

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

SEPTEMBER 27, 2013
MEETINGS SCHEDULED FOR NEXT WEEK

INÊS LEITE
ASSISTANT CITY CLERK

MONDAY, SEPTEMBER 30, 2013

5:15 P.M. COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
6:00 P.M. COMMITTEE ON PUBLIC SAFETY
6:30 P.M. COMMITTEE ON REGULATIONS

TUESDAY, OCTOBER 1, 2013

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion re: order to adjust the cash variance (See # 1 below)
2. Resolution – Discussion with City engineer and administration re: funding strategies for deteriorating city streets (Adopted 8-6-13)
3. Resolution – Discussion with Administrator of Public Utilities and administration re: 42/7 plan for water mains and pipes (Tabled 12-18-12)

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS

1. *Mayor and order to adjust the cash variance (See Finance #1)

PRIORITY COMMUNICATIONS

2. *Corporation Counsel and lease agreement – office space for State Rep. Paul Schmidt
3. Chair Board of Election Commissioners and official results of Special State Primary held on August 13, 2013 as well as Special State Election and City Preliminary held on September 10, 2013
4. Traffic Commission recommending amendments to the traffic ordinance

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Adoption:

5. *Resolution – Mayor consider appointing a Director of Tourism

Committee on Real Estate recommending:

Grant leave to withdraw:

6. *Order – Offer for city owned real estate from TAG Fall River Real Estate IV, LLC – Former Wixon School

ORDINANCES

Second reading and enrollment:

7. *Sunday entertainment licenses
8. *Traffic, misc.

RESOLUTIONS

9. *Water Department replace meters larger than needed at no charge
10. *Comm. on Ordinances and Legislation consider implementing ordinance prohibiting dogs from cemeteries and making Cemeteries Division independent from Board of Park Commissioners

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Curb removals:

11. Francisco deAndrade – 28 feet at 355 Grattan Street
12. Marjorie Cinquini – 46 feet at 321 Slade Street
13. Community Action for Better Housing, Inc. – 21 feet at 886 Eastern Avenue (curb cut on Holden Street)
14. Rico Conforti – 26 feet at 617 Montgomery Street

Second hand article store:

15. Natasha Vera d/b/a Finders Keepers located at 394 Second Street

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

16. Police chief's report on licenses

COMMUNICATIONS – INVITATIONS – PETITIONS

17. *Claims
18. Zoning Board of Appeals Minutes – August 22, 2013
19. Planning Board Minutes – August 29, 2013
20. *Communication from Pamela Laliberte-Lebeau re: appointment to Community Preservation Committee

BULLETINS – NEWSLETTERS – NOTICES

21. *Department of Public Utilities Public Hearing – October 10, 2013


City Clerk

City of Fall River, *In City Council*

Finance 2

(Councilor Michael L. Miozza)

WHEREAS, the City Engineer provided members of the City Council with a comprehensive report outlining recommendations and repair strategies for deteriorating city streets, and

WHEREAS, the City Engineer has identified over \$6 million dollars of streets that require immediate attention, and

WHEREAS, Chapter 90 money is typically only \$2 million per year and that it would take three years to catch up, and

WHEREAS, the City Engineer has also identified approximately \$40 million in other city streets that are in poor condition, and

WHEREAS, the Fall River City Council supports street repair and wishes to see a specific commitment to such, now therefore

BE IT RESOLVED, that the City Engineer, Mr. Byron Holmes and representatives of the administration attend a future Finance Committee meeting to discuss funding strategies, so the city can reach a high level of roadway conditions in a timely manner.

