

## DEPARTMENT OF PUBLIC UTILITIES



## LANGUAGE ACCESS PLAN

## DEFINITIONS

**Department or DPU:** Means the Massachusetts Department of Public Utilities.

**Division:** Means a branch of the Department that is responsible for the oversight of a specific Department function.

**Hearing Officer:** Means an attorney designated by the Commission<sup>1</sup>, pursuant to General Laws c. 25, § 4, to preside over a Department proceeding.

**Person with Limited English Proficiency or Person with LEP:** Means a person who does not speak English as a primary language and who has a limited ability to read, speak, write, or understand English.<sup>2</sup>

**Vital Document:** Means a document that contains information that is critical for obtaining services or providing awareness of rights or is required by law.

**Language Access:** Providing individuals with LEP with meaningful access to the same services as English-speaking individuals.

**Meaningful Access:** Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance to eliminate communication barriers, such as sign language interpretation, real-time captioning, or other accessible form of communication as required by Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (collectively as the “federal non-discrimination statutes”). Meaningful access denotes access that is not significantly delayed, restricted, or inferior as compared to programs or activities provided to individuals with English proficiency.

**Environmental Justice Population:** A neighborhood that meet one or more of the following criteria: (i) the annual median household income is not more than 65 percent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the populations; (iii) 25 percent or more of the households lack English language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income.

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<sup>1</sup> The Department is overseen by the three member- Commonwealth Utilities Commission appointed by the Secretary of the Executive Office of Energy and Environmental Affairs with approval by the Governor. The Secretary designates one of the Commissioners as chair. G.L. c. 25, § 2; see also <https://www.mass.gov/guides/the-dpu-commission> (last visited November 24, 2023).

<sup>2</sup> Executive Office of Administration and Finance, Office of Access and Opportunity, *Language Access Policy and Implementation Guidelines 2* (March 20, 2015) available at [www.mass.gov/doc/language-access-guidelines/download](http://www.mass.gov/doc/language-access-guidelines/download).

**Translation:** The process of converting written text from a source language into an equivalent written text in a target language as fully and as accurately as possible while maintaining the style, tone, and intent of the text, and while considering differences of culture and dialect.

**Interpretation:** The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully<sup>3</sup> orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals with certain disabilities that affect communication, this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken, captioned, or signed target language while retaining that same meaning.

**Census Tracts:** Census tracts are used by the United States Census Bureau to collect information about the people who live in every part of the country. The entire country is divided into census tracts, and, for each tract, distinct information is provided about the people who live there, including information on languages spoken.

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<sup>3</sup> Interpreting accurately and completely without adding or taking away from the meaning.

## MISSION STATEMENT

The Department of Public Utilities is an adjudicatory agency overseen by a three-member commission. The Department is responsible for the oversight of investor-owned electric power, natural gas, and water utilities in the Commonwealth. In addition, the Department regulates the safety of bus companies, moving companies, and transportation network companies. We also oversee the safety of natural gas pipelines. The Department is also responsible for overseeing the safety of equipment and operations for the Massachusetts Bay Transportation Authority (MBTA) as the State Safety Oversight Agency (SSOA). The Department is charged with developing alternatives to traditional regulation, monitoring service quality, and the siting of certain energy facilities.

The mission of the DPU is to ensure that consumers' rights are protected and that utility companies are providing the most reliable service at the lowest possible cost. The Department seeks to promote safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions.

## I. INTRODUCTION

The Department has developed and prepared this Language Access Plan (LAP) outlining ongoing efforts taken to provide language services to individuals with Limited English Proficiency (LEP). The LAP complies with the requirements of Executive Order 615.<sup>4</sup>

This plan also defines the actions our agency is taking to ensure meaningful access to programs, services, activities, and materials for all individuals with LEP.

The Department serves a diverse population of various ages and linguistic origins, and its work impacts nearly everyone in the Commonwealth of Massachusetts. A constituent maintains the right to self-identify as LEP.

## II. PURPOSE

The purpose of this plan is to ensure that individuals with LEP have meaningful access to Department proceedings, programs, services, activities, and materials.

The Department is committed to making services available to individuals with LEP a part of its mission. Based on this commitment, the Department will make reasonable efforts to

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<sup>4</sup> Executive Order No. 615, "Promoting Access to Government Services and Information by Identifying and Minimizing Language Access Barriers," (September 13, 2023) available at <https://www.mass.gov/executive-orders/no-615-promoting-access-to-government-services-and-information-by-identifying-and-minimizing-language-access-barriers>.

ensure meaningful access to our services to individuals with LEP.

