

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)

EFSB 26-01

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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I. INTRODUCTION

Moraga Storage, LLC (“Moraga” or the “Company”) files this Application 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 representing 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”).^{1 2} On June 26, 2026, the Siting Board issued a Final Decision approving, subject to conditions, an exemption from the Town of Oakham’s zoning bylaws, pursuant to G.L. c. 40A, § 3. *Moraga Storage, LLC*, EFSB 25-07 (2026) (“Final Decision”). As detailed herein, the ability to construct and/or operate the BESS facility is being delayed by the Town’s Conservation Commission and Board of Health. Accordingly, the Siting Board is respectfully requested to issue the Certificates outlined herein.³

Specifically, the Company requests that the Certificate, as directed by the Legislature in Section 118 of 2024 Climate Act, comprehensively include, not only those local approvals at issue, but all state and local permits, approvals, licenses, certificates or other forms of authorization that are otherwise necessary to construct the Project.

¹ For ease of reference, the attachments to the Initial Petition and this Application are numbered together as one sequential set.

² A draft of the Company’s proposed Certificate is provided as Attachment I.

³ As required by 980 C.M.R. § 6.02(2)(b), the Company sent written notice to Town agencies by certified mail on May 27, 2026, thereby providing 30 days’ advance notice of the Company’s intent to file the Initial Petition if the agencies did not take immediate action to process the Company’s permit applications. See Initial Petition.

To minimize administrative burdens and to allow construction the Project to proceed expeditiously, the Company is filing this Application contemporaneously with the Initial Petition (the “Initial Petition”). The Initial Petition, incorporated herein by reference and made a part hereof, demonstrates that the Company has met the criteria to file the Application and seeks approval to do so pursuant to Section 118 of the 2024 Climate Act and 980 CMR §§ 6.00 et seq. Accompanying the Initial Petition and Application is the Company’s motion requesting that the Siting Board accept the Company’s application for a Certificate of Environmental Impact and Public Interest and Approve Service and Notice (the “Motion for Simultaneous Filing”),⁴ and the Company’s motion requesting that the Siting Board take official notice and incorporate the record from EFSB 25-07 (“Motion to Incorporate Record”).

II. PROJECT DESCRIPTION

The Final Decision approving the Project discusses each of the Project components. (*Final Decision* at 1-5). The Company’s proposal includes 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. 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* at 1).

The Project’s 180 MW/720 MWh BESS will consist of 184 Tesla Megapack 2 XL (“MP2XL”) BESS units (*Final Decision* at 3). Each of the Tesla MP2XL units utilize lithium-iron phosphate (“LFP”) chemistry and, in addition to the battery modules, contain inverters that

⁴ The procedure of submitting the Initial Petition and Application simultaneously, accompanied by a motion to approve their concurrent filing, was previously approved by the Siting Board in *Vineyard Wind LLC*, EFSB 19-05, Presiding Officer Stamp Approval of Motion to Serve and Notice Application for a Certificate Subsequent to Filing Application (August 7, 2019), and *NSTAR Electric Company d/b/a Eversource Energy*, EFSB 22-01, Ruling on Eversource’s Motion (March 8, 2022).

convert direct current (“DC”) to alternating current (“AC”), thermal regulation equipment, an AC circuit breaker, explosion and fire mitigation systems, control modules, and a customer interface terminal (*Final Decision* at 3; Exh. MS-F, at 6-8, 12). In addition to the BESS units, the Project would include 46 medium voltage transformers, medium voltage cables, and related electric infrastructure in addition to a stormwater management system, sound wall, security fencing, and an access driveway (*Final Decision* at 3; Exhs. OAK-38(1), at 19; MS-1, at 9).

The Project includes a new substation that would consist of one 115/34.5 kV main power transformer, switchgear, circuit breakers, disconnect switches, and low- and high-voltage buses (*Final Decision* at 4; Exh. MS-1, at 10). The substation will then be connected to the switching station, which would interconnect to National Grid’s A127-4 overhead transmission line, where the Project will charge and discharge to the New England bulk power system. (*Final Decision* at 4-5).

The Company will meet all applicable industry standards, including the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00, as well as the most recent edition of NFPA 855: Standard for the Installation of Stationary Energy Storage Systems, in the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the Project. (*Final Decision* at 103, 119). Further, the Siting Board found that safety risks identified for the Project were appropriately mitigated through the proposed design and use of the BESS, the cybersecurity provisions to be implemented, the conditions imposed in the Final Decision and commitments accepted by the Company through agreement with the Town. (*Id.* at 119-124).

