

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

	)	
Petition and Application of Hillman Energy Center	)	
Pursuant to Chapter 239 of the Acts of 2024,	)	EFSB 26-02
Section 118 for a Certificate of Environmental	)	
Impact and Public Interest	)	
	)	

**MOTION OF HILLMAN ENERGY CENTER, LLC REQUESTING THAT THE
ENERGY FACILITIES SITING BOARD ACCEPT ITS APPLICATION FOR A
CERTIFICATE OF ENVIRONMENTAL IMPACT AND PUBLIC INTEREST
PURSUANT TO SECTION 118 OF CHAPTER 239 OF THE ACTS OF 2024, AND
APPROVE SERVICE AND NOTICE SUBSEQUENT TO FILING ITS APPLICATION**

I. INTRODUCTION

Hillman Energy Center, LLC (“Hillman” or the “Company”) hereby requests that, pursuant to 980 C.M.R. §§ 1.02(1) and 1.06(3), and 980 C.M.R. § 6.03(2), the Energy Facilities Siting Board (the “Siting Board”): (1) accept the simultaneous filing of the Company’s Initial Petition and Application (the “Application”) for a Certificate of Environmental Impact and Public Interest (“Certificate”) pursuant to Section 118 of Chapter 239 of the Acts of 2024 and 980 C.M.R. §§ 6.00 et seq.; (2) defer a decision on the merits of its Initial Petition and determine those merits concurrently with its review of the Application; and (3) approve the Company’s provision of service and notice of its Initial Petition and Application after filing its Application with the Siting Board. For reasons discussed more fully below, there is good cause to approve this Motion because it will not prejudice any party, is consistent with statutory and regulatory requirements, and will facilitate a prompt and efficient review process for battery energy storage system (“BESS”) previously approved by the Siting Board as described further below.

II. BACKGROUND

The Company is seeking a Certificate that will include all state and local permits, approvals, licenses, certificates or other forms of authorization that are otherwise necessary to construct a 125 megawatt (“MW”)/ 500 megawatt-hour (“MWh”) BESS and related infrastructure (collectively, the “Project”). On June 30, 2026, the Siting Board voted to approve, with conditions, a comprehensive zoning exemption pursuant to G.L. c. 40A, § 3. Hillman Energy Center, LLC, EFSB 25-08, Tentative Decision (June 19, 2026) (the “Tentative Decision”). In the Tentative Decision, the Siting Board found that the Project is time sensitive and that delay could result in the failure to meet an energy storage procurement target of 5,000 MW by 2030 and an additional goal, through Executive Order No. 654, of 5,000 MW of energy storage either online or under development by 2035. Tentative Decision at 182. Accordingly, Hillman is filing both an Initial Petition and an Application simultaneously with this Motion in order to minimize administrative burdens and allow this proceeding to advance as expeditiously and efficiently as possible. As set forth in the Initial Petition and Application, a Certificate is necessary because, despite the Company’s good-faith and diligent efforts, the processing and granting of permits and approvals necessary to construct the needed Project have been unduly delayed and improperly conditioned.

III. ANALYSIS

The Siting Board’s enabling legislation and implementing regulations make clear that the Siting Board has broad discretion and authority to decide whether and when to accept Applications and to establish appropriate service and notice requirements thereafter “as it deems appropriate.” G.L. c. 164, § 69L(C); see 980 C.M.R. § 6.03(2) (lack of notice in accordance with regulations “may be cured by the [Siting Board] upon motion by the applicant”); 980 C.M.R. §

1.02(1) (“Where good cause appears, not contrary to statute, the [Siting] Board and any Presiding Officer may permit deviation from any rules contained in 980 CMR.”). The Presiding Officer may take all actions necessary to ensure a fair, orderly and efficient proceeding. 980 CMR 1.04(2). The Siting Board has previously used this authority to grant a similar motion by other applicants in similar circumstances in which a Certificate was sought. NSTAR Electric Company d/b/a Eversource Energy, EFSB 22-01, Ruling on Eversource’s (1) Motion Requesting That the Energy Facilities Siting Board Accept Its Application For A Certificate of Environmental Impact and Public Interest And Approve Service and Notice Subsequent to Filing Its Application; and (2) Request to Incorporate Evidentiary Records Into Record of This Proceeding (March 8, 2022); Vineyard Wind LLC, EFSB 19-05, Determination on Initial Petition for Certificate of Environmental Impact and Public Interest (July 31, 2019), Presiding Officer Stamp Approval of Motion to Serve and Notice Application for a Certificate Subsequent to Filing Application (August 7, 2019).

There is good cause here for the Siting Board to grant Hillman’s Motion to accept the simultaneous filing of the Company’s Initial Petition and Application and to defer a decision on the merits of its Initial Petition concurrently with its review of the Application. Due to the time limits imposed on Hillman under Section 118 of the Climate Act of 2024, which only permits the Company to petition for a Certificate *after* receipt of a zoning exemption and *prior* to July 1, 2026, Hillman is unable to provide the notice directed pursuant to 980 CMR 6.03(2) seven days prior to the date of filing the Application. Hillman only received approval of the Tentative Decision on June 30, 2026. Allowing this Motion to enable Hillman to submit its Initial Petition and Application simultaneously and then to serve and notice the public and other parties thereafter will enable the Siting Board to conduct its review promptly and expeditiously. The grounds cited for in the Initial Petition will also be addressed in the Application. Accordingly, adjudication of both

concurrently would save time and resources.

The Company is committed to ensuring due process for all parties and affording a full and adequate opportunity for review. Therefore, the Company has provided actual notice of the filing by furnishing all parties to EFSB 25-07 and the Tewksbury Conservation Commission and Tewksbury Board of Health with copies of its Initial Petition and Application, as indicated in the Cover Letter filed herewith. See Brockton Power, LLC., EFSB 99-1, at 3-4, n.4 (2003). By receiving copies of both the Initial Petition and Application, these parties will have a full opportunity to determine their involvement in the proceeding. NSTAR Electric Co., *supra*, at 4. Furthermore, the Company also sent written notice to the Tewksbury Conservation Commission, Tewksbury Board of Health, Tewksbury Fire Department, Tewksbury Inspectional Services, and the Tewksbury Planning Board by certified mail on May 27, 2026 pursuant to 980 CMR 6.02(2).

Additionally, Hillman is not requesting any waiver of the substantive requirements of service and notice of its Initial Petition and Application. Hillman will comply with all service and notice requirements as established by the Siting Board.¹ The only difference is timing. Rather than provide service and notice prior to the filing of the Application, the Company is instead proposing to provide the service and notice after the filing of the Application. There is no adverse, substantive effect resulting from this request on other parties or the public because the Siting Board can establish timeframes for service and notice to ensure proper awareness and participation in accordance with its statutes and regulations.² In sum, there is no prejudice to any party or the public because the Siting Board may direct the same service and notice procedures that it would apply regardless of when it actually receives the Application.

¹ As noted above, Hillman has complied with the 30-day advance notice provision pursuant to 980 CMR 6.02(2).

² A Draft Public Notice is provided with this Motion.

IV. CONCLUSION

For all the foregoing reasons, Hillman respectfully requests that the Siting Board accept the simultaneous filing of the Company's Initial Petition and Application, defer a decision on the merits of its Initial Petition and determine those merits concurrently with its review of the Application, and approve the Company's provision of service and notice of its Initial Petition and Application after filing its Application.

Respectfully submitted,

Hillman Energy Center, LLC

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Dated: June 30, 2026