

Lucille A. DiLeo
325 East Hill Road East
Oakham, MA 01068

June 9, 2025

sitingboard.filings@mass.gov

RE: Energy Facilities Siting Board (EFSB)
Docket Number EFSB25-07
Location: 358 Coldbrook Road, Oakham, MA

Dear Members of the Energy Facilities Siting Board:

My husband and I have been residents in Oakham since 2016. We built our retirement home here with the expectation that we would live our senior years in a quiet environment surrounded by nature, wildlife and friends. We understand life has many unplanned events. However, a 180-megawatt Battery Energy Storage System (BESS) in our town surpasses any unexpected occurrence. Since this matter falls within your jurisdiction, I read your website.

As quoted in your website, one of your purposes is to protect and serve the citizens of the Commonwealth. It states you serve "Communities and residents by ensuring that approved facilities have minimized environmental impacts such as air emissions, noise, traffic, waste, electric and magnetic fields, wetlands and water quality degradation, visual intrusions, and risks to public health and safety." The above referenced docket number is a real challenge to that task. I read the petition, and I read the public comments filed in this docket. I strongly agree with my fellow town members and Acorn, Inc. I am not going to restate the objections that have already been declared.

Instead, this letter asks you to focus on history and discover the connection of the taking of land for the development of the Quabbin Reservoir and our town. In 1927 the state Legislature condemned the towns in the Swift River Valley to provide a water supply to the greater Boston Metropolitan area that was rapidly being developed without a water supply. The Swift River Valley towns' inhabitants were evicted from their homes to erect the Quabbin Reservoir. That very water supply is connected to our Ware River Watershed. In the 1930s, the Commonwealth bought the land in Oakham's Coldbrook Springs Village as part of the Quabbin Reservoir project to create a watershed for the Ware River. It was specifically done to provide a clean watershed area for the upper Ware River and to supply drinking water to the Boston area. This project involved the construction of an underground aqueduct, and displaced 600 people in Oakham, Barre, and Rutland. If you walk in that area, you will see remains of residential foundations. The land purchase was put under the jurisdiction of the Department of Conservation and Recreation (DCR). The DCR has strict guidelines and regulations for the use of

that land. I encourage you to review their website. <https://www.mass.gov/locations/ware-river-watershed>. The land is mainly a dense forest of approximately 23,000 acres with wetlands. The site for this proposed BESS is within the Ware River Watershed and is surrounded by this DCR property.

This petitioner claims that a BESS is safe. They cannot predict the future of their project with any degree of certainty. There is no guarantee it will not dysfunction and cause a catastrophic event. There is no reasonable fact to justify placing the Ware River Watershed and the DCR forest at significant risk of loss and potential contamination.

Quabbin Reservoir was created to provide a water supply to the millions of people in the greater Boston area. Presently, it is the largest inland body of water in Massachusetts with a variety of lovely wildlife inhabitants. It is protected by strict regulations of its use. 100 years later, the citizens of the Commonwealth need electricity. Governments here and abroad are doing what they believe is a solution to energy demands. However, BESS technology poses a problem, namely, the lack of safety. A dysfunctional BESS would essentially evict all its abutting and surrounding neighbors. In view of this danger, residential and forest areas and an intentionally man-made watershed are not suitable for the placement of a BESS. Why gamble with something that started over 100 years ago and continues today for the benefit of millions of people. There are alternative locations available.

As you are aware, Oakham has a zoning by-law that expressly prohibits a freestanding BESS. Our town passed this by-law to protect its residents from the dangers of a BESS. Massachusetts General Laws Chapter 40 A, section 3 states, "No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare." We are doing our role in protecting residents, conserving dense forestland with all its inhabitants, and continuing to enforce safety measures in protecting the purpose and function of the Quabbin Reservoir and the Ware River Watershed from suffering any irreversible, hazardous harm. I am respectfully requesting that you also do your role in your commitment to the communities and residents and deny this petition. Thank you for your time and consideration.

Respectfully,
Lucille A. DiLeo

As a concerned resident, I believe that this project poses significant risks and challenges that warrant careful consideration. The proposed project threatens to disrupt local ecosystems, potentially causing irreversible harm to the natural habitats and a major water supply. Massachusetts has made commendable strides in promoting sustainability and environmental protection, and approving this project would undermine those efforts. The site chosen for development is in the Ware River Watershed, and abuts land owned by the Department of Conservation and Recreation (DCR).

The DCR website proudly states: “DCR owns approximately 23,000 acres in the Ware River watershed. Located in Central Massachusetts between the Quabbin Reservoir and the Wachusett Reservoir, the Ware River watershed is the land and water which drains to the MWRA diversion facility on the Ware River in Barre. The water that enters the intake travels to either the Quabbin Reservoir or Wachusett Reservoir through an underground tunnel, the Quabbin aqueduct. The watershed includes some or all of Barre, Hubbardston, Oakham, Phillipston, Princeton, Rutland, Templeton, and Westminster”.

In addition, DCR states: “The primary purpose of DCR watershed lands is drinking water supply. Public access, therefore, is carefully regulated and controlled to protect over 3 million people’s source of drinking water.” In view of DCR’s own statement, it is beyond comprehension that anyone can think of locating a Battery Energy Storage System (BESS), with their history of unextinguishable fires, in this location. There are no easily accessible roads in that DCR property. In the event of a fire, fire trucks would not be able to access the vast acreage. How does one extinguish a fire affecting 23,000 acres if you have minimal access? Furthermore, how do you decontaminate the water supply? What do the 3 million residents do for water?

The recent BESS fire at Moss Landing, Monterey County, California in January 2025 is an illustration of the lack of safe technology. As quoted in the New York Times on February 10, 2025, “Last month a battery-storage plant went up in flames and burned for days, prompting the evacuation of more than 1,000 residents and

shutting down local schools. Residents have reported feeling ill, and many of them worry that the fire polluted the air, soil and water with toxins.” The long-term effects of the toxic fumes and heavy metals released during this disaster are not yet known. We cannot ignore the reality that the technology for a safe BESS does not yet exist.

The petitioner listed four possible locations in their petition. In the three other locations, the petitioner considered the effect on the residents in those locations. However, in the Oakham location, there is a glaring omission of residents even existing. This BESS would be in a rural, residential neighborhood. The elementary school is only 2,112 feet from the site. The town buildings that house our Highway, Police and Fire Departments, the Town Hall and Town Library, and a church are only 4,224 feet from the site. In the event of a runaway fire, all the buildings just listed would be evacuated. Residents and our town would be absolutely devastated with an uncertain future when people could return to their homes and when the town could become operational.

The statements above are just a few of the problems with this BESS. I respectfully request that the Massachusetts Energy Facilities Siting Board (EFSB) deny the petitioner’s proposal. The potential risks far outweigh any purported benefits, and it is our collective responsibility to protect Massachusetts' environment and communities now and for future generations. I trust the EFSB Committee will carefully consider these points and act in the best interest of our town and the state. I trust the EFSB will carefully evaluate all credible evidence and conclude that this location does not provide an equitable distribution of environmental burdens and benefits; and the proposed use of the parcel is not reasonably necessary for the convenience of or welfare of the public.

