

March 19, 2014

VIA ELECTRONIC MAIL
lauren.farrell@state.ma.us

Barbara Kates-Garnick
Undersecretary for Energy
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Dear Energy Undersecretary Kates-Garnick:

Pursuant to the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10), please provide copies of the following documents related to electric system transmission, gas pipeline capacity, and electricity imports from Canada:

1. All documents¹ created and/or dated after June 30, 2012, concerning² communications³ between Executive Office of Energy and Environmental Affairs (EEA) employees and employees or representatives of any other New England State, the New England States Committee on Electricity (“NESCOE”); the Independent System Operator for New England (“ISO-NE”), the Federal Energy Regulatory Commission (“FERC”), any Electricity Market Participant,⁴ or any natural gas transmission or distribution company

¹ The term “documents” includes any and all reports, statements, memoranda, analyses, designs, maps, photographs, videotape, microfilms, computer tapes or disks, rules, regulations, codes, handbooks, manuals, operations logs, work orders, notes, equipment purchase receipts, fuel purchase receipts, contracts, meeting minutes, engineering specifications, fuel shipment records, monitoring data, calendars, project schedules, emissions calculations, process modeling, emissions modeling, financial records and analyses, safety records, maintenance records, proposals, graphs, and other data representations.

² The term “concerning” shall be defined herein as in Massachusetts Superior Court Standing Order 1-09: “referring to, describing, offering evidence of, or constituting.”

³ The term “communications” means the giving, receiving, transmitting, or exchanging of information, including, but not limited to, any and all written correspondence (including facsimiles and e-mail), and any records of printed, facsimile, telephonic, electronic, or other forms of communications, including documents that memorialize or refer to any such communications.

⁴ Any ‘Individual Participant’ recognized as such under the February 23, 2011 Restated Participants Agreement Among ISO-NE and NEPOOL and Individual Participants.

regarding “New Electric Transmission Infrastructure” as set forth in the NESCOE Letter,⁵ including without limitation:

- a. All Documents relating to proposals for development of transmission infrastructure;
 - b. All Documents relating to the extent of, need for, reliability impacts of, and locations for development of new transmission infrastructure;
 - c. All Documents relating to the cost(s) of and cost allocation(s) for new transmission infrastructure;
 - d. All Documents relating to electrical system planning by ISO-NE for development of new transmission infrastructure;
 - e. All Documents relating to the development of, requests for and/or filing of tariff changes to facilitate development of new transmission infrastructure;
 - f. All Documents relating to analysis of non-transmission alternatives (NTAs) in lieu of new transmission infrastructure;
 - g. All Documents relating to analysis of greenhouse gas emissions impacts associated with the development of new transmission infrastructure.
2. All documents created and/or dated after June 30, 2012, concerning communications between EEA employees and employees or representatives of any other New England state, NESCOE, ISO-NE, FERC, Electricity Market Participant, or natural gas transmission or distribution company regarding “Increased Natural Gas Capacity” as set forth in the NESCOE Letter, including but not limited to:
- a. All Documents relating to proposals for increased natural gas pipeline capacity into New England;
 - b. All Documents relating to the extent of, need for, reliability impacts of and locations for development of increased natural gas pipeline capacity into New England;
 - c. All Documents relating to the cost(s) and cost allocation(s) for the procurement of new pipeline capacity into New England;
 - d. All Documents relating to the development of, requests for, and/or filing of tariff changes for recovery of the cost of any such procurement of increased pipeline capacity through the electricity Regional Network Services rate, or by any other means;
 - e. All Documents relating to analysis of alternatives to new or increased pipeline capacity, including, without limitation, energy efficiency;

⁵ The letter dated January 21, 2014, from NESCOE to ISO- NE captioned “Re: Request for ISO-NE technical support and assistance with tariff filings related to electric and natural gas infrastructure in New England.” A copy of this letter is attached to this request.

- f. All Documents relating to analysis of greenhouse gas emission impacts associated with the development of increased pipeline capacity into New England, including any analysis or request for information regarding fugitive emissions.
3. All Documents created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between EEA employees and employees or representatives of any other New England state, NESCOE, ISO-NE, FERC, Electricity Market Participant, or natural gas transmission or distribution company regarding electricity imports from Canada, including but not limited to:
 - a. All Documents relating to any proposed project to import hydropower from Canada including but not limited to the Northern Pass project;
 - b. All Documents constituting, memorializing, or otherwise relating to communications relating to hydropower purchases from Canada between Department employees and any officials, employees, or representatives of the Province of Quebec; Hydro Quebec; Hydro Renewable Energy, Inc.; HQ Energy Services (US), Inc.; Northeast Utilities; Northern Pass Transmission, LLC; and NU Transmission Ventures, Inc.
 - c. All Documents relating to the costs to import and/or the financial terms applicable to importation of hydropower from Canada;
 - d. All Documents relating to eligibility of hydropower from Canada under the Renewable Portfolio Standard or Renewable Energy Standard of any New England state.
 - e. All Documents relating to the development of requests for, and/or filing of tariff changes for purposes of importing hydroelectricity from Canada.
 - f. All Documents relating to analysis of greenhouse gas emissions impacts associated with the importation of hydroelectricity from Canada.

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I recognize that you may charge reasonable costs for copies and for the personnel time needed to comply with this request. If possible, please provide this information in electronic format. If you expect costs to exceed \$100.00, please provide a detailed fee estimate and allow me to respond before proceeding with fulfilling the request.

To the extent that you claim that any document or communication is exempt from this request due to an exception within the public records law or due to any alleged privilege, please identify which documents you claim are exempt, specify the exemption or privilege that you are asserting applies, and explain why you believe such exemption or privilege applies to such document or communication.



As you are aware, the Public Records Law requires you to provide me with a written response within ten calendar days. I would be happy to make an appointment to meet with you to discuss the request if that would be helpful. If you cannot comply with my request during that time frame, please notify me so that we may discuss a schedule. I appreciate your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Shanna Cleveland".

Shanna Cleveland
Senior Attorney
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