

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Notice of Inquiry by the Energy Facilities Siting
Board on its Own Motion Into Procedures for
Enhancing Public Awareness of and Participation
in its Proceedings

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EFSB 21-01

NOTICE OF INQUIRY

Donna C. Sharkey
Presiding Officer
July 1, 2021

I. INTRODUCTION

The Energy Facilities Siting Board (“Siting Board”) opens this inquiry to examine procedural enhancements to increase public awareness of and participation in its proceedings. Specifically, the Siting Board will explore avenues to increase both the visibility of its public notices and promote equitable and meaningful public and stakeholder involvement throughout its proceedings.¹ The Siting Board has docketed this inquiry as EFSB 21-01.

The Siting Board opens this inquiry as part of its ongoing development of an environmental justice strategy to enhance meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including climate change policies, and the equitable distributions of energy and environmental benefits and burdens, consistent with the Executive Office of Energy and Environmental Affairs’ (“EEA”) 2017 Environmental Justice Policy (“EJ Policy”).² As part of this process, the Siting Board is evaluating methods to promote further public and stakeholder involvement in its proceedings. Additionally, the Siting Board continues to recognize the importance of ensuring that persons with limited English language proficiency are provided with meaningful opportunity to participate in Siting Board proceedings, in a manner consistent with

¹ The Department of Public Utilities (“Department”) has opened a companion proceeding to examine procedural enhancements to its public notice requirements to increase public awareness of and participation in its proceedings. D.P.U. 21-50. While the Siting Board and the Department have similar public notice requirements, each agency has its own separate and distinct procedural regulations that govern their respective notice procedures and practices. Therefore, the Siting Board and the Department will examine these issues separately in different dockets. Nevertheless, Siting Board and the Department will coordinate on procedural matters to the extent practicable, as well as seek to ensure consistency between siting-related practices of the Siting Board and the Department.

² The 2017 EJ Policy is at: https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf. The 2017 EJ Policy was updated on June 24, 2021: <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>

those who have English language proficiency.³ Our goal is to improve on the access to and transparency of our proceedings by reducing barriers to participation due to a lack of proficiency in English and providing all individuals with equal access.

The Siting Board has determined that it is appropriate to open this new proceeding as it develops an environmental justice strategy and considers new strategies for enhancing public outreach and involvement in its proceedings. This proceeding, along with additional internal review of its policies and procedures, will help guide the Siting Board in the development and implementation of its environmental justice strategy. As noted above, the Department has opened a similar proceeding in D.P.U. 21-50 to increase public awareness of and participation in its proceedings, and the two agencies will, to the extent practicable, coordinate on procedural matters regarding these companion proceedings to promote administrative efficiency.

II. REQUEST FOR COMMENTS

Through this proceeding, the Siting Board seeks input from Siting Board stakeholders, public officials, and members of the public on best practices for promoting public involvement in Siting Board proceedings, both in-person and via remote videoconferencing or other electronic means. The Siting Board invites all interested persons and entities to participate in this proceeding. The Siting Board welcomes comments on any or all of these questions, and also invites comments on additional relevant topics not included in the questions below.

1. Identify additional methods or physical and electronic platforms by which public comment hearing notices could be reasonably published or disseminated to reach potentially affected individuals and interested stakeholders (e.g., non-English language newspapers, social media, broadcast media, local venues or events, community organizations).
2. Should the Siting Board use social media to better inform the public about a project and the public comment hearing? If so, which social media sites would most effectively disseminate such information? Please identify criteria that the Siting Board could use to identify appropriate social media sites where public notices

³ The Siting Board provides language access consistent with requirements established for all executive branch agencies that have been in effect since 2015. See Executive Office of Administration and Finance's Language Access Policy and Implementation Guidelines, <https://www.mass.gov/doc/language-access-guidelines/download>.

could be posted or shared. Are there particular social media platforms and/or strategies that would effectively reach residents with limited English language proficiency?

