



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Rebekah Lacey Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Katherine E. Stock

November 7, 2019

By Overnight Mail

Mark D. Marini, Secretary
Department of Public Utilities
One South Station,
Boston, MA 02110

Re: Petition of Boston Gas Co., D.P.U. No. 19-132

Dear Secretary Marini:

On behalf of the Town of Weymouth, I enclose for docketing and filing in the above-referenced proceeding: (1) Petition of the Town of Weymouth to Intervene; (2) Notice of Appearances of Counsel; and (3) Certificates of Service for the same.

Thank you for your attention to the enclosed. Please do not hesitate to contact me with any questions.

Respectfully,

A handwritten signature in black ink that reads 'Bryan F. Bertram'. The signature is stylized with a long horizontal stroke at the end.

Bryan F. Bertram

encl.

cc: Stacey M. Donnelly
John K. Habib, Matthew C. Campbell
J. Raymond Miyares, Katherine E. Stock, Joseph Callanan

Commonwealth of Massachusetts
Department of Public Utilities

Petition of Boston Gas Co. d/b/a National Grid
For Approval of a Fourteen-Year Firm
Transportation Agreement with Algonquin Gas
Transmission Co., LLC, Pursuant to G.L. c.164,
§94A

No. 19-132

PETITION OF THE TOWN OF WEYMOUTH TO INTERVENE

The Town of Weymouth, Massachusetts (“Weymouth”) respectfully petitions, in accordance with 220 C.M.R. 1.03, to intervene as a party to this proceeding.

Background¹

Pursuant to *M.G.L. c.164, §94A* a gas company requires Department approval to “enter into a contract for the purchase of gas...covering a period in excess of one year...” This proceeding arises from the petition (the “Petition”) of Boston Gas Company (d/b/a “National Grid”) for Department approval of a 14-year firm transportation agreement with Algonquin Gas Transmission Company, LLC (“Algonquin”) for natural gas transport capacity.

National Grid distributes natural gas to customers in Massachusetts subject to the Department’s jurisdiction under Chapter 164.² To do so, National Grid contracts for natural gas transport into the region, for its storage, and for its eventual delivery to

¹ For purposes of this Petition to Intervene, only, Weymouth recites some of the relevant Background as supplied in National Grid’s petition and contemporaneously filed Joint Testimony of Elizabeth D. Arangio, Deborah M. Whitney, and Samara A. Jaffe, Ex. NGRID-EDA/DMW/SAJ-1 (Oct. 25, 2019) (“Testimony”).

² Petition ¶1.

National Grid's citygates.³ Algonquin operates a regional pipeline network for the interstate transport of natural gas, including into New England from points south.⁴

In its petition, National Grid seeks approval of a 14-year firm transportation contract (the "Proposed Agreement") to meet the projected natural gas needs of its customers from 2020/2021 to 2027/2028. Through the Proposed Agreement, National Grid seeks to contract for transport capacity from Algonquin that has resulted from the "Atlantic Bridge Project." The Atlantic Bridge Project is a multi-state project by Algonquin's parent company, Enbridge Inc., to expand interstate pipeline capacity including on Algonquin's network in New England.⁵ The project is comprised of multiple new facilities, including new pipeline in New York and Connecticut, two new and an additional two replacement compressor units at stations in Connecticut, upgraded compression capacity at a station in New York, and an entirely new compressor station in Weymouth.⁶ The Atlantic Bridge Project received a FERC Certificate of Public Convenience and Necessity with conditions on January 25, 2017 (FERC Docket No. CP16-9-000; 158 FERC ¶61,061).

The Atlantic Bridge Project, if fully implemented, will enable Algonquin to provide an additional capacity of 132,705 dekatherms per day of firm transportation service from Algonquin's receipt points in points south to various new and existing delivery points in points north.⁷ Previously, Algonquin executed precedent agreements with five local distribution companies, two manufacturing companies, and a municipal utility for 100 percent of the firm transportation service to be made available by the project.⁸ The

³ Testimony pp.8-11.

⁴ Petition ¶¶2-4.

⁵ Petition ¶4; Testimony p.14.

⁶ 158 FERC ¶61,061; Testimony p.14.

⁷ 158 FERC ¶ 61,061.

