

# **Cape Light Compact JPE Executive Committee & Governing Board Meeting**

**DATE:** Wednesday, November 14, 2018  
**LOCATION:** Cape Light Compact Offices – MV Conference Room  
261 Whites Path, Unit 4, South Yarmouth  
**TIME:** 2:00 – 4:30 p.m.

## **AGENDA**

- 2:00 PM      Public Comment
- Presentation by Cape Cod Commission on Regional Policy Plan
- Approval of Minutes
- Chairman's Report
1. Welcoming New Residents
- Fiscal Report, Overview of Energy Efficiency and Operating Budgets, Peter Cocolis
- Update on 2019-2021 Energy Efficiency Plan, DPU 18-116, Maggie Downey
- Discussion and Potential Vote on Solar Grant for Low-Income Housing, Austin Brandt
- Presentation on Proposed Compact Marketing Plan, Dan Schell
- Discussion on Proposed 2019 Operating Budget, Maggie Downey
- Administrator's Report
1. Board Member Email Addresses
2. December Board Meeting Dates and Agenda Topics
- Board Member Update (Reserved for Updates on Member Activities the Chair Did Not Reasonably Anticipate Would be Discussed – No Voting)

# CAPE COD COMMISSION UPDATE

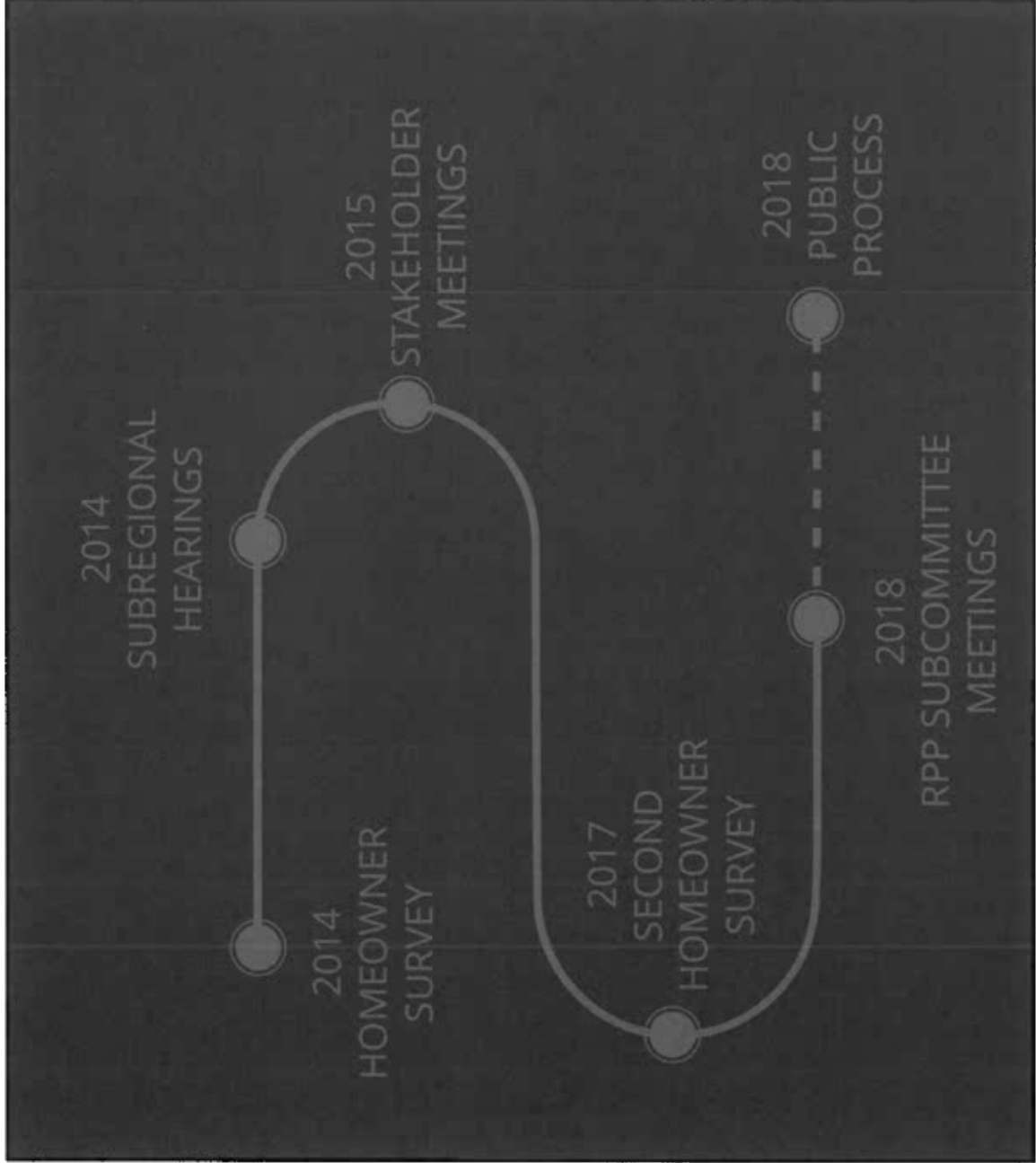
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## The 2018 Regional Policy Plan