Thank you for your time and consideration in this matter.

Lucille DiLeo
325 East Hill Road East, Oakham, MA 01068

Lucille A. DiLeo
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Oakham, MA 01068
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October 24, 2025

Daniel W. Keleher, Presiding Officer
Energy Facilities Siting Board
Department of Public Utilities, Siting Division

RE: Request to be granted Limited Participant Status in
Docket number: ESFB 25-07

Dear Hearing Officer Keleher:

My name is Lucille A. DiLeo. My husband and I reside at 325 East Hill Road East, Oakham, MA. In 2021 we encountered the threat of the construction of a 100 MW Battery Energy Storage System (BESS) to be built directly across the street from our home. Our surrounding neighbors joined together to learn as much as possible about a BESS. Our immediate neighbor joined us in retaining legal counsel to assist us in defending our rights and property. Fortunately, the proponent for that BESS elected to abandon their idea. As a result of this threat, our town Planning Board drafted a bylaw prohibiting the placement of a stand-alone BESS in our town. The town voted overwhelmingly for the bylaw. As you know, this bylaw was approved by our then Attorney General in 2023.

As a practicing attorney, you can appreciate the desire to assist people in need of legal services. The empathy I feel for the abutters of this proposed BESS is compelling me to assist them. The fear they have is very evident in their eyes. The possibility that their lives they created is being threatened by an outside entity which has nothing to lose. These people have everything to lose. They are unable to retain legal counsel to represent them. I have a legal background. However, I no longer have a license to practice law in

Massachusetts. I have no intention of representing anyone. I am retired. My intention is to assist the abutters with educating them as they proceed in this adjudicatory process and decipher legal jargon to laymen terms. I spend cold weather months in Florida. I have ZOOM capabilities and would be available to them. I do not think it is prudent for me to rely on receiving information from the abutters. They are laypeople without the experience or knowledge of how a trial is conducted with time sensitive deadlines. As a limited participant, I would receive all relevant information in a timely manner. Eliminating the time it takes for all correspondence from the abutters to me is extremely important. In conclusion, I am respectfully requesting you agree with my position and grant my request.

Very truly yours,

Lucille A. DiLeo

Lucille A. DiLeo

From: [Lucille DiLeo](#)
To: [DPU Efiling \(DPU\)](#)
Subject: Docket Number EFSB 25-07
Date: Tuesday, October 28, 2025 4:21:23 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madam: On Friday, October 24, 2025 I sent, via email, a request to be considered for Limited Participation Status. The email was sent to you, Hearing Officer Keleher and the petitioner's counsel, Andrew Kaplan. As of today, October 28, 2025 my request has not been docketed. Kindly advise as to whether or not you received my email. In the event, I do not receive your response on the 29th, I will resend my request. Thank you. Very truly your,
Lucille A. DiLeo

From: [Wang, Wayne \(DPU\)](#)
To: [Keleher, Daniel W \(DPU\)](#); [DPU Efiling \(DPU\)](#)
Subject: FW: Public Comment for Docket Number EFSB25-07
Date: Thursday, November 6, 2025 3:38:26 PM

From: Lucille DiLeo <lucilledileo@yahoo.com>
Sent: Thursday, November 6, 2025 3:37 PM
To: Wang, Wayne (DPU) <Wayne.Wang@mass.gov>
Cc: Lucille DiLeo <lucilledileo@yahoo.com>
Subject: Public Comment for Docket Number EFSB25-07

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Mr. Wang: Kindly accept this email for filing as a Public Comment in Docket Number EFSB25-07.

The proposed construction of a 180 MW BESS in Oakham on property, that has 3 certified vernal pools on it, borders the protected Ware River Watershed and, abuts 23,000 acres of land managed by the Department of Conservation and Recreation with strict guidelines to protect our water and wildlife, is contrary to and undermines this plan.

The Healey-Driscoll administration on Aug. 21 unveiled a 25-year plan focused on protecting and restoring nature and biodiversity across Massachusetts.

The administration said the plan, “[Biodiversity Conservation Goals for the Commonwealth](#),” is designed to rebuild nature, sustain the health and well-being of residents, improve access to fresh food, and enhance the overall quality of life and economy for everyone.

Gov. Maura Healey made the announcement at Mass Audubon’s Long Pasture Wildlife Sanctuary in Barnstable, where local leaders and supporters gathered in one of Cape Cod’s most valuable ecosystems, the Barnstable Great Marsh.

The administration also announced its intention to join the [International Union for Conservation of Nature](#) — becoming the first state to join — to deepen the state’s commitment to national and global leadership on conservation. Massachusetts is also one of three states to join in the United Nations [High Ambition Coalition for Nature and People](#).

“Our lands, waters and wildlife are at the heart of what makes Massachusetts so special,” Healey said in a prepared statement. “Protecting them isn’t optional — it’s essential.”

Lt. Gov. Kim Driscoll added that “strong local economies are built on the foundations of healthy communities.”

Climate Chief Melissa Hoffer emphasized the natural environment’s role as the “first line of defense against the impacts of climate change.”

“The more biodiverse our forests, wetlands, and marine environments are, the more resilient they are,” she said.

Following Gov. Healey’s [Executive Order No. 618](#), the Massachusetts Department of Fish and Game engaged state agencies, municipalities, Tribes, and community partners to develop a whole-of-government approach to biodiversity.

This is the first time a state has comprehensively set biodiversity targets for 2030, 2040 and 2050, including for coastal and marine habitats. The plan sets ambitious targets to restore 75% of the state’s most important habitats for wildlife by 2050.

Energy and Environmental Affairs Secretary Rebecca Tepper said a “long-term plan to protect these resources is essential.”

“Acting now,” she said, “helps us avoid much higher costs in the future and ensure a better quality of life.”

Program goals

Biodiversity is declining at an unprecedented rate, according to the administration. In just one generation, we have lost over 3 billion birds in North America and seen the decline of iconic species like Atlantic cod and the monarch butterfly.

The biodiversity plan is structured around four key goals — Protect, Restore, Sustain and Connect — each defining specific strategies for action by 2030, 2040 and 2050. The plan also includes governance and innovative funding models to drive action.

The protection goals include preserving 30% of Massachusetts’ lands and waters by 2030 and 40% by 2050, focusing on the most important habitats for wildlife; protecting over 425,000 acres of essential habitats; establishing natural corridors that enable safe movement for fish and wildlife; supporting designation of Cashes Ledge as a National Marine Sanctuary; and reducing pollution, pesticides, and plastics.

Restore goals call for revitalizing essential habitats, enhancing river ecosystems, upgrading 2,500 culverts by 2050 to support wildlife while reducing flooding risks, restoring marine habitats such as salt marshes, and streamlining permitting to advance projects that have immediate benefits for biodiversity and resilience.

