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State's highest court rejects 'pipeline tax' for Acushnet LNG project

Local opponents rejoice; claim massive Peckham Road storage tanks will not be built

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By **Steve Urbon**

Posted Aug. 17, 2016 at 2:37 PM
Updated Aug 17, 2016 at 6:54 PM

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ACUSHNET — Opponents of the Access Northeast natural gas pipeline and storage terminal project are celebrating, thanks to a Supreme Judicial Court ruling Wednesday that blocks the utility company from passing along the project’s costs to ratepayers.

“This is the beginning of the end for Access Northeast,” said Acushnet resident Roger Cabral of SouthCoast Neighbors United, a local group opposed to the pipeline and storage facility on Peckham Road.

“From the beginning we were told that if the pipeline tax doesn’t happen, expansion will not happen. The projects aren’t financially viable unless they can find someone to pay for it. Using their own money, the math doesn’t work. Believe me, I’m thrilled,” Cabral said.

The ruling came in lawsuits filed by the Conservation Law Foundation, ENGIE Gas and LNG against the state Department of Public Utilities. The DPU ruled last year that the pass-alongs were permissible. But the court ruled that the decision directly contradicts the intention of the Legislature when it passed energy restructuring legislation in 1997, clearly intended to shield ratepayers from having to assume risks that should be borne by the utility companies.

Attorney General Maura Healey, who submitted a friend of the court document in the litigation, issued a statement saying, “Requiring electric ratepayers to pay for new natural gas pipeline capacity effectively shifts the risks associated with building these projects to ratepayers, contrary to the state’s policies of the past two decades.

“We know from our 2015 electric reliability study that there are cleaner and more affordable options for meeting our energy needs. The Court’s decision makes clear that if pipeline developers want to build new projects in this state, they will need to find a source of financing other than electric ratepayers’ wallets.

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"Today's SJC decision confirms our longstanding position that existing law bars electric distribution companies from using ratepayer money to foot the bill for natural gas pipelines."

The Access Northeast pipeline and storage project is being advanced by Eversource and Spectra Energy, a pipeline company. Eversource owns land in Acushnet, where it intends to build a 6.8-billion-cubic-foot LNG storage facility that would supply power generators during the peak load period during winter. Past shortages have drive prices high, which the project seeks to avoid, the company has said.

The project, announced in 2015, is at the beginning stages of federal permitting and has been hotly opposed by residents. There are enough signatures on a petition to call a special town meeting later this summer, with the aim of issuing an official town notice that Acushnet dos not want the project.

After several tries Wednesday to speak directly with an Eversource spokesman, one of them, Caroline Pretyman, issued a statement:

"Although we respect the court's decision, it leaves the region in a precarious position without sufficient gas capacity for electric generation during cold winters, which drives electricity prices up for our customers.

"We've been working with Spectra and National Grid to address this issue. Access Northeast is a solution that could save New Englanders approximately \$1 billion a year, savings that help consumers and businesses stay competitive,"

She added, "While the court's decision is certainly a setback, we will re-evaluate our path forward and remain committed to working with the New England states to provide the infrastructure so urgently needed to ensure reliable and lower-cost electricity for customers."

Follow Steve Urbon on Twitter @SteveUrbonSCT.

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Saturday, August 20, 2016

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Barnes & Noble

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Custom House Square

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