CLC Meeting  
November 14, 2018



CAPE COD  
COMMISSION



ADDRESS HOUSING  
NEEDS



PROMOTE REGIONAL  
CAPITAL AND  
INFRASTRUCTURE  
PLANNING



EASE LOCAL  
COMPREHENSIVE  
PLANNING



PROTECT NATURAL  
RESOURCES



PRESERVE  
CHARACTER

# 2018 REGIONAL POLICY PLAN



**Cape Cod  
Commission  
Responsibilities**



**Key Challenges  
Facing the  
Region**



**Regional  
Regulatory  
Review**



**Evolution of  
the Regional  
Policy Plan**



**Goals and  
Objectives**



**Regional  
Performance  
Measures**



**A Regional  
Vision for  
Cape Cod**



**Coordinated  
Regional and  
Local Planning**



**Recommended  
Actions**



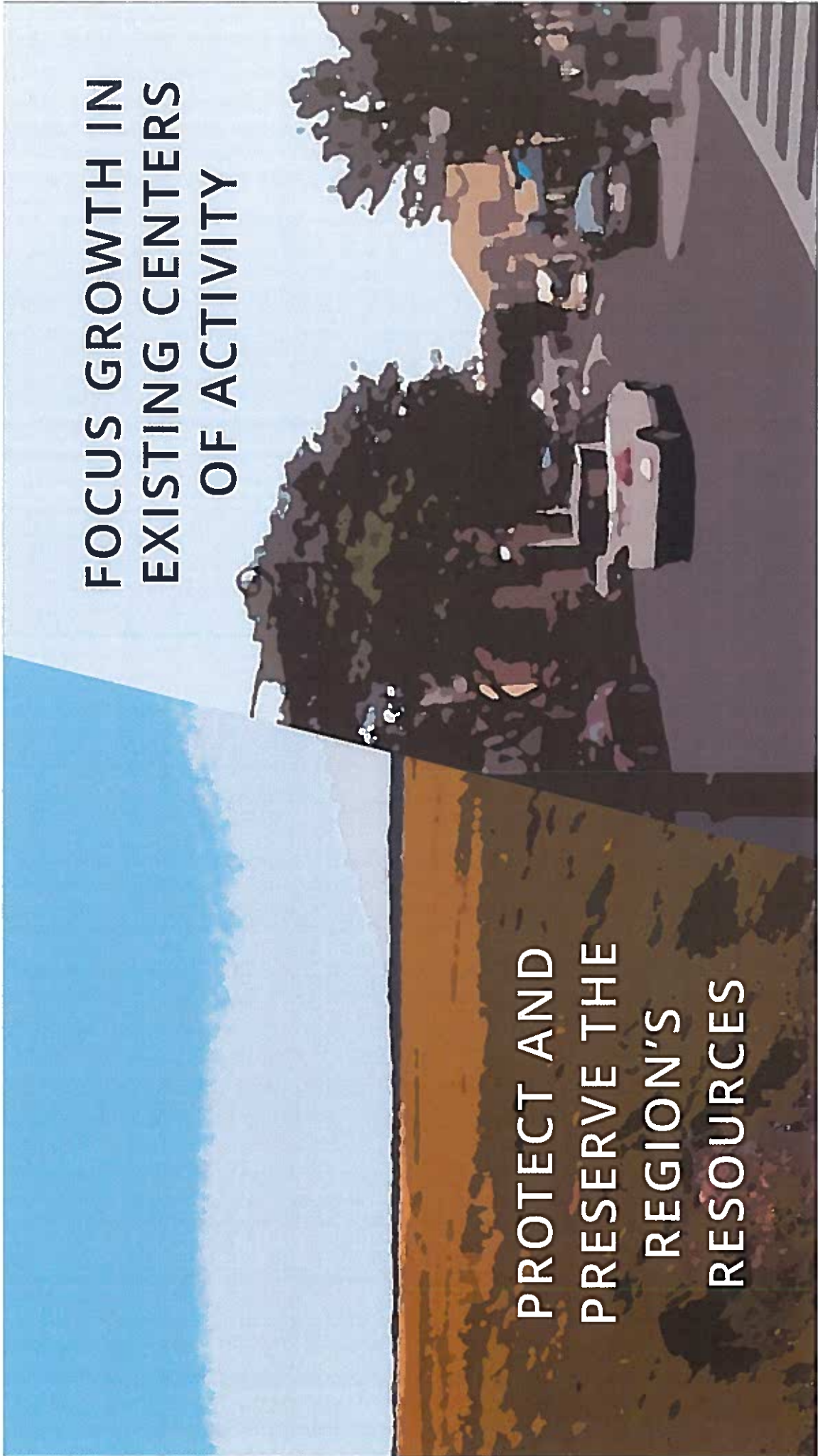
**Cape Cod  
Systems**

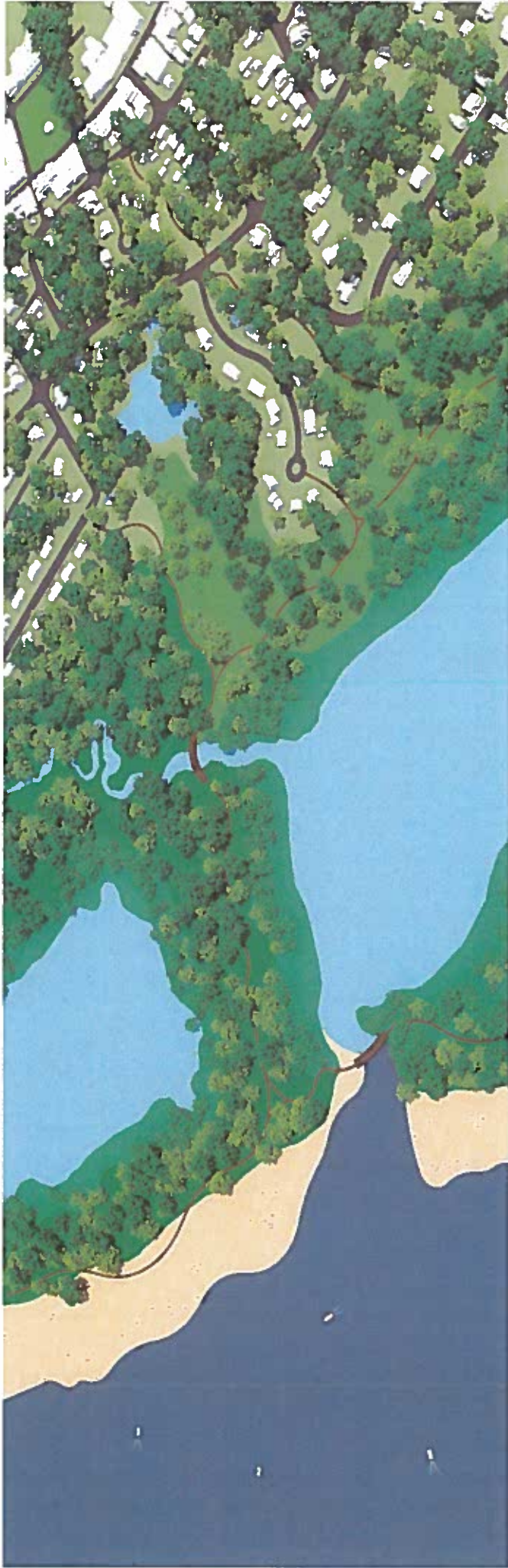


**Cape Cod  
PlaceTypes**

**FOCUS GROWTH IN  
EXISTING CENTERS  
OF ACTIVITY**

**PROTECT AND  
PRESERVE THE  
REGION'S  
RESOURCES**





## Cape Cod Systems

The Growth Policy recognizes the importance of each system and the need to balance their impacts and functions to sustain the Cape over the long term. These natural, built, and community systems are described on the following pages.

### Natural Systems



### Built Systems



### Community Systems



# Natural Systems

To protect and restore the quality and function of the region's natural resources that provide the clean water and healthy ecosystems upon which life depends.

## Water Resources

*Goal: To maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources.*

### Objectives:

1. Protect and preserve groundwater quality
2. Prevent and mitigate loading of nutrients and other contaminants to fresh water resources
3. Prevent and mitigate loading of nutrients and other contaminants to marine water resources
4. Manage and treat stormwater to protect and preserve water quality
5. Manage groundwater withdrawals and discharges to maintain hydrologic balance and protect surface and groundwater resources

## Ocean Resources

*Goal: To protect, preserve or restore the quality and natural values and functions of ocean resources.*

### Objectives:

1. Locate development away from sensitive resource areas and habitats
2. Preserve and protect ocean habitat and the species it supports
3. Protect significant human use areas and vistas

## Wetland Resources

*Goal: To protect, preserve or restore the quality and natural values and functions of inland and coastal wetlands and their buffers.*

### Objectives:

1. Protect wetlands and their buffers from vegetation and grade changes
2. Protect wetlands from changes in hydrology
3. Protect wetlands from stormwater discharges
4. Promote the restoration of degraded wetland resource areas

## Wildlife and Plant Habitat

*Goal: To protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity*

### Objectives:

1. Maintain existing populations and species diversity
2. Restore degraded habitats through use of native plant communities
3. Protect and preserve rare species habitat, vernal pools, and 350-foot buffers to vernal pools
4. Manage invasive species
5. Promote best management practices to protect wildlife and plant habitat from the adverse impacts of development

## Open Space

*Goal: To conserve, preserve, or enhance a network of open lands and green spaces that contribute to managing the effects of development on the region's resources and support human health.*

### Objectives:

1. Protect remaining developable land and resource areas within Natural Areas, including lands suitable for future water supply sites
2. Protect or provide open lands and/or green spaces appropriate to context
3. Protect highest natural, cultural, and agricultural resource values and functions
4. Increase the connectivity of protected open space

# Built Systems

To protect and enhance the built environment and infrastructure necessary to support the region and healthy activity centers.

## Community Design

**Goal:** To protect and enhance the unique character of the region's built environment based on the local context.

### Objectives:

1. Promote context sensitive building and site design
2. Minimize the amount of newly disturbed land and impervious surfaces
3. Guide new development to locate in activity centers

## Coastal Resiliency

**Goal:** To prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise.

### Objectives:

1. Minimize development within the floodplain
2. Plan for sea level rise, erosion, and floods
3. Reduce vulnerability to coastal hazards

## Capital Facilities and Infrastructure

**Goal:** To guide the rate and location of development with the provision of the capital facilities and infrastructure necessary to meet the region's needs while also coordinating the achievement of other Goals and Objectives contained within this plan.

### Objectives:

1. Locate capital facilities and infrastructure to promote community resiliency to natural, deliberate and other threats and promote compact land use patterns where feasible
2. Locate capital facilities and infrastructure to enhance the provision of safe, high quality services and facilities that are responsive to the diverse needs of the region and its people
3. Ensure capital facilities and infrastructure address existing and anticipated needs of Cape Cod while protecting cultural heritage and natural resource quality and functions, and promoting context-based community design

## Transportation

**Goal:** To provide and promote a safe, reliable, and multi-modal transportation system.

### Objectives:

1. Improve safety and eliminate hazards for all users of Cape Cod's transportation system
2. Provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users
3. Provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people

## Energy

**Goal:** To provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod.

### Objectives:

1. Minimize energy consumption through planning and design, including energy efficiency and conservation measures
2. Support renewable energy development that is context sensitive
3. Increase reliability and resiliency of energy generation and delivery

## Solid Waste Management

**Goal:** To manage solid waste for the region to protect public health and safety.

### Objectives:

1. Properly manage construction and demolition waste, including recycling as available
2. Promote waste reduction and diversion programs including recycling and composting
3. Promote an integrated solid waste management system







# Community Systems

To protect and enhance the linkages between society, the natural environment, and history vital to the way of life on Cape Cod by supporting development of amenities and life opportunities necessary to support vibrant and diverse communities.

## Cultural Heritage

**Goal:** To protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod.

### Objectives:

1. Protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods
2. Protect and preserve archaeological resources and assets from alteration or relocation
3. Preserve and enhance public access and rights to and along the shore
4. Protect and preserve traditional agricultural and maritime development and uses

## Economy

**Goal:** To promote a sustainable regional economy comprised of a broad range of businesses providing an expansion of employment opportunities to a diverse workforce.

### Objectives:

1. Protect and build on the Cape's competitive advantages, including historic villages and maritime areas, and a healthy natural environment
2. Use resources and infrastructure efficiently
3. Foster a balanced and diverse mix of business and industry
4. Support industries that provide living wage jobs to a diverse workforce
5. Expand economic activity and regional wealth through exports, value added, import substitution, and local ownership

## Housing

**Goal:** To promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs.

### Objectives:

1. Promote an increase in housing diversity and choice
2. Protect existing housing stock and promote an increase in year-round housing supply
3. Increase housing affordability

# CAPE COD PLACETYPES



NATURAL  
AREAS



RURAL  
DEVELOPMENT  
AREAS



SUBURBAN  
DEVELOPMENT  
AREAS



HISTORIC  
CHARACTER  
AREAS



MARITIME  
AREAS



COMMUNITY  
ACTIVITY  
CENTERS



INDUSTRIAL  
ACTIVITY  
CENTERS



MILITARY AND  
TRANSPORTATION  
AREAS

# REGULATORY APPROACH



GOAL



OBJECTIVES



TECHNICAL GUIDANCE



PLACETYPES + RESOURCE AREAS

# TECHNICAL BULLETIN REVIEW

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Energy

## ENERGY GOAL:

To provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod.

