

Anti-Unitil group happy with ruling

Court leaves plaintiffs with options

By Katina Caraganis
kcaraganis@sentinelandenterprise.com

FITCHBURG — The Massachusetts Supreme Judicial Court has left the door open for 12 Unitil customers to sue the company and hold it responsible for unfair business practices and negligence in the wake of the December 2008 ice storm that left parts of Central Massachusetts without power for weeks.

According to a statement released by lawyers representing the customers, while the SJC affirmed a lower-court ruling that denied class classification in a lawsuit, the ruling

does leave other options for the customers to renew their motion at a later date.

In its decision, the SJC also ruled in favor of the 12 plaintiffs and against the utility by upholding a previous court ruling that said the facts in the case, as determined by the Department of Public Utilities during its investigative proceedings in 2009, are true and accurate.

As a result of that ruling, Unitil cannot contest any of those facts.

Please see **UNITIL/6**

Utility poles and wires lie on the ground near a large puddle at Pratt and Beech streets in Fitchburg after an ice storm on Dec. 12, 2008. The state's Supreme Judicial Court left the door open for plaintiffs in their effort to sue Unitil, which provides electricity for much of the region, for what they say was a failure to restore power in a timely fashion during the storm.

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Jim O'Connor, one of the attorney's representing the plaintiffs, said he is pleased with the results.

"We're very heartened by this decision," O'Connor said. "It's some good direction from the court. This thing is far from over."

O'Connor said he will meet with his clients in the future to discuss the options.

Cathy Clark, one of the 12 plaintiffs, also expressed joy in regard to the ruling.

"I think it's a small victory among a bigger victory in the future," Clark said. "I'm also happy that what's still part of the case is Unitil could be removed from our service provider in this region. It's all positive, so moving forward we can look forward to a bigger victory."

During an initial hearing in March, attorneys for Unitil argued that the case should not win an appeal because while some residents were without power for weeks after the 2008 ice storm, others had electricity restored within hours.

In their suit, the plaintiffs allege that Unitil was unprepared for the storm and subsequently fell short of obligations to restore power quickly and provide people with necessary information.

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