III. SITE SELECTION

As determined by the Siting Board based on the extensive record evidence in the underlying docket, the Company conducted a reasonable analysis of alternative sites prior to

choosing the Project Site. (*Final Decision* at 34-35.) The Company chose the Project Site due to the Project Site's proximity to transmission infrastructure, distance from residential abutters, accessibility from a public roadway, compatibility with surrounding land uses, and minimization of environmental impacts. As the EFSB found, the Project Site can host the Project "with fewer impacts to the environment compared to the alternatives presented," and is "preferable to the identified alternatives in terms of its proximity to the point of interconnection and its distance from nearby residences." (*Id.* at 34).

IV. LEGAL AUTHORITY AND STANDARD OF REVIEW

A. Siting Board Authority

The Siting Board is the preeminent state agency in Massachusetts charged by the Legislature with overseeing and permitting the siting, construction and operation of jurisdictional energy facilities in the Commonwealth to ensure a reliable supply of energy at the lowest possible cost and with the least environmental impact. G.L. c. 164, §§ 69G *et seq.*; *see, e.g., Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663, 667 (2010) ("Alliance II"); *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 448 Mass. 45, 46-47 (2006) ("Alliance I"); *City Council of Agawam v. Energy Facilities Siting Bd.*, 437 Mass. 821, 822 (2002) ("Agawam"); *Box Pond Ass'n. v. Energy Facilities Siting Bd.*, 435 Mass. 408, 409-10 (2001) ("Box Pond"); *Town of Andover v. Energy Facilities Siting Bd.*, 435 Mass. 377, 378-79 (2001) ("Town of Andover").

On November 20, 2024, Governor Maura Healey signed the 2024 Climate Act to accelerate progress towards the state's goals of net zero greenhouse gas ("GHG") emissions by 2050. Under Section 118 of the 2024 Climate Act, the Siting Board has been 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 prior to the implementation of the Consolidated Permit provisions of the 2024 Climate Act, which go into effect July 1, 2026.

The energy facilities siting board shall, consider an application for a certificate of environmental impact and public interest if it finds that any state or local agency has imposed a burdensome condition or limitation on any license or permit. An energy storage system, with respect to which a certificate is issued by the energy facilities siting board, shall thereafter be constructed, maintained and operated in conformity with such certificate and any terms and conditions contained therein.

2024 Climate Act, § 118(c).

Notably, the Legislature provided that no state or local government agency can prevent the construction or operation of a facility for which the Siting Board has granted a Certificate, as follows:

when so issued no state agency or local government shall require any approval, consent, permit, certificate or condition for the construction, operation or maintenance of the energy storage system with respect to which the certificate is issued and no state agency or local government shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action that would delay or prevent the construction, operation or maintenance of such energy storage system except as required by federal law; and provided further, that the energy facilities siting board shall not issue a certificate, the effect of which would be to grant or modify a permit, approval or authorization, which, if so granted or modified by the appropriate state or local agency, would be invalid because of a conflict with applicable federal water or air standards or requirements.

Id. § 118 (d).

Section 118 is modeled after the Siting Board's existing Certificate statute, G.L. c. 164, §§ 69K1/2-69O1/2, and its implementing regulations at 980 CMR 6.00. The Siting Board has adjudicated numerous Certificate petitions under its existing authority and has amassed a body of precedent on Certificate proceedings which informs its current review. *See NSTAR Electric Company*, EFSB 18-03 (2019) (“*Woburn-Wakefield*”); *Exelon West Medway, LLC*, EFSB 17-01

(2017) (“*Exelon West Medway*”); *Cape Wind Associates, LLC*, EFSB 07-8 (2009) (“*Cape Wind*”). Pursuant to 980 C.M.R. § 6.05(3)(a), the decision must include the Siting Board’s findings and opinions on the following topics:

- (1) the need for the facility to meet the energy requirements of the applicant’s market area taking into account wholesale bulk power or gas sales or purchases or other cooperative arrangements with other utilities and energy policies as adopted by the Commonwealth;
- (2) the compatibility of the facility with considerations of environmental protection, public health and public safety;
- (3) the extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by-laws, rules and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in this chapter to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and
- (4) the public interest, convenience and necessity requiring construction and operation of the facility.