### OBJECTIVE EN1

Support renewable energy development that is context-sensitive

### OBJECTIVE EN2

Increase resiliency of energy generation and delivery

### OBJECTIVE EN3

Minimize energy consumption through planning and design

# PERFORMANCE MEASURES

PROTECTED  
HABITAT



DRINKING  
WATER



SIDEWALK  
NETWORK



COASTAL  
WATER



HISTORIC  
RESOURCES



ACTIVITY  
CENTERS



HIGH WAGE  
JOBS



HOUSING  
AFFORDABILITY



FLOODPLAIN  
DEVELOPMENT



# RECOMMENDED ACTIONS



COASTAL HAZARD  
MITIGATION PLANNING



REGIONAL CAPITAL  
PLANNING



STREAMLINED LOCAL  
COMPREHENSIVE  
PLANNING

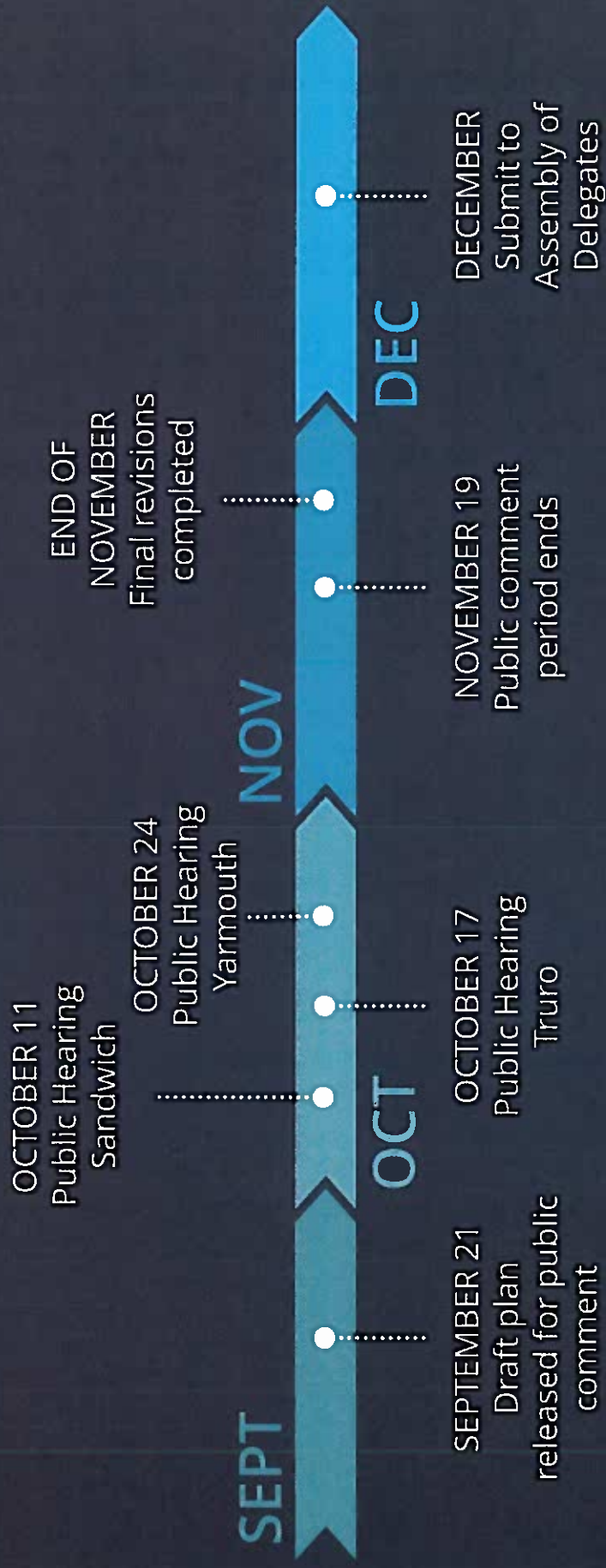


CLIMATE RESILIENCY  
PLANNING



RENEWABLE ENERGY  
SITING GUIDELINES

# DRAFT RPP TIMELINE





# THE 2018 REGIONAL POLICY PLAN

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[capecodcommission.org/rppupdate](http://capecodcommission.org/rppupdate)

[rpp2018@capecodcommission.org](mailto:rpp2018@capecodcommission.org)

**Cape Light Compact JPE  
Governing Board  
Open Session Meeting Minutes  
Wednesday, October 10, 2018**

The Cape Light Compact JPE Board of Directors met on Wednesday, October 10, 2018, in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth, MA 02664 at 2:00PM.

**Present Were:**

1. David Anthony, Secretary, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Colin Odell, Brewster
5. Fred Fenlon, Eastham
6. Paul Pimentel, Edgartown
7. Ronald Zweig, Vice-Chair, Falmouth
8. Wayne Taylor, Mashpee – **By Phone**
9. Martin Culik, Orleans
10. Thomas Donegan, Executive Committee, Provincetown
11. Leanne Drake, Sandwich
12. Kirk Metell, Tisbury Alternate – **By Phone**
13. Sue Hruby, West Tisbury
14. Joyce Flynn, Chair, Yarmouth

**Absent Were:**

1. Michael Hebert, Aquinnah
2. Peter Cocolis, Executive Committee, Chatham
3. Timothy Carroll, Chilmark
4. Brad Crowell, Dennis
5. Robert Hannemann, Dukes County
6. Valerie Bell, Harwich
7. Richard Toole, Executive Committee, Oak Bluffs
8. Jarrod Cabral, Truro
9. Richard Elkin, Wellfleet

Members/Alternates

Physically present: 12

Present by phone: 2

**Legal Counsel:**

JoAnn Bodemer, Esq., BCK Law, P.C.

**Staff Present:**

Austin Brandt, Senior Power Supply Planner

Briana Kane, Planning and Evaluation Manager

Joanne Nelson, Comptroller

suggested that December 5<sup>th</sup> would work best for the December Cape Light Compact Board Meeting. The sense of the board is that December 5<sup>th</sup> will work.

### **ADMINISTRATORS REPORT:**

#### **1. Fiscal Report: Overview of Energy Efficiency and Operating Budgets**

Maggie Downey stated that the Compact is on track to spend almost all the Operating Budget. The RFP for municipal electric accounts is being worked on.

Maggie Downey stated that the Energy Efficiency Budget was also on track to be spent and it shows a “Hockey Stick” pattern of growth. Phil Moffit is on track to use all the Residential Budget and receive the planned savings. Ron Zweig stated that he understands the “Hockey Stick” pattern when it comes to new projects, but since these are ongoing programs, why is this happening? Margaret Song stated there are few reasons why this has happened. With some projects they are going through the grant process in the summer, installation in the fall and the Compact doesn’t get billed until December. Also, the Massachusetts Clean Energy Center grants decreased therefore the Compact has taken on more.

#### **2. Reminder of 2019-2021 Energy Efficiency Plan Informational Sessions**

Maggie Downey asked Board Members to attend the Public Sessions and invite others to attend as well. She also asked the Board Members to try and get people to participate in taking the online survey on our website at <https://www.capelightcompact.org/eeplan/>.

#### **3. November and December Board Meeting Dates and Agenda Topics**

Maggie Downey stated that the next two Board Meetings will be on November 14<sup>th</sup> and December 5<sup>th</sup>. The Operating Budget for 2019 will be voted on at the December Board Meeting, along with nominations for Executive board positions.

Maggie Downey stated that the Cape Cod Commission has released a Draft Regional Policy Plan (RPP) that references Cape Light Compact. The Compact has found some minor errors. Maggie Downey asked the Board to let the Compact respond to the errors and asked if the Board wanted to provide any comments as well. Tom Donegan asked if someone for the Cape Cod Commission could come to the next Board Meeting to talk about it with us and stated in the meantime the Compact should send a letter on the corrections. Martin Culik stated that a committee should be put together that would work on Board comments on the RPP. Sue Hruby asked if it would be possible for the Board to submit comments by email. Maggie Downey stated that the Board should read the RPP and submit their comments to her by email. At the November Meeting the Board will vote on the letter Maggie Downey has put together with the comments.

### **2019-2021 ENERGY EFFICIENCY PLAN, DPU 18-116:**

#### **1. Discussion and Potential Votes on Cape Light Compact Proposed Enhancements to the 2019-2021 Energy Efficiency Plan**

Maggie Downey reviewed background of the Three-Year Energy Efficiency Plan. The Compact works closely with other PA’s to provide cost-effective energy efficiency programs, but each submits their own tables.

each town separately, what is the average people per household? Margaret Song stated that there is an average 2.2 people per household on Cape Cod and 2.1 people per household in Martha's Vineyard.

*Tom Donegan moved the CLCJPE Board of Directors vote to approve the use of Area Median Incomes for determining whether a customer is eligible for Cape Light Compact moderate (61-80% AMI) or extended moderate (81-120% AMI) income offerings, and to continue to use the State Median Income for the Low-Income Customers (60% SMI).*

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

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Kirk	Metell	Tisbury	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (13- 0 - 0)*

### **3. Discussion and Potential Vote on Proposed 2019-2021 Energy Efficiency Plan Budget and Savings Goals**

Briana Kane reviewed the budget, savings and bill impacts slides. Colin Odell asked why the residential bills are increasing an average of \$4.84. Maggie Downey stated it is primarily because of the Cape and Vineyard electrification offering. Colin Odell stated that the Compact will need to prepare speaking points that people will understand on why customers will be seeing an increase on their bill. Maggie Downey stated that this is a \$23-million-dollar offering that the Compact is proposing. Briana Kane stated that the other Compact Energy Efficiency Plan enhancements are also contributing to the budget increase. Maggie Downey noted that there will be higher percentage of propane and oil customers in our territory than in other Program Administrator territories. Martin Culik asked how the average increase of \$4.84 compares to other PA's across the state. Briana Kane stated that the Compact is about double the cost per kWh as of the past month. Martin Culik asked if this proposal to the state isn't set in stone because they could deny or ask for changes. Maggie Downey answered yes. Fred Fenlon asked how the Compact feels about the projections going forward on the billing impacts. Maggie Downey stated that she thinks the Compact will be on the higher end. Sue Hruby stated that the communications need to be targeted to the low- and moderate-income customers and should be sent out around the time they get their bill. The bill impacts may not seem like much, but for some it is.