This LAP does not create new services; rather, it confirms a commitment to eliminate barriers for individuals with LEP in accessing existing services and ensure that agency staff can assist individuals with LEP in accessing those resources. The Department will make reasonable efforts to provide quality language assistance to individuals with LEP in a fair and timely manner, ensuring meaningful access to DPU services. Adherence to this LAP will promote compliance with Federal non-discrimination statutes (e.g. Title VI of the Civil Rights Act of 1964) and guidance against national origin discrimination, the state's anti-discrimination statute, Executive Order 526, and Executive Order 615.

The objectives of the LAP are to:

- Improve access to and quality of Department services, programs, and activities for individuals with LEP; and
- Reduce any disparities and delays in the provision of services and programs to individuals with LEP.

### III. POLICY

The Department's policy is to provide meaningful access to programs, services, and activities to individuals with LEP through translated materials and interpretation, as appropriate. The Department will implement the practices described herein to ensure that individuals with LEP have a meaningful opportunity to participate in and influence the Department's proceedings. DPU's LEP services will be guided by four factors of analysis: (1) the number of LEP persons who could be affected by a program and activity, (2) the frequency that LEP individuals come in contact with the program and activity, (3) the nature and importance of the program and activity to people's lives, and (4) resources available to DPU.

### IV. APPLICABILITY

This policy applies to all divisions within the Department and to the agency as a whole.

### V. AGENCY PUBLIC INVOLVEMENT

The Department has one office located at One South Station, Boston, serving the entire Commonwealth. The Department interacts with the public in multiple ways. The main points of contact with the public are through the Consumer, Legal, Pipeline Safety, Rail Transit Safety, Transportation Network Company (TNC), Transportation Oversight, Siting, and Public Participation and Environmental Justice Divisions. In addition to the divisions, the agency is continuously working to improve its website and has social media accounts to provide

information to the public about upcoming events and agency work.

- The Department's Consumer Division receives and investigates complaints from consumers on issues involving their investor-owned electric, natural gas, and water utility bills or services on a tollfree line. The Consumer Division staff also answers questions from consumers who call the hotline or contact the Department through email and other means.
- The Department's Legal Division primarily interacts with the public during public hearings held pursuant to General Laws c. 30A, § 10. Many Department proceedings involve a public hearing to provide stakeholders with an opportunity to be heard on the rates and services provided by their investor-owned utilities. The Legal Division also responds to public inquiries.
- The Department's Pipeline Safety Division engages with homeowners and contractors during informal conferences and addresses public inquiries related to Dig Safe matters.
- The Department's Rail Transit Safety Division is responsible for overseeing the safety of equipment and operations of the MBTA and receives and responds to safety concerns from the public about the MBTA's Blue Line, Green Line, Orange Line, and Red Line.
- The Department's TNC Division interacts with driver applicants during denial appeal hearings. The TNC Division also has in-person and telephone conversations with rideshare drivers during various stages of the rideshare application process.
- The Department's Transportation Oversight Division interacts with drivers of Division-regulated vehicles who are required to hold motorbus certificates. The Transportation Oversight Division also interacts with consumers, primarily by correspondence, to resolve complaints about common carriers.
- The Department's Siting Division issues licenses to construct and operate transmission lines and provides necessary exemptions from municipal zoning for energy facilities. In addition to administering the Department's siting functions, the Siting Division also serves as staff to the Energy Facilities Siting Board, which oversees the siting of many large energy facilities.
- Beginning in 2024, the Department's Environmental Justice and Public Participation Division is led by a director and includes staff from other divisions working as the Environmental Justice Team. The Environmental Justice Team includes call center professionals, planners, economists, attorneys, a language access coordinator, and compliance officers and is focused on best practices for complying with the DPU's Environmental Justice Strategy. The work of the agency to be supported by the Environmental Justice and Public Participation Division is at the forefront of important energy, environmental, and technological trends that are transforming energy and

transportation infrastructure in Massachusetts while ensuring meaningful public participation.

In addition, each of the Department's other divisions (e.g., Electric Power Division, Gas Division, and Rates and Revenue Requirements Division) also interact with members of the public in response to inquiries.

