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ATTORNEYS AT LAW

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The firm has attorneys also admitted  
to practice in District of Columbia,  
Idaho, New York and Vermont

ONE GATEWAY CENTER, SUITE 809  
NEWTON, MASSACHUSETTS 02458  
617.244.9500

FACSIMILE: 802.419.8283  
E-MAIL: [bckboston@bck.com](mailto:bckboston@bck.com)  
WEBSITE: [www.bck.com](http://www.bck.com)

April 3, 2014

***VIA ELECTRONIC MAIL  
ORIGINAL BY HAND DELIVERY***

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5<sup>th</sup> Floor  
Boston, MA 02110

*Re: D.P.U. 14-XX  
Updated Municipal Aggregation Plan of the Cape Light Compact*

Dear Secretary Marini:

Please find enclosed for filing the Cape Light Compact's Updated Municipal Aggregation Plan along with a Memorandum Regarding the Review of the Updated Aggregation Plan and a Petition Seeking Review and Continued Approval of its Municipal Aggregation Plan.

Please feel free to contact me with any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jo Ann Bodemer". The signature is written in a cursive style with a large, looping initial "J".

Jo Ann Bodemer

JAB/drb

Enclosures

cc: Jonathan A. Goldberg, Hearing Officer, DPU (w/enc. 3 copies)(via email and hand delivery)  
Steven Venezia, Esq., DOER (w/enc.)(via email and first class mail)  
Jesse Reyes, Esq., Attorney General (w/enc.)(via email and first class mail)  
Margaret T. Downey, Cape Light Compact (w/enc.)(via email and first class mail)

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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CAPE LIGHT COMPACT

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)  
) D.P.U. 14-XX

**PETITION OF THE CAPE LIGHT COMPACT  
SEEKING REVIEW AND CONTINUED APPROVAL  
OF ITS MUNICIPAL AGGREGATION PLAN**

**I. INTRODUCTION**

1. 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 County, acting together as the Cape Light Compact (the “Compact”), hereby submits to the Department of Public Utilities (the “Department” or “DPU”) its Updated Municipal Aggregation Plan (“Updated Aggregation Plan”) for review and continued approval pursuant to G.L. c. 164, §134 (“Section 134”). See Updated Aggregation Plan, annexed hereto as Exh. A.
2. The two named counties join in this Petition in their capacity as members of the Cape Light Compact and in support of the Compact’s twenty-one member towns, all of which lie within Barnstable County and Dukes County. It is the towns, not the counties themselves that formally aggregate the loads of electricity customers within their borders. Section 134, included in the 1997 Electric Utility Restructuring Act, authorizes municipalities to aggregate the load of electric customers located within their borders in order to procure competitive supplies of electricity.

## **II. THE COMPACT AGGREGATION PLAN**

3. The Compact began drafting its current Aggregation Plan, approved by the Department in D.T.E. 00-47 (2000), during the spring of 1998 (“Aggregation Plan”). See Aggregation Plan, annexed hereto as Exh. B. Prior to completing the draft of its Aggregation Plan, it consulted extensively with the Division of Energy Resources, now known as the Department of Energy Resources (“DOER”) and the public. The Compact held numerous Compact Governing Board (“Compact Board”) meetings, which were open to the public and afforded the public with ample opportunity to comment on the plan. The Compact also held a public hearing and comment period. See D.T.E. 00-47 (Petition of the Compact at ¶ 3).

4. On May 10, 2000, the Compact filed its Aggregation Plan, among other documents, for the Department’s review and approval. The Department docketed the proceeding as D.T.E. 00-47. On August 10, 2000, the Department issued an Order approving the Compact’s Aggregation Plan, concluding that the Compact’s Aggregation Plan was consistent with all requirements of Section 134 and Department regulations.

5. As part of its Aggregation Plan approval, the Department acknowledged that the Compact’s Inter-Governmental Agreement (“IGA”) is the Compact’s governing document for the basic operations of the Compact. See Order at 23. As acknowledged by the Department in D.T.E. 00-47, the IGA is the Compact’s governing document, which was formally executed by each member town after full consideration. The IGA has guided the Compact after its initial implementation of universal generation service on an opt-out basis. The IGA is reviewed by the Compact Board on a regular basis, and was most recently updated in September 2012. See Exh. A at Foreword.

6. Since the Department’s approval, the Compact has continuously operated its municipal

power supply program offering a competitive power supply option to the customers on the Cape and Martha's Vineyard. See brief history of Compact's power supply program, *infra* at ¶ 23.

7. By letter dated August 27, 2013, the Department requested the Compact to review its Aggregation Plan ("August Letter"), specifically to: 1) determine whether the Compact should file a revised Aggregation Plan to reflect current structure and operations; 2) consider removing obsolete references; and 3) to comply with applicable laws, regulations and Department precedent, as well as any directives that may be contained in the Department's forthcoming decision in D.P.U. 12-124 (City of Lowell Petition for Approval of Municipal Aggregation Plan). See August Letter, annexed hereto as Exh. C.

8. At the next scheduled Compact Board meeting on September 11, 2013, the Compact Board discussed the DPU request and determined that it would undertake a review of the Aggregation Plan and consider revisions thereto.

9. In response to inquiries from the public regarding the status of the Compact's current aggregation program, the Department issued a letter, dated October 30, 2013, affirming that its approval of the Aggregation Plan is in full force and effect ("October Letter"). The Department specifically noted that the Compact is fully authorized to continue operating its municipal aggregation program. See October Letter, annexed hereto as Exh. D.

10. At the November 20, 2013 Compact Board meeting, the Compact Board continued its discussion regarding the proposed Updated Aggregation Plan. Shortly thereafter, the Department, on November 27, 2013, issued its decision in the City of Lowell's Petition for Approval of its Municipal Aggregation Plan, D.P.U. 12-124 Order ("Lowell Order"). As a result of Department directives contained in the Lowell Order for all municipal aggregators, the Compact made further revisions to the Updated Aggregation Plan to incorporate the Lowell

Order directives. See ¶¶ 25-26, *infra*, providing further discussion on the Lowell Order.

11. On December 5, 2013, as required by Section 134 and the Department's August Letter, the Compact's Administrator consulted with DOER regarding the Compact's proposed process and revisions to the Aggregation Plan. Subsequently, DOER provided input regarding proposed revisions and suggested additional language for consideration by the Compact Board.

12. At its December 11, 2013 meeting, the Compact Board reviewed and discussed a redlined version of the proposed Updated Aggregation Plan. The Compact Board also approved a seven week comment period and three informational meetings on the Updated Aggregation Plan. The public comment period was extended an additional week due to a rescheduling of the Martha's Vineyard public informational meeting.

13. On December 17, 2013, the proposed Updated Aggregation Plan was sent electronically to all 23 Compact member towns and counties, along with a memorandum that summarized the proposed revisions. In addition, during the revision process the Compact has maintained on its website public access to all of the relevant documents relating to the Compact's proposed Updated Aggregation Plan, including but not limited to the Department's correspondence, the Aggregation Plan, the redlined Aggregation Plan, the summary of the proposed updates and Compact presentations regarding same. See Compact website at [www.capelightcompact.org/about/govdocs/agplan](http://www.capelightcompact.org/about/govdocs/agplan).

14. The Compact Board continued its discussions of the proposed updates at its January 8, 2014 meeting. Subsequently, the Compact held three public informational sessions: 1) in Mashpee on January 15, 2014; 2) in Orleans on January 16, 2014; and 3) in Oak Bluffs on January 30, 2014. See Public Information Session Presentation, annexed hereto as Exh. E.

15. In addition, from December 17, 2013 through February 7, 2014, the Compact received

written public comments on the Updated Aggregation Plan. All of the letters received through this process were forwarded to the Compact Board members for consideration in their deliberations on the revised plan. During this public comment period, the Compact received 65 letters in support of the Updated Aggregation Plan and the Compact's activities in general. See Letters in Support of Updated Aggregation Plan, annexed hereto as Exh. F.

16. The Compact also received 14 opposition letters, 8 of which were form letters, asserting concerns with transparency and accountability. See Letters in Opposition to Updated Aggregation Plan, annexed hereto as Exh. G. The primary issues raised in these letters are taken seriously by the Compact but respectfully, in the Compact's determination, are not germane to the Department's review of the Updated Aggregation Plan. Respectfully, the Compact maintains that the matters raised by the opponents (transparency, accountability and rates) are a matter of Compact policy that are regularly addressed by the Compact Board and are outside the scope of this proceeding. As stated in the accompanying Memorandum Regarding the Department's Review of the Cape Light Compact Updated Municipal Aggregation Plan ("Memorandum"), the Department's review is to determine whether the proposed Updated Aggregation Plan is consistent with Section 134 and the relevant Department regulations. See Memorandum at 4. In addition, a large percentage of these letters discuss the appropriateness of the Compact's practices with respect to the collection of a "mil adder" or "operational adder." As made clear in the Lowell Order, the "Legislature did not grant the Department the authority to regulate rates of any competitive supplier, electric broker, or aggregation or to regulate the rate established in the competitive market." Lowell Order at 26. Indeed, the "Department clearly stated and explained that the Municipal Aggregation Statute [Section 134] limits the Department's review of municipal aggregation plans." *Id.* at 14.

17. In January 2014, as part of its outreach, the Compact met with the Attorney General to discuss the Updated Aggregation Plan. As a result of this communication, the Attorney General requested the Compact consider further additions to the Updated Aggregation Plan concerning customer access to certain power supply pricing information. See ¶ 27, *infra*, for further discussion regarding the Attorney General’s input.

18. On February 26, 2014, the Department issued a letter directing the Compact to file its Updated Aggregation Plan no later than April 4, 2014 (“February Letter”). See February Letter, annexed hereto as Exh. H.

19. Throughout the review process, which started at its September 11, 2013 meeting, Compact Board members kept their Boards of Selectmen/Town Council updated on the status of the update process. Several Compact Board members, accompanied by Compact staff, gave presentations on the proposed revisions to their Boards of Selectmen; these public meetings also were all televised. At its March 12, 2014 meeting, the Compact Board reviewed the additional proposed revisions, including those received from its members, the DOER and the Attorney General. After thorough discussion and consideration of both Compact Board and public comments, the Compact Board voted and authorized the filing of the Updated Aggregation Plan. See Draft March 12, 2014 Compact Governing Board Meeting Minutes at 3, annexed hereto as Exh. I. (The minutes are still draft as they are not reviewed and finalized until the succeeding meeting which is scheduled for May 14, 2014.)

20. On March 25, 2014, the Compact completed its consultation with DOER. Subsequently, the Compact received the DOER’s Letter of Completed Consultation, dated March 26, 2014, noting the DOER’s participation in the Compact’s update process and its support of the proposed updates. See DOER March 26, 2014 Letter, annexed hereto as Exh. J.

### **III. BACKGROUND OF THE COMPACT**

21. The Compact is a governmental aggregator under Section 134 and consists of the twenty-one towns in Barnstable and Dukes Counties, as listed above, as well as the two counties themselves. It was originally formed in 1997 and is organized through a formal IGA signed by all of the towns, as well as Barnstable and Dukes counties, pursuant to G.L. c. 40, §4A, as amended from time to time by the Compact Board. The IGA was most recently updated in September 2012. The Compact maintains a business office within the Barnstable County offices located at the Superior Courthouse at 3195 Main Street in Barnstable, Massachusetts 02630.

22. The purposes of the Compact include, among other things: 1) to negotiate the best terms and conditions and the most competitive market rates available for the supply and distribution of electricity for consumers on Cape Cod and the Islands; 2) to advance consumer protection and interests for the residents of Cape Cod and the Islands; 3) to improve quality of service and reliability; and 4) to utilize and encourage renewable energy development.

23. After receiving the Department's approval of the Aggregation Plan in D.T.E. 00-47, the Compact initially provided electric power supply through its Default Service Pilot Project ("Pilot Project") to the then approximately 42,000 Default Service customers within the Compact's member communities. See D.T.E. 01-63 (approving the Compact's Pilot Project). In 2004, the Department approved the Compact's current form of universal service competitive electric supply agreement in D.T.E. 04-32 (May 4, 2004), pursuant to which the Compact has entered into supply agreements with Consolidated Edison Solutions, Inc. The Compact presently operates a municipal aggregation competitive supply program, which offers electric power supply on an opt-out basis to all customer classes who are located within the Compact's service territory and would otherwise be served as Basic Service customers. All customers in the



Compact's service territory receive local distribution service from NSTAR Electric.

24. As a municipal aggregator, the Compact also operates as the program administrator of energy efficiency within the Compact's service territory. Its most recent three-year 2013-2015 Energy Efficiency Plan ("EEP") was approved by the Department in D.P.U. 12-107 (January 31, 2013). The Compact also operates *Cape Light Compact Green*<sup>SM</sup>, a program that allows the Compact's customers to match 50 or 100 percent of their power supply needs from New England renewable energy resources. See <http://www.capelightcompact.org/power-supply/cape-light-compact-green/>.

#### **IV. OVERVIEW OF THE FILING**

25. The Compact is submitting the following documents in connection with this Petition:
- A. Updated Aggregation Plan (redlined)
  - B. Aggregation Plan
  - C. Department's August 2013 Letter
  - D. Department's October 2013 Letter
  - E. Public Informational Session Presentation
  - F. Comment Letters in Support of the Compact
  - G. Comment Letters in Opposition to the Compact
  - H. Department's February 2014 Letter
  - I. Draft March 12, 2014 Minutes
  - J. DOER's March 2014 Letter

In addition, the Compact submits a Memorandum that proposes a suggested scope and process for the Department's review of the Updated Aggregation Plan.

#### **V. REQUESTED PROCEDURES TO REVIEW THE PLAN**

26. The Compact's accompanying Memorandum outlines suggested procedures for the Department to follow in this case. In brief, the Compact urges the Department to conduct its review expeditiously in order to minimize costs and to avoid disruption of the Compact's

activities. The Compact Board meets regularly in a public forum where interested citizens have the opportunity to express their views and comment on the Compact's power supply programs. The Compact therefore proposes streamlined proceedings, like the approach the Department has taken in its review of newly forming aggregation plans, but with a scope limited to the proposed updates. See Memorandum for further discussion on the proposed process for review.

## **VI. OVERVIEW OF PROPOSED UPDATES**

27. The proposed changes as set forth in the Updated Aggregation Plan, annexed hereto as Exh. A, can be categorized into four broad areas: A. Clerical Updates, B. Operational Updates, C. Legal Updates and D. Public Process Updates.

28. Clerical updates were made to better reflect current terminology, as well as to ensure consistency of terminology throughout the Aggregation Plan. For example, references to the "Department of Telecommunications and Energy or D.T.E," the former name for the Department, were changed to "Department of Public Utilities" or "D.P.U." and references to the "Division of Energy Resources" were changed to reflect the current name, "Department of Energy Resources" or "DOER." Similarly, references to "Commonwealth Electric" were changed to "Local Distribution Company." References to "Standard Offer" and related Commonwealth Electric customer charges were deleted in their entirety since standard offer is no longer available.

29. In addition, Section 2.2 of the Aggregation Plan includes the Compact's goals, as provided for in the IGA. Updates of the Compact's goals were made to ensure consistency with the language contained in the most current IGA. Similarly, to minimize the need for future clerical updating, references to the Compact's website were incorporated to provide continuous

access to the most current information. For example, instead of including the names of Compact Board members at this point in time, the Updated Aggregation Plan now provides that “an overview of the Governing Board Structure and the list of current representatives are available on the Compact’s website at [www.capelightcompact.org](http://www.capelightcompact.org).” Lastly, the redlined plan update includes the addition of a Foreword, which is a letter from the Chair of the Compact Board that provides a general overview of and context for the plan update.

30. Operational updates were made to better reflect current operations of the Compact which have, of course, evolved since the Aggregation Plan was prepared more than thirteen years ago. These updates include, among other things, reference to two changes that occurred since the Compact’s aggregation operations began: 1) the Compact Board’s appointment of a Chief Procurement Officer (“CPO”) and 2) the Compact Board’s adoption of a policy that requires an appropriation process for the use of funds collected pursuant to the operational adder. These updates improve fiscal accountability and transparency. The Compact Board also codified that the Compact will have independent audit financial statements, in addition to the audits conducted by its fiscal agent, Barnstable County.

31. Specifically, updates were made to Section 2.3.1 (Community Choice Power Supply Program) to reflect current operations of the power supply program, including a description of the responsibilities and authority of the CPO and process used to procure opt-out universal service power supply. In addition, where appropriate, updates were made in other sections of the Aggregation Plan to reference CPO activities (*e.g.*, Section 6.1 contains a new reference to the CPO). Section 6.2 (Other Costs to Consumers) was updated to include a description of the Compact Board’s recently adopted policy regarding appropriation of the operational adder (up to a mil kWh charge). Historically, the Compact has collected an operational adder but recently the

Compact Board adopted further provisions for the oversight and control of these funds, as reflected in the Updated Aggregation Plan.

32. In addition, certain language was changed throughout the Updated Aggregation Plan to reflect the current practices of the Compact to consider additional factors in addition to price when negotiating its contracts for power supply (*i.e.*, new language “purchase of power supply at the best terms and conditions and the most competitive market rates available” replacing “to acquire the best market rate for electricity supply and transparent pricing.”). Compare Aggregation Plan at Section 2.2 with Updated Aggregation Plan at Section 2.2. Finally, cognizant of the importance of maintaining historical operational information, Sections 4.1 through 4.1.7, which describe the process the Compact originally followed to implement its power supply program, have not been deleted but italicized.

33. Legal updates were made to incorporate changes in governing statutes, as well as the Department’s directives in the Lowell Order. Specifically, Section 2.3.2 was updated to incorporate reference to the Green Communities Act of 2008, St. 2008, c. 169, as well as related changes to the Compact’s administration of energy efficiency programs. This section was updated also to provide reference to the Compact’s website for the Compact’s most current EEP.

34. The Lowell Order included two additional requirements for municipal aggregators, an annual reporting requirement and an aggregation plan update requirement. As a result, updates were included to reflect these new requirements. Specifically, a new Section 9.0 (Reporting) was added to be consistent with the Lowell Order directive at 67-68. Municipal aggregators are now required to file an annual report with the Department on December 1<sup>st</sup> of each year, beginning in 2014, that provides specific operational information from the prior year. Similarly, a new Section 14.0 (Updating the Compact’s Aggregation Plan) was added to be consistent with

the Lowell Order directive at 52. Accordingly, the Compact will update its Aggregation Plan if operations materially deviate from its approved plan or if changes in the law, regulations, the competitive supply market or other circumstances result in the approved plan no longer accurately describing the Compact's operations.

35. As a result of the public comment period and the Compact's dialogue with its members, the Attorney General and DOER, the Compact received suggested edits and additions to the Aggregation Plan. At its March meeting, the Compact Board considered each of these suggestions. The Attorney General requested the inclusion of information regarding the rates of the Local Distribution Company. The Compact Board adopted the Attorney General's suggestion and has included operative language as part of Section 6.2 in the Updated Aggregation Plan. In addition, through the consultation process, DOER made suggested edits that were also considered and incorporated as approved by the Compact Board. Finally, the Compact Board considered and adopted suggested changes from member towns. See Exh. I (draft notes from the March 12, 2014 Compact Board meeting).

## **VII. COMPLIANCE WITH STATUTORY REQUIREMENTS AND DEPARTMENT REGULATIONS**

36. As stated *supra*, the Compact's review of its Aggregation Plan and the resulting proposed Updated Aggregation Plan was the outcome of an extensive public process which included multiple opportunities for public input, Compact Board deliberation and contribution and guidance from DOER and the Attorney General. See ¶ 27, *supra*.

37. The proposed updates to the Aggregation Plan do not alter the Aggregation Plan's compliance with Section 134 and the Department's regulations. The Updated Aggregation Plan

still includes the required provisions for universal access, reliability, equitable treatment of customers, organizational structure, operations, funding, ratesetting and other costs to participants, methods for entering and terminating agreements, rights and responsibilities of participants, and terminating the program. See generally Exh. A.

38. Similarly, the Updated Aggregation Plan continues to protect the rights of participants to receive required notices, to choose a supplier, and to opt-out of the Compact's power supply program. See Exh. A at 21. In addition, the Compact continues to provide disclosure to customers consistent with the Department's Order in D.T.E. 00-47.

## VIII. CONCLUSION

39. Wherefore, the Compact respectfully requests that the Department find that the Compact's Updated Aggregation Plan continues to meet all of the requirements of G.L. c. 164, §134, the Department's regulations and formally approve the Updated Aggregation Plan.

Respectfully submitted,

CAPE LIGHT COMPACT

By its attorneys,



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Jeffrey M. Bernstein, Esq. (jbernstein@bck.com)  
Jo Ann Bodemer, Esq. (jbodemer@bck.com)  
Audrey A. Eidelman, Esq. (aeidelman@bck.com)  
BCK LAW, P.C.  
One Gateway Center, Suite 809  
Newton, MA 02458  
(617) 244-9500 (voice)  
(802) 419-8283 (fax)

Dated: April 3, 2014



# CAPE LIGHT COMPACT AGGREGATION PLAN

**For additional information contact:**

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA 02630

Telephone: (508) 375-6636

~~APRIL 2000 UPDATED~~

March 12, 2014



# FOREWORD

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On August 27, 2013, the Cape Light Compact (“Compact”) was asked by the Department of Public Utilities (“DPU”) to review its Aggregation Plan to determine whether the Compact should file a revised plan to reflect current structure and operations, consider removing obsolete references and to comply with any applicable laws, regulations and DPU precedent as well as the forthcoming decision in DPU 12-124 (Lowell Aggregation Plan). (The Lowell decision was subsequently issued on November 27, 2013.)

The Compact’s Aggregation Plan was prepared in 1999 and approved by the DPU in 2001. It was drafted to reflect the requirements of state law at the time it was submitted for approval to the DPU. The Compact’s structure and purposes also are set forth in detail in the Inter-Governmental Agreement, executed by all participating Compact member towns and counties (“Members”). The Inter-Governmental Agreement was originally adopted by the Compact members in 1998 and is the document that has guided the Compact after its initial implementation of universal generation service on an opt-out basis. The Inter-Governmental Agreement is reviewed by the Compact Board on a regular basis, and was most recently updated in September 2012. The Compact complies with all relevant statutory provisions as they may be amended from time to time by the Massachusetts Legislature.

It was not the Compact’s objective to continually update the Aggregation Plan as it was viewed as an initial -requirement for becoming a municipal aggregator. Going forward and in accordance with DPU 12-124, the Compact will update its Aggregation Plan should it seek to materially deviate from the approved plan or if changes in the law, regulations, the competitive supply market or other circumstances result in the approved plan no longer accurately describing the primary operations of the Compact’s aggregation. The Compact and its Members also may make other updates to the Inter-Governmental Agreement.

The following updates to the Plan incorporate a broad overview of current operations and practices, but also leave intact sections of the Aggregation Plan that are important for historical context. We hope that the Cape and Vineyard community appreciate the compilation of past and present Compact activities, and encourage all interested persons to read the Inter-Governmental Agreement for a more up-to-date reflection of the Compact’s organizational structure and practices as it undertakes not only aggregated power supply and the provision of energy efficiency services but also other activities as an intergovernmental compact between the twenty-one Cape and Vineyard towns and their two counties.

Sincerely,

Joyce Flynn  
Chair  
March 2014

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# Purpose of the Aggregation Plan

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—The Cape Light Compact (the “Compact”) developed this Aggregation Plan in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Compact. The Aggregation Plan has been developed in consultation with the then Massachusetts Division of Energy Resources, now the Department of Energy Resources (hereafter “DOER”).

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—The Cape Light Compact is a cooperative effort of 21 Cape Cod and Island-Martha’s Vineyard towns and Barnstable and Dukes counties. The Compact was formed in 1997 following two years of study and town meetings and town council votes. Its purpose, among other things, is to represent consumer interests in emerging-the competitive markets for electricity. It seeks to aggregate all consumers to negotiate the best terms and conditions for electricity supply and pricing~~rates for the supply and distribution of electricity~~ and to advance consumer protection for the residents and businesses of Cape Cod and the Vineyard. It brings together the buying power of up to 202,000 ~~more than 185,000~~ customers (as of the date of this revised plan in March, 2014). Participation is voluntary for the towns and for each individual consumer. Any individual has the opportunity to decline service provided through the Compact and choose any electric supplier they wish.

—The Compact provides:

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- 1) an option to join together for purchase of power supply at the best terms and conditions and the most competitive market~~reduced~~ rates available;
- 2) ~~an option~~the for recovery of funds collected from Cape and Vineyard consumers by NSTAR~~the Local Distribution Company on behalf of the Compact Commonwealth Electric~~ each year for energy efficiency; and application of those funds in ~~locally~~ approved energy efficiency and conservation programs; and
- 3) an opportunity for professional representation at the state level and in negotiations with Commonwealth Electric~~the Local Distribution Company as with respect to changes in~~ the electric industry ~~continues in its transition~~.

—The Compact distributed this plan for public review prior to submitting it to the Department of ~~Telecommunications and Energy~~Public Utilities (hereafter “DPUTE”).

Member towns:

(Barnstable County):

Barnstable

Bourne

Brewster

Chatham

—Harwich

Mashpee

—Orleans

Provincetown

(Dukes County):

Aquinnah

Chilmark

Edgartown

Oak Bluffs

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Dennis  
Eastham ——— Truro  
Falmouth      Sandwich  
                 Wellfleet  
                 Yarmouth

Tisbury  
West Tisbury

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# REQUIREMENTS FOR MUNICIPAL -AGGREGATION

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General Law c. 164, §134 (part of the ~~The~~ Massachusetts Electric Industry Restructuring Act) contains several requirements for municipal aggregators. One requirement is to develop an Aggregation Plan in consultation with the Massachusetts Division of Energy Resources~~DOER~~. The Aggregation Plan is subject to review by citizens in the participating towns and approval by the Department of Telecommunications and Energy~~DPU~~. The Compact's Aggregation Plan went through this process in 1999 and received DPU approval in D.T.E. 00-47 (2001). Under the law [M.G.L. c. 164, section 134], there are fourteen~~twelve~~ requirements to be described in the Aggregation Plan.

## 1.0 THE PROCESS OF AGGREGATION

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The process of municipal aggregation for the Compact involved sa multi-step public process that the Compact originally undertook from 1998 to 2001:

- 1.1 Vote of town meeting
- 1.2 Vote of selectmen, town council, or county commissioners
- 1.3 Town/county representative participates on Compact Governing Board
- 1.4 Planning process/development of policy including Aggregation Plan, RFPs, contracts
- 1.5 Development and release of Request for Proposals
- 1.6 Review of Aggregation Plan by citizens
- 1.7 Power supply contract to selectmen/town council for acceptance vote, conditioned on DTE-DPU approval and final signing
- 1.8 Power supply contract and Aggregation Plan submitted to DTE-DPU for approval
- 1.9 Final signing by each participating town
- 1.10 Notification of consumers of automatic enrollment
- 1.11 Administrative transfer of customers to Compact supplier(s)
- 1.12 180-day opt-out period begins on first day of service
- 1.13 File contract and report with state (DPUDTE, DOER, Inspector General) within 15 days of signing contract.

In addition to this process, as a public entity the Compact ~~municipal aggregators~~ must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## 2.0 THE ORGANIZATIONAL STRUCTURE AND OPERATIONS OF THE CAPE LIGHT COMPACT PROGRAM

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—The Cape Light Compact has been~~is~~ organized in accordance with state law. It is an intergovernmental organization authorized by votes of town meeting, boards of selectmen, town council, and county commissioners. It consists of 21 towns and Barnstable and Dukes counties. Its articles of organization comprise a formal Inter-Governmental Agreement signed by each participating town or county member. Membership provides voting rights and inclusion for

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planning, analysis, and participation in Compact programs. The organization relies on the existing structure of local and county government and agreements between government agencies.

—The ~~Cape Light~~ Compact Governing Board is made up of one representative appointed by each of the member municipalities and the two counties, as well as an alternate representative that each member and county may appoint. The Compact Governing Board is responsible for establishment of the policies and development of the Compact, except with respect to those powers reserved to the member municipalities of the Compact by law or the Inter-Governmental Agreement.

At its first meeting following the end of each fiscal calendar year, ~~t~~The Compact Governing Board elects a chairman, vice chairman, treasurer, and secretary, and such other officers as the Governing Board may determine. The term of office is one year and until respective successors are elected and qualified.

~~Officers for Fiscal year 1999/2000:~~

~~Robert Mahoney, Chairman~~

~~Charlotte Striebel, Vice Chairman~~

~~Tom Bernardo, Treasurer~~

~~Robert O'Leary, Secretary~~

—The Compact Governing Board and ~~these-its~~ officers are responsive and responsible to consumers and the Boards of Selectmen and Town Manager/ Town Council at whose pleasure they serve. The operational role of the Compact in relation to consumers and Boards of Selectmen and Town Council is outlined and described in the following pages.

—There are six operational levels to the ~~Cape Light~~ Compact as indicated in the chart below. The function of each level is described in section 2.1 following the chart.

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# CAPE LIGHT COMPACT Operational Outline

<p style="text-align: center;"><b>Consumers</b></p> <ul style="list-style-type: none"><li>▪ Voting power (town meeting and elections)</li></ul> <p style="text-align: center;"><b>Level 1</b></p>
<p style="text-align: center;"><b>Board of Selectmen and/or Town Manager/Council</b></p> <ul style="list-style-type: none"><li>▪ Decisions on contracts <u>for municipal electric</u> <u>-accounts</u></li><li>▪ Instructions to representative</li></ul> <p style="text-align: center;"><b>Level 2</b></p>
<p style="text-align: center;"><b>Compact Governing Board</b></p> <ul style="list-style-type: none"><li>▪ Policy and program decisions</li><li>▪ Recommendations on contracts</li><li>▪ Oversight for technical and legal support</li></ul> <p style="text-align: center;"><b>Level 3</b></p>
<p style="text-align: center;"><b>Barnstable County</b></p> <ul style="list-style-type: none"><li>▪ Fiscal and administrative agent</li><li>▪ Administrative support and coordination</li><li>▪ Communications</li></ul> <p style="text-align: center;"><b>Level 4</b></p>
<p style="text-align: center;"><b>Service Suppliers</b></p> <ul style="list-style-type: none"><li>▪ Service delivery</li></ul> <p style="text-align: center;"><b>Level 5</b></p>
<p style="text-align: center;"><b>Consumers</b></p> <ul style="list-style-type: none"><li>▪ Buying Power</li></ul> <p style="text-align: center;"><b>Level 6</b></p>

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## 2.1 Description of Operational Levels

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### Level One: Consumers

—Consumers hold the ultimate authority over the Compact and its functions. They can make determinations on local authority, policy, and programs at town meetings. They can elect candidates for Boards of Selectmen or Town Council who may take positions regarding the Compact. They can express their views to their local Compact representative. They can participate in local and regional meetings and hearings regarding issues related to the Compact - ~~And~~ they can attend Compact meetings to express their views. (Also see Consumer buying power at Level Six below.)

### Level Two: Board of ~~Selectmen~~ Selectmen and/or and Town ~~Manager~~ Council

—Based upon their existing authority, or authority provided by voters at town meetings, the Board of Selectmen and Town ~~Manager~~ Council may act through their appointed Board members on program and policy issues and contract recommendations; Selectmen and/or Town Managers also approve contracts for municipal electric accounts negotiated by the Compact. In addition, they may provide instructions to their representative on the Compact ~~Governing~~ Board of Directors regarding specific policy or program decisions to be made by the Compact. They may also raise issues directed to them by consumers for the Compact to address.

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### Level Three: Compact Governing Board

—The Compact Governing Board carries out the collective decisions and instructions of the towns and consumers. Every member town that ~~signed~~ signed the ~~Inter-Gg~~ Inter-Governmental ~~A~~ Agreement has a representative on the Compact Board. Policy and program decisions are made on a one-town-one-vote basis. However, issues with financial implications for the towns are made on the basis of a weighted vote. A weighted voting process also allows separate determinations by Barnstable County and Dukes County towns. The Compact's subcommittees focus on particular issues and bring policy decisions back to the Governing Board. The Governing Board determines recommendations to be made to the Boards of Selectmen and Town Council and to the two Counties. (~~See Governing Board Structure and The list of current representatives is available on the Compact's website at www.capelightcompact.org.)~~ listed on the attachment following Section 12.)

### Level Four: Barnstable County

—As the fiscal agent for the Compact, Barnstable County provides the day-to-day management and supervision of the business affairs of the Compact under an Administrative Services Agreement. The County serves as the Compact's procurement agent, utilizing its existing staff to solicit services as requested by the Compact. In addition, the County provides office and meeting space and administrative support to coordinate the Compact's operations contingent upon the Compact's approval. This administrative support includes but is not limited to: 1)

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communications; 2) program development; 3) record-keeping; and 4) oversight of program administrators and professional consultants who assist in service procurement and contract oversight and maintenance.

#### Level Five: Service Suppliers

—Power suppliers contract with the Compact through its Chief Procurement Officer (“CPO”), appointed by the Governing Board, each town through its Board of Selectmen or Town Council. The ~~P~~power ~~S~~supply ~~P~~program is negotiated, recommended, and monitored for compliance by the Compact through its CPO and/or the CPO’s its designee. The CPO reports the results of power supply bids and associated negotiations to the Governing Board.

—The CPO may also issue an RFP for municipal load on behalf of the participating municipalities. Each town can accept or reject the proposed power supply contract for supply of municipal service. No municipal power supply contract is binding on any individual member town, until approved by that member town. Contracts with consultants, ~~or~~ vendors of energy efficiency or ~~d~~Demand ~~s~~Side ~~m~~Management services, or other services negotiated and recommended by the Compact, are administered by Barnstable County on behalf of the Compact ~~member towns and Dukes County.~~

#### Level Six: Consumers

—Every consumer in a participating town ~~that votes to participate will be~~ is eligible to participate in the Compact’s programs. Every consumer ~~will also have~~ also has the ability to decline supply service through the Compact and choose any other power supply option ~~they wish available.~~ Consumers who are dissatisfied with services provided under contracts negotiated by the Compact may also communicate directly with the Compact Governing Board in an effort to alter or otherwise improve service. Consumers may also bring issues before their ~~Boards~~ of Selectmen, Town Council, or town meeting. (See Level One above.)

