

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

**NOTICE OF ADJUDICATION
NOTICE OF ADJUDICATORY HEARING**

EFSB 18-03

Notice is hereby given that NSTAR Electric Company d/b/a Eversource Energy (“Eversource” or the “Company”), 247 Station Drive, Westwood, Massachusetts 02090, pursuant to G.L. c. 164, §§ 69K-69O, will file an Application with the Energy Facilities Siting Board (the “Siting Board”) on **August 2, 2018** for a Certificate of Environmental Impact and Public Interest (“Certificate”) with respect to: (1) the proposed, approximately 8.5-mile, 345-kilovolt (“kV”) underground electric transmission line between Eversource’s existing substation in the City of Woburn and New England Power Company d/b/a National Grid’s (“NEP”) existing substation in the Town of Wakefield (the “New Line”); and (2) related substation improvements (together, the “Project”). In this adjudication, the Siting Board will review Eversource’s Initial Petition, filed on July 5, 2018, and Eversource’s Application, to be filed on August 2, 2018.

The Application asks the Siting Board to issue, in the form of a composite permit, the following approvals for the Project:

1. Approval of a Grant of Location in public ways for the portion of the New Line located in the City of Woburn pursuant to G.L. c. 166, §§ 21, 22;
2. Approval of a Grant of Location in public ways for the portion of the New Line located in the Town of Stoneham pursuant to G.L. c. 166, §§ 21, 22;
3. Approval of a Grant of Location in public ways for the portion of the New Line located in the Town of Winchester pursuant to G.L. c. 166, §§ 21, 22;
4. Approval of the Company’s Notice of Intent/Order of Conditions from the Winchester Conservation Commission pursuant to G.L. c. 131, § 40; 310 CMR 10.00; and the Winchester Wetlands Bylaw (Chapter 13);
5. Approval of a road opening permit in the City of Woburn pursuant to G.L. c. 82A, § 1; 520 CMR 7.00; and the City of Woburn Bylaws (Title 12);
6. Approval of a road opening permit in the Town of Stoneham pursuant to G.L. c. 82A, § 1; 520 CMR 7.00; and the Town of Stoneham Bylaws (Section 13-15); and
7. Approval of a road opening permit in the Town of Winchester pursuant to G.L. c. 82A, § 1; 520 CMR 7.00; and the Town of Winchester Rules and Regulations Governing

Street Opening Permits and Grants of Location in the Town of Winchester, Massachusetts.

Procedural Deadlines

Those persons wishing to participate in this proceeding and/or comment on the Initial Petition and Certificate Application, are advised of the following procedural dates and deadlines in the Siting Board's review of this matter:

- **Thursday, August 2, 2018** – Eversource to file its Application.
- **Tuesday, September 4, 2018 – Deadline for: (1) persons wishing to be admitted as a party to this proceeding to file a Petition to Intervene or Participate with the Siting Board; and (2) submitting written comments to the Siting Board.** Persons that were previously granted intervenor or limited participant status in the underlying Petition to Construct proceeding, EFSB 15-04/D.P.U. 15-140/15-141, are automatically granted the same status in this proceeding without need of a new petition.

Persons wishing to be admitted as a party to the proceeding must file a Petition to Intervene with the Siting Board no later than Tuesday, September 4, 2018. Persons wishing to submit written comments must file such comments with the Siting Board by **September 4, 2018**. Petitions to Intervene or Participate and written comments must be: (1) filed in hard copy with the Siting Board at the address below; and (2) served upon Eversource's counsel, David S. Rosenzweig, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, MA 02110, at the same time as they are filed with the Siting Board. Petitions must satisfy the timing and substantive requirements of 980 CMR 1.05, the Siting Board's procedural rules, which can be found on the Siting Board's website at: <http://www.mass.gov/eea/energy-utilities-clean-tech/energy-facilities-siting-board/>.

In addition, Petitions to Intervene or Participate and written comments must also be filed with: (1) the Siting Board in electronic format, by e-mail attachment to dpu.efiling@mass.gov; and Robert.J.Shea@mass.gov; and (2) Eversource's counsel, Mr. Rosenzweig, at drosen@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (EFSB 18-03); (2) the name of the person or entity submitting the filing; and (3) a brief description of the document. The electronic filing should also include the name, title, telephone number, and e-mail address of a person to contact in the event of questions about the filing.

- **Tuesday, September 18, 2018 – Deadline for persons granted party status to issue written Information Requests to Eversource.**
- **Beginning Wednesday, October 24, 2018 – The Siting Board will conduct an adjudicatory hearing to review Eversource's Initial Petition and Application,**

beginning at 10:00 a.m. in Hearing Room B at the offices of the Energy Facilities Siting Board, One South Station, Boston, Massachusetts, 02110.

