

Cape Light Compact Governing Board
Wednesday, December 10, 2014
Executive Session Meeting Minutes

The Governing Board of the Cape Light Compact met in Executive Session on Wednesday, December 10, 2014 at 2:45 p.m. in Room 11/12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

PRESENT WERE:

1. Dr. Joyce Flynn, Chairwoman, Yarmouth
2. Robert Schofield, Vice-Chair, Bourne
3. Peter Cocolis, Treasurer, Chatham
4. Peter Cabana, Member at Large, Dukes County
5. Barry Worth, Secretary, Harwich
6. David Anthony, Barnstable
7. Timothy Carroll, Chilmark – remotely by phone
8. Deane Keuch, Brewster
9. Brad Crowell, Dennis
10. Fred Fenlon, Eastham
11. Paul Pimentel, Edgartown
12. Ronald Zweig, Falmouth
13. Thomas Mayo, Mashpee
14. Richard Toole, Oak Bluffs
15. Thomas Donegan, Provincetown
16. Everett Horn, Sandwich
17. Richard Elkin, Wellfleet
18. Susan Hruby, W. Tisbury

ABSENT WERE:

19. Michael Hebert, Aquinnah
20. William Doherty, Barnstable County
21. Orleans, Vacant
22. William Straw, Tisbury
23. Peter Fontecchio, Truro

LEGAL COUNSEL:

Audrey Eidelman, 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

OTHERS

Seth Pickering, Mass. Senator Dan Wolf's Office
Richard Andre, Vineyard Power

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION AND REQUIRED DECLARATIONS OF THE CHAIR

At 2:45 p.m. Chr. Flynn requested an Executive Session and read the reasons for entering Executive Session as posted on the agenda 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);
- (3) 2014M.G.L. c 30A, Section 21 (a)(3) and Section 21(a)(10) for the purpose of approving past Compact Executive Session Minutes.

She stated an open meeting may have a detrimental effect on Cape Light Compact’s bargaining or litigating position. She said the Board would not reconvene in Open Session this day. *P. Cabana moved the Board vote to enter into Executive Session, seconded R. Zweig and voted by roll call as follows:*

- | | |
|-------------------------------------|------------|
| 1. <i>D. Anthony, Barnstable</i> | <i>Yes</i> |
| 2. <i>R. Schofield, Bourne</i> | <i>Yes</i> |
| 3. <i>D. Keuch, Brewster</i> | <i>Yes</i> |
| 4. <i>P. Cocolis, Chatham</i> | <i>Yes</i> |
| 5. <i>T. Carroll, Chilmark</i> | <i>Yes</i> |
| 6. <i>P. Cabana, Dukes County</i> | <i>Yes</i> |
| 7. <i>B. Crowell, Dennis</i> | <i>Yes</i> |
| 8. <i>F. Fenlon, Eastham</i> | <i>Yes</i> |
| 9. <i>P. Pimentel, Edgartown</i> | <i>Yes</i> |
| 10. <i>R. Zweig, Falmouth</i> | <i>Yes</i> |
| 11. <i>B. Worth, Harwich</i> | <i>Yes</i> |
| 12. <i>T. Mayo, Mashpee</i> | <i>Yes</i> |
| 13. <i>R. Toole, Oak Bluffs</i> | <i>Yes</i> |
| 14. <i>T. Donegan, Provincetown</i> | <i>Yes</i> |
| 15. <i>E. Horn, Sandwich</i> | <i>Yes</i> |
| 16. <i>S. Hruby, W. Tisbury</i> | <i>Yes</i> |
| 17. <i>J. Flynn, Yarmouth</i> | <i>Yes</i> |
- Motion carried (17-0-0).*

VINEYARD POWER PRESENTATION

[Placeholder for redacted minutes as disclosure of these minutes at this time may defeat the lawful purpose of the executive session]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DPU 14-69 UPDATED AGGREGATION PLAN

Atty. Eidelman provided an update on DPU 14-69 Cape Light Compact's Updated Aggregation Plan. All briefs have been filed and now are awaiting a decision from the DPU. The DPU Commission will continue in its role to a point in January.

There was discussion about the process if approved by the DPU Commission and the potential for AG Appeal. There was discussion about timing between the appeal and resolution. Atty. Eidelman said Cape Light Compact is not a party to the appeal. There was discussion about the time needed between the AG appeal and resolution. CLC is not a party to the appeal. S. Wollenburg said BCK is preparing a memo firming up the argument to be made and that B. Ritchie is also confident Cape Light Compact has the argument. Atty. Eidelman provided possible outcomes.

NEXT MEETING

The next Board Meeting will be January 14, 2015.

