



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 15-50

October 7, 2015

Petition of Bay State Gas Company d/b/a Columbia Gas of Massachusetts for approval of the rates and charges set forth in Tariffs M.D.P.U. Nos. 177 through 211, and approval of an increase in base distribution rates for gas service pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq.

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I. INTRODUCTION

On April 16, 2015, Bay State Gas Company d/b/a Columbia Gas of Massachusetts (“Bay State” or “Company”), filed a petition with the Department of Public Utilities (“Department”) for an increase in gas distribution rates. Bay State’s last general increase in distribution rates was approved on February 28, 2014. Bay State Gas Company, D.P.U. 13-75 (2014).

In its initial filing, the Company sought to increase its annual revenues by \$49,271,704, which represents a 23.16 percent increase in base distribution revenues, or an increase of 9.86 percent in current annual operating revenues.¹ The \$49,271,704 increase includes approximately \$13.0 million for investments that absent a change in base rates would have been collected through the Targeted Infrastructure Reinvestment Factor (“TIRF”) that the Company proposed to go into effect on November 1, 2015. Bay State Gas Company, D.P.U. 15-55. The Company’s filing is based on a test year of January 1, 2014 through December 31, 2014.² The Department docketed this matter as D.P.U. 15-50, and suspended the effective date of the proposed rate increase until March 1, 2016, to investigate the propriety of the Company’s petition.

¹ During the course of the proceeding, the Company made adjustments resulting in an increase to its requested revenues to \$49,658,269 (Joint Settlement Agreement Explanatory Statement at 1, n.1, citing Exhs. DPU-1-8; DPU-9-7; DPU-9-8).

² For purposes of this Order, Bay State’s rate year will be November 1, 2015 through October 31, 2016.

Bay State currently provides retail natural gas distribution service to approximately 306,000 residential, commercial, and industrial customers in three divisions geographically centered in Springfield, Brockton, and Lawrence, Massachusetts (Exh. CMA/SHB-1, at 3).³ The Company currently operates as a subsidiary of NiSource, Inc., and does business as Columbia Gas of Massachusetts, one of several Columbia gas distribution companies that are part of the NiSource Gas Distribution (“NGD”) organization (see Exh. CMA/SHB-1, at 1, 3).⁴

II. PROCEDURAL HISTORY

On April 17, 2015, the Attorney General of the Commonwealth of Massachusetts (“Attorney General”) filed a notice of intervention pursuant to G.L. c. 12, § 11E(a). The Department granted intervenor status to the Department of Energy Resources (“DOER”) and the Low-Income Weatherization and Fuel Assistance Program Network (“Low-Income Network”) on May 13, 2015, and June 1, 2015, respectively. On May 13, 2015, May 22, 2015, and June 4, 2015, the Department granted limited participant status to Liberty

³ Bay State was incorporated in Massachusetts as a gas company in 1974, with its operations arising through the merger of local gas works, such as Springfield Gas Light Company, the Brockton-Taunton Gas Company, and Lawrence Gas Company (Exh. CMA/SHB-1, at 2-3).

⁴ As of the date of the Company’s initial filing, NiSource, with headquarters in Merrillville, Indiana, was an energy holding company with subsidiaries engaged in the transmission, storage, and distribution of natural gas in a corridor stretching from the Gulf Coast through the Midwest to New England, and the generation, transmission, and distribution of electricity in Indiana (Exh. CMA/SHB-1, at 3-4). Effective July 1, 2015, the natural gas pipeline and related businesses of NiSource were spun off into a separate publicly traded company, Columbia Pipeline Group, based in Houston, Texas (Exhs. CMA/SHB-1, at 10-11; DPU-6-5). NiSource is a holding company under the Public Utility Holding Company Act of 2005 (Exh. CMA/SHB-1, at 4).

Utilities (New England Natural Gas Company) Corp. d/b/a Liberty Utilities, The Berkshire Gas Company, and Fitchburg Gas and Electric Light Company, d/b/a Unitil, respectively.

On April 21, 2015, and May 28, 2015, pursuant to G.L. c. 12, § 11E(b), the Department approved the Attorney General's retention of experts and consultants. Bay State Gas Company, D.P.U. 15-50, Stamp Approval (April 21, 2015); D.P.U. 15-50, Stamp Approval (May 28, 2015).

