



Christopher Aronson
Senior Counsel

September 4, 2018

Via Electronic Mail and First Class Mail

Mr. Adam Chapdelaine
Town Manager, Arlington Town Hall
730 Mass Avenue
Arlington, MA 02476
e-mail: achapdelaine@town.arlington.ma.us

Re: Permit Denials

Dear Mr. Chapdelaine:

I write regarding your recent decision to deny National Grid routine gas permits as a show of support for members of the United Steel Workers Locals 12003 and 12012-04.

This decision puts your residents at risk and negatively impacts customers waiting for service. These routine permits allow National Grid to perform necessary gas compliance work to maintain a safe, reliable and properly operating gas system. Failure to issue these routine permits and allow this work to be performed poses a clear and real threat to public health and safety by increasing the risk of an incident.

The municipality's actions also are contrary to law. Under Massachusetts General Laws c. 164, § 70, municipalities do not have discretion to deny a utility's request for these permits, though they may impose reasonable conditions on the manner in which the utility performs the work. The Massachusetts Supreme Judicial Court has made clear that utilities have an "absolute right" to permits in furtherance of gas system maintenance and repair. See *Cheney v. Barker*, 198 Mass. 356, 366 (1908).

Additionally, denying a permit for the purpose of supporting the unions in their negotiations constitutes abuse of process by public officials. Massachusetts General Laws c. 268A, §§ 17 – 23 constrain municipal employees from participating in official business in which they have a personal stake. The laws further preclude officials from acting arbitrarily, capriciously, and with improper motives.

Most Massachusetts municipalities have continued to appropriately issue permits to National Grid without restriction. I urge you to join them. A failure to grant the permits necessary for National Grid to perform the work necessary to keep the gas distribution system creates unnecessary risks for your community. Continued denial of the permits without a valid

basis for doing so will result in the municipality being liable for any incidents that result from National Grid's inability to perform this important maintenance work.

Please contact me or Dave Gendall to discuss this matter further. Our teams are available to coordinate with you to ensure that the necessary work creates as little disruption as possible.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line.

Christopher S. Aronson