980 CMR § 6.05(3)(a).

The Siting Board bases its findings and opinions “on both the record developed in the Certificate proceeding and the record developed in the underlying Siting Board proceeding in which the Board reviewed and approved the proposed facility.” *Woburn-Wakefield*, at 25; *see also Exelon West Medway*, EFSB 17-01, at 12; *Cape Wind*, EFSB 07-8, at 13. The Siting Board will not “relitigate. . . issues already fully and fairly determined in the underlying proceedings;” it will review “the decision from the underlying EFSB proceeding,” and “determine[] the extent to which new information has been developed or the circumstances of a project may have changed in the intervening period.” *Woburn-Wakefield*, EFSB 18-03, at 25. When an applicant challenges an adverse agency permitting decision, the Siting Board will also “verif[y] that issues raised by the state or local agency . . . whose actions are the subject of the Application have been addressed in a comprehensive manner by the Board,” either in its initial review of the facility

under § 69J or in its subsequent review under § 69K. *Cape Wind*, EFSB 07-8, at 13; *see also Woburn-Wakefield*, EFSB 18-03, at 25. Finally, the Siting Board considers whether an applicant has made a good faith effort to obtain necessary approvals, but, consistent with G.L. c. 164, § 69O, does not require a finding of good faith effort as a prerequisite for the grant of a Certificate. *Woburn-Wakefield*, EFSB 18-03, at 45; *Exelon West Medway*, EFSB 17-01, at 34-35.

B. Application Requirements

The Siting Board's regulations at 980 C.M.R. 6.03(3) specify the required contents of this Application. Many of these requirements were provided comprehensively in the record in EFSB 25-07.⁵ Moraga provides the required contents of the Application as follows⁶:

1. 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. (980 CMR 6.03(3)(d) (see Attachment L));
2. Aerial Locus Map and Existing Conditions Map. (980 CMR 6.03(3)(e) (see Attachments M-N));
3. A detailed description of and plans for the Project. (980 CMR 6.03(3)(f) (see Section II for a detailed description of the Project. See Exh. MS-A(S1) for Project Plans));
4. Photographs of the Project 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 (980 CMR 6.03(3)(g) (see Exh. MS-E for a visual assessment of the Project, which includes a map of the photo locations in Appendix A, photos of the site in Appendix B));
5. Aerial photographs of the Project Site. (980 CMR 6.03(3)(h) (see Attachment M));
6. A copy of each study which Moraga has made of the environmental impact of the Project (980 CMR 6.03(3)(i) (see Section VI herein and incorporated by reference the

⁵ See Motion to Incorporate Record. In particular, the Project is described and analyzed in Moraga's Zoning Exemption Petition filed on March 31, 2025; Moraga's supplemental petition materials filed on December 22, 2025; Moraga's responses to Information Requests; and Moraga's Initial Brief and Reply Brief in EFSB 25-07.

⁶ The Siting Board has held that those provisions of 980 C.M.R. § 6.03(3) relating to long-term forecasts, 980 C.M.R. § 6.03(3)(a), (b), (c), and (o), are not applicable to entities such as the Company that do not prepare such forecasts. *See, e.g., Exelon West Medway*, EFSB 17-01 at 6 (2017).

