



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 17-95

May 10, 2017

Request 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 an advisory ruling pursuant to G.L. c. 30A, §8 and 220 C.M.R. §§2.02 and 2.08.

On March 31, 2017, 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 a request for an advisory ruling from the Department of Public Utilities (“Department”) seeking to clarify that the Compact will not be required to file a revised municipal aggregation plan if it undergoes an internal reorganization that transfers the Compact’s operations from an inter-governmental organization under G.L. c. 40, §4A to a joint powers entity under G.L. c. 40, §4A1/2. The Department docketed this request as D.P.U. 17-95.

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. The Department approved the Compact’s original municipal aggregation plan in August 2000. Cape Light Compact, D.T.E. 00-47 (2000). On May 18, 2015, the Department approved a revised municipal aggregation plan for the Compact that included: (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, (3) updates to reflect the Compact’s methods for soliciting and evaluating electricity supply contracts, including its use of a chief procurement officer, (4) revisions to incorporate the Compact’s appropriation process for the use of funds collected from the Compact’s municipal aggregation program customers through an adder, and (5) revisions to incorporate additional directives that the Department imposed on municipal aggregations. Cape Light Compact, D.P.U. 14-69 (2015).

Pursuant to G.L. c. 30A, § 8, and 220 C.M.R. § 2.08, the Department has discretion to issue or to decline to issue advisory rulings as to the applicability to any person, property,

or factual situation of any statute or regulation enforced or administered by the Department. Such rulings are not binding upon the Department in any subsequent formal proceeding.

Any person who desires to comment on the Compact's request for an advisory ruling may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Monday, June 5, 2017**. An original hardcopy of all written comments must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. Two copies of all written comments must also be sent to Elizabeth Lydon, Hearing Officer, at the Department of Public Utilities. One copy of all written comments should also be sent to the attorneys for the Compact, Jeffrey M. Bernstein, Esq., and Audrey A. Eidelman, Esq., BCK Law P.C., 271 Waverley Oaks Road, Suite 203, Waltham, Massachusetts, 02452.

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 elizabeth.lydon@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. 17-95; (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 request is available for public viewing at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110, during regular business hours and on the Department's website: <http://www.mass.gov/dpu>. Documents on the Department's website may be accessed by docket number (D.P.U. 17-45) in the file room at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber>. A copy of the Compact's request is also available for public viewing at the Compact's offices, 3195 Main Street, Barnstable, Massachusetts 02630.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact Theresa Kelly at Theresa.Kelly@state.ma.us or (617) 305-3642. Any person desiring further information regarding the filing should contact counsel for the Compact, Jeffrey M. Bernstein, Esq., and Audrey A. Eidelman, Esq., BCK Law P.C., at (617) 224-9500. Any person desiring further information regarding this notice should contact Elizabeth Lydon, Hearing Officer, Department of Public Utilities, at (617) 305-3500.