In City Council, August 6, 2013
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

City of Fall River, *In City Council*

Finance 3

(Councilor Eric Poulin)

WHEREAS, access to clean water is a fundamental right of every citizen of Fall River, and

WHEREAS, the 42/7 Plan was an initiative aimed at repairing or replacing 42 miles worth of water mains and pipes in the city over a 7-year period, and

WHEREAS, the 42/7 Plan was successful in replacing over 50 miles of water mains and pipes in a period that actually lasted about 10 years, and

WHEREAS, the City of Fall River still has about 70 miles worth of water mains and pipes that are from an era between 1890-1930 and are in need of repair and/or replacement, and

WHEREAS, without a new plan similar to 42/7 the City of Fall River is currently repairing and/or replacing about 1.5 miles worth of water mains and pipes per year, and

WHEREAS, at this pace it would require roughly 47 years to repair and/or replace the remaining 70 miles worth of water mains and pipes that are in need, and

WHEREAS, the establishment of a plan to reduce the number of years required to address the remaining 70 miles would be of great benefit to the citizens of Fall River, now therefore

BE IT RESOLVED, that the Committee on Finance convene a meeting with the Director of Public Utilities and other relevant parties to develop a long-term plan to address this issue.

In City Council, April 5, 2011
Adopted

A true copy. Attest:

Alison M. Brea

City Clerk

*Tabled
12-18-12*



WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED
2013 SEP 26 P 3:16

CITY CLERK _____
FALL RIVER, MA

September 26, 2013

City Council
City of Fall River
One Government Center
Fall River, MA 02722

Re: Cash Variance

Dear Honorable Council,

I respectfully request that you place on the next City Council Agenda the approval to adjust the cash variance that the City has been carrying in the amount of \$665,372.00. As you know, the Finance Department has been working for the past year to stabilize this variance.

The Department of Revenue will allow the City with a 2/3rds vote of the City Council to adjust this variance as of June 30, 2013.

If you should have any questions, please do not hesitate to contact me.

Very Truly Yours,

William A. Flanagan
Mayor

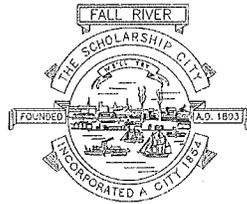
City of Fall River, *In City Council*

October 1, 2013

ORDERED, that the City hereby adjust, as of June 30, 2013, the City's General Ledger by \$665,372 in order to reflect the bank balances in the City's Cash Books.

2

City of Fall River
Office of the Corporation Counsel



WILLIAM A. FLANAGAN
Mayor

ELIZABETH SOUSA
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

CHRISTY M. DIORIO
Assistant Corporation Counsel

September 19, 2013

Linda Pereira
City Council President
One Government Center
Fall River, MA 02722

RE: Lease Agreement

Dear Council President:

Please find attached a Lease Agreement to be entered into between the City of Fall River and Paul Schmid, Representative of the Commonwealth of Massachusetts for the 8th Bristol District pending City Council approval and an Order authorizing the lease agreement to be endorsed by the Council and the Mayor.

I respectfully request that the Lease Agreement be placed on the agenda, for Council approval, at the next City Council meeting.

Very Truly Yours,

Elizabeth Sousa
Corporation Counsel

Encl/ES

RECEIVED
2013 SEP 23 A 10:25
CITY CLERK
FALL RIVER, MA

City of Fall River, *In City Council*

ORDERED, that the City of Fall River hereby authorizes a lease agreement to be entered into between the City of Fall River and Paul A. Schmid, Representative of the Commonwealth of Massachusetts 8th Bristol District, for office space to be used as an 8th Bristol District Office. The leased office space to be located at One Government Center, 3rd Floor, Room 321, Fall River, MA.

LEASE AGREEMENT

WHEREAS, this Lease Agreement is made and entered into on _____ by and between the City of Fall River, a municipal corporation having its principal office at 1 Government Center, Fall River, MA 02722 ("Lessor") and Paul Schmid, Representative of the Commonwealth of Massachusetts 8th Bristol District ("Lessee").