## VI. LANGUAGE ACCESS SERVICES AND PRACTICES

This LAP shall be fully implemented, subject to the availability of requisite fiscal resources. It represents the Department's commitment to ensuring that all Massachusetts residents can readily access information and resources from the Department. The Department will implement the following practices to ensure that individuals with LEP have a meaningful opportunity to participate in the Department's proceedings:

- For certain complex or high-profile proceedings (e.g., base distribution rate proceedings and statewide investigations), before scheduling public hearings, the Department will use U.S. Census Bureau's American Community Survey data and interactive mapping tools regarding environmental justice and languages spoken to determine the languages into which notices, and relevant documents will be translated and for which interpretation services will be provided at public hearings. Specifically, the Department will seek to provide language access services by translating and interpreting into languages regularly encountered within the applicable service area.
  - For statewide proceedings, languages regularly encountered shall mean top five languages spoken in Massachusetts by persons with limited English proficiency (LEP) using data from American Community Survey (ACS) or other appropriate sources.
  - For service territory specific proceedings, languages regularly encountered shall mean no more than top five languages spoken by at least 3% or 1000 members, whichever is less, of the population with LEP within at least one census tract of the service territory.<sup>5</sup>
  - For location specific proceedings the Department will undertake a Language Demographic Analysis. Staff will examine the census tract(s) in the project area. Staff will identify all census tract(s) wholly or partially within a designated geographic area of the proposed project, based on the type of project proposed, and its components. The designated geographic area varies according to project

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<sup>5</sup> Census tracts are used by the United States Census Bureau to collect information about the people who live in every part of the country. The entire country is divided into census tracts, and, for each tract, distinct information is provided about the people who live there, including information on languages spoken.

type, as follows: (a) one-quarter mile from the boundaries (such as edges of right-of-ways) of linear projects or linear project components that are not site-specific and lack a single point address, such as transmission lines and gas pipelines; (b) one mile from the boundary of projects and project components for electrical switching stations, substations, pipeline meter stations, gas regulators, electric generating facilities, gas storage facilities, energy storage systems, or gas compressor stations. Staff will assess each census tract (in whole or part) within these designated geographic areas for any languages spoken by at least five percent (5%) of the population who also identify as having limited English proficiency.<sup>6</sup> Additionally, for location specific proceedings the Department requires that a copy of the public notice be provided to municipal office buildings, public libraries, senior centers, and houses of worship within the designated geographic area.

- Attached to this LAP is an appendix showing the Languages Regularly Encountered at the statewide and service territory level and for which translation and interpretation will be provided. For proceedings at the service territory level that do not encompass a distribution company's entire service territory, the languages listed for that distribution company may be modified as appropriate for the target service territory. This appendix may be revised and updated at times apart from scheduled updates to the LAP.
- Depending upon the nature of the proceeding and needs of potentially impacted populations, the Department will strive to provide translation and interpretation into more languages than those regularly encountered.
- Translated documents will be posted on the Department's website and any relevant petitioner's website as directed by the Department.
- For proceedings initiated by a petitioner, the Department will direct the petitioner to procure interpretation and translation services. The Department will direct that the services procured by the petitioner include trained interpreters and translators who can reliably translate the technical content.
- For proceedings initiated by the Department, the Department will procure interpretation and translation services itself. The Department will endeavor to select interpretation and translation vendors with appropriate experience and technical knowledge of the industry.

All notices of filings will include information in each of the Commonwealth's top ten languages about how to request interpretation and/or translation services for individuals with LEP. The

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<sup>6</sup> In the U.S. Census, this data is captured under the heading "People That Speak English Less Than 'Very Well'".



Department will strive to ensure that notices in English announcing public participation opportunities contain plain language to facilitate reliable translation into additional languages. The Department will endeavor to provide translation or interpretation services upon request, provided such request is made in a timely manner in the context of the proceeding, as determined by the Department on a case-by-case basis. These services will be at no direct cost to the individuals requesting the service.

The Department will maintain assisted listening and interpretation equipment for hearings. The Department will ensure that all Department Hearing Officers are trained on the proper uses and functions of the Department's assisted listening and interpretation equipment.

To the extent possible, the Department will develop and maintain a list of technical and legal terms commonly used in Department matters and provide such list to translators and interpreters.

