

**Cape Light Compact JPE  
Governing Board and Executive Committee  
Open Session Meeting Minutes  
Wednesday, March 28, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, March 28, 2018 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 12:00PM.

**Present Were:**

1. Robert Schofield, Executive Committee, Bourne
2. Colin Odell, Brewster
3. Peter Cocolis, Executive Committee, Chatham
4. Timothy Carroll, Chilmark – By phone
5. Brad Crowell, Dennis
6. Fred Fenlon, Eastham
7. Paul Pimentel, Edgartown – By phone until in person at 12:40 PM
8. Valerie Bell, Harwich
9. Wayne Taylor, Mashpee
10. Richard Toole, Executive Committee, Oak Bluffs – By phone
11. Martin Culik, Orleans
12. Thomas Donegan, Executive Committee, Provincetown
13. Leanne Drake, Sandwich
14. Richard Elkin, Wellfleet
15. Sue Hruby, West Tisbury – By phone
16. Joyce Flynn, Chair, Yarmouth

**Absent Were:**

1. Michael Hebert, Aquinnah
2. David Anthony, Secretary, Barnstable
3. Robert Hannemann, Dukes County
4. Ronald Zweig, Vice-Chair, Falmouth
5. Jay Grande, Tisbury
6. Jarrod Cabral, Truro

Members/Alternates

Physically present: 12

Present by phone: 3

Present by phone until physically present in person (Paul Pimentel): 1

**Legal Counsel:**

Audrey Eidelman, Esq., BCK Law, P.C.

By phone for a portion of the meeting: Jeffrey Bernstein, Esq., BCK Law, P.C.

**Staff Present:**

Austin Brandt, Senior Power Supply Planner

Briana Kane, Planning and Evaluation Manager

Joanne Nelson, Comptroller

Maggie Downey, Administrator  
Margaret Song, C&I Program Manager  
Melissa Allard, Senior Administrative Coordinator  
Phil Moffit, Residential Program Manager

**Consultant:**

Antje Flanders, Opinion Dynamics  
Paul Wasmund, Opinion Dynamics  
Martin Poirier, Dunsy Energy Consulting  
Kevin Galligan, Galligan Energy Consulting

**Public Present:**

None present.

**Joyce Flynn called the meeting to order at 12:16 PM.**

**2019-2021 Energy Efficiency Plan**

**1. Overview of Compact Stakeholder Sessions and Presentation on Potential Study**

Briana Kane and Antje Flanders reviewed the Stakeholder Engagement and 2019-2021 Potential Study PowerPoint. Briana Kane discussed with the Board the decision to engage with stakeholders prior to the 2019-2021 Plan. The sessions gathered feedback on programs and outreach strategies.

The potential study portion of the presentation reviewed achievable electric potential. The potential study considered changes in measures assumptions and cost to update the 2014 study. The potential study is one piece that helps with the direction of the 2019-2021 plan.

Paul Pimentel asked if the study looked at displacing oil, propane and included heat pumps for those reasons. Briana Kane indicated that the potential study only looks at electric measures and that it is one component that is used to inform the 2019-2021 Plan. Other measures are looked at and included in the actual filing. Brad Crowell asked if the Compact looked at achievable potential and how it compared to the actual savings. Briana Kane indicated that the Compact does not compare achievable potential to actual, although they could if the Board so desired. Rather, comparisons are done on planned versus actuals. Brad Crowell asked if there was another reason beyond regulatory requirements to use the potential study. Maggie Downey stated that the potential study was a regulatory requirement and that the Compact uses it to help set savings and budget goals. Colin Odell asked if the model could be updated to account for changes to EISA and or other regulatory items. Martin Poirier indicated that the model could be updated with such changes.

**Richard Toole joined by phone at 12:34 PM.**

**Timothy Carroll and Sue Hruby joined by phone at 12:48 PM.**

**Joyce Flynn recognized Tim Carroll of Chilmark, 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.**

**2. Review and Discuss Proposed Compact Energy Efficiency Enhancements**

Maggie Downey reviewed the 2019-2021 Energy Efficiency Plan Proposed Enhancements PowerPoint.

