



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### MEMORANDUM

TO: Service List, D.P.U. 19-39

FROM: Jennifer Cargill, Hearing Officer

RE: Petition of Grafton & Upton Railroad Company to the Department of Public Utilities for Authority to Exercise the Power of Eminent Domain to Acquire Property in Hopedale Massachusetts, pursuant to G.L. c. 160, § 83, D.P.U. 19-39.

Procedural Memorandum  
Supplemental Filing Directive  
Extension of deadline to file petition to intervene

DATE: August 1, 2019

CC: Mark D. Marini, Secretary

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#### I. BACKGROUND

On March 15, 2019, the Grafton & Upton Railroad Company ("GURR" or "Company") filed a petition, pursuant to G.L. c. 160, § 83, with the Department of Public Utilities ("Department") seeking authority to exercise the power of eminent domain to acquire certain property consisting of a 155-acre parcel of real property located at 364 West Street in Hopedale, Massachusetts ("Property"). GURR seeks authority to acquire the Property for the purposes of conducting certain rail operations that it states are critical and essential to the ability to GURR to build a new transloading yard with additional tracks in order to provide rail service that meets the demands of customers. GURR states that it would use this added yard and track space to transload commodities from railcars to trucks, to store railcars, to switch cars moving to and from the transloading yards, to maintain equipment, and to conduct other necessary activities.

On May 29, 2019, the Department issued a Notice of Filing and Public Hearing (“Notice”) for this proceeding. On July 17, 2019, the Department held public hearing in Hopedale, MA. Pursuant the Notice, July 31, 2019 was the deadline to file a written petition to intervene or to participate in the proceeding.

## II. NEXT STEPS

The Department has received a number of timely petitions to intervene and/or requests for an extension of time to file a petition to intervene. Most of the petitioners request additional information regarding GURR’s plans for the Property so that the requestor is able to make an informed decision regarding intervention. The Department agrees that additional information regarding the Company’s plans for the Property is warranted. In fact, at the public hearing a representative of the Company indicated to the Hearing Officer that updated plans were available and that the Company had shared these plans with Hopedale’s Board of Selectman. To date, the Company has not filed updated plans with the Department. Therefore, I direct the Company to file with the Department all updated plans for the Property no later than the close of business (5:00 p.m.) on **Friday, August 16, 2019**. Further, the deadline to file a written petition to intervene or to participate in the proceeding is extended until no later than the close of business (5:00 p.m.) on **Friday, August 30, 2019**. As stated in the Notice

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03.... To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Finally, the deadline to file an answer to a petition to intervene is **Monday, September 9, 2019**. See 220 CMR 1.03(d).