*Atty. Eidelman, S. Wollenburg and M. Downey left at 4:15 p.m.
T. Donegan left at 4:17 pm.
F. Fenlon left the meeting at 4:21 pm*

CONSIDERATION OF MEETING MINUTES

The Board then considered the November 12, 2014 Executive Session Meeting Minutes. *B. Worth moved the Board vote to accept the minutes as presented, seconded by F. Fenlon. Corrections for clarification were made by agreement. The Board then voted as follows:*

- | | | | |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Abs | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. E. Horn, Sandwich | Yes |
| 5. T. Carroll, Chilmark | Abs | 13. R. Elkin, Wellfleet | Abs |
| 6. P. Cabana, Dukes County | Abs | 14. S. Hrubby, W. Tisbury | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. J. Flynn, Yarmouth | Yes |
| 8. R. Zweig, Falmouth | Yes | | |
- Motion carried in the affirmative (11-0-4)

P. Cocolis moved the Board vote to release 11/12/14 Meeting Minutes as redacted, seconded by B. Worth. Discussion followed about only redacting numbers relative to Power Supply and the need to redact the discussion. B. Schofield said that discussions about pricing strategy and numbers has been redacted. He suggested possibly leaving the decision to another meeting. M. Downey was contacted by phone to resolve a question relative to redacted minutes. The Board then voted by roll call vote as follows:

- | | | | |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. E. Horn, Sandwich | Yes |
| 5. T. Carroll, Chilmark | Yes | 13. R. Elkin, Wellfleet | Nay |
| 6. P. Cabana, Dukes County | Yes | 14. S. Hrubby, W. Tisbury | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. J. Flynn, Yarmouth | Yes |
| 8. R. Zweig, Falmouth | Yes | | |
- Motion carried in the affirmative (14-1-0)

The Board then considered the September 10, 2014 Executive Session Meeting Minutes. Three typographical errors were corrected. P. Cocolis moved the Board vote to accept the minutes as corrected, seconded by R. Schofield and voted by roll call vote as follows:

- | | | | |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. E. Horn, Sandwich | Yes |
| 5. T. Carroll, Chilmark | Abs | 13. R. Elkin, Wellfleet | Yes |
| 6. P. Cabana, Dukes County | Yes | 14. S. Hrubby, W. Tisbury | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. J. Flynn, Yarmouth | Yes |
| 8. R. Zweig, Falmouth | Yes | | |
- Motion carried in the affirmative (14-0-1)

P. Cabana moved to release the September 10, 2014 Executive Session Meeting Minutes as redacted, seconded by B. Worth and voted by roll call as follows:

- | | | | |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. E. Horn, Sandwich | Yes |
| 5. T. Carroll, Chilmark | Yes | 13. R. Elkin, Wellfleet | Yes |
| 6. P. Cabana, Dukes County | Yes | 14. S. Hrubby, W. Tisbury | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. J. Flynn, Yarmouth | Yes |
| 8. R. Zweig, Falmouth | Yes | | |

Motion carried in the affirmative (15-0-0)

The Executive Committee then considered the Executive Committee Executive Session Meeting Minutes of Monday, October 27, 2014. Two typographical errors were corrected. B. Schofield moved the Committee vote to accept the meeting minutes as corrected, seconded by P. Cabana and voted by roll call vote as follows:

- | | | | |
|--|------------|--|------------|
| <i>1. Chairperson Flynn, Yarmouth</i> | <i>Yes</i> | <i>4. Member at Large Cabana, Dukes County</i> | <i>Yes</i> |
| <i>2. V. Chairperson Schofield, Bourne</i> | <i>Yes</i> | <i>5. Secretary Worth, Harwich</i> | <i>Yes</i> |
| <i>3. Treasurer Cocolis, Chatham</i> | <i>Yes</i> | | |

Motion carried in the affirmative (5-0-0)

R. Elkin volunteered to serve on Subcommittee for redacting meeting minutes.

At 4:47 p.m. T. Mayo moved the Board vote to adjourn, seconded by D. Keuch and voted by roll call vote as follows:

- | | | | |
|-----------------------------------|------------|---------------------------------|------------|
| <i>1. Anthony, Barnstable</i> | <i>Yes</i> | <i>8. B. Worth, Harwich</i> | <i>Yes</i> |
| <i>2. R. Schofield, Bourne</i> | <i>Yes</i> | <i>9. T. Mayo, Mashpee</i> | <i>Yes</i> |
| <i>3. D. Keuch, Brewster</i> | <i>Yes</i> | <i>10. R. Toole, Oak Bluffs</i> | <i>Yes</i> |
| <i>4. T. Carroll, Chilmark</i> | <i>Yes</i> | <i>11. E. Horn, Sandwich</i> | <i>Yes</i> |
| <i>5. P. Cabana, Dukes County</i> | <i>Yes</i> | <i>12. R. Elkin, Wellfleet</i> | <i>Yes</i> |
| <i>6. P. Pimentel, Edgartown</i> | <i>Yes</i> | <i>13. S. Hruby, W. Tisbury</i> | <i>Yes</i> |
| <i>7. R. Zweig, Falmouth</i> | <i>Yes</i> | <i>14. J. Flynn, Yarmouth</i> | <i>Yes</i> |

Motion carried in the affirmative (14-0-0)

Respectfully submitted,

Karen E. Loura
Administrative Assistant

LIST OF DOCUMENTS & EXHIBITS:

- Meeting Notice/Agenda
- [REDACTED]
- [REDACTED]
- Draft September 10, 2014 Cape Light Compact Governing Board Executive Session Meeting Minutes
- Redacted September 10, 2014 Cape Light Compact Governing Board Executive Session Meeting Minutes
- Draft October 27, 2014 Cape Light Compact Executive Committee Executive Session Meeting Minutes
- Draft November 12, 2014 Cape Light Compact Governing Board Executive Session Meeting Minutes
- Redacted November 12, 2014 Cape Light Compact Governing Board Executive Session Meeting Minutes