

**Cape Light Compact JPE  
Governing Board  
Open Session Meeting Minutes  
Wednesday, September 11, 2019**

The Cape Light Compact JPE Board of Directors met on Wednesday, September 11, 2019 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00 PM.

**Present Were:**

1. David Anthony, Secretary, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Bourne
4. Colin Odell, Brewster
5. Peter Cocolis, Chatham– **By Phone**
6. Timothy Carroll, Chilmark – **By Phone**
7. Eric Peckar, Dukes County – **By Phone**
8. Fred Fenlon, Eastham
9. Alan Strahler, Edgartown
10. Ronald Zweig, Chair, Falmouth
11. Valerie Bell, Harwich
12. Richard Toole, Oak Bluffs – **By Phone**
13. Martin Culik, Executive Committee, Orleans
14. Leanne Drake, Sandwich
15. Richard Elkin, Wellfleet
16. Sue Hruby, West Tisbury – **By Phone**
17. Joyce Flynn, Yarmouth

**Absent Were:**

1. Michael Hebert, Aquinnah
2. Brad Crowell, Dennis
3. Wayne Taylor, Mashpee
4. Nathaniel Mayo, Provincetown
5. Kirk Metell, Tisbury
6. Jarrod Cabral, Truro

**Members/Alternates:**

Physically present: 12

Present by phone: 5

**Legal Counsel:**

Jeffrey Bernstein, Esq., BCK Law, P.C.

**Staff Present:**

Austin Brandt, Senior Power Supply Planner

Dan Schell, Marketing and Communications Coordinator

Maggie Downey, Administrator

Margaret Song, C&I Program Manager

Megan Terrio, Comptroller  
Melissa Allard, Senior Administrative Coordinator  
Phil Moffit, Planning and Evaluation Manager

**Consultant:**

Tammy Glivinsky, Glivinski & Associates, Inc.

**Public Present:**

Liz Argo, CVEC

Ronald Zweig called the meeting to order at 2:04 PM. Ronald Zweig recognized Peter Cocolis of Chatham, Timothy Carroll of Chilmark, Eric Peckar of Dukes County, Richard Toole of Oak Bluffs, and Sue Hruby of West Tisbury who were remotely participating because physical attendance at the meeting would be unreasonably difficult.

Ronald Zweig asked for a moment of silence in memory of the human tragedy of September 11, 2001.

**PUBLIC COMMENT:**

There was no public comment.

**Sue Hruby joined meeting by phone at 2:10pm.**

**APPROVAL OF MINUTES:**

The Board considered the July 17, 2019 Open Session Meeting Minutes.

Jeff Bernstein stated several corrections to the Meeting Minutes. On page three, second to last line of the first paragraph, the word “been” should be added between “all” and “contacted.” On page five, fourth line down in the first paragraph, “holdup” should be hyphenated. And lastly, on page six, the first line of the second paragraph, “s” is to be removed from “requires” and the word “when” is switched to “as.”

*Joyce Flynn moved the Board to accept the minutes as amended, seconded by Robert Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Abstained
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Abstained
Martin	Culik	Orleans	Absent
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes

Joyce	Flynn	Yarmouth	Yes
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*Motion carried in the affirmative (12 – 0 – 2)*

**CHAIRMAN’S REPORT: INTRODUCE TREASURER TO REPORT ON UNINSURED CASH BALANCE. PRESENTATION AND BANKING OPTIONS, BY GLIVINSKI & ASSOCIATES, DISCUSSION AND POTENTIAL VOTE**

Tammy Glivinsky stated she contacted three banks; TD Bank, Cape Cod Five, and Cooperative Bank of Cape Cod. The Cooperative Bank of Cape Cod couldn’t provide the required ISO letter of credit and as a result was taken off the list. Rockland Trust, TD Bank, and Cape Cod Five can all provide an ISO letter of credit and have a Veribanc rating of green and triple Asterix.

Tammy Glivinsky presented a document that showed a comparison of Bank Options for securing/Insuring Cash Assets based on her approaching the three banks that could provide the required letter to ISO. After working through the document for the benefit of the board members, she presented the bottom line net estimated earnings after fees to the CLC/JPE as follows: Rockland with projected net estimated earnings of \$91,998, TD Bank with projected net estimated earnings of \$320,723 and CC5 with projected net estimated earnings of \$341,555. This was based on a stated estimated average bank balance.