WHEREAS, the Lessor hereby leases to the Lessee office space located at 1 Government Center, 3rd Floor, Room 321, Fall River, MA for the purpose of a 8th Bristol District Office.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. This Lease shall be for a term commencing October 7, 2013 and ending December 31, 2014. In consideration therefore, the Lessee shall pay to the City of Fall River the sum of zero dollars per month on the first day of each month.
2. The Lessee's use of the leased premises shall be associated with Lessee's mission and/or purpose as a Representative of the Commonwealth of Massachusetts 8th Bristol District.
3. The Lessor agrees to maintain the leased premises and will be solely responsible for the operation and maintenance of the leased premises.
4. Lessee shall not use the property for any unlawful purpose.
5. This lease shall automatically continue to renew for an additional 1 year term ("Renewal Terms") unless either party provides written notice to the other party ninety (90) days prior to the expiration of the original term or the applicable Renewal Term, whichever applies. Said written notice must state that said party wishes to terminate this lease after the completion of the original term or the specific Renewal Term. Said Renewal Terms shall be under the same terms and conditions as are set forth in this lease.
6. This Lease Agreement constitutes the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party, except to the extent incorporated herein.

The lease shall not be assigned or transferred without the consent of the Lessor.

Signed and sealed this ____ day of _____, 2013

FOR LESSOR

William A. Flanagan
Mayor

Shawn Cadime
City Administrator

Approved as to form and manner of execution

Elizabeth Sousa
Corporation Counsel

FOR LESSEE

Paul Schmid
Representative of the 8th
Bristol District

CITY OF FALL RIVER

5

To the City Council

Councillors:

The Committee on

Economic Development and Tourism at a meeting held on
September 24, 2013 voted unanimously to recommend that the accompanying
resolution be adopted, with Councilor Poulin absent and not voting.


Clerk of Committees

City of Fall River, *In City Council*

(Councilor David J. Dennis)

WHEREAS, tourism is a critical component of regional economic development, and

WHEREAS, Fall River is promoting local attractions to increase travel and tourism in the City of Fall River, now therefore

BE IT RESOLVED, that in order to promote all the assets the City of Fall River has to offer the Mayor consider appointing a Director of Tourism.

CITY OF FALL RIVER
IN CITY COUNCIL
JUN 26 2012

*Referred to the
Committee on Economic
Development and Tourism*

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 18, 2013, voted 5 yeas,
to recommend that the accompanying order be granted leave to withdraw.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

ORDERED, that in the matter of the following offer for city owned real estate, that it be and the same is hereby granted leave to withdraw:

1. 263 Hamlet Street
 Assessors Map F-28-0044

 TAG Fall River Real Estate IV, LLC
 197 Portland Street, 4th Floor
 Boston, MA 02114 \$15,000.00

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, be amended by striking out the fees in Chapter 14, Section 14-141, which Section relates to License for holding public entertainment on Sunday, and inserting in place thereof the following:

- | | |
|--------------------------|----------|
| (1) Single Event License | \$20.00 |
| (2) Annual License | \$400.00 |

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 17 2013

*Passed through
first reading*

City of Fall River, In City Council

8

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

Section 1.

By inserting in Section 70-371, which section relates to parking prohibited at all times, in proper alphabetical order the following:

Lamphor Street, east side, from Tucker Street to Field Street

Section 2.

By inserting in Section 70-374 (20), which section relates to thirty (30) minute parking during certain hours, 8:00 a.m. to 6:00 p.m., Monday – Saturday, in proper alphabetical order the following:

Rodman Street, west side, starting at a point 10 feet north of Grinnell Street,
for a distance of 40 feet northerly
South Main Street, east side, starting at a point 148 feet north of Park Street,
for a distance of 45 feet northerly

Section 3.

By inserting in Section 70-374 (46), which section relates to thirty (30) minute parking during certain hours, 8:00 a.m. to 5:00 p.m., Monday – Friday, in proper alphabetical order the following:

Eastern Avenue, west side, starting at a point 101 feet north of Edmond Street,
for a distance of 60 feet northerly

Section 4.

