



## CAPE LIGHT COMPACT

**Minutes of Executive Session: March 26, 2009**

**Session start time 230PM**

**Issue:** Pending Litigation Strategy related to DPU 08-113 Energy Efficiency Plan filing

**Attendance:** D Anthony, J Burns, P Cabana, M Downey, F Fenlon, K Galligan, J Hodgkinson, J Howard, K. Johnson, D Keuch, S Lempitski, R Mahoney, V Marchant, R Philbrick, R Schofield, J Soares, M Song, L Stranger, B Worth, A Voll, J Sexton, L. Caporelli, J Bernstein

As explained by Jeff Bernstein, the Attorney General has ruled that the Compact be treated in similar fashion to all the utilities in the commonwealth in regard to the proceeding necessary to bring our plan to approval. A full adjudicary hearing was ruled necessary.

Although the Compact did not agree with this ruling, we waived our rights and agreed that we would go through with it this one time in the interest of expediting the approval process. However, we do not agree that aggregators ( Part 164,Section 134b) are required to be subjected to this extensive review which required very extensive filings, submission of responses and used many staff hours which we find difficult to provide.

It was therefore proposed that the Compact obligate ourselves to expending \$10,000 to \$20,000 to submit our understanding to the Supreme Judicial Court ( SJC) to determine if the Attorney General's interpretation of 164, section 134b is appropriate

**Motion by J Howard, Second by P Cabana**

**Move to authorize the Cape Light Compact to litigate the issue of whether it is appropriate for the Attorney General to require an aggregator's filings are required to be reviewed in an adjudicatory hearing. The authorization includes filing appeals and participation in SJC hearings as necessary**

**The motion was approved by unanimous vote**

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

**Executive Session ended at 337PM and returned to regular session- Barry Worth, Secretary**

