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March 4, 2021

***VIA ELECTRONIC FILING***

Francis V. Kenneally, Clerk  
Supreme Judicial Court  
John Adams Courthouse  
One Pemberton Square, Suite 1400  
Boston, MA 02108

*RE: Town of Sudbury & Protect Sudbury, Inc. v. Energy Facilities Siting Board  
No. SJC-12997*

Dear Clerk Kenneally,

I represent the appellant Town of Sudbury (“Town”) in the above-referenced matter. In accordance with Mass. R.A.P. 22(c)(2) and on behalf of the Town, I am submitting this post-argument filing letter to correct a factual misstatement made during the oral argument on March 1, 2021. During the argument by Assistant Attorney General Pierce Cray on behalf of the Energy Facilities Siting Board (“Board”), Justice Kafker (starting at minute 37:35 of the archived oral argument) asked Mr. Cray whether there were objections made by the Town during the underlying proceeding that the forecast data was stale or whether the issue was first raised in the Town’s Motion to Reopen the Record and Hearing. Mr. Cray deferred to counsel David S. Rosenzweig representing NSTAR Electric d/b/a Eversource Energy, to answer. During the argument by Mr. Rosenzweig (starting at minute 45:03 of the archived oral argument), with regard to Justice Kafker’s earlier question, Mr. Rosenzweig stated his recollection was that no objections to the staleness of the data were made during the underlying proceeding.

The Town did, in fact, object to the staleness of the forecast data during the underlying proceeding. *See* R.A. XCII/263 (the Town’s expert witness testimony submitted to the Board); R.A. XII/160, 162-163 (the Town’s initial brief filed with the Board); R.A. XVII/9 (the Town’s comments on the Board’s tentative decision).<sup>1</sup>

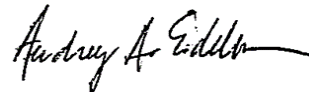
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<sup>1</sup> Citations are to the Record Appendix submitted with the Town’s initial brief in SJC-12997.

Francis V. Kenneally, Clerk  
March 4, 2021  
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Thank you for your attention to this matter.

Sincerely,



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AAE/drb  
Enclosure

cc: Henry Hayes, Jr., Sudbury Town Manager (via email only)  
Parties of Record in SJC-12997 (via e-service and email only)

**COMMONWEALTH OF MASSACHUSETTS**  
**SUPREME JUDICIAL COURT**

THE TOWN OF SUDBURY,	)	
PROTECT SUDBURY, INC.,	)	
Petitioners-Appellants,	)	
	)	No. SJC-12997
v.	)	
	)	
ENERGY FACILITIES SITING BOARD,	)	
Respondent-Appellee.	)	
	)	

**CERTIFICATE OF SERVICE**

I, Audrey A. Eidelman, hereby certify that on this date, pursuant to Mass. R.A.P. 13(d), I have made service of the foregoing letter by email and upon the attorney of record for each party by the Electric Filing System as follows:

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Dated: March 4, 2021