**GSEP Working Group**

**Outline for Final Report and Recommendations**

Section 68 of *An Act Driving Clean Energy and Offshore Wind*, St. 2022, chapter 179, requires the Department of Public Utilities to convene a stakeholder working group to “develop recommendations for legislative and regulatory changes that may be necessary to align gas system enhancement plans [GSEPs] developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” This report represents a compilation of the recommendations of the working group to the Legislature.

This report is divided into two sections. The first section compiles the proposed revisions to the existing GSEP statute, section 145 of chapter 164. For each proposed revision, the proponent of such revision is identified, followed by a brief statement explaining the basis for the proposed change. Then other members of the working group supporting the revision are identified. If there is opposition to such revision, such opponents are identified, along with an explanation of the basis for such opposition.

The second section of the report examines broader concepts that are not captured by proposed legislative revisions, such as termination of the GSEP itself in favor of base rate recovery of the costs associated with measures to address leak-prone pipes.

[For report - need to list working group members and memorialize their organizations; need to memorialize terms used throughout]

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# PART ONE Proposed Statutory Revisions

## Section (a): Definitions

## Text

*G.L. c. 164 § 145: Plan for replacement or improvement of aging or leaking natural gas infrastructure*

*Section 145. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:--*

*"Eligible infrastructure replacement'', a replacement or an improvement of existing infrastructure of a gas company that: (i) is made on or after January 1, 2015; (ii) is designed to improve public safety or infrastructure reliability; (iii) does not increase the revenue of a gas company by connecting an improvement for a principal purpose of serving new customers; (iv) reduces, or has the potential to reduce, lost and unaccounted for natural gas through a reduction in natural gas system or leaks; (v) is not included in the current rate base of the gas company as determined in the gas company's most recent rate proceeding; (vi) may include use of advanced leak repair technology approved by the department to repair an existing leak-prone gas pipe to extend the useful life of the such gas pipe by no less than 10 years.*

*"Plan'', a targeted infrastructure replacement program construction plan that a gas company files pursuant to subsection (b).*

*"Project'', an eligible infrastructure replacement project proposed by a gas company in a plan filed under this section.*

### “Eligible Infrastructure Replacement”

#### Change “Replacement” in title of section to a more inclusive term, such as “measure,” “act,” or “action.”

**Proposed by**: Senator Barrett

**Proposal Statement**:[explanation of why they proposed it]

**Supported by:** LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions

**Supporting Statements**:

*LEAN, NCLD* – Appropriately broadens potential alternative actions.

*HEET* - Suggests “measure” as the more inclusive term since measure can mean “a plan or course of action toward a particular purpose.” The GSEP needs to create its course of action to meet the critical purpose of lowering emissions while improving safety by stopping piping explosive gas into our homes and businesses.

**Opposed by**: NEGWA/USW[[1]](#footnote-1); Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposes this change because it is vague and because the working group has not, in any meaningful way, studied how the GSEP has improved system safety and reliability on the Commonwealth’s LDC pipelines nor how abandoning or substantially departing from the GSEP’s original purpose of accelerating replacement and repair of compromised pipeline would impact gas system safety and reliability.

*Eversource* **-** The proposed change makes terms vague and unclear for application. Other places change “replace” with “replace, retire, or repair.” Eversource objects to repair because it does not allow the LDCs to meet the risk reduction requirements. Repairing a leak doesn’t eliminate risk associated with future pipe failure. Both cast iron and cathodically unprotected steel will continue to pose concerns as they age. As leak prone pipe gets older, the failure rate continues to increase (i.e., asset performance is not static and degrades over time).

*Liberty* - Opposes this proposed revision. Substituting three unduly vague terms, like “measure,” “act,” or “action” for “replacement,” a plain English concept central to the Department’s interpretation of the GSEP, serves only to muddy the intent of the statute and frustrate its application. What is more, such a revision is unnecessary, as the term “Replacement” does not prescribe the like-for-like replacement of nature gas infrastructure but is broad enough to include the replacement of natural gas infrastructure with other non-gas pipe alternatives.

*National Grid* - Makes definition of eligible infrastructure vague and unclear for application. Would support changing definition to Eligible Infrastructure Replacement or Retirement.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy that underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce greenhouse gas emissions. A shift in policy that prioritizes the repair of leak-prone pipe over replacement does not reduce the risk that leak-prone pipe poses to people, property, and the environment. As required by 49 C.F.R. § 192 Subpart P, the Company must implement a Distribution Integrity Management Program (“DIMP”) that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution pipeline. The Legislature included a specific requirement in Section 145 that any GSEP plan must be structured so that infrastructure scheduled for replacement is prioritized to implement a company’s DIMP. G.L. c. 164, § 145(c). In Unitil’s Massachusetts gas distribution system, leak-prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast-iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of Unitil’s DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. In addition, a shift to a repair over replacement strategy is contrary to the recommendations of the Statewide Assessment of Gas Pipeline Safety for the Commonwealth of Massachusetts that advocated for gas companies, state agencies, and interested parties to accelerate the pace of replacing leak-prone pipe. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs, which only serve to defer inevitable replacements.

**Note of Abstention**: Attorney General’s Office - supports a phased end to accelerated cost recovery due to the outsized financial burden on ratepayers, as discussed in Part Two, below. The AGO therefore declines to comment on the revised definition of “eligible infrastructure replacement.” Instead, the costs of addressing leak-prone infrastructure should be recovered in base rate cases.

#### Addition of “repair” and “retirement”

**Proposed by**: Senator Barrett; EEA Agencies (repair only); Eversource Energy (retirement only); Liberty (retirement only); National Grid (retirement only); Unitil (retirement only)

**Proposal Statements**:

*EEA Agencies* - As a component for achieving net zero, the Commonwealth must reduce gross greenhouse gas emissions to at least 85% below the 1990 baseline level in 2050. Therefore, rather than solely investing in and installing new pipe infrastructure through the GSEPs, the GSEPs should determine where repairing leak-prone pipe is the better long-term financial and environmental choice.

**Supported by**: LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions; Liberty (retirement only); National Grid (retirement only)

**Supporting Statements**:

*LEAN, NCLC* - appropriately broadens potential alternative actions.

*HEET (with clarification)* - Repair - Advanced leak repair is the only type of repair currently allowed as part of the GSEP.[[2]](#footnote-2) Advanced leak repairs are different from normal repairs in that these types of repairs do not fix one leak at a time, but instead all the leaks along long sections of large diameter mains,[[3]](#footnote-3) significantly reducing or eliminating emissions from that section of the pipe for decades at a fraction of the cost of replacement.[[4]](#footnote-4)

In order to ensure that gas utilities cannot access accelerated cost recovery funds for “normal” gas leak repairs, the term “repair”in the GSEP statute should have the word “advanced leak” in front of it. This edit should be enacted throughout the GSEP legislative language wherever repair is mentioned.

Retirement - The Department has recently issued its order on the Future of Gas (DPU 20-80), the summary of which was titled “Beyond Gas.” The state will transition off of gas. The question now is how it will do that transition. Retirement and transition of gas pipes to water-based thermal systems are critical components of how to move beyond gas.

Retirement means capping the gas pipe and moving the customer to all electric appliances.

Transitioning would mean piping temperature through water to buildings. The water can deliver heating, or heating and cooling. The water could be heated (and/or cooled) in a central plant, or the water could be at an ambient temperature with heat pumps in each building taking the temperature needed from the water. Given the gas utilities’ understandable concerns about safety, it can only be assumed they will be relieved to deliver temperature through water, instead of through an explosive gas.

* **Opposed by**: NEGWA/USW; Eversource (repair); National Grid (repair); Unitil (repair)

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes the inclusion of “retirement” because (1) no study was presented in the working group addressing how retirements could be performed (a) to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not study how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition.

*Eversource* - Objects to repair because it does not allow the LDCs to meet the risk reduction requirements. Repairing a leak doesn’t eliminate risk associated with future pipe failure. Both cast iron and cathodically unprotected steel will continue to pose concerns as they age. As leak prone pipe gets older, the failure rate continues to increase (i.e., asset performance is not static and degrades over time).

*Liberty* - Opposes this proposed revision. The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s Distribution Integrity Management Plan (“DIMP”); instead, a repair simply eliminates the active leak(s). The Company’s DIMP is designed to reduce risk, improve safety, and eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The ill-conceived addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - Supports inclusion of the word “retirement,” but did not suggest and does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, adding only the word “retirement” aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - As explained above, a shift in focus from replacement to repair would compromise the ability of the local gas distribution companies to maintain a safe and reliable natural gas distribution system. This proposed shift in focus is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. This proposed shift also is inconsistent with the Company’s federally mandated Distribution Integrity Management Program, which requires that the Company evaluate and prioritize risk and implement measures to address the highest risks with an emphasis on leak management, enhanced damage prevention, operator qualification to reduce human error, and system replacement.

### Additional considerations in determining eligible infrastructure replacements

#### Minimization of stranded assets

**Proposed by**: EEA Agencies

**Proposal Statement**: The Massachusetts LDCs’ GSEPs include significant anticipated infrastructure investments that are designated for their current operating systems. Policies included in the 2025/2030 and 2050 Clean Energy and Climate Plans aim to reduce GHG emissions from the buildings sector, which will substantially reduce natural gas usage for heating. As a result, new investments in the gas distribution system will need to be recovered over an economic life of 10 to 30 years or less, rather than the 40- to 60-year recovery period that is currently in place. Including new options in the GSEPs (such as repair, retirement or electrification, and analysis of options), instead of solely focusing on replacement of pipelines and services, will help minimize stranded assets.

**Supported by**: Conservation Law Foundation; HEET, PowerOptions

HEET (with clarification): If the Department accelerates depreciation of gas assets, it should also create a phased plan to decommission them as they are paid off, in a way that maintains safety and reliability. Otherwise, it is possible the customers will have to rush to pay for these assets by 2050, while the assets continue to be used long past that point, producing emissions in the Commonwealth and revenue for the local gas utility. **Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose this so much as note that there are other key considerations—e.g., improvements in safety and reliability for the duration of the pipeline’s use—missing from the amendments.

*Eversource* - There is uncertainty associated with recovery for and planning associated with recategorization of risk through DIMP and risk scores. This is outside the scope of the statutory mandate. It presumes installation of new gas pipes will result in stranded assets.

*Liberty* - Opposes this proposed revision. The addition of “minimization of stranded assets” is outside the scope of the stakeholder working group’s statutory mandate as set forth in the Drive Act. Furthermore, by presuming that the installation of new natural gas infrastructure will result in stranded assets, this proposed language pre-empts the Department’s consideration of similar issues in D.P.U. 20-80; therefore, language invoking the concept of “stranded assets” is not ripe for inclusion in the next iteration of the GSEP at this time. Additionally, the replacement of leak-prone pipe should be and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”) and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within each company’s distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Lastly, the plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” Therefore, the addition of “minimization of stranded assets” is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - Language creates uncertainty associated with recovery for and planning associated with recategorization of risk through DIMP and risk scores. Outside the scope of the statutory mandate. Presumes installation of new gas pipes will result in stranded assets.

*Unitil* - The proposed revision presumes that utility investments in the natural gas distribution system will be stranded, which is logically inconsistent with the principal purpose of the GSEP statute, i.e., recognizing that ongoing investment in the system is necessary to provide customers with **safe and reliable** service. See Fitchburg Gas and Electric Light Company, D.P.U. 21-GSEP-01, at 9 n.18 (noting that despite the Attorney General’s contention that new mains and services installed could be obsolete in under 30 years, the Company has an obligation to provide service to customers in a safe and reliable manner while also reducing the effects of aging or leaking natural gas infrastructure). Indeed, St. 2022, c. 179 s. 68, (the statute creating the GSEP Working Group) clearly states that “any change [to the GSEP statute] recommended shall enable natural gas local distribution companies **to maintain a safe and reliable gas distribution system** during the commonwealth’s transition to net zero emissions.” Thus, safety and reliability remain paramount considerations and the proposed revision is incompatible with those considerations and counter to the statutory mandate of the GSEP Working Group. The proposed revision also does not account for the fact that local gas distribution companies (“LDCs”) must balance both the near-term and long-term affordability of the gas network. There is a substantial public interest in continuing to provide customers with access to affordable heat. In its 2022-2024 Plans Order, the Department explained that it is crucial that:

[T]he subset of customers facing significant technical and financial hurdles to electrification [should be] encouraged to adopt the most efficient, affordable heating system. This subset of customers should not be faced with costly home modifications and potentially higher energy costs if they prefer to install a more familiar heating measure and it is still cost effective to encourage the customer to adopt a higher efficiency, lower GHG-emitting heating system[.]

2022-2024 Three-Year Energy Efficiency Plans, D.P.U. 21-120 through D.P.U. 21-129, at 129 (January 31, 2022); see also id. at 17 (“As electrification efforts expand, ensuring affordability is of particular importance to ensure the cost of electricity remains affordable for customers in order to continue the progress towards decarbonization without overburdening customers.”). The issue of affordability is particularly acute in Unitil’s service territory because the housing stock has relatively high proportions of older, multi-family units and it includes a high proportion of low- and moderate-income customers and populations in EJ communities. Accordingly, affordability of service is a key consideration in Unitil’s service territory. The proposed revision also does not account for the reliability of the natural gas distribution system. The reliability of the system depends on an integrated network of pipes and decommissioning a section of the system will not only require all customers on that section of pipe to replace natural gas as their fuel source, but the pipe also cannot be a source of supply for other customers on the system. In addition, the proposed revision creates an unworkable standard because it is vague and susceptible to arbitrary enforcement. For example, how would an LDC or the Department determine which assets will or will not be stranded at some uncertain point in the future? Over what time frame would that analysis be applied? How would the LDCs justify replacement decisions relative to this standard when there is no fixed timeline for electrification and the other necessary infrastructure and market changes necessary to enable it (e.g., nearly half of the region’s electric generating capacity uses natural gas as its primary fuel; natural-gas-fired power plants produce about half of the grid electricity consumed in a year in the region; transmission and distribution upgrades are necessary to accommodate increased electric loads, etc.).

#### System security

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: HEET, PowerOptions

Comment by HEET: Security is one of the six mandates of the Department (safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions). All six mandates should expressly be made part of GSEP, the gas utilities’ most expensive program.

System security in this case includes cyber security and other attacks. It is hard to understand why the gas utilities, which are so rightly concerned about safety, would not be strongly supportive of the security of a system filled with explosive gas running underneath major cities.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* – Does not oppose this so much as note that there are other key considerations—e.g., improvements in safety and reliability for the duration of the pipeline’s use—missing from the amendments.

*Eversource* - It is unclear how this recommendation relates to GSEP or how it will be defined within the context of the program for LDC planning purposes.

*Liberty* - Opposes this proposed revision. It is unclear how the inclusion of “system security” relates to GSEP or how it would be defined within the context of the program for local distribution companies planning purposes.

*National Grid* - Unclear on how these recommendations relate to GSEP or how they will be defined within the context of the program for LDC planning purposes. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - Although flexibility in a statute is helpful to respond to individual factual situations, laws should be drafted to provide clear standards for those who apply them (the Department) and those who must comply with them (the LDCs). The addition of vague considerations would erode the precision and clarity of statute and ultimately result in an unworkable standard. As a general matter, Unitil supports the principle of system security. However, the proposed revision is not defined and overly broad. As such, the proposed standard lends itself to application on an *ad hoc* and subjective basis and could present due process issues. Moreover, the concept of system security is subsumed within the existing, objective standards of safety and reliability. For these reasons, Unitil opposes the addition of this new, stand-alone consideration.

#### Consumer protection

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions

**Supporting Statements:**

**HEET,** *PowerOptions* - Consumer protection is of course a critical point. Perhaps affordability should be added too, since the gas utilities’ comments below conflate consumer protection with installing new expensive gas mains.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose this so much as note that there are other key considerations—e.g., improvements in safety and reliability for the duration of the pipeline’s use—missing from the amendments.

*Eversource* - The focus of GSEP is on replacing leak prone pipe, which is a consumer protection. This would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department’s ability to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, maintain system reliability and reduce emissions. Beyond those four goals, inputs should be informative, but not prescriptive.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety, which is of itself a consumer protection. The inclusion of “consumer protection” would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. While consumer protection is fundamental to the GSEP, its inclusion here is superfluous, as the intent of the GSEP is to enhance public safety through maintaining a safe and reliable natural gas distribution system.

*National Grid* - Focus is on replacing leak prone pipe which is a consumer protection. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - As a general matter, Unitil supports the principle of consumer protection. However, the proposed revision is not defined, overly broad, and vague. As such, the proposed standard lends itself to application on an *ad hoc* and subjective basis and therefore should not be used as a determinative factor in evaluating compliance with GSEP. Indeed, there is no objectively reasonable way for the LDCs to factor consumer protection into the specific calculus of whether and when a pipe should be repaired or replaced. The timing of replacement is (and should continue to be) driven by objective factors: maintaining the safety and reliability of the natural gas distribution system and addressing greenhouse gas emissions. Moreover, the concept of consumer protection is subsumed within the existing, objective standards of safety and reliability. For these reasons, Unitil opposes the addition of this new consideration.

#### Income equity

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: LEAN, NCLC; Conservation Law Foundation, HEET, PowerOptions

**Supporting Statement**:

LEAN, *NCLC* - We support prioritizing affordability concerns for low-income and moderate-income consumers.

*HEET, PowerOptions (with clarification)*- The six mandates for the Department include the term “equity,.” Income equity is a much more narrow term and can be considered redundant with affordability. Restricting equity to income would mean equity could not be considered in terms of safety, access, health, etc.

**Opposed by**: NEGWA/USW;, ; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose this so much as note that there are other key considerations—e.g., improvements in safety and reliability for the duration of the pipeline’s use—missing from the amendments.

*Eversource* - This would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department’s ability to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, maintain system reliability and reduce eliminate emissions. Beyond those four goals, inputs should be informative, but not prescriptive.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of “income equity” would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. While income equity is important, it should be informative, not prescriptive, within the GSEP.

*National Grid* - Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department ability to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - As a general matter, Unitil supports the principle of income equity. However, the proposed revision is not defined, overly broad, and vague. As such, the proposed standard lends itself to application on an *ad hoc* and subjective basis and therefore should not be used as a determinative factor in evaluating compliance with GSEP. Indeed, there is no objectively reasonable way for the LDCs to factor income equity into the specific calculus of whether and when a pipe should be repaired or replaced. The timing of replacement is (and should continue to be) driven by objective factors: maintaining safety and reliability and addressing GHG emission.

#### Reduction in GHG emissions to comply with Chapter 21N

**Proposed by**: Senator Barrett; EEA Agencies

**Proposal Statements**: EEA Agencies - The GSEP statute should be amended to acknowledge that the GSEPs should not be inconsistent with the applicable statewide GHG limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies. The Commonwealth needs all its programs to work in concert to aid in the reduction of GHG emissions.

**Supported by**: LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions; National Grid (with clarification)

**Supporting Statements**:

*National Grid* - National Grid supports inclusion of language for compliance with emissions reductions targets specified in Chapter 21N for gas distribution and services but does not support compliance with the Chapter 21N targets related to buildings, which are beyond the scope of the LDCs purview.

**Opposed by**: NEGWA/USW; Eversource; Liberty (with clarification); Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose this so much as note that there are other key considerations—e.g., improvements in safety and reliability for the duration of the pipeline’s use—missing from the amendments.

*Eversource* – with clarification - the purpose here is to ensure compliance with Chapter 21N for gas distribution mains and services, and does not apply to building code considerations, which are beyond the scope of the LDCs purview.

*Liberty* (with clarification) – Proposes the inclusion of “or to align with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.” This inclusion ensures compliance with Chapter 21N for gas distribution and services. The Company conditions its support of the inclusion of this language on its application to associated methane emissions and not to building code considerations, which are beyond the scope of the stakeholder working group’s statutory mandate as set forth in the Drive Act.

