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June 5, 2015

VIA E-FILING AND HAND DELIVERY

Mr. Mark Marini
Department of Public Utilities
One South Station, Second Floor
Boston, MA 02110

Re: Petition of Berkshire Gas Company for Approval of a Firm Transportation Agreement with Tennessee Pipeline Company, LLC, Pursuant to G.L. c.164, § 94A; DPU 15-48

Dear Secretary Marini:

Enclosed relative to the above-referenced matter, please find one original and two photocopies of the Motion to Amend the Procedural Schedule of Northeast Energy Solutions, Inc. and a Certificate of Service in the above proceeding.

Thank you for your attention to this matter.

Very truly yours,

Vincent DeVito

VD:jfh
Enclosures
cc: Laurie E. Weisman, Hearing Officer
Service List, D.P.U. 15-48

{Client Files/BUS/308841/0004/COR/03345685.DOCX;1}

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

_____))
Petition of The Berkshire Gas Company))
for Approval of a Firm Transportation))
Agreement with Tennessee Pipeline))
Company, LLC, Pursuant to))
G.L. c. 164, § 94A))
_____)

D.P.U. 15-48

MOTION TO AMEND THE PROCEDURAL SCHEDULE

Northeast Energy Solutions, Inc. (“NEES”) respectfully submits to the Department of Public Utilities Commission (the “Commission”) this motion to amend the procedural schedule for the Petition for Approval of a Firm Transportation Contract with Tennessee Gas Pipeline Company, LLC (“TGP”) filed by The Berkshire Gas Company (“Berkshire”). In support of this Motion, NEES states as follows:

1. NEES is a group made up of municipalities, a legislator and ratepayers who are unquestionably impacted by the precedent agreement (“PA”) at issue in the above-captioned matter.

2. Accordingly, on May 22, 2015, NEES timely filed its Petition for Leave to Intervene as a full participant, pursuant to 220 C.M.R. 1.03, in the Petition for Approval of a Precedent Agreement for firm transportation service with Tennessee Gas Pipeline Company, LLC (“TGP”) filed by Berkshire.

3. On May 29, 2015, the Commission issued its Rulings on Petitions to Intervene. The Hearing Officer found that the NEES Interveners had not shown that they are substantially and specifically affected by the proceeding. NEES’ Petition was denied, granting NEES only limited participation in the proceedings.

4. Also on May 29, 2015, the Commission entered its Procedural Notice and Ground Rules.

5. Contained within said Procedural Notice is the order that: (1) Intervenor Testimony is due by June 5, 2015; (2) Discovery Requests are due by June 10, 2015; (3) Discovery Responses due by June 17, 2015; (4) Evidentiary Hearings are scheduled for June 24, 25, & 26; (5) Initial Briefs due by July 15, 2015; and (6) Reply briefs due by July 22, 2015.

6. On June 1, 2015, NEES timely appealed the decision, pursuant to the provisions of 220 C.M.R. §1.06(d)(3), arguing that the Commission misapplied precedent, that NEES will be substantially and specifically affected by the Proceeding, and that the interests of NEES cannot be adequately represented by any other party. NEES specifically reiterates its position as stated in the appeal.

7. Without the requested amendment to the procedural schedule, NEES' procedural rights will be severely prejudiced. The Commission has not yet ruled on NEES' appeal. In the event that NEES' appeal is granted, the current schedule prevents NEES' potential witness from having the benefit of discovery in the current docket, or even the full petition of the Berkshire Gas Co. that is at issue.

8. The requested amendments to the Procedural Schedule will not materially prejudice any party to the proceeding. The current schedule, however, is prejudicial to the rights of NEES under G.L. c. 30A, §11, as it prevents NEES from meaningful participation in the proceeding.

WHEREFORE, NEES requests the procedural schedule be amended to allow for NEES' appeal to be decided by the Commission.

Respectfully Submitted,



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Dated: June 5, 2015

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CERTIFICATE OF SERVICE

I hereby Certify that I have this day served the foregoing document upon the persons on the Service List in the above captioned proceeding in the manner required by the Department of Public Utilities' Rules of Practice and Procedure.



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