Sustain goals include fostering local farming, foraging, and fishing practices, and investing in working waterfronts and marine habitat restoration.

Connect goals include building community gardens, parks, and green spaces in every neighborhood to bolster wildlife and pollinator populations; launching a Nature in the Schools initiative to engage young people in environmental stewardship; and identifying licenses and trainings needed to launch the next generation of the conservation and restoration workforce.

To kick off this initiative, Massachusetts is launching a new public-private Biodiversity Partnership to protect the state's land and water, with Mass Audubon as the first partner. Mass Audubon is making a \$5 million investment to support Massachusetts in achieving the "30 by 30" goal of safeguarding 30% of the state's natural areas by 2030.

Additionally, the state is investing \$4 million from capital funding, part of which will go toward establishing the Local Biodiversity Grant Program, which will provide funding for municipalities, Tribes, nonprofits and community organizations to enhance conservation efforts, as well as for marine habitat restoration.

At the announcement event on Aug. 21, Fish and Game Commissioner Tom O'Shea noted that the grant program "brings biodiversity into local cities and towns and neighborhoods."

The administration's recently proposed [Mass Ready Act](#) includes \$370.5 million for land protection and biodiversity, and \$20 million for advancing the biodiversity goals for the Commonwealth. The bill also includes \$5 million to restore important marine habitats to support the state's "blue economy," coastal resilience, and carbon sequestration.

Thank you for your attention to this matter. Sincerely, Lucille A. DiLeo,
resident of Oakham, MA

From: [Keleher, Daniel W. \(DPU\)](#)
To: [DPU Efiling \(DPU\)](#)
Subject: RE: Oakham BESS Project (EFSB 2025-07)--RULING, ACCOMPANYING PROCEDURAL DOCUMENTS, and ANNOUNCEMENT OF PROCEDURAL CONFERENCE ON MONDAY, DECEMBER 8, 2025
Date: Wednesday, December 3, 2025 8:46:45 PM
Attachments: [Ruling on Petitions to Intervene and to Participate on a Limited Basis FINAL 12.3.2025.pdf](#)

Dear Ms. DiLeo:

Your Petition for Limited Participant Status has been denied. Attached is the following document announcing the denial:

1. Ruling on Petitions to Intervene and on Petitions for Limited Participant Status.

All documents issued by the Siting Board and filed by the parties will be posted on the Siting Board's file room website:

<https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dockets/docket/12514>.

Very truly yours,

Daniel W. Keleher
Presiding Officer, Energy Facilities Siting Board
Department of Public Utilities, Siting Division
One South Station
Boston, MA 02110
617-305-3623 (office)
daniel.w.keleher@mass.gov

From: [Lucille DiLeo](#)
To: [Keleher, Daniel W \(DPU\)](#)
Cc: [Greene, Andrew \(DPU\)](#); [Evans, Joan \(DPU\)](#); [Wang, Wayne \(DPU\)](#); [Cheng, Caleb T \(DPU\)](#); [Loe, Claire \(DPU\)](#); [Mengesha, Yonathan \(DPU\)](#); ["13michellebertrand@gmail.com"](#); [DPU Efiling \(DPU\)](#); ["akaplan@pierceatwood.com"](#); ["ealbert@pierceatwood.com"](#); ["pconnolly@pierceatwood.com"](#); ["nsalalayko@pierceatwood.com"](#); ["gpucci"](#); ["Mcecil@k-plaw.com"](#); ["mbertrand.oakham@gmail.com"](#); ["scorey1@worcester.edu"](#); ["microstang@gmail.com"](#); ["saupe@me.com"](#); ["dee9316@icloud.com"](#); ["erb2820@hotmail.com"](#); ["kmd766@yahoo.com"](#); ["aaronlanglois@me.com"](#); ["Spworcester@aol.com"](#); ["bpiucci@gmail.com"](#); ["vpiucci@charter.net"](#); ["Spshays@verizon.net"](#); [kreich](#); [ferrey.steven@gmail.com](#)
Subject: Docket No. EFSB25-07 Procedural Irregularities
Date: Thursday, December 18, 2025 6:26:23 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Hearing Officer Keleher: On December 12, 2025 you ordered the Company to provide you with a memorandum on their position on why they must have a decision by June 30, 2026. Their deadline was December 16th. None of the Intervenor received the memorandum you ordered from the Company, if one was ever submitted. On December 16th, you pre-emptively issued your Procedural Memorandum dated December 16, 2025. In your Procedural Memorandum you continued with the June 30, 2026 deadline. To date, the only reason the June 30, 2026 date is relevant is based upon the Company's unsupported desire to submit an application for a Certificate of Environmental Impact and Public Interest. In my letter to you dated December 17, 2025, I stated the Company does not qualify to submit said application. On December 17th due to your order, a scheduling meeting was held at 1:00 PM. The parties worked diligently in an attempt to arrive at an agreed upon schedule. At one point during the discussion, the letter I sent to you the morning of December 17, 2025 was raised. One of the attorneys for the Company stated that I was "right". In addition, at the scheduling hearing, the Company's attorney stated all their testimony from experts and the Company are already in the docket because they were filed as exhibits along with their Petition in March 31, 2025. He also stated the Company was prepared for an evidentiary hearing on March 31, 2025 when they submitted their petition. Your appointment as hearing officer was not docketed until some time in September, 2025. Your decision on who could be an Intervenor issued on December 3, 2025.

In summary, the current procedural rules apply to this petition. For your convenience, attached below is your response to my inquiry about that. The petition was filed on March 31, 2025. The Company was already prepared for the evidentiary hearing. Your assignment as the Hearing Officer was not known until September, 2025. There was a significant delay by the EFSB in assigning a Hearing Officer. Your decision on who could be an Intervenor was issued December 3, 2025. The Company has not provided any documentation supporting their need to have a decision by June, 2026. The Company does not qualify to file an application for Certificate of Environmental Impact and Public Interest. The Intervenor began this process after your December 3, 2025 decision. The Company had a lead time of a minimum of nine months over the Intervenor. Due to the

above-mentioned facts stated, I contend it would be highly prejudicial to the Intervenor, if the June 30, 2026 deadline remains. I respectfully request that you exercise your authority on scheduling a fair hearing. Respectfully submitted, Lucille A. DiLeo

Ms. DiLeo:

Here is a link to the Board's current regulations. <https://www.mass.gov/law-library/980-cmr> The current regulations will continue to apply to this proceeding even after the new regulations become effective. If you successfully intervene in this matter, I will provide you with additional information about the procedures we follow as we go along. The two most relevant sections are 980 CMR 1.00 and 980 CMR 2.00.

