

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

**JOINT COMMENTS OF NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE
ENERGY AND NEW ENGLAND POWER COMPANY, MASSACHUSETTS ELECTRIC
COMPANY, AND NANTUCKET ELECTRIC COMPANY, EACH D/B/A NATIONAL
GRID ON DRAFT GUIDANCE ISSUED BY THE EXECUTIVE OFFICE OF ENERGY
AND ENVIRONMENTAL AFFAIRS ON SITE SUITABILITY ASSESSMENTS FOR
CLEAN ENERGY INFRASTRUCTURE ESTABLISHED BY THE 2024 CLIMATE ACT**

I. INTRODUCTION

On November 20, 2024, An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers (the “2024 Climate Act”) was signed into law by Governor Maura Healey. The 2024 Climate Act requires several agencies, including the Executive Office of Energy and Environmental Affairs (“EEA”), the Energy Facilities Siting Board (the “Siting Board”), the Department of Energy Resources (“DOER”), and the Department of Public Utilities (the “DPU”) to propose regulations and guidance for comment to implement the new streamlined siting and permitting pathways for clean energy facilities in the Commonwealth and other related requirements from the 2024 Climate Act. On September 12, 2025, EEA released its draft guidance on site suitability assessments (“SSAs”) for clean energy infrastructure (the “Draft Guidance”).

On October 9, 2025, EEA hosted a public webinar to provide an overview of the Draft Guidance and to provide an opportunity for public input. EEA also has invited written comments on the Draft Guidance through October 24, 2025. NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) and New England Power Company, Massachusetts Electric Company and

Nantucket Electric Company, each d/b/a National Grid (“National Grid”; together, the “Companies”) submit these written comments in response to the EEA’s Draft Guidance.¹

II. BACKGROUND

The Companies strongly support the 2024 Climate Act and its overarching purpose to: (a) accelerate the responsible deployment of clean energy infrastructure through siting and permitting reform in a manner consistent with applicable legal requirements and the Clean Energy and Climate Plan; (b) facilitate community input into the siting and permitting of clean energy infrastructure; and (c) ensure that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth. Governor Healey Executive Order No. 620: Establishing the Commission on Energy Infrastructure Siting and Permitting (September 26, 2023). EEA’s Draft Guidance on SSAs is designed to inform regulations to be promulgated by the Siting Board governing the siting and permitting of large clean energy infrastructure facilities and regulations to be promulgated by DOER establishing standards, requirements, and procedures governing the siting and permitting of small clean energy infrastructure facilities by municipalities throughout the Commonwealth.

As it relates to new clean transmission and distribution infrastructure, the Companies expect that SSAs will have limited application. That is because, by statute, site suitability for utility infrastructure applies only when it is being proposed in newly established public rights of way (“ROWS”). G.L. c. 21A, § 30. In particular, the 2024 Climate Act states the following:

The [EEA] shall establish and periodically update a methodology for determining the suitability of sites for clean energy generation facilities, clean energy storage

¹ EEA and its Office of Environmental Justice and Equity (“OEJE”) have also issued Draft Standards and Guidelines for Community Benefits Plans (“CBPs”) and Community Benefits Agreements (“CBAs”) (“Draft Guidelines”) and has likewise requested comments from stakeholders by October 24, 2025. The Companies are providing comments on those topics separately.

facilities and clean transmission and distribution infrastructure facilities *in newly established public rights of way*. The methodology shall include multiple geospatial screening criteria to evaluate sites for: (i) development potential; (ii) climate change resilience; (iii) carbon storage and sequestration; (iv) biodiversity; and (v) social and environmental benefits and burdens. [EEA] shall require facility development project proponents to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts and environmental and land use concerns. The [EEA] shall develop and periodically update guidance to inform state, regional and local regulations, ordinances, by-laws and permitting processes on ways to avoid, minimize or mitigate impacts on the environment and people to the greatest extent practicable.

St. 2024, c. 239, § 5 (emphasis added).

