

## **Background for STM Warrant Article 16**

On Aug. 31, the Town of Montague received full intervenor status from the Dept. of Public Utilities (DPU) to challenge the Berkshire Gas moratorium in the DPU's review of Berkshire's five-year Forecast and Supply Plan, that is now underway (DPU docket 16-103).

Along with Montague, the Towns of Deerfield, Hadley, and Amherst and all of the state legislators who represent Pioneer Valley ratepayer Towns impacted by the moratorium are intervening.

In this proceeding, Montague will finish the job we started as an intervenor in DPU 15-178, in which we challenged Berkshire Gas's proposed contract with the Kinder Morgan pipeline. Our intervention in 15-178 was very successful, in that it helped to bring about the cancellation of the pipeline due to weak market interest in the project.

Montague submitted expert testimony in DPU 15-178 demonstrating that Berkshire Gas never needed to impose its moratorium on new and expanded gas service in Montague and other communities. Our expert showed that Berkshire could begin to end the moratorium at any time by making local infrastructure changes that the Company had considered several times but had rejected in favor of investing in the NED project.

**Montague is in this new proceeding to persuade the DPU to require Berkshire Gas to implement a concrete plan for ending the moratorium by a specific date; and for the DPU to rule out any possibility that the Company will continue the moratorium indefinitely while waiting for another Pennsylvania-to-Atlantic Coast pipeline to be proposed.**

We will do this by building on our previous expert testimony about Berkshire's local infrastructure options to solve the issues that the Company says are behind the moratorium, and by shining a light on opportunities Berkshire has not pursued to reduce the amount of gas needed to serve its existing and new customers. In other words, we hope to document conservation, efficiency, and demand-management strategies the Company has not yet pursued that will enable Berkshire's customers to have more productivity and comfort while using less gas.

### **How will we fund this intervention?**

The \$20,000 for Article 16 is proposed to be repurposed from funding allocated by Town Meeting in May for the previous intervention (which closed when the NED pipeline was cancelled). As explained above, Montague's current intervention is a direct continuation of Montague's purpose and goals from the former case.

The Select Board will draw upon the \$20,000 incrementally, in consultation with the Attorney, as the docket progresses. We entered the case with a \$10,000 anonymous grant, and we will actively seek more grants and donations from businesses, organizations, and individuals. Montague is committed to working with other intervenor Towns who are represented by the same Attorney to produce joint work product, with no duplication of expenses, throughout the proceeding.

### **New development from Gov. Baker makes this intervention even more important:**

Recent statements by the Baker administration on the Governor's commitment to get more massive gas-transmission lines built underscore the possibility that another west-to-east pipeline proposal could be in the works. In the wake of the Supreme Judicial Court's decision overruling the pipeline tariff or "tax" on electric ratepayers to build gas-transmission infrastructure, Secretary of Energy & Environmental Affairs Matt Beaton has been suggesting (repeatedly) that the Administration will push LDCs (local gas

distribution companies) such as Berkshire Gas to *over*-invest in such projects to get them built. This makes our intervention in DPU 16-103 even more significant:

<http://commonwealthmagazine.org/back-story/plan-b-for-a-pipeline/>

<http://commonwealthmagazine.org/environment/baker-still-wants-new-natural-gas-pipeline/>

If we succeed in persuading the DPU to *require* Berkshire Gas to solve the moratorium by other means, and then at least our local gas company (and its international corporate owner) will no longer be in the market for the Governor's new plan.

**This intervention is considered an important action in the region, as shown by the extensive press coverage it has received. Most recent is a *Recorder* editorial urging the DPU to rule in favor of Montague's positions in the proceeding:** <http://www.recorder.com/editorial-dpu-hearing-berkshire-gas-4472521>

***For more information:***

Please email [arielpublic@comcast.net](mailto:arielpublic@comcast.net) for an electronic copy of this Background with live links; a collection of articles on 16-103 to date from *The Recorder*, *Daily Hampshire Gazette*, and *The Republican/MassLive*.

Please email at the above address or phone to talk about any questions or thoughts concerning the DPU intervention or Article 16: Ariel Elan, Montague Pipeline Liaison: 734-545-5569.

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