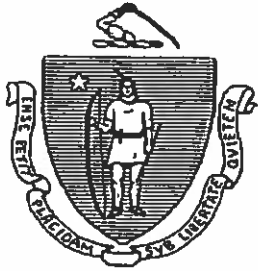
Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda
- September 19, 2018 Meeting Minutes
- October -December 2018 Calendars of Events
- 2018 Operating Budget
- 2018 Energy Efficiency Budget
- October update on the Compact's 2019-2021 Three-Year Energy Efficiency Plan PowerPoint
- Agenda Action Request: 2019 – 2021 Energy Efficiency Plan Budget and Savings Goals
- Agenda Action Request: 2019 – 2021 Energy Efficiency Plan Compact Specific Enhancements
- Agenda Action Request: 2019 – 2021 Energy Efficiency Plan: Income Eligible Programs
- DPU 18-110 – 18-119 Three-Year Energy Efficiency Plans Prefiling Memo

**Cape Light Compact JPE  
2018 Operating Fund 001  
Budget Report  
As of October 31, 2018**

	<u>Budget Amount</u>	<u>Actual Amount</u>	<u>Remaining Amount</u>	<u>Remaining %</u>
<b>REVENUE</b>				
OPERATING FUND CY18-TRANSFERS IN	848,765.00	848,765.00	0.00	0.00%
OPERATING FUND CY18-INTEREST INCOME	0.00	67,760.58	(67,760.58)	
OPERATING FUND CY18-OTHER REVENUE	0.00	150.00	(150.00)	
<b>TOTAL REVENUES</b>	<b>848,765.00</b>	<b>916,675.58</b>	<b>(67,910.58)</b>	
<b>EXPENSES</b>				
OPERATING FUND CY18-ADVERTISING (POWER SUPPLY)	85,000.00	55,599.57	29,400.43	34.59%
OPERATING FUND CY18-AUDIT FEES	11,250.00	4,687.50	6,562.50	58.33%
OPERATING FUND CY18-BANK FEES	500.00	0.00	500.00	100.00%
OPERATING FUND CY18-BUILDING RENOVATNS/FURNITU	3,500.00	2,927.71	572.29	18.35%
OPERATING FUND CY18-COMPUTER EQUIPMENT	0.00	0.00	0.00	0.00%
OPERATING FUND CY18-CONTRACTUAL	78,805.00	78,372.30	432.70	0.55%
OPERATING FUND CY18-CUSTODIAL SERVICES	4,438.00	3,312.96	1,125.04	25.35%
OPERATING FUND CY18-FINANCIAL SOFTWARE SYSTEM	2,800.00	2,800.00	0.00	0.00%
OPERATING FUND CY18-FOOD SUPPLIES	5,500.00	5,199.55	300.45	5.46%
OPERATING FUND CY18-GROUP INSURANCE	19,790.00	17,455.88	2,334.12	11.79%
OPERATING FUND CY18-IN STATE TRAVEL	16,000.00	7,620.39	8,379.61	52.37%
OPERATING FUND CY18-INSURANCE	13,294.50	13,294.50	0.00	0.00%
OPERATING FUND CY18-INTERNET	3,310.00	2,960.98	349.02	10.54%
OPERATING FUND CY18-IT SERVICES	5,000.00	2,046.49	2,953.51	59.07%
OPERATING FUND CY18-LEGAL SERVICES	263,660.00	248,520.07	15,139.93	5.74%
OPERATING FUND CY18-MEDICARE	2,060.00	1,439.57	620.43	30.12%
OPERATING FUND CY18-MISC FRINGES	585.00	299.40	285.60	48.82%
OPERATING FUND CY18-MISC RENTALS	1,270.00	1,199.86	70.14	5.52%
OPERATING FUND CY18-OPEB LIABILITY	7,100.00	0.00	7,100.00	100.00%
OPERATING FUND CY18-OUT OF STATE TRAVEL	600.00	516.32	83.68	13.95%
OPERATING FUND CY18-OUTREACH/MARKETING SERV	19,000.00	16,489.00	2,511.00	13.22%
OPERATING FUND CY18-PAYROLL SERVICES	2,775.00	2,359.88	415.12	14.96%
OPERATING FUND CY18-POSTAGE	26,000.00	15,125.15	10,874.85	41.83%
OPERATING FUND CY18-PRINTING	12,500.00	10,952.64	1,547.36	12.38%
OPERATING FUND CY18-PROFESSIONAL DEVELOPMENT	579.00	578.50	0.50	0.09%
OPERATING FUND CY18-RENT	22,500.00	18,750.00	3,750.00	16.87%
OPERATING FUND CY18-RETIREMENT	35,447.00	0.00	35,447.00	100.00%
OPERATING FUND CY18-RETIREMENT LIABILITY	5,300.00	0.00	5,300.00	100.00%
OPERATING FUND CY18-SALARIES	129,679.10	99,283.07	30,396.03	23.44%
OPERATING FUND CY18-SALARY RESERVE	3,995.00	0.00	3,995.00	100.00%
OPERATING FUND CY18-SHIPPING/FREIGHT	500.00	49.98	450.02	90.00%
OPERATING FUND CY18-SOFTWARE LICENSES	3,750.00	3,244.58	505.42	13.48%
OPERATING FUND CY18-SPONSORSHIPS	35,000.00	33,369.00	1,631.00	4.66%
OPERATING FUND CY18-SUBSCRIPTIONS	10,537.40	8,787.40	1,750.00	16.61%
OPERATING FUND CY18-SUPPLIES	500.00	147.48	352.52	70.50%
OPERATING FUND CY18-TELEPHONES	4,540.00	3,409.67	1,130.33	24.90%
OPERATING FUND CY18-TREASURY SERVICES	11,300.00	8,277.50	3,022.50	26.75%
OPERATING FUND CY18-UNPAID BILLS	0.00	0.00	0.00	0.00%
OPERATING FUND CY18-UTILITIES	400.00	315.00	85.00	21.25%
<b>TOTAL EXPENSES</b>	<b>848,765.00</b>	<b>669,391.90</b>	<b>179,373.10</b>	<b>21.13%</b>
<b>CHANGE IN NET POSITION</b>	<b>0.00</b>	<b>247,283.68</b>		



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING AND PUBLIC HEARING



D.P.U. 18-116

November 1, 2018

Petition of the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021.

On October 31, 2018, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE ("Compact"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan, covering calendar years 2019 through 2021 ("Three-Year Plan"). The Compact filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act") and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines Consistent with An Act Relative to Green Communities, D.P.U. 08-50 (2008); D.P.U. 08-50-A (2009); D.P.U. 08-50-B (2009); D.P.U. 08-50-C (2011); D.P.U. 08-50-D (2012). The Department has docketed this matter as D.P.U. 18-116.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans, ("Program Administrators") to develop energy efficiency plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost-effective or less expensive than supply. G.L. c. 25, § 21. To accomplish this goal, Program Administrators are required to develop three-year energy efficiency plans in consultation with the Energy Efficiency Advisory Council ("Council") and submit such plans to the Department for review. G.L. c. 25, § 21. The Green Communities Act requires the Department to: (1) consider the plan; (2) provide an opportunity for interested persons to be heard in a public hearing; and (3) within 90 days after the submission of the plan, issue a decision on the plan that ensures that all energy efficiency and demand reduction resources that are cost-effective or less expensive than supply have been identified and captured by the Program Administrator. G.L. c. 25, § 21.

The Compact's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial customers. The Three-Year Plan also incorporates the Compact's Residential Conservation Service filing pursuant to

G.L. c. 164, App. § 2-7(h). The Compact's proposed budget for the three-year period is \$162,931,023 (i.e., \$45,681,618 in 2019, \$55,799,419 in 2020, and \$61,449,986 in 2021).

If the Compact's Three-Year Plan is approved as proposed, the Compact states that customers could experience the following bill impacts:

- A residential customer (R-1) using 516 kilowatt-hours per month could experience a monthly bill increase of \$1.31 or 1.1 percent in 2019; a monthly bill increase of \$3.96 or 3.3 percent in 2020; and a monthly bill increase of \$1.92 or 1.5 percent in 2021;
- A low-income residential customer (R-2) using 488 kilowatt-hours per month could experience a monthly bill decrease of \$0.33 or 0.5 percent in 2019; a monthly bill increase of \$1.00 or 1.5 percent in 2020; and a monthly bill increase of \$0.43 or 0.6 percent in 2021; and
- Bill impacts for commercial and industrial customers will vary. These customers should contact the Compact for specific bill impact information.

Customers who participate in energy efficiency programs may experience a monthly bill decrease over the duration of the Three-Year Plan. For specific bill impacts, please contact the Compact as indicated below.

A copy of the Compact's Three-Year Plan is on file at the Department's offices, One South Station - 5<sup>th</sup> Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. Documents on the Department's website may be accessed either by browsing for documents by industry (e.g., Electric or Gas) at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/byindustry> or by looking up the docket by its number in the docket database at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "18-116"). A copy is also on file for public view at the Compact's office, 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664 and on the Compact's website. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Compact, Jo Ann Bodemer, Esq. or Jeffrey M. Bernstein, Esq., at (617) 244-9500. Any person desiring further information regarding this notice should contact Sarah A. Smegal, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the proposed Three-Year Plan. The hearing will take place on **Monday, December 3, 2:00 p.m.** at the Department's offices, One South Station – 5<sup>th</sup> Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **December 3, 2018**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a



written petition for leave to intervene with the Department not later than the close of business on **Thursday, November 1, 2018**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Wednesday, November 14, 2018**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business of the second business day after the petition to intervene was filed.

An original and one (1) copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station - 5<sup>th</sup> Floor, Boston, Massachusetts 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Compact's attorneys, Jo Ann Bodemer, Esq. and Jeffrey M. Bernstein, Esq., BCK LAW, P.C., 271 Waverley Oaks Road, Suite 203, Waltham, Massachusetts 02452, and by email, [jbodemer@bck.com](mailto:jbodemer@bck.com) and [jbernstein@bck.com](mailto:jbernstein@bck.com).

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and to the Hearing Officer, [Sarah.Smegal@mass.gov](mailto:Sarah.Smegal@mass.gov), or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 18-116); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3642. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3642.

November 8, 2018

Mark D. Marini, Secretary  
Commonwealth of Massachusetts  
Department of Public Utilities  
One South Station  
Boston, MA 02110

Re: Cape Light Compact, D.P.U. 18-116 (2019-2021 Three-Year Energy Efficiency Plan)

Dear Secretary Marini:

On behalf of Boston Gas Company and Colonial Gas Company each d/b/a National Grid ("National Grid" or the "Company"), enclosed please find the Company's Pre-Hearing Statement for filing in the above-mentioned docket. Please note there was a miscommunication internally on this filing which led to the inadvertent delay in filing.