*Unitil* - Unitil does not object to including the reference to Chapter 21N in the GSEP statute. However, the Department has already incorporated Chapter 21N into its standard of review for GSEP. Fitchburg Gas and Electric Light Company, D.P.U. 22-GSEP-01, at 8-9 (April 28, 2023) (stating that in reviewing GSEPS, the Department must “prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits **and sublimits established pursuant to chapter 21N**.”) (emphasis added). Therefore, as a practical matter, the proposed revision may be unnecessary.

#### Replacing “lost and unaccounted for” with “emissions”

**Proposed by**: EEA Agencies; Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*EEA Agencies* - Lost and unaccounted for (“LAUF”) gas includes emissions, which should be a focus of GSEPs, but also includes other elements that are addressed in other ways, such that LAUF should not be referenced in the GSEP statute. For example, LAUF includes theft, meter error, billing cycle adjustments, and damage to pipelines. Each of these elements is important and already addressed through reporting to DPU and other requirements but is outside the scope of infrastructure planning that is the purview of GSEPs.

*Eversource* - Lost and unaccounted for is a broad definition beyond the direct scope of GSEP. The Company is supportive of efforts to minimize associated methane emissions within the context of the plan.

*Liberty* - “Lost and unaccounted for” gas (“LAUF”) is a broad definition for a concept that is beyond the direct scope of GSEP. While the GSEP can reduce the Company’s lost and unaccounted for, the term “associated methane emissions” would better represent the focus of GSEP. Additionally, Liberty recommends “associated methane emissions” instead of “emissions” because, as the local distribution companies have highlighted in numerous dockets over the years, some emissions are outside the control of a local distribution company.

*National Grid* - LAUF is a broad definition beyond the direct scope of GSEP. But generally supportive of efforts to minimize associated methane emissions within the context of the plan. Lost and Unaccounted gas is not equivalent to "emissions". There are many components to LAUF, most of which do not contribute to emissions such as meter bias and errors, billing cycle adjustments, and verified thefts.

*Unitil* - Lost and Unaccounted for Gas (“LAUF”) is caused by a variety of factors, including meter accuracy, timing differences between billing measurements and the city gate and individual customer meters, measurement accuracy of liquid inventory (e.g., LNG, propane) and pipe leaks (i.e., fugitive emissions). Because gas leaks are only one component of LAUF, it is not a reliable proxy for measuring fugitive emissions on the distribution system. The work performed by the local gas distribution companies under GSEP has reduced methane emissions in the Commonwealth. Unitil is supportive of efforts to continue leveraging GSEP to minimize these emissions.

**Supported by**: HEET, PowerOptions

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - GSEP’s original purpose was to reduce methane emissions, which it has proven effective in doing. Methane emissions and carbon emissions are not the same. By changing the purpose of the GSEP, these amendments could unwittingly frustrate the GSEP’s legislation’s original purpose—i.e., leave leaky pipe emitting methane in the ground and impacting the communities in which it sits.

#### No increase in pipeline capacity

**Proposed by**: HEET

**Proposal Statement**: The purpose of GSEP, as well as the accelerated cost recovery that is part of the program, is to improve the safety of local customers, not to increase the amount of gas that can be sold. Investing in increasing the capacity of the gas system will only increase the potential for stranded assets as the Commonwealth moves “beyond gas” as stated in the Departments Future of Gas order (DPU 20-80).

**Supported by**: NCLC; Conservation Law Foundation

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - To the extent this is meant to curb the expansion of natural gas use, this is not related to the GSEP’s purpose, which is to remediate existing infrastructure. Additional amendment to other sections of the law would be needed to address this. To the extent this is about limiting the discretion of LDCs to increase pipeline diameter, opposes this because it would limit LDC’s discretion to select pipeline maximizing system safety/reliability and the working group did not consider, based on data, how the inclusion of such a provision would affect safety, reliability, and cost on existing users. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

*Eversource* - Growth is already restricted through the GSEP. An improvement for the principal purpose of serving new customers is already not allowed in the statute. There are circumstances where from an engineering perspective a pipe size or pressure increase is warranted. Such circumstances include an increase in pipe size where a size for size replacement would result in a decrease in capacity due to the increase in wall thickness of plastic pipe compared to steel and cast iron and where an increase in pressure from low pressure to a higher pressure is necessary to reduce risk associated with low pressure systems and improve system reliability. It would be operationally infeasible to categorically exclude increase in system capacity.

*Liberty* - Conceptually, the local distribution companies are already prohibited from using the GSEP to spur the growth of the distribution system. Thus, “No increase in pipeline capacity” is already prohibited under the plain language of the GSEP since an increase in pipeline capacity “to increase the revenue of a gas company by connecting an improvement for a principal purpose of serving new customers” is not eligible for GSEP recovery. While Liberty maintains that this proposed language is duplicative, if inclusion was deemed necessary, the Company recommends that “no increase in pipeline capacity” be amended to read "for the primary purpose of increasing capacity." The alternative language allows for circumstances where a pipeline capacity increase is warranted and required for system reliability and safety based on engineering standards.

*National Grid* - Growth is already restricted through the GSEP statute and per DPU precedent. If language were to be included, it should state that replacement is not allowed for the primary purpose of increasing capacity on the system for growth. Furthermore, there are circumstance where from an engineering perspective a GSEP project may require a small increase in pipe diameter, which is currently allowed per DPU precedent. In other instances, gas companies may choose to replace low pressure leak prone pipe with pipe that operates at a higher pressure for the purpose of improving the ability to protect pipe against over pressurization. In both examples, capacity would be increased, but is not the primary driver for the project.

*Unitil* - The GSEP statute (as currently drafted) prohibits local gas distribution companies (“LDCs”) from including improvements for the principal purpose of serving new customers in GSEP. Therefore, as a practical matter, the proposed revision is unnecessary. Moreover, the proposed revision may have the unintended consequence of prohibiting the LDCs from engaging in pressure conversion work (i.e., converting low pressure segments to high pressure), which is an integral part of GSEP and necessary for a fully integrated natural gas distribution system.

#### May include “non-gas pipe alternatives”

**Proposed by**: Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*Eversource* - This endorses the full suite of options available in lieu of traditional pipeline replacement. It allows for cost recovery of such alternatives assuming it is determined to be affordable and feasible by the LDC for review and approval by the Department in the context of the GSEP.

*Liberty* - Supports the inclusion of “non-pipe alternatives,” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. The same Department standard of review of the GSEP would need to also apply to non-pipe alternatives. Ultimately, the Department, in reviewing the GSEPs, must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Liberty recommends defining “non-gas pipe alternative” as facilities other than new gas system pipe installed to replace or retire existing gas infrastructure.

*National Grid* - National Grid supports inclusion of the full range of non-pipe alternatives available in lieu of traditional pipeline replacement. Support inclusion in GSEP for cost recovery of such alternatives assuming determined to be affordable and feasible by the LDC, and for review and approval by the Department GSEP proceedings.

*Unitil* - Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP.

**Supported by**: LEAN, NCLC, HEET (with clarification)

HEET (with clarification): The term should be “non-gas pipe alternatives,” not “non-pipe alternatives”. This change is suggested since there are types of pipes, for instance pipes filled with water, that could supply heating and cooling to customers while meeting the state’s emissions mandates *and* improving safety.

HEET’s support for this change to the GSEP statute is of course dependent on the definition of non-gas pipe alternative. Please note that HEET supports a specific definition of non-gas pipe alternative[[5]](#footnote-5) which includes the options of:

* Advanced leak repair
* Replacement with renewable thermal infrastructure
* Retirement of the eligible infrastructure.

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - The introduction of non-pipe alternatives represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

#### May include “non-pipe alternatives,” with preference for locations in EJ communities

**Proposed by**: LEAN, NCLC

**Proposal Statement**: Communities with environmental justice concerns are explicitly included here to be consistent with equity goals in state energy and climate statutes. To the extent feasible, these communities could be prioritized for electrification and/or networked thermal heat, and targeted decommissioning.

**Supported by**: Eversource (with clarification); Liberty (with clarification); National Grid (with clarification); Unitil (with clarification); HEET (with clarification)

**Supporting Statements**:

*Eversource* (with clarification) - The Company is supportive of concept but should be with a consideration for locations in EJ communities rather than for a preference. Primary focus of pipe replacement prioritization must continue to be to reduce risk, improve safety, maintain system reliability and reduce emissions.

*Liberty* (with clarification) - Supportive of concept; however, the location of the non-pipe alternatives in EJ communities should be a consideration rather than a preference. The location of a non-pipe alternatives would be based on affordability and feasibility. However, the primary focus of the GSEP must remain on pipe replacement based on risk score prioritization through identification in the local distribution company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Lastly, the plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” Therefore, requiring a preference for locations in EJ communities, though well-intentioned, is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* (with clarification) - Supportive of the concept language should be written to allow for a consideration for locations in EJ communities rather than for a preference. Primary focus of GSEP work must remain on pipe replacement based on risk prioritization as specified in the LDC’s DIMP and on emissions reduction per statute and regulation.

*Unitil* (with clarification) - As noted above, Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP. Unitil also supports the inclusion of location (i.e., within EJ communities) as a consideration when evaluating the feasibility and affordability of non-pipe alternatives. However, the primary focus of GSEP should continue to be on the objective considerations of safety and reliability and planning should be based on a risk prioritization framework.

HEET (with clarification): The intent of this edit is to ensure equitable access to non-gas pipe alternatives for all customers. However, the designation of “EJ community” is only a rough statistical proxy for a disadvantaged community (for instance, a large portion of Lexington is designated as an “EJ community”). An alternative for the suggested language might be to use the Justice40 disadvantaged community designation or to institute performance-based ratemaking that takes into account the percentage of low-to-moderate income customers connected to that year’s non-gas pipe alternatives. This could ensure equitable access while allowing non-gas pipe alternatives to be installed widely.

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - The introduction of non-pipe alternatives represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

#### Requires consideration of “non-gas pipe alternative,” and a finding that such alternative is infeasible or not cost-effective

**Proposed by**: HEET, PowerOptions

**Proposal Statement**: In order to reduce stranded gas assets in the future as the Commonwealth transitions to clean electricity, non-gas pipe alternatives must be the prevailing assumption for all GSEP pipe replacements. They should be installed wherever feasible and financially viable.

How to determine the feasibility and financial viability will change over time as technology and costs change. Thus it is best to allow the Department to regularly assess how best to define these two terms. One potential method for cost effectiveness would be that the proposed measure is predicted to provide customers with heating at an affordable cost throughout its “used and useful” lifetime. Given that gas infrastructure is not likely to be widely used and useful past the state’s net zero emission mandate of 2050, it is likely that many non-gas pipe alternatives will be projected to provide customer heating at more affordable cost over their longer lifespan than new gas infrastructure.

Please note: in the compiled redlines of the edits, it appears that the intent of this text was changed. Text should read “(viii) shall be a non-gas pipe alternative unless demonstrated by a gas company to be not feasible or not cost effective.”

**Supported by**: NCLC; Conservation Law Foundation

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - The introduction of non-pipe alternatives represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

*Eversource* - The Company would be open to providing data to show that such a project IS feasible and/or cost-effective rather than needing to run the analysis for every segment of pipe to provide the negative. This presumes a bias towards NPAs. The Company supports use of NPAs where there is no negative impacts to other parts of the system. This should be reviewed and determined by the Department’s broad discretion.

*Liberty* - Opposes this proposed revision. Liberty supports the inclusion of “non-pipe alternatives” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. As a result, Liberty recommends revising the proposed language, “feasible or not cost-effective,” which would place the burden of proof on the company to show that each non-pipe alternative is, to read “feasible and cost-effective” in order to collect the revenue requirement associated with that project through the GSEP. The same Department standard of review of the GSEP would need to also apply to non-pipe alternatives. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. The inclusion of “a finding that such alternative is infeasible or not cost-effective” presumes that the installation of a non-pipe alternative is the preference for GSEP planning. Given that this issue is currently before the Department in D.P.U. 20-80, this presumption is not ripe for consideration in the context of the stakeholder working group.

*National Grid* - Would be open to providing data to show that such a project is feasible and/or cost-effective (rather than infeasible or not cost effective) rather than requiring analysis for every segment of pipe to provide the negative. Presumes a bias towards NPAs. Support use of NPAs where there are no negative impacts to other parts of the gas system associated with decommissioning gas pipe, where it is shown to cost effective, and as reviewed and determined by the Department per their broad discretion to do so.

*Unitil* - As noted above, Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP. However, Unitil does not support a framework under which the local gas distribution companies (“LDCs”) must show a non-pipe alternative is infeasible or not cost effective before they can replace or retire pipe. The LDCs should be required to present analyses only in support of proposed non-pipeline investments. Moreover, the proposal for LDCs to show that non-pipeline alternatives are or are not “cost effective” would be challenging. As a practical matter, the LDCs cannot be expected to undertake such an analysis every time they replace a service or a small segment of pipe. This would introduce counter-productive delays into the management and operation of the utility system, which in turn would increase operational risk. In addition, a cost-effectiveness test for non-pipe alternatives presents several analytical difficulties. For example, would the standard be more cost-effective relative to a pipeline replacement or some other measure? What factors would be considered in this cost-effectiveness analysis (e.g., affordability, bill impacts, cost-shifting, just and reasonable rates, pace of electrification, the make-up of the ISO-NE generating fleet, workforce transition costs, retrofit costs, transmission and distribution upgrade costs, etc.)? Over what period would this test be applied?

* Addition of definition of “non-gas pipe alternative”

**Proposed by**: EEA Agencies; HEET; Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*EEA Agencies* - NPAs are an emerging cost and mitigation tool that can provide an opportunity to reduce emissions, gas system costs, and customer risk by avoiding unnecessary infrastructure spending. Inclusion of the reference to M.G.L. c. 164, § 147A (“Non-pipe alternative” means activities or investments that delay, reduce, or avoid the need to build or upgrade traditional natural gas infrastructure, including, but not limited to, non-emitting renewable thermal infrastructure project defined in section 147A of chapter 164.”) was to ensure that geothermal projects (which do utilize pipes) could be considered NPAs.

*HEET (with clarification) -* This definition in the compiled redlines is not what HEET suggested. The suggested definition is not specific to aging or leak prone infrastructure and does not specifically reduce emissions. The way this definition is written, GSEP’s accelerated cost recovery funds could pay for a) energy efficiency measures or conservation methods throughout the state or b) infrastructure to manufacture or deliver blue hydrogen. Such measures would not result in leakprone pipes being replaced, and thus would not ensure safety in any way for the residents near those pipes, nor would it reduce emissions from those leakprone pipes. The edits below clarify the definition.

*“Non-gas pipe alternative,“ a replacement, retirement or advanced leak repair of eligible infrastructure that delays, reduces or avoids the need to install new gas pipe while maintaining the safety and reliability of the gas system, as well as reducing greenhouse gas emissions as defined in section 1 of chapter 21N. Such alternative may include, but is not limited to, a non-emitting renewable thermal infrastructure project.Eversource* - Support the original definition of NPAs as more prescriptive for definition. “Non-gas pipe alternative,” facilities other than new gas system pipe installed to replace or retire existing gas infrastructure.

*Liberty* - Supports the inclusion of “non-pipe alternatives” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. Liberty recommends defining “non-gas pipe alternative” as facilities other than new gas system pipe installed to replace or retire existing gas infrastructure.

*National Grid* - Support the original definition of NPAs as proposed by National Grid and the other LDCs which defines an NPAs as “facilities other than new gas system pipe installed to replace or retire existing gas infrastructure.”

*Unitil* - Support the original definition of NPAs as more prescriptive for definition.

**Supported by**: PowerOptions

**Opposed by**: NEGWA/USW; Unitil

**Statements in Opposition**:

*NEGWA/USW* - The introduction of non-pipe alternatives represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

#### Including non-emitting renewable thermal infrastructure projects

**Proposed by**: EEA Agencies; HEET

**Proposal Statements**:

*EEA Agencies* - Non-emitting renewable thermal infrastructure projects*[[6]](#footnote-6)* are an emerging cost and mitigation tool that can provide an opportunity to reduce emissions, gas system costs, and customer risk by avoiding unnecessary infrastructure spending, and should be one of the options eligible to be implemented through GSEPs.

*HEET* – This text adds clarity about the permissible options for the non-gas pipe alternative.

**Supported by**: NCLC; Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - The introduction of non-emitting thermal infrastructure represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Additional legislation would be necessary to address planning for non-emitting thermal infrastructure that is not contemplated by these amendments. This change fails to provide any labor standards consistent with the economic development purposes of the Commonwealth; labor standards were not considered by the working group consistent with this proposed amendment.

*Eversource* - Oppose defining particular NPAs and giving any perceived preference of one type over another.

*Liberty* - Supports the inclusion of “non-pipe alternatives” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. Liberty recommends defining “non-gas pipe alternative” as facilities other than new gas system pipe installed to replace or retire existing gas infrastructure. Including “non-emitting renewable thermal infrastructure projects” in the definition of non-pipe alternatives creates an unnecessary presumed preference of non-pipe alternatives and potentially narrows the possibility of potential projects that ultimately could be included.

*National Grid* - Oppose defining particular NPAs for inclusion and giving any perceived preference of one specific type of NPA over another or limiting NPAs to only non-emitting renewable thermal infrastructure projects.

*Unitil* - Does not support a narrow definition of “non-pipe alternatives” that favors specific technologies because the universe of options is likely to evolve over time.

### “Plan”

#### Can be in conjunction with an electric distribution company

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions

HEET (with clarification) - Since the Massachusetts gas system at its peak can contain four times the energy of the electric system, what happens to the gas system will deeply impact the electric system. Integrated planning will help increase the speed, safety and reliability of moving beyond gas, while decreasing the cost.

HEET suggests that this electric and gas integrated planning *should be a requirement*. Such an integrated plan should be street-segment based and phased, to allow the gas system to be aligned over time with the state net zero emissions mandate.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - The introduction of planning with electrical utilities represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on system safety and reliability.

Eversource - Better left in the context of D.P.U. 20-80, or the GMAC process. This goes beyond the scope of the GSEP as intended. Does not focus on safety, reliability, etc. for pipeline replacement.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of “can be in conjunction with an electric distribution company” clearly exceeds the scope of GSEP and would add a level of complexity that would defeat the objective of the program and would straitjacket the Department’s ability to evaluate the plans within the context of their oversight. Coordinated gas and electric planning is better addressed in D.P.U. 20-80 or the Grid Modernization Advisory Council process.

*National Grid* - Process for integrated energy planning should be addressed in the context of D.P.U. 20-80, or the GMAC process. This proposal goes beyond the scope of the GSEP as intended and the statutory purpose of the GSEP Working Group.

*Unitil* - The concept of integrated energy planning between electric and gas distribution companies is beyond the statutory mandate of the GSEP Working Group. The breadth and import of the legal, regulatory, operational, and financial issues implicated by an integrated planning framework require a more comprehensive and deliberate examination of those matters. Unitil also opposes the proposal for GSEP planning to be done in conjunction with “other parties.” Including third parties in capital planning could introduce counter-productive interference by parties advocating for special interests and delay into the management and operation of the Commonwealth’s utility systems. This, in turn, would increase operational risk and increase costs to customers. This proposal also is inconsistent with long-standing Department precedent deferring to the judgment and expertise of regulated utility companies when it comes to operating and maintaining their systems safely and reliably. In addition, it would not be appropriate to allow system planning to be done by entities that bear none of the safety, reliability, financial, customer service, or regulatory risk associated with owning and operating a gas system.

**Note of Abstention**: The Attorney General’s Office withholds support until there is clarification of the practicalities of LDCs filing plans in conjunction with an electric distribution company.

#### Requires consideration of “all reasonable alternatives to natural gas”

**Proposed by**: LEAN, NCLC – with amendment

**Proposal Statement**: We recommended this as consistent with meeting the emissions goals of Chapter 21N, but must offer one amendment to our original suggestion – requiring consideration of “all reasonable **non-combusting** alternatives to natural gas.” This is intended to support development of networked thermal heat as well as non-pipe alternatives. However, the addition of “non-combusting” is needed to clarify the alternatives that are being specified, and that these alternatives do not include potentially expensive and dangerous alternatives such as hydrogen. It is possible that this entire revision would not be needed, in light of the addition of “non-pipe alternatives” to the definition section.