## 2.2 Program Operations

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—The Compact’s operations are guided by the provisions and goals contained in the Inter-~~G~~overnmental Agreement, and the instructions and decisions of the Compact Governing Board, ~~Boards~~ of Selectmen, Town Council, and consumers.

—The Compact’s goals are ~~outlined~~ in the Inter-~~G~~overnmental Agreement, and the Inter-Governmental Agreement has been amended by the Governing Board five times since 1998 to reflect changes in the Compact’s structure, operations and state the organization’s purposes as follows:-

- 1) To provide the basis for aggregation of all consumers on a non-discriminatory basis;
- 2) To ~~acquire negotiate~~ the best terms and conditions and the most competitive market rates ~~available market rate~~ for electricity supply and transparent pricing;
- 3) To explore all available options for negotiating the best terms and conditions for electricity supply and the development of renewable energy resources, including, among

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other things, the formation of and/or membership in a co-operative organization to purchase or produce energy or renewable energy certificates (“RECs”) or both on a long-term basis;

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- 43) To provide equal sharing of economic savings based on current electric rates and/or cost-of-service rate-making approved by the ~~DPU~~Department of Telecommunications and Energy;
- 54) To provide and enhance consumer protection and options for service under contract provisions and to allow those consumers who choose not to participate to opt-out;
- 65) To improve quality and reliability of service;
- 76) To encourage environmental protection through contract provisions;
- 87) To utilize and encourage renewable energy development to the extent practicable through contract provisions, demonstration projects and state mandated system benefit charges for renewable energy;

98) To utilize and encourage demand-side management and other forms of energy efficiency through contract provisions and state mandated system benefit charges for energy efficiency and to use the funds from such charges to advance consumer awareness and adoption of a wide variety of energy efficiency measures through the implementation of an energy efficiency plan;

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109) To advance specific community goals that may be selected from time to time, such as

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\_\_\_\_\_placing utility wires underground;

110) To provide full public accountability to consumers; and

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124) To utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

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### 2.3 Programs of the Compact

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The Compact offers two programs to achieve its goals: 1) the ~~Community Choice~~-Power Supply Program and; 2) ~~(The Cape/Island Save~~Statewide Three-Year Energy Efficiency Program. In addition, the Compact provides professional representation on behalf of consumers in state proceedings and in negotiations with ~~Commonwealth Electric~~the Local Distribution Company to protect consumer interests in ~~an evolving~~today's energy marketplace.

#### 2.3.1 ~~Community Choice~~-Power Supply Program (“Power Supply Program”)

The ~~power~~Power Supply ~~P~~rogram is designed to reduce the amount consumers pay for electric energy; and to gain other favorable economic and non-economic terms in service contracts. The Compact does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the Compact, through its CPO, develops a contract with a power supplier for firm, all-requirements service. The contract runs for a fixed term (i.e. four years). In order to begin the Power Supply Program, the Compact's price had to be lower than the distribution company's standard offer service. The Compact met this threshold with its initial power supply price. There is no longer a statutory price benchmark for municipal aggregators. The law requires The Compact's power supply price complies with

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~~the requirements under M.G.L. c. 164, §134. to be lower than Commonwealth Electric's standard offer, or to show a notable amount of renewable energy in the supply mix.~~

The process of supply contract approval contains checks and balances. ~~Once~~ After the Compact's form of all-requirements competitive electric supply contract ~~has been negotiated~~ developed by the CPO Compact, it ~~must be~~ was submitted to the Board of Selectmen or Town Council in member towns for approval. ~~It must also be submitted to the Massachusetts Department of Telecommunications and Energy~~ DPU for its approval. The Compact's form of all-requirements competitive electric supply contract was approved by the DPU in D.T.E. 04-32 (2004). All electric supply contracts approved by the Compact's CPO since 2004 have been in substantially the same form as the contract approved by the DPU. At the request of Compact members, the Compact's CPO also negotiates contracts for competitive electric supply for municipal electric accounts of Compact members, which are submitted to the Boards of Selectmen or Town Manager for approval.

At the direction of the Governing Board, the Compact's Power Supply Program also includes the following components:

1. The CPO explores all available options for negotiating the best terms and conditions for electricity supply and the development of renewable energy resources, including, among other things, the formation of and/or membership in a co-operative organization to purchase or produce energy or RECs or both on a long-term basis;
2. The CPO communicates the Compact's power supply prices by: 1) discussing at the Governing Board meeting in public session; 2) posting the prices for all customer sectors to the Compact's web site; and 3) paid advertisements in all daily and weekly newspapers on Cape Cod and Martha's Vineyard;
3. Ongoing coordination with the Local Distribution Company concerning billing and other operational needs;
4. Ongoing customer communication and education about the Compact's Power Supply Program; and
5. Ongoing consumer advocacy and representation at the state level through participation in DPU proceedings, the legislative development process, the stakeholder community and before other regulatory and governmental bodies.

And lastly, individual consumers may opt-out of the program at any time, and select ~~the Standard Offer~~ Basic Service through the Local Distribution Company or electric service from any other competitive supplier available they wish during a 180 day period following their first date of service under the Compact power supply contract, in accordance with the terms and conditions of service offered by the Local Distribution Company or such other competitive supplier. (See section 12.3 4.1-7 for more detailed information on the opt-out process.) No member town is required to participate in municipal power supply contracts, ~~and~~ no individual consumer is required to receive service under the Compact power supply contract. Consumers may also return to the Compact's Power Supply Program.

### **2.3.2 Cape/Island Save Statewide Three--Year Energy Efficiency Investment Program ("Energy Efficiency Program")**

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While the Power Supply Pprogram is designed to reduce the cost of a kilowatt hour of energy, the Energy Efficiency Pprogram is aimed at total bill reduction. Wise use of energy also promotes important environmental and social benefits. Energy efficiency, or dDemand sSide mManagement, includes practices, technology and education to advance methods for reducing energy use and monthly bills for residential, commercial, industrial, and municipal consumers. Pursuant to the Green Communities Act, St. 2008, c. 169, (the "Act"), as well as M.G.L. c. 164, §134, (The Compact's Energy Efficiency Pprogram follows a process outlined in the state law for aggregated municipalities to access funds contributed by consumers for purposes of funding energy efficiency programs, and apply them according to a plan approved at the local and state levels. The purpose of the Compact's Energy Efficiency Pprogram is to return maximum benefits to consumers who are providing the majority of the energy efficiency funds and to provide building blocks for market transformation. [Market transformation is an ongoing process in which program subsidies for various measures are periodically recalibrated as particular measures successfully transform the market and efficient products and technologies continue to evolve and new or enhanced measures merit program subsidies. Market transformation is a dynamic process, anticipated process in which program subsidies will ultimately be eliminated and consumers will make non-subsidized market decisions on the purchase of energy efficiency measures.] The amount of funds paid by Cape and Island consumers is estimated to be \$5 million per year for 1998-2002; a total of approximately \$25 million. The current Compact Energy Efficiency Plan is available on the Compact's website, www.capeandislandcompact.org. The Compact's Energy Efficiency Plan is developed in collaboration with the other program administrators and in consultation with stakeholders and Compact consumers. The Compact's Energy Efficiency Plan is submitted to the Compact Board for approval prior to submission for DPU approval. has developed the required plan and submitted it to Town Meetings and Town Council for approval. As required by law, the Compact will submit the plan to the Department for its approval as well.

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### 2.3.3 Professional Representation

As the electric industry continues in its transition to evolve and change, it is essential for Cape and Vineyard consumers to have technical and legal support to represent their interests in selected state proceedings, and in negotiations with Commonwealth Electric Company, the Local Distribution Company. While intended to complement the Compact's Ppower Ssupply and Eenergy Eefficiency Pprograms, this effort will also attempt to improve reliability, which may result in fewer power outages, and faster restoration of service.

## 2.4 Staffing and Manpower for Programs

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The operations necessary to plan, deliver, and manage the two Compact programs include: 1) technical analysis; 2) competitive procurement of services; 3) regulatory approvals; 4) accounting and fiscal management; 5) contract maintenance; 6) communications; 7) program coordination; and 8) administrative support for the Compact Governing Board. The Compact's energy efficiency staff are fully funded through the Energy Efficiency Program, and Compact power supply staff are funded through the Compact's operational adder, collected through its power supply contract. Experienced consultants and legal counsel work under contract for the Compact. The Compact intends to utilize existing staff and structure within Barnstable County.

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~~and Dukes County, and to operate the Compact programs with minimal staff. The primary manpower for program operations and service delivery will be experienced consultants working under contract for the Compact.~~

The Power Supply Program has been developed by the Compact Governing Board with the support of technical consultants and legal counsel. Now that a contract for power supply has been secured, technical consultants and legal counsel ~~will be~~ used on an as-needed basis to assist the Governing Board in carrying out the goals of the Compact set forth in the Inter-Governmental Agreement.

The Energy Efficiency Program ~~is will be~~ managed by the Compact's a team of experienced energy efficiency staff and management consultants who ~~will~~ assist in the oversight of service delivery. Service delivery for the Energy Efficiency Program ~~is will be~~ carried out by vendors. ~~Both management and v~~ Vendors ~~and other consultants are will be~~ procured through a competitive contracting process, in accordance with public procurement law, as well as the statewide procurement process utilized by the Program Administrators of Energy Efficiency Programs to carry out the goals of the Act. As noted above, the Energy Efficiency Program is the result of an iterative process that includes review by the Compact's Governing Board, Cape and Vineyard consumers, as well as other stakeholders and approval has been developed under a separate plan submitted to Town Meeting and Town Council for approval, and to be submitted to the Massachusetts Department of Telecommunications and Energy to assure compliance with state energy goals by the DPU to ensure compliance with current law and consistency with state energy goals.

Negotiations with ~~Commonwealth Electric~~ the Local Distribution Company and representation at the state level will be undertaken as needed at the direction of the Compact Governing Board through technical and legal advisors.

### **3.0 PROGRAM FUNDING**

Funding for Compact programs comes from a variety of sources: grants, appropriations, and monies collected from all ratepayers for operating expenses and for delivery of ~~for~~ energy efficiency ~~fund~~ programmed by ratepayers.

~~Initial d~~ Development of the Compact ~~was has been~~ funded as part of the Barnstable County budget through appropriations by the County. The Energy Efficiency Program ~~will be is~~ funded through the monies ~~to be~~ collected and allocated for that program under state law, as well as other grants or monies available for Energy Efficiency Program administration. The budget for the Energy Efficiency Program ~~will be is~~ specified in the Compact's Three-Year Plan, as approved by a separate plan to be submitted for approval by town meeting and the Department of Telecommunications and Energy ~~the DPU.~~ The development of the Power Supply program which has been funded as a regional service by County appropriations is budgeted at the following levels:

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~~FY 1999 — \$297,000 (expended)~~

~~FY 2000 — \$259,500 (budgeted)~~

The ~~initial start-up costs for the Power Supply Program were funded as a regional service throughby County appropriations.~~ are anticipated to be higher than on-going costs of contract maintenance for the power supply program. ~~Barnstable County funding of the Power Supply program at a reduced level is anticipated to continue to cover contract maintenance as a regional service for consumers at a fraction of the savings achieved.~~ In the event that Barnstable County funding ~~would-is not longer be sufficient or~~ available, the Compact may utilize a variety of funding sources, ~~including, among other thingsincluding without limitation:~~ funds based on a fraction of consumer benefits expressed as a kilowatt hour charge, equivalent ~~to of fractions of~~ ~~up to a~~ mill per kilowatt hour, as a portion of shared savings, or separate private funds. (See section 6.2 on the process for approval of such alternative funding.) ~~As of July 2012, Barnstable County ceased to appropriate funds for the Compact.~~

#### 4.0 ACTIVATION AND TERMINATION OF THE POWER SUPPLY PROGRAM

~~Section 4.1 through Section 4.1.7 describe the process the Compact followed to implement the Compact’s Power Supply Program, and provide historical context. The Compact’s existing Power Supply operations are outlined in Section 2.3.1. (These and the other sections in the Aggregation Plan which are included only for historical context are italicized.)~~

##### 4.1 Activation of the Power Supply Program

~~Following the process of local aggregation, and competitive procurement of a proposed contract by the Compact, activation of the Power Supply Program requires six steps:~~

- ~~1) Acceptance of the supply contract by the board of selectmen or town council of a member town pending *Department of Telecommunications & Energy (“DTE”)* approval,~~
- ~~2) *DTE approval of the supply contract and plan,*~~
- ~~3) *Final agreement of the supply contract by each town.*~~
- ~~4) *Notification of consumers on Standard Offer service and Default Service of pending automatic enrollment in the member towns that have agreed to the contract,*~~
- ~~5) *Automatic enrollment of all consumers currently receiving Standard Offer Service or Default Service (excluding those who opt out prior to service start-up deadlines), and voluntary enrollment of those receiving competitive supply from another provider that they wish to terminate.*~~
- ~~6) *Activation of customers’ service on billing cycle dates.*~~
- ~~7) *Start of 180-day period for customer opt-out beginning with the first day of service to return to Standard Offer service during the time it is available.*~~

~~Each of these steps is described below:~~

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**4.1.1 Acceptance of the Contract By Compact Member Town**

*All power supply contracts negotiated by the Compact shall be expressly conditioned upon the acceptance of the contract by boards of selectmen or town council in the member towns and approval of the Department of Telecommunications and Energy. Suppliers and power supply contracts must comply with all applicable laws and rules and regulations promulgated by the Department of Telecommunications and Energy concerning competitive suppliers. At the local level, acceptance of the power supply contract will take place in each member town following a public hearing. A final signing of the contract by each individual member town will be held until approval of the contract is provided by the Department of Telecommunications and Energy.*

*Upon acceptance of a contract, a member town board of selectmen or town council shall file a certificate of the vote with the Compact within five (5) days of its decision.*

**4.1.2 DTE Approval of Power Supply Contract and Plan**

*The Compact shall file the town certificates of vote, the contract and aggregation plan with the Department of Telecommunications and Energy. The DTE is required to hold a public hearing on the plan. Under law, the contract is required to contain a price lower than the Standard Offer, unless it can be demonstrated that the price for energy will be lower than the Standard Offer in subsequent years, or it can be demonstrated that such excess price is due to the purchase of renewable energy.*

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**4.1.3 Signing of Power Supply Contract by Each Member Town**

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*Following the approval of the Department of Telecommunications and Energy, each individual member town may sign or reject the contract. With the signing of the contract by the town, the terms and conditions in the contract will be utilized for service for consumers within municipal boundaries, except for those consumers who have selected a competitive supplier prior to the contract activation date and do not wish to switch to service under the Compact contract, or those consumers who affirmatively opt out of the program. In addition, all consumers relocating to the area will be enrolled in the Compact's Power Supply Program, unless they choose another supplier, or opt out following activation of service.*

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*The Compact shall file with the DTE, DOER, and Inspector General within 15 days of signing by the member towns, the signed power supply contract and a report detailing the process used to execute the contract.*

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**4.1.4 Notification of Consumers**

*Following approval of the contract by the DTE, the Compact shall undertake notification of all consumers on Standard Offer and Default Service to be enrolled prior to enrollment. The Compact shall also generally notify all consumers receiving competitive service in the participating towns of their eligibility to receive power from the Compact supplier. The process of Notification shall be multi-layered: 1) a notice included in the monthly electric bill, or a separate mailing; 2) newspaper notices; 3) public service announcements; 4) posting of notice in town halls.*

*Prior to enrollment, this notification shall: 1) inform consumers they have the right to opt out of the aggregated entity without penalty and choose standard offer service until 180 days after their first day of service; 2) prominently state all charges to be made and a comparison of the price and primary terms of the Compact contract compared to the price and terms of Commonwealth Electric's Standard Offer; 3) explain how to opt out; 4) state how to access the Standard Offer; 5) provide written notification if any charges associated with the opt-out will be made by the Supplier following the 180 day period.*

**4.1.5 Notification of Commonwealth Electric**

*Along with notification of consumers in the participating member towns, the Compact shall notify Commonwealth Electric Company to begin preparation of the administrative process to transfer customers to the Compact supplier in each of the participating towns. Commonwealth Electric Company shall prepare for transfer of Standard Offer customers coincident with each customer's billing cycle. [Alternatively, or in combination with the Compact notification, the selected supplier may notify Commonwealth Electric to begin preparation of the administrative process.]*

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#### 4.1.6 Activation of Customer Service

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*The process of activation is an administrative function with three parts: 1) Data preparation: Commonwealth Electric will identify all customers on Standard Offer and Default Service in the participating towns by eliminating those customers who have already selected a competitive supplier; 2) Data verification: To the extent needed, if not inherent in data preparation, Commonwealth Electric shall check customer meter numbers and other codes to verify proper eligible customer identification; 3) Automatic Enrollment: All verified customers shall be transferred to the Compact supplier coincident with Commonwealth Electric's 21-cycle billing period, unless they have previously sent in notification of their intent to opt out according to established deadlines. Eligible customers on all 21 cycles will be enrolled with the new supplier over the period of one month. Commonwealth Electric shall notify each transferred consumer of the change to the Compact supplier with its last bill for Standard Offer service. Service under the new supplier shall begin at the start of the billing period following transfer.*

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#### 4.1.7 Customer Opt-Out

*Customers may opt out of service from the Compact supplier at no charge either in advance of service start up deadlines or during a period of 180 days commencing with the first day of service. Customers who seek to return to Standard Offer service must provide notice to Commonwealth Electric, five (5) or more business days before the next scheduled meter read date. There shall be no charge for returning to Standard Offer service in this manner. Customers wishing to opt-out sooner than the scheduled meter read may also request an unscheduled meter read and pay a fee to Commonwealth Electric. Further opportunities for customer opt-out may be negotiated by the Compact and the competitive power supplier and included in the terms of the contract presented to the DTE, Boards of Selectmen and Town Council, and made part of the public information offered to each consumer.*

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#### 4.2 Termination of the Power Supply Program

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The Ppower Ssupply Pprogram may be terminated in ~~threetwo~~ ways:

- 1) Upon the termination or expiration of the power supply contract without any extension, renewal, or subsequent supply contract being negotiated.;
- 2) At the decision of the Compact Governing Board to dissolve the Ppower Ssupply Pprogram.
- 3) By DPU Order due to the Compact switching its customers from aggregated competitive supply to Basic Sservice based on price.

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Member municipalities may also choose not to participate in an extension, renewal, or subsequent supply contract the Compact has negotiated, but such withdrawal will constitute closure of the program for that municipality only, and for that contract period only. Any termination must be conducted in compliance with the DPU's conditions for termination established in D.T.E. 00-47.

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Each individual customer receiving power supply service under the Compact's ~~P~~power ~~S~~supply ~~P~~program will receive notification of termination of the program ninety (90) days prior to such termination.

In the event of contract termination, consumers would return to the distribution company's basic default service or choose a competitive supplier.

## 5.0 METHODS FOR ENTERING AND TERMINATING AGREEMENTS WITH OTHER ENTITIES

The Compact's process for entering, modifying, enforcing, and terminating agreements shall comply with the requirements of town charters, and state and federal laws. Where required, the procedures outlined in ~~M.G.L. Chapter c.~~ 30B shall be followed. Other agreements, such as the Inter-~~G~~overnmental Agreement, shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

## 6.0 RATESETTING AND OTHER COSTS TO PARTICIPANTS

The ~~Cape Light~~-Compact will offer the option of a ~~Community Choice~~-Power Supply Program at rates and terms to be negotiated with competitive power suppliers. The generation charge for each customer class, or any customer grouping by load factor or other appropriate pricing category, will reflect the Compact's best efforts to secure the best terms and conditions and the most competitive market rates available be lower than the Standard Offer generation charge at the time of contracting with competitive power supplierse. All supplier charges to the customer will be fully and prominently disclosed under the notification process.

The local distribution company shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function until such time as the ~~Massachusetts Department of Telecommunications and Energy (DTE)~~DPU determines it is in the interest of consumers for these services to be provided differently. Charges for metering, billing and other distribution services shall be regulated by the ~~DTE~~DPU, unless otherwise provided for in law, or ~~DTE~~DPU rules and regulations.

### 6.1 Rates and Ratesetting

Under ~~DTE~~DPU orders, the ~~L~~ocal ~~D~~istribution ~~C~~ompany assigns the customer classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, and an access charge that currently make up the largest portion of a customer bill. ~~(See sample bill in section 6.3 below).~~ Although the Compact shall participate in regulatory proceedings and represent the interests of consumers regarding these regulated rates, it will not assign or alter existing customer classifications without the approval of the ~~DTE~~DPU.

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The focus of the Compact, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the consumer bill as the “generation charge”. ~~As noted earlier,~~ ~~The price in the contract will be~~ ~~subject to DTE examination and approval~~ ~~any requirements set forth in M.G.L. c. 164, §134,~~ as well as approval by the Compact’s CPO. Municipal power supply contracts are approved at the local level by either the Town Manager, or Boards of Selectmen and Town Council at the local level.

On its website (www.capelightcompact.org), the Compact maintains its current power supply rates for each rate class and the period for which the current rates apply. The Compact also provides an active link to the Local Distribution Company’s Basic Service Rate and to the Executive Office of Energy and Environmental Affairs website for a list of licensed competitive electric suppliers. The Compact cannot ensure or verify the accuracy of the information provided by other service providers.

## 6.2 Other Costs ~~to~~ Consumers

Aside from any funds appropriated through a public process by the counties, or a member town, consumer bills will reflect all charges for the administrative and operational costs of the ~~P~~power ~~S~~upply ~~P~~rogram. If ~~P~~power ~~S~~upply ~~P~~rogram funding ~~were to be~~ derived from a portion of shared savings or a kilowatt hour charge in an amount equivalent to ~~fractions of up to a mill (an “Operational Adder”),~~ such determination ~~would also take~~ place in a public process, that ~~would~~ includes public notice, a public hearing, and a weighted vote by Compact representatives.- [A weighted vote ~~on by~~ the Compact Governing Board follows the standard of weight by population of each town.] ~~DPU Department of Telecommunications and Energy approval of such a charge~~ Operational Adder would be sought to the extent ~~that such approval is required.~~ ~~Such a charge could be a percentage of the savings customers are achieving through the program.~~

The Governing Board goes through a budget process every year to appropriate funds collected through the Operational Adder. The budget is posted to the Compact’s website and updates on the status of that budget are given in the public portion of all Governing Board meetings and posted to the website.

In 2013, the Compact Governing Board approved a policy that requires use of any portion of the Operational Adder/power supply reserve fund shall follow the Compact’s budget appropriation process.

The unreserved portion of the Operational Adder/power supply reserve fund, after appropriation of the annual power supply operating budget, shall not exceed;

1. ~~\_\_\_\_\_~~ The subsequent year’s REC commitment;
2. ~~\_\_\_\_\_~~ The average of the previous three years’ power supply operating budget;
3. ~~\_\_\_\_\_~~ The historical cost of procuring a new supplier should the existing contract terminate; and

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4. Adequate funds for REC contractual obligations, such as escrow accounts and other sureties.

At the end of each fiscal year, any appropriations from the Operational Adder/power supply reserve fund, as well as examination of the power supply fund itself, will be subject to review by an independent financial auditor.

All Compact funds are included in the fiscal agent's (Barnstable County) annual financial audit as agency funds.

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**6.3 Customer Billing**

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Customer billings under the Compact Power Supply Program will be made by the supplier under contract and shall be incorporated into the standard monthly utility billing. The bill shall include a clear delineation of all regulated and non-regulated charges. Under law, consumers are entitled to a choice of one or two bills. They may receive a "complete bill" that incorporates the power supply charge and ~~Commonwealth Electric's~~ the Local Distribution Company's charges on a single sheet; or a "pass-through bill" which is a separate bill issued by the power supplier in addition to the bill from ~~Commonwealth Electric~~ the Local Distribution Company. For purposes of clarity and simplicity, the Compact recommends that consumers elect to receive a "complete bill" with all charges on a single sheet. However, consumers may make their own choice on this issue.

The typical residential "complete bill" for use of 651 kilowatt hours shows the following charges for Commonwealth Electric's Standard Offer service in January 1999:-

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**Commonwealth Electric Charges**

Customer Charge		\$ 3.73
Distribution Charge	\$.04524	\$29.45
Transmission Charge	\$.00481	\$ 3.13
Transition Charge	\$.02856	\$18.59
Energy Conservation	\$.00285	\$ 1.85
Renewable Energy	\$.00125	\$ .81

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Supplier Services

**Generation Charge**

~~Standard Offer Service \$ .03800 X 651KWH — \$24.73~~

~~————— Total \$82.29~~

~~The standard offer power supply rate offered by Commonwealth Electric increases each year over seven years as follows: 3.8 cents in 2000, 3.8 cents in 2001, 4.2 cents in 2002, 4.7 cents in 2003, 5.1 cents in 2004. Customers not eligible for standard offer service will need to choose a competitive supplier or take default service. The standard offer service is set to expire in 2005.~~

**7.0 UNIVERSAL ACCESS**

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“Universal access” is a term derived from the traditional regulated utility environment in which all customers desiring service receive that service. For the purposes of the Compact’s municipal aggregation program this will mean that all existing customers within the borders of participating municipalities, and all new customers in the participating municipalities, shall be eligible for service from the contracted supplier under the terms and conditions of the supply contract. Item one of the Compact’s goals contained in the Inter-Governmental Agreement is: “To provide the basis for aggregation of all consumers on a non-discriminatory basis.”

Service under the Compact’s ~~Community Choice~~ Power Supply Program shall include all customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all suppliers shall contain provisions to maintain these principles and equitable treatment of all customer classes.

Existing customers in the participating towns shall be transferred to the ~~Community Choice~~ Power Supply Program unless they have already contracted with a competitive supplier, or affirmatively opt out of the program.

Low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to ~~Basic Service through the Local Distribution Company~~ ~~standard offer service~~ and/or participate in the Power Supply Program as well.

New customers in the service territory ~~shall~~ upon sign up for service will be automatically enrolled in the ~~Power Supply Pp~~ program with the right to opt out at any time.

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## 8.0 EQUITABLE TREATMENT OF ALL CLASSES OF CUSTOMERS

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All customers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the supplier; be provided all required notices and information; and always retain the right to opt out of the Compact's program or switch suppliers.

## 9.0 REPORTING

The Compact shall submit an annual report to the DPU on December 1<sup>st</sup> of each year. The annual report shall, at a minimum, provide: 1) a list of the Compact's competitive suppliers over the past year; 2) the term of each power supply contract; 3) the aggregation's monthly enrollment statistics by customer class; 4) a brief description of any renewable energy supply options and other renewable energy features that exceed minimum requirements; and 5) a discussion and documentation regarding the implementation of the municipal aggregation's alternative information disclosure strategy, to the extent applicable. The Compact's first annual report shall be filed on December 1, 2014.

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## **109.0 RELIABILITY**

“Reliability” in power supply and in transmission and distribution is essential to consumers. The Compact’s policy, contained in item ~~five-six~~ of the goals of the Inter-Governmental Agreement is: “To improve quality of service and reliability.” This will be accomplished and reinforced at several levels: 1) through provisions of the power supply contract that will include language on reliability of supply, liability and damages provisions; 2) through traditional proceedings related to ~~Commonwealth Electric’s~~ the Local Distribution Company’s regulated transmission and distribution services; ~~and~~ 3) through direct discussions with ~~Commonwealth Electric-Company~~ the Local Distribution Company concerning specific or general problems related to quality and reliability of transmission and distribution service.

## **110.0 RIGHTS AND RESPONSIBILITIES OF POWER SUPPLY PROGRAM PARTICIPANTS**

### **110.1 Rights**

All ~~P~~power ~~S~~supply ~~P~~program participants shall enjoy the protections of law afforded to consumers as they currently exist or as they may be amended from time to time. These include rights to question billings or service quality or service practices. Under protocols developed by the ~~DPU, Department of Telecommunications and Energy~~ problems related to billing or service shall be directed to the appropriate parties. All program participants shall also enjoy the individual right to decline participation in the ~~Compact’s~~ Power Supply Program as noted in the description of the “opt-out” in section 4.1.7 above.

### **110.2 Responsibilities**

All ~~P~~power ~~S~~supply ~~P~~program participants shall meet all standards and responsibilities required by the ~~DTED~~ DPU, including payment of billings and access to essential metering and other equipment to carry out utility operations.

## **121.0 THE CONSEQUENCES OF AGGREGATION**

Municipal aggregation functions under the restrictions of state law and carries a range of results and consequences:

### **121.1 Consumer Option to Participate in Competitive Market**

Many individual consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may more effectively participate in the competitive process and achieve benefits.



### 121.2 Lower Price or Renewable Energy

~~\_\_\_\_\_The Compact may elect at times to pursue renewable energy in excess of the Renewable Energy Portfolio Standards. Pursuit of renewable energy generation and/or certificate contracts may, or may not, yield lower power supply prices compared to market prices. Additionally, the Compact may offer an opt-in green power program.~~

~~Because the law requires the power supply price negotiated by a municipal aggregator to be lower than the standard offer, or to show a notable amount of renewable energy in the supply mix to justify a higher price, one consequence is the contract guarantee of a price lower than the standard offer, or cleaner energy, if that is what the community chooses and the DTE approves. Item number two of the Compact's goals contained in the Intergovernmental Agreement is: "To acquire the best market rate for electricity and transparent pricing."~~

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### 121.3 Consumer Ability to Opt Out and Choose Another Supplier

Because the law guarantees the right to opt out, including the right to choose ~~standard offer service~~ Basic Service at no charge for 180 days, all customers have the right to select a supplier other than the one chosen by the ~~municipal aggregator and the selectmen~~ Compact.

### 121.4 Recovery and Use of Energy Efficiency Funds at Local Level

Because the law allows municipal aggregators to recover funds paid by consumers and apply them in ~~locally designed and~~ approved energy efficiency programs, a third consequence is the opportunity to reduce energy use and total bills through the aggregation program.

### 121.5 Indemnification of Consumers and Risk Associated with Competitive Market

In a competitive market it is possible that the failure of a power supplier to deliver service may result in the need for consumers to acquire alternative power supply, or for consumers to receive power at ~~Default Basic~~ Service prices, ~~if the Standard Offer is not available~~. The Compact will seek to minimize this risk by recommending only reputable suppliers who demonstrate reliable service. The Compact also intends to include conditions in its contract with a supplier that will indemnify consumers against risks or problems with power supply service.

### 121.6 Other Consumer Protections

The Compact ~~intends will to~~ negotiate a range of provisions in its contracts to enhance consumer protection. The Compact also intends to work with ~~Commonwealth the Local Distribution Company~~ and the ~~DTE-DPU~~ to assure improvement in the reliability of transmission and distribution services.

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**132.0 MEET ANY REQUIREMENTS ESTABLISHED BY LAW OR THE DEPARTMENT CONCERNING AGGREGATED SERVICE**

\_\_\_\_\_The Compact fully intends to comply with the requirements of law and the rules of the DTEDPU.

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## 14.0 UPDATING THE COMPACT'S AGGREGATION PLAN-

In accordance with DPU 12-124, the Compact will update its Aggregation Plan should the Compact seek to materially deviate from its approved plan or if changes in the law, regulations, the competitive supply market, or other circumstances result in the approved plan no longer accurately describing the primary operations of the Compact's aggregation. Prior to filing a revised plan with the DPU, the Compact will consult with DOER, submit the revised plan for review by its citizens, and obtain all necessary approvals. Beyond these circumstances, however, the Compact will not seek to update its Aggregation Plan for the continued operation of the Compact's programs. The Compact and the Compact members also may make periodic updates to the Inter-Governmental Agreement.

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# CAPE LIGHT COMPACT AGGREGATION PLAN

**For additional information contact:**

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA 02630

Telephone: (508) 375-6636

UPDATED  
March 12, 2014

# FOREWORD

On August 27, 2013, the Cape Light Compact (“Compact”) was asked by the Department of Public Utilities (“DPU”) to review its Aggregation Plan to determine whether the Compact should file a revised plan to reflect current structure and operations, consider removing obsolete references and to comply with any applicable laws, regulations and DPU precedent as well as the forthcoming decision in DPU 12-124 (Lowell Aggregation Plan). (The Lowell decision was subsequently issued on November 27, 2013.)

The Compact’s Aggregation Plan was prepared in 1999 and approved by the DPU in 2001. It was drafted to reflect the requirements of state law at the time it was submitted for approval to the DPU. The Compact’s structure and purposes also are set forth in detail in the Inter-Governmental Agreement, executed by all participating Compact member towns and counties (“Members”). The Inter-Governmental Agreement was originally adopted by the Compact members in 1998 and is the document that has guided the Compact after its initial implementation of universal generation service on an opt-out basis. The Inter-Governmental Agreement is reviewed by the Compact Board on a regular basis, and was most recently updated in September 2012. The Compact complies with all relevant statutory provisions as they may be amended from time to time by the Massachusetts Legislature.

It was not the Compact’s objective to continually update the Aggregation Plan as it was viewed as an initial requirement for becoming a municipal aggregator. Going forward and in accordance with DPU 12-124, the Compact will update its Aggregation Plan should it seek to materially deviate from the approved plan or if changes in the law, regulations, the competitive supply market or other circumstances result in the approved plan no longer accurately describing the primary operations of the Compact’s aggregation. The Compact and its Members also may make other updates to the Inter-Governmental Agreement.

The following updates to the Plan incorporate a broad overview of current operations and practices, but also leave intact sections of the Aggregation Plan that are important for historical context. We hope that the Cape and Vineyard community appreciate the compilation of past and present Compact activities, and encourage all interested persons to read the Inter-Governmental Agreement for a more up-to-date reflection of the Compact’s organizational structure and practices as it undertakes not only aggregated power supply and the provision of energy efficiency services but also other activities as an intergovernmental compact between the twenty-one Cape and Vineyard towns and their two counties.

Sincerely,

Joyce Flynn  
Chair  
March 2014

# Purpose of the Aggregation Plan

The Cape Light Compact (the “Compact”) developed this Aggregation Plan in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Compact. The Aggregation Plan has been developed in consultation with the then Massachusetts Division of Energy Resources, now the Department of Energy Resources (hereafter “DOER”).

