



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

REVISED NOTICE OF FILING, PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 14-69

April 17, 2014

Petition of the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact, to the Department of Public Utilities, for approval of a revised municipal aggregation plan pursuant to G.L. c. 164, § 134.

On April 3, 2014, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact (“Compact”), filed with the Department of Public Utilities (“Department”) a petition seeking approval of a revised municipal aggregation plan. The Department docketed this petition as D.P.U. 14-69.

General Laws c. 164, § 134 authorizes a group of municipalities acting together to procure a contract for electric supply on behalf of aggregated consumers within its boundaries. Eligible consumers not already enrolled with an alternative electric supplier will be automatically enrolled in the municipal aggregation unless they chose to “opt-out” in which case they would remain enrolled on basic service provided by their electric distribution company (*i.e.*, NSTAR Electric Company).

On August 10, 2000, the Department approved the Compact’s original municipal aggregation plan. D.T.E. 00-47 (2000). The Compact initially provided electric power supply from 2002 to 2004 to approximately 42,000 customers through its Default Service Pilot Project pursuant to Acts of 1997, c. 164, § 339. D.T.E. 01-63 (2002); D.T.E. 03-61 (2003); D.T.E. 03-99 (2003). In 2004, the Compact filed a petition seeking approval of unexecuted electric supply agreements which would allow the Compact to enroll approximately 195,000 customers located within its 21 member towns in the Compact’s municipal aggregation program. D.T.E. 04-32 (2004). The Department approved the Compact’s revised municipal aggregation plan (including the proposed electric supply agreements). D.T.E. 04-32, at 16-24.

On August 27, 2013, the Department sent the Compact a letter requesting that the Compact determine whether it should revise its plan to reflect the municipal aggregation program’s current structure and operations. In response to the Department’s request, the Compact seeks Department approval of its revised municipal aggregation plan. The revised

municipal aggregation plan includes (1) updates to certain terminology, (2) revisions to the Compact's goals to ensure consistency with the goals included in the Compact's Inter-Governmental Agreement (the Compact's governing document), (3) updates to reflect the Compact's current methods for soliciting and evaluating electricity supply contracts, including its use of a Chief Procurement Officer, (4) revisions to reflect the Compact's current appropriation process for the use of funds collected from the Compact's municipal aggregation program customers through an adder, and (5) revisions to reflect additional directives that the Department imposed on municipal aggregations in 2013, including an annual reporting requirement, pursuant to the Department's Order in City of Lowell Municipal Aggregation, D.P.U. 12-124 (2013). If the revised municipal aggregation plan is approved, a customer currently enrolled in the Compact's municipal aggregation program will remain enrolled in the program unless the customer chooses to opt out and return to NSTAR Electric Company's basic service.

The Department will conduct a public hearing at the Mashpee Public Library, 64 Steeple Street, Mashpee, Massachusetts 02669, on **Wednesday, May 14, 2014, at 6:00 p.m.**, to receive comments on the Compact's petition. Any person who desires to comment may do so at the public hearing noted above or submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, May 16, 2014**.

Any person wishing to participate in this proceeding must file a written petition for leave to intervene with the Department not later than the close of business (5:00 p.m.) on **Tuesday, May 6, 2014**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original hardcopy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. Three copies of all written comments and one copy of petitions to intervene must also be sent to Jonathan Goldberg, Hearing Officer, at the Department of Public Utilities. One copy of all written comments should also be sent to the attorneys for the Compact, Jo Ann Bodemer, Esq., Jeffrey M. Bernstein, Esq., and Audrey A. Eidelman, Esq., BCK Law P.C., One Gateway Center, Suite 809, Newton, Massachusetts, 02458.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and to the Hearing Officer jonathan.goldberg@state.ma.us, or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding, D.P.U. 14-69; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

A copy of the Compact's petition is available for public viewing at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110, during regular business hours. A copy is also available for public viewing at the Compact's offices, 3195 Main Street, Barnstable, Massachusetts 02630. In addition, electronic filings are available on the Department's website: <http://www.mass.gov/dpu>. Any person desiring further information regarding this notice should contact Jonathan Goldberg, Hearing Officer, Department of Public Utilities, at (617) 305-3500.