**Supported by**: Massachusetts Attorney General’s Office

HEET with clarification - If non-gas pipe alternatives are required wherever economically feasible, “all reasonable alternatives to natural gas” would not be needed.

If NCLC and LEAN still want to use this language, then given that RNG and hydrogen are more expensive than natural gas and both gasses still create emissions, HEET suggests changing the language to requiring consideration of “non-gas pipe alternatives” instead of “all reasonable alternatives to natural gas.”

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - The introduction of planning with a focus on “all reasonable alternatives to natural gas” represents a significant departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how moving away from GSEP’s original purpose would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* - Definitional challenge, should be left to the broad oversight of the Department for interpretation.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department, in reviewing the GSEPs, must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - The proposed language is overly broad and does not define what is meant by “all reasonable alternatives.” This type of language is better left to the broad oversight of the Department for interpretation in the context of GSEP filings.

*Unitil* - The proposed revision is not defined, overly broad, and vague. As such, the proposed standard lends itself to application on an *ad hoc* and subjective basis. Therefore, it should not be adopted.

#### Analysis must include consideration of emissions reductions, reliability, safety, resilience, customers costs, public health and other benefits, and risks

**Proposed by**: LEAN, NCLC

**Proposal Statement**: Proposed for consistency with the statutory objectives of this Working Group, as well as of Chapter 21N.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation

HEET with clarification- It is possible for a utility to “consider” these items and not explain how the plans were considered, nor factor these items in any way into its plans. To strengthen this provision, HEET suggests instead that the consideration must be written down, explaining how the plan meets the Department’s mandates (safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions). If the utilities are unsure about how to do this best, the Department could potentially offer guidance.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposed insofar as it is inextricably linked to requiring that the plan include “all reasonable alternatives to natural gas”; is supportive of including these measures in considering GSEP pipeline replacement and repairs [as described above].

*Eversource* - Please see above for prescriptive focus on risk reduction.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass these initiatives. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department, in reviewing, the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. The introduction of additional, undefined considerations is susceptible to arbitrary application and will create compliance challenges. For example, assuming these additional factors are meant to inform a determination of what is a “reasonable alternative” would the Department have to weigh these factors equally? Would the Department be required to explain how each factor was weighed in its decisions? Would the pace of renewable/energy storage development, the costs of large-scale intermittent renewable generating sources, and electric system upgrades be part of this calculus? Would the determination need to account for how long gas generation will be on the margin, or at least a near baseload resource?

#### Requires consideration of targeted decommissioning of a gas system, based on independent assessment of costs and benefits of decommissioning

**Proposed by**: LEAN, NCLC

**Proposal Statement**: Consistent with energy efficiency objectives, such as adoption of Air Source Heat Pumps, as well as principles of least-cost to achieve stated goal. Intended to accelerate targeted decommissioning.

**Supported by**: Conservation Law Foundation

HEET with clarification - If non-gas pipe alternatives are required wherever economically feasible, language requiring consideration of “targeted decommissioning of a gas system” would not be needed. Secondly, in terms of the independent assessment, there are not many experts outside of the gas industry who have the gas system expertise to handle this kind of analysis, as well as the electric-grid expertise to calculate how such decommissioning will impact the local electric grid as the local buildings move to electricity for heat.

Thus, as stated above, HEET suggests the creation of an integrated electric and gas utility plan that is street-segment based and phased in a way that meets the state’s net zero emissions mandates. With this sort of detailed plan, we can move from a lofty goal to an enactable set of actions that minimize disruption and cost. Having such a plan would help to ensure that all street segments that should be decommissioned will have a date and a plan to do so.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - This proposal is completely beyond the scope of the working group’s statutory mandate. Moreover, the introduction of planning requiring “consideration and incorporation of targeted decommissioning or decommissioning of a gas system” represents a complete departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how partial, targeted, or complete decommissioning would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* - Decommissioning is beyond the scope of the GSEP, and the asset owners are in the best position to make the determinations for asset replacement or retirements and are obligated to run a safe and reliable system.

*Liberty* - Opposes this proposed revision. The addition of “consideration of targeted decommissioning of a gas system, based on independent assessment of costs and benefits of decommissioning” is outside the scope of the statutory mandate. The inclusion of any decommission presumes that the installation of non-pipe alternatives will be affordable and feasible. Given these issues are currently before the Department in D.P.U. 20-80, this presumption is not ripe for consideration within the context of the stakeholder working group. Additionally, the replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Lastly, the plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” Therefore, the addition of “consideration of targeted decommissioning of a gas system, based on independent assessment of costs and benefits of decommissioning” is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - Decommissioning is beyond the scope of the GSEP and the statutory requirement of the GSEP Working Group. Furthermore, the owners of the gas distribution system assets are in the best position to make the determinations for asset replacement or retirements and are responsible and accountable to maintain a safe and reliable system, and thus, these decisions should not be dictated by third parties who are not responsible for the safe and reliable operation and maintenance of the system.

*Unitil* - Unitil opposes this proposed revision for several reasons. First, the Department has long deferred to the judgment and expertise of regulated utility companies when it comes to operating and maintaining their systems safely and reliably. Boston Gas Company and Colonial Gas Company, D.P.U. 13-78, at 13 (2014) (“The Department reiterates that it. . .will not substitute its judgment for that of a utility manager as to how best to fulfill service obligations to operate its system safely and reliably.”); Boston Gas Company, Essex Gas Company, and Colonial Gas Company, D.P.U. 10-55, at 128-129 (2010) (“The Department will not substitute its judgment for utility management’s job as to how best to meet and fulfill its service obligations to maintain and operate its system consistent with safety, reliability and other considerations.”). The Department defers to the judgment of regulated utility companies because they have the most knowledge about their customers and their infrastructure. See Investigation by the Department of Public Utilities on its own Motion into Distributed Generation Interconnection, D.P.U. 11-11-E at 15 (March 13, 2013). The model proposed by LEAN, NCLC would empower a third-party to substitute its judgment for the seasoned expertise and informed judgment of the utility companies. Planning should not be done by an external third-party that bears no safety, reliability, financial, customer service, legal, or regulatory risk associated with owning and operating a utility system. Second, if utility investment decisions are guided by a third-party entity the Department’s prudence reviews of capital investments would be encumbered and the regulatory compact would be undermined. See Bay State Gas Company, D.T.E. 05-27, at 39 (2005) (“Endorsing a specific method of replacing a utility’s unprotected steel infrastructure would not only limit the utility management’s operational flexibility, but also could encumber the Department’s future prudence reviews. Accordingly, the Department will not direct a specific approach and will defer to the Company’s management judgment to choose the appropriate approach for the replacement of its unprotected steel infrastructure, taking into account the paramountcy of public safety and the goals of efficiency and reasonable cost.”); NSTAR Electric Company and Western Massachusetts Electric Company, D.P.U. 17-05, at 88-89 (Nov. 30, 2017) (“The Department has found that decisions regarding the level and types of capital investment to be made by a company rest, in large part, with company management. The Department also has recognized that distribution companies have full discretion to exercise judgement in maintaining the safety and reliability of their distribution system.”).

**Note of Abstention**: The Attorney General’s Office withholds support until there is clarification of what an “independent assessment” entails.

### Requires identification of leak-prone pipes and prioritization as follows:

#### Immediate and significant health and safety concerns

**Proposed by**: LEAN, NCLC

**Proposal Statement**: Consistent with statutory health and safety objectives of this Working Group.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation, HEET

**Opposed by**: NEGWA/USW; Eversource; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposed to this insofar as it is inextricably linked to requiring that the plan include “all reasonable alternatives to natural gas” and targeted/partial complete decommissioning for the reasons provided above; is supportive of including these measures in considering GSEP pipeline replacement and repairs.

*Eversource* - It is unclear on overall intent, but risk analysis and prioritization of pipe segments for replacement is focused on reducing risk and improving safety. Not something that can or should factor indoor gas analysis.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompasses these initiatives; therefore, adding duplicative terms will only needlessly complicate the interpretation of the statutory language. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. The inclusion would be duplicative since the prioritization and review of GSEP already includes the review of aging or leak-prone natural gas pipeline infrastructure that pose viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system.

*National Grid* - Unclear on overall intent, but risk analysis is focused on safe and reliable service through DIMP plan assessment for maintenance and operation of the distribution system. Not something that can or should factor indoor gas analysis. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. The introduction of additional overly broad and vague considerations that are susceptible to subjective and arbitrary application should not be used as determinative factors in evaluating compliance with GSEP. In addition, the implementation of the GSEP should be consistent with the Company’s Distribution Integrity Management Program to reduce risk, improve safety, and ensure the reliability of the gas distribution system.

#### Moderate health and safety concerns

**Proposed by**: LEAN, NCLC

**Proposal Statement**: In support of prioritizing most dangerous health and safety concerns (see immediately preceding item).

**Supported by**: Conservation Law Foundation, HEET

HEET with clarification - Using the Department’s six exact mandates might be more clear and less likely to cause confusion or conflicts.

**Opposed by**: Massachusetts Attorney General’s Office; NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*Attorney General’s Office* - Withholds support until there is clarification of what “moderate health and safety concerns” means.

*NEGWA/USW* - Opposed to this insofar as it is inextricably linked to requiring that the plan include “all reasonable alternatives to natural gas” and targeted/partial complete decommissioning for the reasons provided above; is supportive of including these measures in considering GSEP pipeline replacement and repairs.

*Eversource* - It is unclear on overall intent, but risk analysis and prioritization of pipe segments for replacement is focused on reducing risk and improving safety. Not something that can or should factor indoor gas analysis.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass these initiatives. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. The inclusion of the proposed language would be duplicative because the prioritization and review of GSEP already includes the review of aging or leaking natural gas pipeline infrastructure that pose viable health and safety risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system.

*National Grid* - Unclear on overall intent, but risk analysis is focused on safe and reliable service through DIMP plan assessment for maintenance and operation of the distribution system. Not something that can or should factor indoor gas analysis. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. The introduction of additional overly broad and vague considerations that are susceptible to subjective and arbitrary application should not be used as determinative factors in evaluating compliance with GSEP. In addition, the implementation of the GSEP should be consistent with the Company’s Distribution Integrity Management Program to reduce risk, improve safety, and ensure the reliability of the gas distribution system.

#### Impact on vulnerable populations, including children and elders

**Proposed by**: LEAN, NCLC

**Proposal Statement**: In support of prioritizing most dangerous health and safety concerns (see immediately preceding two items), as well objective of affordability.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation, HEET

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposed to this insofar as it is inextricably linked to requiring that the plan include “all reasonable alternatives to natural gas” and targeted/partial complete decommissioning for the reasons provided above; is supportive of including these measures in considering GSEP pipeline replacement and repairs.

*Eversource* - It is unclear on overall intent, but risk analysis and prioritization of pipe segments for replacement is focused on reducing risk and improving safety. Not something that can or should factor indoor gas analysis.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leaking natural gas pipeline infrastructure in the interest of public safety which is of itself a consumer protection for all residents of the Commonwealth, which is a class that obviously includes the aforementioned vulnerable populations. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. The inclusion of the term “impact on vulnerable populations, including children and elders” is not only exceedingly vague so as to frustrate its practical application and legal interpretation, but it also presumes that vulnerable populations are static and do not travel for work, school, etc. Lastly, the inclusion is not only inconsistent with the Company’s DIMP, but it also impinges on the Company’s business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - Unclear on overall intent, but risk analysis is focused on safe and reliable service through DIMP plan assessment for maintenance and operation of the distribution system. Not something that can or should factor indoor gas analysis. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. The introduction of additional overly broad and vague considerations that are susceptible to subjective and arbitrary application should not be used as determinative factors in evaluating compliance with GSEP. In addition, the implementation of the GSEP should be consistent with the Company’s Distribution Integrity Management Program to reduce risk, improve safety, and ensure the reliability of the gas distribution system.

### Section (b): Requirement to submit GSEP plans

### Text

*(b) A gas company shall file with the department a plan to address aging or leaking natural gas infrastructure within the commonwealth and the leak rate on the gas company's natural gas infrastructure in the interest of public safety and reducing lost and unaccounted for natural gas through a reduction in natural gas system leaks. Each company's gas infrastructure plan shall include interim targets for the department's review. The department shall review these interim targets to ensure each gas company is meeting the appropriate pace to reduce the leak rate on and to replace the gas company's natural gas infrastructure in a safe and timely manner. The interim targets shall be for periods of not more than 6 years or at the conclusion of 2 complete 3-year walking survey cycles conducted by the gas company. The gas companies shall incorporate these interim targets into timelines for removing all leak-prone infrastructure filed pursuant to subsection (c) and may update them based on overall progress. The department may levy a penalty against any gas company that fails to meet its interim target in an amount up to and including the equivalent of 2.5 per cent of such gas company's transmission and distribution service revenues for the previous calendar year.*

#### Phases out GSEP filings after December 31, 2024

**Proposed by**: LEAN, NCLC

**Proposal Statement**: We proposed an end to special cost recovery under GSEP. **This date is a proposal in the alternative**, so that if special cost recovery is not ended immediately, it would at least be ended by no later than Dec. 31, 2024. This was intended to apply to the cost recovery filings only. If special cost recovery is removed entirely from the GSEP statute, this provision will not be needed. Please see Part Two of this document for additional comments.

**Supported by**: Conservation Law Foundation

**Opposed by**: NEGWA/USW; HEET, PowerOptions; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* – Opposes this because it would abruptly end a program dedicated to improving system safety and reliability without evidence that this measure, or any of the others proposed, would maintain safety and reliability for the duration of time LDC pipeline remains in use within the Commonwealth. It also represents a complete departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how partial, targeted, or complete decommissioning would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

HEET, *PowerOptions* – The GSEP with its accelerated cost recovery is the perfect vehicle to motivate the gas utilities to replace the leak-prone gas infrastructure with non-combusting thermal infrastructure that helps the Commonwealth more quickly meet its net zero emissions mandate. GSEP and filings should NOT be phased out, but instead rewritten appropriately to help transition the gas system.

If GSEP were phased out, the gas companies would still have to replace the leak-prone infrastructure in order to maintain safety, replacing this aging infrastructure with new combusting gas infrastructure.

*Eversource* – Phasing out GSEP plan removes the accelerated replacement of leak prone pipe and defeats the intent of reducing risk and improving safety. Gas systems will continue to deteriorate over time, increasing leak rates and adversely impacting risk, safety and system reliability and increasing emissions. Massachusetts has a high percentage of leak-prone pipe remaining. Only NJ and NY have more cast-iron mains than Massachusetts. It would not be prudent for Massachusetts to stop GSEP with so much leak prone pipe remaining.

*Liberty* - Opposes this proposed revision. Assuming that sponsor of this revision does not intend to have the local distribution gas companies continue GSEP work for at least the next decade without filing annual GSEP plans, it is unclear how phasing out the GSEP filing after December 31, 2024 is anything other than a stealth sunset provision designed to terminate the GSEP after calendar year 2024. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety, and the plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” Phasing out of GSEP filing after December 31, 2024, is inconsistent not only with the safety and reliability of the natural gas distribution system but also with the unambiguous language of the Drive Act.

*National Grid* - Phasing out accelerated funding for replacement of leak prone pipe would negatively impact public and pipeline safety and the LDCs ability to reduce risk on their system by removing an effective funding mechanism for replacement of leak prone pipe. Furthermore, elimination of the GSEP annual funding mechanism may lead to more frequent rate case filings, have a negative impact on credit ratings, and potentially lead to higher overall cost for replacing leak prone pipe.

*Unitil* - The December 31, 2024 date appears to be arbitrary and, as far as the Company is aware, not supported by any data, analysis, or policy considerations. Accordingly, the proposal should not be adopted.

**Note of Abstention**: As discussed in Part Two, below, the AGO views a phased end to GSEP and accelerated cost recovery as the most feasible path forward. However, should the legislature choose to end GSEP sooner, the AGO would support such a decision.

#### Includes reference to “unneeded” natural gas infrastructure

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: HEET, PowerOptions

**Supporting Statement**:

*HEET* – The Department’s recent Future of Gas order makes clear the state is moving “beyond gas.” Thus it is certain that gas infrastructure will be unneeded.. An electric and gas utility integrated and phased street-segment based plan would help to determine which gas infrastructure is unneeded and when. The plan will help maintain the safety and reliability of the gas system during the transition. And of course, the less gas used in the Commonwealth, the safer we will all be.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - This term is ambiguous and subjective. To the extent its inclusion is to provide for the identification of infrastructure that may be decommissioned, opposes its inclusion because it represents a complete departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how partial, targeted, or complete decommissioning would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* - This is impossible to define. It should be determined best by the Department who has broad authority to review and approve GSEP plans in alignment with the statute. It need not attempt to be overly prescriptive beyond that charge.

*Liberty* - Opposes this proposed revision. The addition of “unneeded” is not only impossible to define but is outside the scope of the statutory mandate. The inclusion of this language seems based on the unfounded presumption that there are sections within the Company’s distribution system that are unnecessary and no longer used and useful”. Given that the future of natural gas in the Commonwealth is before the Department in D.P.U. 20-80, this presumption is not ripe for consideration within the context of the stakeholder working group. Additionally, the replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Lastly, the plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” Therefore, addition of “unneeded” natural gas infrastructure is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* – The determination of whether or not gas assets are no longer needed should be left to the discretion of the Department. The Department has broad authority to review and approve GSEP plans in alignment with the statute. Furthermore, the purpose of the GSEP statute is to accelerate the removal of leak prone pipe and should not be expanded to include the vague category of “unneeded” pipe.

*Unitil* - The concept of “unneeded” natural gas infrastructure runs contrary to the statutory mandate of the GSEP Working Group. Ongoing investment in the natural gas distribution system is necessary to continue to provide customers with safe and reliable service. Moreover, the proposed revision creates an unworkable standard because it is vague and susceptible to subjective and arbitrary enforcement.

**Note of Abstention**: The Attorney General’s Office withholds support until there is clarification of what constitutes “unneeded natural gas infrastructure.”

#### Adds purposes of promoting public safety, system reliability, system security, consumer protection, and income equity

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation

HEET with clarification– For purposes of clarity and to avoid contradictions, it would be best to use the exact Department mandates.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose this language but believes that “enhances economic and community development and ensures a just transition for LDC workforces impacted by reductions in emissions resulting from LDC’s GSEP participation” should be added.

*Eversource* - See above. Safe and reliable operation of the system in a manner that creates emissions reductions is primary focus. All others are secondary to those goals.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompasses these initiatives; therefore, adding duplicative terms will only needlessly complicate the interpretation of the statutory language. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. The inclusion of this language would be duplicative of the current review process and is better left in the broad authority of the Department.

*National Grid* - Safe and reliable operation of the system in a manner that creates emissions reductions is primary focus. All others are secondary to those goals. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. The introduction of additional overly broad and vague considerations that are susceptible to subjective and arbitrary application should not be used as determinative factors in evaluating compliance with GSEP.

#### Eliminates reference to “lost and unaccounted for natural gas”

**Proposed by**: EEA Agencies

**Proposal Statement**: LAUF gas includes emissions, which should be a focus of GSEPs, but also includes other elements that are addressed in other ways and should not be referenced in the GSEP statute. For example, LAUF includes theft, meter error, billing cycle adjustments, and damage to pipelines. Each of these elements is important and already addressed through reporting to DPU and other requirements but is outside the scope of infrastructure planning that is the purview of GSEPs.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; HEET, PowerOptions; Liberty (with clarification); National Grid; Unitil

Statements in Support:

*Liberty* (with clarification) - Lost and unaccounted for” gas (“LAUF”) is a broad definition for a concept that is beyond the direct scope of GSEP. While the GSEP can reduce the Company’s lost and unaccounted for, the term “associated methane emissions” would better represent the focus of GSEP. Additionally, Liberty recommends “associated methane emissions” instead of “emissions” because, as the local distribution companies have highlighted in numerous dockets over the years, some emissions are outside the control of a local distribution company.

*National Grid* - LAUF is a broad definition beyond the direct scope of GSEP. But generally supportive of efforts to minimize associated methane emissions within the context of the plan. Lost and Unaccounted gas is not equivalent to "emissions". There are many components to LAUF, most of which do not contribute to emissions such as meter bias and errors, billing cycle adjustments, and verified thefts.