The Compact is a cooperative effort of 21 Cape Cod and Martha’s Vineyard towns and Barnstable and Dukes counties. The Compact was formed in 1997 following two years of study and town meetings and town council votes. Its purpose, among other things, is to represent consumer interests in the competitive markets for electricity. It seeks to aggregate all consumers to negotiate the best terms and conditions for electricity supply and pricing and to advance consumer protection for the residents and businesses of Cape Cod and the Vineyard. It brings together the buying power of up to 202,000 customers (as of the date of this revised plan in March, 2014). Participation is voluntary for the towns and for each individual consumer. Any individual has the opportunity to decline service provided through the Compact and choose any electric supplier they wish.

The Compact provides:

- 1) an option to join together for purchase of power supply at the best terms and conditions and the most competitive market rates available;
- 2) the recovery of funds collected from Cape and Vineyard consumers by the Local Distribution Company on behalf of the Compact each year for energy efficiency and application of those funds in approved energy efficiency and conservation programs; and
- 3) an opportunity for professional representation at the state level and in negotiations with the Local Distribution Company with respect to changes in the electric industry.

The Compact distributed this plan for public review prior to submitting it to the Department of Public Utilities (hereafter “DPU”).

Member towns:

(Barnstable County):

Barnstable	Harwich
Bourne	Mashpee
Brewster	Orleans
Chatham	Provincetown
Dennis	Sandwich
Eastham	Truro
Falmouth	Wellfleet
	Yarmouth

(Dukes County):

Aquinnah
Chilmark
Edgartown
Oak Bluffs
Tisbury
West Tisbury

# CONTENTS

- 1.0 The Process of Aggregation
- 2.0 The Organizational Structure and Operations of the Compact Program
- 3.0 Program Funding
- 4.0 Activation and Termination of the Power Supply Program
- 5.0 Methods for Entering and Terminating Agreements with Other Entities
- 6.0 Ratesetting and Other Costs to Participants
- 7.0 Universal Access
- 8.0 Equitable Treatment of All Classes of Customers
- 9.0 Reporting
- 10.0 Reliability
- 11.0 Rights and Responsibilities of Power Supply Program Participants
- 12.0 The Consequences of Aggregation
- 13.0 Meet Any Requirements Established By Law or the Department Concerning Aggregated Service
- 14.0 Updating the Compact's Aggregation Plan



# REQUIREMENTS FOR MUNICIPAL AGGREGATION

General Law c. 164, §134 (part of the Massachusetts Electric Industry Restructuring Act) contains several requirements for municipal aggregators. One requirement is to develop an Aggregation Plan in consultation with the DOER. The Aggregation Plan is subject to review by citizens in the participating towns and approval by the DPU. The Compact's Aggregation Plan went through this process in 1999 and received DPU approval in D.T.E. 00-47 (2001). Under the law [G.L. c. 164, section 134], there are fourteen requirements to be described in the Aggregation Plan.

## **1.0 THE PROCESS OF AGGREGATION**

The process of municipal aggregation for the Compact involved a multi-step public process that the Compact originally undertook from 1998 to 2001:

- 1.1 Vote of town meeting
- 1.2 Vote of selectmen, town council, or county commissioners
- 1.3 Town/county representative participates on Compact Governing Board
- 1.4 Planning process/development of policy including Aggregation Plan, RFPs, contracts
- 1.5 Development and release of Request for Proposals
- 1.6 Review of Aggregation Plan by citizens
- 1.7 Power supply contract to selectmen/town council for acceptance vote, conditioned on DPU approval and final signing
- 1.8 Power supply contract and Aggregation Plan submitted to DPU for approval
- 1.9 Final signing by each participating town
- 1.10 Notification of consumers of automatic enrollment
- 1.11 Administrative transfer of customers to Compact supplier(s)
- 1.12 180-day opt-out period begins on first day of service
- 1.13 File contract and report with state (DPU, DOER, Inspector General) within 15 days of signing contract

In addition to this process, as a public entity the Compact must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## **2.0 THE ORGANIZATIONAL STRUCTURE AND OPERATIONS OF THE COMPACT PROGRAM**

The Compact is organized in accordance with state law. It is an intergovernmental organization authorized by votes of town meeting, boards of selectmen, town council, and county commissioners. It consists of 21 towns and Barnstable and Dukes counties. Its articles of organization comprise a formal Inter-Governmental Agreement signed by each participating town or county member. Membership provides voting rights and inclusion for planning,

analysis, and participation in Compact programs. The organization relies on the existing structure of local and county government and agreements between government agencies.

The Compact Governing Board is made up of one representative appointed by each of the member municipalities and the two counties, as well as an alternate representative that each member and county may appoint. The Compact Governing Board is responsible for establishment of the policies and development of the Compact, except with respect to those powers reserved to the member municipalities of the Compact by law or the Inter-Governmental Agreement.

At its first meeting following the end of each calendar year, the Compact Governing Board elects a chairman, vice chairman, treasurer, and secretary, and such other officers as the Governing Board may determine. The term of office is one year and until respective successors are elected and qualified.

The Compact Governing Board and its officers are responsive and responsible to consumers and the Boards of Selectmen and Town Manager/ Town Council at whose pleasure they serve. The operational role of the Compact in relation to consumers and Boards of Selectmen and Town Council is outlined and described in the following pages.

There are six operational levels to the Compact as indicated in the chart below. The function of each level is described in section 2.1 following the chart.

# CAPE LIGHT COMPACT

## Operational Outline

<p style="text-align: center;"><b>Consumers</b></p> <ul style="list-style-type: none"><li>▪ Voting power (town meeting and elections)</li></ul> <p style="text-align: center;"><b>Level 1</b></p>
<p style="text-align: center;"><b>Board of Selectmen and/or Town Manager</b></p> <ul style="list-style-type: none"><li>▪ Decisions on contracts for municipal electric accounts</li><li>▪ Instructions to representative</li></ul> <p style="text-align: center;"><b>Level 2</b></p>
<p style="text-align: center;"><b>Compact Governing Board</b></p> <ul style="list-style-type: none"><li>▪ Policy and program decisions</li><li>▪ Recommendations on contracts</li><li>▪ Oversight for technical and legal support</li></ul> <p style="text-align: center;"><b>Level 3</b></p>
<p style="text-align: center;"><b>Barnstable County</b></p> <ul style="list-style-type: none"><li>▪ Fiscal and administrative agent</li><li>▪ Administrative support and coordination</li><li>▪ Communications</li></ul> <p style="text-align: center;"><b>Level 4</b></p>
<p style="text-align: center;"><b>Service Suppliers</b></p> <ul style="list-style-type: none"><li>▪ Service delivery</li></ul> <p style="text-align: center;"><b>Level 5</b></p>
<p style="text-align: center;"><b>Consumers</b></p> <ul style="list-style-type: none"><li>▪ Buying Power</li></ul> <p style="text-align: center;"><b>Level 6</b></p>

## **2.1 Description of Operational Levels**

### **Level One: Consumers**

Consumers hold the ultimate authority over the Compact and its functions. They can make determinations on local authority, policy, and programs at town meetings. They can elect candidates for Boards of Selectmen or Town Council who may take positions regarding the Compact. They can express their views to their local Compact representative. They can participate in local and regional meetings and hearings regarding issues related to the Compact and they can attend Compact meetings to express their views. (Also see Consumer buying power at Level Six below.)

### **Level Two: Board of Selectmen and/or Town Manager**

Based upon their existing authority, or authority provided by voters at town meetings, the Board of Selectmen and Town Manager may act through their appointed Board members on program and policy issues and contract recommendations; Selectmen and/or Town Managers also approve contracts for municipal electric accounts negotiated by the Compact. In addition, they may provide instructions to their representative on the Compact Governing Board regarding specific policy or program decisions to be made by the Compact. They may also raise issues directed to them by consumers for the Compact to address.

### **Level Three: Compact Governing Board**

The Compact Governing Board carries out the collective decisions and instructions of the towns and consumers. Every member town that signed the Inter-Governmental Agreement has a representative on the Compact Board. Policy and program decisions are made on a one-town-one-vote basis. However, issues with financial implications for the towns are made on the basis of a weighted vote. A weighted voting process also allows separate determinations by Barnstable County and Dukes County towns. The Compact's subcommittees focus on particular issues and bring policy decisions back to the Governing Board. The Governing Board determines recommendations to be made to the Boards of Selectmen and Town Council and to the two Counties. (The list of current representatives is available on the Compact's website at [www.capelightcompact.org](http://www.capelightcompact.org).)

### **Level Four: Barnstable County**

As the fiscal agent for the Compact, Barnstable County provides the day-to-day management and supervision of the business affairs of the Compact under an Administrative Services Agreement. The County serves as the Compact's procurement agent, utilizing its existing staff to solicit services as requested by the Compact. In addition, the County provides office and meeting space and administrative support to coordinate the Compact's operations contingent upon the Compact's approval. This administrative support includes, but is not limited to: 1) communications; 2) program development; 3) record-keeping; and 4) oversight of program administrators and professional consultants who assist in service procurement and contract oversight and maintenance.

## Level Five: Service Suppliers

Power suppliers contract with the Compact through its Chief Procurement Officer (“CPO”), appointed by the Governing Board. The Power Supply Program is negotiated, recommended, and monitored for compliance by the Compact through its CPO and/or the CPO’s designee. The CPO reports the results of power supply bids and associated negotiations to the Governing Board.

The CPO may also issue an RFP for municipal load on behalf of the participating municipalities. Each town can accept or reject the proposed power supply contract for supply of municipal service. No municipal power supply contract is binding on any individual member town until approved by that member town. Contracts with consultants, vendors of energy efficiency or demand side management services, or other services negotiated and recommended by the Compact, are administered by Barnstable County on behalf of the Compact.

## Level Six: Consumers

Every consumer in a participating town is eligible to participate in the Compact’s programs. Every consumer also has the ability to decline supply service through the Compact and choose any other power supply option available. Consumers who are dissatisfied with services provided under contracts negotiated by the Compact may also communicate directly with the Compact Governing Board in an effort to alter or otherwise improve service. Consumers may also bring issues before their Boards of Selectmen, Town Council, or town meeting. (See Level One above.)

## **2.2 Program Operations**

The Compact’s operations are guided by the provisions and goals contained in the Inter-Governmental Agreement, and the instructions and decisions of the Compact Governing Board, Boards of Selectmen, Town Council, and consumers.

The Compact’s goals are outlined in the Inter-Governmental Agreement, and the Inter-Governmental Agreement has been amended by the Governing Board five times since 1998 to reflect changes in the Compact’s structure, operations and purposes as follows:

- 1) To provide the basis for aggregation of all consumers on a non-discriminatory basis;
- 2) To negotiate the best terms and conditions and the most competitive market rates available for electricity supply and transparent pricing;
- 3) To explore all available options for negotiating the best terms and conditions for electricity supply and the development of renewable energy resources, including, among other things, the formation of and/or membership in a co-operative organization to purchase or produce energy or renewable energy certificates (“RECs”) or both on a long-term basis;
- 4) To provide equal sharing of economic savings based on current electric rates and/or cost-of-service rate-making approved by the DPU;
- 5) To provide and enhance consumer protection and options for service under contract provisions and to allow those consumers who choose not to participate to opt-out;

- 6) To improve quality and reliability of service;
- 7) To encourage environmental protection through contract provisions;
- 8) To utilize and encourage renewable energy development to the extent practicable through contract provisions, demonstration projects and state mandated system benefit charges for renewable energy;
- 9) To utilize and encourage demand-side management and other forms of energy efficiency through contract provisions and state mandated system benefit charges for energy efficiency and to use the funds from such charges to advance consumer awareness and adoption of a wide variety of energy efficiency measures through the implementation of an energy efficiency plan;
- 10) To advance specific community goals that may be selected from time to time, such as placing utility wires underground;
- 11) To provide full public accountability to consumers; and
- 12) To utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

## **2.3 Programs of the Compact**

The Compact offers two programs to achieve its goals: 1) the Power Supply Program and 2) the Statewide Three-Year Energy Efficiency Program. In addition, the Compact provides professional representation on behalf of consumers in state proceedings and in negotiations with the Local Distribution Company to protect consumer interests in today's energy marketplace.

### **2.3.1 Power Supply Program (“Power Supply Program”)**

The Power Supply Program is designed to reduce the amount consumers pay for electric energy and to gain other favorable economic and non-economic terms in service contracts. The Compact does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the Compact, through its CPO, develops a contract with a power supplier for firm, all-requirements service. The contract runs for a fixed term (i.e. four years). In order to begin the Power Supply Program, the Compact's price had to be lower than the distribution company's standard offer service. The Compact met this threshold with its initial power supply price. There is no longer a statutory price benchmark for municipal aggregators. The Compact's power supply price complies with the requirements under G.L. c. 164, §134.

The process of supply contract approval contains checks and balances. After the Compact's form of all-requirements competitive electric supply contract was developed by the CPO, it was submitted to the DPU for its approval. The Compact's form of all-requirements competitive electric supply contract was approved by the DPU in D.T.E. 04-32 (2004). All electric supply contracts approved by the Compact's CPO since 2004 have been in substantially the same form as the contract approved by the DPU. At the request of Compact members, the Compact's CPO also negotiates contracts for competitive electric supply for municipal electric accounts of Compact members, which are submitted to the Boards of Selectmen or Town Manager for approval.

At the direction of the Governing Board, the Compact's Power Supply Program also includes the following components:

1. The CPO explores all available options for negotiating the best terms and conditions for electricity supply and the development of renewable energy resources, including, among other things, the formation of and/or membership in a co-operative organization to purchase or produce energy or RECs or both on a long-term basis;
2. The CPO communicates the Compact's power supply prices by: 1) discussing at the Governing Board meeting in public session; 2) posting the prices for all customer sectors to the Compact's web site; and 3) paid advertisements in all daily and weekly newspapers on Cape Cod and Martha's Vineyard;
3. Ongoing coordination with the Local Distribution Company concerning billing and other operational needs;
4. Ongoing customer communication and education about the Compact's Power Supply Program; and
5. Ongoing consumer advocacy and representation at the state level through participation in DPU proceedings, the legislative development process, the stakeholder community and before other regulatory and governmental bodies.

And lastly, individual consumers may opt-out of the program at any time, and select Basic Service through the Local Distribution Company or electric service from any other competitive supplier available, in accordance with the terms and conditions of service offered by the Local Distribution Company or such other competitive supplier. (See section 12.3 for more detailed information on the opt-out process.) No member town is required to participate in municipal power supply contracts, and no individual consumer is required to receive service under the Compact power supply contract. Consumers may also return to the Compact's Power Supply Program.

### **2.3.2 Statewide Three-Year Energy Efficiency Investment Program (“Energy Efficiency Program”)**

While the Power Supply Program is designed to reduce the cost of a kilowatt hour of energy, the Energy Efficiency Program is aimed at total bill reduction. Wise use of energy also promotes important environmental and social benefits. Energy efficiency or demand side management includes practices, technology and education to advance methods for reducing energy use and monthly bills for residential, commercial, industrial, and municipal consumers. Pursuant to the Green Communities Act, St. 2008, c. 169, (the “Act”), as well as G.L. c. 164, §134, the Compact's Energy Efficiency Program follows a process outlined in the law for aggregated municipalities to access funds contributed by consumers for purposes of funding energy efficiency programs. The purpose of the Compact's Energy Efficiency Program is to return maximum benefits to consumers who are providing the majority of the energy efficiency funds and to provide building blocks for market transformation. [Market transformation is an ongoing process in which program subsidies for various measures are periodically recalibrated as particular measures successfully transform the market and efficient products and technologies continue to evolve and new or enhanced measures merit program subsidies. Market transformation is a dynamic process.] The current Compact Energy Efficiency Plan is available on the Compact's website, [www.capelightcompact.org](http://www.capelightcompact.org). The Compact's Energy Efficiency Plan

is developed in collaboration with the other program administrators and in consultation with stakeholders and Compact consumers. The Compact's Energy Efficiency Plan is submitted to the Compact Board for approval prior to submission for DPU approval.

### **2.3.3 Professional Representation**

As the electric industry continues to evolve and change, it is essential for Cape and Vineyard consumers to have technical and legal support to represent their interests in selected state proceedings and in negotiations with the Local Distribution Company. While intended to complement the Compact's Power Supply and Energy Efficiency Programs, this effort will also attempt to improve reliability, which may result in fewer power outages and faster restoration of service.

## **2.4 Staffing and Manpower for Programs**

The operations necessary to plan, deliver, and manage the two Compact programs include: 1) technical analysis; 2) competitive procurement of services; 3) regulatory approvals; 4) accounting and fiscal management; 5) contract maintenance; 6) communications; 7) program coordination; and 8) administrative support for the Compact Governing Board. The Compact's energy efficiency staff are fully funded through the Energy Efficiency Program, and Compact power supply staff are funded through the Compact's operational adder, collected through its power supply contract. Experienced consultants and legal counsel work under contract for the Compact.

The Power Supply Program has been developed by the Compact Governing Board with the support of technical consultants and legal counsel. Now that a contract for power supply has been secured, technical consultants and legal counsel are used on an as-needed basis to assist the Governing Board in carrying out the goals of the Compact set forth in the Inter-Governmental Agreement.

The Energy Efficiency Program is managed by the Compact's team of experienced energy efficiency staff and management consultants who assist in the oversight of service delivery. Service delivery for the Energy Efficiency Program is carried out by vendors. Vendors and other consultants are procured through a competitive contracting process, in accordance with public procurement law, as well as the statewide procurement process utilized by the Program Administrators of Energy Efficiency Programs to carry out the goals of the Act. As noted above, the Energy Efficiency Program is the result of an iterative process that includes review by the Compact's Governing Board, Cape and Vineyard consumers, as well as other stakeholders and approval by the DPU to ensure compliance with current law and consistency with state energy goals.

Negotiations with the Local Distribution Company and representation at the state level will be undertaken as needed at the direction of the Compact Governing Board through technical and legal advisors.



### **3.0 PROGRAM FUNDING**

Funding for Compact programs comes from a variety of sources: grants, appropriations, and monies collected from all ratepayers for operating expenses and for delivery of energy efficiency programs.

Initial development of the Compact was funded as part of the Barnstable County budget through appropriations by the County. The Energy Efficiency Program is funded through the monies collected and allocated for that program under state law, as well as other grants or monies available for energy efficiency program administration. The budget for the Energy Efficiency Program is specified in the Compact's Three-Year Plan, as approved by the DPU.

The initial start-up costs for the Power Supply Program were funded as a regional service through County appropriations. In the event that Barnstable County funding is not sufficient or available, the Compact may utilize a variety of funding sources, including, among other things: funds based on a fraction of consumer benefits expressed as a kilowatt hour charge, equivalent of up to a mill per kilowatt hour, as a portion of shared savings, or separate private funds. (See section 6.2 on the process for approval of such alternative funding.) As of July 2012, Barnstable County ceased to appropriate funds for the Compact.

### **4.0 ACTIVATION AND TERMINATION OF THE POWER SUPPLY PROGRAM**

**Section 4.1 through Section 4.1.7 describe the process the Compact followed to implement the Compact's Power Supply Program, and provide historical context. The Compact's existing Power Supply operations are outlined in Section 2.3.1. (These and the other sections in the Aggregation Plan which are included only for historical context are italicized.)**

#### ***4.1 Activation of the Power Supply Program***

*Following the process of local aggregation, and competitive procurement of a proposed contract by the Compact, activation of the Power Supply Program requires six steps:*

- 1) Acceptance of the supply contract by the board of selectmen or town council of a member town pending Department of Telecommunications & Energy ("DTE") approval.*
- 2) DTE approval of the supply contract and plan.*
- 3) Final agreement of the supply contract by each town.*
- 4) Notification of consumers on Standard Offer service and Default Service of pending automatic enrollment in the member towns that have agreed to the contract.*
- 5) Automatic enrollment of all consumers currently receiving Standard Offer Service or Default Service (excluding those who opt out prior to service start-up deadlines), and voluntary enrollment of those receiving competitive supply from another provider that they wish to terminate.*
- 6) Activation of customers' service on billing cycle dates.*

- 7) *Start of 180-day period for customer opt-out beginning with the first day of service to return to Standard Offer service during the time it is available.*

*Each of these steps is described below:*

#### ***4.1.1 Acceptance of the Contract By Compact Member Town***

*All power supply contracts negotiated by the Compact shall be expressly conditioned upon the acceptance of the contract by boards of selectmen or town council in the member towns and approval of the Department of Telecommunications and Energy. Suppliers and power supply contracts must comply with all applicable laws and rules and regulations promulgated by the Department of Telecommunications and Energy concerning competitive suppliers. At the local level, acceptance of the power supply contract will take place in each member town following a public hearing. A final signing of the contract by each individual member town will be held until approval of the contract is provided by the Department of Telecommunications and Energy.*

*Upon acceptance of a contract, a member town board of selectmen or town council shall file a certificate of the vote with the Compact within five (5) days of its decision.*

#### ***4.1.2 DTE Approval of Power Supply Contract and Plan***

*The Compact shall file the town certificates of vote, the contract and aggregation plan with the Department of Telecommunications and Energy. The DTE is required to hold a public hearing on the plan. Under law, the contract is required to contain a price lower than the Standard Offer, unless it can be demonstrated that the price for energy will be lower than the Standard Offer in subsequent years, or it can be demonstrated that such excess price is due to the purchase of renewable energy.*

#### ***4.1.3 Signing of Power Supply Contract by Each Member Town***

*Following the approval of the Department of Telecommunications and Energy, each individual member town may sign or reject the contract. With the signing of the contract by the town, the terms and conditions in the contract will be utilized for service for consumers within municipal boundaries, except for those consumers who have selected a competitive supplier prior to the contract activation date and do not wish to switch to service under the Compact contract, or those consumers who affirmatively opt out of the program. In addition, all consumers relocating to the area will be enrolled in the Compact's Power Supply Program, unless they choose another supplier, or opt out following activation of service.*

*The Compact shall file with the DTE, DOER, and Inspector General within 15 days of signing by the member towns, the signed power supply contract and a report detailing the process used to execute the contract.*

#### **4.1.4 Notification of Consumers**

*Following approval of the contract by the DTE, the Compact shall undertake notification of all consumers on Standard Offer and Default Service to be enrolled prior to enrollment. The Compact shall also generally notify all consumers receiving competitive service in the participating towns of their eligibility to receive power from the Compact supplier. The process of Notification shall be multi-layered: 1) a notice included in the monthly electric bill, or a separate mailing; 2) newspaper notices; 3) public service announcements; 4) posting of notice in town halls.*

*Prior to enrollment, this notification shall: 1) inform consumers they have the right to opt out of the aggregated entity without penalty and choose standard offer service until 180 days after their first day of service; 2) prominently state all charges to be made and a comparison of the price and primary terms of the Compact contract compared to the price and terms of Commonwealth Electric's Standard Offer; 3) explain how to opt out; 4) state how to access the Standard Offer; 5) provide written notification if any charges associated with the opt-out will be made by the Supplier following the 180 day period.*

#### **4.1.5 Notification of Commonwealth Electric**

*Along with notification of consumers in the participating member towns, the Compact shall notify Commonwealth Electric Company to begin preparation of the administrative process to transfer customers to the Compact supplier in each of the participating towns. Commonwealth Electric Company shall prepare for transfer of Standard Offer customers coincident with each customer's billing cycle. [Alternatively, or in combination with the Compact notification, the selected supplier may notify Commonwealth Electric to begin preparation of the administrative process.]*

#### **4.1.6 Activation of Customer Service**

*The process of activation is an administrative function with three parts: 1) Data preparation: Commonwealth Electric will identify all customers on Standard Offer and Default Service in the participating towns by eliminating those customers who have already selected a competitive supplier; 2) Data verification: To the extent needed, if not inherent in data preparation, Commonwealth Electric shall check customer meter numbers and other codes to verify proper eligible customer identification; 3) Automatic Enrollment: All verified customers shall be transferred to the Compact supplier coincident with Commonwealth Electric's 21-cycle billing period, unless they have previously sent in notification of their intent to opt out according to established deadlines. Eligible customers on all 21 cycles will be enrolled with the new supplier over the period of one month. Commonwealth Electric shall notify each transferred consumer of the change to the Compact supplier with its last bill for Standard Offer service. Service under the new supplier shall begin at the start of the billing period following transfer.*

#### **4.1.7 Customer Opt-Out**

*Customers may opt out of service from the Compact supplier at no charge either in advance of service start up deadlines or during a period of 180 days commencing with the first day of service. Customers who seek to return to Standard Offer service must provide notice to Commonwealth Electric, five (5) or more business days before the next scheduled meter read date. There shall be no charge for returning to Standard Offer service in this manner. Customers wishing to opt-out sooner than the scheduled meter read may also request an unscheduled meter read and pay a fee to Commonwealth Electric. Further opportunities for customer opt-out may be negotiated by the Compact and the competitive power supplier and included in the terms of the contract presented to the DTE, Boards of Selectmen and Town Council, and made part of the public information offered to each consumer.*

#### **4.2 Termination of the Power Supply Program**

The Power Supply Program may be terminated in three ways:

- 1) Upon the termination or expiration of the power supply contract without any extension, renewal, or subsequent supply contract being negotiated.
- 2) At the decision of the Compact Governing Board to dissolve the Power Supply Program.
- 3) By DPU Order due to the Compact switching its customers from aggregated competitive supply to Basic Service based on price.

Member municipalities may also choose not to participate in an extension, renewal, or subsequent supply contract the Compact has negotiated, but such withdrawal will constitute closure of the program for that municipality only, and for that contract period only. Any termination must be conducted in compliance with the DPU's conditions for termination established in D.T.E. 00-47.

Each individual customer receiving power supply service under the Compact's Power Supply Program will receive notification of termination of the program ninety (90) days prior to such termination.

In the event of contract termination, consumers would return to the distribution company's basic service or choose a competitive supplier.

### **5.0 METHODS FOR ENTERING AND TERMINATING AGREEMENTS WITH OTHER ENTITIES**

The Compact's process for entering, modifying, enforcing, and terminating agreements shall comply with the requirements of town charters, and state and federal laws. Where required, the procedures outlined in G.L. c. 30B shall be followed. Other agreements, such as the Inter-Governmental Agreement, shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

## **6.0 RATESETTING AND OTHER COSTS TO PARTICIPANTS**

The Compact will offer the option of a Power Supply Program at rates and terms to be negotiated with competitive power suppliers. The generation charge for each customer class, or any customer grouping by load factor or other appropriate pricing category, will reflect the Compact's best efforts to secure the best terms and conditions and the most competitive market rates available at the time of contracting with competitive power suppliers. All supplier charges to the customer will be fully and prominently disclosed under the notification process.

The local distribution company shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function until such time as the DPU determines it is in the interest of consumers for these services to be provided differently. Charges for metering, billing and other distribution services shall be regulated by the DPU, unless otherwise provided for in law, or DPU rules and regulations.

### **6.1 Rates and Ratesetting**

Under DPU orders, the Local Distribution Company assigns the customer classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, and an access charge that currently make up the largest portion of a customer bill. Although the Compact shall participate in regulatory proceedings and represent the interests of consumers regarding these regulated rates, it will not assign or alter existing customer classifications without the approval of the DPU.

The focus of the Compact, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the consumer bill as the "generation charge". The price in the contract is subject to any requirements set forth in G.L. c. 164, §134, as well as approval by the Compact's CPO. Municipal power supply contracts are approved at the local level by either the Town Manager or Board of Selectmen.

On its website ([www.capelightcompact.org](http://www.capelightcompact.org)), the Compact maintains its current power supply rates for each rate class and the period for which the current rates apply. The Compact also provides an active link to the Local Distribution Company's Basic Service Rate and to the Executive Office of Energy and Environmental Affairs website for a list of licensed competitive electric suppliers. The Compact cannot ensure or verify the accuracy of the information provided by other service providers.

### **6.2 Other Costs to Consumers**

Aside from any funds appropriated through a public process by the counties, or a member town, consumer bills will reflect all charges for the administrative and operational costs of the Power Supply Program. If Power Supply Program funding is derived from a portion of shared savings or a kilowatt hour charge in an amount equivalent to up to a mill (an "Operational Adder"), such determination takes place in a public process, that includes public notice, a public hearing, and a weighted vote by Compact representatives. [A weighted vote by the Compact Governing Board

follows the standard of weight by population of each town.] DPU approval of an Operational Adder is sought to the extent required.

The Governing Board goes through a budget process every year to appropriate funds collected through the Operational Adder. The budget is posted to the Compact's website and updates on the status of that budget are given in the public portion of all Governing Board meetings and posted to the website.

In 2013, the Compact Governing Board approved a policy that requires use of any portion of the Operational Adder/power supply reserve fund shall follow the Compact's budget appropriation process.

The unreserved portion of the Operational Adder/power supply reserve fund, after appropriation of the annual power supply operating budget, shall not exceed:

1. The subsequent year's REC commitment;
2. The average of the previous three years' power supply operating budget;
3. The historical cost of procuring a new supplier should the existing contract terminate; and
4. Adequate funds for REC contractual obligations such as escrow accounts and other sureties.

At the end of each fiscal year, any appropriations from the Operational Adder/power supply reserve fund, as well as examination of the power supply fund itself, will be subject to review by an independent financial auditor.

All Compact funds are included in the fiscal agent's (Barnstable County) annual financial audit as agency funds.

### **6.3 Customer Billing**

Customer billings under the Power Supply Program will be made by the supplier under contract and shall be incorporated into the standard monthly utility billing. The bill shall include a clear delineation of all regulated and non-regulated charges. Under law, consumers are entitled to a choice of one or two bills. They may receive a "complete bill" that incorporates the power supply charge and the Local Distribution Company's charges on a single sheet; or a "pass-through bill" which is a separate bill issued by the power supplier in addition to the bill from the Local Distribution Company. For purposes of clarity and simplicity, the Compact recommends that consumers elect to receive a "complete bill" with all charges on a single sheet. However, consumers may make their own choice on this issue.

### **7.0 UNIVERSAL ACCESS**

"Universal access" is a term derived from the traditional regulated utility environment in which all customers desiring service receive that service. For the purposes of the Compact's municipal aggregation program this will mean that all existing customers within the borders of participating municipalities, and all new customers in the participating municipalities, shall be eligible for

service from the contracted supplier under the terms and conditions of the supply contract. Item one of the Compact's goals contained in the Inter-Governmental Agreement is: "To provide the basis for aggregation of all consumers on a non-discriminatory basis."

Service under the Compact's Power Supply Program shall include all customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all suppliers shall contain provisions to maintain these principles and equitable treatment of all customer classes.

Existing customers in the participating towns shall be transferred to the Power Supply Program unless they have already contracted with a competitive supplier, or affirmatively opt out of the program.

Low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to Basic Service through the Local Distribution Company and/or participate in the Power Supply Program as well.

New customers in the service territory upon sign up for service will be automatically enrolled in the Power Supply Program with the right to opt out at any time.

## **8.0 EQUITABLE TREATMENT OF ALL CLASSES OF CUSTOMERS**

All customers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the supplier; be provided all required notices and information; and always retain the right to opt out of the Compact's program or switch suppliers.

## **9.0 REPORTING**

The Compact shall submit an annual report to the DPU on December 1<sup>st</sup> of each year. The annual report shall, at a minimum, provide: 1) a list of the Compact's competitive suppliers over the past year; 2) the term of each power supply contract; 3) the aggregation's monthly enrollment statistics by customer class; 4) a brief description of any renewable energy supply options and other renewable energy features that exceed minimum requirements; and 5) a discussion and documentation regarding the implementation of the municipal aggregation's alternative information disclosure strategy, to the extent applicable. The Compact's first annual report shall be filed on December 1, 2014.

## **10.0 RELIABILITY**

"Reliability" in power supply and in transmission and distribution is essential to consumers. The Compact's policy, contained in item six of the goals of the Inter-Governmental Agreement is: "To improve quality of service and reliability." This will be accomplished and reinforced at several levels: 1) through provisions of the power supply contract that will include language on reliability of supply, liability and damages provisions; 2) through traditional proceedings related to the Local Distribution Company's regulated transmission and distribution services; and 3)

through direct discussions with the Local Distribution Company concerning specific or general problems related to quality and reliability of transmission and distribution service.

## **11.0 RIGHTS AND RESPONSIBILITIES OF POWER SUPPLY PROGRAM PARTICIPANTS**

### **11.1 Rights**

All Power Supply Program participants shall enjoy the protections of law afforded to consumers as they currently exist or as they may be amended from time to time. These include rights to question billings or service quality or service practices. Under protocols developed by the DPU, problems related to billing or service shall be directed to the appropriate parties. All program participants shall also enjoy the individual right to decline participation in the Power Supply Program as noted in the description of the “opt-out” in section 4.1.7 above.

### **11.2 Responsibilities**

All Power Supply Program participants shall meet all standards and responsibilities required by the DPU, including payment of billings and access to essential metering and other equipment to carry out utility operations.

## **12.0 THE CONSEQUENCES OF AGGREGATION**

Municipal aggregation functions under the restrictions of state law and carries a range of results and consequences:

### **12.1 Consumer Option to Participate in Competitive Market**

Many individual consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may more effectively participate in the competitive process and achieve benefits.

### **12.2 Lower Price or Renewable Energy**

The Compact may elect at times to pursue renewable energy in excess of the Renewable Energy Portfolio Standards. Pursuit of renewable energy generation and/or certificate contracts may, or may not, yield lower power supply prices compared to market prices. Additionally, the Compact may offer an opt-in green power program.

### **12.3 Consumer Ability to Opt Out and Choose Another Supplier**

Because the law guarantees the right to opt out, including the right to choose Basic Service at no charge for 180 days, all customers have the right to select a supplier other than the one chosen by the Compact.



#### **12.4 Recovery and Use of Energy Efficiency Funds at Local Level**

Because the law allows municipal aggregators to recover funds paid by consumers and apply them in approved energy efficiency programs, a third consequence is the opportunity to reduce energy use and total bills through the aggregation program.