The Department will post notices in the public-facing common areas of the Department's office about the language assistance services available at the Department, both in person and over-the-phone, in at least the top 10 languages spoken in the Commonwealth as determined by the U.S. Census Bureau.

The Department's website is formatted to allow for translation into multiple languages using the translate function on the page. Users can select the desired language using the dropdown menu and selecting "Select Language," which is accessible from the globe icon on the website tool bar.

The Department will post vital documents on its website in a format that allows for translation into multiple languages using the translate function on the page. The Department will also use its social media platforms to provide translated vital information and increase messaging to populations with LEP. Interested individuals may contact the Department's Language Access Coordinator, discussed in Section XI, below, to request translated materials.

The Department's Consumer Division will periodically review call center system analytics and information collected through its automated call center system to identify possible areas of improvement and, to the extent possible, improve the automated call center system functionality.

The Department's Environmental Justice and Public Participation Division will work with all divisions to assess opportunities to improve language access.

#### [Interpreter Services for Telephone Constituents](#)

The Consumer Division currently has Spanish, Cape Verdean Creole, Haitian Creole, and Portuguese speaking staff available to answer the toll-free line. The Consumer Division's automated telephone system allows consumers to opt for Spanish language recordings and/or Spanish-speaking staff.

The Department also has a vendor that provides over-the-phone interpretation services to staff in over 200 languages to assist members of the public who call in to the Department. Staff are instructed to call the language service, identify themselves as DPU staff and provide a customer code, request the language for which interpretation is needed, and then wait to be connected to the interpreter. In some cases, DPU staff may need to arrange for a call back in coordination with the translator. There are several [state vendors](#) on the [PRF75](#) Statewide Contract

All staff should have access to and be trained on the over-the-phone language service provider.

### Translation and Interpretation Guidelines

When translating a document or requesting interpreters, follow these steps:

1. Choose which language(s) are needed for translation or interpretation.
2. For translation purposes, e-mail the document(s) to be translated to the translation company and request a quote.
3. There are several [state vendors](#) on the PRF75 Statewide Contract
4. Questions? Contact Veena Dharmaraj, Language Access Coordinator, discussed in Section XI, below.

### Meaningful Access for People with Disabilities

The purpose of meaningful access for effective communication for people with disabilities is to promote compliance with federal non-discrimination statutes and ensure that a person with vision, speech, language, hearing, or other disability can convey information to, communicate with, and receive information from the DPU. Auxiliary aids and services may be required to meaningfully communicate with people with disabilities. People with disabilities may require different auxiliary devices or assistive technology for language and communication access depending on their functional needs.

On request, the DPU will provide screen readers for people who are blind or low-vision as well as alternative text to describe images that screen readers cannot interpret. DPU will also provide American Sign Language (ASL) or Communication Access Real-Time Translation (CART) services for people who are deaf or hard-of-hearing upon request.

Requests for reasonable accommodations for people with disabilities should be made at least one week prior to the date of service and directed to DEI Manager Jenyka Spitz-Gassnola, Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Boston, MA 02114, at 857-330-2572 or Jenyka.Spitz-Gassnola2@mass.gov or [here](#). A link to the EEA/DPU Policy on Ensuring Meaningful Access for Persons with Disabilities [is found here](#).

## VII. STAFF TRAINING

The LAP will be:

- Posted internally for all employees, and staff will receive periodic reminders about the document;
- Incorporated into the orientation for new employees;
- Presented to management so they are fully aware of and understand the LAP in order to reinforce the plan's importance and ensure its implementation by staff; and
- Presented to Department staff having contact with the public during trainings about best practices for public participation.

The Director of Environmental Justice and Public Participation will lead trainings for staff and notify Department employees of additional trainings available through the Executive Office of Energy and Environmental Affairs' Office of Environmental Justice and Equity.

## VIII. MONITORING

The Department will review and update its LAP at least every two years or more often if needed.

The review assesses:

- Whether there have been any significant changes in the composition or language needs of the populations served;
- Whether Department staff knows and understands the LAP document;
- Whether additional documents require translation;
- Identification of any issues or problems related to serving individuals with LEP which may have emerged during the past two years; and
- Identification of any recommended actions to provide more responsive and effective language services (e.g., adding documents to be translated, creating or expanding partnerships with community-based organizations, or changing Department priorities).