Pursuant to notice duly issued, the Department held public hearings in the following locations within the Company's service territory: (1) Lawrence on June 3, 2015; (2) Springfield on June 10, 2015; and (3) Brockton on June 11, 2015. The Department received written comments from a number of Bay State ratepayers.

In support of the Company's filing, the following witnesses provided testimony: (1) Stephen H. Bryant, president, Bay State; (2) David A. Monte, vice president of gas operations, NGD; (3) W. Frank Davis, general manager and vice president of gas operations, Bay State; (4) Tamaleh L. Shaeffer, lead regulatory analyst, NiSource Corporate Services Company ("NCSC"); (5) Douglas A. Casey, manager of regulatory affairs, Bay State; (6) Vincent A. Rea, director of regulatory finance and economics, NCSC; (7) Kimberly K. Cartella, total rewards manager, NCSC; (8) Brian E. Elliot, regulatory strategy and support manager, NCSC; (9) Mark. P. Balmert, regulatory strategy and support director, NCSC; (10) Melissa J. Bell, lead regulatory analyst, NCSC; and (11) Joseph A. Ferro, regulatory affairs manager, Bay State. The Company also responded to multiple rounds

of discovery requests from the Attorney General, the Department, and the Low-Income Network.

On August 19, 2015, the Attorney General, the Company, and the Low-Income Network (“settling parties”) filed for Department approval of a rate settlement agreement resolving a number of issues raised during the course of this proceeding as an alternative to a fully litigated rate case. Specifically, the settling parties filed: (1) a Joint Motion for Approval of Settlement Agreement (“Joint Motion”); (2) the Settlement Agreement (“Settlement”); and (3) an Explanatory Statement (“Explanatory Statement”) including a summary of the adjustments to the Company’s revenue requirement calculated under the terms of the Settlement (Attachment A).⁵ In the Joint Motion, the settling parties request that the Department find that: (1) the terms of the Settlement are reasonable; and (2) implementation of the terms of the Settlement will result in just and reasonable rates for the Company (Joint Motion at 2). Although a party to the proceeding, DOER was not a signatory to the Settlement.

On August 19, 2015, the Department established a procedural schedule for review of the Settlement providing for discovery and the opportunity to file comments. On

⁵ In a hearing officer memorandum issued July 17, 2015, the Department required that any settlement include an explanatory statement to facilitate review of any settlement proposal. The Department required that the explanatory statement include a procedural history, a section-by-section summary of the settlement, and responses to the following questions: (1) what are the issues underlying the settlement and what are the major implications; (2) whether any of the issues raise policy implications; (3) whether other pending proceedings may be affected; (4) whether the settlement involves issues of first impression, or if there is any change in treatment from a previously decided issue; and (5) what is the standard of review applicable to this proceeding?

September 2, 2015, the settling parties responded to information requests issued by the Department. On September 18, 2014, DOER filed comments in support of the Settlement.⁶

The evidentiary record consists of 379 exhibits.⁷

III. DESCRIPTION OF PROPOSED SETTLEMENT

A. Introduction

The Settlement provides for a distribution rate increase in two phases: (1) an increase of \$32.8 million over current rates, effective November 1, 2015; and (2) an increase of up to \$3.6 million, effective November 1, 2016 (Settlement at §§ 1.1.2-1.1.4). Other than the November 1, 2015 and November 1, 2016 distribution rate increases, the Company may not

⁶ DOER filed its initial comments on the Department's established deadline for reply comments. No parties filed comments on the established date for initial comments, September 14, 2015.

⁷ The Joint Motion requests that the Department enter into evidence the Company's initial filing, including all testimony, exhibits, and schedules, as well as all responses to discovery (Joint Motion at 1). The Company's initial filing included affidavits from all witnesses adopting their direct testimony. On August 24, 2015, the Company provided affidavits in which the affiants authenticated the exhibits that they sponsored during the course of the proceeding. Accordingly, the Department grants the settling parties' request to admit these exhibits into the record. Additionally, on September 2, 2015, the settling parties provided responses to information requests issued by the Department. Copies of all these documents have been provided in timely manner to the service list of this proceeding, who, having thus had opportunity to review them, lodged no objection with the Department concerning their completeness or accuracy. All of these documents have been available for public inspection at the Department's offices from the time of their filing. On its own motion, the Department moves these responses into the evidentiary record.

