAMP APPROVAL   |
| 10-GAF-P3     | Petition of Blackstone Gas Company for review and approval by the Department of Public Utilities of the Company's 2010 Peak Cost of Gas Adjustment Clause filing.  | 12/9/2010   | LETTER ORDER     |
| EB 09-07      | Ridgeway Energy - Electricity Broker License   | 12/10/2010  | STAMP APPROVAL   |
| EB 10-31      | Accelerate Energy, LLC - Electricity Broker License  | 12/13/2010  | STAMP APPROVAL   |
| EB 10-34      | White Columns Office Solutions of New England, LLC - Electricity Broker License  | 12/13/2010  | STAMP APPROVAL   |
| 10-161        | Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of its Green Rate Adjustment/Reconciliation Filing being made in compliance with D.P.U. 10-12.  | 12/21/2010  | SUSPENSION ORDER |
| 10-153        | Petition of Western Massachusetts Electric Company to the Department of Public Utilities Seeking to Recover Actual and Projected Costs Associated With its Solar Generation Facility Located on Silver Lake Boulevard in Pittsfield, Massachusetts.  | 12/22/2010  | ORDER            |
| 10-137        | Petition of Western Massachusetts Electric Company for approval effective January 1, 2011 of its rate change filing for 2011 pursuant to the Electric Industry Restructuring Act, St. 1997, c. 164.  | 12/23/2010  | 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.   | 12/23/2010  | SUSPENSION ORDER |
| 10-125        | Petition of NSTAR Electric Company and NSTAR Gas Company to the Department of Public Utilities for review and approval of their 8th Annual Pension/PBOP Adjustment Factors.  | 12/28/2010  | ORDER            |
| 10-136        | Petition of Western Massachusetts Electric Company to the Department of Public Utilities for review and approval of a change to its Pension/Post-retirement Benefits Other than Pension Adjustment Mechanism factor.   | 12/28/2010  | ORDER            |
| 10-138        | Petition of Western Massachusetts Electric Company for approval by the Department of Public Utilities of its Net Metering Surcharge.   | 12/28/2010  | ORDER            |
| 10-154        | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil (Electric Division) for approval by the Department of Public Utilities of its Pension Adjustment Factor for effect on or after November 1, 2010.   | 12/28/2010  | ORDER            |
| 10-162        | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil to the Department of Public Utilities for review and approval of its proposed Net Metering Recovery Surcharge.   | 12/28/2010  | ORDER            |

| <b>Docket Number</b> | <b>Caption</b>  | <b>Date Issued</b> | <b>Order Type</b> |
|----------------------|---|--------------------|-------------------|
| 10-169               | Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of its Net Metering Recovery Surcharge.  | 12/28/2010         | ORDER             |
| 10-RCS-01            | Application of the Cape Light Compact for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.  | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-02            | Application of the Fitchburg Gas and Electric Light Company d/b/a Unitil (Electric Division) for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.                     | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-03            | Application of the Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.             | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-04            | Application of the NSTAR Electric Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.  | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-05            | Application of the Western Massachusetts Electric Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.  | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-06            | Application of the Bay State Gas Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.   | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-07            | Application of The Berkshire Gas Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.   | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-08            | Application of the Blackstone Gas Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.  | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-09            | Application of the Boston Gas Company, Colonial Gas Company and Essex Gas Company d/b/a National Grid for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.            | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-10            | Application of the Fitchburg Gas and Electric Light Company-Gas Division for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.   | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-11            | Application of the NSTAR Gas Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.   | 12/29/2010         | STAMP APPROVAL    |
| 10-RCS-12            | Application of New England Gas Company for approval by the Department of Public Utilities of the Company's Calendar Year 2011 RCS Program Budget.   | 12/29/2010         | STAMP APPROVAL    |
| 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. | 12/29/2010         | 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.                                   | 12/29/2010         | 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.   | 12/29/2010         | ORDER             |
| 10-168               | Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for review and approval of its Annual Reconciliation Mechanism Filing.  | 12/29/2010         | ORDER             |
| 10-124               | Petition of NSTAR Electric Company to the Department of Public Utilities for review and approval of its 2010 Distribution Rate Adjustment/Reconciliation filing.  | 12/30/2010         | ORDER             |