#### **12.5 Indemnification of Consumers and Risk Associated with Competitive Market**

In a competitive market it is possible that the failure of a power supplier to deliver service may result in the need for consumers to acquire alternative power supply, or for consumers to receive power at Basic Service prices. The Compact will seek to minimize this risk by recommending only reputable suppliers who demonstrate reliable service. The Compact also intends to include conditions in its contract with a supplier that will indemnify consumers against risks or problems with power supply service.

#### **12.6 Other Consumer Protections**

The Compact will negotiate a range of provisions in its contracts to enhance consumer protection. The Compact also intends to work with the Local Distribution Company and the DPU to assure improvement in the reliability of transmission and distribution services.

#### **13.0 MEET ANY REQUIREMENTS ESTABLISHED BY LAW OR THE DEPARTMENT CONCERNING AGGREGATED SERVICE**

The Compact fully intends to comply with the requirements of law and the rules of the DPU.

#### **14.0 UPDATING THE COMPACT'S AGGREGATION PLAN**

In accordance with DPU 12-124, the Compact will update its Aggregation Plan should the Compact seek to materially deviate from its approved plan or if changes in the law, regulations, the competitive supply market, or other circumstances result in the approved plan no longer accurately describing the primary operations of the Compact's aggregation. Prior to filing a revised plan with the DPU, the Compact will consult with DOER, submit the revised plan for review by its citizens, and obtain all necessary approvals. Beyond these circumstances, however, the Compact will not seek to update its Aggregation Plan for the continued operation of the Compact's programs. The Compact and the Compact members also may make periodic updates to the Inter-Governmental Agreement.



# CAPE LIGHT COMPACT AGGREGATION PLAN

**For additional information contact:**

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Telephone: (508) 375-6636

APRIL 2000

# Purpose of the Aggregation Plan

The Cape Light Compact developed this Aggregation Plan in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Compact. The Aggregation Plan has been developed in consultation with the Massachusetts Division of Energy Resources (DOER).

The Cape Light Compact is a cooperative effort of 21 Cape and Island towns and Barnstable and Duke counties. The Compact was formed in 1997 following two years of study and town meetings and town council votes. Its purpose is to represent consumer interests in emerging competitive markets for electricity. It seeks to aggregate all consumers to negotiate the best rates for the supply and distribution of electricity and to advance consumer protection for the residents and businesses of Cape Cod and the Vineyard. It brings together the buying power of more than 185,000 customers. Participation is voluntary for the towns and for each individual consumer. Any individual has the opportunity to decline service provided through the Compact and choose any electric supplier they wish.

The Compact provides: 1) an option to join together for purchase of power supply at reduced rates; 2) an option for recovery of funds collected from Cape consumers by Commonwealth Electric each year for energy efficiency, and application of those funds in locally approved energy efficiency and conservation programs; 3) an opportunity for professional representation at the state level and in negotiations with Commonwealth Electric as the electric industry continues in its transition.

The Compact distributed this plan for public review prior to submitting it the Department of Telecommunications and Energy ("DTE" or "Department").

## Member towns:

### (Barnstable County):

Barnstable    Harwich  
Bourne        Mashpee  
Brewster      Orleans  
Chatham      Provincetown  
Dennis        Sandwich  
Eastham      Truro  
Falmouth     Wellfleet  
                  Yarmouth

### (Dukes County):

Aquinnah  
Chilmark  
Edgartown  
Oak Bluffs  
Tisbury  
West Tisbury

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- 6.0 Ratesetting and Other Costs to Participants
- 7.0 Universal Access
- 8.0 Equitable Treatment of All Classes of Customers
- 9.0 Reliability
- 10.0 Rights and Responsibilities of Power Supply Program Participants
- 11.0 The Consequences of Aggregation
- 12.0 Meet Any Requirements Established By Law or the Department Concerning Aggregated Service

# REQUIREMENTS FOR MUNICIPAL AGGREGATION

The Massachusetts Electric Industry Restructuring Act contains several requirements for municipal aggregators. One requirement is to develop an Aggregation Plan in consultation with the Massachusetts Division of Energy Resources. The Aggregation Plan is subject to review by citizens in the participating towns, and approval by the Department of Telecommunications and Energy. Under the law [M.G.L. c 164, section 134], there are twelve requirements to be described in the Aggregation Plan.

## **1.0 THE PROCESS OF AGGREGATION**

The process of municipal aggregation for the Compact involves a multi-step public process:

- 1.1 Vote of town meeting
- 1.2 Vote of selectmen, town council, or county commissioners
- 1.3 Town/county representative participates on Compact Governing Board
- 1.4 Planning process/development of policy including Aggregation Plan, RFPs, contracts
- 1.5 Development and release of Request for Proposals
- 1.6 Review of Aggregation Plan by citizens
- 1.7 Power supply contract to selectmen/town council for acceptance vote, conditioned on DTE approval and final signing
- 1.8 Power supply contract and Aggregation Plan submitted to DTE for approval
- 1.9 Final signing by each participating town
- 1.10 Notification of consumers of automatic enrollment
- 1.11 Administrative transfer of customers to Compact supplier(s)
- 1.12 180-day opt-out period begins on first day of service
- 1.13 File contract and report with state (DTE, DOER, Inspector General) within 15 days of signing contract.

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## **2.0 THE ORGANIZATIONAL STRUCTURE AND OPERATIONS OF THE CAPE LIGHT COMPACT PROGRAM**

The Cape Light Compact has been organized in accordance with state law. It is an intergovernmental organization authorized by votes of town meeting, boards of selectmen, town council, and county commissioners. It consists of 21 towns and Barnstable and Dukes counties. Its articles of organization comprise a formal Intergovernmental Agreement signed by each

participating town or county member. Membership provides voting rights and inclusion for planning, analysis, and participation in Compact programs. The organization relies on the existing structure of local and county government and agreements between government agencies.

The Cape Light Compact Governing Board is made up of one representative appointed by each of the member municipalities and the two counties, as well as an alternate representative that each member and county may appoint. The Governing Board is responsible for establishment of the policies and development of the Compact, except with respect to those powers reserved to the member municipalities of the Compact by law or the Intergovernmental Agreement.

At its first meeting following the end of each fiscal year, The Governing Board elects a chairman, vice chairman, treasurer, and secretary, and such other officers as the Governing Board may determine. The term of office is one year and until respective successors are elected and qualified.

Officers for Fiscal year 1999/2000:

Robert Mahoney, Chairman

Charlotte Striebel, Vice Chairman

Tom Bernardo, Treasurer

Robert O'Leary, Secretary

The Compact Governing Board and these officers are responsive and responsible to consumers and the Boards of Selectmen and Town Council at whose pleasure they serve. The operational role of the Compact in relation to consumers and Boards of Selectmen and Town Council is outlined and described in the following pages.

There are six operational levels to the Cape Light Compact as indicated in the chart below. The function of each level is described in section 2.1 following the chart.

# CAPE LIGHT COMPACT

## Operational Outline

Consumers  
\* voting power  
(town meeting and elections)  
**Level 1**

Board of Selectmen  
and Town Council  
\* decisions on contracts  
\* instructions to representative  
**Level 2**

Compact Governing Board  
\* policy and program decisions  
\* recommendation on contracts  
\* oversight for technical and legal support  
**Level 3**

Barnstable County  
\* fiscal and administrative agent  
\* administrative support and coordination  
\* communications  
**Level 4**

Service Suppliers  
\* service delivery  
**Level 5**

Consumers  
\* buying power  
**Level 6**



## **2.1 Description of Operational Levels**

### **Level One: Consumers**

Consumers hold the ultimate authority over the Compact and its functions. They can make determinations on local authority, policy, and programs at town meetings. They can elect candidates for Board of Selectmen or Town Council who may take positions regarding the Compact. They can express their views to their local Compact representative. They can participate in local and regional meetings and hearings regarding issues related to the Compact. And they can attend Compact meetings to express their views. (Also see Consumer buying power at Level Six below.)

### **Level Two: Board of Selectmen and Town Council**

Based upon their existing authority, or authority provided by voters at town meetings, the Board of Selectmen and Town Council may act on program and policy issues and contract recommendations. In addition, they may provide instructions to their representative on the Compact Board of Directors regarding specific policy or program decisions to be made by the Compact. They may also raise issues directed to them by consumers for the Compact to address.

### **Level Three: Compact Governing Board**

The Compact Governing Board carries out the collective decisions and instructions of the towns and consumers. Every member town that signs the intergovernmental agreement has a representative on the Compact Board. Policy and program decisions are made on a one-town-one-vote basis. However, issues with financial implications for the towns are made on the basis of a weighted vote. A weighted voting process also allows separate determinations by Barnstable County and Dukes County towns. The Compact's subcommittees focus on particular issues and bring policy decisions back to the Governing Board. The Governing Board determines recommendations to be made to the Boards of Selectmen and Town Council and to the two Counties. (See the Governing Board Structure and representatives listed on the attachment following Section 12.)

### **Level Four: Barnstable County**

As the fiscal agent for the Compact, Barnstable County provides the day-to-day management and supervision of the business affairs of the Compact under an Administrative Services Agreement. The County serves as the Compact's procurement agent, utilizing its existing staff to solicit services as requested by the Compact. In addition, the County provides office and meeting space and administrative support to coordinate the Compact's operations. This administrative support includes: 1) communications; 2) program development; 3) record-keeping; 4) oversight of program administrators and professional consultants who assist in service procurement and contract oversight and maintenance.

## Level Five: Service Suppliers

Power suppliers contract with each town through its Board of Selectmen or Town Council. The power supply program is negotiated, recommended, and monitored for compliance by the Compact and/or its designee. Each town can accept or reject the proposed power supply contract. No power supply contract is binding on any individual member town, until approved by that member town. Contracts with consultants or vendors of energy efficiency or Demand Side Management services, or other services negotiated and recommended by the Compact, are administered by Barnstable County on behalf of the Compact member towns and Dukes County.

## Level Six: Consumers

Every consumer in a town that votes to participate will be eligible to participate in the Compact's programs. Every consumer will also have the ability to decline supply service through the Compact and choose any other power supply option they wish. Consumers who are dissatisfied with services provided under contracts negotiated by the Compact may also communicate directly with the Compact Governing Board in an effort to alter or otherwise improve service. Consumers may also bring issues before their Board of Selectmen, Town Council, or town meeting. (See Level One above.)

## 2.2 Program Operations

The Compact's operations are guided by the provisions and goals contained in the Intergovernmental Agreement, and the instructions and decisions of the Compact Governing Board, Board of Selectmen, Town Council, and consumers.

The Compact's goals, outlined in the Intergovernmental Agreement, state the organization's purposes:

- 1) To provide the basis for aggregation of all consumers on a non-discriminatory basis;
- 2) To acquire the best market rate for electricity supply and transparent pricing;
- 3) To provide equal sharing of economic savings based on current electric rates and/or cost-of-service rate-making approved by the Department of Telecommunications and Energy;
- 4) To provide and enhance consumer protection and options for service under contract provisions and to allow those consumers who choose not to participate to opt-out;
- 5) To improve quality and reliability of service;
- 6) To encourage environmental protection through contract provisions;
- 7) To utilize and encourage renewable energy development to the extent practicable through contract provisions, demonstration projects and state mandated system benefit charges for renewable energy;
- 8) To utilize and encourage demand-side management and other forms of energy efficiency through contract provisions and state mandated system benefit charges for energy

- efficiency;
- 9) To advance specific community goals that may be selected from time to time, such as placing utility wires underground;
  - 10) To provide full public accountability to consumers; and
  - 11) To utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

## **2.3 Programs of the Compact**

The Compact offers two programs to achieve its goals: 1) the Community Choice Power Supply Program; 2) The Cape/Island Save Energy Efficiency Program. In addition, the Compact provides professional representation on behalf of consumers in state proceedings and in negotiations with Commonwealth Electric to protect consumer interests in an evolving marketplace.

### **2.3.1 Community Choice Power Supply Program**

The power supply program is designed to reduce the amount consumers pay for electric energy, and to gain other favorable economic and non-economic terms in service contracts. The Compact does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the Compact develops a contract with a power supplier for firm, all-requirements service. The contract runs for a fixed term (i.e. four years). The law requires the Compact's power supply price to be lower than Commonwealth Electric's standard offer, or to show a notable amount of renewable energy in the supply mix. The process of supply contract approval contains checks and balances. Once the contract has been negotiated by the Compact, it must be submitted to the Board of Selectmen or Town Council in member towns for approval. It must also be submitted to the Massachusetts Department of Telecommunications and Energy for approval. And lastly, individual consumers may opt out of the program, and select the Standard Offer or any supplier they wish during a 180 day period following their first date of service under the Compact power supply contract. (See section 4.1.7 for more detailed information on the opt-out process.) No member town is required to participate in power supply contracts. And no individual consumer is required to receive service under the Compact contract.

### **2.3.2 Cape/Island Save Energy Efficiency Program**

While the Power Supply program is designed to reduce the cost of a kilowatt hour of energy, the Energy Efficiency program is aimed at total bill reduction. Wise use of energy also promotes important environmental and social benefits. Energy efficiency, or "Demand Side Management" includes practices, technology and education to advance methods for reducing energy use and monthly bills for residential, commercial, industrial, and municipal consumers. The Compact program follows a process outlined in state law for aggregated municipalities to

access funds contributed by consumers and apply them according to a plan approved at the local and state levels. The purpose of the Compact program is to return maximum benefits to consumers who are providing the funds and to provide building blocks for market transformation. [Market transformation is an anticipated process in which program subsidies will ultimately be eliminated and consumers will make non-subsidized market decisions on the purchase of energy efficiency measures.] The amount of funds paid by Cape and Island consumers is estimated to be \$5 million per year for 1998-2002; a total of approximately \$25 million. The Compact has developed the required plan and submitted it to Town Meetings and Town Council for approval. As required by law, the Compact will submit the plan to the Department for its approval as well.

### **2.3.3 Professional Representation**

As the electric industry continues in its transition, it is essential for Cape and Vineyard consumers to have technical and legal support to represent their interests in selected state proceedings, and in negotiations with Commonwealth Electric Company. While intended to complement the Compact's power supply and energy efficiency programs, this effort will also attempt to improve reliability, which may result in fewer power outages, and faster restoration of service.

## **2.4 Staffing and Manpower for Programs**

The operations necessary to plan, deliver, and manage the two Compact programs include: 1) technical analysis; 2) competitive procurement of services; 3) regulatory approvals; 4) accounting and fiscal management; 5) contract maintenance; 6) communications; 7) program coordination, and; 8) administrative support for the Compact Governing Board. The Compact intends to utilize existing staff and structure within Barnstable County and Dukes County, and to operate the Compact programs with minimal staff. The primary manpower for program operations and service delivery will be experienced consultants working under contract for the Compact.

The Power Supply program has been developed by the Compact Governing Board with the support of technical consultants and legal counsel. Now that a contract for power supply has been secured, technical consultants and legal counsel will be used on an as-needed basis to assist the Governing Board.

The Energy Efficiency program will be managed by a team of experienced energy management consultants who will assist in the oversight of service delivery. Service delivery for the Energy Efficiency program will be carried out by vendors. Both management and vendors will be procured through a competitive contracting process. As noted above, the Energy Efficiency Program has been developed under a separate plan submitted to Town Meeting and Town Council for approval, and to be submitted to the Massachusetts Department of Telecommunications and Energy to assure compliance with state energy goals.

Negotiations with Commonwealth Electric and representation at the state level will be undertaken as needed at the direction of the Compact Governing Board through technical and legal advisors.

### **3.0 PROGRAM FUNDING**

Funding for Compact programs comes from a variety of sources: grants, appropriations, and monies for energy efficiency funded by ratepayers.

Development of the Compact has been funded as part of the Barnstable County budget through appropriations by the County. The Energy Efficiency program will be funded through the monies to be collected and allocated for that program under state law. The budget for the Energy Efficiency program will be specified in a separate plan to be submitted for approval by town meeting and the Department of Telecommunications and Energy. The development of the Power Supply program which has been funded as a regional service by County appropriations is budgeted at the following levels:

<b>FY 1999</b>	<b>\$297,000 (expended)</b>
<b>FY 2000</b>	<b>\$259,500 (budgeted)</b>

These start-up costs are anticipated to be higher than on-going costs of contract maintenance for the power supply program. Barnstable County funding of the Power Supply program at a reduced level is anticipated to continue to cover contract maintenance as a regional service for consumers at a fraction of the savings achieved. In the event that Barnstable County funding would no longer be available, the Compact may utilize a variety of funding sources, including without limitation: funds based on a fraction of consumer benefits expressed as a kilowatt hour charge [equivalent to fractions of a mill per kilowatt hour], as a portion of shared savings, or separate private funds. (See section 6.2 on the process for approval of such alternative funding.)

### **4.0 ACTIVATION AND TERMINATION OF THE POWER SUPPLY PROGRAM**

#### **4.1 Activation of the Power Supply Program**

Following the process of local aggregation, and competitive procurement of a proposed contract by the Compact, activation of the Power Supply Program requires six steps:

- 1) Acceptance of the supply contract by the board of selectmen or town council of a member town pending DTE approval.

- 2) DTE approval of the supply contract and plan.
- 3) Final agreement of the supply contract by each town.
- 4) Notification of consumers on Standard Offer service and Default Service of pending automatic enrollment in the member towns that have agreed to the contract.
- 5) Automatic enrollment of all consumers currently receiving Standard Offer Service or Default Service (excluding those who opt out prior to service start-up deadlines), and voluntary enrollment of those receiving competitive supply from another provider that they wish to terminate.
- 6) Activation of customers' service on billing cycle dates.
- 7) Start of 180-day period for customer opt-out beginning with the first day of service to return to Standard Offer service during the time it is available.

Each of these steps is described below:

#### **4.1.1 Acceptance of the Contract By Compact Member Town**

All power supply contracts negotiated by the Compact shall be expressly conditioned upon the acceptance of the contract by boards of selectmen or town council in the member towns and approval of the Department of Telecommunications and Energy. Suppliers and power supply contracts must comply with all applicable laws and rules and regulations promulgated by the Department of Telecommunications and Energy concerning competitive suppliers. At the local level, acceptance of the power supply contract will take place in each member town following a public hearing. A final signing of the contract by each individual member town will be held until approval of the contract is provided by the Department of Telecommunications and Energy.

Upon acceptance of a contract, a member town board of selectmen or town council shall file a certificate of the vote with the Compact within five (5) days of its decision.

#### **4.1.2 DTE Approval of Power Supply Contract and Plan**

The Compact shall file the town certificates of vote, the contract and aggregation plan with the Department of Telecommunications and Energy. The DTE is required to hold a public hearing on the plan. Under law, the contract is required to contain a price lower than the Standard Offer, unless it can be demonstrated that the price for energy will be lower than the Standard Offer in subsequent years, or it can be demonstrated that such excess price is due to the purchase of renewable energy.

#### **4.1.3 Signing of Power Supply Contract by Each Member Town**

Following the approval of the Department of Telecommunications and Energy, each individual member town may sign or reject the contract. With the signing of the contract by the town, the terms and conditions in the contract will be utilized for service for consumers within municipal boundaries, except for those consumers who have selected a competitive supplier prior to the contract activation date and do not wish to switch to service under the Compact contract, or those consumers who affirmatively opt out of the program. In addition, all consumers relocating to the area will be enrolled in the Compact's power supply program, unless they choose another supplier, or opt out following activation of service.

The Compact shall file with the DTE, DOER, and Inspector General within 15 days of signing by the member towns, the signed power supply contract and a report detailing the process used to execute the contract.

#### **4.1.4 Notification of Consumers**

Following approval of the contract by the DTE, the Compact shall undertake notification of all consumers on Standard Offer and Default Service to be enrolled prior to enrollment. The Compact shall also generally notify all consumers receiving competitive service in the participating towns of their eligibility to receive power from the Compact supplier. The process of Notification shall be multi-layered: 1) a notice included in the monthly electric bill, or a separate mailing; 2) newspaper notices; 3) public service announcements; 4) posting of notice in town halls.

Prior to enrollment, this notification shall: 1) inform consumers they have the right to opt out of the aggregated entity without penalty and choose standard offer service until 180 days after their first day of service; 2) prominently state all charges to be made and a comparison of the price and primary terms of the Compact contract compared to the price and terms of Commonwealth Electric's Standard Offer; 3) explain how to opt out; 4) state how to access the Standard Offer; 5) provide written notification if any charges associated with the opt-out will be made by the Supplier following the 180 day period.

#### **4.1.5 Notification of Commonwealth Electric**

Along with notification of consumers in the participating member towns, the Compact shall notify Commonwealth Electric Company to begin preparation of the administrative process to transfer customers to the Compact supplier in each of the participating towns. Commonwealth Electric Company shall prepare for transfer of Standard Offer customers coincident with each customer's billing cycle. [Alternatively, or in combination with the Compact notification, the selected supplier may notify Commonwealth Electric to begin preparation of the administrative process.]

#### **4.1.6 Activation of Customer Service**

The process of activation is an administrative function with three parts: 1) Data preparation: Commonwealth Electric will identify all customers on Standard Offer and Default Service in the participating towns by eliminating those customers who have already selected a competitive supplier; 2) Data verification: To the extent needed, if not inherent in data preparation, Commonwealth Electric shall check customer meter numbers and other codes to verify proper eligible customer identification; 3) Automatic Enrollment: All verified customers shall be transferred to the Compact supplier coincident with Commonwealth Electric's 21-cycle billing period, unless they have previously sent in notification of their intent to opt out according to established deadlines. Eligible customers on all 21 cycles will be enrolled with the new supplier over the period of one month. Commonwealth Electric shall notify each transferred consumer of the change to the Compact supplier with its last bill for Standard Offer service. Service under the new supplier shall begin at the start of the billing period following transfer.

#### **4.1.7 Customer Opt-Out**

Customers may opt out of service from the Compact supplier at no charge either in advance of service start up deadlines or during a period of 180 days commencing with the first day of service. Customers who seek to return to Standard Offer service must provide notice to Commonwealth Electric, five (5) or more business days before the next scheduled meter read date. There shall be no charge for returning to Standard Offer service in this manner. Customers wishing to opt-out sooner than the scheduled meter read may also request an unscheduled meter read and pay a fee to Commonwealth Electric. Further opportunities for customer opt-out may be negotiated by the Compact and the competitive power supplier and included in the terms of the contract presented to the DTE, Boards of Selectmen and Town Council, and made part of the public information offered to each consumer.

### **4.2 Termination of the Power Supply Program**

The power supply program may be terminated in two ways:

- 1) Upon the termination or expiration of the power supply contract without any extension, renewal, or subsequent supply contract being negotiated;
- 2) At the decision of the Compact Governing Board to dissolve the power supply program.

Member municipalities may also choose not to participate in an extension, renewal, or subsequent supply contract the Compact has negotiated, but such withdrawal will constitute closure of the program for that municipality only, and for that contract period only.



Each individual customer receiving power supply service under the Compact's power supply program will receive notification of termination of the program ninety (90) days prior to such termination.

In the event of contract termination, consumers would return to the distribution company's default service or choose a competitive supplier.

## **5.0 METHODS FOR ENTERING AND TERMINATING AGREEMENTS WITH OTHER ENTITIES**

The Compact's process for entering, modifying, enforcing, and terminating agreements shall comply with the requirements of town charters, and state and federal laws. Where required, the procedures outlined in MGL Chapter 30B shall be followed. Other agreements, such as the Intergovernmental Agreement, shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

## **6.0 RATESETTING AND OTHER COSTS TO PARTICIPANTS**

The Cape Light Compact will offer the option of a Community Choice Power Supply Program at rates and terms to be negotiated with competitive power suppliers. The generation charge for each customer class, or any customer grouping by load factor or other appropriate pricing category, will be lower than the Standard Offer generation charge. All supplier charges to the customer will be fully and prominently disclosed under the notification process.

The local distribution company shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function until such time as the Massachusetts Department of Telecommunications and Energy (DTE) determines it is in the interest of consumers for these services to be provided differently. Charges for metering, billing and other distribution services shall be regulated by the DTE, unless otherwise provided for in law, or DTE rules and regulations.

### **6.1 Rates and Ratesetting**

Under DTE orders, the local distribution company assigns the customer classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, and an access charge that currently make up the largest portion of a customer bill. (See sample bill in section 6.3 below). Although the Compact shall participate in regulatory proceedings and represent the interests of consumers regarding these regulated rates, it will not assign or alter existing customer classifications without the approval of the DTE.

The focus of the Compact, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the consumer bill as the "generation charge". As noted earlier, the price in the contract will be subject to DTE examination and approval, as well as approval by Boards of Selectmen and Town Council at the local level.

## 6.2 Other Costs To Consumers

Aside from any funds appropriated through a public process by the counties, or a member town, consumer bills will reflect all charges for the administrative costs of the power supply program. If power supply program funding were to be derived from a portion of shared savings or a kilowatt hour charge [in an amount equivalent to fractions of a mill], such determination would also take place in a public process, that would include public notice, a public hearing, and a weighted vote by Compact representatives. [A weighted vote on the Compact Governing Board follows the standard of weight by population of each town.] Department of Telecommunications and Energy approval of such a charge would be sought to the extent that such approval is required. Such a charge could be a percentage of the savings customers are achieving through the program.

## 6.3 Customer Billing

Customer billings under the Compact Power Supply Program will be made by the supplier under contract and shall be incorporated into the standard monthly utility billing. The bill shall include a clear delineation of all regulated and non-regulated charges. Under law, consumers are entitled to a choice of one or two bills. They may receive a "complete bill" that incorporates the power supply charge and Commonwealth Electric's charges on a single sheet; or a "passthrough bill" which is a separate bill issued by the power supplier in addition to the bill from Commonwealth Electric. For purposes of clarity and simplicity, the Compact recommends that consumers elect to receive a "complete bill" with all charges on a single sheet. However, consumers may make their own choice on this issue.

The typical residential "complete bill" for use of 651 kilowatt hours shows the following charges for Commonwealth Electric's Standard Offer service in January 1999:

### Commonwealth Electric Charges

Customer Charge		\$ 3.73
<b>Distribution Charge</b>	\$ .04524	\$29.45
<b>Transmission Charge</b>	\$ .00481	\$ 3.13
<b>Transition Charge</b>	\$ .02856	\$18.59
<b>Energy Conservation</b>	\$ .00285	\$ 1.85
<b>Renewable Energy</b>	\$ .00125	\$ .81

Supplier Services

**Generation Charge**

**Standard Offer Service**      \$.03800 X 651KWH   \$24.73

Total   \$82.29

The standard offer power supply rate offered by Commonwealth Electric increases each year over seven years as follows: 3.8 cents in 2000, 3.8 cents in 2001, 4.2 cents in 2002, 4.7 cents in 2003, 5.1 cents in 2004. Customers not eligible for standard offer service will need to choose a competitive supplier or take default service. The standard offer service is set to expire in 2005.

**7.0 UNIVERSAL ACCESS**

“Universal access” is a term derived from the traditional regulated utility environment in which all customers desiring service receive that service. For the purposes of the Compact’s municipal aggregation program this will mean that all existing customers within the borders of participating municipalities, and all new customers in the participating municipalities, shall be eligible for service from the contracted supplier under the terms and conditions of the supply contract. Item one of the Compact’s goals contained in the Intergovernmental Agreement is: “To provide the basis for aggregation of all consumers on a non-discriminatory basis.”

Service under the Compact’s Community Choice Power Supply Program shall include all customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all suppliers shall contain provisions to maintain these principles and equitable treatment of all customer classes.

Existing customers in the participating towns shall be transferred to the Community Choice Power Supply Program unless they have already contracted with a competitive supplier, or affirmatively opt out of the program.

Low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to standard offer service and participate in the Power Supply Program as well.

New customers in the service territory shall upon sign up for service be automatically enrolled in the program with the right to opt out at any time.

## **8.0 EQUITABLE TREATMENT OF ALL CLASSES OF CUSTOMERS**

All customers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the supplier; be provided all required notices and information; and always retain the right to opt out of the Compacts' program or switch suppliers.

## **9.0 RELIABILITY**

"Reliability" in power supply and in transmission and distribution is essential to consumers. The Compact's policy, contained in item five of the goals of the Intergovernmental Agreement is: "To improve quality of service and reliability." This will be accomplished and reinforced at several levels: 1) through provisions of the power supply contract that will include language on reliability of supply, liability and damages provisions; 2) through traditional proceedings related to Commonwealth Electric's regulated transmission and distribution services; 3) through direct discussions with Commonwealth Electric Company concerning specific or general problems related to quality and reliability of transmission and distribution service.

## **10.0 RIGHTS AND RESPONSIBILITIES OF POWER SUPPLY PROGRAM PARTICIPANTS**

### **10.1 Rights**

All power supply program participants shall enjoy the protections of law afforded to consumer as they currently exist or as they may be amended from time to time. These include rights to question billings or service quality or service practices. Under protocols developed by the Department of Telecommunications and Energy problems related to billing or service shall be directed to the appropriate parties. All program participants shall also enjoy the individual right to decline participation in the Compact's Power Supply Program as noted in the description of the "opt-out" in section 4.1.7 above.

### **10.2 Responsibilities**

All power supply program participants shall meet all standards and responsibilities required by the DTE, including payment of billings and access to essential metering and other equipment to carry out utility operations.

## **11.0 THE CONSEQUENCES OF AGGREGATION**

Municipal aggregation functions under the restrictions of state law and carries a range of results and consequences:

### **11.1 Consumer Option to Participate in Competitive Market**

Many individual consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may more effectively participate in the competitive process and achieve benefits.

### **11.2 Lower Price or Renewable Energy**

Because the law requires the power supply price negotiated by a municipal aggregator to be lower than the standard offer, or to show a notable amount of renewable energy in the supply mix to justify a higher price, one consequence is the contract guarantee of a price lower than the standard offer, or cleaner energy, if that is what the community chooses and the DTE approves. Item number two of the Compact's goals contained in the Intergovernmental Agreement is: "To acquire the best market rate for electricity and transparent pricing."

### **11.3 Consumer Ability to Opt Out and Choose Another Supplier**

Because the law guarantees the right to opt out, including the right to choose standard offer service at not charge for 180 days, all customers have the right to select a supplier other than the one chosen by the municipal aggregator and the selectmen.

### **11.4. Recovery and Use of Energy Efficiency Funds at Local Level**

Because the law allows municipal aggregators to recover funds paid by consumers and apply them in locally designed and approved energy efficiency programs, a third consequence is the opportunity to reduce energy use and total bills through the aggregation program.

### **11.5 Indemnification of Consumers and Risk Associated with Competitive Market**

In a competitive market it is possible that the failure of a power supplier to deliver service may result in the need for consumers to acquire alternative power supply, or for consumers to receive power at Default Service prices, if the Standard Offer is not available. The Compact will seek to minimize this risk by recommending only reputable suppliers who demonstrate reliable service. The Compact also intends to include conditions in its contract with a supplier that will indemnify consumers against risks or problems with power supply service.

### **11.6 Other Consumer Protections**

The Compact intends to negotiate a range of provisions in its contracts to enhance consumer protection. The Compact also intends to work with Commonwealth Electric and the DTE to assure improvement in the reliability of transmission and distribution services.

**12.0 MEET ANY REQUIREMENTS ESTABLISHED BY LAW OR THE DEPARTMENT CONCERNING AGGREGATED SERVICE**

The Compact fully intends to comply with the requirements of law and the rules of the DTE.





THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK  
GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANN G. BERWICK  
CHAIR

JOLETTE A. WESTBROOK  
COMMISSIONER

DAVID W. CASH  
COMMISSIONER

August 27, 2013

VIA FIRST CLASS MAIL

Jeffrey M. Bernstein, Esq.  
Jo Ann Bodemer, Esq.  
Audrey A. Eidelman, Esq.  
BCK Law, P.C.  
One Gateway Center, Suite 809  
Newton, Massachusetts 02458

RE: Cape Light Compact Municipal Aggregation Plan

Dear Attorneys:

As you know, G.L. c. 164, § 134 requires municipalities aggregating the electric loads of their residents to have a plan approved by the Department of Public Utilities ("Department") that describes the aggregation program's structure, operations, and funding. City of Lowell Municipal Aggregation, D.P.U. 12-124, Interlocutory Order on the Attorney General's Motions to Compel Discovery at 16 (April 4, 2013). As part of our analysis of pending municipal aggregation plans, the Department has reviewed the Cape Light Compact's ("Compact") municipal aggregation plan and notes that the plan, originally approved by the Department in Cape Light Compact, D.T.E. 00-47 (2000), may no longer fully and accurately reflect the Compact's current operation of its municipal aggregation program. Please review the municipal aggregation plan and determine whether the Compact should file a revised plan to reflect the municipal aggregation program's current structure and operations. In order to minimize customer confusion and ensure that the municipal aggregation plan adequately describes the program, the Compact, at a minimum, should consider removing references to standard offer service and Commonwealth Electric Company.

Prior to filing a revised municipal aggregation plan with the Department, the Compact should complete any required consultation with the Department of Energy Resources and obtain any necessary governing board approvals, pursuant to G.L. c. 164, § 134(a). The revised

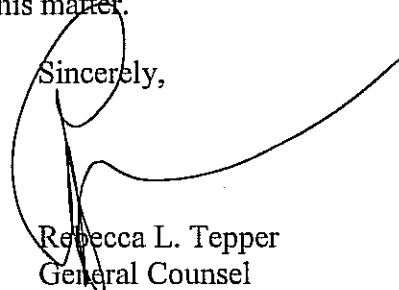


Cape Light Compact Municipal Aggregation Plan  
August 27, 2013

Page 2

municipal aggregation plan must comply with any applicable laws, regulations and Department precedent, including the Department's Orders in City of Lowell Municipal Aggregation, D.P.U. 12-124. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca L. Tepper', with a long, sweeping flourish extending to the right.

