

# The Commonwealth of Massachusetts

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## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 21-50

April 16, 2021

Notice of Inquiry by the Department of Public Utilities on its own Motion into procedures for enhancing public awareness of and participation in its proceedings.

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### VOTE AND ORDER OPENING INQUIRY

## I. INTRODUCTION

The Department of Public Utilities (“Department”) opens this inquiry to examine procedural enhancements to our public notice requirements to increase public awareness of and participation in Department proceedings.<sup>1</sup> Specifically, we will explore avenues to increase both the visibility of our public notices and public and stakeholder involvement in our proceedings.

Consistent with the Executive Office of Energy and Environmental Affairs’ (“EEA”) 2017 Environmental Justice Policy (“EJ Policy”)<sup>2</sup> and Chapter 8 of the Acts of 2021, An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, the Department is in the process of developing an agency-specific environmental justice strategy to enhance meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including climate change policies, and the equitable distributions of energy and environmental benefits and burdens. As part of this process, the Department is evaluating methods to promote further public and stakeholder involvement in our proceedings. Currently, the Department generally requires the

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<sup>1</sup> The Department anticipates that the Energy Facilities Siting Board (“EFSB”) will separately open a companion proceeding to examine procedural enhancements to its public notice requirements to increase public awareness of and participation in EFSB proceedings. While the Department and the EFSB have similar public notice requirements, each agency has its own separate and distinct procedural regulations that govern their respective notice procedures and practices. Therefore, the Department and EFSB will examine these issues separately in different dockets. Nevertheless, the Department and EFSB will coordinate on procedural matters to the extent practicable, as well as seek to ensure consistency between siting-related practices of the EFSB and the Department.

<sup>2</sup> EEA, *Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs 2* (2017) available at [www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy\\_0.pdf](http://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf).

publication of notices of proceedings on the Department's website, jurisdictional company websites, and in newspapers.<sup>3</sup> To the extent feasible, the Department's environmental justice strategy will strive to enhance community outreach and participation by requiring publication of Notices of Investigations, Requests for Comments, and other related public notices, especially for regulatory actions with potential substantial impacts on environmental justice populations, through additional platforms.

Additionally, the Department recognizes the importance of ensuring that persons with limited English proficiency are provided with the opportunity to participate in Department proceedings, as needed, in a manner consistent with those who have English proficiency. The Department has provided interpretation services at both in-person and remote public hearings. See Joint Petition of Eversource Energy, NiSource Inc., Eversource Gas Company of Massachusetts, and Bay State Gas Company for approval by the Department of Public Utilities of (1) the sale of Bay State Gas Company to Eversource Energy; and (2) a settlement agreement resolving the proposed sale and two pending Department investigations into the Merrimack Valley Incident, D.P.U. 20-59, Notice of Filing and Public Hearing (July 24, 2020); Bay State Gas Company, D.P.U. 19-140/D.P.U. 19-141, Notice Of Vote and Order, Public Hearing, and Request For Comment (January 9, 2020); Public Hearing Tr. A&B (January 29, 2021 and

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<sup>3</sup> In addition, the Department may also require notices to be mailed to customers (e.g., seasonal water company customers) and/or specific groups of potentially affected entities (e.g., competitive suppliers and marketers) in certain types of cases. Also, in some cases impacting specific communities, the Department requires service of the notice on stakeholders and local officials, and, in siting-related Department matters, abutters and area residents. Finally, the Department typically requires service to be made on service lists of related dockets.

February 10, 2021). The Department has also required the translation of public notices and notice requirements into different languages. See Boston Gas Company, D.P.U. 20-120, Order of Notice and Notice of Filing, Public Hearings, and Procedural Conferences (November 24, 2020).

The Department has determined that it is appropriate to open this proceeding as we further develop our environmental justice strategy and consider new strategies for enhancing public outreach and involvement in our proceedings. This proceeding will help guide the Department in the development and implementation of its environmental justice strategy. As noted above, the Department anticipates that the EFSB will establish a similar inquiry into its public notice requirements and procedures, and envisions that the two agencies will, to the extent practicable, coordinate on procedural matters regarding these companion proceedings to promote administrative efficiency.

