



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 17, 1997

BY FACSIMILE AND FIRST CLASS MAIL

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Leverett Saltonstall Building
100 Cambridge Street, Room 1210
Boston MA 02202

**Re: Cambridge Electric Light Co., Commonwealth Electric Co., and
Canal Electric Co., Docket D.P.U./D.T.E. 97-111**

Dear Secretary Cottrell:

I am writing to object to the Amended Notice of Filing and Public Hearing in the above-referenced matter.

A letter dated December 9, 1997 from COMElectric was received by the City Clerk of Cambridge on December 10, 1997. The letter was addressed to the Mayor and the City Clerk. The City Clerk followed the customary procedure and placed the letter on the agenda for the next City Council meeting scheduled to begin at 5:30 p.m. on December 15, 1997. The City Council referred the letter to my office where it was received in the usual course on December 17, 1997.

The Amended Notice indicates that COMElectric filed an electric restructuring plan ("Plan") with the Department on November 19, 1997. The notice also references Chapter 164 of the Acts of 1997, relative to electric utility restructuring, which the Governor signed on November 25, 1997. The Amended Notice provides that anyone desiring to participate in the adjudicatory hearing must file a written petition for leave to intervene or to participate with you by no later than 5:00 p.m. December 15, 1997. In addition, the Notice indicates that a hearing to receive oral comments on the "settlement" will be held on December 22, 1997 at 7:00 p.m. at the Cambridge City Wide Senior Center at 806 Massachusetts Avenue. The Notice also states that the Department is seeking comments "...on the Plan generally, including whether and how the Companies' restructuring plan is consistent or substantially complies with chapter 164... the Acts of 1997. Comments must be submitted to the Department by December 24, 1997."

This extraordinarily aggressive schedule, delivered to the City on December 10, 1997, and not even brought to my attention until after the deadline for intervention, is unfair, and deprives the City of any real opportunity for meaningful review and comment. Some might take a cynical view of the Christmas Eve deadline for comments.

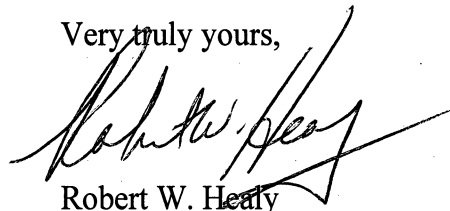
The City has not yet even seen the new legislation, which I assume is complex. The City has not had any reasonable opportunity to review the Plan. Although the notice suggests that "Volume I" of the filing is available on the internet, our efforts to gain access to those documents have thus far failed. In any event, an adequate and meaningful review of the legislation and the Plan will take substantially more time than is allowed under the Amended Notice.

Given that the City received the Notice in a manner that prevented the City Council and the City administration any opportunity to even consider intervention prior to the deadline, I believe the Notice is fundamentally flawed and deprives the citizens of Cambridge of due process. Furthermore, there is not adequate time allowed in the Amended Notice for review of the new legislation and the Plan in order to be able to provide informed comments, orally or in writing. The Public Hearing scheduled in Cambridge will occur at the same time that a regularly scheduled meeting of the Cambridge City Council is scheduled and advertised, thus preventing elected officials from being able to attend.

I hope that you will agree that it is imperative to issue a new Notice providing a schedule that permits a reasonable opportunity for the citizens of Cambridge and their elected and appointed officials to review the relevant documents, make informed decisions about intervention and participation, and provide informed written and oral comments. Failure to do so will create an unfortunate legal flaw in the process that will ultimately serve no one's interest.

Please contact my office as soon as possible with a response to this communication so I may inform the City Council and the community regarding this important matter.

Very truly yours,



Robert W. Healy
City Manager

cc. Selma Urman, Hearing Officer
City Council
Acting Governor Paul Cellucci
Scott Harshbarger, Attorney General



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 22, 1997

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 32, regarding a report on the communication of ComElectric's Notice of Filing concerning the electric restructuring plan, in the form of a copy of my letter to Mary L. Cottrell, Secretary of the Department of Telecommunications and Energy.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

S-794

Consent Agenda #23

Relative to Awaiting Reprot Item Number
Thirty-two, regarding a communication
from ComElectric of its Notice of Filing
concerning the electric restructuring
plan.

In City Council December 22, 1997

PLACED ON FILE