⁸ *Id.* According to the Companies' filing before FERC in Docket No. CP16-9-000, these Project Shippers are: Heritage Gas Limited, Maine Natural Gas Company, NSTAR Gas Company d/b/a Eversource Energy, Exelon Generation Company, LLC (as assignee and

Proposed Agreement, if approved, would provide National Grid with incremental transport capacity of up to 19,000 dekatherms per day from the Atlantic Bridge Project's total transport capacity.⁹

National Grid explains in testimony accompanying its petition that this incremental capacity is available to it now because certain "anchor shippers" who entered into precedent contracts for Atlantic Bridge capacity have expressed interest in terminating or reassigning their commitments.¹⁰ This, according to National Grid, is due to delays in permitting a proposed 7,700 natural gas pipeline compressor station in Weymouth (the "Proposed Weymouth Compressor Station"), the purpose of which is to generate hydraulic pressure in Algonquin's pipeline network to transport natural gas through Massachusetts to points farther north.¹¹ National Grid also explains in its testimony that construction of the Proposed Weymouth Compressor Station is unnecessary for Algonquin's provision of service under the Proposed Agreement.¹² All Atlantic Bridge facilities necessary for doing so are already in service.¹³

Standard of Review

Under *M.G.L. c.30A, §10*, any person "substantially and specifically affected" by this proceeding has a statutory right to intervene. Accordingly, the Department's regulations allow for such intervention and specify that a petition to intervene "shall state the name and address of the petitioner," and "shall describe the manner in which the petitioner is substantially and specifically affected by the proceeding. It shall state the contention of the

asset manager of Summit Natural Gas of Maine), Irving Oil Terminal Operations, Inc., New England NG Supply Limited, and Norwich Public Utilities.

⁹ Testimony p.16.

¹⁰ Testimony p.14.

¹¹ Testimony p.14.

¹² Testimony pp.14-16.

¹³ *Id.*

petitioner, the relief sought and the statutory or other authority therefor, and the nature of the evidence the petition will present if the petition is granted.” 220 C.M.R. 1.03(1)(b).

Argument

Weymouth satisfies each of the criteria set forth in 220 C.M.R. 1.03(1)(b) for intervention as a party to this proceeding.

A. Identification of the Intervenor. The Town of Weymouth, Massachusetts is a duly incorporated municipal and political subdivision of the Commonwealth. Weymouth’s address is Town Hall, 75 Middle St., East Weymouth, MA 02189. Under *M.G.L. c.30A, §1(4)*, Weymouth qualifies as a “person” for purposes of administrative, adjudicative proceedings such as this.

B. Weymouth’s Substantial and Specific Interest. This Petition arises as a direct result of ongoing delays by Algonquin to construct the Proposed Weymouth Compressor Station. Because Algonquin delayed in seeking required permits for that station, subsequent legal challenges to the station’s construction and configuration have resulted in Algonquin’s failure to meet contractual deadlines to its shippers. National Grid candidly admits all of this in its Petition and supporting testimony, acknowledging that National Grid was originally uninterested in contracting for Atlantic Bridge Project capacity, and seeks now to assume long-term contractual obligations for a portion of that capacity as other shippers look for their exits.

Weymouth has a substantial and specific interest in the Department’s proceeding to review National Grid’s request based on this avowed connection to the Proposed Weymouth Compressor Station. Weymouth has already intervened or commented in numerous other administrative and adjudicative proceedings related to that facility, including before the Federal Energy Regulatory Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Office of Coastal Zone Management, each of which has allowed Weymouth’s participation as a party. The subject

matter of this Petition is of relevance to Weymouth as Algonquin's contracts for Atlantic Bridge Project capacity are directly relevant to the public need for that project in proceedings before FERC.

Weymouth also has a substantial and specific interest in contracts for national gas transportation that will occur within its municipal boundaries. Part of Algonquin's natural gas pipeline network runs through Weymouth, which is a reason why Algonquin proposes to construct a compressor station within the Town. The approval of contracts for natural gas transport through that pipeline network, in Weymouth, is therefore a matter that substantially and specifically affects Weymouth's interests.

Weymouth's interests are also different from the public at large and those of the Attorney General should she seek to intervene. The Attorney General has a statutory right to intervene in this proceeding under *M.G.L. c.12, §11E*, which allows such intervention to act as an advocate for ratepayers. Notwithstanding the fact that some residents of Weymouth are ratepayers, the Town is not intervening in this proceeding to protect ratepayer interests. Rather, Weymouth's intervention is intended to protect its municipal interests both in connection with the Proposed Weymouth Compressor Station and the transport of natural gas in Algonquin's pipeline network within its boundaries.

Finally, Weymouth's participation as a party will benefit the Department. Weymouth offers unique perspectives on the Atlantic Bridge Project in general and the Proposed Weymouth Compressor Station specifically that may differ from those of National Grid. Weymouth also has substantial experience and knowledge in these matters, derived from its prior participation in other proceedings related to this project and station. Intervention by Weymouth will, therefore, benefit the proceeding by expanding the evidentiary record available to the Department and to the parties. *See RicMer Properties, Inc. v. Board of Health of Revere*, 59 Mass. App. Ct. 173, 178 (2003).