increase or redesign base distribution rates to become effective prior to November 1, 2018 (Settlement at § 1.6.1).⁸

B. November 1, 2015 Distribution Rate Increase

In arriving at the agreed-upon rate increase, the settling parties made the following adjustments to the Company's November 1, 2015 revenue requirement: (1) exclusion of \$2.7 million associated with the amortization of the gain on the January 1, 2013 sale of the Company's Energy Products and Services ("EP&S") business;⁹ (2) exclusion of \$1.5 million associated with the new operating center, mobile operations deployment center, customer call center, and meter shop located in Springfield ("Springfield facility"), net of the proposed four-year amortization pass-back for the estimated gain on the sale of the land and other assets associated with the Springfield facility; (3) exclusion of \$1.1 million associated with the new training facility;¹⁰ (4) exclusion of \$1.0 million associated with NCSC training costs;

⁸ Under the terms of the Settlement, the creation of a new reconciling mechanism is considered a distribution rate increase, and thus may not become effective prior to November 1, 2018, unless required by statute (Settlement at § 1.6.2). This provision does not apply to any reconciling factor already in existence as of the effective date of the Settlement (Settlement at § 1.6.2).

⁹ This adjustment reflects the inclusion of the amortization of the gain on the sale of the EP&S business in base rates (Settlement at § 1.2.1.3). Pursuant to the Settlement, the amortization of the gain realized from the January 1, 2013 sale of the Company's EP&S business will remain in base rates, but the remaining unamortized gain will be adjusted to terminate the amortization period, effective October 31, 2018 (Settlement at §§ 1.2.1.1, 1.2.1.2). The adjusted amortization is calculated for the period from November 1, 2015 through October 31, 2018 (Settlement at § 1.2.1).

¹⁰ The Settlement provides that the Company may establish a regulatory asset to recover incremental operations and maintenance expenses incurred in 2016, 2017 and 2018, related to the development of the training facility (Settlement at § 1.2.3.2). Under the

(5) exclusion of \$0.4 million associated with NCSC headcount additions; (6) exclusion of \$1.4 million associated with Bay State's headcount additions; (7) exclusion of \$0.2 million in medical costs; (8) exclusion of \$0.2 million associated with fully amortized intangible plant; (9) exclusion of \$0.6 million associated with accumulated deferred income taxes; and (10) exclusion of \$0.5 million associated with cash working capital¹¹ (Settlement at §§ 1.1.5; 1.2.1-1.2.10).

Under the Settlement, the capital additions requested for recovery in the Company's pending TIRF filing, D.P.U. 15-55,¹² are included in the rate base used to calculate the November 1, 2015 distribution rate increase (Settlement at § 1.9.1).¹³ The Company will

Settlement, the Company may request recovery of this regulatory asset through distribution rates in the Company's next base distribution rate case (Settlement at § 1.2.3.3).

¹¹ Under the Settlement, the Company will apply a cash working capital factor of 10.126 percent, as compared to the 12.827 percent in the Company's initial filing (Settlement at § 1.2.10; Exh. CMA/BEE-2, Sch. WC-1). This adjustment is based on a reduction of its proposed revenue lag from 63.28 days to 53.42 days, resulting in a net revenue lag of 36.96 days (Settlement at § 1.2.10; Exh. CMA/BEE-2, Sch. WC-1). The Company will continue to recover the purchased gas working capital allowance in accordance with its Cost of Gas Adjustment Clause tariff, as previously reviewed and approved in D.P.U. 13-75 (Settlement at § 1.2.10, n.4; Exh. CMA/BEE-1, at 4).

¹² The Company's most recent TIRF filing, D.P.U. 15-55, includes the calendar year 2013 capital additions requested for recovery in the Company's prior TIRF filing, Bay State Gas Company, D.P.U. 14-83, also currently pending before the Department.