Daniel Keleher

Daniel W. Keleher

Presiding Officer, Energy Facilities Siting Board

Department of Public Utilities, Siting Division

One South Station

Boston, MA 02110

781-354-1779 (office)

daniel.w.keleher@mass.gov

From: [Lucille DiLeo](#)
To: [Greene, Andrew \(DPU\)](#); [Evans, Joan \(DPU\)](#); [Wang, Wayne \(DPU\)](#); [Cheng, Caleb T \(DPU\)](#); [Loe, Claire \(DPU\)](#); [Mengesha, Yonathan \(DPU\)](#); [13michellebertrand@gmail.com](#); [DPU Efiling \(DPU\)](#); [akaplan@pierceatwood.com](#); [ealbert@pierceatwood.com](#); [pconnolly@pierceatwood.com](#); [nsalalayko@pierceatwood.com](#); [gpucci](#); [Mcecil@k-plaw.com](#); [mbertrand.oakham@gmail.com](#); [scorey1@worcester.edu](#); [microstang@gmail.com](#); [saupe@me.com](#); [dee9316@icloud.com](#); [erb2820@hotmail.com](#); [kmd766@yahoo.com](#); [aaronlanglois@me.com](#); [Spworcester@aol.com](#); [bpiucci@gmail.com](#); [vpiucci@charter.net](#); [Spshays@verizon.net](#); [kreich](#); [Keleher, Daniel W \(DPU\)](#)
Subject: Docket No. EFSB 25-07 Procedural Memorandum December 16, 2025
Date: Wednesday, December 17, 2025 7:50:27 AM
Attachments: [Certificate or environmental impact and public need 980CMR6.00.pdf](#)
[980 CMR 6.00 was not amended to include BESS.pdf](#)
[Massachusetts Municipal Association \(MMA\) EFSB updated draft regulations for large projects.pdf](#)

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Dear Hearing Officer Keleher: I read with dismay your Procedural Memorandum issued on December 16, 2025. Although you have the authority to set the scheduling for the hearing, you must support your decision with facts and appropriate regulations. The current regulations apply to this application, not the proposed changes. Attached hereto is from the Handbook of the Massachusetts Municipal Association dated September 25, 2025. It has starting dates for the new regulations. Next, attached hereto please find 980 CMR 6.00 which defines applicants for a Certificate of Environmental Impact and Public Interest are electric, gas or oil companies. The Company, Moraga Storage, LLC does not qualify. It registered with the Secretary of State Corporation division on March 26, 2025 as a renewable energy company. 980 CMR 6.00 was not amended to include battery energy storage systems. Attached is a statement to support my position. The EFSB clearly recognized that fact in its draft of new regulations. In conclusion, in your Memorandum you clearly state, " See 980 CMR 1.04(2) (Presiding Officer shall have the authority to take all actions necessary to ensure a **fair**, (emphasis added) orderly and efficient proceeding)." Kindly update your Memorandum to reflect a fair hearing by applying the aforementioned appropriate regulations.

Respectfully submitted,
Lucille A. DiLeo

980 CMR: ENERGY FACILITIES SITING BOARD

980 CMR 6.00: CERTIFICATION OF ENVIRONMENTAL IMPACT AND PUBLIC NEED

Section

- 6.01: General
- 6.02: Initial Petition
- 6.03: The Application
- 6.04: Conduct of Hearings
- 6.05: Council Decisions
- 6.06: Emergencies

6.01: General

(1) Scope. 980 CMR 6.00 shall apply to complaints to the Council from the actions of other state and local agencies. Such complaints are provided for by M.G.L. c. 164, §§ 69K through 69O and are entitled applications for Certificates of Environmental Impact and Public Need.

(2) Statutory Authority. 980 CMR 6.00 is promulgated pursuant to M.G.L. c. 164, ss. 69H, 69K-69O.

(3) Definitions. For purposes of 980 CMR 6.00 the definitions set forth in 980 CMR 1.03(3) and 6.01(3) apply, unless the context or subject matter requires a different interpretation.

Applicant means an electric, gas or oil company which is authorized pursuant to 980 CMR 6.02(4) to file an application.

Application means an application for a Certificate.

Certificate means a Certificate of Environmental Impact and Public Need.

Final decision means an action by a state or local agency which is subject to judicial review pursuant to M.G.L. c. 30A, § 14 or pursuant to any other general law or statute of the Commonwealth.

Subject Facility means the facility which is the subject of an initial petition or application.

Permit means a permit, license, approval, certificate, consent or other permission required for an applicant to construct, operate or maintain a facility.

(4) Application of 980 CMR 1.00 and 2.00. 980 CMR 1.00 and 2.00 shall apply to 980 CMR 6.00 except to the extent that 980 CMR 1.00, 980 CMR 2.00 and 980 CMR 6.00 are in conflict. In the event of a conflict, 980 CMR 1.00 shall prevail over 980 CMR 2.00 and 980 CMR 6.00 shall prevail over 980 CMR 1.00 and 2.00.

6.02: Initial Petition

(1) Basis for Petition. Any electric, gas or oil company which proposes to construct or operate a facility may petition the Council for a Certificate of Environmental Impact and Public Need with respect to such facility. Such initial petition shall assert one or more of the grounds set forth in 980 CMR 6.02(2).

No petition asserting grounds specified in 980 CMR 6.02(2)(a), 6.02(2)(c), 6.02(2)(d), 6.02(2)(e), and 6.02(2)(f) with respect to the action of a state or local agency shall be brought until a final decision has been rendered by the agency in question. No petition asserting such grounds with respect to an action of a local agency shall be brought until the petitioner has exhausted any appeal to a state agency provided by statute.

A petitioner complaining of the final decision of an agency shall prepare and provide a full record of such agency decision. Where adjudicatory proceedings have been conducted, the petitioner shall request that the agency issue findings of fact and conclusions of law and shall provide these to the council.

980 CMR: ENERGY FACILITIES SITING BOARD

6.02: continued

(2) Grounds for Petition.

- (a) The company may assert that it is prevented from building a subject facility because it cannot meet standards imposed by a state or local agency with commercially available equipment.
- (b) The company may assert that it is prevented from building a subject facility because the processing or granting by a state or local agency of any permit has been unduly delayed. In determining whether undue delay has occurred, the Council may consider the amount of time normally required by the agency or similar agencies to resolve issues of similar complexity and importance, and whether the delay is due to the failure of the company to supply information to the agency necessary for processing or granting the permit. No petition shall be heard pursuant to 980 CMR 6.02(2) until at least 30 days after the company has notified the agency by certified mail that it intends to submit a petition to the Council.
- (c) The company may assert that it believes there are inconsistencies among resource use permits issued by state or local agencies. In reviewing the initial petition, the Council may determine whether the belief is reasonable.
- (d) The company may assert that it believes that a non-regulatory issue or condition has been raised or imposed by a state or local agency. A non-regulatory issue or condition relates to matters not within the statutory jurisdiction of the agency in question. In reviewing the initial petition, the Council may determine whether the belief of the company is reasonable.
- (e) The company may assert that a state or local agency has imposed a burdensome condition or limitation on any permit which has a substantial impact on the Council's responsibilities. The Council may consider a condition or limitation to be burdensome if the resulting cost would be out of proportion to the cost of the facility or to the benefits to be gained from the condition or limitation. The denial of a permit may constitute a burdensome condition or limitation.
- (f) The company may assert that a subject facility cannot be constructed due to disapproval, condition or denial by a local government. 980 CMR 6.02(2) shall not apply to lands or interests therein, excluding public ways, owned or managed by any state agency or local government. 980 CMR 6.02(2) shall not be construed to give the Council authority to override any zoning by-law in effect on the date when a notice of intention is filed as provided by 980 CMR 8.02(1).