Valerie Bell asked if it would be worth it to go back to Rockland Trust to see if they would change their numbers since the Compact’s money is currently in their bank. Otherwise the Compact would have to spend time moving their accounts. Tammy Glivinsky stated that she is not concerned about the time involved to switch banks and move accounts; it is a simple process. Robert Schofield stated that the Compact should have Rockland Trust explain themselves. He also stated that Cape Cod Five is a local bank and has been easy to work with. Tammy Glivinsky agreed that doing local banking is much easier. Martin Culik asked whether since Rockland Trust’s fees and charges for ensuring the fund balance is three times more than the other banks, is it worth it to try and see if they will change their numbers? Tammy Glivinsky stated that she did let Rockland Trust know the Compact was looking at other banks. Richard Elkin asked whether Cape Cod Five currently has an ISO relationship. Tammy Glivinsky stated they did not at present, but they can get one through U.S. Bank or JP Morgan. Ron Zweig asked the Board what they would like to do. Would they like the Compact to go back to Rockland Trust to see if they will do better? Richard Elkin stated that if the Compact waits another month it is losing more money and should move forward based on the information the Treasurer has obtained to date.

*Martin Culik moved the Cape Light Compact JPE Board vote to choose Cape Cod Five as the banking institution for Cape Light Compact JPE and to transfer over all Compact funds as soon as feasible, provided that their terms are as presented. Seconded by Colin Odell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes

Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15 – 0 – 0)*

**FINANCIAL REPORTS, PETER COCOLIS:**

Peter Cocolis stated that the Compact has spent almost 50% of the Energy Efficiency Budget and that the Operating Budget was being expended at the same rate.

Maggie Downey stated that at the bottom of the presented Operating Budget it should state “Mil Adder Revenue January through July.”

**ADMINISTRATORS REPORT:**

**1. Consumer Advocacy Worksheets, Department of Public Utilities (DPU) 15-122 and DPU 18-50, Informational Purposes Only, no action required:**

Maggie Downey stated that at the May 2019 Board meeting, the Board voted on the Advocacy Cost Allocation Worksheet. The Compact and Council have worked on filling it out for two dockets; D.P.U. 18-50 and D.P.U. 15-122, consistent with the past direction of the Board. She stated that these forms were for the Board’s records and that no further action is required at this time on these two dockets.

**2. Release of Executive Session Minutes:**

Maggie Downey stated that with advice from the Secretary and Counsel, the Board has determined which Executive Session Minutes to release entirely or redact during last month’s Board Meeting. These minutes will be released and posted to the Compact’s web site.

Jeff Bernstein stated that under the Open Meeting Law, at the next Board Meeting following the Board voting on the release of redaction of Executive Session Minutes, the Compact must make a public statement on such action(s) that were taken by the Board that were discussed at the previous meeting.

**Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) and (10) to discuss matters below, to return to open session:**

- 1. Provide an update on Pending Regulatory Litigation and strategy discussion related to the Compact’s Current Priority DPU Dockets (see below), and to review and approve, and potential vote to consider whether to release, executive session minutes from July 17, 2019 that discuss trade secrets and confidential, competitively-sensitive or other proprietary power supply information; regulatory litigation strategy for DPU 18-116, CLC 2019-2021 Energy Efficiency Plan Filing; the Cape Light Compact 2019 and beyond power supply program portfolio (renewable energy and REC contracting) as well as whether it is appropriate to release any portion of confidential competitive electric supply contract provisions, to return to open session thereafter.**

- a. **DPU 15-122 Grid Modernization**
- b. **DPU 16-127 2013-2015 Energy Efficiency Term Report**
- c. **DPU 17-164, Joint Distribution Company Proposal Regarding Distributed Generation Interconnection Standards**
- d. **DPU 18-50, Eversource Performance-Based Ratemaking Metrics**
- e. **DPU 18-116, CLC 2019-2021 Three-Year Plan, Compact Active Demand Response and Cape & Vineyard Electrification Offering**
- f. **DPU 19-07, Investigation into Consumer Protection and Retail Electric Competitive Supply**
- g. **DPU 19-55, Distributed Generation Interconnection Standards**
- h. **DPU 19-96, 2016-2018 Energy Efficiency Plan, Three-Year Term Report**