By striking out in Section 70-387, which section relates to handicapped parking the following:

Alsop Street, north side, starting at a point 188 feet east of County Street,
for a distance of 20 feet east
Jefferson Street, east side, starting at a point 20 feet north of Russell Street,
for a distance of 20 feet north
Jencks Street, west side, starting at a point 310 feet north of Pleasant Street,
for a distance of 20 feet north
London Street, south side, starting at a point 75 feet east of Chavenson Street,
for a distance of 20 feet east
McDonald Street, west side, starting at a point 137 feet north of George Street,
for a distance of 20 feet north
State Street, north side, starting at a point 30 feet west of South Main Street,
for a distance of 20 feet west
Tremont Street, west side, starting at a point 170 feet south of Pine Street,
for a distance of 20 feet south
Tripp Street, west side, starting at a point 145 feet south of Dwelly Street,
for a distance of 20 feet south

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 17 2013

*Passed through
first reading*

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, the base meter fee is based on the diameter of the water service to the property, and

WHEREAS, a property owner may have a service and meter that is larger than required for the property, now therefore

BE IT RESOLVED, that the Water Department upon request, replace meters that are larger than needed for no charge.

City of Fall River, In City Council

(City Council President Linda M. Pereira)

WHEREAS, there are parks and dog parks for residents to walk dogs, and

WHEREAS, dogs are prohibited from cemeteries under the rules that were established by the Board of Park Commissioners, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation consider implementing an ordinance prohibiting dogs from cemeteries, and

BE IT FURTHER RESOLVED, that the Committee review the possibility of making the Cemetery Division independent from the Board of Park Commissioners.

CC

17

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 SEP 16 A 11: 33

Name: Lucia Ribeiro

CITY CLERK 13-122
FALL RIVER, MA

Address: 327 Fountain st #1
Fall River ma 02721

Phone #: 508-674-0590

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Auto Claim
Other

Date of Incident: 8-27-13

Time of Incident: 8:00 AM

Location of Incident: 327 Fountain st

Provide a detailed description of your claim (attach additional sheets if necessary):

My Car was parked in front of my house
and a Fall River trash company truck
failed as it picked up trash and struck
my car. It damaged my Roof, 2 passenger
side doors, fender, Hood, Mirror, scratched window. The
Driver and operator of trash truck said the
equipment they used just failed as it
picked up trash barrel. And they
were nice enough to call police and
came to door to let us know what
happened.

arrog & copies Law
1 DPW
1 CC
1 city clerk

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

Amv

CC

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

Name: Ada E. de Leon
Address: 2000 Bay St. 147-I
Fall River, Mass 02724
Phone #: 508-816-4578

2013 SEP 19 P 12:38
CITY CLERK 13-123
FALL RIVER, MA

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: September 19, 2013

Time of Incident: 11:35 A.M.

Location of Incident: 170 Hall St (in front is that sewer cover, main hole)

Provide a detailed description of your claim (attach additional sheets if necessary):

