

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

_____))
Petition of Cambridge Electric Light))
Company for Approval of the Sale of its) D.T.E. 02-76
Interest in Blackstone Station to))
President and Fellows of Harvard College))
_____)

**PETITION TO INTERVENE
OF
PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

Pursuant to 220 C.M.R. 1.03, President and Fellows of Harvard College (“Harvard”), a Massachusetts charitable and educational corporation, hereby petitions the Department of Telecommunications and Energy (“Department”) for leave to intervene in the above-captioned proceeding. In support of its petition, Harvard states the following:

1. Harvard is a non-profit educational institution located at 1350 Massachusetts Avenue, Cambridge Massachusetts.

2. On August 1, 2002, Harvard entered into several agreements with Cambridge Electric Light Company (“Cambridge”), d/b/a NSTAR Electric, including a Purchase and Sale Agreement (“PSA”), whereby Cambridge will sell to Harvard its interest in the Blackstone Station Facility (“Blackstone”), located in Cambridge, Massachusetts. On November 21, 2002, Cambridge filed its petition with the Department seeking approval of the sale. The Department docketed its investigation of the petition as D.T.E. 02-76.

3. Harvard has two interests that will be substantially and specifically affected by the Department’s adjudication of this matter. First, pursuant to the PSA, Harvard will be purchasing Blackstone from Cambridge. Harvard and Cambridge entered into the agreements that memorialize this

transaction following arms-length negotiations, and Harvard has a substantial and specific interest in completing the transaction, which requires the approval of the Department pursuant to G.L. c. 164, § 1A in order to close. Second, Harvard is the major customer purchasing steam produced at Blackstone and sold by NSTAR Steam Corporation (“NSTAR Steam”). Harvard uses the steam purchased from NSTAR Steam as its primary source of heating for the buildings and facilities owned and operated by Harvard. As such, Harvard would have a substantial and specific interest in the Department’s consideration of the sale of Blackstone to any party. These interests in this proceeding are unique and cannot be adequately represented by any other party.

4. In this proceeding, Harvard will seek to establish that the proposed sale of Blackstone meets the criteria set forth in G.L. c. 1A(b)(1) for the divestiture of generating assets by Massachusetts Electric companies, namely that “the sale process is equitable and maximizes the value of the existing generation facilities being sold,” and should be approved by the Department.

5. Harvard seeks to participate as a full intervenor in this case and, where appropriate, to file comments, attend and participate in technical conferences, present witnesses, file discovery, cross-examine witnesses, and submit briefs.

WHEREFORE, the President and Fellows of Harvard College respectfully request that the Department grant its Petition to Intervene.

Respectfully submitted,

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE

By its attorney,

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