

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Initial Petition and Application of Moraga Storage, LLC
Pursuant to Section 118 of Chapter 239 of the Acts of 2024
for a Certificate of Environmental Impact and Public Interest

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EFSB 26-01

**INITIAL PETITION OF MORAGA STORAGE, LLC
PURSUANT TO SECTION 118 OF CHAPTER 239 OF THE ACTS OF 2024 FOR A
CERTIFICATE OF ENVIRONMENTAL IMPACT AND PUBLIC INTEREST**

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I. INTRODUCTION

Moraga Storage, LLC (“Moraga” or the “Company”), hereby files this Initial Petition seeking a Certificate of Environmental Impact and Public Interest (“Certificate”) from the Energy Facilities Siting Board (the “Siting Board” or “EFSB”), pursuant to Section 118 of An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers,” St. 2024, c. 239 (the “2024 Climate Act”) and 980 CMR 6.00 *et seq.* Moraga seeks a Certificate that represents a composite of all state and local permits, approvals, licenses, certificates, and other forms of authorization that are otherwise necessary to construct a 180 megawatt (“MW”) battery energy storage system (“BESS”) with a four hour duration (the “Project”) located in the Town of Oakham, Massachusetts (the “Town” or “Oakham”). This Initial Petition demonstrates that the Company has met the criteria to request a Certificate.

Section 118 of the 2024 Climate Act provides a mechanism for a BESS developer to request a Certificate from the Siting Board if the developer receives a comprehensive zoning exemption from the Siting Board within a defined window of time, prior to the implementation of the Consolidated Permit provisions of the 2024 Climate Act, which go into effect July 1, 2026. On June 26, 2026, the Siting Board issued a Final Decision approving, subject to conditions, a zoning exemption pursuant to G.L. c. 40A, § 3. *Moraga Storage, LLC*, EFSB 25-07 (2026) (“Final Decision”).¹

¹ In a Motion filed with this Petition, the Company has requested that official notice be taken of the evidentiary record in the underlying proceeding. *See Company’s Motion for the EFSB to Take Official Notice and Incorporate the Record from EFSB 25-07*; 980 C.M.R. 1.06(7). All citations to an “Exh.”, unless otherwise indicated otherwise, are to exhibits in EFSB 25-07.

Pursuant to Section 118, the Siting Board shall consider a petition for a Certificate if any of six grounds are present that prevent building the BESS.²In this case, the Town’s Conservation Commission, Board of Selectman, Planning Board, Board of Health, Oakham Inspectional Services Department (Wire and Building), and the Fire Chief have stated publicly its opposition to the Project, and thus, barring a Certificate from the EFSB, the Project could not proceed. Moreover, the Conservation Commission and the Town have publicly indicated its belief that the Notice of Intent, submitted by the Company to the Conservation Commission on May 12, 2026,³ is incomplete. While that is not correct, it indicates that the Conservation Commission intends to implement further delays to the review process, with a denial of the Company’s request or burdensome conditions certain.

As evidence of further delay, on April 7, 2026, the Conservation Commission issued an Enforcement Order against the Company and the current property owner, ZOVL Properties, LLC.⁴ The Enforcement Order is focused on “auto debris” and related solid waste on the property as a result of the former auto salvage operations. It purports to bar any activity of any

² In pertinent part, pursuant to Section 118 of the 2024 Climate Act, the Energy Facilities Siting Board shall consider a petition for a Certificate if the applicant is prevented from building the energy storage system because: (i) the applicant is unable to meet standards imposed by a state or local agency with reasonable and commercially available equipment; (ii) the processing or granting by a state or local agency of any approval, consent, permit or certificate has been unduly delayed for any reason; (iii) the applicant believes there are inconsistencies among resource use permits issued by such state or local agencies; (iv) the applicant believes that a nonregulatory issue or condition has been raised or imposed by such state or local agencies, including, but not limited to, aesthetics and recreation; (v) the generating facility cannot be constructed due to any disapprovals, conditions or denials by a state or local agency or body, except with respect to any lands or interests therein, excluding public ways, owned or managed by any state agency or local government; or (vi) the facility cannot be constructed because of delays caused by the appeal of any approval, consent, permit or certificate.