*Unitil* - As discussed above, LAUF is not a reliable proxy for measuring fugitive emissions on the natural gas distribution system. Accordingly, the methane emissions reported by the local gas distribution companies to the Massachusetts Department of Environmental Protection pursuant to 310 CMR 7.73 is a more appropriate measure.

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - Opposes this exclusion because it represents a complete departure from GSEP’s original purpose to reduce chronically leaky/compromised pipeline, resulting in methane emissions, already present in communities around the Commonwealth; the working group did not study how such a deletion would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

#### Adds reference to reducing GHG emissions to achieve limits and sublimits established in Chapter 21N

**Proposed by**: Senator Barrett; EEA Agencies; HEET, PowerOptions; Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*EEA Agencies* - The GSEP statute should be amended to acknowledge that the GSEPs should not be inconsistent with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the Commonwealth’s emissions strategies. The Commonwealth needs all its programs to work in concert to aid in the reduction of GHG emissions.

*Eversource* – See above.

*Liberty* - Proposes the inclusion of “and to align with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.” The inclusion of this language ensures compliance with Chapter 21N for gas distribution and services. The Company conditions its support of the inclusion of this language on its application to associated methane emissions and not to building code considerations, which are beyond the scope of the LDCs purview.

*National Grid* - National Grid supports inclusion of language for compliance with emissions reductions targets specified in Chapter 21N for gas distribution and services but does not support compliance with the Chapter 21N targets related to buildings which are beyond the scope of the LDCs purview.

*Unitil* - Unitil does not object to including the reference to Chapter 21N in the statute. However, the Department has already incorporated Chapter 21N into its standard of review for GSEP. Fitchburg Gas and Electric Light Company, D.P.U. 22-GSEP-01, at 8-9 (April 28, 2023) (stating that in reviewing GSEPS, the Department must “prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits **and sublimits established pursuant to chapter 21N**.”) (emphasis added). Therefore, as a practical matter, the proposed revision may be unnecessary.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - opposes this inclusion to the extent it departs from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth—resulting in methane emissions. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

#### Annual targets for subsequent 10 years required

**Proposed by**: EEA Agencies

**Proposal Statement**: EEA Agencies - Establishing annual targets for the next 10 years will require the LDCs to plan over a longer time horizon (10 years instead of five) and allow the Department and other parties to track GSEP progress with “annual targets” rather than the current GSEP “interim targets” that does not specify target frequency.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; HEET, PowerOptions

**Supporting Statements**:

*HEET with clarification* - This language would be improved if the information reported every year included a list by street segment of ALL the leak-prone gas infrastructure remaining in the ground in each gas company territory (not just the street segments that are about to be replaced). This information would help electric utilities, municipalities, state agencies, developers and residents plan better for the upcoming street disruption and potentially synergize underground infrastructure work for cost savings. This information should include the same information normally filed as part of the GSEP filings about each leak-prone street segment, such as the likely year of its replacement or decommissioning, estimated cost of the work, the risk of the infrastructure, as well as the diameter and material of the pipe. See below. This information would allow all stakeholders understand better where there are opportunities for non-gas pipe alternatives.

|  |
| --- |
| Sample GSEP street-segment information from the most recent GSEP report showing the work that will be performed the following year. If the utilities published where all leak-prone infrastructure is (not just that which is about to be replaced), the information would help all to plan better for the transition. Exhibit NG-GPP-4 |

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid (with clarification); Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposes this only to the extent it would only require a plan with targets on a one-time basis for a single 10-year period. Believes that it is crucial that planning for GSEP (and any other emissions reduction activities) include reporting for the duration of transition to zero emissions. Moreover, opposes to the extent this represents a departure from the GSEP’s original purposes and goals.

*Eversource* - This furthers out the planning horizon to ten years and therefore it is less likely annual targets will be reliable. Risk and prioritization of pipe segments for replacement is evaluated on an annual basis. Cannot anticipate the accuracy of a ten-year forecast.

*Liberty* - Opposes this proposed revision. Each gas company’s GSEP plan includes interim targets, which the Department must review to ensure that each gas company is meeting the appropriate pace to reduce the leak rate on and replace the natural gas infrastructure in a safe and timely manner. These interim targets shall be for periods of not more than six years and shall be incorporated into timelines for removing all leak-prone infrastructure. Liberty cautions that extending the interim targets beyond the six-year period would be ineffective since it cannot be anticipated that a ten-year forecast would be accurately captured.

*National Grid* (with clarification) - Current interim targets for leak rate reduction are appropriately established and assessed based on the required three-year leak survey cycle and thus, provide the best measure of impact of leak prone pipe replacement on leak rates. More frequent target timelines may result in an accurate comparison and may not take account of factors impacting results such as which sections of the system are included in annual survey and weather. In addition, the current five-year plan for main replacement miles is appropriate, noting that the further out the planning horizon you set targets, the less likely those targets will be reliable. Furthermore, risk on pipes needs to be evaluated on an annual basis and as a result the targets and needs for replacement will shift to address the findings of those annual evaluations.

*Unitil* - Unitil currently implements its GSEP through a series of five-year rolling plans, which is the appropriate timeframe to establish a scope of work that the Company can reasonably expect to complete. The plan must have the “rolling” component to afford the flexibility necessary to accommodate changes in pipe replacement prioritization based on information discovered during implementation as well as to coordinate with state and municipal construction and paving projects. Fitchburg Gas and Electric Light Company, D.P.U. 14-130, at 37 (April 30, 2015) (concluding that a “five-year rolling plan allows for maximum flexibility while still allowing the Company to provide the Department with an estimated scope of work that the Company can reasonably expect to complete during each construction season.”). Unitil has successfully used this five-year rolling plan process since the inception of GSEP and believes it is the appropriate timeframe. Unitil does not support a ten-year planning horizon because that length of time is not reliable, flexible, or consistent with risk management practices.

#### Must include subtargets for replacements, repairs, and retirements

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation, HEET, PowerOptions

Question by HEET: Does this mean that each utility would have to predict the approximate number of replacements, repair and retirements to be completed each year for that utility to meet its emission subtargets from 2030 to 2050?

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. N EGWA believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes this only to the extent it includes “retirements.” The working group did not study how retirements would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* – See above.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction. The inclusion of subtargets for replacement, repair, and retirements would be arbitrary since the Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Additionally, the Company opposes the inclusion of “repair.” The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s DIMP; instead, a repair simply eliminates the active leak(s). The Company’s DIMP is designed to reduce risk, improve safety, and eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The ill-conceived addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - National Grid supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - As discussed above, Unitil does not support a ten-year planning horizon because that length of time is not reliable or consistent with Unitil’s successful implementation of the GSEP, which utilizes a five-year rolling planning process. Furthermore, it is impractical to establish a “subtarget” for the number of future repairs on the system because it is not possible to determine when or where failures will occur. The Company’s current five-year planning process projects the replacement and retirement of leak-prone pipe.

#### Includes “repair” and “retire” in addition to “replace”

**Proposed by**: Senator Barrett; HEET (include “retire”); Liberty (include “retire”)

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation (for “retire”); PowerOptions

**Opposed by**: NEGWA/USW; Eversource (with clarification); Liberty (with clarification); National Grid (with clarification); Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes the inclusion of “retire” because (1) no study was presented in the working group addressing how retirements could be performed (a) to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not study how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition.

*Eversource* (with clarification) - Eversource objects to targets for repair. Repairs cannot be accurately forecasted and are significantly impacted by forces beyond the control of the Company such as temperature, extreme weather events, third party damages, etc.

*Liberty* (with clarification) - Supportive of inclusion of “retire,” but did not suggest and does not endorse “repair”. The term “repair” does not eliminate risk associated with pipe failure consistent with each Company’s DIMP, as a repair simply eliminates the active leak(s). The Company’s DIMP is written in a manor to reduce risk, improve safety, eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* (with clarification) - National Grid supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy which underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce GHG emissions. A shift in policy that prioritizes repair over replacement does not reduce the risk that leak-prone pipe poses to people, property and the environment. As required by 49 CFR §192 Subpart P, the Company must implement a Distribution Integrity Management Program (“DIMP”) that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution pipeline. In Unitil’s Massachusetts gas distribution system leak prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of the DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs which only serve to defer inevitable replacements.

### Adds required considerations of:

#### Improves public safety

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; HEET, PowerOptions

**Supporting Statements**:

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Not opposed to the extent used in context consistent with the original purposes of GSEP.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are improving public safety.

* 1. *Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass this proposed revision; therefore, adding duplicative terms will only needlessly complicate the interpretation of the statutory language. The inclusion of “improves public safety” is already achieved by replacing aging or leaking natural gas pipeline infrastructure. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The inclusion of “improves public safety” is therefore duplicative and unnecessary.
  2. *National Grid* - By reducing risk and implementing the plan consistent with the DIMP, GSEP improves public safety. Additional items to consider would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. Also, for the reasons explained above, Unitil opposes the imposition of ten-year targets.

#### Ensures system security

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; HEET, PowerOptions

**Supporting Statements:**

*HEET* – Security is one of the six mandates of the Department (safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions). All six mandates should expressly be made part of GSEP, the gas utilities’ most expensive program.

System security in this case includes cyber security and other attacks. It is hard to understand why the gas utilities, which are so rightly concerned about safety, would not strongly support language around the security of a pipeline system filled with an explosive gas underneath major cities.

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* – ambiguous term; requires additional information.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are improving public safety.

*Liberty* - Opposes this proposed revision. It is unclear how the inclusion of “system security” relates to GSEP or how it would be defined within the context of the program for local distribution companies planning purposes.

*National Grid* - By reducing risk and implementing the plan consistent with the DIMP, are improving system security. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. Also, for the reasons explained above, Unitil opposes the imposition of ten-year targets.

#### Promotes infrastructure reliability

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; HEET, PowerOptions

**Supporting Statements**:

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Not opposed to the extent used in context consistent with the original purposes of GSEP.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are improving public safety.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass this proposed revision. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

National Grid - By reducing risk and implementing the plan consistent with the DIMP, are improving infrastructure reliability. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. Also, for the reasons stated above, Unitil opposes the imposition of ten-year targets.

#### Protects consumer interests

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation, HEET, Power Options

HEET with clarification – For the purposes of clarity, it would be best to use the exact Department mandate: “affordability”.

**Opposed by**: NEGWA/USW;, ; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Not opposed to the extent used in context consistent with the original purposes of GSEP.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are improving consumer interests for the safe and reliable operation of the natural gas distribution system.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leaking natural gas pipeline infrastructure in the interest of public safety which is of itself a consumer protection. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - By reducing risk and implementing the plan consistent with the DIMP, are improving consumer interests for the safe and reliable operation of the natural gas distribution system. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - For the reasons stated above, Unitil opposes the imposition of ten-year targets. Also, the proposed consideration of “consumer interest” is not defined, overly broad, and vague. As such, this consideration lends itself to arbitrary application.

* Advances equity

**Proposed by**: Senator Barrett

**Proposal Statement**: [explanation of why they proposed it]

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Not opposed to the extent used in context consistent with the original purposes of GSEP.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are advancing equity through the safe and reliable operation of the natural gas distribution system.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that, presumably, encompass this exceedingly vague, proposed revision. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Generally, any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation. And given the particularly opaque nature of this proposed revision, that principle seems particularly apposite here.

*National Grid* - By reducing risk and implementing the plan consistent with the DIMP, are advancing equity through the safe and reliable operation of the natural gas distribution system. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - For the reasons stated above, Unitil opposes the imposition of ten-year targets. Also, the proposed consideration of “equity” is not defined, overly broad, and vague. As such, this consideration lends itself to arbitrary application and should not be adopted.

#### Schedule not inconsistent with GHG emissions limits and sublimits in Chapter 21N and commonwealth’s emissions strategies

**Proposed by**: Senator Barrett; HEET

**Proposal Statement**: The entire purpose of the GSEP working group is to align GSEP with the Commonwealth’s “applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” This stated purpose should be inserted in the legislative language anywhere it might be applicable. Sublimits are critical to ensure the state stays on track to meeting its mandate.

In the following statements, the utilities and NEGWA below are rightly concerned about maintaining the safety of the gas system. Moving the gas system to one that delivers temperature to customers using a non-explosive fluid, such as water, would help ensure the safety the utilities so deeply desire.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - opposes this inclusion to the extent it departs from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth—resulting in methane emissions. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* - See above. Also, by reducing risk and implementing the plan consistent with the DIMP, are advancing emissions reductions goals through the safe and reliable operation of the natural gas distribution system.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass this proposed revision. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. The Department in reviewing the GSEPs must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N. Any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - By reducing risk and implementing the plan consistent with the DIMP, are advancing emissions reductions goals through the safe and reliable operation of the natural gas distribution system. Would add a level of complexity that would defeat the objective of the program and would take away the flexibility of the Department to evaluate the plans within the context of their oversight. Pipe should be replaced to reduce risk, improve safety, eliminate emissions. After those three goals, inputs should be informative, but not prescriptive.

*Unitil* - The objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP. Also, as explained above, Unitil opposes the imposition of ten-year targets.

#### Gas companies must update targets annually

**Proposed by**: EEA Agencies

**Proposal Statement**: The current GSEP states gas companies *may* update timelines in their GSEPs based on overall progress. LDCs should be *required* to update GSEPs every year based on overall progress, to ensure that making up any shortfall in progress is part of the next GSEP.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; NEGWA/USW

HEET with clarification: It would be better to have the gas companies update their “plans” (i.e. construction plans that are already defined within the legislative language) to meet the targets, rather than the targets themselves. The targets (i.e. the emission reductions) should be unchanging.

As part of these plans, it would be best if the utilities listed in these plans *all* leakprone street segments in their territories (not just those street segments that they plan to replace in the next five years), with all the standard information included in those plans. This non-critical-infrastructure information could be used by electric utilities, municipalities, customers, the state, developers and analysts to plan how to transition these streets synergistically at the greatest speed and for the least cost.

**Opposed by**: Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*Eversource* - See comments above. Providing annual targets for ten years is not appropriate based on future uncertainty. Annual targets are provided for each GSEP year as it forecasts the work to be done.

*Liberty* - Opposes this proposed revision. Each gas company’s GSEP plan includes interim targets, which the Department must review to ensure that each gas company is meeting the appropriate pace to reduce the leak rate on and replace the natural gas infrastructure in a safe and timely manner. These interim targets shall be for periods of not more than six years and shall be incorporated into timelines for removing all leak-prone infrastructure. These interim targets are updated annually in the gas company’s next GSEP plan. The inclusion would be duplicative and unnecessary.

*National Grid* - Annual targets are provided for a five-year period in each GSEP filing. Oppose without clarification because unclear on intent.

*Unitil* - The proposed revision is unnecessary because the local gas distribution companies are already required to provide annual targets under the existing GSEP statute.

### Section (c): Contents of plans filed with the Department

### Text

(c) Any plan filed with the department shall include, but not be limited to: (i) eligible infrastructure replacement of mains, services, meter sets and other ancillary facilities composed of non-cathodically protected steel, cast iron and wrought iron, prioritized to implement the federal gas distribution pipeline integrity management plan annually submitted to the department and consistent with subpart P of 49 C.F.R. part 192; (ii) an anticipated timeline for the completion of each project; (iii) the estimated cost of each project; (iv) rate change requests; (v) a description of customer costs and benefits under the plan; (vi) the relocations, where practical, of a meter located inside of a structure to the outside of said structure for the purpose of improving public safety; and (vii) any other information the department considers necessary to evaluate the plan.

As part of each plan filed under this section, a gas company shall include a timeline for removing all leak-prone infrastructure on an accelerated basis specifying an annual replacement pace and program end date with a target end date of: (i) not more than 20 years from the filing of a gas company's initial plan; or (ii) a reasonable target end date considering the allowable recovery cap established pursuant to subsection (f). The department shall not approve a timeline as part of a plan unless the allowable recovery cap established pursuant to subsection (f) provides the gas company with a reasonable opportunity to recover the costs associated with removing all leak-prone infrastructure on the accelerated basis set forth under the timeline utilizing the cost recovery mechanism established pursuant to this section. After filing the initial plan, a gas company shall, at 5–year intervals, provide the department with a summary of its replacement progress to date, a summary of work to be completed during the next 5 years and any similar information the department may require. The department may require a gas company to file an updated long-term timeline as part of a plan if it alters the cap established pursuant to subsection (f).

#### Includes “repair” in addition to “replacement”

**Proposed by**: EEA Agencies

**Proposal Statement**: Rather than solely investing in and installing new pipe infrastructure through the GSEPs, the GSEPs should determine where repairing leak-prone pipe is the better long-term financial and environmental choice.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; NEGWA/USW; HEET, PowerOptions

HEET with clarification: “Retirement” should be added. “Advanced leak repair” should be used instead of “repair.”

**Statements in Support**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP.

**Opposed by**: Eversource; Liberty (with clarification); National Grid (with clarification); Unitil

**Statements in Opposition**:

*Eversource* - For reasons stated above, oppose inclusion of “repair.”

*Liberty* (with clarification) - Supportive of inclusion of “retirement,” but did not suggest and does not endorse “repair.” The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s DIMP, as a repair simply eliminates the active leak(s). The Company’s DIMP is written in a manor to reduce risk, improve safety, eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* (with clarification) - National Grid supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, it aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy which underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce greenhouse gas emissions. A shift in policy that prioritizes repair over replacement does not reduce the risk that leak-prone pipe poses to people, property, and the environment. As required by 49 CFR §192 Subpart P, the Company must implement a Distribution Integrity Management Program (“DIMP) that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution system. In Unitil’s Massachusetts gas distribution system, leak prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of the DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs which only serve to defer inevitable replacements.

#### Requires alignment with GHG emissions limits in Chapter 21N

**Proposed by**: National Grid

**Proposal Statement**: The entire purpose of the GSEP working group is to align GSEP with the Commonwealth’s “applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” Thus, this stated purpose should be inserted in the legislative language anywhere it might be applicable.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions; Liberty; National Grid (with clarification); Unitil

**Statements in Support:**

**LEAN,** *NCLC* – Supportive to the extent that this recommendation would bring utility activities in line with Chapter 21N.

*Liberty* - Supportive of this concept; however, it conditions its support for the inclusion of this language on its application to associated methane emissions and not to building code considerations, which are beyond the scope of the stakeholder working group’s statutory mandate as set forth in the Drive Act.

*National Grid* (with clarification) - National Grid supports inclusion of language for compliance with emissions reductions targets specified in Chapter 21N for gas distribution and services but does not support compliance with the Chapter 21N targets related to buildings, which are beyond the scope of the LDCs purview.

*Unitil* - Unitil does not object to including the reference to Chapter 21N in the statute. However, the Department has already incorporated Chapter 21N into its standard of review for GSEP. Fitchburg Gas and Electric Light Company, D.P.U. 22-GSEP-01, at 8-9 (April 28, 2023) (stating that in reviewing GSEPS, the Department must “prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits **and sublimits established pursuant to chapter 21N**.”) (emphasis added). Therefore, as a practical matter, the proposed revision may be unnecessary.

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - Cannot agree, based upon the other edits made to the legislation, because it is inconsistent with the original purposes of the GSEP. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

#### Requires comparison of eligible infrastructure repair and replacement between EJ populations and non-EJ populations

**Proposed by**: EEA Agencies

**Proposal Statement**: In the Clean Energy and Climate Plan for 2050, EEA said that communities of color and low-income neighborhoods face disproportionately higher exposure than other areas to health and climate risks because of decades of decisions about siting highways, power plants, and other sources of pollution. The proposed language would provide a layer of data collection that could shed light on the environmental disparities between EJ Communities and non-EJ Communities and assist the Commonwealth in addressing those disparities.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; National Grid (with clarification), HEET

**Statements in Support**:

*National Grid* (with clarification) - National Grid already includes this information in its annual GSEP filings and supports including informational reporting on replacement or retirement of leak prone pipe in EJ communities. National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, it aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

HEET (with clarification)- Suggests using the term “advanced leak repair” rather than repair.