- following exhibits from the Company's Zoning Exemption petition (Exh. MS-1) in EFSB 25-07: Exh. MS-D (MHC Correspondence); MS-E (Visual Assessment); Exh. MS-F(S1) (Fisher Report); Exh. MS-I (EMF Report); and OAK-38(1) (Sound Level Assessment Report). Additionally, Attachment A herein contains Moraga Storage, LLC Notice of Intent Submitted to the Oakham Conservation Commission on May 12, 2026, and Attachment F contains Moraga Storage, LLC Supplements to the Notice of Intent Submitted to the Oakham Conservation Commission on June 22, 2026. *See also* Exhibits EFSB-CM-9, EFSB-LU-4, EFSB-NO-1 through EFSB-NO-9, EFSB-W-1 through EFSB-W-17, EFSB-A-1 through EFSB-A-4, EFSB-T-1 through EFSB-T-10, EFSB-V-1, and; Section II.C.4 of Moraga's Initial Brief; and Sections I.D, I.E, I.G, and II.D of Moraga's Reply Brief in EFSB 25-07;
7. A statement of the reasons for the choice of the Project location. (980 CMR 6.03(3)(j) (*see* Section III herein));
 8. A complete list of all licenses, permits and other regulatory approvals already obtained for the Project. (980 CMR 6.03(3)(k) (*see* Section V herein));
 9. A complete list of all other licenses, permits and approvals expected to be required for the Project, along with a description of the status of each such application. (980 CMR 6.03(3)(l) (*see* Section V herein));
 10. A statement setting forth Moraga's need for the Certificate. (980 CMR 6.03(3)(m) (*see* Section I herein and the Initial Petition));
 11. A copy of every decision by and study by the agency or agencies complained of concerning the subject facility. (980 CMR 6.03(3)(n) (*see* Exh. OAK-171(1) (Email of Shawn Seeley); Exh. OAK-SS (Prefiled testimony of Shawn Seeley); Exh. EFSB-OAK-18(1) (Email string between Shawn Seeley and Jacob Kubel regarding Vernal Pools); Attachment B (Oakham Enforcement Order); Attachment D (Town's Comments in response to the Tentative Decision at Exhibit A). The Oakham Conservation Commission's Order of Resource Area Delineation and & ANRAD Plan (DEP File No. 252-0150) is enclosed in the Company's May 12, 2026 Notice of Intent contained in Attachment A.
 12. Such other information as the applicant deems relevant. (980 CMR 6.03(3)(p)).

No fee amount has been set for a Certificate under Section 118 of the 2024 Climate Act.

Therefore, the Company is not including the payment of a fee. See 980 CMR 6.03(5).

The Company is requesting, through its attached Motion for Simultaneous Filing, for a waiver of the requirement of 980 CMR 6.03(4) that an application for a Certificate shall be accompanied by an affidavit of notice.

V. REQUIRED LICENSES, PERMITS, AND APPROVALS

Table 5-1 provides a complete list of all licenses, permits, and other regulatory approvals already obtained for the Project, in accordance with 980 CMR 6.03(k).

Table 5-1 Licenses, Permits, and Approvals Already Obtained

Regulatory Authority	Permit/Review/Approval
Massachusetts Energy Facilities Siting Board	Final Decision on the Petition of Moraga Storage, LLC Pursuant to G.L. c 40A § 3
Massachusetts Historic Commission	The Company initiated a formal consultation with the MHC through the submission of a Project Notification Form in March of 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. See <i>Final Decision</i> at 55.

Per 980 CMR 6.03(l), Table 5-2 provides a complete list of all other licenses, permits, and approvals expected to be required for the Project, including a description of whether applications have been filed and their status.

Table 5-2 Licenses, Permits, and Approvals Not Yet Obtained

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.
Local			
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> Fire Permit	Not yet filed.	Anticipate filing Q3/Q4 2026.

VI. ANALYSIS

As Moraga has detailed in its Initial Petition, the Oakham Conservation Commission’s public opposition to the Project and issuance of an enforcement order regarding “auto debris” on the Project Site threaten to delay the Project. Additionally, the Oakham Board of Health’s recent assertion of jurisdiction⁷ threatens to further preclude and delay construction of the Project, and has unduly precluded and delayed construction of the Project. These actions by the Conservation Commission and Board of Health necessitate that the Siting Board issue a Certificate in order for the Project to proceed as approved by the Siting Board in the Final Decision.

Consistent with its statutory mandate, the Siting Board should issue Moraga a composite Certificate. Issuing a Certificate would be consistent with Section 118 of the 2024 Climate Act and the Siting Board’s regulations at 980 C.M.R. § 6.05(3) because: (i) the Conservation Commission’s actions have imposed burdensome limitations on the Project causing undue delay; (ii) the Board of Health has claimed jurisdiction over the Project and has suggested the

⁷ See Attachment D (Town’s Comments in response to the Tentative Decision at Exhibit A).

imposition of burdensome conditions that would delay or deny the Project; (iii) the Project is needed; (iv) the Project is compatible with environmental protection, public health, and public safety; (v) the Project conforms to state and local laws and reasonable exemptions thereunder; and (vi) the Project is in the public interest. Findings as pertains to subsections iii through vi were comprehensively evaluated and decided favorably in the Final Decision and need not be relitigated. *See Woburn-Wakefield*, EFSB 18-03, at 25. In addition, Moraga has made a good faith effort to obtain all relevant permits and approvals. Accordingly, this Application should be approved.