Monitoring the effectiveness of the LAP may include:

- Analyzing current and previous data on language assistance usage, including languages served;
- Surveying staff on how often they use language assistance services, if they believe there should be changes to the services provided or the providers used, and if they believe that the language assistance services in place are meeting the needs of individuals with LEP; and

- Monitoring feedback from community-based organizations, legal services, and other stakeholders about the accuracy and quality of the language assistance services provided by the Department and the Department's effectiveness and performance in ensuring meaningful access to Department proceedings, programs, services, activities, and materials to individuals with LEP.

The Department's Language Access Coordinator, discussed in Section XI below, or a designee, shall attend quarterly meetings hosted by the Executive Office of Energy and Environment Affairs' designated Secretariat Language Access Coordinator to assess the implementation of this plan.

## IX. LANGUAGE ACCESS COMPLAINT PROCEDURE

Complaints regarding the implementation of this LAP may be filed with the Department's Language Access Coordinator or the Massachusetts Governor's Office of Access and Opportunity. Complaints must be filed within six months of the alleged denial of the benefits of this LAP. To file a complaint with the Language Access Coordinator, the written complaint may be submitted to:

Veena Dharmaraj  
Language Access Coordinator & Director of Environmental Justice and Public Participation  
Department of Public Utilities  
One South Station  
Boston, MA 02110  
Direct Dial: (617) 3053779  
Email: [veena.dharmaraj@mass.gov](mailto:veena.dharmaraj@mass.gov)

To file a complaint with the Massachusetts Governor's Office of Access and Opportunity, the written complaint may be submitted to the attention of:

Office of Access and Opportunity  
Yarlennys Villaman  
Director of Community Affairs  
Language Access Coordinator  
24 Beacon Street  
Office of the Governor  
State House, Room 54  
Boston, MA 02133  
(617) 947-9759  
[Yarlenys.k.villaman@mass.gov](mailto:Yarlenys.k.villaman@mass.gov)

## X. QUESTIONS

The Department has designated the Language Access Coordinator named in Section IX to answer questions regarding this LAP or any other language access related matter. The DPU Director of Environmental Justice and Public Participation is also available to discuss ways to improve language access.

## APPENDIX

### LANGUAGES REGULARLY ENCOUNTERED

For statewide proceedings, the top five languages spoken by persons with LEP are Spanish, Portuguese, Chinese (Mandarin + Cantonese), Haitian Creole, and Vietnamese.<sup>7</sup>

#### Languages Regularly Encountered in Gas Service Territories

<b>Gas Distribution Companies</b>	<b>Languages spoken by at least 3% or 1000 members of the population with LEP within at least one census tract of the service territory<sup>8</sup></b>
Boston Gas Company d/b/a National Grid	Spanish, Chinese (Mandarin + Cantonese), Khmer, Portuguese, Russian
NSTAR Gas Company d/b/a Eversource Energy	Spanish, Portuguese, Vietnamese, Haitian Creole, Chinese (Mandarin + Cantonese)
Eversource Gas Company of Massachusetts d/b/a Eversource Energy	Spanish, Portuguese, Haitian Creole, Russian, Chinese (Mandarin + Cantonese)
Liberty Utilities (New England Gas Company) Corp. d/b/a Liberty	Portuguese, Spanish, Khmer
Fitchburg Gas and Electric Light Company d/b/a Unitil	Spanish
The Berkshire Gas Company	Spanish, Chinese (Mandarin + Cantonese)

<sup>7</sup> U.S. Census Bureau, “Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over” American Community Survey, Table B16001, 2022

<sup>8</sup> U.S. Census Bureau, “Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over” American Community Survey, Table B16001, 2011-2015 5-year estimate

### Languages Regularly Encountered in Electric Service Territories

<b>Electric Distribution Companies</b>	<b>Languages spoken by at least 3% or 1000 members of the population with LEP within at least one census tract of the service territory<sup>9</sup></b>
NSTAR Electric Company d/b/a Eversource Energy	Spanish, Chinese (Mandarin + Cantonese), Vietnamese, Portuguese, Haitian Creole
Massachusetts Electric Company d/b/a National Grid	Spanish, Chinese (Mandarin + Cantonese), Khmer, Portuguese, Haitian Creole
Nantucket Electric Company d/b/a National Grid	Spanish
Fitchburg Gas and Electric Light Company d/b/a Unitil	Spanish

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<sup>9</sup> U.S. Census Bureau, “Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over” American Community Survey, Table B16001, 2011-2015 5-year estimate