If there are any questions related to this filing please contact me at 781-907-1833. Thank you for your time and attention to this filing.

Very truly yours,



Stacey M. Donnelly

Enclosures

cc: Sarah Smegal, Hearing Officer  
Service List in D.P.U. 18-116

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

\_\_\_\_\_) )  
Cape Light Compact ) D.P.U. 18-116  
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PRE-HEARING STATEMENT ON BEHALF OF  
BOSTON GAS COMPANY AND COLONIAL GAS COMPANY  
d/b/a NATIONAL GRID

On behalf of Boston Gas Company and Colonial Gas Company, each d/b/a National Grid (together, "National Grid" or the "Company") and in accordance with section 3.7.2(b) of the Department's Energy Efficiency Guidelines, D.P.U. 11-120-A, Phase II (2013) ("Guidelines") and the Hearing Officer's October 3, 2018 Memorandum, the Company hereby submits its pre-hearing statement. As background, on October 31, 2018, Cape Light Compact ("CLC") filed its proposed energy efficiency investment plan, budget and allocation of program operating costs for its energy efficiency programs during the period January 1, 2019 through December 31, 2021 ("Three-Year Plan") (Exhibit Compact-1) for the Department of Public Utilities' ("Department") review and approval in the above-captioned docket. The Company filed a petition to intervene on November 1, 2018 and is currently a putative intervenor.<sup>1</sup>

As its pre-hearing statement, the Company states the following:

- A. Witnesses: At this time, National Grid does not anticipate calling any witnesses to testify in these proceedings. However, National Grid reserves the right to update the Pre-Hearing Statement in accordance with the procedural schedule.

<sup>1</sup> National Grid's petition remains under advisement and the Company will be treated as a putative intervenor until the Department issues a ruling on its petition. Procedural Schedule and Ground Rules Memorandum on the 2019-2021 Three-Year Energy Efficiency Plans at 8 n. 4 (November 8, 2018).

- B. Exhibits: As of this date, National Grid anticipates it may issue discovery and rely on the responses to those questions and to other parties' discovery. The Company may also provide pre-filed testimony and rely on exhibits submitted by other parties in the proceeding.
- C. Statement of National Grid's Position: National Grid is the gas Program Administrator ("PA") for select towns which are served by CLC as the electric PA and provider of commodity through a municipal aggregation program. National Grid takes issue with CLC's data tables showing gas savings for its Residential Coordinated Delivery program, which indicates that CLC plans to offer gas energy efficiency measures to National Grid's gas customers through CLC's energy efficiency program. See Exhibit Compact-4 at 30-31. This approach is contrary to the PA-principle that the PA providing the customer's primary heat source will lead the energy efficiency programming with the customer. Under CLC's plan, National Grid's customers in towns which are served by CLC as the electric PA may be served by another Program Administrator, despite paying for the energy efficiency programs administered by National Grid.
- D. Questions of Fact, Law and Policy: As of this date, National Grid presents the following questions for the Department's consideration, but reserves its right to present other issues that may arise during the course of the proceeding.
- i. Whether as an electric municipal aggregator, CLC's energy efficiency program offering resulting in CLC's provision of gas energy efficiency measures to National Grid's gas customers is

authorized under G.L. c. 25, §§ 19, 21 and G.L. c. 164, § 134(b).

National Grid maintains CLC's provision of the gas offerings to its customers is not so permitted.

- ii. Whether CLC's gas energy efficiency measures to National Grid's gas customers from CLC's electric customer funded energy efficiency program is contrary to the PA-principle that the PA providing the customer's primary heat source will lead the energy efficiency programming with the customer.
- iii. Whether CLC's energy efficiency program should be allowed as a matter of policy in light of the principle held by the other Massachusetts Program Administrators' whereby the utility/PA providing the primary heat source to the customer leads the energy efficiency offerings for that customer. National Grid maintains that the "primary heat source" principle should apply to CLC similar to any other Program Administrator to facilitate.

- E. Stipulated Issues: As of this date, the Company has not stipulated any issues with the parties.
- F. Motions: As of this date, the Company has no motions pending in this proceeding.
- G. Confidentiality: As of this date, the Company has not filed any motions seeking confidentiality in this proceeding.
- H. Objections to Expert Qualifications: As of this date, the Company has no objections to expert qualifications. However, the Company reserves the right to

object should such a witness be offered at a later time, in accordance with the procedural schedule in this proceeding.

Respectfully submitted.

**BOSTON GAS COMPANY AND  
COLONIAL GAS COMPANY d/b/a  
NATIONAL GRID**

By their attorneys,



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Stacey M. Donnelly, Esq.  
National Grid USA Service Company  
40 Sylvan Road  
Waltham, MA 02451  
Phone: 781-907-1833  
Email: [stacey.donnelly@nationalgrid.com](mailto:stacey.donnelly@nationalgrid.com)



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Diana Chiang, Esq.  
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Phone: 781-907-3336  
Email: [diana.chiang@nationalgrid.com](mailto:diana.chiang@nationalgrid.com)

Dated: November 8, 2018

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

\_\_\_\_\_  
Cape Light Compact )  
\_\_\_\_\_)

D.P.U. 18-116

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05 (Department's Rules of Practice and Procedure).

Respectfully submitted,



\_\_\_\_\_  
Stacey M. Donnelly, Esq.  
National Grid USA Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451  
781-907-1833  
stacey.donnelly@nationalgrid.com

Dated: November 8, 2018



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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

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November 5, 2018

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

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

Re: Cape Light Compact JPE, D.P.U. 18-116  
2019-2021 Three-Year Energy Efficiency Plan

Dear Secretary Marini:

Enclosed for filing please find the Response of the Cape Light Compact JPE to Petitions to Intervene in the above-captioned docket. Also enclosed is a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

  
Jo Ann Bodemer

JAB/drb  
Enclosures

cc: Sarah Smegal, Hearing Officer (via email and hand delivery)  
D.P.U. 18-116 Service List (via email and/or first class mail)  
Margaret T. Downey, Compact Administrator (via email and first class mail) ✓



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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CAPE LIGHT COMPACT JPE

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)  
) D.P.U. 18-116

RESPONSE OF CAPE LIGHT COMPACT JPE  
TO PETITIONS TO INTERVENE

I. INTRODUCTION

On October 31, 2018, the Cape Light Compact JPE (the “Compact”) filed its 2019-2021 Energy Efficiency Plan (“Three-Year Plan”) pursuant to G.L. c. 164, §134 and G.L. c. 25, §§19 and 21, for approval by the Department of Public Utilities (the “Department”), and was docketed by the Department as D.P.U. 18-116.

On October 3, 2018, the Department issued a procedural memorandum that established certain procedural dates, including a deadline of November 1, 2018 for the filing of petitions for leave to intervene in this proceeding and responses to such petitions by November 5, 2018.

On November 1, 2018, both NSTAR Electric Company, d/b/a Eversource Energy (“Eversource”) and Boston Gas Company and Colonial Gas Company, d/b/a National Grid (“National Grid”) filed petitions to intervene as full parties in this proceeding. The Compact does not oppose Eversource’s and National Grid’s request. As more fully discussed below, however, the Compact respectfully requests that the Department limit the scope of this proceeding to prevent presentation of evidence regarding issues previously litigated before the Department. See G.L. c. 30A, §10 (providing Department authority to limit scope of proceedings).

## II. EVERSOURCE

Eversource seeks to intervene in this proceeding as it asserts that the Compact's Three-Year Plan administration of demand response offerings, including its proposed energy storage technology, "has the potential to impact the reliable and safe operation of the transmission and distribution system for which Eversource is responsible." Eversource Petition at 2.

Eversource has previously raised this identical issue in the Compact's 2017 mid-term modification proceeding, docketed by the Department as D.P.U. 17-84. On March 28, 2017, the Compact filed a petition seeking approval of a mid-term modification to its 2016-2018 Three-Year Energy Efficiency Plan to expand its demand response demonstration offering to include the implementation of thermal storage technology. By petition dated June 1, 2017, Eversource intervened and was provided full party status. Eversource asserted the same issue regarding its ability to safely and reliably operate the transmission and distribution system should the Compact implement thermal technology on Cape Cod. The matter was fully adjudicated, with each party provided the opportunity to present evidence, serve discovery, cross-examine witnesses and submit briefs. Following hearings, the matter was fully submitted to the Department on November 3, 2017. A final decision and order is pending.

Despite having previously litigated this very issue in D.P.U. 17-84, Eversource seeks to intervene as a full party in the Compact's Three-Year Plan, presumably with the intention of presenting testimony, filing discovery, cross-examining witnesses and the filing briefs on those same issues.<sup>1</sup>

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<sup>1</sup> Other than its general claim that it will be substantially and specifically affected, Eversource did not state its intended participation in the Compact's Three-Year Plan proceeding.

### III. NATIONAL GRID

National Grid seeks to intervene in this proceeding as it once again asserts that the Compact is planning on offering “gas energy efficiency measures to National Grid’s gas customers through CLC’s energy efficiency program.” National Grid Petition at 2. As National Grid notes “the issues raised in this motion were raised previously in D.P.U. 15-166 ... [and] in D.P.U. 16-169, which is awaiting decision and order from the Department.” National Grid Petition at 4.

On October 5, 2016, National Grid filed a petition seeking a determination from the Department regarding the administration of energy efficiency services to the mutual customers of National Grid and the Compact on Cape Cod. D.P.U. 16-169. On October 19, 2016, the Compact filed its answer and was provided full party status in the proceeding. The matter was fully adjudicated, with each party provided the opportunity to present evidence, serve discovery, cross-examine witnesses and submit briefs. Following multiple days of hearings, the matter was fully submitted to the Department on March 30, 2017. A final decision and order is pending.