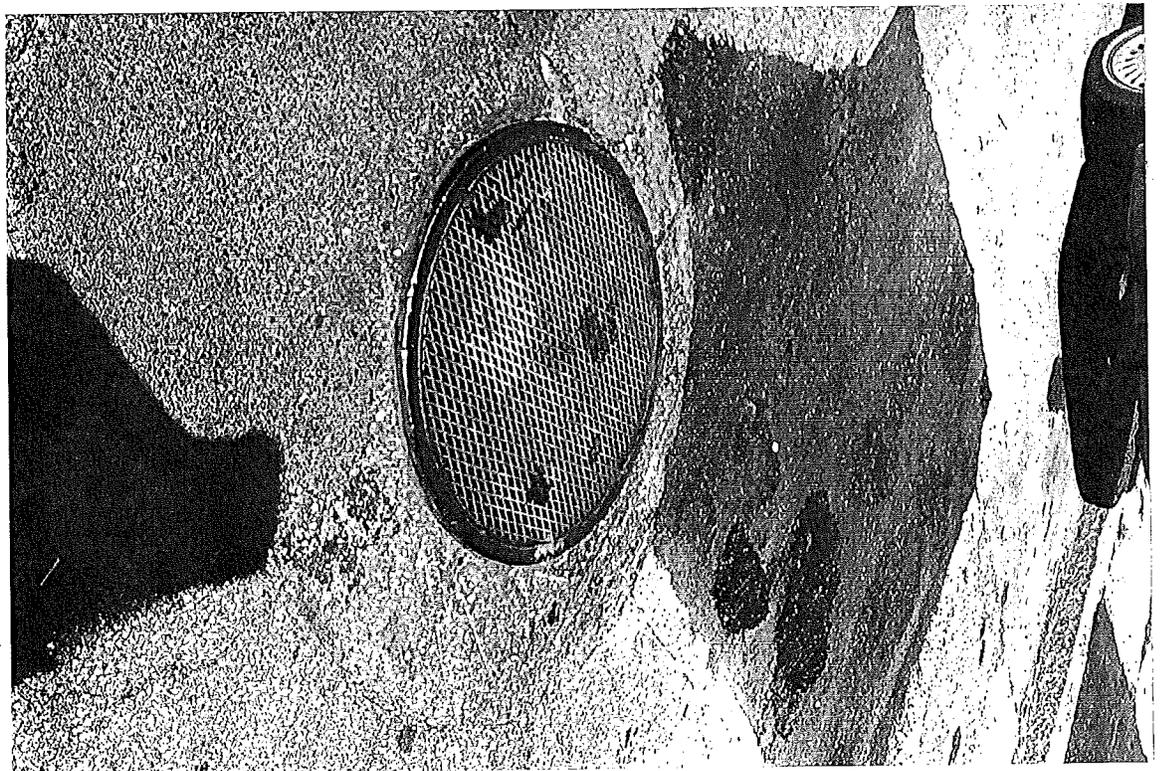
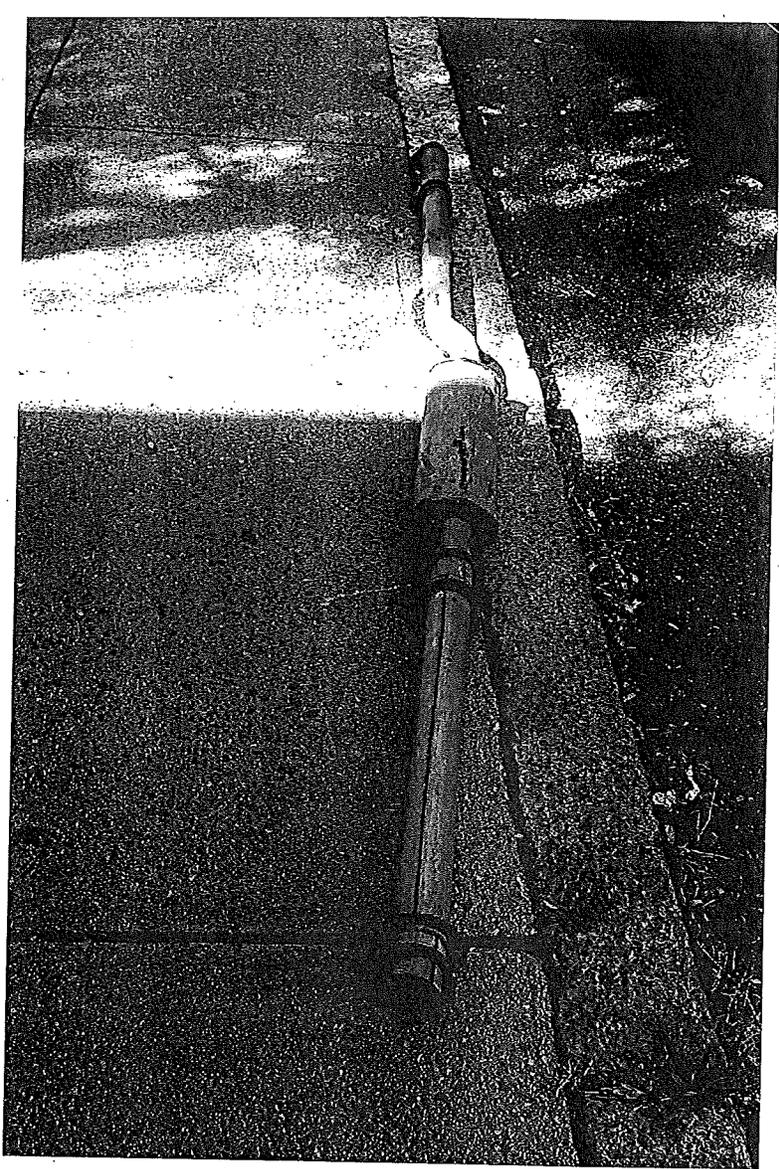
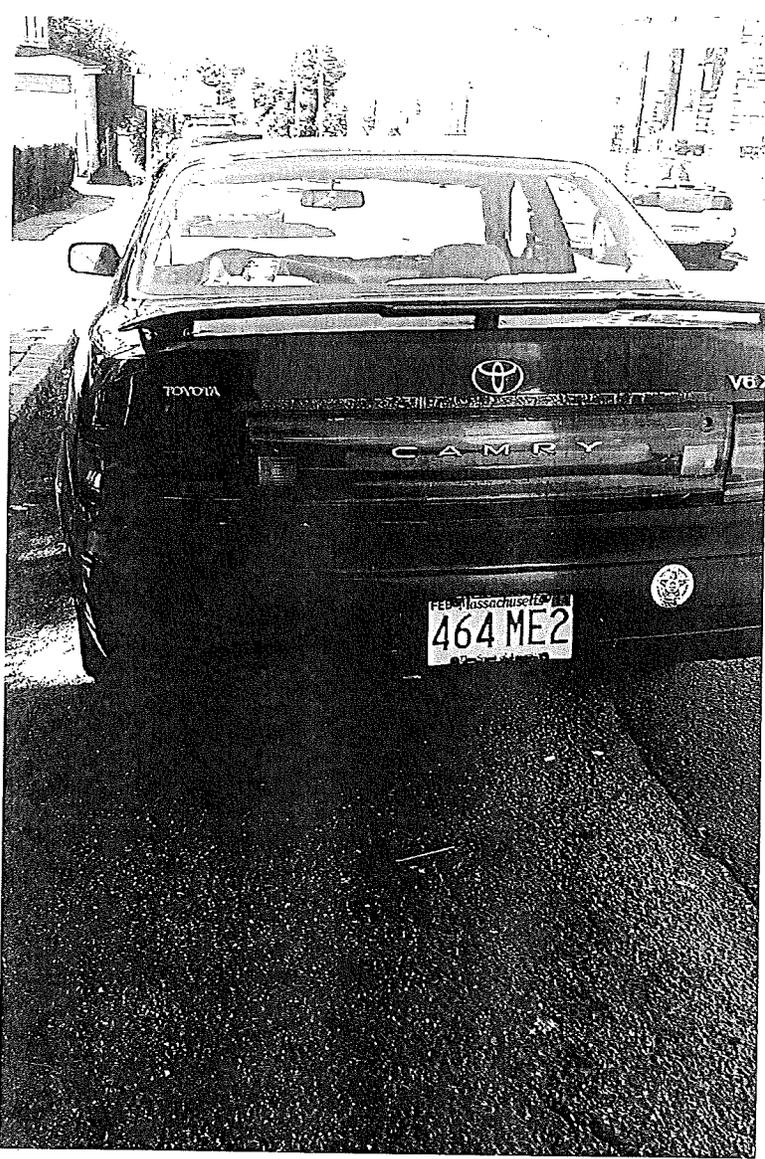
sewer cover, main hole in the middle of the street
At 11:35 A.M. I drove down to ¹⁷⁰ Hall St Fall River, Mass
and my car got stuck on the sewer cover, and my
whole entire muffler from top to bottom came out my
car. I have to park my car and moved the muffler
down the street. I can't ^{drive} moved my car like that
it is the muffler tail pipe.