A. The Conservation Commission's and Board of Health's Actions Have Imposed Burdensome Limitations.

Pursuant to Section 118(c) of the Climate Act, “[t]he energy facilities siting board shall, upon petition, consider an application for a certificate of environmental impact and public interest if it finds that any state or local agency has imposed a burdensome condition or limitation on any license or permit.”

Delay may constitute a burdensome condition or limitation. *Conservation Law Found. v. Energy Facilities Siting Bd.*, 494 Mass. 594, 600 (2024). A denial of a permit may also constitute a burdensome condition or limitation. *City Council of Agawam v. Energy Facilities Siting Bd.*, 437 Mass. 821, 827-828 (2002).

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. As more fully discussed in the Initial Petition, 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.

Here, the Town's Conservation Commission has publicly stated its opposition to the Project. Members of the Conservation Commission testified at the Siting Board that it opposed the Project in whole. Additionally, since submission of the NOI on May 12, 2026, the Conservation Commission has indicated they believe the NOI to be incomplete, without presenting any evidence. As further evidence of its intent to delay the Project, 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 expired. (Attachment K).

At the same time, Oakham Board of Health has proclaimed jurisdiction over the Project. 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." *See* Town's Comments in response to the Tentative Decision at Exhibit A. This is 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 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, because the Conservation Commission and the Board of Health's actions have threatened to further delay the Project, the Company is requesting a Certificate to alleviate the undue burdens that these actions impose.

B. The Project is Needed.

The Siting Board fully and fairly determined the issue of need in the Final Decision. Consistent with applicable standards, the Siting Board found the Project is necessary to achieving the Commonwealth's clean energy and environmental goals, including the Commonwealth's procurement targets for energy storage capacity under the Global Warming Solutions Act, St. 2008, c. 298, the Clean Peak Program, and 2024 Climate Act, Section 98. *Final Decision* at 26. "[I]t is undeniable that the Commonwealth has set specific, time-bound targets for the deployment and procurement of energy storage, that these targets have not yet been met, and that the Project is a BESS facility consistent with the objectives and requirements of these policies." *Id.*

Additionally, the Siting Board reiterated its past findings that a Project's participation in the ISO-NE wholesale market "indicates such a resource is needed for reliability purposes by Massachusetts customers and the New England market." *Id.* at 27, citing Trimount ESS LLC., EFSB 25-05/D.P.U. 24-152 at 21 (2026); *Medway Grid, LLC*, D.P.U. 22-18/22-19 at 39 (2023), and *Cranberry Point Energy Storage, LLC*, D.P.U. 22-59, at 44 (2023). As the Project will participate in the ISO-NE wholesale market (Exhs. OAK-43; EFSB-N-4; Tr. 1, at 33), the Siting Board found unequivocally that the Project is needed. *Final Decision* at 27.

After reviewing the Project design in detail, the Siting Board found that “the Project is necessary for the purpose alleged...and the Project is reasonably necessary for the convenience or welfare of the public and consistent with the public interest.” *Id.* at 124. Therefore, based on the Siting Board’s findings in the Final Decision, the Project is needed.

C. The Project is Compatible with Environmental Protection, Public Health, and Public Safety.

The Siting Board analyzed, in detail, the Project’s compatibility with the Commonwealth’s public health and safety and environmental protection policies and found that the Project was consistent with those policies. *Final Decision* at 135-137, 140.

The Company established in EFSB 25-07 that the Project is compatible with environmental protection, Public Health, and Public Safety. The Siting Board found that the Project would not impact any area of Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species. *Id.* at 59. The Company will identify, on a one-to-one basis for trees being cleared, an equal wooded area on the Project Site to be preserved in perpetuity. *Id.* The Siting Board found that the major components of the Project will fall outside of the State Watershed Protection Act’s jurisdiction, and the stormwater management system will capture and attenuate stormwater runoff to the maximum extent practicable. *Id.* at 68-69. The Siting Board also found that Moraga will avoid “any significant Project impacts on wetlands,” *id.* at 70, and that the Project will have “minimal air impacts” during construction and that the Project will benefit the environment as it is “likely to contribute to the reduction of greenhouse gas emissions within the Commonwealth.” *Id.* at 101. The Siting Board found that Moraga will not pose any environmental or public health concerns with regard to hazardous waste, as it will comply with federal, state, and local guidelines and regulations regarding transportation of waste generated during demolition, site preparation, construction, and operation of the Project. *Final Decision* at

95-97. The Siting Board also found that all modeled sound levels of the Project are below the MassDEP Noise Policy limits. *Id.* at 84.