Despite having litigated this very issue in D.P.U. 16-169, National Grid seeks to intervene as a “full party in all aspects of the case, including the presentation of testimony, discovery, cross-examination of witnesses and the presentation of arguments orally and through briefs.” *Id.*

### IV. STANDARD OF REVIEW

The Department's procedural rules provide the hearing officer with the authority to make all decisions regarding procedural matters that may arise in the course of the proceeding, including defining the scope of a proceeding generally and a petitioner’s participation in that proceeding. 220 C.M.R. §1.06(5)(a) and §1.03(1)(e); D.P.U. 15-120/121/122, Interlocutory

Order (March 3, 2017) (“the Department has broad discretion in determining whether to allow participation, and the extent of participation, in Department proceedings”); *In re NSTAR Gas*, D.T.E. 05-36 (2005).

Pursuant to 220 C.M.R. §1.03(1)(b), a petition for leave to intervene in a proceeding must state how the petitioner is substantially and specifically affected by the proceeding. *See* G.L. c. 30A, §10. The Department may grant a person leave to intervene as a party in the *whole or any portion* of a proceeding. 220 C.M.R. §1.03(1)(e). Leave to intervene may be conditioned on such terms as the Commission or hearing officer may direct. *Id.* The Department must balance the interest of the intervenor against the need to conduct an efficient proceeding. D.T.E. 05-36, citing *Boston Edison Company, Cambridge Electric Light Company and Commonwealth Electric Company*, D.T.E. 99-19-1 at 9 (1999).

## V. ARGUMENT

The Compact respectfully requests the hearing officer limit Eversource’s and National Grid’s participation in this proceeding to prevent the re-litigation of issues previously adjudicated and pending before the Department.<sup>2</sup> 220 C.M.R. §1.03(1)(e); *see* G.L. c. 30A, §10 (providing general authority to limit issues).

Eversource should not be permitted to serve discovery, submit evidence, cross-examine witnesses or brief the issue of the safe and reliable operation of the distribution system and the Compact’s implementation of demand response activities that include storage technology. This

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<sup>2</sup> Neither Eversource nor National Grid presented these issues as part of the Energy Efficiency Advisory Council’s (“EEAC”) review process. The Department relies upon the EEAC review process to identify Three-Year Plan issues to include as part of the Department’s review. *See* D.P.U. 08-50-B, Order at 27 (directing that EEAC resolution on the plan should include a statement of any unresolved issues).

issue was fully litigated in D.P.U. 17-84.<sup>3</sup> See *Greater Media, Inc*, D.P.U. 92-176 (1992) (noting petitioners were “merely seeking to relitigate issues addressed” in previous dockets).

Likewise, National Grid should not be permitted to serve discovery, submit evidence, cross-examine witnesses or brief the issue of the administration of energy efficiency services to mutual customers of the Compact and National Grid on Cape Cod. This issue was fully litigated in D.P.U. 16-169. See *id.*

Limiting the scope of the Three-Year Plan proceeding will not adversely impact Eversource, National Grid or the Compact. Allowing any party, including the Compact, to introduce evidence on previously litigated issues represents a waste of administrative resources, potentially muddles the records and poses a significant additional and unnecessary cost to ratepayers.<sup>4</sup> More importantly, the parties to the previously litigated dockets have been afforded their due process rights to present their respective positions and each maintain further opportunities and protections through any possible appeal process. And, since the Compact is not opposing their intervention in this proceeding, Eversource and National Grid will maintain their appellate opportunities in this proceeding as well should the Department decide to integrate its decision in the pending dockets within the Three-Year Plan decisions and orders.

Finally, guided by principles of issue preclusion, it would be unfair to provide Eversource and National Grid, respectively, another bite at the apple as they both have been afforded their due process rights in the prior cases with full and fair opportunities to present evidence in support of their respective positions. See *Martha's Vineyard Transport, LLC, D.P.U. 12-TD-2* (2013), citing *Kobrin v. Board of Registration in Medicine*, 444 Mass. 837 (2005) (noting issue

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<sup>3</sup> As it presented in D.P.U. 17-84, the Compact notes again its willingness to coordinate its implementation of storage technology with Eversource. See Jt. Testimony of Downey, Song and Brandt at 18.

<sup>4</sup> The impact on ratepayers is particularly true for the Compact as its primary source of revenue is through ratepayer funding. See Downey Testimony at 98 (noting Compact is public entity).

preclusion prevents re-litigation of an issue actually litigated in an earlier action where the same issue arises in a later action). In short, limiting the Three-Year Plan investigation in this way will appropriately conserve administrative resources, protect the interests of all parties and still provide the opportunity for the development of a full evidentiary record to allow the Department to review the Compact's Three-Year Plan filing.

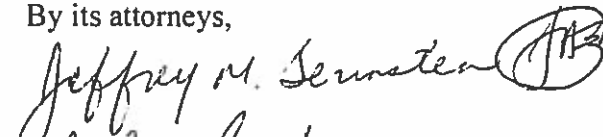
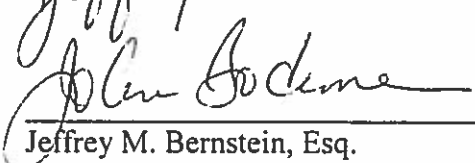
## VI. CONCLUSION

For the foregoing reasons, the Department should grant the Compact the relief it requests.

Respectfully submitted by,

CAPE LIGHT COMPACT JPE

By its attorneys,

Jeffrey M. Bernstein, Esq.

Jo Ann Bodemer, Esq.

BCK LAW, P.C.

271 Waverley Oaks Road, Suite 203

Waltham, Massachusetts 02452

Telephone: (617) 244-9500

Fax: (802) 419-8283

Dated: November 5, 2018

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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CAPE LIGHT COMPACT JPE

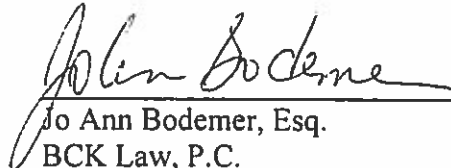
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)  
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CERTIFICATE OF SERVICE

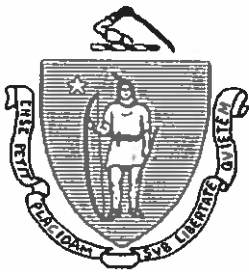
I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure).

Dated at Waltham, Massachusetts this 5<sup>th</sup> day of November, 2018.



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John Ann Bodemer, Esq.  
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(617) 244-9500 (P)  
(802) 419-8283 (F)  
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# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 18-116

November 9, 2018

Petition of the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021.

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HEARING OFFICE RULING ON PETITIONS TO INTERVENE OF NSTAR ELECTRIC COMPANY, D/B/A EVERSOURCE ENERGY, AND BOSTON GAS COMPANY AND COLONIAL GAS COMPANY, EACH D/B/A NATIONAL GRID

### I. INTRODUCTION

On October 31, 2018, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE ("Compact"), filed a petition with the Department of Public Utilities ("Department") for approval of its Three-Year Energy Efficiency Plan for 2019 through 2021 ("Three-Year Plan"). The Department docketed this matter as D.P.U. 18-116.

On November 1, 2018, NSTAR Electric Company, d/b/a Eversource Energy ("NSTAR Electric"), and Boston Gas Company and Colonial Gas Company, each d/b/a National Grid ("National Grid (Gas)"), filed timely petitions to intervene as full parties in this proceeding. On November 5, 2018, the Compact filed a response to the NSTAR Electric and National Grid (Gas) petitions to intervene.



## II. PETITIONS TO INTERVENE AND COMPACT'S RESPONSE

NSTAR Electric maintains that it is the electric distribution company that is responsible for providing “safe and reliable transmission and distribution services, planning, investment and construction” in the Compact’s service area (NSTAR Electric Petition to Intervene at 2). NSTAR Electric further maintains that, as part of its Three-Year Plan, the Compact is proposing to implement demand response offerings, including energy storage, in NSTAR Electric’s distribution service territory (NSTAR Electric Petition to Intervene at 2). NSTAR Electric asserts that the Compact’s proposed demand response offerings have the potential to affect the safe and reliable operation of the transmission and distribution system (NSTAR Electric Petition to Intervene at 2). For these reasons, NSTAR Electric argues that it will be substantially and specifically affected by this proceeding (NSTAR Electric Petition to Intervene at 2).

National Grid (Gas) maintains that it provides natural gas distribution service to 139 cities and towns in Massachusetts, including several communities in the Compact’s service area (National Grid (Gas) Petition to Intervene at 1). National Grid (Gas) further maintains that it administers gas energy efficiency programs for its customers in each of those 139 communities (National Grid (Gas) Petition to Intervene at 1). National Grid (Gas) argues that the Compact proposes to offer gas energy efficiency measures to National Grid (Gas)’s customers as part of the Compact’s Three-Year Plan (National Grid (Gas) Petition to Intervene at 2, citing Compact Petition, Exh. Compact-4 (Energy Efficiency Data Tables), at 30-31). National Grid (Gas) argues that if the Compact’s proposal is allowed, National Grid (Gas) may be unable to provide energy efficiency programs to its customers in the Compact’s service area and claim the resulting savings (National Grid (Gas) Petition to Intervene at 4).<sup>1</sup> For these reasons, National Grid (Gas) argues that it will be substantially and specifically affected by this proceeding (National Grid (Gas) Petition to Intervene at 4).

Although the Compact does not object to the requests of NSTAR Electric and National Grid (Gas) to intervene as full parties in this proceeding, the Compact requests that the Department limit the scope of their participation in the proceeding “to prevent presentation of evidence regarding issues previously litigated before the Department” (Compact Response at 1). More specifically, the Compact maintains that NSTAR Electric has represented that it intends to raise an issue regarding the Compact’s proposed demand response offerings (including energy storage) as they relate to the “reliable and safe operation of the transmission and distribution system for which [NSTAR Electric] is responsible” (Compact Response at 2, citing NSTAR Electric Petition to Intervene at 2). The Compact

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<sup>1</sup> National Grid (Gas) acknowledges that these issues are the subject of a Department investigation in D.P.U. 16-169, in which a final decision is pending (National Grid (Gas) Petition to Intervene at 4).

argues that NSTAR Electric has previously raised this issue and that it was fully litigated in the Compact's 2017 mid-term modification proceeding, Cape Light Compact JPE, D.P.U. 17-84 (Compact Response at 2). Similarly, the Compact maintains that National Grid (Gas) represents that it intends to raise issues regarding the Compact's proposal to offer "gas energy efficiency measures to [National Grid (Gas)'s] customers" (Compact Response at 2, citing National Grid (Gas) Petition to Intervene at 2). The Compact argues that National Grid (Gas) has previously raised these issues and they were fully litigated in National Grid (Gas)'s request for an investigation in Colonial Gas Company, D.P.U. 16-169 (Compact Response at 2).