*Ronald Zweig at 2:50 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) and(10) to provide an update on Pending Regulatory Litigation and strategy discussion related to the Compact’s Current Priority DPU Dockets (see below), and to review and approve, and potential vote to consider whether to release, executive session minutes from July 17, 2019 that discuss trade secrets and confidential, competitively-sensitive or other proprietary power supply information; regulatory litigation strategy for DPU 18-116, CLC 2019-2021 Energy Efficiency Plan Filing; the Cape Light Compact 2019 and beyond power supply program portfolio (renewable energy and REC contracting) as well as whether it is appropriate to release any portion of confidential competitive electric supply contract provisions, to return to open session thereafter.*

1. *DPU 15-122 Grid Modernization*
2. *DPU 16-127 2013-2015 Energy Efficiency Term Report*
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5. *DPU 18-116, CLC 2019-2021 Three-Year Plan, Compact Active Demand Response and Cape & Vineyard Electrification Offering*
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7. *DPU 19-55, Distributed Generation Interconnection Standards*
8. *DPU 19-96, 2016-2018 Energy Efficiency Plan, Three-Year Term Report*

*Each member participating remotely has stated that no other individuals are present and/or able to hear the discussion at his or her location, unless the presence of such individuals has been approved by a vote of the public body.*

*Ronald Zweig declared that an open session may adversely affect the Cape Light Compact’s ability to conduct business in relation to other entities making, selling or distributing electric power and energy. The Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Joyce Flynn.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes

Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15 – 0 – 0)*

**Return to Open Session**

*At 3:12 PM, Ron Zweig asked for a motion to end executive session, moved by Martin Culik, seconded by Colin Odell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15 – 0 – 0)*

**ENERGY EFFICIENCY PROGRAM:**

**1. 2016-2018 Energy Efficiency Plan Term Report Presentation, Phil Moffit**

Phil Moffit reviewed the Cape Light Compact Energy Efficiency 2016-2018 Term Report PowerPoint. Overall the Compact had a good three years.

Phil Moffit stated that the Compact compared planned and actual numbers for both annual and lifetime savings. Even with National Grid serving mutual customers who heat their homes with natural gas, the Compact still served its planned number of residential customers. The State requires that 10% of the Compact’s budget be spent on low-income customers. The Compact has had a difficult time meeting that 10%. There seems to be a downward trend in weatherization opportunities for low-income properties. As for Commercial & Industrial (C&I) the Compact was not where it planned to be in the 2016-2018 plan. Most of the C&I on the Cape and Vineyard are small businesses which are more expensive to serve, and the measures needed resemble more

closely those provided to a residential customer than an average C&I customer. The Compact planned to serve small business C&I customers comprehensively but was only able to install lighting at most locations. Phil Moffitt stated that the benefits and costs are similar to the savings. For costs the Compact spent 100% for its residential budget and did the best it could for low-income and C&I. Phil Moffitt stated that small businesses make-up a significant part of the Compact's C&I portfolio compared to other PAs that have large commercial and industrial customers and can achieve large savings at a low cost. Maggie Downey stated that since the majority of the Compact's small C&I customers are located in buildings that are comparable to residential structures and their electric usage resembles residential customers, the Compact needs to find a way to claim benefits for commercial buildings similar to how benefits are claimed for residential customers.

Regarding the requirement to spend 10% of the budget on low-income projects, David Anthony stated that Cape Cod has been treated the same as the rest of the state, but in fact it's not the same. Cape Cod is dealing with a crisis in building affordable housing. Is there anyone looking at our mix of people? The housing stock and low-income population doesn't support that 10% requirement. Maggie Downey stated that if the Compact is able to provide up-front 100% incentives for batteries and solar PV for low-income customers, (Cape and Vineyard Electrification Offering (CVEO)) the Compact could potentially meet that 10% requirement.

Ron Zweig asked if the C&I planned budget amounts are always high. Margaret Song stated that the Compact planned budgets are prepared based on the best available information, meaning what projects are anticipated to move forward in a given year. With the Green Community program happening in 2018 – 2019, many municipal customers did not move forward with projects. In the 2019 - 2021 Plan the Compact did reduce the C&I budget. Ron Zweig asked if the budget and savings goals were unattainable and if the Compact should decrease the savings and budget amounts. Maggie Downey stated that if the Compact were to do this, and the many Green Communities projects move forward as planned, the Compact might not have the budget/funds to implement these projects and would potentially have to go back to the DPU for a budget increase. Asking for a budget increase is a timely process and Compact staff recommend using the planned budget, and reconciling spending and revenues annually in its Energy Efficiency Reconciliation filing.