Rebecca L. Tepper  
General Counsel

cc: Steven Venezia, Deputy General Counsel, Department of Energy Resources  
Jesse Reyes, Division Chief, Office of the Attorney General  
John Habib, Esq., Keegan Werlin LLP





THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK  
GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANN G. BERWICK  
CHAIR

JOLETTE A. WESTBROOK  
COMMISSIONER

DAVID W. CASH  
COMMISSIONER

October 30, 2013

VIA FIRST CLASS MAIL

Jeffrey M. Bernstein, Esq.  
BCK Law, P.C.  
One Gateway Center, Suite 809  
Newton, Massachusetts 02458

RE: Cape Light Compact Municipal Aggregation Plan

Dear Attorneys:

On August 27, 2013, the Department of Public Utilities ("Department") sent the Cape Light Compact ("Compact") a letter requesting that the Compact review its municipal aggregation plan and determine whether the Compact should file a revised plan. Since issuing the August 27, 2013 letter, the Department has received inquiries from several entities regarding whether the Compact may continue to solicit bids for energy supply for its customers pursuant to its municipal aggregation plan, originally filed in D.T.E. 00-47 and revised in D.T.E. 04-32. The Department has not revoked its approval of the Compact's current municipal aggregation plan. Therefore, pursuant to G.L. c. 164, § 134(a), the Compact may continue operating its municipal aggregation program, including the solicitation of bids for energy supply. Thank you for your attention to this matter.

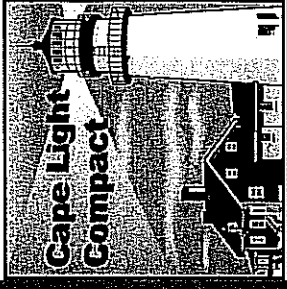
Sincerely,

/s/

Rebecca L. Tepper  
General Counsel

cc: Steven Venezia, Deputy General Counsel, Department of Energy Resources  
Jesse Reyes, Division Chief, Office of the Attorney General





# Cape Light Compact Aggregation Plan Public Information Session



January 15, 2014

# Initial Plan and the Governing Document

§ AGGREGATION PLAN is similar to blueprints for a house; the plan to begin the process.

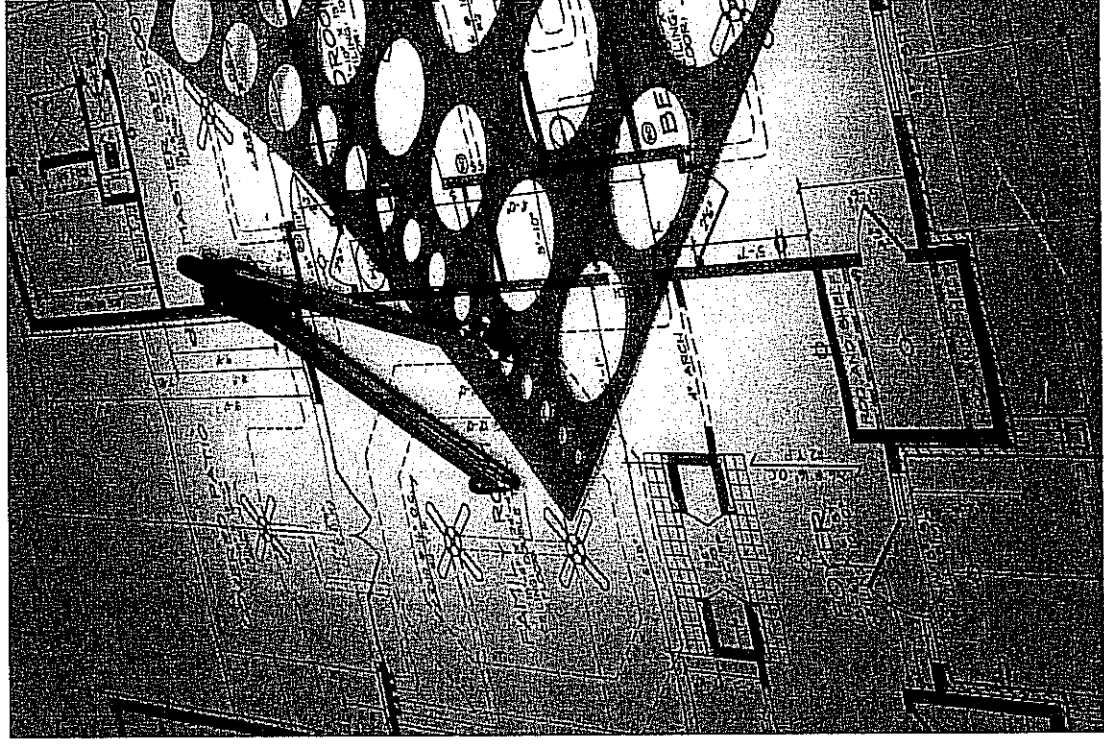
"Finally G.L. c. 164 § 134(a) requires that a municipal aggregation plan filing describe (1) the organizational structure, operations, and funding; (2) rate setting and other costs to participants; (3) the method for entering and terminating with other entities; (4) the rights and responsibilities of participants; and (5) termination of the plan.... The Department concludes that the Compact has satisfied the statutory filing requirements.

- excerpt from the Department Order, August 2000

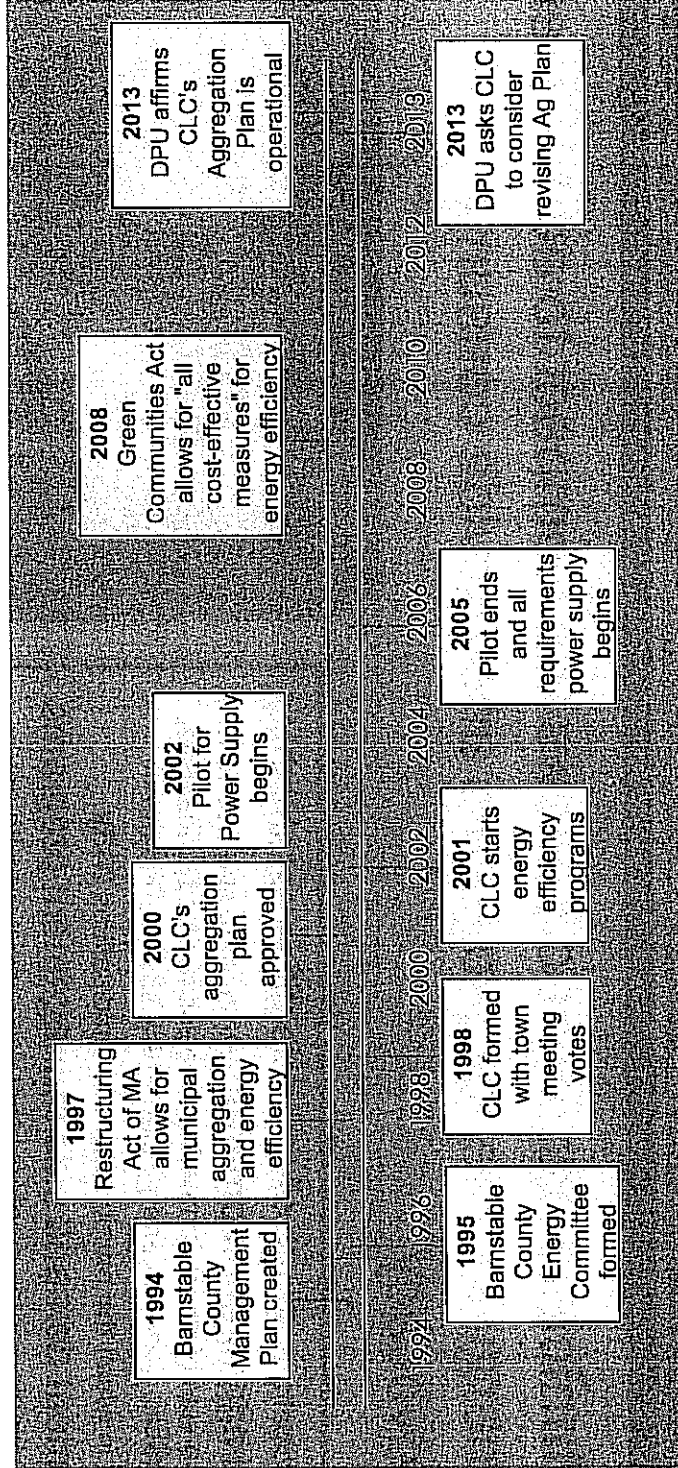
§ INTER-GOVERNMENTAL AGREEMENT is the governing document.

"The Compact's governing document is the 'Inter-Governmental Agreement of the Cape Light Compact,' which was **formally executed by each member town after full discussion.**"

- excerpt from the Department Order, August 2000



# Timeline

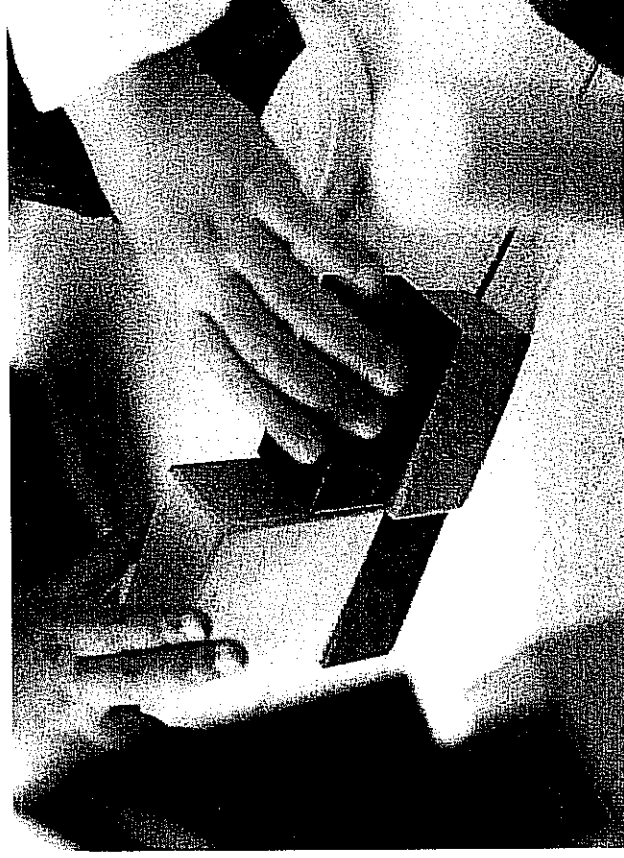


# Building Blocks

⇒ Municipal aggregation allows the Compact to administer the energy efficiency programs and provide consumer advocacy.

"A municipality or **group of municipalities establishing a load aggregation program** pursuant to subsection (a) may, by a vote of its town meeting or legislative body, whichever is applicable, adopt an energy plan which shall define the manner in which the municipality or municipalities **may implement demand side management programs** and renewable energy programs that are consistent with any state energy conservation goals developed pursuant to chapter 25A or chapter 164.

- excerpt from the *Restructuring Act, 1997*





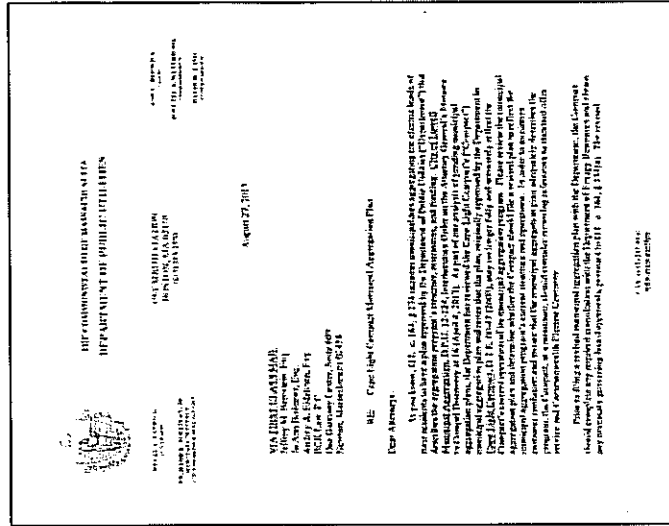
# Impetus for the Revision

In light of other municipal aggregation plan submittals, DPU (the Compact's regulators) asked the Compact to review its aggregation plan.

The Compact's Governing Board chose to revise the Aggregation Plan.

**"As part of our analysis of pending municipal aggregations**, the Department has reviewed the Cape Light Compact's ("Compact") municipal aggregation plan and notes that the plan, originally approved by the Department in Cape Light Compact, D.T.E. 00-47 (2000) may no longer fully and accurately reflect the Compact's current operation of its municipal aggregation program. **Please review the municipal aggregation plan and determine whether the Compact should file a revised plan** to reflect the municipal aggregation program's current structure and operations."

- excerpt from the Department's letter to the Compact, August 2013



# What did the DPU ask of the Compact?

80 As part of the review, the DPU asked the Compact to consider revising the Aggregation Plan to:

1. Reflect our current structure and operations
2. Remove obsolete references
3. Ensure that the we were in compliance with the DPU's order in 12-124, pertaining to the City of Lowell's Municipal Aggregation

[1] determine whether the Compact should file a revised plan to reflect the municipal aggregation program's current structure and operations. In order to minimize customer confusion and ensure that the municipal aggregation plan adequately describes the program, the Compact, at a minimum [2] should consider removing references to standard offer service and Commonwealth Electric Company.

municipal aggregation plan [3] comply with any applicable laws, regulations and Department precedent, including the Department's Orders in City of Lowell Municipal Aggregation, D.P.U. 12-124. Thank you for your attention to this matter.



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

ONE PUBLIC STATION  
BOSTON, MA 02110  
(617) 725-1100

STATE HOUSE  
700 STATE STREET  
BOSTON, MA 02116  
(617) 725-1000

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES  
100 STATE STREET, SUITE 100  
BOSTON, MA 02110

VIA FIRST CLASS MAIL  
OFFICE OF RECORDS AND  
INFORMATION  
JUDITH A. EDELHART, EXEC.  
ANITA A. EDELHART, EXEC.  
BCEG LAW, P.C.  
One Gateway Center, Suite 100  
Framingham, Massachusetts 01904

August 27, 2011

RE: Cape Light Compact Municipal Aggregation Plan

Dear Attorney:

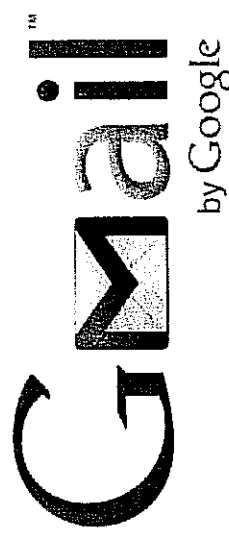
As you know, D.P.U. 12-124 requires municipalities aggregating the electric loads of their public utility aggregation program for the purposes of Public Utilities ("Department") to file a revised plan to reflect the current structure and operations of the aggregation program. The Department is currently reviewing the City of Lowell's Municipal Aggregation Program ("Compact") to determine whether the Compact should file a revised plan to reflect the current structure and operations of the aggregation program. In order to minimize customer confusion and ensure that the municipal aggregation plan adequately describes the program, the Department is currently reviewing the Compact to determine whether the Compact should file a revised plan to reflect the current structure and operations of the aggregation program. The Department is currently reviewing the Compact to determine whether the Compact should file a revised plan to reflect the current structure and operations of the aggregation program.

# 1 – Update to Reflect Current Structure and Ops

The Aggregation Plan was initially submitted as restructuring of the electricity market was taking shape – things have changed a lot since then. Revisions to the plan that reflect these changes include:

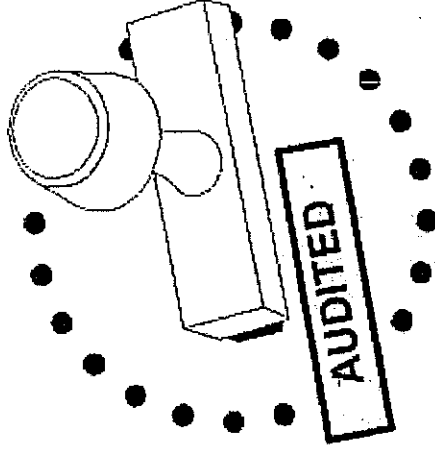
- Procurement process – revised to reflect electricity market dynamics
- Appointment of Chief Procurement Officer, and definition of the position’s responsibilities
- Rename “mil adder” to “operational adder” to better reflect use of funds
- Voluntarily established limit on unreserved portion of power supply reserve fund. After appropriations, shall not exceed:

*Next year’s RECs + contractual obligations + avg operating budget + cost of procuring a new supplier*



# 1 -- Updates - Continued

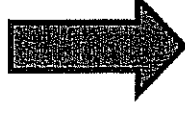
- ⌘ Operational adder funds spent through budget appropriation process
- ⌘ Requires annual independent financial statements by auditor of Compact's expenditures
- ⌘ Codifies that all Compact funds included in fiscal agent's (Barnstable County) annual audit
- ⌘ Energy efficiency Administration:
  - Reference to compliance with the Green Communities Act
  - Describes the three-year planning process, including review and approval by DPU (which is a separate process)



## 2 – Removing obsolete references

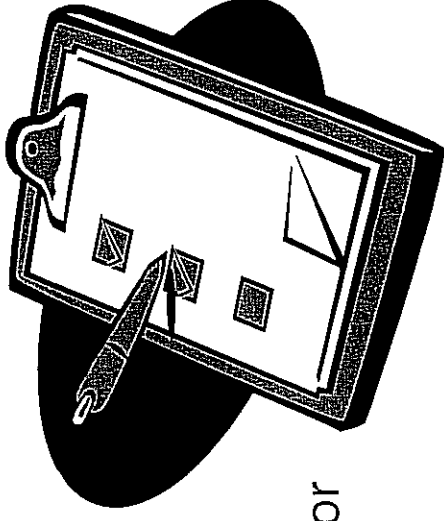
- Deleted obsolete terms and references (e.g. standard offer, Commonwealth Electric Company)
- Removed names of individuals and replaced with functions and/or titles

Commonwealth  
Electric



# 3 – Comply with Lowell Order

- ⌘ Lowell Order – context
- ⌘ Items in the order that pertain to CLC:
  - Reaffirmed authority to collect an operational address
  - Reaffirmed that there is no requirement that municipal aggregation rates be below basic service, and that DPU's role does not include a review rates or operational addresses
  - Ruled that aggregations cannot switch customers between basic service and to aggregation to achieve best rate
- ⌘ Aggregation Plan updated to reflect:
  - Annual report on power supply due to DPU (CLC currently reports annually to DOER)
  - Triggers for updating the plan, including deviations from original plan, changes in law, etc.

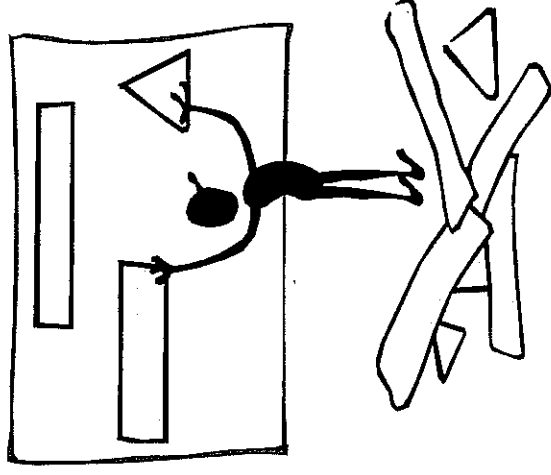


# Next Steps

- Public Comment on proposed Updated Aggregation Plan
  - Comments to be submitted in writing by January 31, 2014
  - Board members informing their BOS/Council of process
- Final proposed updates made to Aggregation Plan
- Board vote on Final Updated Aggregation Plan (March 2014)
- Submit Final Updated Aggregation Plan to DPU, including:
  - Memorandum of Law in support of proposed process and suggested procedures for DPU review
  - Public comments from Compact's comment period, and responses if appropriate

# In Summary

- § The Aggregation Plan is the foundation to our Inter-Governmental Agreement.
- § Power Supply, Energy Efficiency, and Consumer Advocacy are all tied together.
- § The Governing Board chose to revise the plan to comply with a request from our regulators.
- § The Board will be voting on Final Updates after the comment period has ended, and prior to submitting to the DPU.





# Background Terminology

- ⌘ **Distribution Company** – regulated local electric company that delivers electricity to homes and businesses; reads meters, maintains local wires/poles, restores power during outages, issues electric bills. (May also provide customers with a Basic Service supply option as an alternative to the competitive market.) Example - NSTAR
- ⌘ **Competitive [Power] Supplier** – unregulated private market entity selling electricity [generation] at a price the supplier sets; may or may not generate that power. Example - Dominion
- ⌘ **Municipal Aggregator** – brings customers together to negotiate terms and conditions of a power supply contract to gain customer benefits. Example – Cape Light Compact

# Background Terminology Continued

- 20 **Standard Offer Service** – a transitional generation service made available by Distribution Companies to their electric customers, starting in 1998, as a way to provide a back up generation service option (at a set regulated discounted rate) until customers were able to sign with a competitive supplier. Phased out in early 2005.
- 20 **Default Service** - the [market priced] Distribution Company generation service made available to customers who a) were new to a utility territory after March 1, 1998, or b) who elected to return to Distribution Company generation service after having left the discounted Standard Offer Service to be served by a competitive supplier for a period of time. (Often now used interchangeably with the term, Basic Service, to describe the service made available today, though no longer relevant once Standard Offer Service was phased out.)
- 20 **Basic Service** – Power supply service, available with monthly or six-month fixed pricing, through a customer’s distribution company when, for whatever reason, they are not receiving power from the market. All customers are eligible for this service at any time, though it is not necessarily price-competitive.



## Maggie Downey

---

**From:** Peter Cocolis <pkcocolis@hotmail.com>  
**Sent:** Thursday, February 06, 2014 3:43 PM  
**To:** Maggie Downey  
**Subject:** Draft Aggregation Plan

**Importance:** Low

Maggie,

As you know, the review of the Draft Aggregation Plan with the Chatham BOS has been continued to a yet unspecified date....the first week in March is an option being discussed. Even so, I do have a proposed change to the Plan based on their discussion during the February 4<sup>th</sup> meeting:

- Section Titled **Purpose of the Aggregation Plan**, Second Paragraph, First Subparagraph titled *The Compact Provides*: Change 1) to read the following..."**an option to join together for purchase of power supply at the most competitive rates available.**"
- Make the same change throughout the document

Thanks,

Peter

**Lindsay Henderson**

---

**From:** Marilyn Holle <mmhcape@comcast.net>  
**Sent:** Friday, February 07, 2014 7:43 AM  
**To:** agplan  
**Subject:** CLC Aggregation Plan

I have read the information on the Cape Light Compact Aggregation Plan and support the revisions.

Marilyn Holle  
75 Freeman Road  
Yarmouthport, MA

## Lindsay Henderson

---

**From:** George Higginbottom <george.higginbottom@gmail.com>  
**Sent:** Friday, February 07, 2014 8:49 PM  
**To:** agplan  
**Subject:** Cape Light Compact's Aggregation Plan: Revisions

We support the revisions and urge their adoption.  
George and Anne Higginbottom, 31 Canterbury Road, Yarmouth Port

Sent from my iPad

## Lindsay Henderson

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 9:49 PM  
**To:** agplan  
**Subject:** FW: aggregation plan update

---

**From:** Terrence Turner [TTurner@thielsch.com]  
**Sent:** Thursday, February 06, 2014 4:21 PM  
**To:** Nicole Price Voudren  
**Subject:** aggregation plan update

Nicole - This letter is to affirm that I fully support the Cape Light Compact and their proposed updates to their aggregation plan.

I am a resident of Falmouth and an employee of RISE Engineering, a company that has worked with and for the Compact for years. I have seen first-hand the benefits that a locally administered entity has brought to the residences and businesses on the Cape and Vineyard.

Sincerely,  
T.J. Turner, Energy Specialist  
RISE Engineering, a division of Thielsch Engineering Inc.  
cell (508) 574-0395

February 7, 2014

Cape Light Compact  
P.O. Box 427/SCG  
Barnstable, MA 02630  
1-800-797-6699

Dear Ms. Downey,

I am writing to express how wonderful the energy efficiency program Cape Light Compact offers. The incentives, special programs and low interest loans have made it possible for many of my neighbors to become energy efficient. Without this program, many of us would still have drafty doors and windows while paying higher heating bills. Thank you for always putting the best interest of the customers first.

Sincerely,  
Maria Yarnall

**Received**

FEB 07 2014

**Barnstable County Commissioners**



February 7, 2014

**Received**

FEB 07 2014

**Barnstable County Commissioners**

Cape Light Compact  
3195 Main Street  
Barnstable, MA 02630

Dear Cape Light Compact:

I support your programs and the proposed revisions to your Aggregation Plan.

Sincerely,

*Cene M Kelly 35 Hudson Rd W Yarmouth Ma 02673*  
*Aron Johnson PO Box 211, Yarmouth Port, MA 02671*

February 7, 2014

Margaret T. Downey  
Cape Light Compact  
PO Box 427  
Barnstable, MA 02630  
Re: Aggregation Plan

**Received**

FEB 07 2014

*Barnstable County Commissioners*

Dear Ms. Downey:  
I support the Cape Light Compact and its efforts.

Sincerely,  
Colleen Kelley  
Bourne, MA

**Lindsay Henderson**

---

**From:** Phil Wick <philgwick@gmail.com>  
**Sent:** Friday, February 07, 2014 3:03 PM  
**To:** agplan

Dear Cape Light Compact -

As a residential power customer, I support the revisions to the Cape Light Compact's aggregation plan.

Sincerely,

Phil and Deb Wick  
66 willoqw st  
yarmouth port mad

**Received**

FEB 07 2014

Barnstable County Commissioners



271 MILTON STREET  
DEDHAM, MASSACHUSETTS 02026

Tel: 781-326-0051 • Fax: 781-326-0194  
fisherchurchill.com

02/07/14

To Whom It May Concern,

I am writing this letter to show my support of Cape Light Compact. Their ongoing mission to serve customers through the delivery of proven energy efficiency programs, effective consumer advocacy, competitive electricity supply and green power options is crucial to long-term energy stability in our region.

Having worked as an H.V.A.C. professional for the last 24 years, I have collaborated with many advocacy/conservation organizations throughout the Commonwealth. Cape Light Compact is, without question, the best I have worked with. They have been duly awarded many honors, provided the trades/residents with excellent Energy Education, and presented solid energy efficient plans for residential/commercial projects consistently.

As a Bourne resident and H.V.A.C. professional, I strongly urge the continued support of this organization.

Warmest Regards,

Brian S. Fernandes

Sales Director

**Lindsay Henderson**

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Cape Light Compact

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 9:58 PM  
**To:** agplan  
**Subject:** FW: Cape Light Compact

----- Forwarded message -----

From: <[rblak76456@aol.com](mailto:rblak76456@aol.com)>  
Date: Fri, Feb 7, 2014 at 12:34 PM  
Subject: Cape Light Compact  
To:

Nicole,

I love the Cape Light Compact and its programs! My house is so much comfier thanks to all the insulation and my bills are lower. I got new light bulbs too.

Thank you,

Robin Blakeman

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Cape Light Compact Aggregation Plan Proposal

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 10:08 PM  
**To:** agplan  
**Subject:** FW: Cape Light Compact Aggregation Plan Proposal

----- Forwarded message -----

**From:** **Richelle Cabral** <[rcabral0321@hotmail.com](mailto:rcabral0321@hotmail.com)>  
**Date:** Fri, Feb 7, 2014 at 10:05 PM  
**Subject:** Cape Light Compact Aggregation Plan Proposal  
**To:**

Dear Nicole,

I would like to take a moment to provide you with some feedback with respect to my experience with your organization, Cape Light Compact. My husband and I recently underwent an energy audit of our home, and were surprised to learn that our attic is very poorly insulated, which of course directly effects our overall energy consumption and inevitably, our pockets. The entire process surrounding the audit was pleasant and friendly, from first point of contact when the telephone call was initiated between myself and Cape Light Compact, through the discussion of the audit's results with the very capable, informed, and articulate auditor. We were offered very affordable options to consider going forward and are excited about the opportunity to reduce our "carbon footprint" and upgrade our home at a cost consistent with what our family is able to pay.

I fully support your organization and its' proposed aggregation plan. I look forward to continuing to share in the many resources Cape Light Compact makes available to our community. A greener and more sustainable environment and planet benefits everyone, and the effort begins and grows outward from small communities. I am thankful that Cape Light Compact is that organization in ours.

Sincerely,

Richelle Cabral

Sent from my iPhone

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: CLC

---

**From:** Nicole Price Voudren  
**Sent:** Saturday, February 08, 2014 9:08 AM  
**To:** agplan  
**Subject:** Fwd: CLC

Nicole Price Voudren  
Cape Light Compact  
(508)-375-6886

Begin forwarded message:

----- Forwarded message -----  
**From:** Jennie <[jennieecole2008@gmail.com](mailto:jennieecole2008@gmail.com)>  
**Date:** Friday, February 7, 2014  
**Subject:** CLC  
**To:**

Hey there Nicole

I wanted to take a moment to let you know that I fully support the Cape Light Compact in regards to the proposed updates of the Aggregation Plan. I am so grateful that an organization like the CLC exists. Cape Light Compact provides such amazing services and really teaches the community about everything you do for our region.

Regards

Jennie Ellis Cole  
Monument Beach, MA  
Sent from my iPhone

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Fwd:

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 10:32 PM  
**To:** agplan  
**Subject:** FW: Fwd:

----- Forwarded message -----

**From:** <[yummygrandmummy@aol.com](mailto:yummygrandmummy@aol.com)>  
**Date:** Fri, Feb 7, 2014 at 10:26 PM  
**Subject:**  
**To:**

Hi Nicole,

I wanted to reach out to you to let you know that I fully support the Cape Light Compact in regards to the proposed updates of the Aggregation Plan. I am glad that an organization like the CLC exists to provide the wonderful services that you do for our region.

...  
Regards,  
Pamela O'Neil



February 07, 2014

Cape Light Compact  
P.O. Box 427 SCH  
Barnstable, MA 02630

Attn: Aggregation Plan Comments

To Whom It May Concern:

I am writing in support of the Cape Light Compact's Aggregation Plan.

Sincerely,

Jen Garland, Harwich, MA

**Received**

FEB 07 2014

**Barnstable County Commissioners**

Margaret Downey  
Cape Light Compact  
Barnstable County  
Barnstable, MA 02630

**Received**

FEB 07 2014

**Barnstable County Commissioners**

2/7/14

RE: Aggregation Plan

Dear Cape Light Compact,

As the Aggregation Plan is under review, I would make the following comments:

1. The CLC has made possible tremendous strides in Energy Efficiency on Cape Cod and Martha's Vineyard.
2. The CLC should continue to strive for the best energy rates, while it is understood that CLC operates at a disadvantage in this area, and will not always offer the lowest costs.
3. The CLC should understand that much of the allegation of poor transparency and accountability is voiced by an anti-wind group known as Windwise . The conduct of the CLC is appropriate and necessary to the tasks it undertakes.
4. It is critical that the CLC continue to create opportunities that lower electric rates and lessen dependence on fossil fuels. The creation of CVEC, the energy cooperative, is the kind of creativity we have come to expect from the CLC. Creative renewable energy initiatives like CVEC provide a significant benefit to our municipalities and to the entire ratepayer community.
5. I personally have utilized the CLC audit program and performed the follow up improvements to become more energy efficient at my home. The energy consciousness resulted in my installing solar panels. I led my church, which followed my example both in energy efficiency improvements and solar.
6. The educational outreach and resulting energy consciousness that the CLC has managed to achieve in our community are award -winning. Our community has been deeply influenced by the CLC presence and we have become a truly energy conscious community as a result.

I fully support the Aggregation Plan and salute the dedicated volunteers who make up the Cape Light Compact Board of Directors and I applaud the CLC staff.

Thank You,

Liz Argo  
Orleans

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Ag plan support letter

---

**From:** Nicole Price Voudren  
**Sent:** Saturday, February 08, 2014 9:08 AM  
**To:** agplan  
**Subject:** Ag plan support letter

Received this before the end on 2/7

Nicole Price Voudren  
Cape Light Compact  
(508)-375-6886

Begin forwarded message:

----- Forwarded message -----  
**From:** Casey Lutz <[lutz2230@yahoo.com](mailto:lutz2230@yahoo.com)>  
**Date:** Friday, February 7, 2014  
**Subject:** Facebook wishes and caviar dreams....  
**To:**

Hello Ms. Voudren,

I'm a resident of the village of West Barnstable. I wanted to be in touch with you to let you know that I fully support the Cape Light Compact as pertaining the proposed updates of the Aggregation Plan. I was a member of AmeriCorps Cape Cod, and am in full support of Cape Light Compact. I am so grateful that an organization like CLC exists to provide the wonderful services that you do for our region.

Sincerely,

Casey E. Lutz

Margaret T. Downey  
Cape Light Compact  
PO Box 427  
Barnstable, MA 02630

Re: Aggregation Plan

Dear Ms. Downey:

I support the Cape Light Compact in its changes to the aggregation plan.

Sincerely,

Garrett LaScola  
Bourne, MA

**Received**

FEB 07 2014

**Barnstable County Commissioners**

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: AgPlan

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 9:50 PM  
**To:** agplan  
**Subject:** FW: AgPlan

----- Forwarded message -----

**From:** <[blgaskill@aol.com](mailto:blgaskill@aol.com)>  
**Date:** Thu, Feb 6, 2014 at 7:40 PM  
**Subject:** AgPlan  
**To:**

Nicole,

As a resident of Bourne, MA I am pleased with the work that Cape Light Compact has done along Main Street. The LED lamp posts not only make the street look nice but also saves the tax payers money. Because of this I am certain any changes to the aggregation plan are in the best interest of the town and its residents.

Thank you

Brenda Gaskill

## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Ag Plan Updates

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 9:57 PM  
**To:** agplan  
**Subject:** FW: Ag Plan Updates

----- Forwarded message -----

**From:** <[karakibner@gmail.com](mailto:karakibner@gmail.com)>  
**Date:** Thu, Feb 6, 2014 at 8:45 PM  
**Subject:** Ag Plan Updates  
**To:**

Hi Nicole,

I wanted to reach out to you to let you know that I fully support the Cape Light Compact in regards to the proposed updates of the Aggregation Plan. I am glad that an organization like the CLC exists to provide the wonderful services that you do for our region.

