

*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1018  
<http://www.mass.gov/envir>

February 18, 2014

Mr. N. Jonathan Peress  
VP and Director  
Clean Energy and Climate Change Program  
CLF Massachusetts  
62 Summer Street  
Boston, MA 02110

RE: Conservation Law Foundation vs. Energy Facility Siting Board. SJC No. SJC-1160

Dear Jonathan:

In furtherance of the goals of the Executive Office of Energy and Environmental Affairs (EEA) to advance the goals and objectives of the Global Warming Solution Act (GWSA), while ensuring that the Commonwealth's citizens receive reliable, cost effective energy and reduced carbon emissions, EEA hereby commits that it will issue a directive to the Departments of Environmental Protection (DEP), Energy Resources (DOER) and Public Utilities (DPU) that contains the following features:

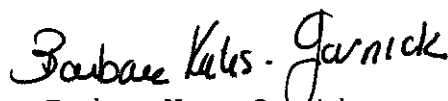
1. EEA shall direct DEP to include in relevant air permits an emissions reduction plan agreed upon by CLF and Footprint Power, upon submission to DEP of such an agreement, and subject to DEP review. Such inclusion of the agreement between the parties will make the emission reduction binding and enforceable and, potentially, precedent setting.
2. EEA directs DOER to propose by June 1<sup>st</sup>, 2014, that the Department of Public Utilities [DPU] open a proceeding for approval of a uniform MA wide accelerated Targeted Infrastructure Replacement Factor (TIRF) Program to focus upon the elimination of fugitive emissions of methane GHG from leaking natural gas infrastructure. Such a request will build upon the results of the DPU's ongoing study to quantify the amount of fugitive emissions emanating from the distribution system of Massachusetts Investor Owned Utilities [IOUs]. The request will encompass the following:
  - Uniform leak repair classifications and timeline.
  - Proposed uniform metrics to assess the viability of TIRF programs.
  - Uniform TIRF cost recovery mechanisms/capital trackers, along with O&M offset
  - Assessment of lost and unaccounted for gas cost recovery based on the results of the study already underway.

- Uniform service quality metrics to ensure TIRF programs are being met vis a vis any currently pre-approved plans.
  - In its petition to the DPU, DOER shall request that the DPU respond within 30 days to its request to open such a proceeding.
3. EEA also directs DOER to offer funding to host municipalities of active or decommissioned coal generation facilities to develop a clean energy strategy for the municipalities' energy use and implement the strategy, including the building of a renewable energy project in the municipality. Funding for the project will be directed for use on a renewable energy project, determined by DOER to be qualified as a chapter 25A, section 11F eligible project. The eligible project must be built within the boundaries of the municipality and be selected based on a competitive solicitation of projects. Such projects may be wholly owned by the municipality or may be built in coordination with a third party. A qualifying municipality will be eligible for up to \$2 million from 2013 Class II Alternative Compliance Payments.

Finally, EEA will work with CLF to launch a collaboration with key public interest and business stakeholders to develop a 2050 Climate Roadmap that identifies clear pathways for achieving the 80%+ reduction in GHG emissions below 1990 levels required by 2050, across all sectors and sources of GHGs across the New England. After Consultation with CLF, EEA is prepared to announce this process at the end of May and to develop an agenda to encourage the participation of regional stakeholders. One of the outcomes of this effort will be a regional meeting in late Fall 2014 supported by philanthropic funding.

We look forward to your response as we continue to work together to address Massachusetts' commitment to addressing climate change and building a clean energy economy.

Sincerely yours,



Barbara Kates-Garnick  
Undersecretary for Energy



Maeve Vallely Bartlett  
Undersecretary for the Environment

cc: Scott Silverstein – Footprint Power  
Peter Furniss - Footprint Power  
John Kassel-CLF  
Sue Reid – CLF