³ Attachment A- Moraga Storage, LLC Notice of Intent Submitted to the Oakham Conservation Commission on May 12, 2026.

⁴ Attachment B - Oakham Conservation Commission, Enforcement Order against the Moraga Storage, LLC and ZOVL Properties, LLC, dated April 7, 2026.

kind at the property until ZOVL and Moraga undertake a number of actions, including hiring a Licensed Site Professional (“LSP”), obtaining the Town’s approval of the LSP, performing a site-wide characterization, submitting and performing a remediation plan for the entire site, among other things. The Enforcement Order also demands a re-delineation of wetlands at the property, even though the Commission has been informed by MassDEP that a valid Order of Resource Area Delineation delineating wetlands, which was issued by the Conservation Commission, exists at the property and has not yet expired. There are several legal issues with the Enforcement Order, including but not limited to expanding the Commissions jurisdiction to the entire 42.9 acres including vast areas that are not regulated by the Wetlands Protection Act and naming Moraga Storage, LLC as the violator even though Moraga has done no work at the site and has no real property interest in the site other than an option with the current landowner that has not yet been exercised.⁵

Additional delay to the Project’s timeline will result from the late-stated jurisdictional claim by the Oakham Board of Health. On June 23, 2026, the Town of Oakham notified the Siting Board that “the Board of Health has jurisdiction independent of zoning and not subject to waiver by the Siting Board. This includes jurisdiction over nuisance or other conditions injurious to public health, including noise and cleanup of contaminated properties under G.L. c. 111, Sections 122-125, jurisdiction over noisome trades under G.L. c. 111, Section 143, and abatement of nuisance conditions involving junkyards under G.L. c. 140B, Section 7.”⁶ This is

⁵ The EFSB has directed the Company to clean the entire site. Thus, continuing the Enforcement Order, which the Conservation Commission has indicated it intends to do is further evidence of delay. The Company has since brought an action to invalidate the Enforcement Order to the Worcester Superior Court. *See* Attachment C Verified Complaint of ZOVL Properties and Moraga Storage in Worcester County Superior Court (Civ. Action 2685-CV-00879A) (June 5, 2026).

⁶ *See* Attachment D -Comments on the Tentative Decision Submitted by the Town of Oakham on June 23, 2026 in EFSB 25-07 at Exhibit A (Exhibit A to the Town’s Tentative Decision comments are referred herein as “Oakham BOH Comments.”).

the position of the Town despite the Siting Board noting that action by the Town's Board of Health is likely impermissible because of its inconsistency with the decision of the Siting Board. *See Final Decision* at 79, n. 36. Thus, it is apparent that there will be further delay of the Project while the Board of Health asserts its jurisdiction, conducts its hearings, and imposes its conditions on the construction and operation of the BESS.

Accordingly, this Initial Petition sets forth the legal basis for issuing a Certificate of Environmental Impact and Public Need.

Pursuant to 980 CMR 6.02(4), upon the receipt of an initial petition, the Siting Board must either (i) hold a separate hearing on the grounds asserted in the petition; or (ii) accept an application and defer decision on the merits of the grounds asserted in the initial petition until the hearing on the application. In this case, Section 118 is clear that a large BESS project that seeks a Certificate must do so by June 30, 2026. And, as noted above, the Climate Act requires the developer to seek a Certificate after having received a comprehensive zoning exemption from the EFSB. The Comprehensive Zoning Exemption was issued by the EFSB on June 26, 2026. Accordingly, there was no time to submit an Initial Petition and an Application sequentially.