Regards,

Kara Cecchinelli  
Buzzards Bay

## Lindsay Henderson

---

**From:** Robert Palmeri <palmeri01@aol.com>  
**Sent:** Friday, February 07, 2014 1:50 PM  
**To:** agplan  
**Subject:** Support for revision of CLC Aggregation Plan

After attending one of the CLC's public information meetings at which was described why and how it was proposing to revise - primarily update - its Aggregation Plan, I am on board.

Go for it!!!

I also appreciate the work the CLC does to support energy efficiency here on the Cape. My experience with the CLC-funded energy audits by Rise Technology and subsequent work on my own house has been very positive.

I especially applaud the Compact's work in helping our town and school district to become more efficient in their energy usage and to find alternative energy sources thereby reducing dependency on the grid.

Sincerely, Robert Palmeri.

## Lindsay Henderson

---

**From:** Philip O'Leary <olearyph@gmail.com>  
**Sent:** Friday, February 07, 2014 12:09 PM  
**To:** agplan  
**Subject:** Revisions to the Cape Light Compact aggregation plan

Dear Compact Staff,

As a residential electrical customer, I strongly support the revisions to the aggregation plan.

I appreciate all the outreach that the Compact performed during the winter's worst weather to explain the complex issues involved. Although I was unable to attend one of the information sessions, my wife was able to get to the presentation at Orleans Town hall last month, and found it helpful.

I've had 2 energy audits on my home in the past ten years, and can speak from experience about the wealth of energy education and real-world assistance the Compact's efficiency programs provide to homeowners.

As a community member, I'm grateful for the big carbon and kWh savings involved in the Compact's work on public buildings in my town (Yarmouth), where the new police station posed some stubborn heat control issues. Just in the last month, the Compact's streetlight initiative replaced the old lamps on my street with highly efficient L.E.D. fixtures, which are attractive as well as practical.

Thank you for the Compact's years of good work for individuals and towns in the region.

Philip O'Leary  
465 Long Pond Drive  
South Yarmouth, MA 02664



## Lindsay Henderson

---

**From:** agplan  
**To:** Nicole Price Voudren  
**Subject:** RE: Cape Light Compact updates

---

**From:** Nicole Price Voudren  
**Sent:** Friday, February 07, 2014 9:51 PM  
**To:** agplan  
**Subject:** FW: Cape Light Compact updates

----- Forwarded message -----

**From:** Jennifer Haynes <[jmh2331@gmail.com](mailto:jmh2331@gmail.com)>  
**Date:** Fri, Feb 7, 2014 at 9:41 PM  
**Subject:** Cape Light Compact updates  
**To:**

Nicole:

After reviewing the proposed updates to the Aggregation plan, I fully support those changes. Cape Light Compact's mission to serve the citizens on the Cape is an important role and your contributions to the field is noteworthy. I commend you for all the important work you do.

Sincerely,  
Jennifer Haynes

## Lindsay Henderson

---

**From:** Carol Woodbury <woodburc@dy-regional.k12.ma.us>  
**Sent:** Friday, February 07, 2014 7:27 PM  
**To:** agplan  
**Subject:** Cape Light Compact's Aggregation Plan

To Whom It May Concern:

I write to endorse the revisions to the Cape Light Compact's aggregation plan. As the Superintendent of the Dennis-Yarmouth Schools we are a major electrical consumer on Cape Cod. The Cape Light Compact has partnered with the district and saved us thousands of dollars in energy efficient equipment and energy costs through their energy efficiency audit program.

On a personal note I have used them in my home to conduct an energy audit. We saved several thousand dollars and made our home more energy efficient.

Sincerely,

Carol A. Woodbury

Superintendent of Schools

296 Station Avenue

South Yarmouth, MA 02664

Phone: 508-398-7604

Fax: 508-398-7622

Email: [woodburc@dy-regional.k12.ma.us](mailto:woodburc@dy-regional.k12.ma.us)

Home Address: 18 Mill Pond Road, Marstons Mills, MA 02648

\*\*\* This Email was sent by a staff member.

February 6, 2014

**Received**  
FEB 07 2014  
Barnstable County Commissioners

Joyce Flynn, Chair  
Cape Light Compact  
3195 Main Street  
Barnstable, MA 02630

Re: Cape Light Compact Aggregation Plan Proposed Revisions

Dear Ms. Flynn:

I have lived on Cape Cod for over 25 years and recently moved to Yarmouth. Before I comment on the Aggregation Plan, I wanted to tell you that I had an energy audit this past fall. My experience was wonderful. My new home has oil heat and as part of the audit it was insulated (before you insulated you could actually see outside from gaps where the house met the foundation) and my lights are now energy efficient. Thank you for making my home more comfortable and affordable to heat.

I have reviewed the proposed revisions to the Aggregation Plan on your web site. I think the proposed revisions go a long way towards improving transparency and accountability on how the Cape Light Compact operates and spends funds. I specifically appreciate the new language on how the "operational adder/power supply reserve funds" will be managed. I support all of the proposed revisions to the Aggregation Plan.

I think that if the public knew and understood the checks and balances that are in place regarding the Cape Light Compact funds, much of the misinformation that is in the press and has been discussed by the Barnstable County Assembly of Delegates could be dispelled. I hope our elected officials pay attention to this and take the time to do their homework and examine the facts before leaping to conclusions. One can always hope.

Sincerely,



Tracie A. Allard  
91 Forest Road  
South Yarmouth, MA 02665

**Received**

FEB 07 2014

**Barnstable County Commissioners**

February 6, 2014

Margaret Downey  
Cape Light Compact  
PO Box 427  
Barnstable, MA 02630

Ms. Downey-

First of all I would like to thank Cape Light Compact for the work that you folks do every day to help the residents of Cape Cod and Martha's Vineyard. By offering many programs, your goal is to help every person. It is also comforting to know that a local agency is fighting to protect the interests of all ratepayers.

The home that I live in went through the Compact's energy efficiency program before we moved in, and insulation had been installed in the attic and basement. This work has made the home very comfortable to live in.

I have read Cape Light Compact's Proposed Revised Aggregation Plan, and I strongly support the revisions that have been put forth.

Sincerely,



Ashley Carpenter  
420 West Yarmouth Road  
West Yarmouth, MA 02673

Robert Patrick Mahoney  
18 Quivet Drive, P.O. Box 241  
East Dennis, MA 02641

Received

FEB 05 2014

Barnstable County Commissioners

February 4, 2014

Ms. Maggie Downey, Administrator  
Cape Light Compact

I have read the Compact's voluntary revision to the Municipal Aggregation Plan and I strongly endorse the manner in which the clerical, operational and legal updates have been addressed. Having been the Town of Dennis representative to the organization from March 1997 to February 2011, and Chairman for eleven years, I have been intimately involved in all aspects of the Compact's pioneering endeavor. Too, having been an elected selectman in Dennis from 1998 to 2004, I can speak with knowledge and appreciation about how the citizens and towns have benefitted from the Compact's power supply and energy efficiency efforts.

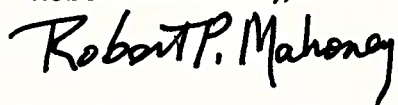
The early years were labor intensive, spent educating the public, gaining support and cooperation of town governments, and crafting a workable Inter-Governmental Agreement. This entailed a great deal of consultation with DOER (David O'Connor and staff) and deeply involved legislators Representative Dan Bosley and Senator Michael Morrissey and staff. The beneficial results of those many meetings prepared the Compact well for the time when the hard to beat standard offer would expire and the competitive market would commence. The Compact's program has well served our citizens, businesses and towns, and now appears to be serving as a workable blueprint for other Commonwealth communities as well.

The Compact is a mature organization, and the changes I see in the revisions comport with the reality of the operations of our organization. The revision at 2.3.1 reflects the reality of the Compact's need to address the very brief window of time available for the Compact to make a decision when a competitive supplier offered a price. The Compact solved this problem by developing "a FORM of all-requirements competitive electric supply contract," which was approved by the DPU in D.T.E. 04-32 in 2004, and appointing a Chief Procurement Officer with the authority to approve contracts.

Too, while on the subject of "price" and pricing, I greatly appreciate and strongly support three strong declarative sentences which appear in D.P.U. 12-124, on page 67. The statements are in the last paragraph of VI C. 2 "Use of Basic Service as a Competitive Supply Option." To summarize: municipal aggregators cannot guarantee cost savings all the time, this is not a low or no risk endeavor, and the risk should be compared to the benefits, such as a municipal aggregator run energy efficiency program. From the outset the Compact has always responded that we will try to get "the best price and best conditions."

The corrections, clarifications and consolidations are appropriate, and will be of great assistance to future hopeful aggregators. The revision was well worth doing.

Robert P. Mahoney, PhD.





# TOWN OF OAK BLUFFS

Received

Post Office Box 1327 • Oak Bluffs, MA 02557  
Telephone 508-693-3554 • Fax 508-696-7736

FEB 11 2014  
Barnstable County Commissioners

## Board of Selectmen

Walter W. Vail, *Chairman*  
Gail M. Barmakian  
Kathleen A. Burton  
Gregory A. Coogan  
Michael J. Santoro

Robert L. Whritenour, Jr.  
*Town Administrator*

February 4, 2014

Cape Light Compact Governing Board  
3195 Main Street  
Barnstable, MA 02630

Re: Proposed Updates/Revisions to the Cape Light Compact Aggregation Plan

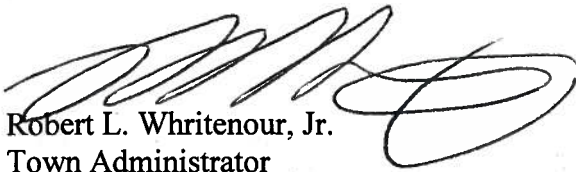
Dear Governing Board:

Our Board member to the Cape Light Compact (Compact) has informed us that the Compact is in the process of updating its Aggregation Plan at the request of the Massachusetts Department of Public Utilities (DPU); and apprised us of the nature of the proposed revisions.

This letter acknowledges that our Board member will be voting to approve the final proposed revisions at a public Compact Board meeting this March and to submit them to the DPU. Town comments, if any, on the proposed revisions will be forwarded to our representative for discussion and consideration by the full Compact Board.

The Town appreciates that the Compact held three informational sessions on the proposed revisions and a seven week public comment period as well as posting a copy of the proposed revisions and supporting information on its website. These actions afford an opportunity for the public to comment on the proposed revisions.

Sincerely,

  
Robert L. Whritenour, Jr.  
Town Administrator

Received

FEB 05 2014

Barnstable County Commissioners

John E. Burns  
PO Box 1612  
North Eastham, MA 02651

February 3, 2014

Cape Light Compact  
P.O. Box 427 SCH  
Barnstable, MA 02630  
Attn: Aggregation Plan Comments  
[AgPlan@capelightcompact.org](mailto:AgPlan@capelightcompact.org)

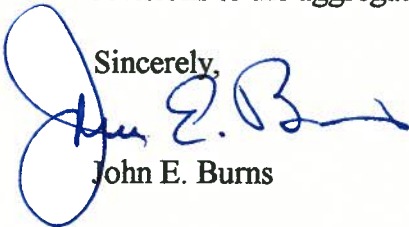
Re: My Support for the Cape Light Compact and Proposed Aggregation Plan Updates

To Whom it May Concern:

I attended my first Cape Light Compact public presentation at the Eastham Town Hall in early 2003 and was subsequently employed by the Compact as the Commercial and Industrial Program Planner from 2003 – 2010. I believe that the three public information sessions on the proposed revisions to the Aggregation Plan and seven week public comment period, as well as posting a copy of the proposed revisions and supporting information on its website have provided ample opportunity for public input.

As a former employee as well as a customer of the Compact, I am well acquainted with their work and their service to the regional community on the Cape and Vineyard. And, even though I have retired, I remain one of the Compact's most enthusiastic promoters and encourage people and businesses to participate in their programs at every opportunity. This letter is to affirm that I fully support the work and mission of the Cape Light Compact. I have read the proposed revisions to the aggregation plan and agree that they are appropriate and should be implemented.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Burns", is written over the word "Sincerely,".

John E. Burns



## community development partnership

3 February 2014

Cape Light Compact  
P.O. Box 427 SCH  
Barnstable, MA 02630  
Attn: Aggregation Plan Comments  
[AgPlan@capelightcompact.org](mailto:AgPlan@capelightcompact.org)

Re: My Support for the Cape Light Compact

To Whom It May Concern:

As the Executive Director of the Community Development Partnership, a regional non-profit community development corporation working to increase energy efficiency and local renewable energy generation, I am well acquainted with the work of the Cape Light Compact. The services they provide to the regional community on the Cape and Vineyard, both as a provider of energy efficiency programs and electric supply, and as a consumer advocate are incredibly important to this agency and the region. We have had the benefit of working collaboratively with the Cape Light Compact on a number of regional projects, and we know the important impact they've had on local consumers and businesses. I fully support the work and mission of the Compact organization.

Sincerely,

Jay Coburn  
Executive Director

3 Main Street Mercantile, Unit 7, Eastham, MA 02642 ph: 508.240.7873 | 800.220.6202 fx: 508.240.5085

[contact@capecdp.org](mailto:contact@capecdp.org) [www.capecdp.org](http://www.capecdp.org) [www.facebook.com/capecdp](http://www.facebook.com/capecdp)

Brewster • Chatham • Eastham • Harwich • Orleans • Provincetown • Truro • Wellfleet



STACY DOLBY  
139 POMPAÑO ROAD  
YARMOUTHPORT, MA 02675

**Received**

JAN 31 2014

**Barnstable County Commissioners**

JANUARY 31, 2014

CAPE LIGHT COMPACT  
PO BOX 427/SCH  
BARNSTABLE, MA 02630

DEAR CAPE LIGHT COMPACT:

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THE CLC  
AGGREGATION PLAN. I APPROVE OF THE PROPOSED REVISIONS.

STACY DOLBY





Committed to  
Service & Quality  
Since 1959

# ROBIES

## Heating & Cooling



January 31, 2014

**Received**

**FEB 03 2014**

**Barnstable County Commissioners**

Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630

RE: Proposed Revisions and Updates to Cape Light Compact Aggregation Plan

Dear Governing Board:

I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.

The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard and I would like to extend my full support of the Governing Board and Cape Light Compact Staff in all that they do.

As you may know, the Consumer Rebates offered thru Cape Light Compact have had a tremendous positive effect on my business. Rebates have driven sales of High Efficiency A/C and H/P sales to new levels.

Sincerely,

John Robichaud  
President  
Robies Heating & Cooling

Residence:  
Barnstable

*100% Satisfaction Guaranteed*

279 Yarmouth Road, Hyannis, Massachusetts 02601  
508-775-3083 • 800-698-4522 • Fax 508-534-1272 • [www.robies.com](http://www.robies.com)



Received

FEB 04 2014

Barnstable County Commissioners

## Town of Dennis

P.O. BOX 2060, SOUTH DENNIS, MA 02660-1614 / Telephone: 508-394-8300 • Fax 508-394-8309

Cape Light Compact Governing Board  
3195 Main Street  
Barnstable, MA 02630

January 30, 2014

Re: Proposed Updates/Revisions to the Cape Light Compact Aggregation Plan

Dear Governing Board:

Our Board member to the Cape Light Compact (Compact) has informed us that the Compact is in the process of updating its Aggregation Plan at the request of the Massachusetts Department of Public Utilities (DPU); and apprised us of the nature of the proposed revisions.

This letter acknowledges that our Board member will be voting to approve the final proposed revisions at a public Compact Board meeting this March and to submit them to the DPU. Town comments, if any, on the proposed revisions will be forwarded to our representative for discussion and consideration by the full Compact Board.

The Town appreciates that the Compact held three informational sessions on the proposed revisions and a seven week public comment period as well as posting a copy of the proposed revisions and supporting information on its website. These actions afford an opportunity for the public to comment on the proposed revisions.

Sincerely,

Paul R. McCormick, Chairman  
Dennis Board of Selectmen



January 29, 2014

Cape Light Compact  
Attn: Maggie Downey  
Compact Administrator  
PO Box 427/SCH  
Barnstable, MA 02630

Re: Proposed Revisions to the Cape Light Compact Aggregation Plan

Dear Ms. Downey:

I am writing in support of the proposed revisions to the Cape Light Compact's Aggregation Plan. I think the proposed revisions improve fiscal accountability through the preparation of audited financial statements for the Cape Light Compact.

The additional annual reporting requirements to the Massachusetts Department of Public Utilities is also a good idea.

Keep up the good work.

Sincerely,

A handwritten signature in blue ink that reads "Eddie G. Morris". The signature is written in a cursive style with a large, stylized "G" and "M".

Edward Morris  
87 Stafford Circle  
Dennisport, MA 02639

January 27, 2014

**Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630**

**RE: Proposed Revisions and Updates to Cape Light Compact Aggregation Plan**

**Dear Governing Board:**

**I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.**

**The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard and I would like to extend my full support of the Governing Board and Cape Light Compact Staff in all that they do.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Erik J. Barry", with a long horizontal flourish extending to the right.

**Erik J. Barry**

**Hyannis, MA**

January 27, 2014

**Received**

FEB 03 2014

*Barnstable County Commissioners*

Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630

RE: Proposed Revisions and Updates to Cape Light Compact Aggregation Plan

Dear Governing Board:

I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.

The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard and I would like to extend my full support of the Governing Board and Cape Light Compact Staff in all that they do.

Sincerely,



Patrick Golarz

Hyannis, MA



January 27, 2014

**Received**

JAN 29 2014

Cape Light Compact Governing Board  
3195 Main St.  
Barnstable, MA 02630

**Barnstable County Commissioners**

Re: Proposed Updates/Revisions to the Cape Light Compact Aggregation Plan

Dear Governing Board:

Our Board member to the Cape Light Compact (Compact) has informed us that the Compact is in the process of updating its Aggregation Plan at the request of the Massachusetts Department of Public Utilities (DPU); and apprised us of the nature of the proposed revisions.

This letter acknowledges that our Board member will be voting to approve the final proposed revisions at a public Compact Board meeting this March and to submit them to the DPU. Town comments, if any, on the proposed revisions will be forwarded to our representative for discussion and consideration by the full Compact Board.

The Town appreciates that the Compact held three informational sessions on the proposed revisions and a seven week public comment period as well as posting a copy of the proposed revisions and supporting information on its website. These actions afford an opportunity for the public to comment on the proposed revisions.

Sincerely,

Harwich Board of Selectmen

Michael Berry  
97 Old Main St.  
West Dennis, MA 02670

Cape Light Compact  
PO Box 427  
Superior Courthouse  
Barnstable, MA 02630

January 27, 2014

Cape Light Compact Governing Board,

I am writing to acknowledge the support the Cape Light Compact provides for the residents of Cape Cod and Martha's Vineyard. As a lifelong Cape Cod resident, I have seen firsthand the positive impact the Compact has on the residents and communities it serves.

Since it was founded in 1997, the Compact has provided advocacy for consumers and competitive electricity rates, as well as innovative energy education and efficiency programs. The financial incentives and rebates offered through innovative efficiency programs continue to benefit homeowners, tenants, businesses and towns by decreasing their energy consumption. The work the Compact has performed in this area has yielded a positive impact on all those who have participated.

As a former Weatherization Director for the Housing Assistance Corporation, I worked directly with the Compact to provide services for individuals most adversely impacted by rising energy costs and housing. With a seasonal economy, many Cape Cod residents continue to struggle to make ends meet during the winter months due to high energy costs. For this reason, the Compact's efficiency programs positively benefit each of the residents served.

I support the Cape Light Compact and applaud the continued support it offers the residents of Cape Cod and Martha's Vineyard.

Thank you for your time and your continued good work.

Sincerely,



Michael Berry

**Received**

FEB 03 2014

**Barnstable County Commissioners**



January 27, 2014

Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630

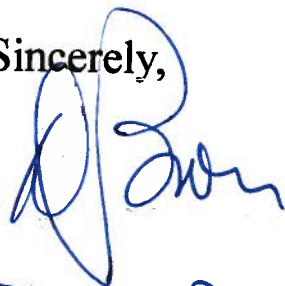
RE: Proposed Revisions and Updates to Cape Light Compact  
Aggregation Plan

Dear Governing Board:

I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.

The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard and I would like to extend my full support of the Governing Board and Cape Light Compact Staff in all that they do.

Sincerely,



Doug Brown  
490 N. Dennis Rd  
Yarmouth Port, MA  
02675

**Received**

FEB 06 2014

Barnstable County Commissioners

**CHARLOTTE B. STRIEBEL**

52 Miriah Drive  
Yarmouth Port, Massachusetts 02675

January 27, 2014

Ms Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Barnstable, Massachusetts:

I have had the opportunity to review the revised Cape Light Compact Aggregation Plan. It is my opinion that the revisions have met all the requirements requested by the Department of Public Utilities. The Plan is current, can easily be read and understood.

For thirteen years, I served on the Compact's Governing Board representing the Town of Yarmouth. In 1999, the Compact was the "pioneer of aggregation" in the Commonwealth, and I am pleased to see that other communities are interested in becoming aggregators.

Sincerely,

  
Charlotte B. Striebel

**Received**

JAN 28 2014

Barnstable County Commissioner

January 27, 2014

Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630

RE: Proposed Revisions and Updates to Cape Light Compact Aggregation Plan

Dear Governing Board:

I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.

The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard. As a resident of Mashpee, a CLC power supply customer, and a participant in several of the Compact's Energy Efficiency Programs, I would like to extend my full support to the Governing Board and Compact Staff in all that they do.

Best Regards,



Crystal Ducott

**Received**

FEB 03 2014

**Barnstable County Commissioners**

January 26, 2013

Cape Light Compact Governing Board  
3195 Main Street  
-Superior Courthouse-  
Barnstable, MA 02630

**Received**

FEB 03 2014

**Barnstable County Commissioners**

RE: Proposed Revisions and Updates to Cape Light Compact Aggregation Plan

Dear Governing Board:

I am writing to thank you for the opportunity to review and provide comment on the Cape Light Compact's proposed revisions to its Aggregation Plan as well as for holding the public information sessions where the updates and revisions were explained.

The Compact's Energy Efficiency, Power Supply and Consumer Advocacy efforts are truly invaluable services offered to the residents of Cape Cod and Martha's Vineyard and I would like to extend my full support of the Governing Board, their efforts and their proposed revisions to the Plan.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Andrew Desmarais', with a stylized flourish at the end.

Andrew Desmarais  
Sandwich, Ma

January 19, 2014

Dear Debbie,

I wanted to write to tell you how grateful I am to you and to the Cape Light Compact for all of your work to support teachers and students here on Cape Cod. I first got to know about Cape Light Compact when they came to do an energy audit of my home. Not only was it extremely educational, but has helped make us more energy efficient.

When I began working in Sandwich I had the chance to work with the Forestdale energy club. Through this group I was able to see the reach of this organization. I was inspired by the drive the students had to educate others and their passion for helping others become more energy efficient. In visiting the state house, I was particularly impressed with your efforts in community outreach. Of the various awards given out that day, all but one were given to students from Cape Cod. Your impact and that of the Cape Light Compact was impressive.

In June, I chaperoned the Forestdale students in Washington D.C. at the NEED Conference. Cape Cod students held their own against school districts from around the nation. After returning to the Cape, these same students presented to the Sandwich School Committee and spoke eloquently about the NEED conference and how their passion for energy education inspires what they want to do in the future. All of this traces back to the influence that you and the Cape Light Compact have had on these young people.

Thanks to your efforts this Friday presenting at the STEM Community Network's Cape-Wide STEM Professional Development Day you have inspired a whole new legion of teachers from Bourne to Truro. The teachers came away from the day enthusiastic and excited to bring energy education to their students. You and your team shared great demonstrations, resources and support with these teachers. On behalf of myself, the teachers and the STEM Community Network, I'd like to thank you.

The Cape Light Compact has been such a valued resource to families, student and teachers. The Cape is a better place because of your thoughtful, forward thinking support. I look forward to our continued partnership and to making the Cape an even better place to live.

Regards,



Trish Hill  
K-8 Science Curriculum Coordinator  
Sandwich Public Schools

The Bourne Middle School Energy Savers have had the honor of working with Debbie Fitton and the Cape Light Compact for the past 9 years. During this tenure, the children of Bourne, as well as the community of Bourne, have benefited in so many ways. Cape Light Compact helped us to hold annual Energy Expo's that have educated over 700 students each time about energy, both renewable and non renewable, through a variety of stations and activities all geared toward children. We worked with the community by involving students from the technical high school, AmeriCorps, and even had Massachusetts Maritime Academy Cadets for one of our Expo's. We have raised awareness about energy conservation through the sales of CFL and LED lights as well as assorted energy saving devices through the "Change a Light, Change the World" campaign. Through the years, with the help of Cape Light Compact, we have nurtured a group of young people who are passionate about the conservation of energy. Just a few of the activities they've been involved in include: writing and performing plays, starting a plastic recycling program at our school, raffles of reusable water bottles, collecting plastic grocery bags and then selling reusable shopping bags, they've written a book, and celebrated our solar panels with "birthday" parties. These are just a few of the things we have been able to do with the help and guidance of Debbie Fitton and the Cape Light Compact. Our students have been recognized locally, statewide, and nationally for all of their efforts in energy education. None of this would have been possible without the Cape Light Compact and their educational support. We have been so fortunate to have this partnership. I am truly grateful for all of the dedicated help and support we've received and so proud of the passion we have instilled in our children.

Cynthia McCann  
B.M.S. Energy Savers

**Received**

**JAN 17 2014**

**Barnstable County Commissioners**



# Dennis-Yarmouth Regional School District

Administration Center

296 Station Avenue

South Yarmouth, Massachusetts 02664-1898

Telephone (508) 398-7600

Fax (508) 398-7622

**Received**

**JAN 17 2014**

January 15, 2014

**Barnstable County Commissioners**

Ms. Maggie Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Barnstable County Superior Courthouse  
Barnstable, MA 02630

Dear Ms. Downey:

The Dennis-Yarmouth Regional School District and the Cape Light Compact have a long and well-established partnership. Upon my arrival at Dennis-Yarmouth in 2005, I first learned of the Compact's involvement with DY because I was made aware of an energy audit that was performed at the NEED Academy facility in Truro in June of 2004. As a result of this audit, the Cape Light Compact contracted with Rise Engineering to perform lighting upgrades to the NEED facility totaling \$3,390 at no charge to the districts (D-Y, Falmouth, and Harwich). Since then, the partnership between DY and the Cape Light Compact continues to flourish. This association has greatly enhanced opportunities for our students and staff and the community at large. Some of our more recent dealings with the Cape Light Compact have involved each of our six school buildings:

Within the last three years, the Compact has been responsible for converting the Dennis-Yarmouth Regional High School's art wing track lighting to LED lighting totaling \$6,247 as well as installing LED lighting on the exterior of the high school at a savings to the district of \$54,608.

Exterior LED lighting has also been installed at our Station Avenue and Marguerite E. Small Elementary Schools located in Yarmouth and the Ezra H. Baker and Nathaniel H. Wixon Innovation Schools in Dennis totaling almost \$79,000.

Another significant savings was realized when the Cape Cod Compact was involved in the installation of circulation pumps, demand-controlled ventilation in several areas of the schools, and de-stratification fans at the Wixon School (\$107,093) in Dennis and Mattacheese Middle School (\$122,157) located in West Yarmouth. The Ezra Baker Innovation School and the Laurence C. MacArthur Elementary School were both benefactors of a Steam Trap Survey Program valued at \$4,433 and made possible through the Cape Light Compact.

The Dennis-Yarmouth staff has also profited through the assistance of the Cape Light Compact—three members of our maintenance staff received Building Operators Certification (BOC), a very noteworthy qualification valued at \$1,000 per person. In addition to the savings to the taxpayers of Dennis and Yarmouth for these improvements, our electric bills have declined steadily over the last few years demonstrating the energy efficiency gained by these improvements.

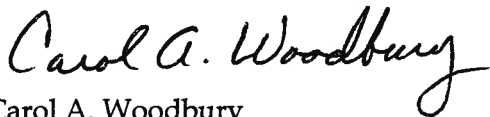
*Empowering each student to achieve excellence with integrity in a changing world*

Our teachers have benefitted from professional development, support in curriculum development, and classroom materials in areas of science offered by the Compact. Our staff looks forward to and finds this help and support critical at a time when science is so important to a comprehensive education and our ability to prepare our students to be college, career, and civic-ready.

To summarize the last three years, the Dennis-Yarmouth Regional School District has realized a savings of \$376,505 alone due to its association with the Cape Light Compact. One other initiative so significant to our district has been the Cape Light Compact's assistance in DY's qualifying for the international standard, the Energy Star Rating. Every school in the district has received the Energy Star Rating.

The Dennis-Yarmouth Regional School District is strongly committed to energy efficiency programs, and we have the Cape Light Compact to thank for much of our success. We look forward to our continued work with the Cape Light Compact and greatly appreciate their expertise and their contribution to these most worthy projects!

Sincerely,

A handwritten signature in cursive script that reads "Carol A. Woodbury". The signature is written in black ink and is positioned above the printed name and title.

Carol A. Woodbury  
Superintendent of Schools



## **Maggie Downey**

---

**From:** Rafael Torres <torresr@nausetschools.org>  
**Sent:** Monday, January 13, 2014 6:47 PM  
**To:** Maggie Downey  
**Subject:** Program Support and thank you

January 15, 2014

Dear Maggie Downey:

It's another year and once again we find ourselves working hand-in-hand with Cape Light Compact to not only educate a group of students at Eddy Elementary School, but to help this talented group spread the word of "energy" to well over 800 Cape Cod students (this year alone).

History:

Many years ago I met Deb Fitton when she visited our class and she encouraged me to get involved with the Energy Carnival program. I then signed up for a class (at Cape Tech) during which I arranged to learn more about and further develop topics/centers for sharing an Energy Carnival. All during this time Deb supported us with needed supplies, assistants, and encouragement. Since then I have enrolled in a couple more classes and have successfully shared an Energy Carnival (with help from other members of CLC) for several years and have educated students at no less than 7 schools. In addition, she has helped to arrange trips to Mass Maritime and SEMass to see energy transformation and conservation in action.

Present:

Once again it is time to prepare for this year's Carnival and once again Deb is right there with us willing to support as needed. In fact, she is encouraging us to finally expose our group to being recognized for a variety of awards. She has assisted in getting our school to sell CFL bulbs through a fund raiser (funds needed badly by our PTO) to an amount of just over \$2000 this year.

No matter what program we are offering or involved with, we always share publicly how CLC is one of our crutches and our greatest fan. Parents seem impressed and appreciative to see how some of their money (bills to CLC) is being used.

Everyone views money going into large corporations as a one way street. CLC continues to go out of their way to show how they use their funds to reinvest in the Cape Cod community.

This community connection is not only unique but valued. Our in school programs and programs we bring to others have only improved since establishing our present relationship.

I felt the need to share and say THANK YOU ..... for supporting the Cape community, for supporting the students/schools of the Cape..... and for allowing your special and involved staff to expand your programs and to be involved nationally and locally.

Thank you,  
Rafe Torres  
Gr. 5 Teacher Eddy Elementary School  
Brewster, MA



# CAPE COD MUSEUM OF NATURAL HISTORY

Ms. Maggie Downey  
Administrator  
Cape Light Compact  
PO Box 427 Superior Courthouse  
Barnstable, MA 02630

January 15, 2014

Dear Ms. Downey:

This letter is in support of the Cape Light Compact's work and my experience with the organization on both a professional and personal level. First and foremost is the work they've done with educational programs reaching into the schools and also through the Museum of Natural History. The Compact has partnered with us on a number of kid related projects as well as teacher-training workshops.

We have seen first-hand the energy related projects the high school students worked on by hosting a film and project series at the Museum. The participants represented every part of Cape Cod. Through both the projects on display and in speaking with the student participants it's obvious that the classroom experience was successful and true learning took place.

The Compact also made it possible for our Director of Education to attend a recent NEED conference and the lessons she learned have been put into effect through various Museum offerings.

Finally both the Museum and my home have been through the energy efficiency program that has been offered for years.

In summary, we strongly support the efforts and can attest to the achievements of the Cape Light Compact's programs.

Sincerely,

Robert F. Dwyer  
President & Executive Director

## **Maggie Downey**

---

**From:** Nancy Gifford <ngiffordscience@gmail.com>  
**Sent:** Wednesday, January 15, 2014 7:00 PM  
**To:** Maggie Downey  
**Subject:** Cape Light Compact

Dear Ms. Downey,

I am writing to express my support for the wonderful programs offered by the Cape Light Compact. The benefits to my students provided by the work of the Cape Light Compact. I have taken 2 courses offered by the Mrs. Fitton and her amazing team. I am about to begin my third. I have learned about many resources that I most likely would not have discovered on my own. I have attended workshops offered by the CLC and as a result, our school now offers a School-Wide Science of Energy Day. We have been invited to present our plans with Debbie and Sally Andreola at two national science teachers conferences.

Our Energy Day would not be possible without the materials and training provided by Debbie Fitton's amazing team of educators. We also started a club for students called Harwich Cares. The CLC has supported us in selling CFLs as a fundraiser for two years. The money has been used to take our 54 student members on beach cleanups, field trips to Mass Maritime to learn about sustainability and the Covanta plant. We also brought our club to Boston to receive a state level award last spring.

As you can see, we greatly appreciate our partnership with the Cape Light Compact. We look forward to our future endeavors.

