

COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

Petition of Northeast Energy Center LLC for Approval to Construct and Operate a New Natural Gas Liquefaction and Storage Facility Pursuant to G.L. c. 164, § 69J)))))))	EFSB 18-04
---	---------------------------------	------------

**AMENDED AND RESTATED PETITION OF NORTHEAST ENERGY CENTER LLC
FOR APPROVAL OF A GAS LIQUEFACTION AND STORAGE FACILITY**

Now comes Northeast Energy Center LLC (“NEC” or “Petitioner”) and hereby amends and restates its petition to the Energy Facilities Siting Board (“Siting Board”) pursuant to G.L. c. 164, § 69J with respect to its request for the approval to construct, operate and maintain a new natural gas liquefaction and storage facility in the Town of Charlton, Massachusetts (“Charlton”) together with certain ancillary facilities (“Project”). The Project will provide needed gas liquefaction, storage and delivery capabilities to provide established reliability and cost savings for natural gas customers and the enhanced siting and design will potentially facilitate the provision of benefits to other gas utility customers, electricity generating customers and others. The Project design has been enhanced to incorporate a full-containment storage tank for safety and reliability purposes and a new preferred site that was identified and formally evaluated subsequent to the initial petition dated August 31, 2018. The Project will incorporate industry best practice and meet or exceed all relevant regulatory or design requirements. In support of this Amended and Restated Petition, NEC respectfully represents as follows:

1. NEC engages in the development and operation of natural gas facilities and is a subsidiary of Liberty Permit Energy Infrastructure Fund LLP.

2. NEC is represented by James M. Avery, Esq., Daniel J. Bailey, Esq. and John M. Lerner, Esq., Pierce Atwood LLP, 100 Summer Street, Boston, Massachusetts 02110.

3. Pursuant to G.L. c. 164, § 69J, a party seeking to construct a “facility” must obtain approval from the Siting Board. Pursuant to G.L. c. 164, § 69G, a jurisdictional facility is defined as a “unit, including associated buildings and structures, designed for and capable of the . . . storage of gas, except such units below a minimum threshold size established by regulation.

4. The Project includes pre-treatment and liquefaction equipment and total LNG storage capability of approximately two (2) million gallons, all at a site of Route 169 in Charlton (“Preferred Site”). Alternative interconnection pipeline routes have also been identified, some of which may also constitute a “facility.” The Petitioner’s initial preferred site, off of Route 20 in Charlton, MA, is now proposed as one of Petitioner’s so-called “noticed alternatives” while a site near the Preferred Site, referred to as the “Sherwood Lane Site,” is also presented as a noticed alternative.

5. The Project is needed, in part, to satisfy established reliability and economic requirements for the Commonwealth of Massachusetts’ (“Commonwealth”) largest natural gas utility, National Grid. See Boston Gas Company and Colonial Gas Company, each d/b/a National Grid, D.P.U. 15-129 (2016). The enhanced Project design will create additional opportunities to provide comparable beneficial service to other Massachusetts gas utilities and potentially back-up fuel service to the electricity generating market, which will secure additional economic, reliability and environmental benefits for the Commonwealth. Over time, the Project may also provide similar benefits to the transportation industry and will enable the host community to secure economic, environmental, reliability and resilience benefits for its residents and businesses.

6. National Grid comprehensively identified and analyzed various project alternatives to address its established need, including a “no build” alternative, and its so-called “LNG strategy” was accepted and approved by the Department of Public Utilities (“Department”). National Grid considered each of these scenarios and evaluated them based

on their ability to meet the identified need; their reliability, environmental impact, and cost; and the extent to which each provided additional reliability benefits to the area. National Grid then completed a competitive solicitation of developers to propose the best project and related site. The proposed Project was determined to best meet National Grid's the need while balancing reliability, cost, and environmental considerations. The Petitioner initiated a site selection and engineering process that resulted in the preliminary selection of a site off Route 20. After encouragement from other stakeholders to consider siting the facility in a closer proximity to the existing energy facilities to increase its operational and customer service optionality, the Petitioner creatively identified and evaluated new site alternatives. As noted, the Petitioner's enhanced design and site will further facilitate the potential provision of critical LNG service to other gas distribution companies, the electricity generating market and longer term to the transportation industry or the host community. The need for the Project is described in Section 3.0 of the Amended Analysis Supporting the Petition ("Amended Analysis").