Ada E de Leon

P.S. I have pictures of everything on my
cell phone.

any 1 2 cops Law
1 SPW
1 CC
1 city club

* You should consult with your own attorney in preparing this Claim Form to understand your legal rights.





RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 SEP 24 P 2:27

Name: Dorothy G. LaFleur

Address: 181 South Main Street
Fall River, Mass. 02721

CITY CLERK # 13-124
FALL RIVER, MA

Phone #: 5081674-3087

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: Sept. 9, 2013

Time of Incident: 9:45 AM

Location of Incident: Enroute to WallMart Shopping Center

Provide a detailed description of your claim (attach additional sheets if necessary):

I was a passenger on the Free Van
Grocery shopping, to WallMart, when
the driver took a right turn, I fell
side way & hit my side on the armrest.
The lady sitting with me fell against me.
I did not report it to the driver because
I thought I'd only have a bruise. During
the week I was having a lot of pain
in that area. On the 9th of Sept I went
to St Anne's Emergency room, I had an
X-Ray. The Dr. told me I had rib
fractures, to follow up with my own
Dr. I don't know if my insurance will
cover my visit.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

copy 2 copies Law
1 PD PW
1 CC
1 city clerk

2.
I would like the company of
the van service to pay my
medical bills, if my insurance
rejects it.

Dorothy Larkleu
181 South Main Street
Apt 417
Fall River, Mass
02721
Tel. 508674-3087

RECEIVED

2013 SEP 24 P 2:27

CITY CLERK
FALL RIVER, MA

CC

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 SEP 25 P 2:32

CITY CLERK 13-125
FALL RIVER, MA

Name: WILFRED DAS

Address: 17 SOL-E-MAR LN
50 DARTMOUTH MA 02748

Phone #: 508 961-8039

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: FRI 9-13-13

Time of Incident: 7:00 - 7:30

Location of Incident: RT-AVE - HY-AVE

Provide a detailed description of your claim (attach additional sheets if necessary):

MANHOLE COVER RISED ACH TITEN NORMAL

DUET TO CONSTRUCTION NO-WARNIS LITERS, BUT

orig + 2 copies to Law

1 D PW

LCC

1 city clerk

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

estimate

EXECUTIVE AUTO BODY and REPAIRS, INC.



93 Dyer Street
Fall River, MA 02720
(508) 678-8458



RECEIVED

2013 SEP 25 P 2:33

NAME <i>Wilford Dias</i>		PHONE <i>508 4690319</i>		DATE <i>9-19-13</i>
STREET <i>17 Seaman Ln</i>		CITY <i>Fall River</i>		
YEAR <i>95</i>	COLOR <i>white</i>	MAKE <i>Cadillac</i>	MODEL <i>Eldero</i>	
REGISTRATION NO. <i>847 AVI</i>	SERIAL NO. <i>1G6EL12MSUG23079</i>	ODOMETER <i>107439</i>	ESTIMATE PREPARED BY	
INSURANCE CO.		ADJUSTOR		

REPLACE	REPAIR	DESCRIPTION	PARTS	LABOR	REFINISH	SUBLET
		<i>205-55-16</i>				
<i>[Large Signature]</i>						
TOTALS						

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs:

SIGNED: _____
DATE: _____

TOTAL PARTS	\$ _____
TOTAL LABOR	\$ _____
TOTAL REFINISH	\$ _____
TOTAL SUBLET	\$ _____
TAX	\$ _____
TOTAL	\$ <i>139.95</i>



RECEIVED

2013 SEP 25 A 11: 59

CITY CLERK _____
FALL RIVER, MA

City Council
 One Government Center, 2nd Floor
 Fall River, MA 02722

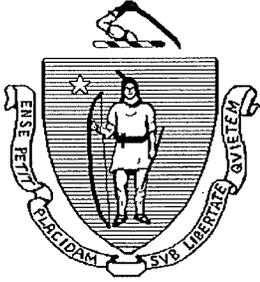
Members of the Fall River City Council:

Please accept this letter as my submission to be a part of the newly created CPA committee. My husband Aaron and I, along with our 3 children reside in the South End of Fall River. As a stay at home mom I have been able to commit my time to various organizations. I am the President of the Saint Anne's Neighborhood Association, member of the Kennedy Park Inclusion Playground committee, member of the Spencer Borden Elementary School PTO, and Member of the Fall River Preservation Society. In my 4 short years living in Fall River I have become active and involved in many aspects of our city. I am committed to the betterment of Fall River!