Sincerely,

Nancy Gifford, Teacher,  
Harwich Middle School



**DR. C. RICHARD CANFIELD**  
SUPERINTENDENT OF SCHOOLS  
[rcanfield@sandwich.k12.ma.us](mailto:rcanfield@sandwich.k12.ma.us)

## **Sandwich STEM Academy**

365 QUAKER MEETINGHOUSE ROAD  
EAST SANDWICH, MA 02537  
Tel: 508 888-4900, ext 6222  
FAX: 508 888-9505

**DR. ELLIN BOORAS**  
PRINCIPAL, SANDWICH HIGH SCHOOL  
[ebooras@sandwich.k12.ma.us](mailto:ebooras@sandwich.k12.ma.us)  
**GILBERT NEWTON**  
DIRECTOR, STEM ACADEMY  
[gnewton@sandwich.k12.ma.us](mailto:gnewton@sandwich.k12.ma.us)  
**NEIL MURPHY**  
ADMINISTRATOR OF ATHLETICS  
[nmurphy@sandwich.k12.ma.us](mailto:nmurphy@sandwich.k12.ma.us)

**January 14, 2014**

**Dear Mrs. Downey,**

**I am writing to offer my strong support for the educational programs sponsored by the Cape Light Compact. My students at Sandwich High School, the Cape Cod Community College, and the Massachusetts Maritime Academy have participated in many events and activities thanks to the Compact. Under the outstanding leadership of Mrs. Debbie Fitton we have successfully been involved with numerous energy education programs.**

**These include energy fairs for students of all ages, guest speakers, participation in national events, and independent research projects. Students have gained a greater understanding of energy consumption, conservation, efficiency, and renewables as a result of the Compact's excellent outreach programs.**

**The Cape Light Compact provides valuable resources and information to school districts throughout the Cape and Islands. The Compact is one of the most important educational organizations on the Cape and I look forward to continuing our valuable partnership.**

**Sincerely,**

**Gil Newton,**

**Director, Sandwich STEM Academy**

*The Living Local*  
**HARVEST**  
*Festival*

January 13, 2014

Maggie Downey, Administrator  
Cape Light Compact  
PO Box 427, Superior Courthouse  
Barnstable, MA 02630

Dear Maggie,

On behalf of Martha's Vineyard's Living Local Harvest Festival, I wanted to thank you for Cape Light Compact's support via both education and resources CLC has provided to our community.

As you know, Living Local MV is an organization designed to provide support of, interaction with, and promotion of the many unique entities promoting living sustainably on the island of Martha's Vineyard. We begin by finding solutions to help make our lives healthier – socially, economically, and environmentally – and address how we can meet our present living/growing/catching/creating/sustaining/conservation/buying needs, while ensuring we care for the needs of generations to come. We host the annual Living Local Harvest Festival to celebrate and bring together our incredible community to learn, grow, and connect.

Cape Light Compact's partnership has allowed us to further educate islanders on ways that our community can tap into the opportunities and benefits to save in today's energy market. In addition, the 'Energy Fair' that Cape Light hosts at the annual festival has been an incredible addition to the event. Not only does the fair embrace and encourage Vineyard youth to get involved, it has also enabled them to learn and teach how incredible and important energy is to our lives. It was exciting to see such great participation from the island's teachers, students and parents in the festival via Cape Light's efforts!

On a personal note, my family has saved thousands of dollars via your programs such as the free energy assessment, energy efficient upgrades to our home and guiding us to rebates on new energy efficient products (I love my washer and dryer!).

Thank you again for all that you do. We look forward to continuing our productive, educational partnership.

Sincerely,

Nevette Previd  
Living Local MV, Martha's Vineyard

Principal  
Denise C. Fronius  
508-896-4545  
Fax 508-896-4081



Pre-K – Grade 2  
Stony Brook Elementary School  
384 Underpass Road  
Brewster, MA 02631

**Received**

JAN 17 2014

Barnstable County Commissioners

Maggie Downey, Administrator  
Cape Light Compact  
P.O. Box 427 Superior Courthouse  
Barnstable, MA 02630

January 13, 2014

Dear Maggie,

On behalf of the Stony Brook Elementary School, I would like to say how appreciative we have been of the Cape Light Compact programs that have directly and indirectly supported our staff and students.

When Cape Light Compact sponsored the Energy Fair for the Eddy students, it peaked the curiosity and fascination of our students as they presented a marvelous Energy Fair at our school. In fact, I have to say it was one of the most impressively organized fairs I've ever seen.

The sponsorship of our Light Bulb fundraiser not only promoted the initiative for Green living, but helped our PTO in funding some of the things no longer provided for in our budget.

The Cape Light Compact has provided us with a meaningful partnership for our student population and with professional development opportunities for our staff. We are very grateful for all of their help and support.

Sincerely,

A handwritten signature in blue ink that reads "Denise C. Fronius". The signature is fluid and cursive.

Denise C. Fronius  
Principal

January 12, 2014

To Whom It May Concern:

I am writing in support of the Cape Light Compact. I support the changes to the Compact's Aggregation Plan, and the Compact's Programs.

A handwritten signature in black ink, appearing to read 'P. Plansky', followed by a long horizontal flourish line extending to the right.

Paul Plansky, Brewster, MA



## **Maggie Downey**

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**From:** Maureen Dwyer <minireenie@me.com>  
**Sent:** Sunday, January 12, 2014 8:23 AM  
**To:** Maggie Downey  
**Subject:** supporting Cape Light Compact

Hello Maggie,

My third graders at the Teaticket School in Falmouth love science - rubbing balloons in their hair; snapping neon bracelets till they glow, waiting patiently while their "nature prints" fade the ink in construction paper; observing temperatures rise and fall during a friction experiment, to name a few. Hands-on lessons like these have led to numerous years of participating in the Falmouth K-12 Science Fair with solar ovens, rubber-band race cars, and model buildings (each a model of an actual building in Falmouth) lit up with circuits connected with D-cell batteries.

All of these rich experiences originated with lessons that I learned when I was sponsored by Cape Light Compact to go to the NEED Conference, or was taught by Andy Morris (a teacher supported by Cape Light Compact) who came to our school and taught a series of energy lessons, or that I read on the NEED website (directed to the site by CLC.)

I appreciate the opportunity to give thanks to Cape Light Compact for their support. This group of people supports us (children and teachers) with meaningful lessons, professional development, and materials (science kits) that I'm sure the kids will always remember and does so with personable and knowledgeable staff.

I love working with them!

For further discussion or comments, please don't hesitate to contact me.

Maureen "Reenie" Dwyer  
Third grade teacher, Teaticket School, Falmouth  
[minireenie@me.com](mailto:minireenie@me.com)

**Mr John Sinopoli  
Mattacheese Middle School  
400 Higgins Crowell Rd.  
W.Yarmouth, MA 02673**

**12 January, 2014**

**Cape Light Compact Governing Board  
Cape Light Compact  
3195 Main Street  
Barnstable, MA 02630**

**Dear Board Members:**

**I would like to comment on the interaction I have had with CapeLightCompact as an educator from the Dennis-Yarmouth Regional School District.**

**For the past 6 years I have had an affiliation with CapeLightCompact as a teacher from Yarmouth, serving on the Teachers' Advisory Board for four of those years. The resources that they provided to me have proven to be quite valuable. Physical equipment , programs for the classroom, and materials on loan have aided me in my desire to provide hands on lessons to my students. The emphasis on STEM related activities matches the MA state frameworks to the the students' interest levels. The developmentally appropriate materials that I have received and used have successfully deepened the understanding of energy topics for my sixth graders.**

**My hope is that CapeLight will continue to serve the area as a trusted and valued resource for many years to come.**

**Respectfully,**



**John Sinopoli**

**Received**

**JAN 15 2014**

January 10, 2014

To Whom It May Concern:

I have had the pleasure to attend several educational presentations by the Cape Light Compact. Each program was extremely well thought out. The presenters were consummate. The information presented was relevant and accurate. I learned a lot in those sessions and enjoyed every minute of them.

The sessions provided me with skills and materials that I could bring back to my classroom the very next day. The activities were engaging for students and more importantly students came away from each lesson with valuable content.

I have been to many many teacher workshops in my 29 years of teaching and I found the presentations and teacher workshops provided by the Cape Light Compact to be some of the very best I have ever attended. I value their work and look forward to attending more. I highly recommend their workshops to any new teacher and a valuable use of their time and the opportunity to provide their students with many many resources.

Sincerely,

Lynne Donovan  
Teacher  
Mattacheese Middle School  
400 Higgins Crowell Rd.  
West Yarmouth, Mass. 02673

## **Maggie Downey**

---

**From:** Rutledge, Sally <srutledge@monomoy.edu>  
**Sent:** Friday, January 10, 2014 12:46 PM  
**To:** Maggie Downey  
**Subject:** support

To Whom it May Concern:

Cape Light Compact has an energy efficiency and power supply program that is invaluable to Cape Cod. As a homeowner of 2 homes in Brewster, Cape Light Compact has come into our homes, free of charge, to do an efficiency audit thus saving my family hundreds of dollars each year with their suggestions, modifications, free light bulbs and recommendations. As a teacher, Cape Light Compact is an outstanding source and invaluable resource in education. Their teacher trainings as well as their support for any energy lessons or materials or field trips that will enhance the students understanding of energy and energy conservation has been beyond expectations. Please know that Cape Light Compact is an important resource to Cape Cod and should continue to be an asset to our community.

Sincerely,

Sally Rutledge  
30 Flying Mist Lane  
Brewster, MA 02631  
Grade 5 Science Teacher  
Harwich Middle School

January 7, 2014

Cape Light Compact  
PO Box 427/SCH  
3195 Main Street  
Barnstable, MA 02630

To Whom It May Concern,

I am writing to express my support and appreciation for Cape Light Compact and the services they provide to the community. Their presence is encouraging.

Thank you,

Jainee L. Hocking  
Hatchville, MA

**RECEIVED**

JAN 08 2014

**Finance**

January 7, 2014

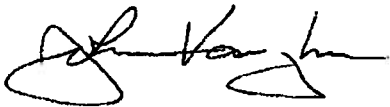
Cape Light Compact  
PO Box 427/SCH  
3195 Main Street  
Barnstable, MA 02630

Dear Sir or Madam:

I wanted to take this opportunity to express my support for the Cape Light Compact and its programs. I recently had an energy assessment done at my home, and was very impressed with the service and attention I received. Everyone involved in the process conducted themselves with a high level of professionalism.

This is a wonderful program, and I have recommended it to many of my neighbors. I hope that Cape Light Compact can continue to offer this service.

Sincerely,

A handwritten signature in black ink, appearing to read "John Vaughn". The signature is fluid and cursive, with a large loop at the end.

John Vaughn  
South Dennis, MA

**RECEIVED**

JAN 08 2014

**Finance**

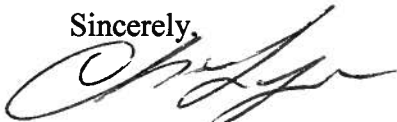
January 6, 2014

Maggie Downey  
Cape Light Compact  
PO Box 427 SCH  
Barnstable, MA 02630

Dear Maggie:

I support Cape Light Compact and its programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Legere", written in a cursive style.

Chris Legere

**Received**

**JAN 09 2014**

**Barnstable County Commissioners**

Cape Light Compact  
3195 Main St.  
Barnstable, MA 02630

6 January, 2014

To whom it may concern,

I am writing to express my support for the Cape Light Compact's energy conservation efforts. My husband and I recently took advantage of the CLC's home energy assessment and rebate programs, and were able to significantly reduce our consumption. We also appreciate that the CLC green initiative offers renewably sourced power options, and we hope the CLC's general energy portfolio will continue to move away from natural gas and coal, and towards an increasing proportion of solar, wind, small hydro and landfill gas.

We thank the Compact for the community service it provides.

Sincerely

Dr. Martha Hauff  
West Falmouth, MA

**RECEIVED**

JAN 08 2014

**Finance**



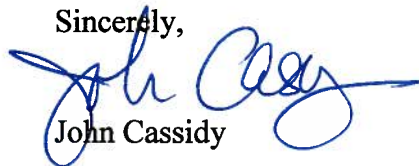
January 6, 2014

Maggie Downey  
Cape Light Compact  
PO Box 427 SCH  
Barnstable, MA 02630

Dear Maggie:

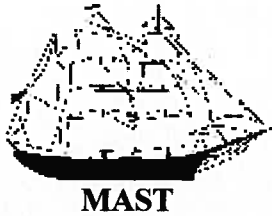
I support Cape Light Compact and its programs.

Sincerely,



John Cassidy

**Received**  
JAN 09 2014  
Barnstable County Commissioners



# Massachusetts Association of Science Teachers

---

Maggie Downey

## Executive Board

Past President:  
Lynn Gatchell  
Box 538  
Oak Bluffs, MA 02557  
Tel: 508-693-0974  
[Lynnng69@comcast.net](mailto:Lynnng69@comcast.net)

President:  
Betsey Willis  
175 Commercial St.  
Braintree, MA 02184  
Tel: 413-522-3027  
[Betsey.willis@gmail.com](mailto:Betsey.willis@gmail.com)

Vice President:  
Mary Liscombe  
8 Highland St.  
Medway, MA 02053  
Tel: 508-533-8633  
[mliscombe@framingham.edu](mailto:mliscombe@framingham.edu)

Treasurer:  
Caryl Adamowitch-  
LaPorte  
28 Charlton St.  
Fitchburg, MA 01420  
Tel: 978-345-0413  
[caryl.laporte@comcast.net](mailto:caryl.laporte@comcast.net)

Secretary:  
Therese Goulet  
159 Hardwick Rd.  
New Braintree, MA 01531  
Tel: 508-867-4268  
[therese\\_goulet@wrsd.net](mailto:therese_goulet@wrsd.net)

We would like to support the Cape Light Compact. We have members that have benefitted from the programs offered to teacher. The programs have not only trains teachers, offer continue to support, but also supplied them with the necessary equipment and materials to conduct the experiments in their classrooms.

Additionally, the support special programs like "Solar Car Design and Race".

I (Lynn Gatchell) have used the materials in my classroom for many years and was able to advance Energy Education for my students as a direct result of the support I received from the Cape Light Compact and Deborah Shiffett-Fitton.

Please continue this program. It is one of the only programs that goes directly to the students of the Commonwealth.

Sincerely,

Lynn Gatchell  
Past President  
Mast

January 6, 2014

Cape Light Compact  
P.O. Box 427/SCH  
3195 Main Street  
Barnstable, MA 02630

To whom it may concern:

I am writing to let you know that I fully support Cape Light Compact and all its programs.

The home energy assessment is one of the programs at the top of the list.

Keep up the good work.

Sincerely,

Sally Houghton  
East Falmouth, MA

**RECEIVED**

JAN 08 2014

**Finance**

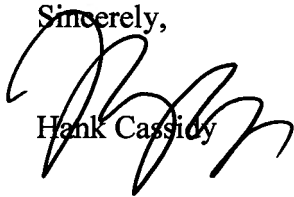
January 6, 2014

Maggie Downey  
Cape Light Compact  
PO Box 427 SCH  
Barnstable, MA 02630

Dear Maggie:

I support Cape Light Compact and its programs.

Sincerely,



Hank Cassidy

**Received**

JAN 09 2014

**Barnstable County Commissioners**

January 6, 2014

Maggie Downey  
Cape Light Compact  
PO Box 427 SCH  
Barnstable, MA 02630

Dear Maggie:

I support Cape Light Compact and its programs.

Sincerely,

Keith Presswood



**Received**

**JAN 09 2014**

**Barnstable County Commissioners**

January 6, 2014

Maggie Downey  
Cape Light Compact  
PO Box 427 SCH  
Barnstable, MA 02630

Dear Maggie:

I support Cape Light Compact and its programs.

Sincerely,



Sheila A Furrer

**Received**

JAN 09 2014

**Barnstable County Commissioners**



## **Lindsay Henderson**

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**From:** L Green <sustainableinfo349@gmail.com>  
**Sent:** Wednesday, February 05, 2014 1:57 PM  
**To:** agplan  
**Subject:** Fwd: Objection to proposed revisions to the CLC Aggregation Plan

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan concerns me. There are changes that take away transparency and accountability. CLC has already raised red flags with the Barnstable County Assembly of Delegates (AoD), our legislative branch of county government regarding transparency and accountability.

After ten meetings in as many months, on May 2, 2012 a Special Committee of the Barnstable County Assembly of Delegates issued a report regarding CLC and CVEC that has seven recommendations. On Dec. 4, 2013 the AoD voted in Resolution 13-06 to contact the office of the Inspector General and the Attorney General of our Commonwealth and "to seek assistance in the County's inquires of CLC and CVEC, specifically those matters addressed in the Special Committee's report". A letter dated 12/8/13 from the Speaker of the Assembly of Delegates addressed to the Inspector General and Attorney General of MA from the AoD "seeks assistance in reviewing and bringing transparency to the shared activities of Barnstable County Government, (CLC) and (CVEC)". This includes audits, structure and operations of CLC and CVEC and procedure and review of present agreements with recommendations on future agreements and Barnstable County's role as fiscal agent and Administrative Agent as per the CLC Aggregation Plan on file at the Dept. of Public Utilities (DPU). The overarching theme of the unanimously voted report by the Special Committee, as well as the resolution by the full assembly was to stem the lack of transparency by these entities and for CLC to more directly benefit the rate payers and towns.

To further reduce transparency and accountability is simply unacceptable.

CLC was formed to obtain the best rates available for the rate payers. (Not that CLC rates are the lowest now when people check on a monthly basis. This already is unacceptable.) The revisions change all that to a new goal which would be to obtain the "best terms and conditions" -- which means, effectively, whatever CLC wants this to mean. This is unacceptable.

The CLC Board can not become more independent of everyone which is what would happen if these proposed revisions are accepted by the Governing Board of CLC. It is an outrage that CLC controls an energy efficiency budget next year of \$35 million which is larger than our whole county budget with the accountability CLC uses currently. CLC can not reduce any amount of accountability than already



exists. CLC needs to become more accountable to the Boards of Selectmen and to the rate payers it was formed to serve.

The revisions to the mil adder are not acceptable. In the revisions, the mil adder has been changed to an "operational adder" to be spent at the discretion of the Board. Public hearings on increases in the mil adder are out. Ditto changes to rates or the mil adder charge. This can not happen. The rate payers need to maintain at least the legal rights as they currently exist. (Not that CLC has honored those legal rights. CLC has raised the mil adder, raising the costs to rate payers without following what is legally correct regarding rate payer input.) Rate payers can not loose these rights.

These are only some of the problems I have with the proposed changes to the Aggregation Plan. I would like to see if you will indeed do as you advertise, act as an advocate for the rate payers and that would mean, change the revisions to the Aggregation Plan so it BENEFITS the rate payers. If you are willing to act as an advocate for the rate payers and revise the Aggregation Plan in the best interests of the rate payers, please let me know.

In order to serve the towns and the rate payers of our county, the process to revise the Aggregation Plan as mandated by DPU needs to be slowed down. DPU has set no date for the revisions to the Aggregation Plan. It is very important that we first need an analysis and assessment of CLC, its history and what the positives and negatives of CLC are. Then it is important to set goals for the future based upon the lessons learned. The towns through the Boards of Selectmen in our county and the rate payers need to weigh in on this. Then it is critical that a draft Aggregation Plan that takes into account the feedback from the towns and rate payers be written and feedback from the towns and rate payers solicited. These comments should be taken seriously, then folded into the final aggregation plan that is voted on by the governing board of CLC. The whole process needs to take place in an open and transparent manner.

I therefore ask you to address my concerns first and to not vote on the proposed Aggregation Plan until the concerns of many Barnstable County rate payers have been satisfied.

Sincerely,

Lilli-Ann Green

Wellfleet

## **Lindsay Henderson**

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**From:** Donna Wald <waldsonthecape@comcast.net>  
**Sent:** Friday, February 07, 2014 8:31 PM  
**To:** agplan  
**Subject:** Aggregation Plan

To Whom It May Concern:

I wish to add my name to the many who have spoken out for a no vote on the Aggregation Plan.

It is evident from the vote of the Assembly of Delegates and the concern of numerous others that we currently do not have the transparency we need to be sure that the rate payers are being justly served. With the aggregation, we will never have that.

If there is nothing to hide, we should slow down the wagon and do this the right way so that we can add some transparency to CLC and CVEC activities.

The Cape is an economically challenged area as it is, and the rate payers deserve a fair and transparent system.

Sincerely,  
Donna Wald, Yarmouth Port

Sent from my iPad

## Lindsay Henderson

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**From:** Kathleen Sherman <64sprite@gmail.com>  
**Sent:** Friday, February 07, 2014 5:20 PM  
**To:** agplan  
**Subject:** Concerns regarding revised plan

Thank you for the opportunity to respond to your revised aggregation plan. I hope that you understand that my criticisms have not been directed to most of the Board or staff, top to bottom.

I remain very concerned that the fundamental, founding principle of aggregation, i.e., transparency, has been lost. I appreciate that many efforts are being made to bring it back.

However, the difference between a Municipal Light Plant as one extreme (often good) and new imitators, such as Lowell, versus the Compact, is that you are not independently elected to serve all rate-payers, nor do you have the one to one relationship to town government that the newer plans do.

That should not be the liability that it has become. My remarks and questions were that I understand that the Cape and Vineyard customer is not high priority for competitive supply, and I support the principles underlying the Compact. Furthermore, I would like to see more of plans such as 'peak-shaving' implemented.

However, as long as you feel that the towns and counties that appointed you, yet you are not really accountable to, are who you serve, the situation will remain schizophrenic.

Specific concerns: Glad to see some restrictions on the mil-adder/op fund but very concerned about REC prepurchase, relationship of buyer to seller (as in CVEC) and yet I would be happy for those who can do so, to buy higher priced electricity paying full cost. They can claim a tax break for it. When the Compact exceeds the RPS, will its customers get that break?

My concern is about transparency of REC pre-purchase, and the relationship between seller, CVEC affiliates and the Compact. Since it is after 5, and you are not legally obligated to take my remarks into account, I will stop for now.

Sincerely,  
Kathleen A. Sherman, Ph.D.  
Brewster MA

Sent from my Droid Charge on Verizon 4G LTE

## Lindsay Henderson

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**From:** Bjeantopalian@aol.com  
**Sent:** Friday, February 07, 2014 2:25 PM  
**To:** agplan  
**Subject:** proposed Aggregation Plan revisions

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan concerns me. There are changes that take away transparency and accountability. CLC has already raised red flags with the Barnstable County Assembly of Delegates (AoD), our legislative branch of county government regarding transparency and accountability.

After ten meetings in as many months, on May 2, 2012 a Special Committee of the Barnstable County Assembly of Delegates issued a report regarding CLC and CVEC that has seven recommendations. On Dec. 4, 2013 the AoD voted in Resolution 13-06 to contact the office of the Inspector General and the Attorney General of our Commonwealth and "to seek assistance in the County's inquires of CLC and CVEC, specifically those matters addressed in the Special Committee's report". A letter dated 12/8/13 from the Speaker of the Assembly of Delegates addressed to the Inspector General and Attorney General of MA from the AoD "seeks assistance in reviewing and bringing transparency to the shared activities of Barnstable County Government, (CLC) and (CVEC)". This includes audits, structure and operations of CLC and CVEC and procedure and review of present agreements with recommendations on future agreements and Barnstable County's role as fiscal agent and Administrative Agent as per the CLC Aggregation Plan on file at the Dept. of Public Utilities (DPU). The overarching theme of the unanimously voted report by the Special Committee, as well as the resolution by the full assembly was to stem the lack of transparency by these entities and for CLC to more directly benefit the rate payers and towns. To further reduce transparency and accountability is simply unacceptable.

CLC was formed to obtain the best rates available for the rate payers. (Not that CLC rates are the lowest now when people check on a monthly basis. This already is unacceptable.) The revisions change all that to a new goal which would be to obtain the "best terms and conditions" – which means, effectively, whatever CLC wants this to mean. This is unacceptable.

The CLC Board can not become more independent of everyone which is what would happen if these proposed revisions are accepted by the Governing Board of CLC. It is an outrage that CLC controls an energy efficiency budget next year of \$35 million which is larger than our whole county budget with the accountability CLC uses currently. CLC can not reduce any amount of accountability than already exists. CLC needs to become more accountable to the Boards of Selectmen and to the rate payers it was formed to serve.

The revisions to the mil adder are not acceptable. In the revisions, the mil adder has been changed to an "operational adder" to be spent at the discretion of the Board. Public hearings on increases in the mil adder are out. Ditto changes to rates or the mil adder charge. This can not happen. The rate payers need to maintain at least the legal rights as they currently exist. (Not that CLC has honored those legal rights. CLC has raised the mil adder, raising the costs to rate payers without following what is legally correct regarding rate payer input.) Rate payers can not loose these rights.

These are only some of the problems I have with the proposed changes to the Aggregation Plan. I would like to see if you will indeed do as you advertise, act as an advocate for the rate payers and that would mean, change the revisions to the Aggregation Plan so it BENEFITS the rate payers. If you are willing to act as an advocate for the rate payers and revise the Aggregation Plan in the best interests of the rate payers, please let me know.

In order to serve the towns and the rate payers of our county, the process to revise the Aggregation Plan as mandated by DPU needs to be slowed down. DPU has set no date for the revisions to the Aggregation Plan. It is very important that we first need an analysis and assessment of CLC, its history and what the positives and negatives of CLC are. Then it is important to set goals for the future based upon the lessons learned. The towns through the Boards of Selectmen in our county and the rate payers need to weigh in on this. Then it is critical that a draft Aggregation Plan that takes into account the feedback from the towns and rate payers be written and feedback from the towns and rate payers solicited. These comments should be taken seriously, then folded into the final aggregation plan that is voted on by the governing board of CLC. The whole process needs to take place in an open and transparent manner.

I therefore ask you to address my concerns first and to not vote on the proposed Aggregation Plan until the concerns of the rate payers you are serving have been satisfied.

Sincerely,

Becky Topalian

Marstons Mills, MA

## Lindsay Henderson

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**From:** Bob Pyles <rpylesmd@comcast.net>  
**Sent:** Friday, February 07, 2014 2:35 PM  
**To:** agplan  
**Subject:** Aggregation Plan

[agplan@capelightcompact.org](mailto:agplan@capelightcompact.org)

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan concerns me. There are changes that take away transparency and accountability. CLC has already raised red flags with the Barnstable County Assembly of Delegates (AoD), our legislative branch of county government regarding transparency and accountability.

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We therefore ask you to address our concerns first and to not vote on the proposed Aggregation Plan until our concerns have been satisfied.

Sincerely,

Robert L. Pyles, MD

Cape address

367 Worcester St.

196 Bayberry Lane

Wellesley Hills, MA 02481

Wellfleet, MA

## Lindsay Henderson

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**From:** Calligraphics <calligraphic@comcast.net>  
**Sent:** Friday, February 07, 2014 12:22 PM  
**To:** agplan  
**Subject:** Stop the proposed revisions to the CLC Aggregation Plan

Margaret Downey, Administrator

Cape Light Compact

P.O. Box 427

Superior Court House

Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan concerns me. There are changes that take away transparency and accountability. CLC has already raised red flags with the Barnstable County Assembly of Delegates (AoD), our legislative branch of county government regarding transparency and accountability.

After ten meetings in as many months, on May 2, 2012 a Special Committee of the Barnstable County Assembly of Delegates issued a report regarding CLC and CVEC that has seven recommendations. On Dec. 4, 2013 the AoD voted in Resolution 13-06 to contact the office of the Inspector General and the Attorney General of our Commonwealth and "to seek assistance in the County's inquires of CLC and CVEC, specifically those matters addressed in the Special Committee's report". A letter dated 12/8/13 from the Speaker of the Assembly of Delegates addressed to the Inspector General and Attorney General of MA from the AoD "seeks assistance in reviewing and bringing transparency to the shared activities of Barnstable County Government, (CLC) and (CVEC)". This includes audits, structure and operations of CLC and CVEC and procedure and review of present agreements with recommendations on future agreements and Barnstable County's role as fiscal agent and Administrative Agent as per the CLC Aggregation Plan on file at the Dept. of Public Utilities (DPU). The overarching theme of the unanimously voted report by the Special Committee, as well as the resolution by the full assembly was to stem the lack of transparency by these entities and for CLC to more directly benefit the rate payers and towns.

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The revisions to the mil adder are not acceptable. In the revisions, the mil adder has been changed to an "operational adder" to be spent at the discretion of the Board. Public hearings on increases in the mil adder are out. Ditto changes to rates or the mil adder charge. This can not happen. The rate payers need to maintain at least the legal rights as they currently exist. (Not that CLC has honored those legal rights. CLC has raised the mil adder, raising the costs to rate payers without following what is legally correct regarding rate payer input.) Rate payers can not loose these rights.

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I therefore ask you to address my concerns first and do not vote on the proposed Aggregation Plan until the concerns of the rate payers you are serving have been satisfied. Please be advised that concerned citizens are watching you.

Sincerely,

Linda Salamon

Harwich, MA

## Lindsay Henderson

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**From:** Howard Gostin <hgostin@comcast.net>  
**Sent:** Friday, February 07, 2014 11:53 AM  
**To:** agplan  
**Subject:** CLC Arregation Plan

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

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I therefore ask you to address my concerns first and to not vote on the proposed Aggregation Plan until the concerns of the rate payers you are serving have been satisfied.

Sincerely,

Howard Gostin

Eastham

## **Lindsay Henderson**

---

**From:** Helen Parker <mtnstar@verizon.net>  
**Sent:** Thursday, February 06, 2014 12:15 PM  
**To:** agplan  
**Subject:** I object to the proposed revisions to the CLC Aggregation Plan

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

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In order to serve the towns and the rate payers of our county, the process to revise the Aggregation Plan as mandated by DPU needs to be slowed down. DPU has set no date for the revisions to the Aggregation Plan. It is very important that we first need an analysis and assessment of CLC, its history and what the positives and negatives of CLC are. Then it is important to set goals for the future based upon the lessons learned. The towns through their Boards of Selectmen and the rate payers need to weigh in on this. Then it is critical that a draft Aggregation Plan that takes into account the feedback from the towns and rate payers be written and feedback from the towns and rate payers solicited. These comments should be taken seriously, then folded into the final aggregation plan that is voted on by the governing board of CLC. The whole process needs to take place in an open and transparent manner.

We therefore ask you to address our concerns first and to not vote on the proposed Aggregation Plan until our concerns have been satisfied.

Sincerely,

Helen and Riggs Parker

Chilmark, MA

## Lindsay Henderson

---

**From:** rickjudd@comcast.net  
**Sent:** Wednesday, February 05, 2014 8:40 AM  
**To:** agplan  
**Subject:** Proposed Changes to CLC Aggregation Plan

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan concerns me. There are changes that take away transparency and accountability. CLC has already raised red flags with the Barnstable County Assembly of Delegates (AoD), our legislative branch of county government regarding transparency and accountability.

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Sincerely,

Richard Judd  
Brewster, MA

## **Lindsay Henderson**

---

**From:** Janet King <j@thermofab.com>  
**Sent:** Wednesday, February 05, 2014 7:48 AM  
**To:** agplan  
**Subject:** Objection to proposed revisions to the CLC Aggregation Plan

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

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Sincerely,

Janet A. King

175 Parkington Hill Road

Wellfleet, MA 02667

## **Maggie Downey**

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**From:** Rogers <jandprogers@comcast.net>  
**Sent:** Friday, February 07, 2014 12:21 PM  
**To:** Maggie Downey  
**Subject:** CLC Aggregation Plan

Ms. Margaret Downey  
Cape Light Compact

Ms. Downey:

Re: CLC's proposed aggregation plan.

We are concerned about the following:

1. The new CLC aggregation plan seeks the 'best terms and conditions' possible for electric rates but not necessarily the lowest terms.  
We feel this is a violation of the original intent of CLC established at its founding.
2. We believe that CLC's aggregation plan should clearly state that CLC is subordinate to the will and decisions of the Selectmen of Cape Cod towns.  
it should be made clear that CLC is not some sort of independent entity divorced from the wishes of Cape Selectboards.
3. Public hearings on increases in the mill adder should be maintained. This is not an issue for the CLC Board alone to decide.  
The public should be involved.

Thank you for your attention to our concern on these issues.

James and Patricia Rogers  
Sandwich

## Lindsay Henderson

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**From:** Judy Watts <capecodbts@comcast.net>  
**Sent:** Friday, February 07, 2014 1:05 PM  
**To:** agplan  
**Subject:** CLC Aggregation Plan

Cape Light Compact  
Ms. Margaret Downey

Please be aware that many many people are concerned about this plan and see it as ignoring all sense of transparency as well as any accountability to those which CLC is there to help. Your goal is to do best by the rate payers and this very clearly does not. Please let us be part of your goal and work together and not victims of impossible rates with no voice. Please do not let this Aggregation Plan go forth.

Thank you  
Judith Pennington-Watts  
15 Whig Street  
Dennis MA 02638

**Lindsay Henderson**

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**From:** burke-margaret@comcast.net  
**Sent:** Friday, February 07, 2014 8:20 AM  
**To:** agplan  
**Subject:** Cape LightCcompact proposed changes to the Aggregation Plan

Dear Ms. Downey:

I urge you to delay the proposed changes to the aggregation plan until all analysis of the operations of your organization are complete. That would be a better time to make changes.

Thank You

Margaret Burke  
62 Clarissa Joseph Road  
Plymouth, MA. 02360

## **Lindsay Henderson**

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**From:** Jill Mullen <j-mullen@comcast.net>  
**Sent:** Wednesday, February 05, 2014 6:38 AM  
**To:** agplan  
**Subject:** Objection to the CLC Aggregation Plan's proposed revisions

Margaret Downey, Administrator  
Cape Light Compact  
P.O. Box 427  
Superior Court House  
Barnstable, MA/02630

Dear Ms. Downey,

The proposed changes to the Cape Light Compact (CLC) Aggregation Plan that take away transparency and reduce accountability are unacceptable. CLC need to live up to it's original purpose of obtaining the best rates available for the rate payers, not be watered down to obtain the "best terms and conditions" and to reduce transparency and accountability. These are watered-down, generic terms that will essentially allow the Governing Board of CLC to interpret their actions in any way they wish with no real accountability to the rate payers.

The Special Committee of the Barnstable County Assembly of Delegates' report and recommendations regarding CLC and CVEC should be taken seriously. The unanimously voted report by the Special Committee, as well as the resolution by the full assembly, focuses on the lack of transparency by these entities and advises CLC to more directly benefit the rate payers and towns. The opinions and concerns of the town Boards of Selectmen and the rate payers need to be a part of the development of a revised plan.

It is critical that an Aggregation Plan take into account the feedback from the towns and rate payers be solicited. These comments should then be incorporated into the final aggregation plan that is voted on by the governing board of CLC. The process should be conducted in an open and transparent manner.

I therefore ask you not to vote on the proposed Aggregation Plan until all concerns have been satisfactorily addressed.

