



**THE COMMONWEALTH OF MASSACHUSETTS  
ENERGY FACILITIES SITING BOARD**

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(617) 305-3525

**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

**MEMORANDUM**

To: William F. Galvin, Secretary of State Commonwealth of Massachusetts  
  
Matthew Gorzkowicz, Secretary, Massachusetts Executive Office of  
Administration and Finance

From: Joan Foster Evans, Esq., General Counsel, MA Energy Facilities Siting Board

Date: June 18, 2024

Re: Notice of MA Energy Facilities Siting Board Proposed Action by Consent

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**NOTICE**

The Massachusetts Energy Facilities Siting Board (“Siting Board”) hereby provides notice of a proposed Action by Consent. The Action by Consent delegates to the Secretary of the Executive Office of Energy and Environmental Affairs (the “Secretary”) 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”).

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

The 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 Action by Consent, when the Board determines that expeditious action is necessary. The Siting Board may delegate Board-specific responsibilities other than responsibility for the final decision in any matter to the Board Chairman or to the Board staff. 980 CMR 2.05. The Siting Board makes the delegation to the Secretary by Action by Consent rather than by meeting. The Action by Consent requires the unanimous written consent of all members of the Siting Board to become effective. The Action by Consent shall become void if not signed by all members of the Siting Board prior to the next meeting of the Board. 980 CMR 2.07(3).

As required by the Siting Board's regulations, a copy of this Notice shall be filed with the Secretary of State and the Executive Office for Administration and Finance at least 48 hours prior to circulation of the Action by Consent to the Siting Board members for their signature.

A full text of the proposed Action by Consent may be obtained by requesting a copy from the offices of the Energy Facilities Siting Board, One South Station, Boston, MA 02110. To request a copy, or for additional information, please contact Joan Foster Evans, Esq., at [joan.evans@mass.gov](mailto:joan.evans@mass.gov).