



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 18-76

July 30, 2021

Petition of NSTAR Electric Company d/b/a Eversource Energy for approval by the Department of Public Utilities of two long-term contracts for procurement of Offshore Wind Energy Generation, pursuant to Section 83C of An Act Relative to Green Communities, St. 2008, c. 169, as amended by St. 2016, c. 188, § 12.

D.P.U. 18-77

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval by the Department of Public Utilities of two long-term contracts for procurement of Offshore Wind Energy Generation, pursuant to Section 83C of An Act Relative to Green Communities, St. 2008, c. 169, as amended by St. 2016, c. 188, § 12.

D.P.U. 18-78

Petition of Fitchburg Gas and Electric Light Company d/b/a Unitil for approval by the Department of Public Utilities of two long-term contracts for procurement of Offshore Wind Energy Generation, pursuant to Section 83C of An Act Relative to Green Communities, St. 2008, c. 169, as amended by St. 2016, c. 188, § 12.

On July 31, 2018, NSTAR Electric Company d/b/a Eversource Energy (“Eversource”), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid”), and Fitchburg Gas and Electric Light Company d/b/a Unitil (“Unitil”) (collectively, “Companies”) each filed a petition with the Department of Public Utilities (“Department”) seeking approval of two long-term contracts, or Power Purchase Agreements (“PPAs”) (i.e., two PPAs for each company and six PPAs total), to purchase Offshore Wind Energy Generation from Vineyard Wind LLC (“Vineyard Wind”), pursuant to Section 83C of An Act Relative to Green Communities, St. 2008, c. 169 (“Section 83C”) and the Department’s regulations. The Vineyard Wind project is bifurcated into two 400 MW phases designated Facility 1 and Facility 2. On April 12, 2019, the Department approved these long-term contracts to

purchase offshore wind energy generation and associated renewable energy certificates from a combined approximately 800 MW offshore wind energy generation facility for a 20-year term. NSTAR Electric Company, et al., D.P.U. 18-76/D.P.U. 18-77/D.P.U. 18-78 (2019). Each contract contained a schedule of Critical Milestone dates which must be met by Vineyard Wind, culminating with an originally planned Commercial Operation Date (“COD”) of January 15, 2022 for Facility 1 and January 15, 2023 for Facility 2. The contracts also allowed the parties to agree to a limited number of six-month extensions.

On July 27, 2021 the Companies filed a joint motion with the Department, pursuant to 220 C.M.R. 1.04(5)(a), for approval of amendments to the Companies’ long-term contracts with Vineyard Wind. The proposed amendments to the approved contracts amend the Critical Milestone deadlines in Section 3.1(a) of the PPAs in response to certain permitting delays encountered by Vineyard Wind since the Department’s approval of the contracts in 2019. The parties further propose to amend Section 6.2(a) of the PPAs to require Vineyard Wind to post additional Development Period Security to secure Vineyard Wind’s obligations until the COD, and to amend Section 3.1(c) to eliminate the requirement that Vineyard Wind post additional Development Period Security for each six-month extension of the Critical Milestone deadlines. Finally, the parties propose to restate Section 3.1(f) of the PPAs to provide that, notwithstanding any extension options, Force Majeure events or regulatory approval delays, in no event shall the Guaranteed COD be extended beyond January 15, 2028 for Facility 1 and January 15, 2029 for Facility 2.

Any person interested in commenting on this matter may submit written comments no later than the close of business (5:00 p.m.) on **Monday, August 16, 2021**. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department’s Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)); however, until further notice, parties must retain the original paper version and the Department will later determine when the paper version must be filed with the Department Secretary. At this time, all filings will be submitted only in electronic format consistent with the Commission’s June 15, 2021 directive related to modified filing requirements. Accordingly, all documents must be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov, alice.davey@mass.gov, and the Companies’ attorneys, John Habib at jhabib@keeganwerlin.com, Danielle Winter at dwinter@keeganwerlin.com, and William Hewitt at whewitt@HewittLegalAdvisors.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 18-76/D.P.U. 18-77/D.P.U. 18-78); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. All documents submitted in electronic format will be posted on the Department’s website through our online File Room as soon as practicable (enter “18-76”, “18-77”, or “18-78”) at: <https://eeaonline.eea.state.ma.us/DPU/Flerom/dockets/bynumber>.

The filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department’s website as referenced above as soon as is practicable. To request materials in accessible formats for people

with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Companies' filing or a paper copy of the filing should contact counsel for the Companies, John Habib at jhabib@keeganwerlin.com, Danielle Winter at dwinter@keeganwerlin.com, and William Hewitt at whewitt@HewittLegalAdvisors.com. For further information regarding this notice, please contact Alice Davey, Hearing Officer, Department of Public Utilities, at alice.davey@mass.gov.