

	)	
Commonwealth of Massachusetts	)	
v.	)	
Exxon Mobil Corporation	)	July 2, 2024
	)	
	)	

The Energy Facilities Siting Board (“Siting Board” or “EFSB”) hereby delegates to the Secretary of the Executive Office of Energy and Environmental Affairs (the “Secretary;” “EEA”) authority to sign on behalf of the Siting Board an engagement letter (“Engagement Letter”) with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (“Mintz”), relating to Superior Court litigation in Commonwealth of Massachusetts v. Exxon Mobil Corporation, Civil Action No. 1984-CV-03333-BLS1 (“Litigation”).

This Action by Consent is taken pursuant to 980 CMR 2.07, which provides the Siting Board with the authority to render a decision, other than a final decision in an adjudicatory proceeding, by an Action by Consent, when the Board determines that expeditious action is necessary. Below, the Siting Board finds that expeditious action is necessary for the Siting Board to respond in the Litigation in a timely manner.

## II. The Litigation and Engagement Letter

The Attorney General for the Commonwealth of Massachusetts initiated the Litigation on October 24, 2019, alleging multiple violations of G.L. c. 93A by Exxon Mobil Corporation. On April 30, 2024, Exxon Mobil Corporation served the Siting Board a subpoena duces tecum (“Subpoena”). The Subpoena relates to Superior Court litigation in Commonwealth of Massachusetts v. Exxon Mobil Corporation, Civil Action No. 1984-CV-03333-BLS1. The Siting Board is not a party to the litigation. Exxon Mobil Corporation has also served subpoenas relating to the Litigation on EEA and EEA agencies. The Subpoena includes 27 requests for documents, relating in part to the Board’s consideration of “climate change, global warming,

greenhouse gas emissions or extreme weather-including any effort to ‘consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects,’ *see* G.L. c. 30, § 61-in connection with siting decisions regarding any proposed facilities.”

In the Engagement Letter, Mintz agrees to represent the Siting Board in the Litigation, involving third-party subpoenas filed by Exxon Mobil Corporation.

### III. Decision

The Siting Board’s regulations authorize the Siting Board to render any decision (except final decisions in an adjudicatory proceeding) by issuing an Action by Consent if the Siting Board, in its discretion, “determines that expeditious action is necessary.” 980 CMR 2.07(1). Under the Siting Board’s regulations, a proposed Action by Consent shall be deemed to have been taken when the document and copies bearing the signatures of all Siting Board members are returned to the Chair. A proposed Action by Consent shall become void if it does not receive all required signatures before the beginning of any meeting of the Siting Board held pursuant to 980 CMR 2.07. The Siting Board finds that expeditious action is necessary in order to respond in the Litigation in a timely manner. Accordingly, as provided by 980 CMR 2.07, the Siting Board issues this Action by Consent.

The Siting Board hereby delegates to the Secretary authority to sign on behalf of the Siting Board the Engagement Letter with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., relating to Superior Court litigation in Commonwealth of Massachusetts v. Exxon Mobil Corporation, Civil Action No. 1984-CV-03333-BLS1. Upon signature of each member of the Siting Board, this Action by Consent shall be delivered to the Chair and posted on the website of the Siting Board.

Signed:



date: 07/01/2024

Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental Affairs and Chair, Energy Facilities Siting Board;

date: \_\_\_\_\_

James M. Van Nostrand, Chair, Department of Public Utilities;

date: \_\_\_\_\_

Cecile M. Fraser, Commissioner of the Department of Public Utilities;

date: \_\_\_\_\_

Elizabeth Mahony, Commissioner of the Department of Energy Resources;

date: \_\_\_\_\_

Bonnie Heiple, Commissioner, Department of Environmental Protection;

date: \_\_\_\_\_

Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office of Economic Development;

date: \_\_\_\_\_

Joseph C. Bonfiglio, Public Member;

date: \_\_\_\_\_

Greg Watson, Public Member.

Signed:

\_\_\_\_\_ date: \_\_\_\_\_

Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;



6/27/2024

\_\_\_\_\_ date: \_\_\_\_\_

James M. Van Nostrand, Chair, Department of Public Utilities;



6/27/2024

\_\_\_\_\_ date: \_\_\_\_\_

Cecile M. Fraser, Commissioner of the Department of Public Utilities;

\_\_\_\_\_ date: \_\_\_\_\_

Elizabeth Mahony, Commissioner of the Department of Energy Resources;

\_\_\_\_\_ date: \_\_\_\_\_

Bonnie Heiple, Commissioner, Department of Environmental Protection;

\_\_\_\_\_ date: \_\_\_\_\_

Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

\_\_\_\_\_ date: \_\_\_\_\_

Joseph C. Bonfiglio, Public Member;

\_\_\_\_\_ date: \_\_\_\_\_

Greg Watson, Public Member.