¹³ The Settlement provides that the inclusion of these TIRF-eligible capital additions in rate base eliminates the need for a prudency review in D.P.U. 15-55. However, any prior period reconciliation included in the filing in that proceeding must still be reviewed, and, if warranted, recovered through the Company's local distribution adjustment clause (Settlement at §§ 1.9.2, 1.9.3).

continue to use the plant account depreciation accrual rates approved in Bay State Gas Company, D.P.U. 12-25, at 305-323 (2012) (Settlement at § 1.5).

Pursuant to the Settlement, the Company will continue to use a 9.55 percent return on equity for ratemaking purposes, as previously established by the Department in D.P.U. 13-75, at 329-330 (Settlement at § 1.4.1). Additionally, the Company will use its actual capital structure as of December 31, 2014, consisting of 53.54 percent common equity and 46.46 percent long-term debt, excluding goodwill, with a long-term debt rate of 5.68 percent (Settlement at §§ 1.4.2, 1.4.3). The resulting calculated weighted average cost of capital to be used for ratemaking purposes, pursuant to the Settlement, is 7.75 percent (Settlement at § 1.4.4).

C. November 1, 2016 Distribution Rate Increase

The Settlement provides for an additional increase of up to \$3.6 million, effective November 1, 2016, based on the actual costs incurred by the Company for the Springfield facility, Bay State's headcount additions, and NCSC training costs (Settlement at §§ 1.1.4, 1.3.1.3, 1.3.1.4; Explanatory Statement at 5 & Attachment A). Subject to the verification process set forth in the Settlement, the Company will be permitted to recover in distribution rates the actual costs incurred for the Springfield facility, Bay State's headcount additions, and NCSC training, not to exceed \$3.6 million (Settlement at §§ 1.3.1.3, 1.3.1.4). Pursuant to the Settlement, by August 1, 2016, the Company will submit sufficient documentation to verify such costs to the Attorney General and the Department (Settlement at § 1.3.1.1). The Company and the Attorney General will collaborate to verify the costs by September 1, 2016,

and if they fail to reach agreement, will notify the Department on that date (Settlement at §§ 1.3.1.2, 1.3.1.5). In the event that the Attorney General and the Company fail to reach agreement, the Department will perform a verification of the costs (Settlement at § 1.3.1.5). On or before October 15, 2016, the Company will file with the Department documentation of any tariff changes and bill impacts associated with the implementation of any verified November 1, 2016 distribution rate increase (Settlement at § 1.3.1.6).

D. Cost Allocation and Rate Design

Under the Settlement, the distribution rate increase effective November 1, 2015 will be allocated based on the percentage of volumetric base revenue generated from current rates approved in D.P.U. 13-75 and using the 2014 test year normalized sales volumes (Settlement at § 1.7.1). The Company will add the resulting allocation portion of the base revenue increase to the 2014 base revenue of each rate component to establish the target base revenue by rate component (Settlement at § 1.7.1). For each rate class, to derive base rates to become effective November 1, 2015, the Company will divide its target base revenue for each rate component by its 2014 test year normalized volumes (Settlement at § 1.7.1). Under the Settlement, the distribution rate increase effective November 1, 2016, will be allocated using the same method, including using the 2014 test year volumes, but will be based on the percentage of volumetric base revenue generated from the rates effective November 1, 2015 (Settlement at § 1.7.2).

Pursuant to the Settlement, all distribution rate increases resulting from the Settlement would only impact the volumetric component of base rates for both the November 1, 2015 and

November 1, 2016 rate increases (Settlement at §§1.8.1-1.8.3). The current customer charge will remain unchanged for all rate classes (Settlement at §§ 1.8.1-1.8.3).

E. Amortization of Gain on Sale of Land and Assets Associated with the Springfield Facility

As noted above, the Settlement provides for the exclusion of \$1.5 million associated with the Springfield facility from the November 1, 2015 revenue requirement, net of the proposed four-year amortization pass-back for the estimated gain on the sale of the land and other assets associated with the Springfield facility reflected in the Company's initial filing (Settlement at § 1.2.2.1; Exh. CMA/TLS-1, at 58). Under the Settlement, the Company will establish a regulatory liability for the purpose of returning the gain on sale of land to ratepayers (Settlement at § 1.3.2.1). The Settlement provides that customers will receive a credit in the Company's November 1, 2016 revenue requirement, representing a two-year pass-back of the gain on sale, not to exceed \$0.4 million annually (Settlement at § 1.3.2.2). The difference between the two-year amortization and the actual gain on sale will be reconciled in the Company's next base distribution rate case (Settlement at § 1.3.2.3).