As a result, clean transmission and distribution infrastructure, both large and small, is *exempted* from site suitability analysis, except when it is located in newly established public ROWs. St. 2024, c. 239, §§ 5, 23 (inserting G.L. c. 25A, § 21(b)(iv)). The Companies appreciate that EEA’s Draft Guidance includes this important provision. See, e.g., Draft Guidance, Section IV.A. The Companies expect that EEA’s final guidance on SSAs and related regulations promulgated by the Siting Board under 980 C.M.R. 15.00 and DOER pursuant to 225 C.M.R. 29.00 will continue to recognize that SSAs will be applicable only to clean transmission and distribution infrastructure that is proposed to be located in newly established public ROWs. Because the statutory language provided by the Legislature on this point is clear, it must be given full effect. Harmon v. Comm’r of Correction, 487 Mass. 470, 476-477 (2021), citing Franklin Office Park Realty Corp. v. Comm’r of the Dep’t of Env’tl. Protection, 466 Mass. 454, 460 (2013).

The Companies remain very interested, however, in how SSAs set the stage for and interact with complex issues regarding cumulative impact analyses (“CIA”), including the use of the MassEnviroScreen tool, as may be required for projects proposed to be located in a “burdened

area,” as that term will be defined.² There appears to be the potential for significant overlap between: (a) the SSA begun at the outset of project development, (b) route and site scoring that occurs to identify and refine ultimate project locations, and (c) the CIA that must occur to develop baseline information on environmental and public health conditions in areas affected by proposed projects. A clear roadmap demonstrating the anticipated timelines and interaction between each process will be integral to ensuring that proposed projects are developed and then reviewed in a timely and efficient manner.

The Companies encourage continued collaboration with all relevant agencies, particularly the Siting Board and DOER, to ensure that state and local regulations and guidance are as consistent as possible. To avoid confusion and inefficiencies in the permitting process, the new rules must be clear, flexible, and consistent with the explicit language of the Climate Act. Thus, where possible, it is preferable to refer to existing, underlying regulatory language and defined terms rather than introducing new terms. The Companies note certain concerns or points of clarification regarding several aspects of the Draft Guidance, as discussed further below.

III. SPECIFIC COMMENTS ON DRAFT GUIDANCE

As stated above, the Companies appreciate that EEA’s Draft Guidance recognizes that clean transmission and distribution infrastructure is exempted from site suitability analysis, except when it is located in newly established public ROWs. Draft Guidance at 3, 8. After reviewing the EEA’s Draft Guidance, the Companies make the following recommendations³ to the extent the

² Although draft guidance materials and proposed regulations have yet to be issued on CIA, the Companies anticipate that the MassEnviroScreen will be a critical component of CIAs. As such, the Companies reserve comment on the MassEnviroScreen until more information is available on the tool, the applicable data and methodology, as well as its proposed use within the CIA development process.

³ The Companies also expect to file additional comments on these issues by the deadline for final comments on November 7, 2025.

Siting Board and DOER's applicable rules may ultimately apply to certain of their clean transmission and distribution infrastructure facilities:

- The Companies note the potential for inconsistencies in the definitions used in the site suitability and CIA processes. For example, definitions of common terms such as, among other things, "site footprint," "previously developed land," and "burdened areas," should be the same for both analyses. Upon issuance of the draft guidance and regulations for CIAs, the Companies expect to submit comments on definitions that should be applicable to both processes.
- Draft Guidance at 6, definition of "Route and Site Scoring": The Companies recommend removing the reference to "non-cumulative" as it would preclude consideration of certain impacts that may actually be cumulative, such as noise impacts above ambient background levels or construction-related traffic impacts compared to existing conditions.
- Draft Guidance at 9-10: Under Section IV.B. of the Draft Guidance, a project applicant must submit its anticipated SSA scores 45 days prior to filing an application and the Site Suitability Score Reviewer has 30 days to review those scores. See also Draft Regulations at 225 C.M.R. 29.07(2)(b).⁴ However, if the Site Suitability Score Reviewer requests additional information pursuant to 225 C.M.R. 29.07(2)(b), an applicant has 30 more days to supplement the materials provided, after which the Site Suitability Score Reviewer has another 30 days to review the supplemental information, in total, adding two more months to the process. At that point, if the Site Suitability Score Reviewer still cannot make a determination, then a project applicant must wait 30 days and then resubmit to the Site

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As an additional clarification, the Companies recommend the following language be added to the Draft Guidance to ensure consistency with 225 C.M.R. 29.07(2)(b): "The Site Suitability Score Reviewer shall review the information provided and determine an Applicable Facility's final Total Site Suitability Score and Criteria-Specific Suitability Scores within 30 days of receipt."