(3) Form of Initial Petition; Notice. An initial petition shall be an initial pleading in the form required by 980 CMR 1.03(4). The petition may include such attachments as the petitioning company deems useful. The petitioning company shall be required to give notice as provided in 980 CMR 1.03(2).

(4) Action on the Initial Petition. Upon receipt of an initial petition, the Council or Chairman shall within seven days determine whether to hold a separate hearing on the grounds asserted in the petition or to accept an application pursuant to 980 CMR 6.03(1), and to defer decision on the merits of the grounds asserted in the initial petition until the hearing on the application.

A separate hearing, if held, shall be an adjudicatory proceeding and shall be subject to 980 CMR 1.00. After determining pursuant to 980 CMR 6.00 that a separate hearing on grounds should be held, the Council shall immediately schedule a hearing to be held no more than 30 days after the date notice is given pursuant to 980 CMR 6.02(3). The Council shall render a decision no more than 14 days after the conclusion of the hearing. Should the Council determine that valid grounds do not exist, its ruling shall be immediately appealable.

6.03: The Application

(1) Basis for the Application. If an initial petition filed pursuant to 980 CMR 6.02(1) is granted or if a decision on a petition is deferred as provided by 980 CMR 6.02(4), the petitioning company may file an application for a Certificate of Environmental Impact and Public Need. In any event the initial petition and application shall be given the same docket number. Each separate facility shall require a separate application. The Council may in its discretion consider applications in a single proceeding.

980 CMR: ENERGY FACILITIES SITING BOARD

6.03: continued

When adjudicatory findings of fact in the context of a final decision made by an agency within the statutory jurisdiction of said agency are challenged by an application, review by the Council of said findings shall be limited to the record presented before the agency; provided, however, that the Council may modify the agency findings of fact or substitute its own findings therefore if the Council determines that said agency findings are:

- (a) In excess of the statutory authority or jurisdiction of the agency;
- (b) Unsupported by substantial evidence;
- (c) Arbitrary or capricious or an abuse of discretion; or
- (d) Not sufficient to permit adequate Council review of the application pursuant to the Council's obligation to insure a necessary energy supply at the lowest possible cost with a minimum impact on the environment.

Any party wishing to challenge agency findings of fact shall specify which of grounds 980 CMR 6.03(1)(a) through 6.03(1)(d), is relied upon and shall state the substance of his claim, including citations to the portions of the agency record he relies upon.

In such cases, the Council may take evidence itself or remand questions of fact to the agency for further proceedings, consistent with the time limits set forth in M.G.L. c. 164, §§ 69K through 69O.

In reviewing facts found by an agency, the Council shall give due weight to the experience, technical competence and specialized knowledge of the agency. Nothing in 980 CMR 6.03 is intended to limit the authority of the Council to decide questions of fact not raised or decided in the context of the final decision of the agency.

(2) Notice; Service. The applicant shall at least seven days prior to the date of filing an application give notice to the Council by filing a notice as set forth in 980 CMR 1.02(2), to the agency complained of by first class mail, to such persons as are entitled to notice under M.G.L. c. 164, § 69L, para. B(1) by first class mail, and by publication in two newspapers of general circulation in the vicinity of the subject facility. The notice shall state the name and address of the applicant, the date on which the application will be filed, the name, location of and a description of the subject facility, the name or names and address or addresses of the agency or agencies complained of, the relief sought, the full name, address and telephone number of the Council, and the date when the application will be filed. The notice shall further bear the following statement:

"Persons desiring additional information should contact the Siting Council at the above address or telephone number. Persons wishing to be admitted as parties in interest to proceedings on the application should present a petition to the Council no later than ()."

In place of the parentheses should be inserted the date which is 30 days after the date of filing of the application. Finally, the notice should bear the following statement:

"A copy of the application may be inspected at the offices of the Siting Council, set forth above, or at ()." In place of the parentheses should be placed the name, address, and telephone number of a repository of documents chosen pursuant to 980 CMR 2.03(4).

The applicant shall insure that both the Council and a repository of documents possess complete copies of the application before giving notice. The repository shall be within a city or town containing the subject facility or within an adjacent city or town.

Failure to give service or notice as required by 980 CMR 6.03(2), may be cured by the Council upon motion by the applicant. The Council may, as a condition of granting the motion, require the applicant to consent to such measures as are necessary and appropriate in order to insure full and adequate participation and review by the public and agencies, including but not limited to waiving the limitation upon standing set forth in 980 CMR 1.05(2)(f) and delaying or reopening a hearing without regard to the time limitations set forth in any rule or statute.

(3) Form of Application. An application for a Certificate shall contain the following information:

- (a) In the case of an electric and gas company a copy of each long-range forecast and supplement in which the subject facility or its site was proposed, or, in the case of an oil company, a copy of an approved Notice of Intention;
- (b) A copy of the most recent approved long-range forecast, and a copy of all approved supplements thereto;