F. Other Settlement Terms

The Settlement provides that the Company shall continue to recover expenses, net of benefits, associated with administration of the arrearage management program through the residential assistance adjustment factor within the local distribution adjustment clause, no less frequently than annually (Settlement at § 1.10).

Under the Settlement, by January 31 of each year through 2019, the Company must file with the Department and the Attorney General an annual report documenting the failure rate

for operator qualification and pipe joining tests for the previous calendar year (Settlement at § 1.11.1).¹⁴

Pursuant to the Settlement the Company will make a \$250,000 donation to the Massachusetts Good Neighbor Energy Fund within 31 days of approval of the Settlement (Settlement at § 1.12.1). No portion of this donation is recoverable from the Company's ratepayers (Settlement at § 1.12.2).

G. Settlement Conditions

The Settlement states that it: (1) shall not constitute an admission by any party that any allegation or contention in this proceeding is true or false; and (2) establishes no principles and, except as to those issues resolved by approval of this Settlement, shall not foreclose any party from making any contention in any future proceedings (Settlement at §§ 2.1, 2.2). The Settlement provides that the settling parties agree that the content of Settlement negotiations, including work papers and documents produced in connection with the Settlement, is confidential (Settlement at § 2.3). The Settlement also states that all offers of settlement are without prejudice to the position of any party or participant presenting such offer or participating in such discussion and that the content of settlement negotiations are not to be used in any manner with these or other proceedings involving the parties to this Settlement (Settlement at § 2.3).

¹⁴ The report will include the number of pipe joining test failures, the number and type of operator qualification test failures, and any remedial action taken by the Company regarding employee requalification or recertification (Settlement at § 1.11.2).

The settling parties state that the intent is for the Company's customers to receive the full benefit of the matters addressed in the Settlement, not some substitute regulatory treatment of lesser value, and that the terms of the Settlement shall not be interpreted to diminish the intended customer benefit (Settlement at § 2.4). The Settlement prohibits the Company from recovering more than once any charges collected under this Settlement or in any other rate, charge, or tariff the Company collects, and requires a full refund with interest as soon as reasonably possible in the event that such over-recovery is discovered (Settlement at § 2.8).

The terms of the Settlement provide that the Department shall have its usual jurisdiction to implement the terms of the Settlement (Settlement at § 2.7). The Settlement provides that nothing in the Settlement shall be construed to limit the Attorney General's right to petition the Department for a review of the Company under G.L. c. 164, § 93 or other laws or regulations, or to pursue any cause of action related to the Settlement in court under G.L. c. 164, § 93A (Settlement at §§ 2.7, 2.9).

The Settlement provides that its provisions are not severable and that the Settlement is conditioned on approval in full by the Department (Settlement at § 2.5). The Settlement provides that it shall be effective upon its approval by the Department, and should the Department not approve the Settlement in its entirety by October 28, 2015, the Settlement states that it shall be deemed withdrawn and not constitute any part of the record in this proceeding or be used for any other purpose (Settlement at §§ 2.6; 2.10).

IV. DOER COMMENTS

DOER asserts that the Settlement is fair and recommends that the Department approve the Settlement (DOER Comments at 2). According to DOER, the Settlement does not permit the Company to recover any costs that it is not already incurring except for typical revenue requirement adjustments (DOER Comments at 2). DOER contends that implementing the initial rate increase four months early grants the Company a one-time revenue benefit in exchange for a three-year rate freeze and the same cost of capital previously used by the Department in the Company's last rate case (DOER Comments at 2). DOER argues that based on the Company's recent history of rate filings and the likelihood of higher interest rates within the three-year period of the rate freeze, it is reasonable to conclude that the Company is giving up at least an equivalent amount of revenue in the later years of the settlement relative to the amount gained via earlier implementation of a rate increase (DOER Comments at 2). DOER also asserts that the Company bears some risk that evolving federal pipeline regulations will place additional cost burdens on pipeline operators that the Company would be precluded from recovering under the terms of the Settlement (DOER Comments at 2). DOER concludes that based on these factors, as well as the avoided litigation costs, the Settlement represents a reasonable compromise of the issues and provides benefits to customers (DOER Comments at 2).