Brad Crowell asked whether the Compact could offer the \$5,000 grant not only to schools, but non-profits as well. Margaret Song agreed and indicated that is something the Compact is considering.

Margaret Song gave an update on how well the Main Street program was doing. Maggie Downey stated that word of mouth is where the Compact is most successful.

Richard Elkin stated that the previous power outages could be the selling point for the small-scale battery storage.

Maggie Downey asked for a show of hands on whether to look into OPower some more or to stop. Colin Odell stated that the information gathered from OPower could benefit the Compact. The sense from the board was that they wanted the Compact to keep researching it. (Note: OPower is a vendor that would send out a monthly mailing to customers on behalf of the Compact comparing kWh usage for adjacent homes. The objective is to influence customers kWh consumption.)

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

1. Update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69
2. The Compact's Request for an Advisory Ruling, DPU 17-95, Potential Vote

*Joyce Flynn at 1:44 PM moved to enter into Executive Session pursuant to M.G.L. Chapter 30A §21(a) 3 to discuss an update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's Request for an Advisory Ruling, DPU 17-95.*

*The recordkeeper of today's executive session shall be Compact staff. The Executive Session meeting minutes shall be presented to the Compact's Secretary for review and approval.*

*Joyce Flynn declared that an Open Session to discuss this regulatory litigation may have a detrimental effect on the Cape Light Compact's litigating position. Joyce Flynn noted that the Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Robert Schofield.*

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carrol	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes

Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (16 – 0 – 0)*

**Returned to Open Session at approximately 2:30 PM.**

**NOTE: THIS IS A NEW MATTER THAT THE CHAIR DID NOT HAVE NOTICE OF IN ADVANCE OF THE MEETING. ATTORNEY GENERAL TAKES ACTION AGAINST COMPETITIVE ELECTRIC SUPPLIERS’ DECEPTIVE MARKETING:**

Jeffrey Bernstein played a voicemail he received minutes earlier from the Attorney General’s Office stating that there is going to be a press release regarding a Settlement Agreement between the Attorney General’s Office and Viridian Energy regarding Viridian’s marketing and sales tactics that resulted in customers entering into supply contracts with high electricity rates. The voicemail also stated that the Attorney General is recommending ending the individual residential competitive supply market to protect electric customers. Maggie Downey stated that this may not work out in favor of municipal aggregators since many people compare municipal aggregation to basic service. Richard Elkin noted that the Compact has been beating basic service more often in the past 10 years. He also stated that the Compact offers the best protection and green energy. Thomas Donegan stated that the Compact should put out a press release showing support for the Attorney General’s Settlement Agreement.

*Thomas Donegan moved the CLCJPE Board of Directors vote to issue a press release in support of the Attorney General’s actions against competitive electric supplier’s deceptive marketing practices. Seconded by Martin Culik*

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carrol	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Abstained
Paul	Pimentel	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	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 – 1)*

**PUBLIC COMMENT:**

There were no members of the public present.

**APPROVAL OF MINUTES:**

The Board considered the February 14, 2018 Meeting Minutes.

*Martin Culik moved the Board to accept the minutes as amended, seconded by Robert Schofield.*

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carrol	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (16 – 0 – 0)*

**FISCAL REPORT, PETER COCOLIS**

Peter Cocolis reviewed the 2018 Operating Fund and Energy Efficiency Budget Reports. He noted that the Operating Fund Budget Report goes to the end of February and that things like sponsorships always get paid towards the beginning of the year.

**MEETING PROTOCOLS UPDATE, THOMAS DONEGAN**

Maggie Downey stated that only one member made edits since the February meeting. Thomas Donegan stated that any other edits are to be sent to Maggie Downey before April’s meeting and the board will vote on the changes then. Colin Odell noted that the meeting protocols are acceptable but they do not establish the protocol he is looking to adopt for how business is conducted.

