

**Cape Light Compact Governing Board**  
**Wednesday, December 11, 2013**  
**Open Session Meeting Minutes**

The Governing Board of the Cape Light Compact met on Wednesday, December 11, 2013 in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

**PRESENT WERE:**

Joyce Flynn, Chairwoman, Yarmouth  
Robert Schofield, Vice-Chair, Bourne  
Peter Cocolis, Treasurer, Chatham  
Barry Worth, Secretary, Harwich  
Peter Cabana, Member at Large, Dukes County – by phone  
William Doherty, Barnstable County  
David Anthony, Barnstable  
Deane Keuch, Brewster  
Timothy Carroll, Chilmark - by phone  
Brad Crowell, Dennis  
Frederick Fenlon, Eastham  
Thomas Mayo, Mashpee  
Ronald Zweig, Falmouth  
Richard Toole, Oak Bluffs  
Kenneth Rowell, Orleans  
Richard Elkin, Wellfleet  
Susan Hruby, W. Tisbury – by phone

**ABSENT WERE:**

Michael Hebert, Aquinnah  
Edgartown - Vacant  
Sharon Lynn, Provincetown  
Everett Horn, Sandwich  
William Straw, Tisbury  
Peter Fontecchio, Truro

**LEGAL COUNSEL:**

Jeffrey Bernstein, Esq., BCK Law, PC

**STAFF PRESENT:**

Margaret Downey, Compact Administrator  
Kevin Galligan, Program Manager  
Matthew Dudley, Residential Program Coordinator  
Lindsay Henderson, Marketing & Data Analyst  
Meredith Miller, C&I Program Manager  
Vicki Marchant, C&I Program Analyst  
Nicole Voudren, C&I Program Planner  
Stephan Wollenburg, Sr. Power Supply Planner  
Philip Moffitt, EM&V Analyst  
Deborah Fitton, Energy Education Coordinator  
Karen Loura, Administrative Assistant

**OTHERS:**

Sheila Lyons, Barnstable County Commissioner  
Ian Roberts, Barnstable County IT  
James Rogers, Sandwich Resident  
Lilli-Ann Green, Wellfleet Resident  
Chris Powicki, Brewster Resident  
John Carlton-Foss, Falmouth Resident  
Jim Kinsella, Sandwich Enterprise Newspaper  
Kathy Sherman, Brewster Resident

### CALL TO ORDER

Chr. Flynn called the meeting to order noting the meeting is being audio/video recorded by Barnstable County Information Technology Department as well as by John Carlton-Foss of Falmouth.

### PUBLIC COMMENT

Chr. Flynn outlined the Public Comment Policy which provides three minutes to individuals wishing to speak.

- C. Powicki of Brewster spoke about the Cape Light Compact draft Aggregation Plan and read from a prepared statement. .
- K. Sherman of Brewster expressed her concerns about the relationship between Cape Light Compact and the Cape & Vineyard Electric Cooperative and the use of ratepayer funds. She expressed gratitude for intervening at the DPU level diverting probable cost shifts to ratepayers. She expressed concern about appropriations, transferring ratepayer funds to litigation and to continue renewable energy generation as long as it is appropriate.
- L. Green commented about the Aggregation Plan and AOD Resolution #13-06.

### CONSIDERATION OF MEETING MINUTES

The Board then considered the November 20, 2013 Meeting Minutes. The word “Municipal” was inserted on Page 3, UPDATE OF AGGREGATION PLAN 2<sup>nd</sup> sentence so that the sentence will read: “Atty. Bernstein explained that for many years the Cape Light Compact was the only Municipal Aggregator but now others exist...” *R. Schofield then moved the Board vote to accept the minutes as amended, seconded by B. Worth and voted unanimously in favor with K. Rowell, P. Cabana and R. Elkin abstaining.*