Description of the Project

The New Line portion of the Project, as previously approved by the Siting Board in EFSB 15-04/D.P.U. 15-140/15-141 on February 28, 2018, is to be constructed along the Primary Route in the municipalities of Woburn, Winchester, Stoneham and Wakefield. The route approved by the Siting Board is an underground route that starts at Eversource's Woburn Substation, crossing the northeastern portion of the substation property to enter Lake Avenue, heading generally northeast. The route then turns south onto Pickering Street before turning east onto Border Street where it crosses Main Street (Route 38) and enters Cross Street at the border of Woburn and Winchester. The route for the New Line continues on Cross Street (traversing under an elevated section of the MBTA Lowell Line) east into Winchester until its intersection with Washington Street. The route then follows Washington Street north and crosses into Woburn, then east along Montvale Avenue, and under Interstate Route 93 ("I-93") into Stoneham. The route continues east along Montvale Avenue to its intersection with Main Street. The route then continues north on Main Street until its intersection with Elm Street, and then heads east on Elm Street to the Wakefield town line. The Project terminates at the Wakefield Junction Substation.

Initial Petition and Application

Eversource has stated that it is unable to construct the New Line portion of the Project because, on May 1, 2018, the Woburn City Council denied Eversource's petition for a grant of location in public ways for the portion of the New Line to be located in Woburn. According to Eversource, given the Woburn City Council's denial of a required local permit, the exercise of the Siting Board's certificate authority is necessary in order for the Project to go forward as previously approved by the Siting Board. In addition, Eversource states that the Woburn City Council's denial of Eversource's grant of location Petition in Woburn precludes Eversource from obtaining road opening permits in Woburn that are also necessary to facilitate construction of the New Line. Eversource has also asserted that it has made good faith efforts to obtain the remaining permits necessary from Stoneham and Winchester, but that, as of the date of this Notice, Eversource has not yet obtained those permits. Consequently, Eversource has requested that, pursuant to G.L. c. 164, §§ 69K-69O, the Certificate be in the form of a composite of all individual local permits, approvals or authorizations that would otherwise be necessary for the construction and operation of the Project in Woburn, Winchester and Stoneham. As part of this proceeding, Eversource is not requesting the inclusion of any state permits or permits from the Town of Wakefield in any Certificate to be issued by the Siting Board.

On July 5, 2018, Eversource filed an Initial Petition for a Certificate with the Siting Board. On July 12, 2018, the Chairman of the Siting Board issued an order providing that the Siting Board would: (1) accept Eversource's Initial Petition for a Certificate; (2) consolidate

Eversource's Initial Petition with its Application; (3) defer a decision on the merits of the Initial Petition; and (4) adjudicate Eversource's Initial Petition and Application concurrently.

During the course of this proceeding, the Siting Board will review Eversource's Initial Petition to determine whether Eversource is prevented from constructing the Project because: (1) there are inconsistencies among resource use permits issued for the Project; (2) a nonregulatory issue or condition has been raised or imposed by a state or local agency; (3) a state or local agency has imposed a burdensome condition or limitation that has a substantial impact on the Siting Board's responsibilities as set forth in G.L. c. 164, § 69H; or (4) the facility cannot be constructed due to disapproval, condition, or denial by a local government. See G.L. c. 164, § 69K.

The Siting Board will review Eversource's Application to determine: (1) the need for the facility to meet the energy requirements of the applicant's market area taking into account wholesale bulk power or gas sales or purchases or other co-operative arrangements with other utilities and energy policies as adopted by the Commonwealth; (2) the compatibility of the facility with considerations of environmental protection, public health, and public safety; (3) the extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by-laws, rules, and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in G.L. c. 164 to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and (4) the public interest, convenience and necessity requiring construction and operation of the facility. See G.L. c. 164, § 69O.

A copy of the Initial Petition and Application may be inspected at the following locations:

- Energy Facilities Siting Board, One South Station, Boston, MA 02110;
- Woburn Public Library, 36 Cummings Park Drive, Woburn, MA 01801;
- Woburn City Clerk, Woburn City Hall, 10 Common Street, Woburn MA 01801;
- Winchester Public Library, 80 Washington Street, Winchester, MA 01890;
- Winchester Town Clerk, Town Hall, 71 Mt. Vernon Street, 1st Floor, Winchester, MA 01890;
- Stoneham Public Library, 431 Main Street, Stoneham, MA 02180; and
- Stoneham Town Clerk, Town Hall, 35 Central Street, 1st Floor, Stoneham, MA 02180.

The documents for this proceeding may also be accessed on the Siting Board's website at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. Enter docket number "EFSB18-03" with no spaces.

Any person desiring additional information regarding the Notice, including information regarding intervention or participation in the proceeding should contact the Siting Board through the Presiding Officer at the following address:

Robert J. Shea, Presiding Officer
Energy Facilities Siting Board
One South Station
Boston, Massachusetts 02110
(617) 305-3525
Robert.j.shea@mass.gov

Date: July 26, 2018