V. STANDARD OF REVIEW

In assessing the reasonableness of an offer of settlement, the Department reviews all available information to ensure that the settlement is consistent with Department precedent and

the public interest. Fall River Gas Company, D.P.U. 96-60 (1996); Essex County Gas Company, D.P.U. 96-70 (1996); Boston Edison Company, D.P.U. 92-130-D, at 5 (1996); Bay State Gas Company, D.P.U. 95-104, at 14-15 (1995); Boston Edison Company, D.P.U. 88-28/88-48/89-100, at 9 (1989). A settlement among the parties does not relieve the Department of its statutory obligation to conclude its investigation with a finding that a just and reasonable outcome will result. D.P.U. 95-104, at 15; D.P.U. 88-28/88-48/89-100, at 9.

It is well established that the Department's goals for utility rate structure are efficiency, simplicity, continuity, fairness, and earnings stability. D.P.U. 95-104, at 15; Bay State Gas Company, D.P.U. 92-111, at 283 (1992); see also Massachusetts Electric Company, D.P.U. 95-40, at 144-45 (1995). The Department has previously accepted settlements which include cost allocation and/or rate design when such settlements were consistent with the Department's goals. D.P.U. 96-60; D.P.U. 96-70; D.P.U. 95-104, at 15; Massachusetts Electric Company, D.P.U. 91-52 (1991).

VI. ANALYSIS AND FINDINGS

The Department has reviewed the Settlement in light of the evidence regarding the appropriate revenue requirement for the Company, including the Company's initial filing and responses to information requests as well as responses to information requests from the settling parties and the comments submitted in this proceeding. The Settlement, taken as a whole, provides for a level of additional revenues that is consistent with findings that might reasonably have been made by the Department. Based on this review, the Department finds that the Settlement produces a level of revenues consistent with the establishment of just and reasonable

rates. The Department concludes that the Settlement is consistent with both applicable law and the public interest and results in just and reasonable rates because it represents a reasonable resolution of the many issues in this proceeding. NSTAR Electric Company, D.T.E. 03-121, at 49 (2004).¹⁵ Accordingly, the Settlement is approved.

In accordance with the terms of the Settlement, the Department's acceptance does not constitute a determination as to the merits of any allegations or contentions made in this proceeding not expressly covered by the Settlement. In addition, the Department's acceptance does not establish a precedent for future filings, whether ultimately settled or adjudicated.

With the approval of the Settlement, the Company is directed to file new tariffs to be effective November 1, 2015. The Department directs that the Company make such a compliance filing consistent with the terms of the Settlement.

VII. ORDER

Accordingly, after due notice, public hearing, and consideration, it is

ORDERED: That the Joint Motion for Approval of Settlement Agreement, submitted by Bay State Gas Company d/b/a Columbia Gas of Massachusetts, the Attorney General of the Commonwealth of Massachusetts, and the Low-Income Weatherization and Fuel Assistance

¹⁵ As the Department has noted in the past, the Settlement's confidentiality provision set out at section 2.3 does not bind the Department or preclude its inquiry as events may warrant. Cambridge Electric Light Company/Commonwealth Electric Company, D.T.E. 04-114/03-118, at 6 n.4 (2005); Boston Edison Company, D.T.E. 03-117-A (Phase II) at 5. n.6 (2004). To the extent that the parties intend the assertion of confidentiality to be a motion for protective treatment, it is premature.

Program Network on August 19, 2015, is GRANTED and the Settlement Agreement is therefore APPROVED; and it is

FURTHER ORDERED: That tariffs M.D.P.U. Nos. 177 through 211, filed by Bay State Gas Company on April 16, 2015, to become effective May 1, 2015, are DISALLOWED; and it is

FURTHER ORDERED: That Bay State Gas Company shall file new schedules of rates and charges as required by this Order and shall design all rates in compliance with this Order; and it is

FURTHER ORDERED: That Bay State Gas Company shall comply with all other orders and directives contained in this Order.

By Order of the Department,

/s/
Angela M. O'Connor, Chairman

/s/
Jolette A. Westbrook, Commissioner

/s/
Robert E. Hayden, Commissioner

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.