Sincerely,

Jill F. Mullen  
27 Belmont Avenue  
Harwich, MA 02645





THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK  
GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANN G. BERWICK  
CHAIR

JOLETTE A. WESTBROOK  
COMMISSIONER

DAVID W. CASH  
COMMISSIONER

February 26, 2014

VIA FIRST CLASS MAIL

Jeffrey M. Bernstein, Esq.  
BCK Law, P.C.  
One Gateway Center, Suite 809  
Newton, Massachusetts 02458

RE: Cape Light Compact Municipal Aggregation Plan

Dear Attorney Bernstein:

On August 27, 2013, the Department of Public Utilities (“Department”) sent the Cape Light Compact (“Compact”) a letter requesting that the Compact review its municipal aggregation plan and determine whether the Compact should file a revised plan. Specifically, the Department requested that the Compact should ensure that its municipal aggregation plan reflects the Compact’s current structure and operations, and at a minimum, remove references to standard offer service and Commonwealth Electric Company. The Department stated that the Compact’s municipal aggregation plan must comply with any applicable laws, regulations and Department precedent, including the Department’s Orders in City of Lowell Municipal Aggregation, D.P.U. 12-124. In October 2013, the Compact verbally notified the Department of its intention to file a revised municipal aggregation plan after a final Order issued in D.P.U. 12-124, consistent with the directives in the Department’s August 27, 2013 letter to the Compact.

On November 27, 2013, the Department issued a final Order in D.P.U. 12-124. On December 11, 2013, the Department sent the Compact a letter directing the Compact to comply with certain provisions of the final Order in D.P.U. 12-124, including the requirement to submit an annual report to the Department on December 1<sup>st</sup> of each year.

In order to ensure that the Department's review of the Compact's municipal aggregation plan can proceed in a timely manner, the Department requests that the Compact file its revised municipal aggregation plan no later than April 4, 2014. Once the revised plan has been received, the Department will review the filing, issue a notice, and establish a procedural schedule for investigation. If you have any questions, please feel free to contact me, at 617-305-3634 or [jonathan.goldberg@state.ma.us](mailto:jonathan.goldberg@state.ma.us).

Sincerely,

/s/

Jonathan A. Goldberg  
Hearing Officer

cc: Steven Venezia, Deputy General Counsel, DOER  
Jesse Reyes, Division Chief, Office of the Attorney General  
Sandra Merrick, Deputy Division Chief, Office of the Attorney General





**Cape Light Compact Governing Board  
Wednesday, March 12, 2014  
Open Session Meeting Minutes**

The Governing Board of the Cape Light Compact met on Wednesday, March 12, 2014 in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

**PRESENT WERE:**

Dr. Joyce Flynn, Chairwoman, Yarmouth  
Robert Schofield, Vice-Chair, Bourne  
Peter Cocolis, Treasurer, Chatham  
Barry Worth, Secretary, Harwich  
Peter Cabana, Member at Large, Dukes County  
William Doherty, Barnstable County  
David Anthony, Barnstable  
Deane Keuch, Brewster  
Timothy Carroll, Chilmark - by phone  
Brad Crowell, Dennis – by phone until 3:30 pm  
Thomas Mayo, Mashpee  
Ronald Zweig, Falmouth  
Richard Toole, Oak Bluffs  
Everett Horn, Sandwich  
Richard Elkin, Wellfleet  
Tom Donegan, Provincetown  
Jen Rand, W. Tisbury Alternate

**LEGAL COUNSEL:**

Jeffrey Bernstein, Esq., BCK Law, PC

**STAFF PRESENT:**

Maggie Downey, Compact Administrator  
Margaret Song, Residential Program Manager  
Briana Kane, Sr. Residential Program Coordinator  
Matthew Dudley, Residential Program Coordinator  
Lindsay Henderson, Marketing & Data Analyst  
Meredith Miller, C&I Program Manager  
Vicki Marchant, C&I Program Analyst  
Nicole Price, C&I Program Planner  
Philip Moffitt, EM&V Manager  
Gail Azulay, EM&V Analyst  
Debbie Fitton, Energy Education Coordinator  
Kim Deisher, Customer Service Representative  
Karen Loura, Administrative Assistant

**MEDIA & PUBLIC PRESENT:**

Ed Maroney, Barnstable Patriot Newspaper Reporter  
Patrick Cassidy, Cape Cod Times Newspaper Reporter  
Kathy Hubby, former Wellfleet CLC Board Member  
George Jenkins, Bourne Resident  
Dr. Kathy Sherman, Brewster Resident  
James Rogers, Sandwich Resident

**ABSENT WERE:**

Michael Hebert, Aquinnah  
Edgartown - Vacant  
Fred Fenlon, Eastham  
Orleans, Vacant  
William Straw, Tisbury  
Peter Fontecchio, Truro  
Sue Hruby, W. Tisbury

**CALL TO ORDER**

Chr. Flynn opened the meeting at 2:05 pm. and introduced Tom Donegan, newly appointed Provincetown Representative. The meeting notice/agenda was posted pursuant to the Open Meeting Law at: <http://www.capelightcompact.org/about/agendas-minutes/> and on the exterior public meeting notice board at Superior Court House at 1:30 p.m. on 3/10/14.

**PUBLIC COMMENT**

Chr. Flynn reviewed the Public Comment policy and invited Public Comment.

- J. Rogers, Sandwich spoke that the Aggregation Plan does not include reference to CVEC. He asked the Board to consider discussing CLC & CVEC relationship. He asked about the length of continued relationship if CLC will continue to fund CVEC.
- George Jenkins, Bourne - Provided a history of his experience with Cape Light Compact beginning in 2001 to provide energy efficiency services to two buildings in Bourne. One is the Bourne Society for Historic Preservation built in 1847 and the other is a Victorian house which began renovations in 1979. He said B. Schofield became involved and progress took off. He said B. Schofield became Treasurer in 1997 and improvements have saved \$2000/year down to \$700. Renovations included new windows, insulation and hot water furnace. At R. Schofield's suggestion an energy audit was performed by Rise Engineering resulting in additional insulation upgrades, air leak sealing and new oil burner which results in a 40% savings. He expressed gratitude to the Cape Light Compact for everything that has been done to improve efficiency at these buildings. He stated he supported the Aggregation Plan
- Dr. Sherman said she wrote a letter about Aggregation Plan and wants to thank Cape Light Compact for information provided at Orleans Informational Meeting. She seeks to make it clear that she is in favor of distributed generation. She mentioned today's article and recent decision on long-term contracts on big wind farms in Maine. She urged focus on energy economics so that there is better understanding about RECs and about the transmission costs. She asked CLC to help people with a more holistic view of energy especially transportation energy.

**APPROVAL OF MINUTES**

B. Worth presented minutes for approval. *P. Cocolis moved the Board vote to accept the minutes of January 8, 2014 as presented, seconded by R. Schofield. J. Bernstein advised that those who left that meeting early can vote on these minutes. The Board then voted unanimously in favor to approve with J. Rand, T. Donegan and E. Horne abstaining.*

**TREASURERS' REPORT**

The Treasurer's Report was moved to after Aggregation Plan discussion.

**DISCUSSION AND POTENTIAL VOTE ON REVISIONS TO AGGREGATION PLAN**

B. Doherty asked that the reason for updating the plan be stated that the State asked us to bring our Plan up-to-date to make it consistent with Lowell's proposed plan then under consideration by the DPU. The Cape Light Compact has always been supported by oversight. Peter Cocolis said the original Plan filed and approved in 2000 has fallen out of date. Since then to now the energy environment has changed, names, etc. When this matter was brought to the Board, the board agreed it wanted to review the Plan and update it.

DRAFT MINUTES – SUBJECT TO CORRECTION, ADDITION AND BOARD APPROVAL.

The Board reviewed the red-lined, mark-up including more recent changes being proposed as a result of input received during the comment period. The more recent changes are shown in yellow highlight. This document was posted on the CLC website on Monday. M. Downey provided an overview of the process soliciting comment including three informational sessions (Mashpee, Orleans and Oak Bluffs) as well as presentations to Boards of Selectmen with CLC Staff or Board Member. Red-lined mark-up was mailed all Town Managers w/request to forward to their Boards of Selectmen and solicit feedback. A total of 79 written comments were received. 65 were in support. 35 included specific comments on changes. 14 letters were not supportive. Eight were form letters not supporting changes or the CLC. The Compact consulted with the Attorney General's office, who specifically requested changes to Section 6.1. Also received comment after deadline from DOER and Sandwich Board of Selectmen to review and possibly incorporate. The updated plan is required to be filed on or before April 4, 2014.

The Board then discussed edits relative to power supply procurement. B. Doherty wants intent noted for changes flagged in yellow highlight on pg. 4. He wants to make sure there is a clear understanding of what competitive rates are as well as issues considered in the overall length of the contract. The edit came as a result of comments received from the Town of Chatham who were concerned that CLC continue to pursue the best market rates available and the best terms and conditions. R. Elkin questioned whether the language would preclude green energy. The Intergovernmental Agreement (IGA) goes into considerable detail relative to green energy goals and other CLC projects. The IGA is referenced in Aggregation Plan. The Board agreed by consensus to make verbiage the same on pages 4, 11 & 20.

D. Anthony requested replacing "Town Council" with "Town Manager" where appropriate – by agreement.

The Board then reviewed the paragraph inserted at the request of the Attorney General.

D. Anthony suggested removing reference to NStar and replace with "Local Distribution Company" by agreement this would be done throughout the Plan.

Subsequent edits:

M. Downey said DOER requested the word "investment program" be inserted as well as definition of Market Transformation. This information provides education as well as an edit to pg. 19, Section 4.2 - by agreement. This proposed language was provided by DOER and is the result of consultations between the DOER and CLC.

Edits resulting from input received from Sandwich were approved by consensus.

W. Tisbury – letter of 2/26/14. J. Rand reviewed W. Tisbury Board of Selectmen concerns over the term: "without limitation". She said W. Tisbury is very concerned because boards and towns do not operate without limitation. T. Mayo suggested making the Executive Committee replace "without limitation" J. Flynn said the phrase comes directly from IGA. W. Tisbury's concern is what does "without limitation" mean. Discussion followed. R. Elkin proposed alternative language, and Atty. Bernstein proposed "among other things" In each of the three instances the board agreed to change wording to "including, among other things".

Chr. Flynn commented on the spelling of "foreward" - by agreement to remove "e". She said staff will correct scrivener errors.

R. Schofield moved the Board vote to accept the proposed revisions to the Cape Light Compact Aggregation Plan, subject to form or other scrivener's revisions, and direct staff to work with legal counsel to prepare submittal documents for the Department of Public Utilities on or before April 4, 2014, seconded by D. Keuch and voted unanimously in favor by roll call vote as follows:

Yarmouth	Yes	Barnstable	Yes	Oak Bluffs	Yes
Bourne	Yes	Brewster	Yes	Provincetown	Yes
Chatham	Yes	Chilmark	Yes	Sandwich	Yes
Harwich	Yes	Dennis	Yes	Wellfleet	Yes

DRAFT MINUTES – SUBJECT TO CORRECTION, ADDITION AND BOARD APPROVAL.

Dukes County	Yes	Falmouth	Yes	W. Tisbury	Yes
Barnstable County	Yes	Mashpee	Yes		

**TREASURER’S REPORT**

P. Cocolis reviewed CLC operating budget and reported we are doing fine. M. Downey will request a supplemental budget needed for salaries. J. Flynn asked Peter to look at Subscriptions to see what it is for next meeting. P. Cabana spoke about EE News and urged members to take a look at it.

At 3:30 p.m. J. Rand left and B. Crowell disconnected from phone.

P. Cocolis provided an overview of the 2013 annual Energy Efficiency Budget based on the 3-year plan. He said if there is an overage the funds must be manually put into 2014 budget. He said the 2014 budget will be provided at the next meeting. If Commercial/Industrial program expenditures continue at current rate into next year, there may be a need to approach the DPU to file for a mid-term modification. 20% over or under budget triggers mid-term modification. Funds roll forward to the next year manually.

P. Cabana reported on an interview with the new DEP on EE News (David Cash) and asked M. Downey to circulate interview.

P. Cabana and R. Toole left the meeting at 3:37 p.m.

**ENERGY EFFICIENCY PROGRAM UPDATE**

• Efficient Neighborhoods Plus Update

K. Deisher provided a Power-point Presentation providing an update on the Efficient Neighborhoods + Program (Attachment A) designed to reach economically hard to reach customers (60%-100% of median income) in 1-4 family residential properties. She informed the Board the wrong (later) application deadline was erroneously printed by the newspaper. However, no extension was made beyond the deadline. There have been almost 1000 more audit requests compared to this time last year. Increase incentive was a test to reach a different demographic. M. Song said other Program Administrators are offering this program to single town as tests but the CLC Board wanted to offer the opportunity to all customers in our service territory. An update will be provided to the Board at the conclusion of the program. We are overspent because programs are very popular. There is uncertainty about repeating this program at this time. All of this information will be useful in penetration study being performed. CLC may propose a change in the next 3-year plan based upon information collected.

**CHAIRMAN’S REPORT**

- Chr. Flynn informed the Board of the need to approve the budget for next Fiscal Year by the end of June. To provide review/discussion time, a meeting is needed prior to voting. The schedule is to meet in May. M. Downey suggested Budget Draft review on April 9<sup>th</sup> and May 14<sup>th</sup>. There is no meeting in August. The Board can also meet May 14<sup>th</sup> and June 11<sup>th</sup> and cancel July. Demand Management Institute will present on ASHRAE Level Audits on May 14<sup>th</sup>. It was agreed to meet May 14<sup>th</sup> and June 11<sup>th</sup>.
- Ch. Flynn expressed praise to the Compact for maintaining a high tone recently.

R. Zweig asked to express appreciation to everyone for participating in the Aggregation Plan Review/Comment Period. He said all comments are appreciated. M. Downey said a modified copy will be available and circulated next week.

There was discussion about the results of the Municipal RFP.

**ADMINISTRATOR’S REPORT**

- M. Downey provided an up-to-date Board/Staff Contact list.
- M. Downey distributed Calendar of Upcoming Events and encouraged members to attend and participate as a CLC Representatives if available. J. Flynn asked if Cape Light Compact will be at Town Meetings this year. M. Downey said it is not planned to do a bulb give-away this year at Town Meeting.
- Main Streets Project The first Main Street Project has been completed in Provincetown. There has been a 25% uptick in response and participation. Currently staff is in the process of executing contracts. The next program roll out is planned for April and will include a Martha's Vineyard Town Oak Bluffs and Falmouth in an attempt to reach small C&I customers in a blitz. Progress Update(s) will be provided. M. Downey said we will get to all Towns. This program offers 100% incentives, and we will need to closely monitor budgets. N. Price said this is part of a State-wide effort. However CLC has enhanced the program which includes more than other Program Administrators. She said the cost/kwh is projected to be .41cents /kWh (.20 cents below other PA's) and the BCR's are looking wonderful considering 100% incentives. Two more towns are being selected to receive this program in the fall.
- The Cape Light Compact is working with a marketing company to help with spreading the word on energy efficiency. Ridley and Assoc. will be in contact with various board members.

The Board acknowledged receipt of the following:

- Letter dated 12/31/13 from our auditors, Sullivan, Rogers & Company, LLC announcing merger with Clifton Larson Allen LLP (CLA) J. Flynn executed letter.
- Copy of a letter from Chr. Flynn dated 2/25/14 to member towns and counties correcting misrepresentations of fact circulated relative to Cape Light Compact. Chr. Flynn said this letter will be posted to the website and we are in the process of preparing financial information for posting to the website. Once the 2012 and 2013 Financial Statements are the completed, the Auditor will provide an overview of how to read/use the information in the financial statements particularly for new members.
- Notice from W. Tisbury Board of Selectmen dated March 10, 2014 of their appointment of Jennifer Rand at the Alternate Representative to the Cape Light Compact as of March 5, 2014.

**CVEC UPDATE**

A CVEC update will be provided at the next meeting.

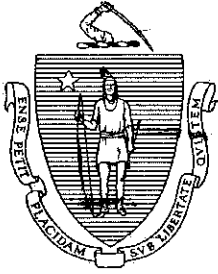
*At 4:14 p.m. B. Doherty moved to adjourn, seconded by P. Cocolis and voted unanimously in favor.*

Respectfully submitted,

Karen E. Loura  
Administrative Assistant

Reviewed by Barry Worth, Secretary on: March 17, 2014





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
BOSTON, MA 02114  
Telephone: 617-626-7300  
Facsimile: 617-727-0030

**Deval L. Patrick**  
Governor

**Richard K. Sullivan, Jr.**  
Secretary

**Mark D. Sylvia**  
Commissioner

March 26, 2014

Joyce Flynn, Chair  
Cape Light Compact Governing Board  
465 Long Pond Drive  
Yarmouth, Massachusetts 02664

**Re: Cape Light Compact Updated Municipal Aggregation Plan**

Dear Ms. Flynn:

I am writing to inform you that the Cape Light Compact ("Compact") has completed its consultation with the Department of Energy Resources ("DOER"), pursuant to G.L., c.164, § 134(a) in the development of its updates and revisions to its Municipal Load Aggregation Plan, detailing the process and consequences of aggregation.

The DOER attests to the good faith effort made by the Compact in the consideration of the undertaking, the communications it has conducted with us, its Governing Board, and the customers within the constituent towns of the Compact. We have engaged in helpful discussions to update the original documents establishing the Compact in light of recent developments affecting municipal aggregators; the evolution of the role of aggregators in the Commonwealth; and the maturation and experience of the Compact itself and the services it offers to its customers. The DOER has engaged in ongoing discussions with the Compact over the course of several months. Upon review of the Compact's documentation, we have made numerous observations and comments and offered suggestions regarding revisions to its Plan. Our dialogue has reached a satisfactory conclusion. We have completed these discussions in response to representations and assurances made by the Compact accommodating our suggestions and apprising us of its outreach processes to incorporate public input concerning these revisions. After a series of discussions, on March 25th the DOER conducted its latest meeting telephonically with the Compact's Administrator and the Compact's legal counsel coordinating this effort. In performing these actions, the DOER has provided technical assistance consistent with our charge under G.L. c.25A, § 6(11).



The DOER is satisfied that the Compact, its Governing Board, and legal counsel are undertaking this effort with realistic expectations of the municipal benefits that might accrue to the Aggregation Plan's subscribers. Likewise, we recognize the commitment of the Compact as it seeks to bring value to its communities through the continuance of this public aggregation. We appreciate the Compact's diligence.

Sincerely,

A handwritten signature in black ink that reads "Meg Lusardi". The signature is written in a cursive, flowing style.

Meg Lusardi  
Director, Green Communities Division

cc: Margaret Downey

ML:siv

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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CAPE LIGHT COMPACT

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)  
) D.P.U. 14-XX

**MEMORANDUM REGARDING THE  
REVIEW OF THE CAPE LIGHT COMPACT'S  
UPDATED AGGREGATION PLAN**

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 County, acting together as the Cape Light Compact (the “Compact”), hereby submits this memorandum to outline the procedures that it respectfully requests that the Department of Public Utilities (the “Department”) follow in reviewing its Updated Municipal Aggregation Plan (“Updated Aggregation Plan”), submitted along with this memorandum and Petition, as defined herein.

**I. INTRODUCTION AND BACKGROUND**

On August 27, 2013, the Department issued a letter noting that as part of its analysis of pending municipal aggregation plans, “the Department has reviewed the Cape Light Compact’s municipal aggregation plan and notes that the plan, originally approved by the Department in Cape Light Compact, D.T.E. 00-47 (2000), may no longer fully and accurately reflect the Compact’s current operation of its municipal aggregation program.” See Department’s August 2013 Letter, annexed to the Compact’s Petition Seeking Review and Continued Approval of Its Municipal Aggregation Plan (“Petition”) as Exh. C. The Department requested that the Compact

review its aggregation plan and “determine whether the Compact should file a revised plan to reflect the municipal aggregation program’s current structure and operation.” *Id.*

As more fully discussed in the Compact’s accompanying Petition, in response to the Department’s letter the Compact’s Governing Board (“Compact Board”) at its September 11, 2013 meeting discussed the Department’s request and moved to update its aggregation plan, as approved by the Department in D.T.E. 00-47 (“Aggregation Plan”). The updates can be categorized into four broad areas: A. Clerical Updates, B. Operational Updates, C. Legal Updates and D. Public Process Updates. See Section III, *infra*, for further discussion on the Updated Aggregation Plan. As part of the Compact’s public review and update process, the Compact provided information and related documents regarding the proposed updates to the Aggregation Plan on its website, held three public information sessions and provided a seven-week public comment period in which it received 65 letters in support, as well as 14 letters expressing opposition to the proposed updates. See Petition at Exhs. F (in support) and G (in opposition). In addition, the proposed Updated Aggregation Plan was sent electronically to all twenty-three Compact member towns and counties, along with a memorandum that summarized the proposed revisions. Subsequently, the Compact’s Administrator and staff met with every municipal member’s Board of Selectmen or Town Council, as the case may be, to discuss the proposed revisions, with the exception of one town where the meeting was cancelled and not rescheduled. Finally, as part of its update process, the Compact met with both the Department of Energy Resources (“DOER”) and the Office of the Attorney General (“Attorney General” or “AG”).

At its March 12, 2014 meeting, the Compact Board reviewed additional proposed revisions, including those received from its members, the DOER and the Attorney General. The Compact Board made additional changes in response to the comments and suggested edits and

then unanimously approved the submission of the Updated Aggregation Plan as provided in Exhibit A to the Petition.

## II. LEGAL STANDARDS

G.L. c. 164, §134(a) (“Section 134”) contains the following procedures and standards for filing and review of a plan for municipal aggregation:

[A] municipality or group of municipalities establishing a load aggregation pursuant to this section shall, in consultation with the division of energy resources, pursuant to section 6 of chapter 25A, develop a plan, for review by its citizens, detailing the process and consequences of aggregation. . . . Such plan shall be filed with the department, for its final review and approval, and shall include, without limitation, an organizational structure of the program, its operations, and its funding, rate setting and other costs to participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and termination of the program. Prior to its decision, the department shall conduct a public hearing.

The Department approved the Compact’s Aggregation Plan in 2000. In its approval order, the Department expressly acknowledged that its review was to ensure that the Compact’s Aggregation Plan met the requirements of Section 134 and any other statutory requirements concerning aggregated service. See D.T.E. 00-47 at 7. In addition, the Department noted that the Compact’s aggregation plan must be consistent with the provisions in the Department’s regulations contained in 220 C.M.R. § 11.00, *et. seq.* that apply to competitive suppliers and electricity brokers. See *id.* As part of the initial approval process, the Department held a public hearing, allowed for the submission of written comments and briefs but did not hold evidentiary hearings.<sup>1</sup>

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<sup>1</sup> NSTAR Electric Company’s (“NSTAR”) request for adjudicatory hearings on the issue of bill access was denied. Instead, the Department severed the issue and opened a separate docket to adjudicate, thereby allowing the aggregation plan review to continue without delay of evidentiary hearings. See D.T.E. 01-28, Phase II  
*Continued*

Since the approval of the Compact's Aggregation Plan in 2000, a number of other municipalities have sought the Department's review and approval of municipal aggregation plans, modeled after the Compact's approved Aggregation Plan. See e.g., D.P.U. 12-124 (2013) (approving municipal aggregation plan for City of Lowell) ("Lowell Order"); D.P.U. 12-39 (same, Town of Lancaster); D.P.U. 06-102 (same, City of Marlborough). Of note, these proceedings have followed a similar scope and process as the Department conducted in D.T.E. 00-47. See e.g., D.P.U. 06-102; D.P.U. 11-32 (Town of Lunenburg). From these proceedings, it is clear that the focus of the Department's review is solely to ensure the plan is consistent with the requirements of Section 134 (e.g., universal access; reliability and equitable treatment) and the Department's regulations (requiring quarterly information disclosure).

Moreover, within the context of the review and approval of a newly forming municipal aggregation, the Department has expressly stated that evidentiary hearings are not required unless a party alleges an issue of disputed fact and demonstrates the relevancy of the issues to the proceeding. See e.g., D.P.U. 13-131 (Town of Natick, Procedural Memorandum dated October 25, 2013) ("A request for evidentiary hearings shall fully explain the disputed issues of fact that need to be addressed through a hearing and the relevancy of the issues."); see also D.P.U. 12-124 (City of Lowell) (2013) (noting same). In short, the Department does not contemplate evidentiary hearings as part of its review of municipal aggregation plans.

Despite the numerous filings since the Compact's initial Aggregation Plan petition, the Department continues to handle and regard new municipal aggregation submissions in a similar manner to its review and approval of the Compact's Aggregation Plan. See e.g., D.P.U. 13-131 (noting the Town of Natick's petition will be reviewed consistent with the Department's well-

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(Investigation by the Department on its own motion into the billing services provided by electric distribution companies).

established precedent. (Citing Town of Lancaster, D.P.U. 12-39, Town of Lanesborough, D.P.U. 11-27, Town of Ashland, D.P.U. 11-28 Town of Lunenburg, D.P.U. 11-32, City of Marlborough, D.P.U. 06-102 and Cape Light Compact, D.T.E. 00-47)).

### **III. UPDATED AGGREGATION PLAN**

The Compact's proposed changes are set forth in the Updated Aggregation Plan. See Petition at Exh. A. As noted, the updates can be categorized into four broad areas: A. Clerical Updates, B. Operational Updates, C. Legal Updates and D. Public Process Updates.

#### **A. Clerical Updates.**

Clerical updates were made to better reflect current terminology, as well as to ensure consistency of terminology throughout the Aggregation Plan. For example, references to the "Department of Telecommunications and Energy or D.T.E.," the former name for the Department, were changed to "Department of Public Utilities" or "D.P.U." and references to the "Division of Energy Resources" were changed to reflect the current name, "Department of Energy Resources" or "DOER." Similarly, references to "Commonwealth Electric" were changed to "Local Distribution Company." References to "Standard Offer" and related Commonwealth Electric customer charges were deleted in their entirety since standard offer is no longer available. Section 2.2 of the Aggregation Plan includes the Compact's goals, as provided for in the Inter-Governmental Agreement ("IGA").<sup>2</sup> Updates of the Compact's goals were made to ensure consistency with the language contained in the most current IGA. In addition, to minimize the need for future clerical updating, references to the Compact's website

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<sup>2</sup> As acknowledged by the Department in D.T.E. 00-47, the IGA is the Compact's governing document, which was formally executed by each member town after full discussion. The IGA has guided the Compact after its initial implementation of universal generation service on an opt-out basis. The IGA is reviewed by the Compact Board on a regular basis, and was most recently updated in September 2012. See Petition at Exh. A at Foreword.

were incorporated to provide continuous access to the most current information. For example, instead of including the names of Compact Board members at this point in time, the Aggregation Plan now provides that “an overview of the Governing Board Structure and the list of current representatives are available on the Compact’s website at [www.capelightcompact.org](http://www.capelightcompact.org).” Lastly, the redlined plan update includes the addition of a Foreword, which is a letter from the Chair of the Compact Board that provides a general overview of, and context for, the Updated Aggregation Plan.

**B. Operational Updates.**

Operational updates were made to better reflect current operations at the Compact which have, of course, evolved since the original plan was prepared more than thirteen years ago. These updates include, among other things, reference to two changes that occurred since the Compact’s aggregation operations began: 1) the Compact Board’s appointment of a Chief Procurement Officer (“CPO”) and 2) the Compact Board’s adoption of a policy that requires an appropriation process for the use of funds collected pursuant to the operational adder. These updates improve fiscal accountability and transparency. The Compact Board also codified that the Compact will have independent audit financial statements, in addition to the audits conducted by its fiscal agent, Barnstable County.

Specifically, redlined updates were made to Section 2.3.1 (Community Choice Power Supply Program) to reflect current operations of the Power Supply Program, including a description of the responsibilities and authority of the CPO and process used to procure opt-out universal service power supply. In addition, where appropriate, redlined updates were made in other sections of the Aggregation Plan to reference CPO activities (*e.g.*, Section 6.1 contains a new reference to the CPO). Section 6.2 (Other Costs to Consumers) was updated to include a

description of the Compact Board's recently adopted policy regarding collection and appropriation of the operational adder (up to a mil kWh charge). Finally, cognizant of the importance of maintaining historical operational information, Sections 4.1 through 4.1.7, which describe the process the Compact originally followed to implement its power supply program, have not been deleted but italicized.

**C. Legal Updates.**

Legal updates were made to incorporate changes in governing statutes, as well as the Department's directives in its recent Order in D.P.U. 12-124. Specifically, Section 2.3.2 was updated to incorporate reference to the Green Communities Act of 2008, St. 2008, c. 169, as well as related changes to the Compact's administration of energy efficiency programs. This section was updated also to provide reference to the Compact's website for the Compact's most current energy efficiency plan. The Lowell Order included two additional requirements for municipal aggregators, an annual reporting requirement and an aggregation plan update requirement. As a result, updates were made to reflect these new requirements. Specifically, a new Section 9.0 (Reporting) was added to be consistent with the Lowell Order directive at 67-68. Municipal aggregators are now required to file an annual report with the Department on December 1<sup>st</sup> of each year, beginning in 2014, that provides specific operational information from the prior year. Similarly, a new Section 14.0 (Updating the Compact's Aggregation Plan) was added to be consistent with the Lowell Order directive at 52. The Compact accordingly will update its Aggregation Plan if operations materially deviate from its approved plan or if changes in the law, regulations, the competitive supply market or other circumstances result in the approved plan no longer accurately describing the Compact's operations.



**D. Public Process Updates.**

As a result of the public comment period and the Compact's dialogue with its members, the Attorney General and DOER, the Compact received suggested edits and additions to the Aggregation Plan. At its March 12, 2014 meeting, the Compact Board considered each of these suggestions. The Attorney General requested the inclusion of information regarding the rates of the Local Distribution Company. The Compact Board adopted the Attorney General's suggestion and has included operative language as part of Section 6.2 in the Updated Aggregation Plan. In addition, through the consultation process, DOER made suggested edits that were also considered and approved by the Compact Board. Finally, the Compact Board considered and adopted suggested changes from member towns. See Petition at Exh. I (discussing proposed changes and Compact Board action).

**IV. PROCESS FOR REVIEW**

Recognizing this is the first occasion where the Department has revisited and reviewed an approved and operational aggregation plan, the Compact respectfully suggests the following process for the Department's review.

Since the Compact's Aggregation Plan is fully operational and the Department's initial approval in full force and effect, the scope of the review undertaken should be limited to the proposed revisions and updates to the Aggregation Plan. Allowing the scope of this proceeding to include review of already approved language of the Compact's Aggregation Plan would be unduly burdensome to the Compact and undermine the Department's recent statement reiterating its approval of the Compact's Aggregation Plan. See Petition at Exh. D. The Compact respectfully submits that the question now before the Department is limited to whether the

proposed revisions are consistent with Section 134. In D.T.E. 00-47, that issue was fully vetted with the Department finding the Aggregation Plan consistent with Section 134 and Department regulations. Accordingly, the scope of the current review should be limited to the proposed updates.

With respect to the review, the Compact requests the Department adopt procedures similar to those used in D.T.E. 00-47, and as in all other Department reviewed and approved municipal aggregation plans. See e.g. D.P.U. 13-131; D.P.U. 12-39; and D.P.U. 11-32. Specifically, the Department should provide the opportunity for public comment on the proposed revisions, written discovery on the proposed revisions, if necessary, from those parties the Department grants intervention, followed by written comments and/or briefing by the parties. The Compact requests that the Department apply the same standard for further hearings as it has in its review of petitions for newly adopted aggregation plans, *i.e.*, the presence of relevant disputed issues of fact. See D.P.U. 13-131.

The Compact has met publicly with Board of Selectmen or Town Council, held three informational sessions and an extensive public comment period and made available all of the relevant documents and information regarding the Updated Aggregation Plan on its website. At the state level, the Compact consulted with DOER and consulted with the Attorney General, which resulted in added provisions for consumer education and protection. See e.g., Petition Exh. A at Section 6.1 (adding link on Compact website to local distribution company's basic service rate).

In determining the scope of the public process to follow, the Department should recognize and be mindful of the extensive public process that has already occurred. The Department should also consider that the Compact is not a regulated monopoly that collects

revenues from captive customers. Rather, the Compact provides a unique competitive supply option for consumers. Indeed, no customer is compelled to use the Compact as its power supplier. As such, the Department should not impose stricter oversight than is required by the governing statute or Department precedent.

Adopting a review process for updates to operational aggregation plans as outlined by the Compact will satisfy the requirements of Section 134, since it is consistent with the Department's approach with respect to newly forming aggregation plans. Therefore, the Compact respectfully urges the Department to follow these procedures:

1. The Department expeditiously issues a Notice of Filing/Notice of Public Hearing and Request for Comments limited to the proposed updates and revisions to the Compact's Aggregation Plan. Provide for the standard opportunity to intervene.
2. Department staff, and those parties granted intervention, conduct discovery limited to the proposed updates and revisions to the Compact's Aggregation Plan.
3. The Compact responds to the discovery. To the extent necessary or useful to the Department, the Compact would be available to answer questions at a technical session with Department staff.
4. To the extent that the public hearing and discovery identify issues that require further written comments, the Department allows for submission of final comments by the parties to the proceeding and an opportunity, if necessary, for reply comments by the Compact.
5. The Department issues its Section 134 determination.

## **V. CONCLUSION**

Based upon the foregoing, the Compact respectfully requests that the Department adopt the proposed procedural process for the review and approval of the Compact's Updated Aggregation Plan.

Respectfully submitted,

CAPE LIGHT COMPACT

By its attorneys,



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Jeffrey M. Bernstein, Esq. ([jbernstein@bck.com](mailto:jbernstein@bck.com))

Jo Ann Bodemer, Esq. ([jbodemer@bck.com](mailto:jbodemer@bck.com))

Audrey A. Eidelman, Esq. ([aeidelman@bck.com](mailto:aeidelman@bck.com))

BCK LAW, P.C.

One Gateway Center, Suite 809

Newton, MA 02458

(617) 244-9500 (phone)

(802) 419-8283 (fax)

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