The likely intent of this legislative language is to examine the equity of infrastructure repair and replacement, however the definition of EJ communities as enacted in Massachusetts includes high-income areas in municipalities such as Lexington. A better method of ensuring equity would be to use the designation of Justice40 Communities instead, or if the percentage of low-income customers connected to the leakprone and non-leak-prone infrastructure were tracked.

Additionally, if ALL leak-prone infrastructure information was public information (suggested above), researchers could consider the impact of equity in much greater depth.

**Opposed by**: NEGWA/USW; Eversource; Liberty; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not necessarily oppose this change but needs clarification concerning what the practical implications of the proposed language.

*Eversource* - See above. The focus GSEP is on safety and reliability. To report this for informational purposes is not an issue, but for determination of pipe to be replaced would not be consistent with DIMP analysis. This is not relevant for inclusion in the statute.

*Liberty* - Supportive of concept; however, the Company is unclear of the benefit this comparison would bring to the GSEP. Even if this language were to be adopted, the sequencing of GSEP’s pipe replacement activity must continue to be based on risk score prioritization through identification in the local distribution company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by the PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Therefore, requiring a comparison of eligible infrastructure repair and replacement between EJ populations and non-EJ populations, though well-intentioned, would not, and should not, influence the annual GSEP replacement. To do so would not only be inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system. Additionally, Liberty opposes the inclusion of repair. The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s DIMP; instead, a repair simply eliminates the active leak(s).

*Unitil* - Supports reporting on replacements by location (EJ versus non-EJ) for informational purposes. However, the objective considerations of safety, reliability, and emissions reductions should continue to be the primary focus under GSEP and the analysis for GSEP project selection should not include environmental justice as part of the risk ranking process.

**Note of Abstention**: LEAN, *NCLC* – Need additional information before choosing a position.

#### Requires comparison of GHG emissions reductions from eligible infrastructure repair and replacement with other investment alternatives, including electrification

**Proposed by**: EEA Agencies

**Proposal Statement**: Rather than solely investing in and installing new pipe infrastructure through the GSEPs, the GSEPs should determine where other investment alternatives, such as repairing leak-prone pipe or electrification, are the better long-term financial and environmental choice.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; PowerOptions

HEET (with clarification): If non-gas pipe alternatives were required wherever technically and economically feasible, this comparison would not be needed. If this legislative change was enacted, perhaps conventional GSEP gas pipe replacement and different methods non-gas pipe alternatives (assuming this includes retirement with electrification, advanced leak repair and renewable thermal infrastructure) should be the items compared?

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposes this inclusion to the extent it departs from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth—resulting in methane emissions. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Eversource* - This is beyond the scope of the GSEP and better left to DPU 20-80. It is within the existing authority of the DPU to ask for if they are so inclined.

*Liberty* - Opposes this proposed revision. The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interests of public safety, system reliability and methane emission reduction, which are overarching priorities that encompass this proposed revision. The requirement of “comparison of GHG emissions reductions from eligible infrastructure repair and replacement with other investment alternatives, including electrification” goes above the scope of GSEP and would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight. Coordinated gas and electric planning would be better address in D.P.U. 20-80 or the Grid Modernization Advisory Council process.

*National Grid* - Beyond the scope of the GSEP. Better left to DPU 20-80 or GMAC process.

*Unitil* - Unitil opposes the proposed revision because electrification and other decarbonization alternatives require a much longer time frame to implement than the remainder of Unitil’s GSEP. In addition, the proposed comparison is unworkable a practical matter. For example, the local gas distribution companies would have to speculate about how long natural gas generation will be on the margin, or at least a near baseload resource. If natural gas remains the principal electricity generation resource, electrifying an area in the near term rather than replacing natural gas distribution pipe would be counterproductive under the proposed analytical framework.

#### Requires evaluation to support the selection by the gas company of a non-pipe alternative

**Proposed by**: National Grid

**Proposal Statement**: National Grid proposes to include language that establishes the need to evaluate NPAs for those segments of leak prone pipe which can be retired without negatively impacting other segments of the gas system, where it is cost effective, and where customers agree to the disconnection of their gas service.

**Supported by**: Liberty; Unitil

**Statements in Support**:

*Liberty* - Supports the inclusion of “non-pipe alternatives,” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. The same Department standard of review of the GSEP would need to also apply to non-pipe alternatives. Ultimately, the Department, in reviewing the GSEPs, must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.”

*Unitil* - As noted above, Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP. However, Unitil does not support a framework under which the local gas distribution companies (“LDCs”) must show a non-pipe alternative is infeasible or not cost effective before they can replace or retire pipe. The LDCs should be required to present analyses only in support of proposed non-pipeline investments.

**Opposed by**: **NEGWA/USW; HEET; PowerOptions**

**Statement in Opposition**:

*NEGWA/USW* - Opposes this inclusion because it represents a departure from GSEP’s original purpose to replace/repair chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how such a inclusion would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*HEET* - Prefers this requirement to be the reverse, i.e. that the assumption is that a non-gas pipe alternative will be installed. A new gas pipe replacement can only be considered if the non-gas pipe alternative is considered not feasible or not cost effective. The infrastructure installed today will last more than 50 years. It will be paid for over decades by customers. To ensure our children and grandchildren don’t end up paying for infrastructure that is no longer used or useful, we must move decisively toward non-gas pipe alternatives that can meet the Commonwealth’s net zero emissions mandate. The text for this requirement was suggested above in the definition for Eligible Infrastructure: “*(viii) shall be a non-gas pipe alternative unless demonstrated by a gas company to be not feasible or not cost effective*.”

#### Includes “repairing” and “retiring” in addition to “removing” leak-prone infrastructure

**Proposed by**: EEA Agencies (repair only); HEET

**Proposal Statements**:

*EEA Agencies* - Rather than solely investing in and installing new pipe infrastructure through the GSEPs, the GSEPs should determine where repairing leak-prone pipe is the better long-term financial and environmental choice.

*HEET* – To move the Commonwealth beyond gas, repairing and retiring gas pipes are critical actions to help right-size the gas system in a cost-effective manner.

Repair - GSEP funds can already be spent on advanced leak repair. This method reduces emissions on larger diameter pipes for lower cost than replacement. For clarity however, “repair” should be changed to “advanced leak repair.”.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid (with clarification); Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes the inclusion of “retire” because (1) the working group did not consider/receive data on how retirements could be performed (a) to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not study how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition.

*Eversource* - Eversource supports the inclusion of retirement but does not endorse repair.

*Liberty* - Opposes this proposed revision. The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s DIMP, as a repair simply eliminates the active leak(s). The Company’s DIMP is written in a manor to reduce risk, improve safety, eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system. Additionally, the term “retiring” is unnecessary because it is already encompassed by the plain language of the current statute, i.e., “removing all leak-prone infrastructure.” Specifically, that broad language does not specify how the leak-prone infrastructure is removed; thus, it already provides for the retirement alternative contemplated by this proposed revision.

*National Grid* (with clarification) - National Grid supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repairing” or “removing.” National Grid objects to inclusion of “repairing” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system. It is also unclear what is meant by the work “removing” and thus National Grid objects to adding the word.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy which underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce GHG emissions. A shift in policy that prioritizes repair over replacement does not reduce the risk that leak-prone pipe poses to people, property and the environment. As required by 49 CFR §192 Subpart P the Company must implement a Distribution Integrity Management Program that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution pipeline. In our Massachusetts gas distribution system leak prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of our DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs which only serve to defer inevitable replacements.

#### Eliminates target end date of 20 years from filing of initial plan and “reasonable target end date”

**Proposed by**: EEA Agencies

**Proposal Statement**: Where investment alternatives, such as repairing leak-prone pipe or electrification, are the better long-term financial and environmental choice, a target end date for pipeline replacement is not appropriate.

**Supported by**: [names/organizations]

**Opposed by**: Massachusetts Attorney General’s Office; NEGWA/USW; HEET, PowerOptions; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*Attorney General’s Office* - The revised statute should include a specific end date to the GSEP. As discussed below, the Massachusetts AGO proposes phasing out GSEP over the next six years, with an end date of October 1, 2030.

*NEGWA/USW* - Requires clarification of the rationale for eliminating these terms as they seem both relevant and necessary to ensure transparency and accountability—no matter what infrastructure changes are deemed reimbursable under the GSEP.

HEET, *PowerOptions* - GSEP, with its carrot of the accelerated cost recovery and the federal mandate to replace leak-prone infrastructure, can be re-configured to become the perfect vehicle for transitioning the gas system over time to non-combusting clean energy. Stopping the program does not mean the gas utilities will stop replacing aging infrastructure with new gas pipes. What is needed is the ability to replace those aging gas pipes with non-emitting renewable thermal infrastructure that can meet our Commonwealth’s net zero emissions mandate.

Instead of ending the GSEP, HEET suggests:

● Creating an integrated gas and electric utility street-segment phased plan to allow for a less expensive and faster transition

● Starting a gradual mandated ramp-up in miles of thermal infrastructure installed each year. This ramp-up gives gas companies time to source the needed skills, workforce, etc. A gas company can meet the required mileage through installing thermal infrastructure or through traditional electrification of the buildings on the street . If a gas company cannot meet the required speed, the Department may deny it accelerated cost recovery for the following year.

● Lengthening the overall GSEP period while reducing the miles of pipe replaced each year to allow for gas companies to have time to learn and adjust to thermal infrastructure installation and operations.

The result would allow the gas utilities to replace leak-prone pipe while moving away from unsafe gas, reducing emissions and future stranded assets. It would allow workers and the utilities to transition to a new decarbonized business model.

*Eversource* - Some form of horizon for the accelerated replacement of the plan needs to exist for planning purposes. The Department has already approved the Eversource timeline.

*Liberty* - Opposes the elimination of target end date of 20 years from filing on initial plan and reasonable target end date. A defined target end date is required to ensure the Company’s interim targets, which the Department must review, are set at an appropriate pace to reduce the leak rate on and replace the natural gas infrastructure in a safe and timely manner.

*National Grid* - Unclear on the intent of the specific language but oppose language that establishes and end date for accelerated cost recovery through GSEP. This would impact the ability to reduce risk on the system and may negatively impact use of NPAs through GSEP by restricting the programs timeline. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - A date certain by which GSEP work will be completed is useful for planning purposes and measuring progress. Accordingly, each local gas distribution company (“LDC”) should have a date certain by which their GSEP will end, and that date should be informed by the specific facts and circumstances of each LDC.

**Note of Abstention**: LEAN, NCLC – Need additional information before choosing a position.

#### Changes requirement to file summary from every five years to annually, beginning October 31, 2023

**Proposed by**: EEA Agencies

**Proposal Statement**: Annual submissions of the natural gas companies’ repair/replacement summary of leak-prone pipe should provide the Department and stakeholders with a more precise picture of any progress being made to address leak-prone pipe, and hold the LDCs accountable.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; NEGWA/USW; HEET, Power Options

**Supporting Statements:**

*HEET* - The utilities do file reports on GSEP work in their GREC reports, although sometimes in font sizes that are unreadable by humans.[[7]](#footnote-7) HEET supports this reporting requirement and suggests it should also include information on *all* leak-prone infrastructure remaining in the gas utility territory by street-segment, including costs, risk, material, and diameter. This information would give the most comprehensive report of progress completed and work still to be performed. Preferably the information should be in a reasonable font size to meet the letter and intent of the law. .

**Opposed by**: Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*Eversource* - Annual GREC filings already incorporate this information. An additional annual report would be duplicative and unnecessary. Currently there is a requirement to file a separate report that provides a five-year lookback. On an annual basis this would be a redundant report to what is already provided.

*Liberty* - Opposes the proposed change to the requirement to file a summary from every five years to annually, beginning October 31, 2023. The natural gas local distribution companies file annually an annual GSEP plan to be reviewed and approved by the Department on October 31st. This GSEP plan is updated annually and includes many, if not all, of the elements presented in the five-year summary. To adopt the proposed changes would create redundant and duplicative reporting. If additional information is required for the Department’s review, that determination should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Annual filings already incorporate this information. Would be duplicative and unnecessary. Currently is a separate report that provides a five-year lookback. On an annual basis this would be a redundant report to what is already provided.

*Unitil* - The proposed revision is redundant and unnecessary because the existing GSEP framework already includes annual filings with this information.

#### Summary includes “repair” and “retirement” in addition to “replace”

**Proposed by**: EEA Agencies (repair only); HEET; National Grid (repair only)

**Proposal Statements**:

*EEA Agencies* - Rather than solely investing in and installing new pipe infrastructure through the GSEPs, the GSEPs should determine where repairing leak-prone pipe is the better long-term financial and environmental choice.

*HEET* - GSEP funds can already be spent on advanced leak repair. Thus “advanced leak repair” should be added. Additionally, as the Commonwealth reduces its dependence on gas, some gas pipes will need to be taken out of service rather than replaced –thus “retirement” should also be added.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation

**Opposed by**: NEGWA/USW; Eversource; Liberty (with clarification); National Grid (with clarification); Unitil

**Statements in Opposition**:

*NEGWA/USW* - does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes the inclusion of “retire” because (1) the working group did not consider/receive data on how retirements could be performed (a) to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not study how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition.

*Eversource* - Eversource supports the inclusion of retirement but does not endorse repair.

*Liberty* (with clarification) - Liberty is supportive of inclusion of “retirement,” but did not suggest and does not endorse “repair.” The term “repair” does not eliminate risk associated with pipe failure consistent with each Company’s DIMP, as a repair simply eliminates the active leak(s). The Company’s DIMP is written in a manor to reduce risk, improve safety, eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with of the plain language in the Drive Act.

*National Grid* (with clarification) - National Grid supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy which underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce greenhouse gas emissions. A shift in policy that prioritizes repair over replacement does not reduce the risk that leak-prone pipe poses to people, property, and the environment. As required by 49 CFR §192 Subpart P, the Company must implement a Distribution Integrity Management Program (“DIMP”) that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution system. In the Company’s Massachusetts gas distribution system, leak prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of the DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs which only serve to defer inevitable replacements.

#### Summary includes GHG emissions reductions attributable to plan

**Proposed by**: HEET

**Proposal Statement**: The purpose of the GSEP Working Group, as well as any potential legislative changes that result from it, is to ensure GSEP is aligned with the Commonwealth’s net zero emissions mandate. Given this, it is reasonable to have gas companies include estimated progress toward this goal in their reports. This estimate should include not just the reduction of leaks from advanced leak repair and replacement with new gas pipe, but also an estimate of the emission reductions from the reduced gas use in the connected buildings over the lifetime of the measures of infrastructure installed.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; Eversource (with clarification); Liberty (with clarification); National Grid (with clarification); Unitil (with clarification)

**Statements in Support**:

*Eversource* (with clarification) - GHG emissions reductions are already provided in the annual GREC filings.

*Liberty* (with clarification) - A summary of emission reductions attributable to the GSEP plan is already included in the annual filing. The GSEP plan includes the annual updated estimated distribution system-wide leak rate (“Aggregate Leak Rate”) based on the United States Environmental Protection Agency’s assigned leak factors for the various types of piping materials. The Company has structured its GSEP to reduce the Aggregate Leak Rate. The Company’s annual GSEP plan also includes a five-year forecast of CO2e reductions. Therefore, to adopt the proposed changes would create redundant and duplicative reporting. If additional information is required for the Department’s review, that determination should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* (with clarification) - Already required for inclusion by the Department.

*Unitil* (with clarification) - The proposed revision is redundant and unnecessary because the existing GSEP framework already includes filings with this information.

**Opposed by**: *NEGWA/USW*

**Statement in Opposition**:

*NEGWA/USW* - Opposes this inclusion to the extent it departs from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth—resulting in methane emissions. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

**Note of Abstention**: LEAN, NCLC – Need additional information before choosing a position.

#### Department must require gas company to file an updated long-term timeline

**Proposed by**: HEET

**Proposal Statement**: Currently the Department is allowed to alter the revenue cap for GSEP. If the Department does so –for instance so that a gas company is not allowed to spend as much money per year– it will not be able to replace as much infrastructure that year. Under this circumstance, having the gas companies report on the long-term results of that change will help the Department and the public to understand the implications.

**Supported by**: Massachusetts Attorney General’s Office; NCLC; Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - In general, supports LDC transparency relative to the pipeline repair and replacement planning, so long as they are consistent with the GSEP. Would like clarification before commenting further or being identified as supporting this change.

*Eversource* - A long term timeline is already provided in the annual GSEP filing.

*Liberty* - opposes this proposed revision. First, each gas company’s GSEP plan includes interim targets, which the Department must review to ensure that each gas company is achieving the appropriate pace to reduce the leak rate on its distribution system and replace its leak-prone natural gas infrastructure in a safe and timely manner by the GSEP’s targeted end date. These interim targets shall be for periods of not more than six years and shall be incorporated into timelines for removing all leak-prone infrastructure. Second, the inclusion of the term “long-term timeline” is exceedingly vague so as to frustrate its practical application and legal interpretation. Liberty cautions that extending the interim targets beyond the six-year period would be ineffective since it cannot be anticipated that a longer-term forecast would be accurately captured.

*National Grid* - The Department requires this information in annual GSEP filings. In addition, National Grid believes the current five-year timeline requirement is sufficient for the reasons detailed above regarding requiring a ten-year timeline.

*Unitil* - As explained above, Unitil does not support a longer-term GSEP planning horizon because that length of time is not reliable or consistent with the dynamic risk modeling necessary to operate and maintain a natural gas distribution system. The Company must evaluate risk on an annual basis and system planning is necessarily performed over a shorter time horizon than ten years.

### Section (d): Department review of plan

### Text

*(d) If a gas company files a plan on or before October 31 for the subsequent construction year, the department shall review the plan within 6 months. The plan shall be effective as of the date of filing, pending department review. The department may modify a plan prior to approval at the request of a gas company or make other modifications to a plan as a condition of approval. The department shall consider the costs and benefits of the plan including, but not limited to, impacts on ratepayers, reductions of lost and unaccounted for natural gas through a reduction in natural gas system leaks and improvements to public safety. The department shall give priority to plans narrowly tailored to addressing leak-prone infrastructure most immediately in need of replacement.*

### Replaces “lost and unaccounted for natural gas” with “emissions”

**Proposed by**: EEA Agencies

**Proposal Statement**: LAUF gas includes emissions, which should be a focus of GSEPs, but also includes other elements that are addressed in other ways, such that LAUF should not be referenced in the GSEP statute. For example, LAUF includes theft, meter error, billing cycle adjustments, and damage to pipelines. Each of these elements is important and already addressed through reporting to DPU and other requirements but is outside the scope of infrastructure planning that is the purview of GSEPs.

**Supported by**: Massachusetts Attorney General’s Office; Conservation Law Foundation; HEET, PowerOptions; Eversource; Liberty (with clarification); National Grid; Unitil

**Statements in Support**:

*Eversource* - Lost and unaccounted for is a broad definition beyond the direct scope of GSEP. The Company is generally supportive of efforts to minimize associated methane emissions within the context of the plan.

*Liberty* (with clarification) - LAUF is a broad definition beyond the direct scope of GSEP. While GSEP can reduce the Company’s LAUF, the term “associated methane emissions” would better represent the focus of the GSEP. Additionally, Liberty recommends “associated methane emissions” instead of “emissions” because, as the local distribution companies have highlighted in numerous dockets over the years, some emissions that contribute to LAUF are outside the control of a local distribution company.

*National Grid* - Lost and Unaccounted gas is not equivalent to "emissions". There are many components to LAUF, most of which do not contribute to emissions such as meter bias and errors, billing cycle adjustments, and verified thefts.

*Unitil* - The work performed by the local gas distribution companies under GSEP has reduced methane emissions in the Commonwealth. Unitil is supportive of efforts to continue leveraging GSEP to minimize emissions.