Given the timing of the Final Decision and the statutory deadline of June 30, 2026, the Siting Board is respectfully requested to accept the Company's Application and defer decision on the Initial Petition until the hearing on the Application, which was filed in the instant docket simultaneously.

II. BACKGROUND

A. The Prior Siting Board Zoning Exemption Proceeding

On March 31, 2025, the Company filed its initial petition in Docket EFSB 25-07 requesting that the Siting Board grant individual and comprehensive exemptions from the Oakham Zoning Bylaw pursuant to G. L. c. 40A, § 3 (the "Zoning Petition"). The Company diligently filed its Zoning

Petition a full 15 months prior to the end of June 2026 to ensure there was ample time for the EFSB to deliberate and issue a decision on the Zoning Petition for the Company to qualify for the interim Certificate process. On June 26, 2026, the EFSB approved the Company's request with conditions.

B. Project Description and Benefits to the Public Interest

The Project will consist of 184 Tesla megapack four-hour 180 MW/720 MWh BESS and related infrastructure located on a 42.9-acre parcel at 358 Coldbrook Road in Oakham, Massachusetts. The Final Decision approving the Project discusses each of the Project components, (*Final Decision* at 2-5), including but not limited to, construction and operation of a BESS, a new substation, a new switching station, and an interconnection line located adjacent to an existing transmission right-of-way.⁷ The Company will own and operate the Project, with the exception of the switching station and interconnection line, which would be owned by the interconnecting utility (*Final Decision* 2-5).

The Siting Board made a number of findings as pertains to the benefits that the Project will afford to the public interest, including, but not limited to:

- assisting the Commonwealth meet legislative and policy goals to increase the use of clean and renewable energy and attain net zero carbon emissions by 2050 by enabling the interconnection of offshore wind energy generation and other renewables to the electric grid by balancing renewable energy intermittency (*Final Decision* at 26-27);
- providing electric system capacity and contributing to system reliability and flexibility by operating on a schedule that will reduce peak demand and through its participation in the ISO-NE wholesale markets (*Id.*);
- charging from the grid at periods when renewable production is high and then delivering that energy back onto the grid during times of peak demand or electric system need (*Id.* at 26).
- Mitigating environmental measures with respect to hazardous and solid waste, visual impacts, air impacts, and improving the environmental condition of the Project Site, thereby benefiting the neighborhood and Town. (*Id.* at 93, 100);.

⁷ The Project Components are also more fully discussed in the Application.

- adequately demonstrating that the preferred site is reasonably necessary for the convenience and welfare of the public (*Id.* at 34-35);
- committing to compliance with relevant safety standards and regulations and standards, and Project design and safety features appropriately limiting Project safety risks. (*Id.* at 117-118, 121).

C. 2026 Oakham Conservation Commission Filing

On May 12, 2026, Moraga submitted its Notice of Intent (“NOI”) application to the Oakham Conservation Commission. On the same date, Moraga mailed a hard copy of the NOI to the applicable state environmental regional office. The NOI provided proof of abutter notification to the Commission.⁸

The Commission convened the NOI public hearing on June 2, 2026. During the hearing, the Commission indicated its intent to engage a third-party peer reviewer to evaluate the NOI submission. Moraga affirmed its cooperation with the peer review, while also clarifying its understanding of the intended scope of review. The Company supplemented its NOI on June 22, 2026.⁹ The Commission continued the hearing until July 7, 2026.

In addition to the NOI proceeding, the Conservation Commission issued an Enforcement Order to the Company on April 7, 2026.

D. The Oakham Board of Health

The Town asserted that the operation of the Project would constitute a noisome trade and, in turn, put the Project within the purview of the Board of Health. In its pre-filed testimony during the Siting Board proceeding, the Town’s stated that the Oakham Board of Health’s review of the Project led the Board to:

⁸ Attachment A, at attachment C therein (abutter information).