980 CMR: ENERGY FACILITIES SITING BOARD

6.03: continued

- (c) A copy of any forecast or supplement currently under consideration by the Council, but not yet approved;
 - (d) One or more 1:24,000 scale United States Geologic Survey (USGS) topographical maps with transparent overlays showing the boundaries of the site and the precise location of the subject facility. Additional USGS maps shall be provided if they depict land or waters within 8,000 feet of the site.
 - (e) Such other maps as may be appropriate;
 - (f) A detailed description of and plans for the subject facility;
 - (g) Photographs of the site and, if relevant, of the facility. (The photographs shall be accompanied by a description of the camera or cameras and lens or lenses used and by a map showing the points from which and direction in which the photographs were taken);
 - (h) Aerial photographs of the site;
 - (i) A copy of each study which the applicant has made of the environmental impact of the subject facility;
 - (j) A statement of the reasons for the choice of the location;
 - (k) A complete list of all licenses, permits and other regulatory approvals already obtained for the subject facility;
 - (l) A complete list of all other licenses, permits and approvals expected to be required for the subject facility. (The applicant shall indicate whether applications have been made and, if so, their status);
 - (m) A statement setting forth the applicant's need for a Certificate. (The applicant shall state which permit is sought from the Council and shall state the grounds for Council jurisdiction as set forth in 980 CMR 6.02(2). Two or more permits may be sought in one application, if valid grounds exist for each);
 - (n) A copy of every decision by and study by the agency or agencies complained of concerning the subject facility;
 - (o) If the subject facility is not included in a long-range forecast or supplement approved by the Council or is not the subject of an approved Notice of Intention, extensive evidence of future demand; and
 - (p) Such other information as the applicant deems relevant.
- (4) Affidavit. Each application for a Certificate shall be accompanied by an affidavit that notice has been given as required by 980 CMR 6.03(2).
- (5) Fees. Each application shall be accompanied by payment of a fee as herein provided, but in no event less than \$5,000.
- (a) For an electric Generating Plant, the fee shall be \$.04 per rated kilowatt electric of capacity, plus \$1,000 per ancillary substation, but in no event more than \$25,000.
 - (b) For an electric transmission line, the fee shall be \$.001 per rated volt of capacity per mile for that part of the line proposed for a new right of way, plus \$.0005 per rated volt per mile for that part of the line proposed for an existing right of way, plus \$1,000 per ancillary substation, but in no event more than \$25,000.
 - (c) For a gas pipeline, the fee shall be \$.00003 per rated pound per square inch of pressure capacity per cubic foot of volume contained for that part of the line proposed for a new right of way, plus \$.000015 per rated pound per square inch of pressure capacity per cubic foot of volume contained for that part of the line proposed for an established right of way, but in no event more than \$25,000.
 - (d) For a gas storage facility, the fee shall be \$.01 per rated million BTU's of capacity, but in no event more than \$25,000.
 - (e) For a gas manufacturing plant, the fee shall be \$1.00 per rated million BTU's per day of capacity, but in no event more than \$25,000.
 - (f) For an oil refinery, the fee shall be \$.25 per rated barrel per day of throughput capacity, but in no event more than \$25,000.
 - (g) For an oil storage or transshipment facility, the fee shall be \$.005 per rated barrel of storage capacity, but in no event more than \$25,000.
 - (h) For an oil terminal intended to handle water-borne shipments, the fee shall be \$.03 per rated barrel per day of throughput capacity, but in no event more than \$25,000.

980 CMR: ENERGY FACILITIES SITING BOARD

6.03: continued

(i) For an oil pipeline, the fee shall be \$.10 per cubic foot of volume contained for that part of the line proposed for a new right of way, plus \$.05 per cubic foot of volume contained for that part of the line proposed for an established right of way, but in no event more than \$25,000.

If two or more permits for a single facility are sought in a single application, only one fee shall be charged. If two or more applications are filed in regard to a single facility, the fee for the second and each subsequent application shall be one-half of the fee for the first application.

(6) Amendment of Application. An application may be amended by the applicant at any time prior to the entry of a final decision on the application by the Council. The Council shall take such measures as are necessary and appropriate to insure reasonable notice to parties, participating persons, persons entitled to notice pursuant to M.G.L. c. 164, § 69L, para. B(1), state and local agencies, and the general public. The Council may take such measures as are necessary and appropriate in order to insure full and adequate participation and review by the public and agencies, including but not limited to treating the amendment as a new initial petition or a new application for purposes of standing pursuant to 980 CMR 1.05(2)(f), for purposes of notice pursuant to 980 CMR 6.03(2), for purposes of the fee requirements of 980 CMR 6.03(5), and for purposes of the time deadline set forth in 980 CMR 6.05(1).

(7) Consolidation of Issues. To the extent that adequate grounds can be asserted pursuant to 980 CMR 6.02(2) and to the extent permitted by statute or 980 CMR 6.00, companies are encouraged to consolidate issues relating to more than one permit or agency in a single application.

6.04: Conduct of Hearing

(1) The Date of the Hearing. The Council or the Chairman shall set a time and place for an adjudicatory hearing after receipt of a complete application.

(2) Informational Hearing. The Council may conduct non-adjudicatory hearings in the vicinity of a subject facility after the filing of the application and before commencement of the adjudicatory hearing.

(3) Notice of Hearing; Written Comments. Notice of the hearing shall be provided as required by 980 CMR 1.03(3).

(4) Additional Information. The Council may during the course of any hearing held pursuant to this Chapter require the submission of such additional information and exhibits as the Council deems useful.

6.05: Council Decisions

(1) Time Limit. The Council shall vote a final decision no later than six months after the date of filing of an application.

(2) Lack of Majority. If a majority of Council members participating in the votes cannot be obtained for denying the application, granting the application, or granting the application subject to terms and conditions, the application shall be considered denied. Such a denial may be treated by the applicant at its option as a denial without prejudice to its right to file another initial petition in regard to the same matter or as a final agency action entitling it to judicial review.

(3) Form of Certificate. A decision shall be in writing and shall set forth its basis in law and fact. It shall include specific findings and opinion with regard to:

(a) The need for the facility to meet the energy requirements of the applicant's market area taking into account wholesale bulk power, gas or oil sales or purchases or other cooperative arrangements with other utilities or oil companies and energy policies as adopted by the Commonwealth;

980 CMR: ENERGY FACILITIES SITING BOARD

6.05: continued

- (b) The compatibility of the facility with considerations of environmental protection, public health and public safety;
- (c) The extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, bylaws, rules and regulations and reasonableness of exemption thereunder, if any consistent with the implementation of the energy policies contained in this act to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and
- (d) The public interest, convenience and necessity requiring construction and operation of the facility.

The Council shall state the extent to which the decision is or is not based upon the above findings and opinion.

If the application is granted, the Council's decision shall constitute a Certificate of Environmental Impact and Public Need. If the application relates to more than one permit, the Council may issue a Certificate with regard to all such permits or less than all. When issued, a Certificate shall serve in lieu of the permit in question.

The Certificate may, according to its terms, authorize the applicant to construct, operate or maintain a facility. It shall be sufficient to serve in lieu of the permit required from the agency complained of. The applicant shall not be required to reapply for the permit to the agency complained of, nor may the agency complained of impose or enforce any law, ordinance, by-law, rule or regulation in conflict with the terms of the Certificate.

(4) Amendment of a Certificate. Any party to a Certificate proceeding or aggrieved person may make application for amendment of a Certificate within 30 days after the granting of the Certificate, the application shall be made in the form of a motion pursuant to 980 CMR 1.04(3).

The Council may within 30 days after the motion deny the motion or schedule a hearing on it. If a hearing is scheduled, the Council shall take such measures as are necessary to insure full and adequate notice to, participation by and review by parties, the public and agencies.

(5) Federal Pre-emption. The Council shall not issue a Certificate the effect of which would be to grant or modify a permit which, if so granted or modified by the agency appealed from would be invalid because of a conflict with applicable federal laws and regulations.

(6) National Pollutant Discharge Elimination System Permit. If an application for a Certificate involves a National Pollutant Discharge Elimination System Permit, the applicant and the Council shall, in addition to complying with 980 CMR 6.00 and 980 CMR 1.00, comply fully with all requirements of M.G.L. c. 164, § 69M.

