

Cape Light Compact Governing Board
Wednesday, June 11, 2014
Executive Session Meeting Minutes

The Governing Board of the Cape Light Compact met in Executive Session on Wednesday, June 11, 2014 at 2:05 p.m. in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

PRESENT WERE:

1. Dr. Joyce Flynn, Chairwoman, Yarmouth
2. Robert Schofield, Vice-Chair, Bourne
3. Peter Cocolis, Treasurer, Chatham
4. Barry Worth, Secretary, Harwich – remotely by telephone
5. Peter Cabana, Member at Large, Dukes County- remotely by telephone
6. William Doherty, Barnstable County
7. David Anthony, Barnstable
8. Deane Keuch, Brewster
9. Brad Crowell, Dennis until 3:00 p.m.
10. Fred Fenlon, Eastham
11. Paul Pimentel, Edgartown
12. Ronald Zweig, Falmouth at 2:17 p.m.
13. Thomas Mayo, Mashpee
14. Richard Toole, Oak Bluffs - remotely by telephone
15. Thomas Donegan, Provincetown
16. Everett Horn, Sandwich
17. Peter Fontecchio, Truro
18. Susan Hruby, W. Tisbury - remotely by telephone

ABSENT WERE:

Michael Hebert, Aquinnah
Timothy Carroll, Chilmark
Orleans, Vacant
William Straw, Tisbury
Richard Elkin, Wellfleet

LEGAL COUNSEL:

Jeffrey Bernstein, Esq., BCK Law, PC

STAFF PRESENT:

Margaret Downey, 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 Voudren, C&I Program Planner
Stephan Wollenburg, Sr. Power Supply Planner
Philip Moffitt, EM&V Manager
Gail Azulay, EM&V Analyst
Deborah Fitton, Energy Education Coordinator
Karen Loura, Administrative Assistant

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION

Chr. Flynn requested a motion to enter into Executive Session pursuant to MGL Ch30A § 21(a)(10) for the purpose of discussing power supply procurement strategy and MGL Ch. 30A § 21(a)(3) and § 21(a)(10) for the purpose of discussing litigation strategy and related power supply issues. She declared an open session may have a detrimental effect on Cape Light Compact's ability to conduct business in relation to other entities making, selling or distributing electric power and energy and that the consideration of the purchase, exchange, lease or value of electricity will have a detrimental effect on Cape Light Compact's negotiating position as a public body and a detrimental effect on the litigating position of the public body. She added the Governing Board would return to Open Session at the conclusion of Executive Session. *R. Schofield moved the Board*

vote to enter into Executive Session for the purposes stated, seconded by P. Cocolis and voted unanimously in favor by Roll Call Vote as follows:

1. William Doherty, Barnstable County	Yes	10. Barry Worth, Harwich	Yes
2. David Anthony, Barnstable	Yes	11. Thomas Mayo, Mashpee	Yes
3. Robert Schofield, Bourne	Yes	12. Richard Toole, Oak Bluffs	Yes
4. Deane Keuch, Brewster	Yes	13. Thomas Donegan, Provincetown	Yes
5. Peter Cocolis, Chatham	Yes	14. Everett Horn, Sandwich	Yes
6. Brad Crowell, Dennis	Yes	15. Peter Fontecchio, Truro	Yes
7. Peter Cabana, Dukes County	Yes	16. Susan Hruby, W. Tisbury	Yes
8. Fred Fenlon, Eastham	Yes	17. Dr. Joyce Flynn, Yarmouth	Yes
9. Paul Pimentel, Edgartown	Yes		

DPU 14-69 AGGREGATION PLAN UPDATE

M. Downey reviewed litigation strategy relative to DPU 14-69. M. Downey provided background and passed out website instructions and docket number to view comments.

The DPU has established procedural schedule through August 19th. During conference call there was a concerted effort by the AG's office to expand the scope. The DPU was very clear that the case is limited to Aggregation Plan update. The Compact filed a motion to strike public comments submitted by E. Bibler, C. Powicki, L. J. Rogers that were beyond the scope of the proceeding and to strike comments of Peter Kenney which are factually inaccurate. The Attorney General has issued the first set of Information Requests to the Compact (see AG Letter dated 5/30/14 in Meeting Packet). Atty. Bernstein urged the Board to object to the majority of the AG's IR's as most are well beyond the scope of proceeding.