⁹ Attachment E -Moraga Storage, LLC Supplements to the Notice of Intent Submitted to the Oakham Conservation Commission on June 22, 2026.

suspect that this BESS facility will result in a public nuisance, be harmful to the inhabitants, injurious to their estates, and/or dangerous to public health. Establishing and operating a grid scale, industrial BESS facility in a quiet, rural community that generates constant 24/7 industrial noise, and presenting a risk of toxic exposure from initial construction activities, ongoing battery delivery trucking and transportation hazards, and establishing an ongoing risk of uncontrollable fire from industrial accidents, presents risks to the public health of abutters, nearby households and all others in the Town of Oakham. By state law, no activity which may constitute a noisome trade shall be permissible to proceed in a municipality unless the board of health, after a public hearing, has assigned a location for such facility. (Exh. OAK-MB at 9-11).

The Oakham Board of Health consists of three members, including Elizabeth Weeks, Lucille A. DiLeo, and Barbara Piucci. Two of the three members of the Oakham Board of Health, in their individual capacity, participated or provided comments in opposition to the Project. Ms. Piucci was granted limited participant status as an abutter of the property and provided initial and reply briefs opposing the project.¹⁰ Ms. DiLeo was denied intervenor and limited participant status, but nonetheless provided numerous comments throughout the EFSB 25-07 proceeding opposing the Project.¹¹

Moreover, in its response to the Tentative Decision, the Town asserted that the Board of Health, pursuant to G.L. c. 111, §§ 122, 123, and 143, has jurisdiction over the proposed BESS facility, that cannot be overridden by the EFSB decision, as a potential noisome trade, defined as a trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, or dangerous to public health. *See* Oakham BOH Comments.

¹⁰ *See* Attachment F- Initial Brief of Limited Participants Vincent Piucci and Barbara Piucci in EFSB 25-07 dated April 12, 2026; Attachment G -Reply Brief of Limited Participants Vincent Piucci and Barbara Piucci in EFSB 25-07 dated April 24, 2026.

¹¹ Attachment H - Compiled Comments of Lucille DiLeo in EFSB 25-07.

E. Summary of Permits and Approvals Requested for Inclusion in a Composite Certificate

The Company has been working diligently and in good faith to secure the state and local permits needed to construct the Project. At this time, it anticipates being unable to secure such necessary permits in a timely fashion from the Conservation Commission, the Board of Health and the Town departments. Thus, consistent with Section 118 of the 2024 Climate and to consolidate review, approval, and potential appeals, the Company requests a Certificate “in the form of a composite of all individual permits, approvals or authorizations which would otherwise be necessary for construction and operation of the energy storage system,” to include those outstanding permits required by the Company to construct and operate the Project.¹²

The Table below contains a list of permits that are likely required to construct the Project, as well as the status of Moraga’s applications, as applicable:

Table 2-1 Licenses, Permits, and Approvals

Regulatory Authority	Permit/Review/Approval	Application Date	Status
Federal			
Environmental Protection Agency	NPDES Construction General Permit for Stormwater Discharges	Not yet filed.	Anticipate filing the Notice of Intent (NOI) approximately 45 days prior to the start of construction. Coverage begins 14 days after NOI filing.
State			
Oakham Conservation Commission	Massachusetts Wetlands Protection Act Order of Conditions	Filed May 12, 2026.	Under review but delayed until at least July 7, 2026.
Department of Conservation and Recreation	Massachusetts Watershed Protection Act Determination of Applicability	Not yet filed.	Anticipate filing Q3 2026.

¹² A draft Certificate is contained in Attachment I to this Initial Petition and Application.