The Siting Board found that the Project is consistent with Public Health and Safety. The Siting Board found that due to the Project's commitment to industry safety standards, including the 2023 and 2026 editions of NFPA 855, the Project will not pose a danger to public health. *Id.* at 119-124. Additionally, traffic impacts will not pose any risk to public health and safety. The Project will generate "minimal traffic" compared with the past use which "involved heavy and large vehicles transporting auto chassis and parts." *Id.* at 51. The Siting Board found that the traffic associated with Project construction, while "considerable," would be manageable through appropriate mitigation conditions. *Id.* at 51-52.

D. The Project Conforms to State and Local Laws and the Final Decision and Will Provide Downward Pressure on Wholesale Electric Prices.

The Company established in the record in EFSB 25-07 that the Project will comply with all federal, state and local laws, with the exception of zoning bylaws which have been exempted by the Final Decision.

Moraga has designed the Project to comply with all applicable state regulatory performance standards related to wetland resource areas. Exh. MS-1, at 24-25, NOI. Moraga's stormwater management system will comply with the Massachusetts Stormwater Handbook and Stormwater Management Standards, as well as the Massachusetts Clean Water Act. Exh. MS-1, at 25; *Final Decision* at 66. The Project has been designed to comply with applicable noise regulations during operations. RR-EFSB-2; *Final Decision* at 72. The Siting Board also found that all modeled sound levels of the Project are below the MassDEP Noise Policy limits. *Id.* at 84. Moraga will comply with the Massachusetts Contingency Plan regarding oil or hazardous materials on the site. *Id.* During construction, Moraga will abide by state law and MassDEP

regulations limiting idling. *Id.* at 101. Moraga will also comply with MassDEP regulations pertaining to the use of SF₆ in equipment. *Id.* Moraga will comply with federal, state, and local guidelines and regulations regarding transportation of waste generated during demolition, site preparation, construction, and operation of the Project. *Final Decision* at 95-97. The Siting Board also found the Company has committed to complying with relevant safety regulations and standards for the Project. *Id.* at 119-120. The Company will also dispose of any dismantled BESS units and components during augmentation and decommissioning according to applicable legal requirements and best practices. *Id.* at 45.

Lastly, the *Final Decision* directs the Company to “comply with all applicable federal, state, and local laws, including regulations and ordinances, except those from which the Company has received an exemption.” *Id.* at 140. Therefore, the Company is committed and required to comply with all federal, state and local laws, with the exception of the Town of Oakham Zoning Bylaw. *Id.*

In the *Final Decision*, the Siting Board found that the Project will provide additional benefits beyond facilitating renewable energy integration, including lowering peak demand and improving grid reliability and flexibility, which would place downward pressure on costs for all ratepayers. *Id.* at 26

E. The Project is in the Public Interest.

The Siting Board, after reviewing the record, found that the Company’s proposed Project is consistent with the public convenience and welfare. *Final Decision* at 124. The Siting Board also explicitly found that based on the “need or public benefit of the use,” “alternatives explored,” and “impacts,” that the Project is necessary for the purpose alleged, the benefits to the

general public exceed the local impacts, and that the Project is consistent with the public interest.

Id.

F. The Company Has Engaged in Good Faith Efforts to Obtain Local Permits and Approvals

The Company has attempted to establish and maintain a constructive working relationship with Town officials and public safety agencies since 2022. Its first formal introduction to the Town was through a December 1, 2022, email regarding the Project and the Project to the Chair of the Town’s Planning Board (Exhs. MS-1, at 45-46, Table 10-1). Emails with the Chairman were exchanged but no substantive discussions occurred until February 25, 2025, when the Company met with numerous local officials, including the Police Department, Fire Department, the Wiring Inspector, members of the Conservation Commission, and members of the Board of Selectman and Planning Board. At that meeting, the Town reiterated that zoning ordinances precluded the construction and operation of the proposed Project and/or further discussions with the Company.⁸

On March 27, 2025, the Company held an Open House inviting business owners and residents within one-half mile of the Project Site to meet with representatives from Moraga and learn more about the Project. *Id.* Approximately 150 people attended the three-hour Open House.