6.06: Emergencies

(1) Definitions. For purposes of 980 CMR 6.06 "emergency" means an accident, act of God or unforeseen condition which jeopardizes the health and safety of the public.

(2) Waiver of Requirements. When an emergency exists or has occurred, the Council may grant a Certificate to a company without requiring that the subject facility have been included in an approved long-range forecast or supplement or that a Notice of Intention have been approved by the Council.

REGULATORY AUTHORITY

980 CMR 6.00: M.G.L. c. 164, §§ 69H, 69K through 69O.

Question: Was 980 CMR 6.00 amended to include BESS

No, **980 CMR 6.00 was not specifically amended to regulate energy storage**; rather, the Massachusetts Energy Facilities Siting Board (EFSB) has proposed entirely **new regulations (980 CMR 13.00, 14.00, 16.00, and 17.00)** to specifically address the siting and permitting of clean energy infrastructure facilities, including energy storage. 980 CMR 6.00, titled "Certification of Environmental Impact and Public Need," traditionally applies to complaints and appeals regarding actions by other state and local agencies for facilities like electric transmission lines, gas pipelines, and oil facilities. It does not contain specific provisions for the technical aspects of battery energy storage systems (BESS).

The new regulatory framework, prompted by the 2024 Climate Act, creates specific rules for energy storage:

- **Large Storage Facilities:** The EFSB will use new regulation **980 CMR 13.00** for "large clean energy storage facilities" (those with a rated capacity of 100 MWh or more) to issue a single, consolidated permit.
- **Small Storage Facilities:** "Small clean energy storage facilities" (under 100 MWh) are being addressed through separate guidance and a model bylaw developed by the Department of Energy Resources (DOER), which aims to streamline local permitting processes.

These new regulations are expected to take effect for applications filed on or after July 1, 2026, and are designed to establish specific standards and procedures for the safe and efficient siting of energy storage systems.

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SEP

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2025

PUBLIC WORKS, ENERGY AND UTILITIES

Energy Siting Board releases updated draft regulations for large projects

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The Energy Facilities Siting Board has advanced draft regulations related to implementation of a clean energy and climate law passed last November, and the public comment period has begun.

The independent state board, supported administratively by the Department of Public Utilities, reviews proposals for power plants, electric transmission projects, intra-state gas pipelines, and

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**ECONOMIC AND
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Last year's [climate law](#) calls for the [Energy Facilities Siting Board](#) to play a key role in developing a new streamlined, consolidated application and review process for large and small clean energy infrastructure facilities. The law requires the state to promulgate regulations and guidance to implement the new siting and permitting policies by March 1, 2026.

The law requires the EFSB to begin accepting applications and reviewing proposals for large clean energy infrastructure facilities using this new framework starting on July 1, 2026.

The EFSB will be responsible for siting and permitting for clean energy generation projects over 25 megawatts (e.g., solar, wind), clean energy storage projects over 100 megawatt hours, and certain transmission and distribution projects. Projects under these size thresholds will be managed by the Department of Energy Resources' new permitting process, which is being developed concurrently ([See related story.](#))

Hearings scheduled

The EFSB and DPU has scheduled four hybrid public comment hearings on this regulatory effort:

- Oct. 27, 6-9 p.m., Greater New Bedford Regional Vocational Technical High School Auditorium, 1121 Ashley Blvd., New Bedford
- Oct. 29, 6-9 p.m., Berkshire Innovation Center, 45 Woodlawn Ave., Pittsfield
- Nov. 3, 6-9 p.m., 1 South Station (3rd floor, large hearing room), Boston

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Remote attendees can [register here](#).

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Comments

Initial written comments on the EFSB proposals are welcomed through Oct. 17. The final deadline for comments to the EFSB is Nov. 7.

Information about how to submit comments can be found on the EFSB's [rulemaking website](#).

More information about the clean energy siting and permitting reform process can be found on the [Energy Infrastructure Siting and Permitting Reforms website](#), and questions can be directed to energypermitting@mass.gov.

Written by [Josie Ahlberg, MMA Senior Legislative Analyst](#)



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From: [Lucille DiLeo](#)
To: [Keleher, Daniel W \(DPU\)](#); [Greene, Andrew \(DPU\)](#); [Evans, Joan \(DPU\)](#); [Wang, Wayne \(DPU\)](#); [Cheng, Caleb T \(DPU\)](#); [Loe, Claire \(DPU\)](#); [Mengesha, Yonathan \(DPU\)](#); [DPU Efilng \(DPU\)](#); [akaplan@pierceatwood.com](#); [ealbert@pierceatwood.com](#); [pconnolly@pierceatwood.com](#); [nsalalayko@pierceatwood.com](#); [gpucci](#); [Mcecil@k-plaw.com](#); [kreich](#); [Ferrey.steven@gmail.com](#); [13michellebertrand@gmail.com](#); [mbertrand.oakham@gmail.com](#); [scorey1@worcester.edu](#); [microstang@gmail.com](#); [saupe@me.com](#); [dee9316@icloud.com](#); [erb2820@hotmail.com](#); [kmd766@yahoo.com](#); [aaronlanglois@me.com](#); [Spworcester@aol.com](#); [bpiucci@gmail.com](#); [vpiucci@charter.net](#); [Spsays@verizon.net](#)
Subject: Failure to Respond to Intervenor Docket Number EFSB25-07
Date: Wednesday, January 14, 2026 5:36:30 AM
Attachments: [December 18, 2025 attachment.pdf](#)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Hearing Officer Keleher: It is with regret that this letter must be sent to you. According to your December 23, 2025 Procedural Schedule the Evidentiary Hearing begins on March 2, 2026. On December 31, 2025, counsel for the Intervenor requested a small change from that date to March 16, 2026 for a valid reason. The Intervenor is represented by two attorneys, Kenneth Reich and Steven Ferrey. Due to a conflict in Attorney Ferrey's schedule he will not be available on March 2, 2026. Therefore, a reasonable request was made to change the date of the Evidentiary Hearing to March 16, 2026. To date, the docket does not reflect a response from you to Attorneys Reich and Ferrey. Your failure to respond in a timely manner is just one more indication of procedure irregularities. For your convenience I am attaching hereto and incorporating herewith my letter to you dated December 18, 2025. (See attachment below.) Kindly remember the Company is represented by four attorneys. Attorney Reich's request to have two attorneys for the Intervenor should be granted by changing the date of the Evidentiary Hearing to March 16, 2026. There is no harm done to anyone with the date change. Respectfully submitted, Lucille A. DiLeo

- Dear Hearing Officer Keleher: On December 12, 2025 you ordered the Company to provide you with a memorandum on their position on why they must have a decision by June 30, 2026. Their deadline was December 16th. None of the Intervenors received the memorandum you ordered from the Company, if one was ever submitted. On December 16th, you pre-emptively issued your Procedural Memorandum dated December 16, 2025. In your Procedural Memorandum you continued with the June 30, 2026 deadline. To date, the only reason the June 30, 2026 date is relevant is based upon the Company's unsupported desire to submit an application for a Certificate of Environmental Impact and Public Interest. In my letter to you dated December 17, 2025, I stated the Company does not qualify to submit said application. On December 17th due to your order, a scheduling meeting was held at 1:00 PM. The parties worked diligently in an attempt to arrive at an agreed upon schedule. At one point during the discussion, the letter I sent to you the morning of December 17, 2025 was raised. One of the attorneys for the Company stated that I was "right". In addition, at the scheduling hearing, the Company's attorney stated all their testimony from experts and the Company are already in the docket because they were filed as exhibits along with their Petition in March 31, 2025. He also stated the Company was prepared for an evidentiary hearing on March 31, 2025 when they submitted their petition. Your appointment as hearing officer was not docketed until some time in September, 2025. Your decision on who could be an Intervenor issued on December 3, 2025.