Massachusetts Historical Commission (“MHC”)	Project Notification Form	March 2025	By email, the MHC confirmed that it did not have comments on the Project, indicating that the MHC did not require any additional studies related to historic or cultural resources. <i>Final Decision</i> at 55.
Oakham Inspectional Services Department	Building Permit Electrical Permit Demolition Permit Occupancy Permit	Not yet filed.	Anticipate filing Q3/Q4 2026.
Oakham Highway Department	Road Opening/Trench Permit(s) Driveway Permit	Not yet filed.	Anticipate filing Q3/Q4 2026.
Oakham Fire Department	Massachusetts Fire Code, 527 CMR 1.00 <i>et seq.</i> Storage of Flammables	Not yet filed.	Anticipate filing Q3/Q4 2026.

The Company requests the Siting Board to include Certificate representing a composite permit for the Moraga Project with respect to:

1. An approval that is the equivalent of an Order of Conditions issued by the Oakham Conservation Commission pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00).
2. An approval that is the equivalent of a Determination of Applicability issued by the Department of Conservation and Recreation pursuant to the Massachusetts Watershed Protection Act, (Chapter 36 of the Acts of 1992, M.G.L. c. 92A1/2) and its implementing regulations (313 CMR 11.00).
3. An approval that is the equivalent of a Building Permit issued by the Oakham Building Commissioner pursuant to 780 CMR.
4. An approval that is the equivalent of an Electrical Permit issued by the Oakham Wiring Inspector pursuant to 527 CMR 12.00.
5. An approval that is the equivalent of a Road Opening/Trench Permit(s) in the Town of Oakham, pursuant to G.L. c. 82A and 520 CMR 14.00 ordinarily issued by the Oakham

Highway Department.

6. An approval that is the equivalent of a Driveway Permit in the Town of Oakham, pursuant to Chapter XVI of the Oakham General Bylaws, ordinarily issued by the Oakham Highway Department.
7. An approval that is the equivalent of a Demolition Permit issued by the Oakham Building Commissioner.
8. An approval that is the equivalent of a Certificate of Occupancy issued by the Oakham Building Commissioner pursuant to 780 CMR.
9. An approval that is the equivalent of a Fire Permit issued by the Oakham Fire Department pursuant to the Massachusetts Fire Code, 527 CMR 1.00 *et seq.*

On May 28, 2026, pursuant to 980 C.M.R. 6.02(2)(b), the Company notified the following entities of its intent to petition the Siting Board for a Certificate: Oakham Inspectional Services Department; Oakham Conservation Commission; and Oakham Fire Department.¹³

III. SITING BOARD STATUTORY AUTHORITY AND STANDARD OF REVIEW FOR AN INITIAL PETITION

On November 20, 2024, Governor Maura Healey signed into law legislation – the 2024 Climate Act – that aims to accelerate the adoption of battery storage, improve grid reliability, and support the state’s goal of net-zero greenhouse-gas emissions by 2050. A primary purpose of the 2024 Climate Act was to advance the siting and permitting of large energy storage projects before the EFSB.¹⁴

Section 118 of the 2024 Climate Act created an interim, streamlined process for approval of large BESS projects. Under Section 118 of the 2024 Climate Act, the Siting Board has been

¹³ The Company received FedEx certification that the notice was received by the Oakham Fire Department on May 29, 2026 and Oakham Inspectional Services and Oakham Conservation Commission on June 1, 2026. A copy of the letter providing notice pursuant to 980 CMR 6.02(2)(b) is contained in Attachment J.

¹⁴ Along with Section 118, the 2024 Climate Act changed local zoning exemption authority in two respects: (1) it codified the definition of “public service corporation,” St. 2024, c. 239, § 36; and (2) moved the authority to grant zoning exemptions to the Siting Board. St. 2024, c. 239, § 37, 91.

delegated the statutory authority to issue Certificates of Environmental Impact and Public Interest for energy storage systems that are at least 100 megawatt hours in size if the developer receives a comprehensive zoning exemption from the Siting Board within a defined window of time, prior to the implementation of the Consolidated Permit provisions of the 2024 Climate Act, which go into effect July 1, 2026. The Company met these requirements.