**Opposed by**: NEGWA/USW

**Statement in Opposition**:

*NEGWA/USW* - Opposes this inclusion to the extent it departs from GSEP’s original purpose to reduce chronically leaky/compromised pipeline already present in communities around the Commonwealth—resulting in methane emissions (not carbon dioxide emissions generally). Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

#### Required considerations include extent to which the use of low-carbon gas resources offsets or reduces emissions, advances objective of energy policy of the state (including Chapter 21N)

**Proposed by**: Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*Eversource* – Generally supportive.

*Liberty* - As previously stated, Liberty supports the inclusion of “non-pipe alternatives,” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP, which would include the use of low-carbon gas resources offsets or reduces emissions, advances objective of energy policy of the state (including Chapter 21N). The same Department standard of review of the GSEP would need to also apply to non-pipe alternatives. Ultimately, the Department, in reviewing the GSEPs, must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.

*National Grid* - Generally supportive. National Grid supports inclusion of language for compliance with emissions reductions targets specified in Chapter 21N for gas distribution and services but does not support compliance with the Chapter 21N targets related to buildings, which are beyond the scope of the LDCs purview.

*Unitil* - The work performed by the local gas distribution companies under GSEP has reduced methane emissions in the Commonwealth. Unitil is supportive of efforts to continue leveraging GSEP to minimize emissions. Unitil also notes that the Department has already incorporated Chapter 21N into its standard of review for GSEP. Fitchburg Gas and Electric Light Company d/b/a Unitil, D.P.U. 22-GSEP-01, at 8-9 (Oct. 31, 2022) (April 8, 2022) (stating that in reviewing GSEPS, the Department must “prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits **and sublimits established pursuant to chapter 21N**.”)(emphasis added).

**Supported by**: [names/organizations]

**Opposed by**: Massachusetts Attorney General’s Office; NEGWA/USW; HEET, PowerOptions

**Statements in Opposition**:

*Attorney General’s Office* - The supply, cost, and feasibility of “low-carbon gas resources” are unknown and highly uncertain at this time. Hydrogen, in particular, presents technical limitations of scaling production and can be less safe and more expensive than natural gas. Development of “low-carbon gas resources” should not be eligible for accelerated cost recovery, which the AGO believes should be phased out (as discussed in Part Two, below).

*NEGWA/USW* – Opposes this inclusion because it represents a departure from GSEP’s original purpose to replace/repair chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how such a inclusion would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

HEET, *PowerOptions* - Low carbon gasses are generally considered to be renewable natural gas or hydrogen. These gasses will increase customer energy bills significantly, while not reducing at all the need for leak-prone gas pipe replacement, or the looming problem of stranded assets. Additionally, if the “low carbon” gas is hydrogen, it can reduce safety since hydrogen is the smallest molecule in the universe (meaning it’s very hard to contain in pipes) and it is corrosive to most leakprone pipe materials. Combustion of hydrogen can also produce NOx, which produces health effects including asthma, therefore the use of hydrogen presents equity issues.It has a much wider explosive range than natural gas and its flame is hard to see under many circumstances. It would be surprising if the utilities (being so safety conscious) would want hydrogen.

Thus HEET suggests using the term “non-gas pipe alternative” instead of “low-carbon gas resources.”

#### Improves gas system resiliency through diversification of supply options

**Proposed by**: Eversource Energy

**Proposal Statement**: The importance of reliability and resiliency needs to be considered in any legislative changes to GSEP.

**Supported by**: NEGWA/USW;; National Grid; Unitil

**Statements in Support**:

*NEGWA/USW* – Supports so long as consistent with original intent of GSEP.

*National Grid* - Generally supportive.

*Unitil* - Reducing the carbon content of the natural gas delivered to customers leverages the existing gas system and minimizes disruptions to energy consumers. This proposal also promotes customer affordability and equity by limiting the need for customers to change their existing energy equipment in the near term. Leveraging the existing natural gas system is critical because it will take time to develop a comprehensive and coordinated electric and natural gas system planning framework to ensure, among other things, adequate capacity (generation, transmission, and distribution) to accommodate increased loads driven by electrification. More immediately, adding renewable natural gas (“RNG”) and Certified Gas to the supply portfolio will produce environmental benefits, contributing to the Commonwealth’s environmental goals. Adding physical RNG to the supply portfolio also would improve supply availability and diversity, both important gas supply planning considerations.

**Opposed by**: Massachusetts Attorney General’s Office, HEET

**Statement in Opposition**:

*Attorney General’s Office* - Diversification of supply options does not fit within the GSEP statute and the goal to address leak-prone infrastructure on an accelerated basis. While it is reasonable to revise the statute to include consideration of greenhouse gas emissions and other factors impacting the public, diversification of supply options is outside the bounds of GSEP.

HEET– The diversification of supply options is likely to mean RNG or hydrogen. These gasses would raise costs, not reduce the need for replacing leak-prone infrastructure and, in the case of hydrogen, reduce safety. Combustion of hydrogen can also produce NOx, which produces health effects including asthma, therefore the use of hydrogen presents equity issues.Hydrogen (being the smallest molecule in the universe, as well as a substance that is corrosive to most leak-prone pipes, with a wider explosive range than natural gas and with a flame that is frequently hard to see) seems to be the sort of gas that safety-conscious gas utilities should not want in their pipes under any circumstances. Even if RNG and hydrogen are considered fossil-fuel free, they are not emissions free.

### Section (e): Department acceptance of plan

### Text

(e) If a plan is in compliance with this section and the department determines the plan to reasonably accelerate eligible infrastructure replacement and provide benefits, the department shall issue preliminary acceptance of the plan in whole or in part. A gas company shall then be permitted to begin recovery of the estimated costs of projects included in the plan beginning on May 1 of the year following the initial filing and collect any revenue requirement, including depreciation, property taxes and return associated with the plan.

#### Adds reference to “emissions reductions”

**Proposed by**: EEA Agencies

**Proposal Statement**: EEA Agencies - Where investment alternatives, such as repairing leak-prone pipe or electrification, are the better long-term financial and environmental choice, eligible infrastructure replacement should not be the sole factor the Department considers in accepting a GSEP. Emission reductions should be added as a consideration in the Department’s acceptance of GSEPs.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; HEET, PowerOptions; Eversource (with clarification); National Grid (with clarification); Unitil (with clarification)

**Statements in Support**:

*Eversource* (with clarification) – Generally supportive as it is already reported.

*National Grid* (with clarification) - Generally supportive, already reported, so requirement would be duplicative.

*Unitil* - The work performed by the local gas distribution companies under GSEP has reduced methane emissions in the Commonwealth. Unitil is supportive of efforts to continue leveraging GSEP to minimize emissions. Because emission reductions are already part of the existing GSEP statutory framework and the Department’s review, revisions to the law are not necessary to effectuate this purpose.

**Opposed by**: NEGWA/USW; Liberty (with clarification)

**Statements in Opposition**:

*NEGWA/USW* - Before approval can be considered, need clarification as to how emissions reductions will be measured and calculated, what the baseline will be, what would constitute a sufficient reduction, and what low-carbon gas resources are acceptable to the agencies.

*Liberty* (with clarification) -Opposes the additional reference to “emission reductions.” A summary of emission reductions attributable to the GSEP plan is already included in the annual filing. The GSEP plan includes the Aggregate Leak Rate based on the United States Environmental Protection Agency assigned leak factors for the various types of piping materials. The Company has structured its GSEP to reduce the Aggregate Leak Rate. The Company’s annual GSEP plan also includes a five-year forecasted of CO2e reductions. Therefore, adopting the proposed changes would create redundant and duplicative reporting. If additional information is required for the Department’s review should be left to the broad oversight of the Department and not prescribed by legislation.

#### Includes “advanced leak repair” and “retirement” in addition to “replacement”

**Proposed by**: HEET

**Proposal Statement**: GSEP funds can already be spent on advanced leak repair. Thus “advanced leak repair” should be added. Additionally, as the Commonwealth moves beyond gas , some gas pipes should be taken out of service rather than replaced. Thus“retirement” should also be added.

**Supported by**: Massachusetts Attorney General’s Office; LEAN, NCLC; Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose the addition of repair to the extent this revision is concerned with maintaining the integrity of pipeline. Believes that while replacement is and should remain the preferred method of remediating compromised pipeline consistent with existing law that short- and or mid-term repairs in certain cases may also consistent with the original mission of the GSEP. Opposes the inclusion of “retire” because (1) the working group did not consider/receive data on how retirements could be performed (a) to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not study how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition.

*Eversource* - Eversource supports the inclusion of retirement but does not endorse repair.

*Liberty* - Opposes this proposed revision. The term “repair” does not eliminate risk associated with pipe failure consistent with the Company’s DIMP; instead, a repair simply eliminates the active leak(s). The Company’s DIMP is designed to reduce risk, improve safety, and eliminate emissions on the gas distribution system. The plain language of An Act Driving Clean Energy and Offshore Wind, St. 2022, c. 179, Section 68 states “that any change recommended shall enable natural gas local distribution companies to maintain a safe and reliable gas distribution system during the commonwealth’s transition to net zero emissions.” The ill-conceived addition of "repair" is not only inconsistent with the Company's DIMP, but it also impinges on the Company's business judgement concerning the management of a safe and reliable natural gas distribution system and is inconsistent with the plain language in the Drive Act.

*National Grid* - Supports inclusion of the word “retirement,” but does not endorse inclusion of the word “repair.” National Grid objects to inclusion of “repair” because repair of a gas main or service does not eliminate risk associated with pipe failure consistent with DIMP. Furthermore, this aligns with Language from the Act that changes to the GSEP statute should allow for operation of a safe and reliable gas distribution system.

*Unitil* - The proposed revisions to shift the focus of GSEP from pipeline replacement to repair are not consistent with the fundamental purpose of the statute and the public policy which underpins it. Namely, the elimination of all leak-prone infrastructure to maintain a safe and reliable gas distribution system and reduce GHG emissions. A shift in policy that prioritizes repair over replacement does not reduce the risk that leak-prone pipe poses to people, property, and the environment. As required by 49 CFR §192 Subpart P, the Company must implement a Distribution Integrity Management Program (“DIMP”) that requires operators to identify threats and implement measures designed to reduce risk from failure of its gas distribution pipeline. In Unitil’s Massachusetts gas distribution system, leak prone pipe represents a small percentage of the system, but accounts for a high percentage of the hazardous leaks. The gas leaks on leak-prone pipe are a result of material failure (e.g., corrosion, graphitization, cast iron breaks) and the only way to reduce the risk from material failure is replacement. To emphasize repair over replacement is inconsistent with the requirements of the DIMP program and will not reduce risk. This also is inconsistent with the statutory mandate for the GSEP Working Group, which makes clear that any change to G.L. c. 164, § 145 must enable natural gas local distribution companies to maintain a safe and reliable gas distribution system. Moreover, it is more cost-effective and in the best interest of customers to replace pipe segments rather than undertaking extensive repairs which only serve to defer inevitable replacements.

#### Includes consideration of enabling “the safe and reliable interconnection, distribution, and metering of low-carbon fuel resources”

**Proposed by**: Eversource Energy; Unitil

**Proposal Statements**:

*Eversource* - Any new legislation needs flexibility to consider future low carbon solution and technologies in the plan.

*Unitil* - Reducing the carbon content of the natural gas delivered to customers leverages the existing gas system and minimizes disruptions to energy consumers. This proposal also promotes customer affordability and equity by limiting the need for customers to change their existing energy equipment in the near term. Leveraging the existing natural gas system is critical because it will take time to develop a comprehensive and coordinated electric and natural gas system planning framework to ensure, among other things, adequate capacity (generation, transmission, and distribution) to accommodate increased loads driven by electrification. More immediately, adding renewable natural gas (“RNG”) and Certified Gas to the supply portfolio will produce environmental benefits, contributing to the Commonwealth’s environmental goals. Adding physical RNG to the supply portfolio also would improve supply availability and diversity, both important gas supply planning considerations.

**Supported by**: NEGWA/USW; Liberty; National Grid

**Statements in Support**:

*NEGWA/USW* - Supports insofar as this language is consistent with the original purposes of the GSEP.

*Liberty* - As previously stated, Liberty supports the inclusion of “non-pipe alternatives,” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP, which would the safe and reliable interconnection, distribution, and metering of low-carbon fuel resources. The same Departmental standard of review used for traditional GSEP projects would also apply to non-pipe alternatives. Ultimately, the Department, in reviewing the GSEPs, must prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.

*National Grid* – Generally supportive.

**Opposed by**: Massachusetts Attorney General’s Office; HEET

**Statements in Opposition**:

*Attorney General’s Office* **-** Accelerated cost recovery under GSEP has resulted in significant cost burdens on ratepayers. The Attorney General’s Office supports a phased end to GSEP, not expanding the “activity” that is eligible for accelerated cost recovery.

*HEET* - Renewable natural gas or hydrogen will increase customer energy bills considerably, while not reducing the need for leak-prone gas pipe replacement, or the looming problem of stranded assets. Combustion of hydrogen can also produce NOx, which produces health effects including asthma, therefore the use of hydrogen presents equity issues.Additionally, in the case of hydrogen, it can significantly reduce safety. HEET is surprised the safety-conscious gas utilities would even consider hydrogen. Finally, fossil free fuels when burned still create emissions

### Section (f): Project documentation for prior year

### Text

(f) On or before May 1 of each year, a gas company shall file final project documentation for projects completed in the prior year to demonstrate substantial compliance with the plan approved pursuant to subsection (e) and that project costs were reasonably and prudently incurred. The department shall investigate project costs within 6 months of submission and shall approve and reconcile the authorized rate factor, if necessary, upon a determination that the costs were reasonable and prudent. Annual changes in the revenue requirement eligible for recovery shall not exceed (i) 1.5 per cent of the gas company's most recent calendar year total firm revenues, including gas revenues attributable to sales and transportation customers, or (ii) an amount determined by the department that is greater than 1.5 per cent of the gas company's most recent calendar year total firm revenues, including gas revenues attributable to sales and transportation customers. Any revenue requirement approved by the department in excess of such cap may be deferred for recovery in the following year.

#### Changes 1.5% to 3.0% as cap on annual change in revenue requirement

**Proposed by**: Eversource Energy; Liberty; National Grid; Unitil

**Proposal Statements**:

*Eversource* - Housekeeping to reflect actual practice of Department.

*Liberty* - In 2019, the Department revised the cap calculation and raised the cap to three percent, stating that this cap would remain in effect until further ordered. See, e.g., Fitchburg Gas and Electric Light Company, D.P.U. 18-GSEP-01, at 30 (2019). The proposed change to the cap captured in the legislation is purely housekeeping to reflect current Department precedent.

*National Grid* - Housekeeping to reflect actual practice of Department.

*Unitil* - Unitil supports this change as it is necessary to accurately reflect Department precedent.

**Supported by**: NEGWA/USW

**Opposed by**: Massachusetts Attorney General’s Office; LEAN, NCLC

**Statements in Opposition**:

*Attorney General’s Office* - Strongly opposes codifying the Department’s increase in the cap on annual change in revenue requirement. As discussed in Part Two, below, the cap should be lowered annually so that the GSEP ends in October 2030.

LEAN, *NCLC* – Affordability is a key concern, to which a 3 percent annual increase would be an obstacle.

*HEET* - The intent of the revenue requirement is to make sure that the cost of GSEP does not significantly increase customer’s bills, but that instead those bill’s remain relatively affordable. Non-combusting thermal infrastructure such as networked geothermal will have a higher infrastructure cost. However, it is predicted also:

● To result in lower heating and cooling bills for customers because of its efficiency (six times that of a gas boiler), and thus maintain affordability.

● Decrease price volatility since the “fuel” is beneath our feet, reducing the potential for worldwide price swings to affect market prices here.

● Decrease costs of electric grid upgrades since rhe efficiency of this infrastructure will also reduce the needed upgrades to the electric grid from electrification (in comparison to air source heat pumps). National Grid is already estimating it needs a seven-fold increase in investment by 2029 in the electric grid to meet future demand.

● Finally, such non-combusting thermal infrastructure would also help the Commonwealth meet its emissions mandates.

Thus, HEET suggests instead changing the 1.5% revenue cap to the requirement for an energy bill affordability test for customers). This energy bill affordability test should be calculated in terms of its impact on both gas and electric bills for the customers.

### Section (g): Rate changes

### Text

(g) All rate change requests made to the department pursuant to an approved plan, shall be filed annually on a fully reconciling basis, subject to final determination by the department pursuant to subsection (f). The rate change included in a plan pursuant to section (c), reviewed pursuant to subsection (d) and taking effect each May 1 pursuant to subsection (e) shall be subject to investigation by the department pursuant to subsection (f) to determine whether the gas company has over collected or under collected its requested rate adjustment with such over collection or under collection reconciled annually. If the department determines that any of the costs were not reasonably or prudently incurred, the department shall disallow the costs and direct the gas company to refund the full value of the costs charged to customers with the appropriate carrying charges on the over-collected amounts. If the department determines that any of the costs were not in compliance with the approved plan, the department shall disallow the costs from the cost recovery mechanism established under this section and shall direct the gas company to refund the full value of the costs charged to customers with the appropriate carrying charges on the over collected amounts.

#### Addition of affordability protections for low-income consumers into the GSEP statute

**Proposed by**: LEAN, NCLC

**Proposal Statement**: We strongly support the addition of affordability protections for low-income consumers into the GSEP statute. Although gas and electricity rates have been volatile, the latest LEAN analysis of bill impacts of fully converting from residential gas to electric ASHP heat showed bill increases of about 40% (down from about 60%) -- difficult for most households, an impossible choice for low-income households without significant support.

We recommend the following:

1. The incremental low-income customer heating cost impacts of each Plan should be quantified, including fuel, equipment, and the growth of per-customer fixed costs for those who remain on the gas system. LEAN estimates that the costs of electrification for low-income households in Massachusetts at about $6B in total.
2. Additional sources of funding, other than a predominant reliance on ratepayer funding, must be identified, quantified, and ultimately allocated to fill the affordability gap for low-income households. Otherwise, these families will face increasingly unaffordable energy burdens with dire consequences for health and safety. Sources of support might include unallocated federal funding in hand, available increased federal funding, reallocation of RGGI (or other existing revenue streams), and the state budget. We recognize, of course, that there are many demands on these sources, but submit that our Commonwealth has undertaken a fundamental obligation, along with emissions reduction, to assure adequate resources for basic needs such as affordable heat.

**Supported by**: HEET

**Supporting Statements:**

HEET (with clarification): However, one potential way to allow more low-to-moderate income customers to transition to clean electricity would be to change the electric rate design so heat pump customers do not have higher energy bills.**[[8]](#footnote-8)** Doing so would help the state meet its net zero emission mandates.

In terms of the GSEP statute, HEET suggests changing the 1.5% revenue cap to an energy bill affordability test for customers. Local renewable energy will have less price volatility, and radically efficient technology like networked geothermal is predicted to result in lower customer energy bills.**[[9]](#footnote-9)** If these predictions are true, then it would be good to have at least the option to replace more infrastructure faster if it is possible to do so while maintaining the affordability of energy bills for customers. Since the transition of the gas system will have a large impact on the electric grid and electric bills, this energy bill affordability test should be calculated in terms of the predicted impact on both the total energy bills (gas and electric) for the customers.

**Opposed by**:

**Statements in Opposition**:

### Section (h): Department regulations

### Text

(h) The department may promulgate rules and regulations under this section. The department may discontinue the replacement program and require a gas company to refund any costs charged to customers due to failure to substantially comply with a plan or failure to reasonably and prudently manage project costs.

#### Within 12 months, Department is required to promulgate rules and regulations that “include a performance-based financial incentive to a gas company to reduce and retire more miles of gas infrastructure each year though non-gas pipe alternatives in a manner that maintains customer affordability.”

**Proposed by**: HEET

**Proposal Statement**: Performance-based ratemaking is an effective method of incentivizing desired actions with utilities. Such ratemaking can include strong disincentives for undesired actions. Since performance-based ratemaking can be updated more easily than legislation, the incentives and disincentives can be adjusted over time as needed to achieve the desired effect for the least cost to the customer.

Given the feedback around affordability, text about it was added. Additionally, given the feedback from the utilities, the language has been shifted from “utility-scale non-emitting renewable thermal infrastructure” to “non-gas pipe alternatives,” so long as this is defined as “a replacement, retirement or advanced leak repair of eligible infrastructure that delays, reduces o*r avoids the need to install new gas pipe while maintaining the safety and reliability of the gas system, as well as reducing greenhouse gas emissions as defined in section 1 of chapter 21N. Such alternatives may include, but is not limited to, a non-emitting renewable thermal infrastructure project*.”

