

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

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| Petition of New England Power Company d/b/a |) | |
| National Grid Pursuant to G.L. c. 164, § 69J for |) | D.P.U. 23-45 |
| Approval to Construct, Operate and Maintain a |) | |
| New Double Circuit Overhead Transmission Line |) | |
| and Two Associated Tap Lines |) | |

**PETITION OF NEW ENGLAND POWER COMPANY d/b/a NATIONAL GRID FOR
APPROVAL PURSUANT TO G.L. c. 164, § 72 TO CONSTRUCT, OPERATE AND
MAINTAIN A DOUBLE CIRCUIT OVERHEAD TRANSMISSION LINE AND TWO
ASSOCIATED TAP LINES**

Now comes New England Power Company d/b/a National Grid (“NEP” or the “Company”) seeking a determination from the Department of Public Utilities (the “Department”) that, pursuant to G.L. c. 164, § 72 (“Section 72”), NEP’s proposal to construct, operate and maintain a double circuit overhead transmission line in Warwick, Royalston, Winchendon, Gardner, Westminster, Fitchburg, Leominster and Sterling and two associated tap lines in Athol, Royalston and Gardner (the “Project”) is necessary, serves the public convenience and is consistent with the public interest. The double circuit transmission line will replace the Company’s existing 69 kV A1 and B2 double circuit overhead transmission lines (the “A1/B2 Lines”) and the Athol and Crystal Lake Tap Lines (the “Tap Lines”) (referred to as the “Existing Lines,” the “Existing Tap Lines,” the “Rebuilt Lines” and the “Rebuilt Tap Lines”). The Rebuilt Lines and Rebuilt Tap Lines are proposed in the same rights-of-way (“ROWs”) as the Existing Lines and will consist of new transmission structures and conductor that will be operated at 69 kV but will comply with NEP’s 115 kV design standards should operation at a higher capacity be needed in the future. The Project also includes removal of the Existing Lines and Existing Tap Lines, and the construction, reestablishment and improvement of access routes. In support

thereof, NEP states as follows:

1. NEP, with a principal place of business at 40 Sylvan Road, Waltham, MA, 02451, is an electric company as defined by G.L. c. 164, § 1 and, therefore, is authorized to transmit electricity. See New England Power Company d/b/a National Grid, EFSB 19-04/D.P.U. 19-77/19-78, at 129-31 (2021) (“NEP Beverly-Salem”); New England Power Company d/b/a National Grid, D.P.U. 19-16, at 5-6 (2020) (“NEP Golden Rock”).

2. NEP is represented by David Waterfall, Esq., Senior Counsel, National Grid, 40 Sylvan Road, Waltham, MA 02451 and Catherine J. Keuthen, Esq., and Cheryl A. Blaine, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, MA 02110.

3. The Project satisfies the Department’s standards under Section 72 because the Project is needed and will serve the public interest by increasing the reliability of NEP’s transmission system in central Massachusetts.

4. Simultaneously herewith, the Company is also filing: (i) a petition with the Energy Facilities Siting Board (the “Siting Board”) requesting approval to construct, operate and maintain the Project pursuant to G.L. c. 164, § 69J (the “Section 69J Petition”) (EFSB 23-02); and (ii) motions with the Department and the Siting Board, respectively, requesting the referral of the Section 72 Petitions to the Siting Board and the consolidated review of these related petitions by the Siting Board. G.L. c. 25, § 4; G.L. c. 164, § 69H; NEP Beverly-Salem, EFSB 19-04/D.P.U. 19-77/19-78 at 6 (2021); NEP IRP at 3; NEP Salem at 3.

5. Pursuant to G.L. c. 164, § 72, an electric company seeking approval to construct a transmission line must file a petition with the Department for:

[A]uthority to construct and use or to continue to use as constructed or with altered construction a line for the transmission of electricity for distribution in some definite area or for supplying electricity to itself or to another electric company or to a municipal lighting plant for distribution and sale . . . and shall

represent that such line will or does serve the public convenience and is consistent with the public interest . . . The department, after notice and a public hearing in one or more of the towns affected, may determine that said line is necessary for the purpose alleged, and will serve the public convenience and is consistent with the public interest.

6. In making a determination under G.L. c. 164, § 72, the Department considers all aspects of the public interest. Boston Edison Company v. Town of Sudbury, 356 Mass. 406, 419 (1969); NEP Beverly-Salem at 129; NEP Golden Rock at 6. All factors affecting any phase of the analyses performed by a company in connection with the public interest and public convenience are weighed fairly by the Department in a determination under G.L. c. 164, § 72. Town of Sudbury v. Department of Public Utilities, 343 Mass. 428, 430 (1962).

