

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

**NOTICE OF ADJUDICATION
NOTICE OF ADJUDICATORY HEARING**

EFSB 18-05

Notice is hereby given that Colonial Gas Company d/b/a National Grid (“National Grid” or the “Company”), 40 Sylvan Road, Waltham, MA 02451 will file, pursuant to G.L. c. 164, §§ 69K-69O, with the Energy Facilities Siting Board (the “Siting Board”) on **February 8, 2019** an Application for a Certificate of Environmental Impact and Public Interest (“Certificate”) with respect to Phase III of the Western Segment of the Sagamore Line Reinforcement Project, which was originally approved by the Siting Board on May 17, 2006 in Colonial Gas Company d/b/a KeySpan Energy Delivery New England, EFSB 05-2 (2006). Phase III of the Western Segment involves the installation of a 20-inch diameter gas pipeline in the westbound travel lane (north side) of Service Road for approximately 2.2 miles in the towns of Sandwich and Barnstable, from Chase Road in Sandwich to a termination point south of an existing Eversource Energy transmission line right-of-way and a short distance west of Route 149 in Barnstable (the “Project”). In this adjudication, the Siting Board will review National Grid’s Initial Petition, filed on December 14, 2018, and National Grid’s Application, to be filed on February 8, 2019. The Company has filed a request for approval of a Project Change from pneumatic testing (as originally approved by the Siting Board in EFSB 05-2) to hydrostatic testing of the Project. The Company has requested an extension of time to complete construction of the Project from December 31, 2019 to December 31, 2021.

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

1. A Road Opening/Trench Permit in the Town of Barnstable, pursuant to G.L. c. 164, § 70; G.L. c. 82A, § 1; 520 CMR 14.00 et seq.; and Chapter 404 of Barnstable’s General Bylaws;
2. A Road Opening/Trench Permit in the Town of Sandwich, pursuant to G.L. c. 164, § 70; G.L. c. 82A, § 1; 520 CMR 14.00 et seq.; and the Town of Sandwich’s Bylaws;
3. A Tree Work Permit from the Town of Barnstable pursuant to G.L. c. 87; and Chapter 221 of Barnstable’s General Bylaws; and
4. A Public Shade Tree Permit from the Town of Sandwich pursuant to G.L. c. 87; and the Town of Sandwich Municipal Tree Regulations.

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:

- **Friday, February 8, 2019** – National Grid to file its Application.
- **Monday, March 11, 2019** – **Deadline for: (1) persons wishing to participate in 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 and Project Change proceeding, EFSB 05-2 and EFSB 05-2A, are automatically granted the same status in this proceeding without need of a new petition.

No later than March 11, 2019, persons wishing to be admitted as a party to the proceeding must file a Petition to Intervene, and persons wishing limited participant status must file a Petition to Participate, with the Siting Board.. Persons wishing to submit written comments must file such comments with the Siting Board by **March 11, 2019**. 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 National Grid's counsel, Bess B. Gorman, Esq., National Grid USA Service Company, Inc., 40 Sylvan Road, Waltham, MA 02451, and 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: <https://www.mass.gov/how-to/file-a-petition-to-intervene-in-an-efsb-or-dpu-siting-case>

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 stephen.august@mass.gov; and (2) National Grid's counsel, Ms. Gorman at bess.gorman@nationalgrid.com and Mr. Rosenzweig, at drosen@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (EFSB 18-05); (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.

- **Monday, March 25, 2019** – **Deadline for persons granted party status to issue written Information Requests to National Grid.**

- **Beginning Tuesday, April 23, 2019 – The Siting Board will conduct an adjudicatory hearing to review National Grid’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.**

Initial Petition and Application

National Grid has stated that it is unable to construct the Project because: (1) following a prolonged consultation process, the Town of Barnstable granted the Company’s application for a Road Opening/Trench Permit on July 5, 2018; however, the Barnstable Permit contains unreasonable and burdensome conditions that have a substantial impact on the Company’s ability to construct the Project consistent with the Siting Board’s original approval; and (2) the Town of Sandwich has unduly delayed the issuance of the Company’s Road Opening/Trench Permit by failing to take action on the permit for over one year since the date of the Company’s application to Sandwich. According to National Grid, given the Town of Barnstable’s imposition of burdensome conditions, and the Town of Sandwich’s undue delay, the exercise of the Siting Board’s certificate authority is necessary in order for the Company to construct the Project as previously approved by the Siting Board. National Grid has also asserted that it has made good-faith efforts to obtain the remaining permits necessary from Barnstable and Sandwich, but that, as of the date of this Notice, National Grid has not yet obtained those permits. Consequently, National Grid 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 Barnstable and Sandwich. As part of this proceeding, National Grid is not requesting the inclusion of any state or regional permits.

On December 14, 2018, National Grid filed an Initial Petition for a Certificate with the Siting Board. On December 21, 2018, the Chairman of the Siting Board issued a Determination on Initial Petition for Certificate of Environmental Impact and Public Interest providing that the Siting Board would: (1) accept National Grid’s Initial Petition for a Certificate; (2) consolidate National Grid’s Initial Petition with its Application; (3) defer a decision on the merits of the Initial Petition; and (4) adjudicate National Grid’s Initial Petition and Application concurrently.

During the course of this proceeding, the Siting Board will review National Grid’s Initial Petition to determine whether National Grid 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; (4) the facility cannot be constructed due to disapproval, condition, or denial by a local government; or (5) undue delay in issuing a permit by a state or local agency. See G.L. c. 164, § 69K.

The Siting Board will review National Grid'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;
- Barnstable Town Clerk's Office, Barnstable Town Hall, 367 Main Street, Hyannis, MA 02601; Sandwich Town Clerk's Office, Sandwich Town Hall, 145 Main Street, Sandwich, MA 02563;
- Sturgis Public Library, 3090 Main Street, Barnstable, MA 02630; and
- Sandwich Public Library, 142 Main Street, Sandwich, MA 02563.

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/EFSB18-05>

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:

Stephen August, Presiding Officer
Energy Facilities Siting Board
One South Station
Boston, Massachusetts 02110
(617) 305-3622
Stephen.August@mass.gov