

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 19-51-A

April 9, 2021

Petition of the Town of Abington for Approval by the Department of Public Utilities of its Municipal Aggregation Plan, pursuant to G.L. c. 164, § 134

ORDER APPROVING SECOND REVISED COMPLIANCE FILING

On October 23, 2020, the Department of Public Utilities (“Department”) issued an Order finding that, subject to certain required modifications, the Town of Abington’s (“Town”) revised municipal aggregation plan (“Plan”)¹ satisfied all procedural and substantive requirements contained in G.L. c. 164, § 134(a) and met the requirements established by the Department concerning aggregated service. Town of Abington and Town of Stoughton, D.P.U. 19-51 and D.P.U. 19-52, at 40 (2020). The Department directed the Town to file a further revised Plan, education and information plan (“Education Plan”), opt-out notice, Language Access Document, and reply envelope (together “Opt-Out Documents”) and exemplar electric service agreement (“ESA”) containing all required modifications within 14 days of the date of the Order. D.P.U. 19-51 and D.P.U. 19-52, at 36.

¹ On April 14, 2020, the Town filed a revised Plan and supporting documents (including a revised exemplar electric service agreement, a revised education and information plan, and revised opt-out documents, including an opt-out notice, Language Access Document, and reply envelope).

On November 20, 2020,² the Town submitted a compliance filing with further revisions to its revised Plan, Education Plan, Opt-Out Documents and exemplar ESA (“Compliance Filing”). On November 25, 2020, the Department requested that the Town provide additional information regarding certain proposed edits to the revised Plan that were beyond the scope of the Department’s directives in D.P.U. 19-51 (D.P.U. 19-51, Hearing Officer Memorandum at 1 (November 25, 2020)). On December 4, 2020, the Town responded to the Department’s request for additional information. On December 18, 2020, the Department directed the Town to make a number of changes to its further revised Plan, Education Plan, and exemplar ESA to fully comply with the directives in D.P.U. 19-51, as well as to ensure consistency with G.L. c. 164, § 134(a) and Department precedent (D.P.U. 19-51, Hearing Officer Memorandum & Att. at § B.7 (December 18, 2020)). On January 8, 2021, the Town submitted a revised compliance filing (“Revised Compliance Filing”). On January 29, 2021, the Department directed the Town to make additional changes to its further revised Plan to remove certain proposed substantive edits that were beyond the scope of the changes required by the Department in D.P.U. 19-51 and inconsistent with the Department’s directives to amend the revised Plan in a specific manner to ensure consistency with G.L. c. 164, § 134(a) and Department precedent (D.P.U. 19-51,

² On November 2, 2020, the Town filed a motion requesting an extension of the deadline to submit its compliance filing until November 20, 2020 citing competing work requirements and staff availability (Motion at 1). On November 5, 2020, the Department granted the Town’s request (D.P.U. 19-51, Hearing Officer Stamp Grant (November 5, 2020)).

Hearing Officer Memorandum at 1 (January 29, 2021)). On March 18, 2021, the Town submitted a second revised compliance filing (“Second Revised Compliance Filing”).³

After review, the Department finds that the Town has complied with the Department's directives. Accordingly, the Department approves: (1) the further revised Plan and Education Plan filed by the Town on March 18, 2021; and (2) the further revised exemplar ESA and Opt-Out Documents filed by the Town on January 8, 2021. The Town shall implement its municipal aggregation program consistent with the directives set forth in the Department's October 23, 2020 Order.

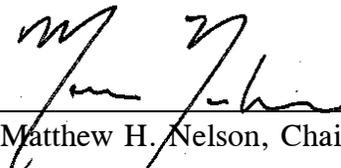
Through its municipal aggregation program, the Town intends to offer a standard opt-out product and may offer one or more optional opt-in products to all eligible customers that will either meet the required Massachusetts Renewable Portfolio Standard or provide additional Renewable Energy Certificates above required minimums, depending upon the content of bids received. D.P.U. 19-51 and D.P.U. 19-52, at 3, 14-15, 19. Any new product the Town seeks to make available to its municipal aggregation program participants is subject to Department approval. Town of Becket, et al., D.P.U. 18-133 through D.P.U. 18-146, at 18-19 (2020); Town of Milton, D.P.U. 19-84, at 10 & n.16 (2020).

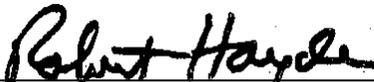
Finally, within 14 days of the date of this Order, the Town shall certify to the Hearing Officer that (1) it has provided basic information about the Plan in a prominent location on its website with appropriate links to the dedicated municipal aggregation program

³ The Town did not include the further revised exemplar ESA or Opt-Out Documents in its Second Revised Compliance Filing.

website; and (2) all Plan documents (including the Department-approved Plan, Education Plan, Opt-Out Documents, and exemplar ESA) and education materials are available on the Program website (see D.P.U. 19-51, Hearing Officer Memorandum, Att. at § A (December 18, 2020)).

By Order of the Department,


Matthew H. Nelson, Chair


Robert E. Hayden, Commissioner


Cecile M. Fraser, Commissioner

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.