Suitability Score Reviewer, reinitiating the review again. The Companies propose that, rather than repeating the process with the Site Suitability Score Reviewer multiple times, if there is no resolution after an initial opportunity to cure, then the issue should be reserved for the Siting Board to review as part of the adjudicatory process. Otherwise, the prospect of substantial delays from consecutive iterations of the site suitability score is apparent.

In addition, because the Draft Guidance states that a Site Suitability Report is anticipated to be submitted with project applications for both large and small clean infrastructure facilities (Draft Guidance at 18), the Companies seek clarity in Sections V.A and B of the Draft Guidance that such a Site Suitability Report is not required in applications for clean transmission and distribution infrastructure that is not located in “newly established” public ROWs.

- Draft Guidance at 10: Under the “Development Potential” criterion for the SSA, the Draft Guidance states: “Additionally, distributed generation projects located in an area approved for electric grid upgrades by the DPU under the Capital Investment Project (CIP) Provisional Program will automatically have one (1) point subtracted from their Total Site Suitability Score.” The Companies recommend that this provision also reference related facilities, such as, but not limited to, utility transmission and distribution facilities required to interconnect distributed generation, as approved under the DPU’s CIP Provisional Program.
- Draft Guidance at 10: Here, the Draft Guidance states that “Large and Small Clean Energy Transmission and Distribution Infrastructure Facilities crossing through Protected Open Space may apply for a waiver if they can demonstrate no other suitable route or location exists.” Because the Companies’ clean transmission and distribution infrastructure is

generally exempt from SSA, this requirement should pertain only to “Applicable Facilities” as defined, such that it would apply only to clean transmission and distribution infrastructure proposed to be sited in newly established public ROWs. This should be done as follows: “Large and Small Clean Energy Transmission and Distribution Infrastructure Facilities located in newly established Public Rights of Way and that crossing through Protected Open Space may apply for a waiver if they can demonstrate no other suitable route or location exists.” Without this clarification, the Draft Guidance would be inconsistent with the statutory exemption that generally applies to clean transmission and distribution infrastructure and, potentially, prohibit necessary transmission and distribution facilities that are essential for reliable and safe electric service to customers.

- Draft Guidance at 10-15: For all sources of data utilized to calculate Criteria-Specific Suitability Scores under all criteria, the Companies recommend that guidance should be further developed through webinars and technical sessions to ensure that all tools utilized to derive scores are accessible, complete, accurate, up to date, and easily understood by Applicants, Local Governments, Key Stakeholders and others participating in the siting process.
- Draft Guidance at 15, Social and Environmental Benefits: The Companies raise two concerns with the applicability of the social and environmental benefits to the Total Site Suitability Score. First, the Draft Guidance states that project applicants can receive a reduction of up to five points in total for various social and environmental benefits associated with a project if such benefits are negotiated with a host municipality: “[i]f the host municipality and Applicable Facility agree upon one or more benefits, they may sign an agreement, which shall result in a modification of the Applicable Facility’s Total Site