The Compact argues that limiting the scope of participation in the proceeding will not adversely impact NSTAR Electric or National Grid (Gas) as each has been afforded its due process rights to present its respective positions and maintains its appellate rights (Compact Response at 4-5). Conversely, the Compact argues that allowing a party to introduce evidence on previously litigated issues would be a waste of administrative resources, potentially "muddles" the evidentiary record, and could result in additional cost to ratepayers (Compact Response at 5).

### III. STANDARD OF REVIEW

The Department's regulations require that a petition to intervene or participate be in writing. 220 CMR 1.03(1)(a). To intervene, the petitioner must be substantially and specifically affected by the proceeding. 220 CMR 1.03(1)(b); see also G.L. c. 30A § 10. To participate, a petitioner must demonstrate a sufficient interest in a proceeding. Boston Edison Company v. Department of Public Utilities, 375 Mass. 1, 45 (1978), cert. denied, 439 U.S. 921 (1978). The Department has broad discretion in determining whether to allow participation, and the extent of participation, in Department proceedings. Attorney General v. Department of Public Utilities, 390 Mass. 208, 216-217 (1983); Boston Edison, 375 Mass. at 46; City of Newton v. Department of Public Utilities, 339 Mass. 535, 543-544 (1959); see also Robinson v. Department of Public Utilities, 835 F. 2d 19, 22 (1<sup>st</sup> Cir. 1987).

When ruling on a petition to intervene or participate, the Department may consider, among other factors, the interests of the petitioner, whether the petitioner's interests are unique and cannot be raised by any other petitioner, the scope of the proceeding, the potential effect of the petitioner's intervention on the proceeding, and the nature of the petitioner's evidence, including whether such evidence will help to elucidate the issues of the proceeding. Based on these factors, the Department may limit intervention and participation. Robinson v. Department of Public Utilities, 416 Mass. 668, 673-674 (1993); Boston Edison, 375 Mass. at 46; Save the Bay, Inc. v. Department of Public Utilities, 366 Mass. 667, 672 (1975); City of Newton, 339 Mass. at 543-544. The Department exercises the discretion afforded it under G.L. c. 30A § 10, so that it may conduct a proceeding with the goal of issuing a reasoned, fair, impartial, and timely decision that achieves its statutory mandate.

Eastern Edison Company, D.P.U. 96-24, at 6 (1997); New England Telephone and Telegraph Company, D.P.U. 91-30, at 2 (1991), citing Boston Edison, 375 Mass. at 46.

#### IV. ANALYSIS AND FINDINGS

Based on my review of the issues raised and representations made in their respective filings, and after consideration of the factors set forth in Section III above, I find that NSTAR Electric and National Grid (Gas) have demonstrated that they are substantially and specifically affected by this proceeding and, therefore, should be permitted to participate as full party intervenors in this case. In particular, I find that, by virtue of its status as the electric distribution company in the Compact's service area, NSTAR Electric has demonstrated that it is substantially and specifically affected by this proceeding. Further, I find that, by virtue of its status as both the natural gas distribution company and gas energy efficiency Program Administrator in a portion of the Compact's service area, National Grid (Gas) has demonstrated that it is substantially and specifically affected by this proceeding. Accordingly, the aforementioned petitions to intervene are allowed.

NSTAR Electric and National Grid (Gas) may participate in all aspects of this case, including issuing discovery, presenting testimony, cross-examining witnesses, and presenting arguments orally and through briefs. In this regard, I decline to limit the scope of NSTAR Electric and National Grid (Gas)'s respective participation in this proceeding as the Compact requested. Contrary to the Compact's assertions, I find that issues regarding the Compact's demand response proposals in its Three-Year Plan as they relate to the safety and reliability of the electric transmission and distribution systems were not litigated in D.P.U. 17-84 and are within the scope of inquiry in the instant proceeding.<sup>2</sup> Further, while issues regarding

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<sup>2</sup> In D.P.U. 17-84, NSTAR Electric raised, among other issues, concerns about the potential of the Compact's proposed commercial and industrial ("C&I") thermal storage demand response demonstration offering to adversely affect the safety and reliability of the local transmission and distribution system. Cape Light Compact, D.P.U. 17-84, at 10 (2018). Those concerns were specific to the proposed demonstration offering in that proceeding and not to the separate demand response proposals (e.g., battery storage, solar, heat pumps) made by the Compact here (see Compact Petition at Exh. Compact-2, at 1-18). Nonetheless, in denying the Compact's proposed C&I demonstration offering in D.P.U. 17-84, the Department found that the Compact's proposal had "the potential to impact the local distribution system in a manner that is different from other energy efficiency programs." D.P.U. 17-84, at 12. The Department further stated that it expects "any non-electric distribution company Program Administrator that seeks to implement a demand response offering (or other program that has the potential to impact the local distribution system) to appropriately coordinate with the relevant electric distribution company to assess any grid-facing benefits and to ensure the proposed offering will not adversely impact reliability." D.P.U. 17-84, at 12.

the Compact's legal authority to offer gas energy efficiency measures to National Grid (Gas) customers have been litigated, but not yet resolved, in D.P.U. 16-169,<sup>3</sup> the Compact again proposes to offer gas energy efficiency measures to National Grid (Gas) customers as part of its Three-Year Plan.<sup>4</sup> Accordingly, I find no basis to exclude these issues from the scope of inquiry in the instant proceeding or otherwise limit the scope of NSTAR Electric's and National Grid (Gas)'s respective participation as full party intervenors in this proceeding.

V. RULING

Consistent with the findings above, the petitions to intervene as full parties filed by NSTAR Electric Company, d/b/a Eversource Energy, and Boston Gas Company and Colonial Gas Company, each d/b/a National Grid, are GRANTED.

Under the provisions of 220 CMR 1.06(5)(d)(3), any party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation within two (2) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal. The Ruling remains in full force and effect unless and until set aside or modified by the Commission.  
220 CMR 1.06(5)(d)(2).

/s/

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Sarah A. Smegal  
Hearing Officer

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<sup>3</sup> A final Order has not issued in D.P.U. 16-169.

<sup>4</sup> The Department fully expects that the parties will not seek to present unduly repetitious or cumulative evidence in this proceeding. See 220 CMR 1.10(1). To the extent that a party seeks to avail itself of evidence that is part of the record in D.P.U. 16-169, it should file an appropriate request to incorporate such evidence by reference pursuant to 220 CMR 1.10(3).

**Agenda Action Request  
Cape Light Compact  
Meeting Date: 11/14/18**



- Aquinnah**
- Barnstable**
- Bourne**
- Brewster**
- Chatham**
- Chilmark**
- Dennis**
- Dukes County**
- Eastham**
- Edgartown**
- Falmouth**
- Harwich**
- Mashpee**
- Oak Bluffs**
- Orleans**
- Provincetown**
- Sandwich**
- Tisbury**
- Truro**
- Wellfleet**
- West Tisbury**
- Yarmouth**

**Solar Grant Program for Low-Income Housing**  
**REQUESTED BY:** *Austin Brandt*

***Proposed Motion(s)***

*I move the Cape Light Compact JPE ("Compact") Board of Directors vote to approve the use of: (i) the remaining Compact matching funds from the Low-Income Solar Revolving Grant Program; and (ii) a portion of the remaining premium collected from customers in the Cape Light Compact Green <sup>SM</sup> program account, for a grant program to support the installation of solar photovoltaic ("PV") systems on low income homes and non-profit buildings on Cape Cod and Martha's Vineyard as part of the new SMART program. The Compact will use the SMART incentive payments to provide additional grants for PV system installation on low income homes and non-profit buildings.*

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

***Additional Information***

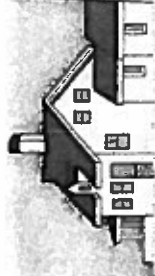
*The grant program is consistent with the Compact's purpose to utilize and encourage renewable energy development. This grant program would continue the Compact's community goal to develop or promote the development of renewable energy projects on low-income and non-profit housing on Cape Cod and Martha's Vineyard.*

***Record of Board Action***

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition

# 2019 Marketing Plan

**Cape Light  
Compact**



*Working Together Toward A Smarter Energy Future*

# Goals

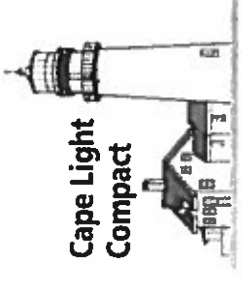
Cape Light  
Compact



## Qualitative

- Increased brand recognition and familiarity with programs, i.e. Home Energy Assessments, Power Supply, and Small and Medium Business offerings
- Increased connection that the Compact is the Cape and Vineyard sponsor of Mass Save
- Reaching further into hard-to-reach markets
- Increase school and teacher participation in Compact energy education offerings

# Goals

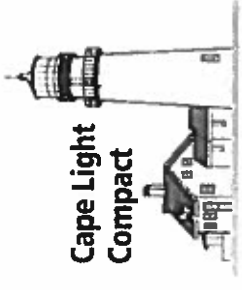


## Quantifiable:

- Increased social media follows (Facebook, Twitter, Instagram, LinkedIn, and YouTube).
- Increased social media post engagement (i.e. likes, shares, and comments).
- Increased website traffic and conversions (Online HEA and Power Supply sign ups as tracked through Google Analytics).
- Increased Newsletter Signups
- Enroll six new schools and train 12 teachers in Energy Education programming