In summary, the current procedural rules apply to this petition. For your convenience, attached below is your response to my inquiry about that. The petition was filed on March 31, 2025. The Company was already prepared for the evidentiary hearing. Your assignment as the Hearing Officer was not known until September, 2025. There was a significant delay by the EFSB in assigning a Hearing Officer. Your decision on who could be an Intervenor was issued December 3, 2025. The Company has not provided any documentation supporting their need to have a decision by June, 2026. The Company does not qualify to file an application for Certificate of Environmental Impact and Public Interest. The Intervenors began this process after your December 3, 2025 decision. The Company had a lead time of a minimum of nine months over the Intervenors. Due to the aforementioned facts stated, I contend it would be highly prejudicial to the Intervenors, if the June 30, 2026

deadline remains. I respectfully request that you exercise your authority on scheduling a fair hearing. Respectfully submitted, Lucille A. DiLeo

Ms. DiLeo:

Here is a link to the Board's current regulations. <https://www.mass.gov/law-library/980-cmr> The current regulations will continue to apply to this proceeding even after the new regulations become effective. If you successfully intervene in this matter, I will provide you with additional information about the procedures we follow as we go along. The two most relevant sections are 980 CMR 1.00 and 980 CMR 2.00.

Daniel Keleher

Daniel W. Keleher
Presiding Officer, Energy Facilities Siting Board
Department of Public Utilities, Siting Division
One South Station
Boston, MA 02110
781-354-1779 (office)

daniel.w.keleher@mass.gov

•

How many ex-parte correspondences have been filed by the Company to the EFSB? Here is one example.

980 CMR 1.00: RULES FOR THE CONDUCT OF ADJUDICATORY PROCEEDINGS

1.03 (8) Ex Parte Communications in Adjudicatory Proceedings.
(a) From the initial filing in an adjudicatory proceeding until the rendering of a final decision, no party or limited participant may communicate ex parte with the Presiding Officer, any board member or the Siting Board staff involved in the decision process for the adjudicatory proceeding regarding the merits of such adjudicatory proceeding.

Filed and docketed on February 27, 2026, In the Company's Response to the Town of Oakham Motion to Strike, the Company stated:

"On January 16, 2026, Moraga filed an unredacted version of the revised report to the Siting Board confidentially (emphasis added) along with a Motion for Protective Treatment of Confidential Information."

The docket fails to include the Company's Motion for Protective Treatment of Confidential Information. Furthermore, there is no docketed order from the Presiding Officer addressing this Motion.

980 CMR 1.03(4) Motions.

(a) Any party may request that the Presiding Officer take any action by filing a motion which clearly states the order or action sought and the grounds therefor. ... The Presiding Officer may require any oral motion made to be reduced to writing. **A copy of all motions made in writing or reduced to writing shall be served upon all parties in accordance with 980 CMR 1.03(4).**

It is unlikely that the Town of Oakham or the other Intervenors ever received that Motion for a Protective Order or the UNREDACTED VERSION OF THE COMPANY'S EXPERT TESTIMONY ON NOISE. YET THE EFSB HAS THE UNREDACTED REPORT.

EXECUTIVE ORDER

Executive Order No. 654: To Secure Massachusetts' Energy Future by Establishing an Energy Supply Plan that Drives Affordability and Reliability

DATE: 03/16/2026

ISSUER: Maura Healey

WHEREAS, to reduce energy bills for Massachusetts residents, promote energy independence, strengthen community resilience and meet growing electricity needs, Massachusetts must rapidly increase its energy resources;

WHEREAS, Massachusetts will need additional, diverse energy supplies, **storage**, and tools for reducing peak electricity...

WHEREAS, Massachusetts is actively procuring additional energy resources, **including energy storage**, ...from within Massachusetts and from other New England states and Canada;

NOW, THEREFORE, I, Maura T. Healey, Governor of the Commonwealth of Massachusetts, by virtue of the authority, vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

To advance grid readiness, affordability, and support the goals outlined in Section 1, the **DPU shall**:

1. Expedite the review of proposals that can unlock the benefits of time-of-use electricity rates, distributed energy resources, energy efficiency, and virtual power plants...

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.

From: [Lucille DiLeo](#)
To: [Keleher, Daniel W \(DPU\)](#); [Greene, Andrew \(DPU\)](#); [Evans, Joan \(DPU\)](#); [Wang, Wayne \(DPU\)](#); [Cheng, Caleb T \(DPU\)](#); [Loe, Claire \(DPU\)](#); [Mengesha, Yonathan \(DPU\)](#); [13michellebertrand@gmail.com](#); [DPU Efiling \(DPU\)](#); [akaplan@pierceatwood.com](#); [ealbert@pierceatwood.com](#); [pconnolly@pierceatwood.com](#); [nsalalayko@pierceatwood.com](#); [gpucci](#); [mcecil@k-plaw.com](#); [mbertrand.oakham](#); [scorey1@worcester.edu](#); [microstang@gmail.com](#); [saupe@me.com](#); [dee9316@icloud.com](#); [erb2820@hotmail.com](#); [kmd766@yahoo.com](#); [aaronlanglois@me.com](#); [spworcester@aol.com](#); [bpiucci@gmail.com](#); [vpiucci@charter.net](#); [spshays@verizon.net](#); [kreich](#); [ferrey.steven@gmail.com](#)
Subject: Presiding Hearing Officer Keleher"s letter re: proceeding
Date: Thursday, March 19, 2026 3:40:28 PM

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Just to clarify to all parties, this matter shall be conducted to the rules prior to the changes mandated in March 2026. Please read Hearing Officer Keleher' email in response to my inquiry in the Fall of 2025.

Ms. DiLeo:
Here is a link to the Board's current regulations. <https://www.mass.gov/law-library/980-cmr> The current regulations will continue to apply to this proceeding even after the new regulations become effective. If you successfully intervene in this matter, I will provide you with additional information about the procedures we follow as we go along. The two most relevant sections are 980 CMR 1.00 and 980 CMR 2.00.

[Daniel Keleher](#)

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