7. In evaluating petitions filed under G.L. c. 164, § 72, the Department examines: (1) the need for, or public benefits of, the present or proposed use; (2) the environmental impacts or any other impacts of the present or proposed use; and (3) the present or proposed use and any alternatives identified. NEP Beverly-Salem at 130; NEP Golden Rock at 6. In determining whether a proposed project is reasonably necessary for the public convenience or welfare, the Department balances the interests of the general public against the local interests and determines whether the line is necessary for the purpose alleged and will serve the public convenience and is consistent with the public interest. Id. The Department undertakes “a broad and balanced consideration of all aspects of the general public interest and welfare and not merely examination of the local and individual interests that might be affected.” New York Central Railroad v. Department of Public Utilities, 347 Mass. 586, 592 (1964).

8. The Siting Board Petition, which includes a document entitled *A1/B2 Asset Condition Refurbishment Project Application* (the “Application”), is incorporated herein by reference and made a part hereof. The Project is more particularly described in Section 1 of the

Application. The Application provides the factual basis for NEP's conclusion that the Project meets the Department's standards relative to public convenience and necessity under G.L. c. 164, § 72 because the Project is necessary to provide a reliable energy supply for the Commonwealth while minimizing cost and environmental impacts.

9. Comprehensive information regarding the need for the Project is set forth in Section 2 of the Application. As discussed more fully in that section, the more than a century old Existing A1/B2 and Tap Lines are no longer fit for purpose and must be replaced. The Rebuilt Lines will: (1) address the condition of the Existing A1/B2 and Tap Lines to improve their performance and increase reliability of service; (2) address existing low voltage conditions under certain contingencies; and (3) provide sufficient capacity to interconnect new distributed energy resources.

10. NEP comprehensively identified and analyzed various alternatives to address the identified needs for the Project. In order to determine the approach that best balances reliability, cost, and environmental impact, NEP evaluated a series of project approach alternatives for their potential to address the needs identified. Section 3 of the Application describes the detailed analyses undertaken by NEP to identify and evaluate alternative means to address the needs identified in Section 2, including: (1) a no-build alternative; (2) non-wires alternatives; (3) a critical asset repair alternative; (4) reconductoring and repair of the Existing Lines; and (5) rebuilding the Existing A1/B2 and Tap Lines. As described in Section 3 of the Application, NEP's Application shows that construction of the Project is the best approach to meeting the identified need based on a balancing of reliability, cost, and environmental impacts.

11. After determining that the Project was the superior alternative for meeting the identified need, the Company NEP considered two transmission structure design alternatives: one

that complies with NEP's 115 kV design standards, and a second that complies with NEP's 69 kV design standards. As discussed in Section 3 of the Application, the Company concluded that rebuilding the Existing A1/B2 Lines and Taps in the existing ROW, using a 115 kV structure design, would best address the identified needs at a low cost while minimizing environmental impacts and allow NEP to adapt its transmission network to future demands without undertaking costly upgrades that result in further impacts at a later date.

12. NEP also conducted a detailed analysis of the environmental impacts of the Project, has identified the relevant impacts and has proposed measures to minimize impacts associated with the construction and operation of the Project. Overall, NEP's analysis demonstrates that the Project will achieve an appropriate balance among conflicting environmental concerns as well as among environmental impacts, reliability, and cost. Comprehensive information regarding the minimization of impacts is set forth in Section 4 of the Application.

13. As required under Section 72, and in support of this Petition, a description of the Project and an estimate of its costs are included in the Application. The Department's Section 72 Checklist is provided as Attachment A to this Petition and a draft hearing notice (including an electronic version in MS Word format) is being provided as Attachment B. In further compliance with the Department's Section 72 Checklist, USGS locus maps and diagrams of the proposed transmission line routes can be found in Appendix 5-1 of the Application, including Figure 1-1. A list of all permits required for the Project is found in Section 6 of the Application.

14. Lastly, a copy of NEP's Expanded Environmental Notification Form ("EENF") submitted pursuant to the Massachusetts Environmental Policy Act on September 12, 2022, as well as the Certificate of the Secretary of Energy and Environmental Affairs on the EENF dated

October 31, 2022, are provided as Appendix 6-1 and Appendix 6-2, respectively, of the Application. The Secretary required the submittal of a Draft Environmental Impact Report (“DEIR”), which the Company plans to file in the summer of 2023. Draft Section 61 findings are provided in Section 12 of Appendix 6-1.