## II. REQUEST FOR COMMENTS

### A. Introduction

In this proceeding, the Department will solicit input from Department-regulated entities, stakeholders, and members of the public on best practices for promoting public involvement in Department proceedings. The Department invites all interested persons to participate in this proceeding. The Department seeks written comments on the following questions below by June 14, 2021. The Department welcomes comments on any or all of these questions. The Department anticipates significant interest in this proceeding. Therefore, we encourage interested persons to present consensus positions and submit comments jointly, when possible.

At this time, all documents will be submitted only in electronic format in recognition of the difficulty that parties and the Department may have filing and receiving original copies. On March 10, 2020, Governor Baker issued a state of emergency related to COVID-19 for the entire Commonwealth. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)); however, until further notice, parties must retain the original paper version, and the Department will later determine when the paper version must be filed with the Department Secretary. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB.

All written comments should be submitted to the Department in PDF format by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-50); (2) the name of the person or entity submitting the filing; and (3) indicate that the document is a written comment. All comments and documents submitted in electronic format will be posted on the Department's website as soon as practicable at <http://www.mass.gov/dpu>. The Department will determine the appropriate next steps for this proceeding after completing our review of the initial comments.

B. Questions

1. Identify additional physical or electronic platforms in which public notices could be reasonably published or disseminated to reach affected and interested stakeholders and ratepayers (e.g., alternative public newspapers, social media, or local venues).
2. Identify criteria that the Department could use to identify relevant platforms or locations to publish public notices to enhance public awareness of relevant proceedings.
3. Identify criteria that the Department could use to identify relevant community groups or organizations that should be sent public notices in order to enhance awareness of relevant proceedings.

4. Discuss how and by what means the Department can effectively provide notice to people with limited English proficiency. As part of this discussion, please describe criteria that the Department could use to determine whether to translate notices into other languages.
5. Discuss how costs associated with the publication of notice or translation services for proceedings that are not filed by a Department-regulated company should be recovered (e.g., petitions filed by municipalities, individual customers, stakeholders, or associations).
6. Describe criteria that the Department could use to determine whether interpretation services should be provided at hearings and the best practices for providing interpretation services at such hearings. In this response, please address virtual, in-person, and hybrid hearings, as well as hearings where interpretation into multiple languages may be required. Also address any feasibility considerations in providing such services.
7. Discuss criteria that the Department could use to identify the appropriate language or languages to use to translate our public notices and/or to interpret at a hearing.
8. Discuss criteria that the Department could use to identify language access service providers with the technical knowledge necessary to best convey technical information into other languages, both orally and in writing.
9. Identify any criteria that the Department could use to determine the date, time, duration, and location (physical or virtual) to hold a public hearing that would be the most convenient for local community members.
10. Discuss any suggestions related to a pre-registration process to make comments, as well as the process for making comments in general, at public hearings.
11. Identify how you learned of this proceeding (e.g., newspaper, word of mouth, city or town website, from the Department).
12. Provide any additional comments or suggestions regarding the methods that the Department could employ to increase stakeholder and public awareness of and participation in our proceedings and develop best practices for when and how to use language access services.

III. ORDER

Accordingly, the Department

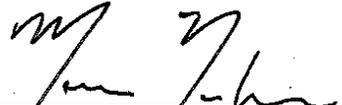
VOTES: To open an inquiry into procedures for enhancing public awareness of and participation in proceedings; and it is

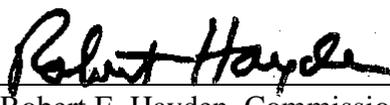
ORDERED: That the Secretary of the Department shall send a copy of this Order to each gas, electric, and water company subject to the jurisdiction of the Department under G.L. c. 164; cities and towns in the Commonwealth; and the Attorney General of the Commonwealth; and it is

FURTHER ORDERED: That the Secretary of the Department shall publish notice in accordance with this Order and the Order of Notice; and it is

FURTHER ORDERED: That the Secretary of the Department shall serve a copy of this Order upon all persons on the Department's official service list.

By Order of the Department,

  
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Matthew H. Nelson, Chair

  
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Robert E. Hayden, Commissioner

  
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Cecile M. Fraser, Commissioner