Suitability Score and result in binding conditions included as part of any permit issued to the facility.” While it is not clear, the Draft Guidance appears to be referring to binding Community Benefits Agreements (“CBAs”), which, in addition to non-binding Community Benefit Plans (“CBPs”), are the subject of guidance being developed by OEJE. As discussed in more detail in the Companies’ comments on OEJE’s Draft Guidelines, the 2024 Climate Act does not require project applicants to consummate CBPs or CBAs. Importantly, however, CBPs and CBAs are not the sole source of project benefits that should be recognized in the scoring methodology. As clean energy facilities, the Companies’ transmission and distribution infrastructure inherently offer significant and meaningful benefits to the communities they serve – namely, the provision of safe and reliable electric service, even in the absence of a CBP or CBA. As state courts and the Legislature have repeatedly stated, a reliable energy supply furthers the public good and is essential to the health and welfare of residents and businesses in Massachusetts. See, e.g., Town of Sudbury v. Energy Facilities Siting Bd., 487 Mass. 737, 748 (2021) (“State law makes it clear that the residents of the Commonwealth simply cannot be exposed to foreseeable and avoidable power outages. If government and industry fail to properly plan and act to timely address our energy needs, enormous suffering can result”); see St. 1997, c. 164, § 1(h) (Electric Utility Restructuring Act) (“reliable electric service is of utmost importance to the safety, health, and welfare of the commonwealth’s citizens and economy”); St. 1997, c. 164, § 1(a) (“electricity service is essential to the health and well-being of all residents of the commonwealth, to public safety, and to orderly and sustainable economic development”).

In addition, the Companies' clean energy infrastructure projects are beneficial and, indeed, essential because they facilitate the transition to electrification and access to renewable energy resources, which are fundamental to achieving the overarching climate change objectives of the Commonwealth. To deliver these critical public services, the Companies continually upgrade their transmission and distribution systems, which benefits all their customers in the state. Further, many infrastructure upgrades directly improve community resilience during severe weather events and enable greater integration of local generation and reduced emissions from existing energy sources. These benefits should not be ignored in determining the overall balance of how communities benefit from electric infrastructure projects.

For these reasons, the Companies recommend that benefits from clean transmission and distribution infrastructure be explicitly accounted for in the development of a Total Site Suitability Score, regardless of whether a signed CBA is provided, by permitting applicants to make a reasonable demonstration of those benefits in their applications.

- Draft Guidance at 18, Application Requirements: The Draft Guidance currently states that “Applicants should include the following information for each Applicable Facility, including alternative sites, in their applications to relevant permitting authorities:
 - Site suitability report, including Total Site Suitability Score and Criteria-Specific Suitability Scores;
 - Documentation to support scoring analysis results;
 - Explanation of why this site was chosen;
 - Proposed mitigation measures for any impacts identified in Criteria-Specific Suitability Scores;
 - Analysis of social and environmental burdens, if applicable; and
 - Documentation of social and environmental benefits, if applicable.”

Because clean transmission and distribution infrastructure is exempted from performing SSAs, except when located in newly established public ROWs (and therefore would not be

considered an “Applicable Facility” for this purpose), the Companies anticipate that the vast majority of their projects will not be subject to this SSA requirement. Nonetheless, the Companies expect that their project applications will include a full demonstration of alternatives to proposed solutions, routes, and sites, as well as a thorough analysis of impacts and appropriate mitigation.

- Draft Guidance at 9, 17, and 19: The Companies recommend a minor change to the description of the scoring process to reflect the fact that project applicants would “calculate,” not “estimate,” the Total Site Suitability and Criteria-Specific Suitability Scores for any sites under consideration.

IV. CONCLUSION

The Companies greatly appreciate the opportunity to participate in this important process and submit these comments on EEA’s Draft Guidance on implementation of SSAs for clean energy infrastructure projects. The Companies look forward to reviewing the comments of other interested stakeholders and continued participation in EEA’s stakeholder process to better formulate a fair and reasonable set of rules, guidelines, and standards to implement the requirements of the 2024 Climate Act.

Respectfully Submitted,

**NSTAR ELECTRIC COMPANY d/b/a
EVERSOURCE ENERGY AND NEW
ENGLAND POWER COMPANY,
MASSACHUSETTS ELECTRIC COMPANY,
AND NANTUCKET ELECTRIC COMPANY
EACH d/b/a NATIONAL GRID**

By their attorneys,

A handwritten signature in black ink, appearing to read "David S. Rosenzweig". The signature is fluid and cursive, with the first name "David" and last name "Rosenzweig" clearly distinguishable.

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