### AGGREGATION PLAN UPDATE

M. Downey provided a Power Point presentation documenting the history of the Cape Light Compact’s Aggregation Plan. The Aggregation Plan was prepared in 1999 and approved by the DPU in 2001. Atty. Bernstein provided a review of the Lowell Case indicating the DPU, in a letter dated August 27, 2013 asked the Cape Light Compact to make sure its Aggregation Plan is consistent with the Lowell decision. He provided the history of each town on Cape Cod and Martha’s Vineyard voting at Town Meeting to enter into an Intergovernmental Agreement wherein the Board became the entity to administer the Municipal Aggregation Plan on behalf of participants. He provided a mark-up showing proposed updates. The members were encouraged to communicate with their appointing authority about updating the plan and be prepared to vote on the updates in February. The Compact Board has established a process for soliciting input from the public on the proposed revisions to the Compact’s Aggregation Plan Discussion about the proposed changes ensued. It was agreed two informational sessions would be scheduled on Cape Cod and one on Martha’s Vineyard. B. Crowell announced he will need to leave the meeting at 3:30 p.m. B. Doherty asked if any negative comments were received by any elected officials at any of the recent Cape Light Compact Update Presentations provided to each of the member towns. M. Downey responded no.

*Recess 3:23 – 3:30 pm.*

Discussion relative to the tasks of the Power Supply Committee now being brought before the Board and the frequency of updating the Plan took place.

*At 3:45 p.m. T. Carroll disconnected by phone.*

There was discussion about removing specific references which would trigger amendment such as the name of the distributor, etc. There was discussion about changes to Section 9 & 14 and it was noted that Cape Light Compact uses an alternative information disclosure which is a link on the Cape Light Compact Website. There was discussion about providing print advertising as well as broadcast and community access programming which could provide public service announcements. *P. Cocolis moved the Board vote to approve the proposed revisions to the Cape Light Compact Aggregation Plan for the purpose of soliciting additional comments from its members and the Public. The Compact shall also hold 3 informational sessions (two of which will be held on Cape Cod and one on Martha’s Vineyard). Public comment will be accepted in writing through January 31,*

2014 and will be considered prior to the Board voting on a final revised Aggregation Plan for submission to the Department of Public Utilities, seconded by B. Worth. Discussion followed. It was agreed the sessions would take place before the 31<sup>st</sup>. The Board then voted unanimously in favor.

*At 4:15 p.m. P. Cabana disconnected by phone.*

#### **SELF-RELIANCE DECEMBER 6, 2013 LETTER**

The Board then considered and discussed a copy of a letter from Cape & Islands Self-Reliance dated 12/6/13 addressed to Select Board, Town Council and County Commission members. It was noted that the letter was not addressed to Cape Light Compact and no response is appropriate.

#### **ASSEMBLY OF DELEGATES RESOLUTION 13-06**

The Board then discussed the AOD Resolution. *K. Rowell moved the Board vote to state that the Governing Board of the Cape Light Compact has proactively taken upon itself to complete Agreed-upon Procedures (2003-2007) and audits (2009-2011). Further, the Compact Board has committed to audits for every year going forward. \$150,000 has been spent (auditing). Agreed-upon Procedures and Audits performed have not identified nor discovered any waste, fraud or abuse, seconded by F. Fenlon and voted unanimously in favor.*

#### **OTHER BUSINESS**

- Chr. Flynn reminded the members that nominations are open for Election of Officers in January.

*At 5:08 p.m., R. Schofield moved the Board vote to adjourn, seconded by F. Fenlon and voted unanimously in favor.*

Respectfully submitted,

Karen E. Loura  
Administrative Assistant

List of materials:

- Cape Light Aggregation Plan mark-up dated 12/2/13
- Copy of 12/6/13 Cape & Islands Self Reliance Letter
- 12/6/13 LED Streetlight Retrofit Project update
- 12/6/13 BCK Law letter re: Summary of final Order in DPU 12-124 (Lowell Aggregation Plan Petition)

Reviewed by B. Worth, Secretary on 1/5/14