If appointed I would do my very best to choose projects that would represent the best interest of all residents. I would like to see funds used fairly throughout the entire city.

Thank you,

Pamela Laliberte-Lebeau, President
Saint Anne's Neighborhood Association, Inc
PO Box 6045 Fall River, MA 02724
on Facebook: Saint Anne's Neighborhood Association, Inc.
Kennedy Park Inclusion Playground Project
www.saintannesneighborhood.com



The Commonwealth of Massachusetts RECEIVED

DEPARTMENT OF PUBLIC UTILITIES

2013 SEP 20 A 11:15

CITY CLERK
FALL RIVER, MA

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 12-126-G

September 12, 2013

Investigation by the Department of Public Utilities, pursuant to Chapter 209, Section 51 of the Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth, to establish a cost-based rate design for New England Gas Company.

On August 26, 2013, in compliance with Investigation by the Department of Public Utilities Pursuant to Chapter 209, Section 51 of the Acts of 2012, an Act Relative to Competitively Priced Electricity in the Commonwealth, D.P.U. 12-126 (August 16, 2013), New England Gas Company (“NEGC” or “Company”) filed a proposed cost-based rate design with the Department of Public Utilities (“Department”). The Department docketed this filing as D.P.U. 12-126G.

Section 51 of An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209 (“Section 51”) requires the Department to commence a proceeding for each gas and electric distribution company to establish a cost-based rate design for costs that are currently recovered from distribution customers through a reconciling factor. Section 51 provides that the Department shall approve the redesigned reconciliation factors, after a public hearing comment period, not later than January 1, 2014. The Company proposes to implement the changes during 2014 on the date that the factor would otherwise be updated pursuant to its tariffs.

If NEGC’s rate design is approved as proposed, the Company calculates that it will have the following effects on total annual bills for a typical customer in the following rate classes:

- total annual bills will increase for the following residential customer classes:
R-1 – residential non-heating (1.5%); R-2 - low income residential non-heating (1.5%); R-3 – residential heating (2.2%); R-4 – low income residential heating (2.2%); and
- total annual bills will decrease for the following C&I customer classes:
G-41 - low annual use/high peak period use (- 0.4%); G-51 - low annual use/low peak period use (-11.1%); G-42 - medium annual use/high peak period

use (-0.4%); G-52 - medium annual use/low peak period use (-11.4%); G-43 high annual use/high peak period use (-0.5%); and G-53 - high annual use/low peak period use (-13.1%).

The Department will conduct a public hearing in this investigation on **October 10, 2013, at 10:00 a.m.**, at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments no later than the close of business (5:00 p.m.) on **October 10, 2013**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **September 24, 2013**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver 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.

The Department will conduct a procedural conference in this investigation on **September 26, 2013, at 2:00 p.m.**, at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110.

An original and one (1) copy of all written comments must be filed with Mark Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One copy of all written comments should also be sent to the service list for this proceeding, available on the Department's website, <http://www.mass.gov/dpu>.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and alison.lackey@state.ma.us; or (2) CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 12-126-G); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

The Company's filing is available for inspection during regular business hours at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110 and on the Department's website, <http://www.mass.gov/dpu>.

Any person desiring further information regarding the Company's filing should contact the Company's attorney, Kevin F. Penders, Esq. at (617) 951-1400. Any person desiring further information regarding this notice may contact Alison Lackey, Hearing Officer,

Department of Public Utilities, One South Station, Boston, Massachusetts 02110, telephone, 617-305-3694.