3. Identify criteria or methods that the Siting Board could use to identify relevant community groups or organizations that should be sent public comment hearing notices in order to enhance awareness of relevant proceedings.
4. In addition to conveying key facts and basic information about a proposed siting project, what other features and information would be helpful or useful to have in public comment hearing notices? For example, maps, links to further information, contacts for further information, language access and technical assistance information, or other such content?
5. Identify best practices and/or additional tools that the Siting Board could use to determine the appropriate languages in which to translate public comment hearing notices for dissemination in a particular neighborhood or region.
6. Identify best practices that the Siting Board could use to determine the languages in which to provide simultaneous interpretation services at public comment hearings. Identify the best practices for providing interpretation services at such hearings, including requirements for venue, equipment, remote and in-person services.
7. Identify the characteristics required for effective interpretation and translation services at Siting Board proceedings. What professional credentials, experience, or skills should be required for simultaneous interpreters retained for public comment hearings, evidentiary hearings, or Siting Board meetings? What might Siting Board staff do to assist these language service providers in performing their role?
8. Identify methods and best practices that the Siting Board could use to determine the location and nature of the facilities where in-person public comment hearings are held and the necessary features of venues used for public comment hearings.
9. Identify enhancements to the DPU/EFSB website to make information more accessible.
10. The Siting Board generally requests that people planning to offer oral comments register in advance so that all commenters are afforded ample time; it also seeks to accommodate commenters that have not pre-registered. Discuss any suggestions related to improving pre-registration processes to facilitate comments at public comment hearings (both in-person and via remote electronic means).
11. Identify best practices that the Siting Board could use to set dates, times, durations, and locations (physical or remote) that would increase public engagement at public comment hearings.
12. Identify best practices for the Siting Board's use of remote videoconferencing, including telephonic access, and remote hearing access. Should remote services continue after in-person public comment hearings resume?

13. For both English-proficient and limited English proficiency stakeholders, please identify methods by which technical material can be made more easily understandable and promote community engagement and public participation.
14. Identify how you learned of this proceeding (e.g., newspaper, word of mouth, city or town website, email from the Siting Board, etc.).
15. Provide any additional comments or suggestions regarding the methods that the Siting Board could employ to increase stakeholder engagement and public participation in its proceedings. The Siting Board is particularly interested in continuing to develop better methods for when and how to use language access services.

The Siting Board seeks written comments on the questions above. The comments should be received no later than 5:00 p.m. on September 10, 2021. Written comments can be mailed to Donna C. Sharkey, Presiding Officer, Energy Facilities Siting Board, One South Station, Boston, Massachusetts 02110, and/or by sent by email attachment to DPU.efiling@mass.gov (please also copy donna.sharkey@mass.gov). All comments submitted should include: (1) the docket number (EFSB 21-01); and (2) the name of the person or organization submitting the filing. All comments submitted will be posted on the Siting Board's webpage for this proceeding, which can be accessed via the Siting Board's website, <https://mass.gov/how-to/view-efsb-21-01-siting-board-notice-of-inquiry>. Comments filed in this docket will also be available in the Department's file room for EFSB 21-01, <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber/EFSB21-01>

III. DECISION

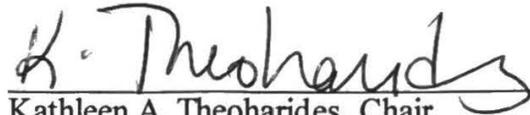
The Siting Board hereby opens an inquiry into procedures for enhancing public awareness of and participation in its proceedings. The Presiding Officer is issuing a Procedural Order concurrent with this decision that specifies translation, distribution, publication, and posting of this Notice of Inquiry. The Siting Board will determine the appropriate next steps for this proceeding after completing its review of the initial comments.



Donna C. Sharkey, Esq.
Presiding Officer

Dated this 1st day of July 2021

APPROVED by a vote of the Energy Facilities Siting Board at its meeting on June 30, 2021, by the members present and voting. Voting for the Notice of Inquiry: Kathleen A. Theoharides, Secretary of the Executive Office of Energy and Environmental Affairs and Chair of the Energy Facilities Siting Board; Matthew H. Nelson, Chair of the Department of Public Utilities; Cecile M. Fraser, Commissioner of the Department of Public Utilities; Patrick C. Woodcock, Commissioner of the Department of Energy Resources; Jonathan M. Cosco, General Counsel and designee for the Secretary of the Executive Office of Housing and Economic Development; Gary Moran, Deputy Commissioner and designee for the Commissioner of Massachusetts Department of Environmental Protection; Joseph C. Bonfiglio, Public Member; and Brian Casey, Public Member.


Kathleen A. Theoharides, Chair
Energy Facilities Siting Board

Dated this 1st day of July 2021