R. Zweig arrived to the meeting at 2:17 p.m.

Last week the DPU rejected an attempt to go outside what is at focus in the HCOG Aggregation docket. The AG's office is expected to raise the same issue as it did in the Lowell case in the CLC Proceeding. Relative to assertions that the AG is investigating the Compact, as a matter of policy the AG would not affirm or deny. But they have indicated the Compact would know if it were under investigation. M. Downey has offered to respond to questions outside the scope of Aggregation Plan and has stated publicly her willingness to provide requested information (much of which is on the Cape Light Compact Website) apart from the Aggregation Plan Update procedure. She said this docket is not the appropriate vehicle through which to request the information.

The next step is to object to the AG's IR's and submit the CLC response by this Friday deadline. The AG's office will then have the ability to further dispute by filing a Motion to Compel the Cape Light Compact. There was discussion relative to competing authorities. The DPU has pointed out in several decisions that the AG's right to participate in regulatory reviews is included in Ch. 12-11(e) providing for intervention in matters involving Electric Companies. Aggregators are not Electric Utility Companies. The AG's office also has rights under Section 10 and Atty. Bernstein read an excerpt. M. Downey said the DPU seeks consistency with MGL Ch. 164 and the Cape Light Compact is in compliance. There was review of the components used in determining if a charge is a fee or a tax. The mil adder collected is used to for operational expenses, operate, provide Consumer Advocacy and explore renewable energy, etc.

M. Downey asked for consensus from the members relative to writing letter to Boards of Selectmen and Town Council to provide an update on what is happening with the Aggregation Plan. The members unanimously gave their support in favor of updating the Selectmen/Council. M. Downey will draft the letter and provide a copy to each member.

The AG's office has had multiple invitations and they have not engaged. The Compact can provide an open invitation and will respond to everything relative to the Aggregation Plan. However, if it is not within the scope of the proceeding, the Compact will object to responding in this venue, however, happy to respond at any time. B. Crowell urged the press be kept up to date.

POWER SUPPLY:

S. Wollenburg provided Power Point presentation relative to power supply procurement to either replicate or mimic utilities in power supply procurement. Utilities pick multiple suppliers and put together multiple players. It gives us more options. The Compact will be pursuing this option over the next several years. The Compact is trying to bring in more competition.

B. Crowell left meeting @ 3:00

M. Downey reviewed historical strategies. M. Downey requested members interested in participating in the process to let her know. There was discussion about the impact on the markets when NSTAR goes out to bid. There was discussion about the timing of the Cape Light Compact RFP. S. Wollenburg said layering in procurements from different time periods enables the Compact to provide blended rates. T. Mayo said the motivation sounds appropriate and the effort is to obtain better rates. There was discussion about NSTAR's buying power compared to Cape Light Compact. Some strategies would allow CLC or require speculation to buy or not buy. NSTAR was not expected to continue to be a supplier once standard offer ended. Utilities got out of the generation business and received recovery for stranded investments. There were 5 years of standard offer. There was discussion about a variety of products Cape Light Compact may want to offer. The information gathering and discussion is ongoing. D. Anthony, F. Fenlon, P. Cocolis and possibly T. Donegan would like to participate in the RFP process.

At 3:29 p.m., P. Cocolis moved the Board vote to adjourn Executive Session and reconvene in open session, seconded by W. Doherty and voted by roll call vote as follows:

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| 1. William Doherty, Barnstable County | Yes | 10. Barry Worth, Harwich | Yes |
| 2. David Anthony, Barnstable | Yes | 11. Thomas Mayo, Mashpee | Yes |
| 3. Robert Schofield, Bourne | Yes | 12. Richard Toole, Oak Bluffs | Yes |
| 4. Deane Keuch, Brewster | Yes | 13. Thomas Donegan, Provincetown | Yes |
| 5. Peter Cocolis, Chatham | Yes | 14. Everett Horn, Sandwich | Yes |
| 6. Peter Cabana, Dukes County | Yes | 15. Peter Fontecchio, Truro | Yes |
| 7. Fred Fenlon, Eastham | Yes | 16. Susan Hruby, W. Tisbury | Yes |
| 8. Paul Pimentel, Edgartown | Yes | 17. Dr. Joyce Flynn, Yarmouth | Yes |
| 9. Ronald Zweig, Falmouth | Yes | | |

Respectfully submitted,

Karen E. Loura
Administrative Assistant

List of Documents:

- Meeting Notice/Agenda