



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 22-110

September 8, 2022

Petition of The Berkshire Gas Company for approval of its 2019-2021 Three-Year Energy Efficiency Plan Term Report.

On August 1, 2022, The Berkshire Gas Company ("Company") filed with the Department of Public Utilities ("Department") its 2019-2021 Three-Year Energy Efficiency Plan Term Report ("Term Report"). The Term Report documents actual energy savings, benefits, and expenditures resulting from the implementation of the Company's 2019-2021 three-year energy efficiency plan approved by the Department in The Berkshire Gas Company, D.P.U. 18-111 (2019). The Term Report also describes all pending internal and/or external investigations within the Company's service area regarding potential fraud in the implementation of the Mass Save program. The Department has docketed this matter as D.P.U. 22-110.

The Department will review the Term Report to determine, among other things, whether the Company: (1) reported its program savings, benefits, and costs accurately and reliably; and (2) implemented its energy efficiency programs in a manner that was consistent with statutory requirements and the Department-approved three-year plan. See G.L. c. 25, § 19(d)(2); G.L. c. 25, § 21(b)(3); G.L. c. 25, §§ 19(a) and (c). Based on the results of the investigation, the Department will approve final recovery of costs incurred during the three-year term, including performance incentive payments. G.L. c. 25, § 19.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct a virtual public hearing to receive comments on the Company's filing. The Department will conduct the hearing using Zoom videoconferencing on **Thursday, October 27, 2022**, beginning at **2:00 p.m.** Attendees can join by entering the link, <https://us06web.zoom.us/j/81162104126>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearings, attendees can dial in at **(646) 558-8656 (not toll free)** and then enter the **Meeting ID# 811 6210 4126**. If you anticipate providing comments via Zoom during the public hearing, please send an email by **Tuesday, October 25, 2022**, to sarah.smegal@mass.gov with your name, email address, and mailing address. If you anticipate commenting by telephone, please leave a voicemail message by **Tuesday, October 25, 2022**, at (617) 305-3653 with your name, telephone number, and mailing address.

Any person interested in commenting on the Company's filing may also submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, October 28, 2022**. At this time, all filings will be submitted only in electronic format consistent with the Commission's June 15, 2021 directive related to modified filing requirements. 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.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **Thursday, October 20, 2022**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

All documents must be submitted to the Department in **pdf format** by e-mail attachment to dpu.efiling@mass.gov and sarah.smegal@mass.gov. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 22-110); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "22-110") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. In addition, one copy of all written comments and petitions to intervene should be emailed to the Company's attorneys, Emmett E. Lyne, Esq., at elyne@richmaylaw.com, Joseph Dorfler, Esq., at jdorfler@richmaylaw.com, and David Lyons, Esq., at dlyons@richmaylaw.com.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic. The filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments or intervene in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@mass.gov.

For further information regarding the Company's filing, please contact the Company's attorneys, identified above. For further information regarding this Notice, please contact Sarah Smegal, Hearing Officer, Department of Public Utilities, at sarah.smegal@mass.gov.