**ADMINISTRATOR’S REPORT:**

**1. Discussion on CLC Board Member Email Accounts**

A decision was made to test out CLC email accounts for Richard Elkin, Colin Odell, Joyce Flynn and Sue Hruby. Then we will come back and vote on whether everyone will be using them or not.

## **2. Discussion of Questions and Communications from the Attorney General’s Office on DPU 17-95, Potential Vote**

Maggie Downey noted that after the Compact submitted a Compliance filing for the Aggregation Plan, as directed by the DPU, the Office of Attorney General (AGO) submitted an Information Request. Maggie Downey noted that this was unusual because there was no open docket for the AGO to comment on. As directed by the Board, Compact staff, Board members and legal counsel met with representatives from the AGO. As a result of the meeting, it was agreed that a request from the AGO to further amend the Compact’s Aggregation Plan would be brought back to the Board for discussion and a vote.

Maggie Downey noted that AGO asked the Compact to discuss the Compact’s power supply contracts, and this will be on the April Board meeting agenda.

*Colin Odell moved the CLCJPE Board of Directors vote to approve the following revisions to the Cape Light Compact’s Aggregation Plan requested by the Attorney General’s Office:*

**2.3.1 Power Supply Program** is amended to delete the language “reduce the amount consumers pay for electric energy and to” so the first sentence, as amended, reads:

***The Power Supply Program is designed to gain other favorable economic and non-economic terms in service contracts.***

**2.3.2 Statewide Three-Year Energy Efficiency Investment Program** is amended by deleting the first clause in the first sentence (“While the Power Supply Program is designed to reduce the cost of a kilowatt hour of energy...”) so that the first sentence, as amended, reads:

***The Energy Efficiency Program is aimed at total bill reduction.***

*And to file these updates as a limited revised update to the Compact’s Aggregation Plan at the request of the Attorney General’s Office.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Robert Schofield.*

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carrol	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes

Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Absent
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)*

### **3. Overview of Eversource Rate Case, DPU 17-05**

Austin Brandt and Kevin Galligan reviewed the Eversource Rate Case PowerPoint. Although the Compact and other parties raised concerns that the DPU did not support, the DPU did align with the Compact and other intervenors on some aspects of rate design and customer charges. The Compact’s intervention in DPU 17-05, along with the efforts of other parties, resulted in savings of approximately \$102 million annually as it relates to C&I rate design, approximately \$54 million annually as it relates to customer charges and approximately \$8 million in the first year (savings will vary year to year until next rate case) as it relates to transition charge consolidation.

### **4. Power Supply RFP Update**

Maggie Downey stated that four vendors have signed the confidentiality agreement and have been provided Compact data as part of the competitive bid process.

### **5. Proposed Resolution on Offshore Wind, Potential Vote**

Members reviewed the proposed Resolution on Offshore Wind. Richard Elkin asked what the anticipated cost impact to customers would be. Austin Brandt replied that it would depend on the cost of the project. Thomas Donegan asked if it would be possible to send the Resolution to all state and town delegations. Maggie Downey said she will make it an official Resolution and do so.

*Martin Culik moved the CLCJPE Board of Directors vote to adopt the Resolution presented in support of offshore wind energy turbines. The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Robert Schofield.*

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carrol	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes

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

*Motion carried in the affirmative (16 – 0 – 0)*

**Tim Carroll, Richard Toole, and Sue Hruby stopped participation by phone at 3:50 PM.**

**ADJOURNMENT:**

*Colin Odell moved to adjourn the meeting at 3:52 PM, seconded by Bob Schofield.*

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda
- Stakeholder Engagement and 2019-2021 Potential Study PowerPoint
- 2019-2021 Energy Efficiency Plan Proposed Enhancements PowerPoint
- February 14, 2018 Meeting Minutes
- 2018 Operating Fund Budget Report
- 2018 Energy Efficiency Budget Report
- CLC Code of Conduct Policy for Board Members
- Request from Attorney General’s Office to Revise CLC Aggregation Plan Document
- Eversource Rate Case PowerPoint
- Results from the Eversource Rate Case BCK LAW, P.C. Document
- Resolution on Offshore Wind Letter