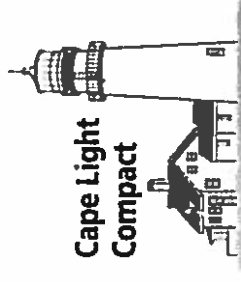


# Guiding Principles



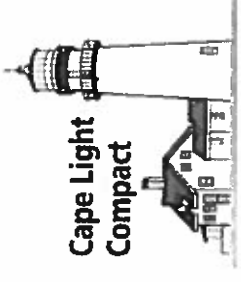
- Uniformity of branding and materials
- Data driven – use of website and social media analytics
- Engaging content (High quality photos and videos)
- Focus on personal stories and not alphabet soup
- Accessibility of materials
- Ensure social media, newsletter, and website are a closed loop.
- Program Reciprocity

# 2018 Q4



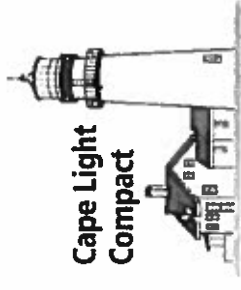
- Create RFP for Marketing Vendor.
- Compile list of possible sponsorships, advertising vendors, and marketing content management systems (e.g. MailChimp, Hootsuite, WordPress).
- Website redesign for launch by Jan. 1, 2019.
- Research and compile a list of what organizations and locations will be targeted, find contacts, and coordinate meetings.

# 2019 Tasks



- Marketing vendor selected.
- Review of current materials and creation of standard materials for use in 2019.
- Creation of 12 case studies/stories of local home/business owners who have received CLC assistance. Case study participants should represent demographic we want to reach (LI, Small business, moderate income, municipal).
  - All case studies will be posted on website but at least six should be developed into videos for use in advertising.
  - Each video should have a full story (3-5 minutes) and then have 30- and 15-minute ad slot pieces created.
- Review website analytics and traffic to determine ROI for all digital advertising to inform 2020 plan.

# 2019 Tasks Cont.



- Advertising and outreach timeline will be program and season dependent.
- Sponsor a Highway
- Management of Website content.
  - Blog posts, page revisions, and media updating
- Management of social media accounts
  - Facebook, Twitter, Instagram, LinkedIn, and YouTube.
  - Management of paid advertising.
- Management of ad campaigns for print, television, and radio.
- Coordinate Sponsorships.

# Target Audiences

- Barnstable County Retirement Association
- Churches
- Realtors, Mortgages, Insurance
- Seasonal owners
- Entertainment Centers
- Athletic and Rec Center outreach and distribution of materials.
- Senior Centers/Council on Aging
- Target town recreation departments
- Veterans
- Renters
- Tribal Councils
- Social Services Organizations



2019 OF Marketing

OF Events Total					\$4,300	
OF Advertising Total					\$100,000	
OF Sponsorships Total					\$27,600	
OF Marketing Contractors					\$75,000	
Total					\$206,900	
<b>Event</b>	<b>Location</b>	<b>2018 Date</b>	<b>2019 Cost</b>	<b># of Staff Needed</b>		
Outer Cape Year Rounders	Provincetown	3/10/2018	\$0	2		
Lower Cape Expo	CC Tech, Harwich	4/7/2018	\$4,000	7 (4 in AM, 1 overlap, 2 in PM)		
Town of Barnstable Benefits Fair	HYCC	4/11/2018	\$0	1		
Yarmouth Annual Cleanup Day	Yarmouth Senior Center	4/14/2018	\$0	Volunteer		
Eastham Wellness Fair	Eastham Senior Center	2nd Friday of May	\$0	1		
Falmouth Wellness Fair	Gus Cnty Rec Center	6/23/2018	\$0	2		
Brewster Conservation Day	Drummer Boy Park	7/14/2018	\$0	2		
PawPalooza	DY High School	7/14/2018	\$150	6		
WBNERR Block Party	WBNERR	8/7/2018	\$0	1		
Quahog Festival	Hyannis Village Green	8/26/2018	\$0	2		
Truro Agricultural Fair	Truro	9/2/2018	\$0	2		
Solar Car Race	OB Library	9/8/2018	\$0	1		
Barnstable Senior Center Expo	Barnstable Senior Center	9/28/2018	\$0	1		
Falmouth Emergency Preparedness Day	Gus Cnty Rec Center	9/22/2018	\$0	2		
Cape Coastal Conference	Center, Hyannis	12/5/2018	\$150	1		
Cape Cod Vets Expo	Vets Expo	Spring 2019	\$0			2

\$ 667,206.00  
 \$ 877,000.00 ( \$70K of Operational Addler)

**Cape Light Compact January 1, 2019 - December 31, 2019 Operating Budget**

Item	Approved CY18	Proposed CY2019	
Salaries	\$ 141,790.00	\$ 80,176.00	Austin 50%, Maggie 10%, Admin 10%, Dan 15%, Joanne 10%
Salary Reserve	\$ 5,000.00	\$ 5,000.00	
Telephones	\$ 6,540.00	\$ 3,500.00	Office and Cell
Auditor	\$ 11,250.00	\$ 11,250.00	10% of cost
Legal	\$ 263,660.00	\$ 230,800.00	
IT County Support	\$ 5,000.00	\$ -	
IT/Internet Service	\$ 2,700.00	\$ 500.00	
Contractual	\$ 55,000.00	\$ 25,000.00	
Treasury Services	\$ 5,000.00	\$ 5,000.00	10% of Total Estimated Costs
Payroll Services	\$ 1,500.00	\$ 500.00	Based on Salary Allocation
Professional Development	\$ 5,000.00	\$ 5,000.00	
Custodial	\$ 4,438.00	\$ 4,438.00	Based on Salary Allocation
Travel Out-of-state	\$ 6,000.00	\$ 6,000.00	
Travel In-state	\$ 16,000.00	\$ 17,000.00	
Advertising	\$ 85,000.00	\$ 185,000.00	Power Supply and Marketing
Outreach/Marketing Contractor	\$ 15,000.00	\$ 75,000.00	
Shipping	\$ 500.00	\$ -	
Printing	\$ 12,500.00	\$ 12,500.00	
Food	\$ 1,500.00	\$ 5,000.00	
Postage	\$ 26,000.00	\$ 26,500.00	
Supplies	\$ 2,500.00	\$ 2,500.00	
Sponsorships	\$ 35,000.00	\$ 39,300.00	Organizations and Event
Subscriptions	\$ 5,000.00	\$ 5,000.00	
Insurance	\$ 10,600.00	\$ 10,600.00	25% of Premium
Rent	\$ 22,500.00	\$ 22,500.00	25% of Total
Software License	\$ 3,750.00	\$ 1,000.00	Based on Salary Allocation
Computer Equipment	\$ 5,000.00	\$ 5,000.00	
Misc. Rental	\$ 5,000.00	\$ 3,500.00	
Bank Fees	\$ 500.00	\$ 500.00	
Financial Software	\$ 6,250.00	\$ 5,000.00	10% of Total Estimated Cost
Unpaid Bills	\$ 2,000.00	\$ 2,000.00	
Building Renovations/Furniture	\$ 4,500.00	\$ -	
Retirement	\$ 35,447.00	\$ 20,044.00	
Health Insurance	\$ 19,790.00	\$ 12,035.00	
Medicare	\$ 2,060.00	\$ 2,060.00	
Misc Fringes (UI)	\$ 7,090.00	\$ 7,090.00	
OPEB Liability	\$ 7,100.00	\$ 7,100.00	
Pension Liability	\$ 5,300.00	\$ 5,300.00	
<b>Subtotal CLC Operating Budget</b>	<b>\$ 848,765.00</b>	<b>\$ 848,693.00</b>	

# CVEC Projects in Review

Table I. CVEC Project Benefits (using a NMC value of ~ \$0.16 or cost of electricity of \$0.185) \* Equivalency calculation from EPA Energy

Initiative Project Group	Name Plate Rating for Initiative	kWh Production in FY18	kWh Production in FY17	Net Savings in FY18**	Net Savings in FY17	FY18 CO2 Offsets in Pounds *
Round 1 (8 projects)	16,205 kW (16 MW)	17,422,967	19,754,464	\$1,486,579	\$1,474,126	28,586,169
Round 2 (6 projects)	9,453 kW (9.5 MW)	11,468,827	11,810,028	\$1,016,137	\$868,686	18,817,107
Round 2 Small BTM (11 projects)	2,144 kW (2.14 MW)	2,205,137	2,346,358	\$216,834	\$215,915	3,618,007
ConEdison Solutions (7 projects)	760.67 kW (.76 MW)	900,814	929,342	\$45,490 (\$0.185**)	\$42,284 (\$0.18)	1,477,981
Future Generation Wind (4 turbines)	3,000 kW (3MW)	2,416,639	2,309,836	\$110,960	\$57,006	3,965,022
Syncarpha Marie's Way (1 project)	2,176 kW (2.18 MW)	2,472,584	1,323,505	\$134,351	\$48,837	4,056,812
Nexamp Dartmouth 1 (1 project)	717 kW (.717 MW)	499,323	N/A	\$30,802	N/A	819,248
<b>FY18 TOTALS (34 Projects)</b>	<b>34.5 MW</b>	<b>37,386,291 kWh in FY18</b>	<b>38,473,533 kWh in FY17</b>	<b>\$3,041,153 Savings in FY18</b>	<b>\$2,706,854 Savings in FY17</b>	<b>61,295,57 Pounds</b>
<b>TOTALS to DATE</b>	<b>34.5 MW</b>	<b>125,214,339 kWh To Date</b>		<b>\$10,433,337 To Date</b>		<b>205,441,37 Pounds</b>

Resources Calculator: <http://www.epa.gov/cleanenergy/energy-resources/calculator.html#results>

\*\* (using cost of electricity for BTM or annual NMC for Virtual Metering)