C. Weymouth's Anticipated Case. Weymouth has only recently learned of National Grid's Proposed Agreement and its potential impacts. Weymouth is filing this

Petition swiftly to protect its interests even as it continues to evaluate National Grid's proposal and its own positions. Accordingly, while Weymouth has reached no firm or definitive positions with respect to this Petition, it has a distinct interest in the Atlantic Bridge Project and the Proposed Compressor Station, including all precedent and other agreements related to both. If Weymouth's intervention is allowed by the Department, Weymouth intends to participate fully, including by sponsoring expert witness testimony with respect to the economics of National Grid's proposal and compliance with all applicable Department standards. Weymouth will comply with all scheduling orders of the Department in this regard. Weymouth's past and future participation in matters related to the Atlantic Bridge Project and Proposed Weymouth Compressor Station has given Weymouth specialized knowledge on those matters, meaning that the Town's participation in this proceeding, including its development of positions consistent with its interests, will best develop the administrative record to support the Department's decision-making.

Conclusion

For the reasons above, Weymouth respectfully requests that its Petition be allowed and that it be designated a party to this proceeding.

Respectfully submitted,

THE TOWN OF WEYMOUTH,

By its attorneys,



J. Raymond Miyares (BBO #350120)

Bryan F. Bertram (BBO #667102)

Katherine E. Stock (BBO #698127)

MIYARES AND HARRINGTON LLP

40 Grove Street • Suite 190

Wellesley, MA 02482

(617) 489-1600

(617) 489-1630 (fax)

Ray@miyares-harrington.com

BBertram@miyares-harrington.com

KStock@miyares-harrington.com

Joseph Callanan (BBO #648397)

TOWN SOLICITOR

TOWN OF WEYMOUTH

75 Middle Street

Weymouth, MA 02189

(781) 682-3503

(781) 335-3283 (fax)

jcallanan@weymouth.ma.us

Dated: November 7, 2019

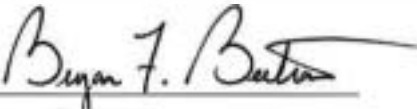
Commonwealth of Massachusetts
Department of Public Utilities

Petition of Boston Gas Co. d/b/a National Grid
For Approval of a Fourteen-Year Firm
Transportation Agreement with Algonquin Gas
Transmission Co., LLC, Pursuant to G.L. c.164,
§94A

No. 19-132

CERTIFICATE OF SERVICE

I certify that, on November 7, 2019, I served a copy of the foregoing Petition to Intervene of the Town of Weymouth on all parties in these proceedings in compliance with the requirements set forth in 980 C.M.R. 1.03.


Bryan Bertram

Commonwealth of Massachusetts
Department of Public Utilities

Petition of Boston Gas Co. d/b/a National Grid
For Approval of a Fourteen-Year Firm
Transportation Agreement with Algonquin Gas
Transmission Co., LLC, Pursuant to G.L. c.164,
§94A

No. 19-132

NOTICE OF APPEARANCES OF COUNSEL

Please enter the appearances of Joseph Callanan, J. Raymond Miyares, Bryan F. Bertram, and Katherine E. Stock in the above-referenced proceeding as counsel for the Town of Weymouth.

Respectfully submitted,

THE TOWN OF WEYMOUTH,

By its attorneys,



J. Raymond Miyares (BBO #350120)

Bryan F. Bertram (BBO #667102)

Katherine E. Stock (BBO #698127)

MIYARES AND HARRINGTON LLP

40 Grove Street • Suite 190

Wellesley, MA 02482

(617) 489-1600

(617) 489-1630 (fax)

Ray@miyares-harrington.com

BBertram@miyares-harrington.com

KStock@miyares-harrington.com

Joseph Callanan (BBO #648397)

TOWN SOLICITOR

TOWN OF WEYMOUTH

75 Middle Street

Weymouth, MA 02189

(781) 682-3503

(781) 335-3283 (fax)

jcallanan@weymouth.ma.us

Dated: November 7, 2019

Commonwealth of Massachusetts
Department of Public Utilities

Petition of Boston Gas Co. d/b/a National Grid
For Approval of a Fourteen-Year Firm
Transportation Agreement with Algonquin Gas
Transmission Co., LLC, Pursuant to G.L. c.164,
§94A

No. 19-132

CERTIFICATE OF SERVICE

I certify that, on November 7, 2019, I served a copy of the foregoing Notice of Appearances of Counsel on all parties in these proceedings in compliance with the requirements set forth in 980 C.M.R. 1.03.



Bryan Bertram