

**Cape Light Compact Governing Board**  
**Wednesday, November 12, 2014**  
**Executive Session Meeting Minutes**

The Governing Board of the Cape Light Compact met in Executive Session on Wednesday, November 12, 2014 at 4:00 p.m. in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

**PRESENT WERE:**

1. Dr. Joyce Flynn, Chairwoman, Yarmouth
2. Peter Cocolis, Treasurer, Chatham
3. Barry Worth, Secretary, Harwich
4. William Doherty, Barnstable County
5. David Anthony, Barnstable
6. Deane Keuch, Brewster
7. Timothy Carroll, Chilmark - by phone
8. Brad Crowell, Dennis – by phone
9. Fred Fenlon, Eastham
10. Paul Pimentel, Edgartown
11. Ronald Zweig, Falmouth
12. Thomas Mayo, Mashpee
13. Richard Toole, Oak Bluffs
14. Thomas Donegan, Provincetown - by phone
15. Everett Horn, Sandwich
16. Peter Fontecchio, Truro
17. Sue Hruby, W. Tisbury – by phone

**ABSENT WERE:**

18. Michael Hebert, Aquinnah
19. Robert Schofield, Vice-Chair, Bourne
20. Peter Cabana, Member at Large, Dukes County
21. Orleans, Vacant
22. William Straw, Tisbury
23. Richard Elkin, Wellfleet

**LEGAL COUNSEL:**

Jeffrey Bernstein, Esq., BCK Law, PC

**STAFF PRESENT:**

Maggie Downey, Compact Administrator  
Stephan Wollenburg, Sr. Power Supply Planner  
Briana Kane, Sr. Residential Program Coordinator  
Matthew Dudley, Residential Program Coordinator  
Lindsay Henderson, Marketing & Data Analyst  
Meredith Miller, C&I Program Manager  
Philip Moffitt, EM&V Manager  
Gail Azulay, EM&V Analyst  
Debbie Fitton, Energy Education Coordinator  
Karen Loura, Administrative Assistant

**Open Session Vote on entry into Executive Session**

J. Flynn proposed an Executive Session as follows:

- (1) M.G.L. c. 30A, Section 21 (a)(10): Power Supply Procurement Strategy Discussion (confidential and competitively sensitive information);
- 2) M.G.L. c. 30A, Section 21 (a)(3) and Section 21(a)(10): DPU 14-69 (discussion of litigation strategy and related power supply issues); and
- 3) M.G.L. c 30A, Section 21 (a)(3 and (10) for the purpose of approving past Compact Executive Session Minutes and Compact Executive Committee Executive Session Minutes. She stated that an open session may have a detrimental effect on the bargaining or litigating and negotiating positions

of the Cape Light Compact. She announced that the Board would not reconvene in Open Session at the conclusion of the Executive Session this day. The next meeting is scheduled for December 10, 2014.

R. Zweig moved the Board vote to enter into Executive, seconded by P. Pimentel by roll call vote as follows:

- |                                  |     |                              |     |
|----------------------------------|-----|------------------------------|-----|
| 1. W. Doherty, Barnstable County | Yes | 10. B. Worth, Harwich        | Yes |
| 2. D. Anthony, Barnstable        | Yes | 11. T. Mayo, Mashpee         | Yes |
| 3. D. Keuch, Brewster            | Yes | 12. R. Toole, Oak Bluffs     | Yes |
| 4. P. Cocolis, Chatham           | Yes | 13. T. Donegan, Provincetown | Yes |
| 5. T. Carroll, Chilmark          | Yes | 14. E. Horn, Sandwich        | Yes |
| 6. B. Crowell, Dennis            | Yes | 15. P. Fontecchio, Truro     | Yes |
| 7. F. Fenlon, Eastham            | Yes | 16. S. Hruby, W. Tisbury     | Yes |
| 8. P. Pimentel, Edgartown        | Yes | 17. J. Flynn, Yarmouth       | Yes |
| 9. R. Zweig, Falmouth            | Yes |                              |     |

*Motion carried in the Affirmative (17-0-0)*

S. Wollenburg reported Cape Light Compact has executed a contract with Nextera to serve commercial and industrial customers and ConEdison Solutions (CES) to serve residential customers. He provided the pricing structure and comparison with NSTAR's rates. Cape Light Compact will be slightly above NSTAR at least for the 1<sup>st</sup> half of 2015.

CLC discussed the operational adder. Currently the adder is at a mil. M. Downey is checking fund balances to see if it may be feasible to forego collection of the mil adder for 7 months (a value of approximately \$600,000 in revenue). If so, Cape Light Compact's rate would only be .5 mils above NSTAR. Cape Light Compact would then not have funding for anything but basic operations next year. There is no expectation CVEC will require funding next year. M. Downey requested a sense of the Board on this issue.

There was discussion about options. Collecting only a ½ mil would make the price difference gap smaller.

*T. Donegan disconnected from remote participation at 4:22 p.m.*

P. Cocolis said Cape Light Compact grants to CVEC are not expected to continue next year.

Atty. Bernstein said Cape Light Compact has always had the flexibility to collect the adder and it has no impact on the Updated Aggregation Plan Proceedings.

P. Pimentel asked if the difference is enough to cause opt outs. S. Wollenburg speculated movement will be when prices drop in April, 2015 and competitors offer 12¢/kWh electricity. W. Doherty asked about the urgency to make the mil adder decision.

*F. Fenlon left at 4:30 P.M.*

D. Anthony supports adjusting the mil adder downward if CLC is not funding CVEC next year. M. Downey will make the decision which is need driven. D. Anthony asked if the rate at the end of the 6-month term will be more in line with NSTAR in next 6-month period.

P. Fontecchio asked if dropping ½ mil adder will have public relations value? M. Downey responded she does not believe adding or removing the adder will have an impact either way. She said it may be difficult to reduce the adder and then increase it.

T. Mayo said the Compact has to do better promoting our true mission of power supply, consumer advocacy and energy efficiency. He is not in support of lowering the adder to less than a mil, unless it is a budget driven decision.

R. Zweig spoke about Cape Light Compact's commitment to CVEC this year adding the Board agreed it could reconsider support depending on the situation at this point in time. He asked if CVEC is in need of continued support. S. Wollenburg reported Solar PV Panels are up and running but their budget is very tight.

*Without a quorum present in the room, the following informational update was provided to those present (no discussion by Board members):*

Updated Aggregation Plan

The Attorney General has filed a 42-page brief contending the mil adder is an illegal tax. Cape Light Compact also offers an Opt-in municipal product.

M. Downey asked Atty. Bernstein to reach out to outside counsel and obtain an opinion. Bob Richie, former Director of the Local Affairs Division of the Office of Attorney General will be asked to look at memo on the tax vs fee issue. Atty. Bernstein said he is confident this DPU will approve the updated aggregation plan. The Attorney General's filing may tie it up. The goal is to provide findings to the towns and the new Attorney General. Atty. Bernstein will not be present at December meeting. The goal is to complete the memo and have Bob Richie review it. Atty. Bernstein reviewed DPU Proceeding Schedule

CONSIDERATION OF EXECUTIVE SESSION MEETING MINUTES

Since a quorum was no longer present, consideration of past Executive Session Meeting Minutes and Executive Committee Executive Session Minutes is postponed to next meeting.

At 4:45 p.m. the meeting adjourned.

Respectfully submitted,

Karen E. Loura  
Administrative Assistant

Reviewed by Barry Worth, Secretary on: \_\_\_\_\_