Signed:

\_\_\_\_\_ date: \_\_\_\_\_

Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;

\_\_\_\_\_ date: \_\_\_\_\_

James M. Van Nostrand, Chair, Department of Public Utilities;

\_\_\_\_\_ date: \_\_\_\_\_

Cecile M. Fraser, Commissioner of the Department of Public Utilities;



\_\_\_\_\_ date: 06/27/2024

Elizabeth Mahony, Commissioner of the Department of Energy Resources;

\_\_\_\_\_ date: \_\_\_\_\_

Bonnie Heiple, Commissioner, Department of Environmental Protection;

\_\_\_\_\_ date: \_\_\_\_\_

Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

\_\_\_\_\_ date: \_\_\_\_\_

Joseph C. Bonfiglio, Public Member;

\_\_\_\_\_ date: \_\_\_\_\_

Greg Watson, Public Member.

Signed:

\_\_\_\_\_  
date: \_\_\_\_\_

Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;

\_\_\_\_\_  
date: \_\_\_\_\_

James M. Van Nostrand, Chair, Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_

Cecile M. Fraser, Commissioner of the Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_

Elizabeth Mahony, Commissioner of the Department of Energy Resources;

  
\_\_\_\_\_  
date: 6/27/2024

Bonnie Heiple, Commissioner, Department of Environmental Protection;

\_\_\_\_\_  
date: \_\_\_\_\_

Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

\_\_\_\_\_  
date: \_\_\_\_\_

Joseph C. Bonfiglio, Public Member;

\_\_\_\_\_  
date: \_\_\_\_\_

Greg Watson, Public Member.

Exxon Mobil Corporation Litigation

Page 3

Signed:


\_\_\_\_\_  
date: \_\_\_\_\_  
Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;

\_\_\_\_\_  
date: \_\_\_\_\_  
James M. Van Nostrand, Chair, Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_  
Cecile M. Fraser, Commissioner of the Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_  
Elizabeth Mahony, Commissioner of the Department of Energy Resources;

\_\_\_\_\_  
date: \_\_\_\_\_  
Bonnie Heiple, Commissioner, Department of Environmental Protection;

\_\_\_\_\_  
date: 7-1-2024  
Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

\_\_\_\_\_  
date: \_\_\_\_\_  
Joseph C. Ronfiglio, Public Member;

\_\_\_\_\_  
date: \_\_\_\_\_  
Greg Watson, Public Member.

Exxon Mobil Corporation Litigation

Page 3

Signed:

date: \_\_\_\_\_

Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;

date: \_\_\_\_\_

James M. Van Nostrand, Chair, Department of Public Utilities;

date: \_\_\_\_\_

Cecile M. Fraser, Commissioner of the Department of Public Utilities;

date: \_\_\_\_\_

Elizabeth Mahony, Commissioner of the Department of Energy Resources;

date: \_\_\_\_\_

Bonnie Heiple, Commissioner, Department of Environmental Protection;

date: \_\_\_\_\_

Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

 date: 6/28/2024

Joseph C. Bonfiglio, Public Member;

date: \_\_\_\_\_

Greg Watson, Public Member.



Exxon Mobil Corporation Litigation

Page 3

Signed:

\_\_\_\_\_  
date: \_\_\_\_\_  
Rebecca L. Tepper, Secretary of the Executive Office of Energy and Environmental  
Affairs and Chair, Energy Facilities Siting Board;

\_\_\_\_\_  
date: \_\_\_\_\_  
James M. Van Nostrand, Chair, Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_  
Cecile M. Fraser, Commissioner of the Department of Public Utilities;

\_\_\_\_\_  
date: \_\_\_\_\_  
Elizabeth Mahony, Commissioner of the Department of Energy Resources;

\_\_\_\_\_  
date: \_\_\_\_\_  
Bonnie Heiple, Commissioner, Department of Environmental Protection;

\_\_\_\_\_  
date: \_\_\_\_\_  
Jonathan Cosco, General Counsel and designee for the Secretary of the Executive Office  
of Economic Development;

\_\_\_\_\_  
date: \_\_\_\_\_  
Joseph C. Bonfiglio, Public Member;

*Greg Watson*  
\_\_\_\_\_  
date: 07/01/24  
Greg Watson, Public Member.