IV. ANALYSIS

As the Company is proposing to construct a Project totaling 720 MWhs, the Project meets the Siting Board's size threshold for consideration of the Project for a Certificate. Similarly, the Company has received a comprehensive zoning exemption, meaning that Moraga has met the second threshold for the jurisdictional consideration of the Certificate by the EFSB. The Company has demonstrated the certainty of delay (or denial) of the Project from the Town's Conservation Commission and/or its Board of Health based on the record evidence in the underlying zoning exemption proceeding, its reiteration of the jurisdiction of the Board of Health in comments to the EFSB dated June 23, 2026, and in issuing an Enforcement Order on behalf of the Conservation Commission.

The Town of Oakham fervently opposes the Project and will continue to, through its boards, agencies, departments and officials, including the Conservation Commission and Board of Health, deny or delay approval of any required local approval to prevent the Project's construction and operation. Because of this apparent denial, the Company has triggered the grounds set forth at Section 118(b) for the Siting Board to grant this Initial Petition.

A. The Conservation Commission has implemented measures to delay and/or deny the Company's Notice of Intent

The Oakham Conservation Commission's course of conduct clearly indicates that it will continue to delay or deny the Company's NOI application. Section 118(b) is triggered where

“the processing or granting by a state or local agency of any approval, consent, permit or certificate has been unduly delayed for any reason” or where the “facility cannot be constructed due to any disapprovals, conditions or denials by a state or local agency or body.” The Town continues to inform the Company and the EFSB of its erroneous assertion that the Notice of Intent submitted by the Company on May 12, 2026 is incomplete — a position that, beyond being factually inaccurate, signals the Commission's intent to impose additional procedural delays, making denial of the Company's application a near certainty.

Moreover, as detailed in Section I of this Petition, the Town has issued an Enforcement Order that mandates conditions that exceed the requirements outlined in the EFSB decision, including a re-delineation of wetlands at the property, even though the Commission has been informed by MassDEP that a valid Order of Resource Area Delineation delineating wetlands, which was issued by the Conservation Commission, exists at the property and has not yet expire.¹⁵ The Project will be unduly delayed as the parties argue in the courts the applicability of the Enforcement Order.

The Company cannot construct the Project without approval from the Conservation Commission, and the Commission’s shifting positions, repeated expansion of issues, and demonstrated opposition to the Project have created precisely the type of local permitting impediment that Section 118 was enacted to address.

Given the Conservation Commission’s course of conduct and the Town’s stated opposition, those outcomes are not speculative; they are the foreseeable continuation of the local permitting obstruction already experienced by the Company. For these reasons, the Conservation Commission’s actions constitute a triggering event under Section 118(b), and the Siting Board

¹⁵ Attachment K – April 15, 2026 Email from Massachusetts Department of Environmental Protection to the Company Regarding Request for Determination of Applicability - 358 Coldbrook Road, Oakham

should accept the Company's Application for a Certificate and defer a decision on the merits of this Initial Petition until the hearing on the Application.

B. The Oakham Board of Health's assertion of jurisdiction delays construction of the Project.

The Oakham Board of Health's claims of jurisdiction and requested conditions presents an additional and independently sufficient basis for the Siting Board to grant this Initial Petition under Section 118(b)(v). Section 118(b)(v) applies where the energy storage system "cannot be constructed due to any disapprovals, conditions or denials by a state or local agency or body," and the Town has now placed the Project squarely within that category by asserting that the Board of Health has independent statutory authority over the Project notwithstanding the Siting Board's prior comprehensive zoning exemption. The Siting Board granted the Company's request for a comprehensive zoning exemption for the Project on June 26, 2026, after extensive proceedings in which the Town opposed the Project and the Siting Board found that the Project satisfied the applicable requirements for zoning relief. The Town's position that the Board of Health may nevertheless regulate, condition, or prohibit aspects of the Project under G.L. c. 111, §§ 122, 123, and 143 creates precisely the type of local-agency impediment that Section 118(b)(v) is designed to address.