WHEREFORE, NEP respectfully requests that the Department, pursuant to G.L. c. 164, § 72, and after due notice and a public hearing, determine that the construction of the Project is necessary for the purposes stated, will serve the public convenience and will be consistent with the public interest, and thus, authorize NEP to construct and operate the Project.

Respectfully Submitted,

**NEW ENGLAND POWER COMPANY d/b/a
NATIONAL GRID**

By its attorneys,



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**DEPARTMENT OF PUBLIC UTILITIES
CHECKLIST FOR REQUESTING AUTHORIZATION TO CONSTRUCT AN
ELECTRIC TRANSMISSION LINE PURSUANT TO G.L. c. 164, § 72**

The following checklist is intended to serve as guidance for persons filing petitions pursuant to G.L. c. 164, § 72 for authority to construct an electric transmission line, or to take land by eminent domain for the construction of an electric transmission line. Petitioners seeking authority to construct an electric transmission line must complete Parts 1, 2 and 3 of this form and submit a copy of the completed form with the petition at the time of filing. Petitioners seeking authority to take land by eminent domain for a transmission project also must complete Part 4 of this form.

PART 1: GENERAL INFORMATION

Petitioner name: *New England Power Company (“NEP”) d/b/a National Grid*

Description of proposed transmission line and route: Description of proposed transmission line and route: NEP proposes to rebuild, operate and maintain double circuit overhead transmission line in Warwick, Royalston, Winchendon, Gardner, Westminster, Fitchburg, Leominster and Sterling and two associated tap lines in Athol, Royalston and Gardner. The rebuilt transmission line will replace NEP’s existing A1 and B2 transmission lines and tap lines, which will be removed as part of the Project. The Project also includes the construction, reestablishment and improvement of access routes.

Seeking eminent domain authority: Yes

No

PART 2: CONTENTS OF PETITION

The petition must contain, at a minimum, the following information:

- A description of the proposed transmission line (voltage, above or below ground, height and type of structures to be used if above ground) and the anticipated route.
- An explanation of the purpose of the transmission line, and a discussion of the public interest or convenience that would be served by the construction and operation of the transmission line, with a supporting analysis and a description of the methods used to develop this analysis.
- A description of alternatives to the transmission line project, including (but not limited to) upgrades to existing transmission lines and substations.
- An analysis of the environmental or other impacts of the transmission line, during both construction and operation. This analysis could include, without limitation, impacts on land use along or near the route, on water, wetlands and habitat resources along or near the route, visual and noise considerations, traffic and access considerations, public safety considerations, or the use of hazardous substances.
- A list of all permits required for construction of the transmission line.

NOTE: All information provided in the petition must be adopted by witnesses who will be able to testify and respond to questions at evidentiary hearings. Such adoption may occur subsequent to the filing of

the petition. The petitioner should be prepared to identify which witness will adopt which part of the petition no later than three weeks after the petition is filed.

PART 3: ATTACHMENTS

The following documents must be submitted with the petition:

- A United States Geological Survey map (1:24,000 or 1:25,000 scale and in color) of the area, showing the transmission line route.
- Diagrams of the transmission line route, showing all existing and proposed rights-of-way, representative views of the placement of existing and proposed transmission lines within the rights-of-way, and locations of water, wetland, and habitat resources within the surrounding area.
- Either: (1) a copy of the Environmental Notification Form (“ENF”) for the transmission project and the Certificate of the Secretary of Environmental Affairs on such ENF; or (2) an affidavit from the petitioner stating that the proposed use does not require the filing of an ENF. If an Environmental Impact Report (“EIR”) is required and has been submitted to the MEPA Office at the time of filing, a copy of the EIR(s) and any related Certificates also should be submitted with the petition.
- Draft MEPA Section 61 findings relating to the transmission project, if an EIR is required.
- A draft hearing notice (hard copy and on diskette in Microsoft Word or in WordPerfect 8.0 or higher).
- Filing fee: A check for \$100.00, made payable to Commonwealth of Massachusetts.

PART 4: ADDITIONAL REQUIREMENTS FOR EMINENT DOMAIN

The following additional documents must be submitted with the petition if the petitioner is seeking to take land or easements by eminent domain for the transmission line:

- A map of the transmission line route, showing the towns through which it will pass, the public ways, railroads, railways, navigable streams and tidewaters which it will cross, and the extent to which it will be located upon private land, or upon, under or along public ways and places.
- A description of each parcel or easement to be taken for the transmission project, together with the name and address of each affected property owner.

All information requested above has been included in this Petition and attachments submitted with this form, or with NEP’s Section 69J Petition and attachments thereto

Catherine Keuthen

April 28, 2023

Signature

Date