Joyce Flynn asked whether outdoor fluorescent lighting is being upgraded to LEDs at commercial buildings. Margaret Song stated that it depends on the hours of use in order for them to be upgraded. With the Main Streets program the Compact may be able to get them done.

**Peter Cocolis left the meeting at 3:20pm.**

## **2. Update on Proposed Active Demand Response (ADR) Offering and Proposed Revisions to Cape & Vineyard Electrification Offering (CVEO), Austin Brandt**

Austin Brandt stated that in the Order approving the 2019-2021 Energy Efficiency Plan the Department of Public Utilities (DPU) said the Compact had to do more stakeholder outreach for CVEO. The Compact did extensive stakeholder engagement locally here on Cape Cod and Martha's Vineyard, but not as much with the Energy Efficiency Advisory Council (EEAC). In addition to meeting with the Attorney General's Office (AGO), Acadia Center and Low-Income Energy Advocacy Network (LEAN), the Compact plans to present a revised CVEO to the EEAC Executive Committee and the full Board of the EEAC. The Compact intends to submit this revised CVEO to the DPU before the end of the calendar year.

Austin Brandt stated that Eversource and the Compact have come to an agreement on ADR. The Compact has to file a report by the end of September to the DPU. If the DPU approves, the ADR program should be able to start the summer of 2020. The Compact has agreed to use Eversource's dispatch plan, vendors, and keep them

updated on the program. Ultimately the Compact will be keeping the relationship with the customers and vendors.

Richard Elkin asked how many participants the Compact is expecting the first year. Austin Brandt stated that CVEO is separate, but the Compact is expecting around 2,000 participants in the ADR program. The Compact is further updating its numbers and assumptions. There are people that already have batteries that want to participate; therefore, the Compact is revising its plans to add those customers to the program.

### **3. 2020 Energy Efficiency Surcharge Update, Maggie Downey**

Maggie Downey stated that the 2020 Draft Energy Efficiency Surcharge (EES) is to be filed by November 1, 2019 with the DPU. This EES sets the revenue to be collected from electric ratepayers to fund the energy efficiency program for 2020. The DPU must give approval before the end of December so Eversource can set its rates. As part of the EES filing, the Compact's managers are looking to see what has been spent this year and what they think they will need to serve customer next year. This is not related to CVEO. That would be a separate filing.

Maggie Downey stated that the Compact is to meet with EEAC in November on CVEO. She asked that if any Board Members could come to Boston to show their support that it would be appreciated. Once EEAC approves it will then go to the DPU for approval. The Compact hopes to start the CVEO program in 2020, but it may not happen until 2021. Martin Culik asked what the date of the meeting was. Maggie Downey stated it is to be on the third Wednesday of November.

Colin Odell stated that Eversource is marketing via email in the Compact's territory, and it is causing customer confusion. Dan Schell stated that this was supposedly rectified. The Compact has talked to Eversource before about it, but their vendors continue to do this in error. Maggie Downey stated that contacting Compact customers about energy efficiency programs is inconsistent with the Operating Agreement between the Compact and Eversource. Maggie noted that she will reach out to the Eversource management team to discuss this matter.

**Timothy Carroll, Eric Peckar, Richard Toole, and Sue Hruby left meeting at 3:42pm.**

#### **ADJOURNMENT:**

*Motion to adjourn made at 3:54 PM moved by Robert Schofield, seconded by Martin Culik.*

Respectfully submitted,

Melissa Allard

#### **LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- July 17, 2019 Draft Open Session Meeting Minutes
- Comparison of Bank Options for Securing/Insuring Cash Assets
- 2019 Operating Budget
- 2019 Energy Efficiency Budget
- Consumer Advocacy Allocation Worksheet – D.P.U. 15-122
- Consumer Advocacy Allocation Worksheet – D.P.U. 18-50
- Cape Light Compact Energy Efficiency 2016 – 2018 Term Report PowerPoint