The Board of Health asserted regulatory authority that, if exercised adversely, could prevent construction from proceeding.

The Town has already taken the position that operation of the Project would constitute a noisome trade and therefore fall within the Board of Health's jurisdiction. In the zoning exemption proceeding, the Town stated that the Oakham Board of Health's review led it to suspect that the BESS facility would result in a public nuisance, be harmful to inhabitants, injurious to estates, or dangerous to public health, citing alleged concerns regarding constant

industrial noise, potential toxic exposure from construction activities, transportation hazards, and fire risk. The Town further asserted that no activity that may constitute a noisome trade may proceed in a municipality unless the Board of Health, after a public hearing, has assigned a location for the facility. (Exh. OAK-MB at 9-11). The Town later submitted comments on the Tentative Decision attaching the Oakham Board of Health's assertion of jurisdiction under G.L. c. 111, § 143 over the proposed BESS facility as a potential noisome trade. (Oakham BOH Comments). These assertions target core construction and operational elements of the Project, including ground disturbance, site cleanup, noise, alleged nuisance conditions, and unsubstantiated claimed public-health impacts.

That asserted Board of Health authority materially puts construction at risk. The Project cannot be constructed if a local agency with asserted permitting or prohibitory authority conditions, denies, or withholds the authorization it claims is necessary for the Project to proceed. The risk is heightened by the composition and demonstrated views of the Board of Health. Two of the three Board members have already opposed the Project in the Siting Board proceeding. One Board member was granted limited participant status as an abutter and filed briefs opposing the Project, while another sought participant status and submitted numerous comments opposing the Project. In light of those facts, the majority of members of the Board of Health already oppose the Project. The Certificate provisions are designed to address precisely this kind of local obstruction. Accordingly, the Board of Health's jurisdictional position independently triggers Section 118(b)(v).

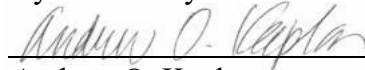
V. CONCLUSION

For all the foregoing reasons, Moraga respectfully requests that the Siting Board approve this Initial Petition, accept the Company's Application for a Certificate pursuant to Section 118 of the 2024 Climate Act, and to defer a decision on the merits of the Initial Petition until the hearing on the Application.

Respectfully submitted,

Moraga Storage LLC

By its attorneys

A handwritten signature in cursive script, appearing to read "Andrew O. Kaplan", is written over a horizontal line.

Andrew O. Kaplan

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Dated: June 30, 2026

List of Attachments¹⁶

INITIAL PETITION	
ATTACHMENT IDENTIFIER	CONTENTS OF ATTACHMENT
Attachment A	Moraga Storage, LLC Notice of Intent Submitted to the Oakham Conservation Commission on May 12, 2026.
Attachment B	Oakham Conservation Commission, Enforcement Order against the Moraga Storage, LLC and ZOVL Properties, LLC, dated April 7, 2026.
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Attachment G	Reply Brief of Limited Participants Vincent Piucci and Barbara Piucci in EFSB 25-07 dated April 24, 2026.
Attachment H	Compiled Comments of Lucille DiLeo in EFSB 25-07.
Attachment I	Draft of Company's proposed Certificate of Environmental Impact and Public Interest
Attachment J	Letter Providing Notice Pursuant to 980 CMR 6.02(2)(b).
Attachment K	April 15, 2026 Email from Massachusetts Department of Environmental Protection to the Company Regarding Request for Determination of Applicability - 358 Coldbrook Road, Oakham
APPLICATION	
Attachment L	A 1:24,000 scale United States Geologic Survey (USGS) topographical map with transparent overlays showing the boundaries of the site and the precise location of the subject facility
Attachment M	Aerial Locus Map
Attachment N	Existing Conditions Map

¹⁶ This is a complete list of the attachments to both the Initial Petition and the Application.