7. The Petitioner engaged in a comprehensive project alternative and site selection process, initially in coordination with National Grid, which has continued even subject to the public comment hearing in order to determine the least cost and most reliable sites that result in the least environmental impact with respect to the construction and operation of the enhanced Project. The Petitioner's analysis compared Project siting alternatives based upon environmental, constructability, cost and reliability considerations. Through this diligent and open process (including extensive stakeholder consultation), the Petitioner ultimately determined that the enhanced design and the Preferred Site are superior to other alternatives with respect to its benefits to energy customers as well as potential natural and social environmental impacts, constructability, cost, reliability and operational and customer-service flexibility. The proposed potential areas and actual sites studied and the refinements to the site selection and design processes are more particularly described in Section 4.0 of the Amended Analysis.

8. The Petitioner conducted an enhanced, updated and comprehensive analysis of the environmental impacts of the now enhanced Project and has appropriately minimized and mitigated the environmental impacts associated with the construction of the Project. The Project will also achieve an appropriate balance between environmental concerns as well as among environmental impacts, reliability and cost. The cost, reliability and environmental impacts analyses are set forth in Section 5.0 of the Analysis.

9. The Amended Analysis also demonstrates that the construction and operation of the Project is consistent with current health, environmental protection and resource use and development policies as adopted by the Commonwealth, as are more particularly set forth in Section 6.0 of the Amended Analysis. The Project also satisfies the specific requirements of the Siting Board regulations. The enhanced Project may provide additional health, safety and environmental opportunities particularly in terms of the reduction of emissions in the electric generation market sector.

10. Simultaneously herewith, the Petitioner is filing with the Department an amended and restated petition pursuant to G.L. c. 40A, § 3, for a determination that certain requested zoning exemptions in connection with the Project are “reasonably necessary for the convenience or welfare of the public.” The new preferred site is subject to comparable zoning requirements as the Route 20 or originally preferred site and the Amended Zoning Petition also addresses the enhanced design. The Petitioner is also filing motions with the Department and the Siting Board requesting the confirmation of both the earlier consolidation of these related petitions into one proceeding and the referral of such petitions to the Siting Board for consolidated review. G.L. c. 25, § 4; G.L. c. 164, § 69H; New England Power Company d/b/a National Grid, EFSB 09-1/D.P.U. 09-52/D.P.U. 09-53, at 2 (2011).

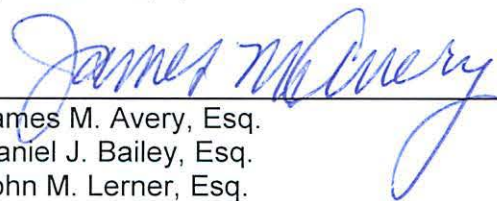
WHEREFORE, the Petitioner respectfully requests that the Siting Board, pursuant to G.L. c. 164, § 69J, to the extent deemed necessary and appropriate, conduct an additional public comment hearing on this Amended and Restated Petition (and on any matters referred

to the Siting Board from the Department) and take such other action as may be necessary to: (i) grant the authority to construct the Project as more particularly described in the attached Amended Analysis; (ii) find that the construction of the Project is consistent with current health, environmental, and resource use and development policies as adopted by the Commonwealth and the policies stated in G.L. c. 164, § 69H; and (iii) find that such construction is required in order to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost.

Respectfully Submitted,

NORTHEAST ENERGY CENTER LLC

By its attorneys,



James M. Avery, Esq.
Daniel J. Bailey, Esq.
John M. Lerner, Esq.
Pierce Atwood LLP
100 Summer Street
Boston, MA 02110
Phone: 617.488.8100
Fax: 617.824.2020
javery@pierceatwood.com
dbailey@pierceatwood.com
jlerner@pierceatwood.com

Dated: February 28, 2019