



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 14-100-A

April 15, 2015

Petition of the City of Lowell for approval by the Department of Public Utilities of a revised municipal aggregation plan pursuant to G.L. c. 164, § 134.

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Petitioner

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FOR: MASSACHUSETTS DEPARTMENT OF  
ENERGY RESOURCES  
Participant

## I. INTRODUCTION

On March 2, 2015, the Department of Public Utilities (“Department”) conditionally approved the City of Lowell’s (“City” or “Lowell”) petition seeking approval of a revised municipal aggregation plan (“Revised Plan”) pursuant to G.L. c. 164, § 134 (“Municipal Aggregation Statute”).<sup>1</sup> The Department found that the Revised Plan is consistent with the requirements established in G.L. c. 164, § 134, including universal access, reliability, and equitable treatment, as well as the Department’s rules and regulations regarding municipal aggregations, subject to certain conditions. See City of Lowell, D.P.U. 14-100, at 17 (2015). The Department found that the City did not submit the Revised Plan for review by its citizens in accordance with Municipal Aggregation Statute. D.P.U. 14-100, at 12. Accordingly, the Department instructed the City to submit the Revised Plan for review by its citizens within 30 days of issuance of the Order conditionally approving the Revised Plan. D.P.U. 14-100, at 12. The Department directed the City to provide an opportunity for the public to comment, in person and in writing, at least 15 days after the City made the Revised Plan public. D.P.U. 14-100, at 12. Finally, the Department required the City to file with the Department proof that it provided an opportunity for public review and comment. D.P.U. 14-100, at 12.

On April 1, 2015, the City filed a compliance filing pursuant to the Department’s directives. The compliance filing includes a copy of the City’s March 6, 2015 Notice of Public Posting and Request for Comments and screenshots of the March 6, 2015 web posting (see Compliance Filing, Atts. A, B). The City states that the Revised Plan was available for public

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<sup>1</sup> The Department approved the City’s original Municipal Aggregation Plan (“Plan”) on November 27, 2013. City of Lowell, D.P.U. 12-124 (2013).

review and comment from March 9, 2015 through March 27, 2015 (Compliance Filing, Att. C).

The City asserts that it received no comments, either in person or in writing, on the Revised Plan (Compliance Filing, Att. C).

## II. ANALYSIS AND FINDINGS

The Department has reviewed the documentation filed by the City and finds that the City has complied with the Department's directives. The City has documented that it made the Revised Plan available for public review for at least 15 days (see Compliance Filing, Atts. A, B, and C). Therefore, the Department concludes that Lowell's citizens have had sufficient opportunity to review the Revised Plan. Town of Greenfield, D.P.U. 13-183, at 17 (2014).

The Department has previously found that the Revised Plan is consistent with the requirements established in G.L. c. 164, § 134, including universal access, reliability, and equitable treatment, as well as the Department's rules and regulations regarding municipal aggregations. D.P.U. 14-100, at 17. Accordingly, the Department approves Lowell's revised municipal aggregation plan as filed on August 18, 2014.

## III. ORDER

Accordingly, after review and consideration, it is

ORDERED: That the City of Lowell's revised municipal aggregation plan filed on August 18, 2014 is APPROVED; and it is

FURTHER ORDERED: That the City of Lowell shall continue to follow all directives set forth in City of Lowell, D.P.U. 14-100 (2014) and City of Lowell, D.P.U. 12-124 (2013); and it is

FURTHER ORDERED: That the City of Lowell shall comply will all other directives contained in this Order.

By Order of the Department,

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/s/  
Angela M. O'Connor, Chairman

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/s/  
Jollette A. Westbrook, Commissioner

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/s/  
Robert E. Hayden, 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.