



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

February 22, 1995

ORDER OF NOTICE

D.P.U. 94-168

BERKSHIRE GAS COMPANY

Petition of Berkshire Gas Company for Approval of its 1994 Long-Range Forecast and Resource Plan and for Pre-Approval and Cost Recovery for a One-Year Extension of Currently Existing Conservation Programs.

The Department of Public Utilities ("Department") has received the petition of Berkshire Gas Company ("Berkshire Gas" or "Company") for approval of its 1994 Long Range Resource and Requirements Plan, encompassing the years 1994-1999. Notice of this proceeding was originally published in January 1995, and at that time any persons wishing to intervene or participate in the Department's review of the Company's petition were given an opportunity to file written petitions for leave to intervene or participate with the Department by January 17, 1995.

The Department will review the Company's sendout forecast for the appropriateness and accuracy of the forecast, and will review the Company's supply plan for its adequacy and cost. In addition, the Department will review the Company's request for pre-approval of a one-year extension of the Company's currently existing conservation programs and cost recovery of related expenditures.

The Department intends to investigate whether Berkshire Gas' conservation programs, as they are currently designed and financed, will remain cost-effective or sustainable in a more competitive, unbundled market environment. The Department requests that Berkshire Gas and other parties use this proceeding to review the Company's conservation programs and propose measures and cost recovery mechanisms adapted to an increasingly competitive environment. Due to the significant issues that will be raised in this proceeding concerning the Company's conservation programs, including possible adjustment to the current standard of review for approval of conservation programs, the Department will consider further petitions to intervene in this proceeding for the limited purpose of addressing the issues discussed above as they affect Berkshire Gas' conservation programs. This proceeding is not intended to be a generic inquiry into the future of gas utility-sponsored conservation in the Commonwealth of Massachusetts.

The Company is required to give notice of this adjudication by publication at least fourteen (14) days prior to March 16, 1995, in the Berkshire Eagle (Pittsfield), the

Greenfield Recorder, and the Amherst Bulletin. The Company shall serve a copy thereof by mail at least fourteen (14) days prior to March 16, 1995 on the mayors, the city clerks, chairpersons of the boards of selectmen, and town clerks of the cities and towns in the Berkshire Gas service territory, and on all persons and organizations on the attached list.

A copy of the Company's petition and filing is available for inspection at the Department's offices at 100 Cambridge Street, 12th Floor, Boston, Massachusetts, and at the offices of Berkshire Gas at 115 Cheshire Road, Pittsfield, Massachusetts.

Any person who desires to participate in an adjudicatory proceeding concerning the above petition must file a written petition for leave to intervene or to participate in the proceeding with Mary Cottrell, Secretary, Department of Public Utilities, 100 Cambridge Street - 12th Floor, Boston, Massachusetts 02202, not later than the close of business (5:00 p.m.) on March 16, 1995. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. 1.03, including a description of the manner in which the petitioner is substantially and specifically affected by this proceeding. Receipt by the Department -- not mailing -- constitutes filing and determines whether a petition has been timely filed. A late-filed petition may be disallowed as untimely, unless good cause is shown under 220 C.M.R. 1.01(4). To be allowed, a petition under 220 C.M.R. 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Any person desiring information concerning intervention or participation in this case or desiring further information regarding this notice should contact:

William H. Stevens
Hearing Officer
Department of Public Utilities OR
100 Cambridge Street, Room 1210
Boston, MA 02202
(617) 727-3500

Robert W. Ritchie
Hearing Officer
Department of Public Utilities
100 Cambridge Street, Room 1210
Boston, MA 02202
(617) 727-1136

Berkshire Gas is required to make return of service and proof of publication on or before March 16, 1995, certifying compliance with this Order.

By Order of the Department,


Mary L. Cottrell, Secretary

S-99

Consent Communication #3

Order of Notice from the Department
of Public Utilities for petition of Berkshire
Gas Company .

In City Council March 20, 1995

Referred to the City
Mgr.