Despite the Company’s best efforts for collaboration, the Town has refused to meet with the Company and strenuously opposes the Project. Indeed during the EFSB 25-07 proceedings, Town’s officials expressly stated that “any Town elected official, appointed official, and/or municipal employee that willfully collaborates with any party conspiring to blatantly violate the

⁸ In the interim, the Company commenced proceedings related to wetland resources at the Oakham Conservation Commission in 2023.

voter and state-approved bylaw, whether actively or passively, in their official capacity, would be engaging in a clear conflict of interest within the position they hold, and a breach of the public trust, at the very least.” (Exh. OAK-G-3).

The Siting Board found that the Company made good faith efforts to engage the local community, but that because the Town “considered the proposed Project illegal,” the Town “declined to speak with the Company,” rendering any further consultation “fruitless.” *Final Decision* at 132, 137.

G. The Siting Board is Respectfully Requested to Issue a Composite Certificate.

As demonstrated herein, the Siting Board is respectfully requested to grant Moraga a Certificate representing a composite of all remaining state and local permits required for construction of the Project. *See* Section 118 of the 2024 Climate Act. Otherwise, it is anticipated that construction of the Project would be prevented or further unduly delayed. This will in turn jeopardize the Commonwealth’s energy needs and environmental policies. It was the Legislature’s intent in the 2024 Climate Act to provide much-needed energy storage systems, that have obtained zoning exemptions, the option of obtaining composite certificates to proceed to construction and development. The legislature utilized the same language as that of G.L. c. 164, s. 69K, granting the Siting Board the authority to issue a “certificate...in the form of a composite of individual permits, approvals or authorizations that would otherwise be necessary.” 2024 Climate Act, Section 118(d). When so issued, the legislature instructs that “no state agency or local government shall require any approval, consent, permit, certificate or condition” for the construction, operation or maintenance of the Project. *Id.* Nor may any state agency or local government take any action that would “delay or prevent” the construction operation or maintenance of an energy storage system. *Id.*

In order to effectuate the 2024 Climate Act's purpose, fulfill its mandate, and ensure consistency with the Final Decision, the Siting Board is respectfully requested to issue a Certificate representing a composite permit for the Project with respect to:

- Order of Conditions from the Oakham Conservation Commission under the Massachusetts Wetlands Protection Act, (G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00)
- Determination of Applicability from the Department of Conservation and Recreation pursuant to the Massachusetts Watershed Protection Act (Chapter 36 of the Acts of 1992, G.L. c. 92A1/2) and its implementing regulations (313 CMR 11.00)
- Building Permit from the Oakham Building Commissioner pursuant to 780 CMR
- Electrical Permit from the Oakham Wiring Inspector pursuant to 527 CMR 12.00
- Road Opening/Trench Permit(s) from the Oakham Highway Department, pursuant to G.L. c. 82A and 520 CMR 14.00
- Driveway Permit from the Oakham Highway Department pursuant to Chapter XVI of the Oakham General Bylaws
- Demolition Permit from the Oakham Building Commissioner
- Certificate of Occupancy from the Oakham Building Commissioner pursuant to 780 CMR
- Fire Permit from the Oakham Fire Chief pursuant to G.L. c. 148 and the Massachusetts Fire Code, 527 CMR 1.00 *et seq.*

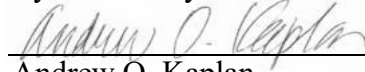
VII. CONCLUSION

Moraga respectfully requests that the Siting Board approve this Application for a Certificate pursuant to Section 118 of the 2024 Climate Act and 980 C.M.R. 6.00, issue a Certificate of Environmental Impact and Public Interest for the Project with respect to the permits and approvals identified above, and grant such further relief as may be deemed necessary or appropriate by the Siting Board.

Respectfully submitted,

Moraga Storage LLC

By its attorneys



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Dated: June 30, 2026

LIST OF ATTACHMENTS⁹

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.
Attachment C	Verified Complaint of ZOVL Properties and Moraga Storage in Worcester County Superior Court (Civ. Action 2685-CV-00879A) (June 5, 2026)
Attachment D	Comments on the Tentative Decision Submitted by the Town of Oakham on June 23, 2026 in EFSB 25-07.
Attachment E	Moraga Storage, LLC Supplements to the Notice of Intent Submitted to the Oakham Conservation Commission on June 22, 2026.
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.
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

⁹ This is a complete list of the attachments to both the Initial Petition and the Application.

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