**Supported by**: Conservation Law Foundation; PowerOptions; Eversource (with clarification); Liberty (with clarification); National Grid (with clarification)

**Statements in Support**:

*Eversource* (with clarification) - Support if including all NPA options. As proposed should not be limited to network geothermal.

*Liberty* (with clarification) - As previously stated, Liberty supports the inclusion of “non-pipe alternatives,” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP. However, the proposed language should not be limited to building utility-scale non-emitting renewable thermal energy infrastructure but should encompass a broader range of potential non-pipe alternative projects/solutions.

*National Grid* (with clarification) - National Grid supports if language is expanded to include all types of NPAs. As proposed the language is biased towards network geothermal.

**Opposed by**: Massachusetts Attorney General’s Office; LEAN, NCLC; NEGWA/USW

**Statements in Opposition**:

*Attorney General’s Office* - The Department should not provide the utility companies with additional financial incentives that will increase costs for ratepayers. Ratepayers should not bear the cost burden of the energy transition, especially because there is too much uncertainty around the specifics of the transition at this time. The costs associated with building thermal energy infrastructure should be recovered in base rate cases.

LEAN, *NCLC* - Creation of any PBR would be best handled outside of the GSEP process.

*NEGWA/USW* - Opposes a requirement to promulgate such a regulation because it is not support demonstrating how such a regulation would advance system safety and reliability similar to better than the GSEP. For example, (1) the working group’s deliberations did not do comparisons of the results of GSEP’s original replacement/repair strategies to this regulatory proposal with regard to (a) their respective abilities to preserve the safety and reliability of pipeline for remaining users, (b) ensure occupational safety working on remaining pipeline, (c) ensure that natural gas remains cost effective for users in communities where gas is retired. Additionally, is opposed because (2) the working group did not consider how the retirement of pipeline would impact communities in which natural gas was no longer or only sporadically available, and (3) the working group did not consider how retirements would impact LDC workforces (and indirectly their communities) and how sufficient staffing would be preserved to address LDC pipeline through the completion of transition in its deliberations.

**Statement in Clarification**:

*Unitil* - As noted above, Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP. However, Unitil does not support a narrow definition of “non-pipe alternatives” which favors specific technologies because the universe of options is likely to evolve over time.

#### Infrastructure must comply with Chapter 21N mandated GHG emissions reductions

**Proposed by**: HEET

**Proposal Statement**: The purpose of the GSEP working group is to align the program with the Commonwealth’s net zero emissions mandates. It seems logical that the infrastructure installed must comply with those mandated emissions reductions.

**Supported by**: LEAN, NCLC; Conservation Law Foundation; PowerOptions; Eversource (with clarification); National Grid (with clarification)

**Statements in Support**:

*Eversource* (with clarification) - Already incorporated in the GSEP and required by law. No need to add further requirements but no objection to complying with Chapter 21N.

*National Grid* (with clarification) - Already incorporated in the GSEP and required by law. No need to add further requirements but no objection to complying with Chapter 21N.

**Opposed by**: NEGWA/USW; Liberty (with clarification); Unitil (with clarification)

**Statements in Opposition**:

*NEGWA/USW* - Opposes this inclusion because it represents a departure from GSEP’s original purpose to replace/repair chronically leaky/compromised pipeline already present in communities around the Commonwealth; the working group did not study how such a inclusion would affect system safety, reliability, and cost for those remaining on the system and the Commonwealth more broadly. Believes that the primary focus of GSEP should remain on natural gas system safety and reliability. The working group also failed to consider how departing from GSEP’s original purpose would impact LDC system safety and reliability.

*Liberty* (with clarification) - Liberty opposes the addition of "infrastructure must comply with Chapter 21N mandated GHG emissions reductions.” The Company already has the obligation to comply with Chapter 21N mandated GHG emissions reductions, so the inclusion of this proposed language is duplicative and unnecessary.

*Unitil* (with clarification) - The proposed revision is unnecessary because the Department has already incorporated Chapter 21N into its standard of review for GSEP. Fitchburg Gas and Electric Light Company, D.P.U. 22-GSEP-01, at 8-9 (April 28, 2023) (stating that in reviewing GSEPS, the Department must “prioritize safety, security, reliability of service, affordability, equity and reductions in greenhouse gas emissions to meet statewide greenhouse gas emission limits **and sublimits established pursuant to chapter 21N**.”) (emphasis added).

### Section (i) (NEW): Development of standards

#### Department required to develop standards “to inform a decision by a gas company whether to install a non-gas pipe alternative or to replace the gas infrastructure with new gas infrastructure”

**Proposed by**: HEET

**Proposal Statement**: There need to be standards to make the decisions of when to A) repair the pipe with advanced leak repair, B) replace the pipe with non-emitting thermal infrastructure, C) replace it with new gas pipe, or D) retire the pipe pipe. . These standards might change over time as technology improves. Regulation is a more flexible way than legislation to create and update standards and thus might be more applicable as the technology improves.

Please note: the language above has been changed to “non-gas pipe alternative” with the assumption that that term is defined to include all of the above options except C.

**Supported by**: Conservation Law Foundation; PowerOptions

**Opposed by**: Massachusetts Attorney General’s Office; NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*Attorney General’s Office* - Supports the requirement that utility companies must “consider all reasonable alternatives to natural gas” before repairing or replacing a pipeline, as suggested above, as a means of helping the Commonwealth achieve the GHG emissions limits and submits set forth in Chapter 21N. The Attorney General’s Office does not support developing new standards that would facilitate accelerated cost recovery for more activity for an extended period. Section (i) is inconsistent with the proposal to phase out GSEP over a period of 6 years.

*NEGWA/USW* - Opposed to this because it is premised on DPU having authority to direct an LDC to diversify into another mode of energy generation and distribution; is unaware of any Massachusetts law providing such authority. Even assuming DPU held this authority, is concerned that the enforcement of such regulations could incentivize gas LDCs to leave the Commonwealth without a suitable replacement to steward their gas infrastructure through transition to net zero. Additionally, needs clarification with regard to the DPU’s staff capacity/expertise vis a vis renewable thermal energy generation and distribution.

*Eversource* - Department already has authority to do this. Language need not be added to the statute to do this. Beyond the scope of the working group itself.

*Liberty* - Opposes this proposed revision. The proposed development of standards is beyond the scope of the GSEP Working Group “to develop recommendations for regulatory and legislative changes that may be necessary to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of language mandating the development of standards would add a level of complexity that would defeat the objective of the program, would straitjacket Department’s ability to evaluate the plans within the context of their oversight, and substitute theoretical regulatory prescriptions for the business judgement of the companies that have an intimate working knowledge of their own unique distribution systems. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Any additions to the Department’s standards should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Department already has authority to develop standards and regulations. It is unnecessary to add language to the statute to do this. In addition, the proposal is beyond the scope of the working group itself.

*Unitil* - Unitil objects to the proposal for several reasons. First, this conflicts with long-standing Department precedent. The Department has long deferred to the judgment and expertise of regulated utility companies when it comes to operating and maintaining their systems safely and reliably. Boston Gas Company and Colonial Gas Company, D.P.U. 13-78, at 13 (2014) (“The Department reiterates that it. . .will not substitute its judgment for that of a utility manager as to how best to fulfill service obligations to operate its system safely and reliably.”); Investigation by the Department of Public Utilities on its own Motion into Distributed Generation Interconnection, D.P.U. 11-11-E at 15 (March 13, 2013) (“Because they have the most knowledge about their customers and their electric distribution infrastructure, the Distribution Companies are best situated to determine what constitutes optimal interconnection [to the electric distribution system.]”); Boston Gas Company, Essex Gas Company, and Colonial Gas Company, D.P.U. 10-55, at 128-129 (2010) (“The Department will not substitute its judgment for utility management’s job as to how best to meet and fulfill its service obligations to maintain and operate its system consistent with safety, reliability and other considerations.”).

Second, if utility investment decisions are guided by the Department or a third-party entity the Department’s prudence reviews of capital investments would be encumbered and the regulatory compact would be undermined. See Bay State Gas Company, D.T.E. 05-27, at 39 (2005) (“Endorsing a specific method of replacing a utility’s unprotected steel infrastructure would not only limit the utility management’s operational flexibility, but also could encumber the Department’s future prudence reviews. Accordingly, the Department will not direct a specific approach and will defer to the Company’s management judgment to choose the appropriate approach for the replacement of its unprotected steel infrastructure, taking into account the paramountcy of public safety and the goals of efficiency and reasonable cost.”); NSTAR Electric Company and Western Massachusetts Electric Company, D.P.U. 17-05, at 88-89 (Nov. 30, 2017) (“The Department has found that decisions regarding the level and types of capital investment to be made by a company rest, in large part, with company management. The Department also has recognized that distribution companies have full discretion to exercise judgement in maintaining the safety and reliability of their distribution system.”).

**Comment**: LEAN, *NCLC*-With an amendment to include electrification, LEAN and NCLC would probably support (e.g., “to inform a decision by a gas company whether to retire gas infrastructure and replace it with non-emitting renewable thermal energy infrastructure, replace it with building electrification and/or non-pipes alternatives, repair the gas infrastructure, or replace the gas infrastructure with new gas infrastructure”).

#### Standards required to be adjusted annually for first 10 years

**Proposed by**: HEET

**Proposal Statement**: The non-gas pipe alternative thermal technology is new to gas companies, customers, regulators and installers. There will be learnings along the way that need to be incorporated. Allowing for those learnings in a smooth way through an ability to adjust standards will be critical to the success of the implementation of this new technology.

**Supported by**: Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Concerned that DPU lacks the capacity to revise regulations of standards on annual basis, in addition to substantive concerns addressed above concerning subject matter of regulations. Needs clarification concerning how DPU would reasonably meet this requirement.

*Eversource* - Department already has authority to do this. Language need not be added to the statute to do this. Beyond the scope of the working group itself.

*Liberty* - Opposes this proposed revision. The proposed development of standards is beyond the scope of the GSEP Working Group “to develop recommendations for regulatory and legislative changes that may be necessary to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of these proposed development of standards would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight and substitute theoretical regulatory prescriptions for the business judgement of the companies that have an intimate working knowledge of their own unique distribution systems. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Any additions to the Department’s standards should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Department already has authority to do this. It is unnecessary to add language to the statute to do this. In addition, the proposal is beyond the scope of the working group itself.

*Unitil* - For the reasons discussed above, Unitil opposes the development of standards “to inform a decision by a gas company whether to retire gas infrastructure and replace it with non-emitting renewable thermal energy infrastructure, repair the gas infrastructure, or replace the gas infrastructure with new gas infrastructure.” In addition, as a practical matter, a standard that changes every year is a constantly moving target that creates challenges for application and compliance.

**Note of Abstention**: LEAN, *NCLC* – need additional information.

#### Requires annual audits to ensure compliance

**Proposed by**: HEET

**Proposal Statement**: An audit is a method of ensuring compliance and creating stakeholder trust. Ensuring trust as gas companies begin to transition to thermal companies will be critical to the success of the endeavor. The stability of the companies, as well as the jobs for its workforce, depend on ensuring this stakeholder trust.

**Supported by**: Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose additional transparency/accountability measures relative to the GSEP but does oppose substantive changes that depart from GSEP’s scope, as discussed above.

*Eversource* - Department already has authority to do this. Language need not be added to the statute to do this. Beyond the scope of the working group itself.

*Liberty* - Opposes this proposed revision. The proposed development of standards is beyond the scope of the GSEP Working Group “to develop recommendations for regulatory and legislative changes that may be necessary to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of these proposed development of standards would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight and substitute theoretical regulatory prescriptions for the business judgement of the companies that have an intimate working knowledge of their own unique distribution systems. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Any additions to the Department’s standards should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Department already has authority to do this. It is unnecessary to add language to the statute to do this. In addition, the proposal is beyond the scope of the working group itself.

*Unitil* - For the reasons discussed above, Unitil opposes the development of standards “to inform a decision by a gas company whether to retire gas infrastructure and replace it with non-emitting renewable thermal energy infrastructure, repair the gas infrastructure, or replace the gas infrastructure with new gas infrastructure.” Furthermore, the additional layers of process and bureaucracy envisioned by HEET are not efficient and would only serve to increase costs to customers.

#### Failure to comply precludes recovery of the cost of eligible infrastructure investment

**Proposed by**: HEET

**Proposal Statement**: The ability of the Department to deny cost recovery for the infrastructure investment helps ensure the gas companies deliver the attention to detail necessary to meet the Department’s standards. The Department already has this capability, so there should be nothing controversial about including it. This capability is good to put it in specifically given the conflict around whether or not to continue GSEP and its accelerated cost recovery. If the utilities want to continue to have access to the accelerated cost recovery, they should be willing to support this inclusion of a power the Department already has.

Additionally HEET supports NCLC’s text amendment below.

**Supported by**: NCLC (with amendment); Conservation Law Foundation

**Supporting Statement**:

*NCLC* -suggest the following amendment: “Failure to comply with adopted standards shall be a factor in the Department’s evaluation of the prudency of the utility’s investment and ability to recover costs associated with said investment.”

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Does not oppose additional transparency/accountability measures. GSEP already requires accountability to obtain cost recovery, and any infrastructure built by the LDCs is reimbursable through rate cases, if not through GSEP. Needs to understand how this proposal would affect the status quo so that it can better evaluate the position.

*Eversource* - Department already has authority to do this. Language need not be added to the statute to do this. Beyond the scope of the working group itself.

*Liberty* - Opposes this proposed revision. The proposed development of standards is beyond the scope of the GSEP Working Group “to develop recommendations for regulatory and legislative changes that may be necessary to align gas system enhancement plans developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” The focus of GSEP is to replace aging or leak-prone natural gas pipeline infrastructure in the interest of public safety. The inclusion of these proposed development of standards would add a level of complexity that would defeat the objective of the program and would straitjacket of the Department’s ability to evaluate the plans within the context of their oversight and substitute theoretical regulatory prescriptions for the business judgement of the companies that have an intimate working knowledge of their own unique distribution systems. The replacement of leak-prone pipe should and is based on the risk scores pursuant to the Company’s DIMP. The DIMP was created by federal regulations and compliance with the DIMP is governed by PHMSA and the Department’s Pipeline Safety Division. Pursuant to the Company’s DIMP, Liberty relies on a leak-based assessment analysis to prioritize the replacement of distribution piping using a balanced approach of incorporating viable risks with high consequences indicated by the plan and other known attributes of facilities within the distribution system, including key factors such as age, size, material, leak history, pressure, density, proximity to structures, public buildings or business districts, and soil conditions. Any additions to the Department’s standards should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Department already has authority to do this. It is unnecessary to add language to the statute to do this. In addition, the proposal is beyond the scope of the working group itself.

*Unitil* - For the reasons discussed above, Unitil opposes the development of standards “to inform a decision by a gas company whether to retire gas infrastructure and replace it with non-emitting renewable thermal energy infrastructure, repair the gas infrastructure, or replace the gas infrastructure with new gas infrastructure.” The punitive framework envisioned by HEET is counterproductive and will stifle innovation. HEET’s vision for utility regulation in the Commonwealth is anathema to the Department’s longstanding prudent investment and used and useful standards and would undermine the “regulatory compact.” The “regulatory compact” is premised upon the idea that utilities are provided an opportunity to recover prudently incurred capital investments—as determined through an examination by the Department—plus an opportunity to earn a reasonable return on those investments.[[10]](#footnote-10) T he prudence test determines whether cost recovery is allowed at all, and is typically applied when the utility first proposes to include the plant in rate base. NSTAR Electric Company and Western Massachusetts Electric Company, D.P.U. 17-05, at 85 (Nov. 30, 2017); Western Massachusetts Electric Company, D.P.U. 85-270, at 25-27 (1986). If specific utility investments were directed by the Department as HEET suggests, the Department’s prudence reviews of capital investments could be encumbered and the regulatory compact may be undermined. See Bay State Gas Company, D.T.E. 05-27, at 39 (2005) (“Endorsing a specific method of replacing a utility’s unprotected steel infrastructure would not only limit the utility management’s operational flexibility, but also could encumber the Department’s future prudence reviews Accordingly, the Department will not direct a specific approach and will defer to the Company’s management judgment to choose the appropriate approach for the replacement of its unprotected steel infrastructure, taking into account the paramountcy of public safety and the goals of efficiency and reasonable cost.”); NSTAR Electric Company and Western Massachusetts Electric Company, D.P.U.17-05, at 88-89 (Nov. 30, 2017) (“The Department has found that decisions regarding the level and types of capital investment to be made by a company rest, in large part, with company management. The Department also has recognized that distribution companies have full discretion to exercise judgement in maintaining the safety and reliability of their distribution system.”) (citations omitted).

# PART TWO Broader Conceptual Issues

#### Proposal: Terminate existing expedited rate treatment for GSEP-related costs in favor of recovery of such costs by LDCs in base rates

**Proposed by**: Attorney General’s Office, NCLC

**Proposal Statements**:

*Attorney General’s Office*: The AGO supports a phased end to accelerated cost recovery under the Gas System Enhancement Program (GSEP). GSEP is, at its core, a funding mechanism that allows utility companies to recover the costs of natural gas infrastructure replacement on an accelerated timeline. Accelerated cost recovery has resulted in unchecked overspending that is not proportional to purported safety benefits. If GSEP continues at its current pace, the total cost of this initiative will be approximately $40 billion over the next decade, an expense borne by ratepayers. GSEP costs are not only exorbitant, but the program also is inconsistent with statewide GHG emissions limits and sublimits established pursuant to Chapter 21N. In fact, accelerated cost recovery makes it *more* difficult for the Commonwealth to meet these GHG limits and sublimits by encouraging further institutionalization of natural gas infrastructure that should be largely phased out by 2050. Moreover, LDCs have a legal obligation to address leaks to ensure that their systems are safe and reliable, regardless of their funding mechanisms.[[11]](#footnote-11) As they did before GSEP was instituted in 2014, the LDCs should seek cost recovery through base rate cases, which provide greater transparency and accountability. The AGO supports a phased end to GSEP’s accelerated cost recovery mechanism as a means to ease the transition away from this expensive program. The statute currently caps the amount of GSEP recoverable by LDCs at “1.5 percent of the gas company’s most recent calendar year total firm revenues…or (ii) an amount determined by the department that is greater than 1.5 percent.” Since 2019, the Department has allowed LDCs to recover 3 percent of the most recent calendar year’s total firm revenues. Part One, above, proposes codifying this increase in the amount recoverable.

Rather than adopting this proposed increase in perpetuity, the AGO recommends scaling back accelerated cost recovery over the next six years before terminating GSEP entirely on October 1, 2030, as shown below.

|  |  |
| --- | --- |
| **Year** | **Percent of the gas company's most recent calendar year total firm revenues** |
| October 1, 2024 | 2.8% |
| October 1, 2025 | 2.5% |
| October 1, 2026 | 2.0% |
| October 1, 2027 | 1.5% |
| October 1, 2028 | 1.0% |
| October 1, 2029 | 0.5% |
| October 1, 2030 | 0.0% |

Furthermore, the AGO opposes expanding the statute’s definition of “eligible infrastructure.” Some working group members have suggested broadening the definition of “eligible infrastructure” so LDCs may recover the costs of developing renewable energy infrastructure – such as networked geothermal systems – on an accelerated basis. GSEP already imposes significant ratepayer burdens; expanding accelerated cost recovery to include other kinds of construction would continue to raise costs and likely far exceed GSEP’s current $40 billion price tag over the next decade. Additionally, the costs, feasibility, and efficacy of renewable energy systems are too uncertain at this time to justify accelerated cost recovery. As should be the case with gas pipeline infrastructure, LDCs should be required to recover the costs of geothermal and other renewable energy construction in base rate cases.

Finally, the AGO supports adjusting GSEP requirements, as proposed in Part One, above, so that its goals are consistent with the Commonwealth’s climate priorities while adequately protecting ratepayers. Accordingly, in the plans submitted to the Department, the LDCs should be required to consider all alternatives to natural gas infrastructure, targeted gas system decommissioning, and whether construction will result in stranded assets whose ongoing maintenance and operation costs will be borne by a shrinking customer base. The LDCs should also be required to report on GHG emissions reductions and demonstrate compliance with emissions limits and sublimits established pursuant to Chapter 21N.

In conclusion, accelerated cost recovery is a financial incentive for LDCs to excessively spend on natural gas infrastructure at the expense of ratepayers, all while institutionalizing a gas system that should be largely retired by 2050. By recovering the costs of addressing leak-prone infrastructure through base rate cases, LDCs will need to exercise more discretion on spending, and, by extension, the costs for ratepayers will go down. Phasing out GSEP over the next six years will significantly reduce costs, prevent stranded assets, and better align with the Commonwealth’s climate goals.

*NCLC* - NCLC supports an end to the special cost recovery treatment of GSEP, and the transition of the GSEP docket to a planning docket. Accelerated recovery of infrastructure through a monthly surcharge is an expensive way to incorporate delivery service investments into customer rates, and incentivizes spending up to any set cost cap. Removing special cost recovery, and revising the GSEP statute to accommodate informed gas system planning, will allow the Department to make careful informed decisions specifically focused on gas system planning. Part of that process should include a mapping of gas leak activity among other informational data points (which may require revisions of G.L. c. 164, § 147). Other mapping to inform the process, such as where electric load is not currently constrained, highlighting areas served by the same utility company for both gas and electric service, would be informative as the Department considers where electrification efforts could begin promptly. Cost recovery of any planned investments, however, can and should come in rate cases, where it existed for decades before enactment of the GSEP statute and the overall rate impact of a utility’s proposal can be fully assessed. In the alternative, if the updated statute does not immediately end GSEP’s cost recovery component, then we would support a firm date for ending the special cost recovery treatment of GSEP. If a date must be chosen, we strongly recommend that the date added at G.L. c. 164 § 145(b) should be moved up to a date no later than December 31, 2024 (rather than the 2029 date originally suggested).

**Supported by**: LEAN; Conservation Law Foundation, HEET (with clarification)

HEET, PowerOptions - The AGO’s suggested “ramp-down” of GSEP is a generous and intelligent suggestion, however HEET suggests going a step or two further. The ramp-down would allow the gas utilities to replace over ~900 miles more of gas pipe (at current costs) with new gas pipe. Taking away accelerated cost recovery will in no way stop the gas utilities from their need to replace gas pipes in order to improve safety. It just discourages them from doing so. They will continue at a slower pace without accelerated cost recovery, to replace the more than 1,000 miles remaining of the small diameter cast iron mains pipe with new gas pipes. This is a lost opportunity. Every mile of gas pipe installed moves us in the wrong direction.

The GSEP, with its carrot of the accelerated cost recovery, is the perfect vehicle for transitioning the gas system to non-combusting clean energy. Retaining the accelerated cost recovery (with conditions such as affordability) is a powerful lever to motivate the gas companies to install infrastructure that can meet the Commonwealths’ emissions mandates.

HEET instead suggests that at the same time as the GSEP mileage in new gas pipe is “ramped-down”, there is a ramp-up of the mileage installed each year of non-gas pipe alternatives. The non-gas pipe alternatives ramp-up increases until they are 100% of the GSEP program. The Department can decide on the speed of this ramp up, as well as the length of the overall GSEP program, and can re-evaluate that speed every year in order to maintain affordability while moving to meet the limits and sublimits pursuant to chapter 21N. If a utility is unable to meet the speed, quality or affordability requirements, then the Department can take away the accelerated cost recovery for the next year, or terminate the program.

**Opposed by**: NEGWA/USW;, PowerOptions; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - Opposes this approach. GSEP has produced a remarkable reduction in leaky pipe in the Commonwealth, but Massachusetts LDCs still have a significant inventory, largely in congested urban areas where their replacement is more expensive and also has the potential to seriously impact public safety and health. New pipeline is safer and more durable—reducing leaks and promoting public/occupational safety. Prior to the introduction of the GSEP, some LDCs routinely deferred pipe replacement, putting their workers and the public at risk. Abruptly ending accelerated cost recovery would be likely to reverse the record that the LDC’s have built in proactively replacing pipeline.

*Eversource* - Without accelerated cost recovery, there is no ability to do the GSEP beyond the normal capital investment process. Would revert to normal rate case treatment for capital additions.

*Liberty* - Given that accelerated recovery is the linchpin of the GSEP, terminating it while continuing to mandate initiatives, like accelerated infrastructure replacement or the methane emission regulations in 310 C.M.R. 7, that grew out of the current iteration of the GSEP, would not only be fundamentally unfair, but also virtually guarantee annual distribution rate case filings by each local distribution company. To mitigate such an administratively inefficient outcome, the Department would need to consider the implementation of a rate adjustment mechanism that adjusts rates annually based on forward test-year projections.

*National Grid* - The intent of the GSEP statute is to establish an alternative mechanism outside of rate cases to ensure sufficient funding to reduce risk and improve gas system safety by replacing leak prone pipe and repairing Grade 3 leaks with significant environmental impact. Without accelerated cost recovery, will reduce the ability to accelerate replacement or retirement of leak prone pipe beyond the normal capital investment process. Removing language that establishes accelerated cost recovery to reduce risk and emissions would eliminate the primary purpose of the GSEP statute. Thus, cost recovery for this spending, and all associated information necessary to approve spending for replacement of leak prone pipe reverts to normal rate case treatment for capital additions.

*Unitil* - This proposal either overlooks or deliberately ignores the fundamental purpose of GSEP and the public interest which underlies it: accelerating the replacement of leak-prone pipe to ensure the safe, efficient, and reliable delivery of natural gas to customers. This proposal is beyond the scope of the GSEP Working Group because it is tantamount to the repeal of the GSEP statute. The GSEP Working Group’s mandate is limited to “develop[ing] recommendations for legislative and regulatory changes that may be necessary to align gas system enhancement plans [GSEPs] developed pursuant to section 145 of chapter 164 of the General Laws with the applicable statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N and the commonwealth’s emissions strategies.” The GSEP framework has been a success—appropriately balancing the safety and integrity of the distribution system with the cost to customers. The local gas distribution companies have already replaced approximately 4,109 miles of main and 199,850 services. Fitchburg Gas and Electric Light Company d/b/a Unitil, D.P.U. 23-GSEP-01, Second Five-Year Review 2018-2023, at 1 (filed November 3, 2023). GSEP has provided economic benefits to the Commonwealth in the form of additional jobs. Id. at 12, 15, 18, 22, 25, 28. Additionally, since GSEP began in 2015, this work has eliminated an estimated 7,890 gas leaks and reduced methane emissions by approximately 58,571 metric tonnes. Id. at 2.

There is no reasonable basis to depart from the GSEP framework, nearly a decade into its operation, in favor of recovering replacement costs in base rates.

#### Proposal: Redefine an LDC’s obligation to continue to serve an existing customer in a manner that would enable natural gas service to be replaced with substitute heat or energy service (e.g., networked geothermal or electrification)

**Proposed by**: HEET

**Proposal Statement**: Gas utilities currently can only sell gas and install gas infrastructure. They also currently can only meet their obligation to serve customers using gas. This means they cannot meet the commonwealth’s net zero emissions mandate. The edits below are intended to allow them to serve their customers and conduct their business while moving toward non-combusting clean energy. Since these definitions were not within the compiled redlines, the text of the definitions are below (the text in bold is text that is added to the existing state law).

* “Gas company”, a corporation organized for the purpose of making and selling or distributing and selling, gas **or utility-scale non-emitting renewable thermal energy** within the commonwealth, even though subsequently authorized to make or sell electricity provided however, that gas company shall not mean an alternative energy provider.
* "Customer'', a retail natural gas **or thermal** customer.
* “Non-emitting renewable thermal energy ”, thermal energy that provides heating or cooling without combustion and that does not release greenhouse gas emissions as defined in section 1 of chapter 21N.
* Section 92 of 164: On written petition of any person, having a residence or place of business in a town where a corporation is engaged in the manufacture, transmission or sale of gas or the distribution of electricity, aggrieved by its refusal or neglect to supply him with gas or electricity, the department may, after notice to the corporation to appear at a time and place therein named to show cause why the prayer of such petition should not be granted, issue an order directing and requiring it to supply the petitioner with gas **or other thermal energy, as determined by the department pursuant to the priorities of section 1A of chapter 25,** or electricity, upon such terms and conditions as are legal and reasonable; provided, however, that if such corporation is engaged in such town solely in the transmission of gas such order shall not be made where it appears that compliance therewith would result in permanent financial loss to the corporation. **A gas company may meet any obligation to serve by providing a customer with non-emitting renewable thermal energy, including but not limited to networked geothermal infrastructure or an electric heat pump.**

**Supported by**: LEAN, NCLC; Conservation Law Foundation; PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - This is well beyond the scope of this working group and has implications extending well beyond Chapter 164.

*Eversource* - Out of scope and beyond the purpose of the GSEP.

*Liberty* - Opposes this proposed revision. Redefining a local distribution company’s obligation to continue to serve an existing costumer is outside the scope of the stakeholder working group’s statutory mandate as set forth in the Drive Act. Furthermore, by presuming that natural gas service can/will be replaced with substitute heat or energy service assumes that the non-pipe alternative is affordable and feasible. This presumption pre-empts the Department’s consideration of similar issues in D.P.U. 20-80; therefore, is not ripe for inclusion in the next iteration of the GSEP at this time. Additionally, the replacement of leak-prone pipe should be and is based on the risk scores pursuant to the Company’s DIMP. While the Company is supportive of consideration of non-pipe alternatives as a means of GSEP, substitute heat or energy service (e.g. networked geothermal or electrification) requires not only customer adoption, but a location of GSEP eligible pipe that would allow for a section of the Company’s natural gas distribution system to be retired without duplicative pipe being required to continue the operation of the Company’s remaining system. Liberty recommends the inclusion of “non-pipe alternatives” assuming the non-pipe alternative is determined to be affordable and feasible by the local distribution company and has been reviewed and approved by the Department in the context of the GSEP, which encompasses substitute hear or energy services. Generally, any additions to the Department’s standard of review should be left to the broad oversight of the Department and not prescribed by legislation.

*National Grid* - Out of scope and beyond the purpose of the GSEP to redefine LDC obligation to serve.

*Unitil* - As noted above, Unitil is generally supportive of including the consideration of non-pipe alternatives in the context of the GSEP. However, Unitil does not support a framework under which the local gas distribution companies (“LDCs”) must show a non-pipe alternative is infeasible or not cost effective before they can replace or retire pipe. The LDCs should be required to present analyses only in support of proposed non-pipeline investments. In addition, the LDCs must balance both near-term and long-term affordability of the gas network, recognizing that ongoing investment in the system will be necessary to continue to provide safe and reliable service to customers. See Vote and Order Opening Investigation, D.P.U. 20-80, at 4 (October 29, 2020) (“For all identified pathways, the Department will endeavor to determine whether and how the LDCs can implement each pathway **in a cost-effective way with a continued focus on safe and reliable service to their ratepayers**.”)(emphasis added). Because they provide essential services, the LDCs do not have the option to defer critical investments as alternative technologies continue to evolve.

#### Proposal: If section 145 is amended to require (1) consideration of a non-gas pipe alternative, and (2) a determination by the LDC that such alternative is “infeasible or not cost-effective,” what costs are included in such cost-effectiveness analysis?

**Proposed by**: HEET

**Proposal Statement**: A non-gas pipe alternative is considered not feasible or not cost-effective in a similar manner to the way the installation of a gas pipe is evaluated. The non-gas pipe alternatives of advanced leak repair and renewable thermal infrastructure would be considered feasible and cost effective if the costs of the installation plus operations and maintenance were considered likely to be paid back over the measure’s lifetime while maintaining customer bill affordability. Since renewable thermal infrastructure installation is new to gas utilities, for the first decade of these installations, a little financial leeway could be given, through the application of a cost-curve reduction[[12]](#footnote-12) assumption.

The other non-gas pipe alternative is retiring the gas main and transitioning the connected buildings from gas to electricity. This alternative does not result in any on-going revenue stream for the gas utility and thus has a harder time meeting any financial viability test. How to do this would be perhaps best left to the Department to enact, but one potential option is to utilize the avoided costs of future operations and maintenance funds, along with Mass Save funds.

**Supported by**: HEET, PowerOptions

**Opposed by**: NEGWA/USW; Eversource; Liberty; National Grid; Unitil

**Statements in Opposition**:

*NEGWA/USW* - This would require a holistic analysis, including not just consumer replacement and maintenance costs and costs to the LDCs in acquiring, training, constructing, operating, and maintain alternative infrastructure but also just transition costs. It should also include costs associated with the failure of a non-pipe alternative—e.g., heat pumps failing to work during periods of extreme cold. And it would need to consider the cost of just transition of the LDC’s workforce and economic impacts on both the communities whether pipeline was housed and communities where gas workers live.

*Eversource* - Would agree if the alternative analysis is based on feasible and cost-effective programs. No other analysis required or warranted.

*Liberty* - Opposes the amendment of section 145 to require “(1) consideration of a non-gas pipe alternative, and (2) a determination by the LDC that such alternative is “infeasible or not cost-effective,” what costs are included in such cost-effectiveness analysis.” The inclusion of “a finding that such alternative is infeasible or not cost-effective” presumes that the installation of a non-pipe alternative is the preference for GSEP planning. Given that this issue is currently before the Department in D.P.U. 20-80, this presumption is not ripe for consideration in the context of the stakeholder working group.

*National Grid* - Would agree if the alternative analysis is based on feasible and cost-effective programs. No other analysis is required or warranted.

*Unitil* - As discussed above, Unitil does not support a framework under which the LDCs must show a non-pipe alternative is infeasible or not “cost effective” before they can replace or retire pipe. The question posed by this proposal is telling because it highlights the fact that it is unclear what costs should be included in such an analysis and suggests that this may not be a practical framework at this time. For example. networked geothermal is still in the pilot stage in the Commonwealth, and the true costs and useful life of the technology may not be fully understood. In addition, the cost-effectiveness of new and evolving non-pipe alternatives would be subject to multiple assumptions concerning uncertain factors such as the pace of renewable/energy storage development, the total cost of large-scale intermittent renewable generating sources, the cost of electric system upgrades necessary to enable electrification, how long gas generation will be on the margin, workforce transition costs, etc.) As the number of assumptions increase, the conclusions that may be drawn from the analysis are less reliable.

Additional Proposal:

#### Depreciation of gas utility infrastructure

**Proposed by**: LEAN, NCLC

**Proposal Statement**: The DPU should be directed to establish a planning docket to address depreciation of gas utility infrastructure. In addition to the cost recovery available through GSEP, gas utilities have also sought approval from the DPU to further accelerate this recovery via accelerated depreciation. Addressing all cost recovery questions related to gas infrastructure through a planning docket would provide an opportunity to examine all costs and impacts on rates, and to take steps to keep residential rates affordable.

**Supported by**: HEET

**Supporting Statements**:

HEET (with clarification): This is similar to the suggestion under the definition of eligible infrastructure replacement to “minimize stranded assets.” If the Department accelerates depreciation of gas assets, it should also create a phased plan to decommission them as they are paid off, in a way that maintains safety and reliability. Otherwise, it is possible the customers will have to rush to pay for these assets by 2050, while the assets continue to be used long past that point, producing emissions in the Commonwealth and revenue for the local gas utility.

**Opposed by**:

**Statements in Opposition**:

1. John Buonopane was appointed to this group as the Representative of NEGWA and has been referred to interchangeably as the Steelworkers, Local 12012 (USW) representative and the NEGWA representative. Please consider these comments as the comments of both NEGWA, a non-profit representing USW locals who work for natural gas LDC’s to advance the safety of the natural gas system in the Commonwealth, and USW, Local 12012, one of NEGWA’s union affiliates. Please note that NEGWA and USW are used interchangeably herein. Please also note that USW is one of several unions—including UWUA, IBEW, and others-- that represent LDC workers in the Commonwealth and notes its continuing concern that only one union was selected to represent the interests of unionized workers at the LDCs. [↑](#footnote-ref-1)
2. See G.L. c. 164 § 145, (a), “eligible infrastructure replacement” [↑](#footnote-ref-2)
3. Large diameter pipes are not known to rupture catastrophically during frost heaves and thus the main reason to replace them is to reduce the emissions from their leaks. [↑](#footnote-ref-3)
4. Examples of advanced leak repair include sleeving (lining the inside of the pipe with a flexible plastic insert), robots (such as the CISBOTs which can move down the pipes injecting the joints with a sealant), Keyholing (small holes are created over the pipe joints to seal them without trenching) and cured-in-place pipeline renewal systems (lining the inside of pipes with a durable composite). [↑](#footnote-ref-4)
5. HEET’s definition:*“Non-gas pipe alternative,“ a replacement, retirement or advanced leak repair of eligible infrastructure that delays, reduces or avoids the need to install new gas pipe while maintaining the safety and reliability of the gas system, as well as reducing greenhouse gas emissions as defined in section 1 of chapter 21N. Such alternative may include, but is not limited to, a non-emitting renewable thermal infrastructure project.* [↑](#footnote-ref-5)
6. *.''Non-emitting renewable thermal infrastructure project,'' a utility-scale project that replaces natural gas distribution infrastructure with distribution infrastructure that supplies heating, or heating and cooling, from fuel sources whose combustion does not emit greenhouse gases, as defined by section 1 of chapter 21N; provided, however, that a ''non-emitting renewable thermal infrastructure project'' may include, but shall not be limited to, a networked geothermal system.*<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter164/Section147a> [↑](#footnote-ref-6)
7. For an illustration of an unreadable font, please see:<https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/14894989> [↑](#footnote-ref-7)
8. Heat Pump–Friendly Cost-Based Rate Designs, Energy Systems Integration Group, 2023. <https://www.esig.energy/wp-content/uploads/2023/01/Heat-Pump%E2%80%93Friendly-Cost-Based-Rate-Designs.pdf> [↑](#footnote-ref-8)
9. *Inflection Point: When Heating with Gas Costs More January 2021 – White Paper Applied Economics Clinic, <https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5fff6f26240e712d080225f5/1610575655937/Inflection+Point_White+Paper_AEC_13Jan2021.pdf>* [↑](#footnote-ref-9)
10. Town of Hingham v. Dep't of Telecomm. & Energy, 433 Mass. 198, 203 (2001); New England Telephone

    and Telegraph Co. v. Dep’t of Pub. Utils., 371 Mass. 67, 73 (1976); Bonbright, James C., Albert L. Danielsen, and

    David R. Kamerschen, Principles of Public Utility Rates 198-209 (1988) (2nd Ed.); Phillips, Charles F. Jr., The

    Regulation of Public Utilities 21 (1993) (3rd Ed.); Boston Edison Company, D.P.U. 906 (1982), 1982 MASS. PUC

    LEXIS 7, \*58 (Mass. D.P.U. April 30, 1982) (“[T]he service obligation, regulatory price control, and the support

    obligation are the essential components that underlie the regulatory compact which public law and policy have created between consumers and utility investors.”). [↑](#footnote-ref-10)
11. M.G.L. c. 164 § 144 (“Grade 1 leaks require repair as immediately as possible and continuous action until the conditions are no longer hazardous.”); 49 CFR 192.703 (“(b) Each segment of pipeline that becomes unsafe must be replaced, repaired or removed from service; (c) Hazardous leaks must be repaired promptly.”); 22 CMR 101.00 (stating every piping system in Massachusetts shall be constructed, operated, and maintained in compliance with Minimum Federal Safety Standards under 49 CFR 192). [↑](#footnote-ref-11)
12. Wright's Cumulative Average Model (https://maaw.info/LearningCurveSummary.htm) is a simple method of calculating the cost curve. Y = aXb where:

    ● Y = the cumulative average time (or cost) per unit.

    ● X = the cumulative number of units produced.

    ● a = time (or cost) required to produce the first unit.

    ● b = slope of the function when plotted on log-log paper. [↑](#footnote-ref-12)