

**Cape Light Compact JPE
Governing Board and Executive Committee
Executive Session Meeting Minutes
Wednesday, May 9, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, May 9, 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. Peter Cocolis, Executive Committee, Chatham
6. Brad Crowell, Dennis
7. Fred Fenlon, Eastham
8. Ronald Zweig, Vice-Chair, Falmouth
9. Martin Culik, Orleans
10. Thomas Donegan, Executive Committee, Provincetown
11. Leanne Drake, Sandwich
12. Richard Elkin, Wellfleet
13. Sue Hruby, West Tisbury – By phone
14. Joyce Flynn, Chair, Yarmouth

Absent Were:

1. Richard Toole, Executive Committee, Oak Bluffs

Members/Alternates

Physically present: 13

Present by phone: 1

Legal Counsel:

Jeffrey Bernstein, Esq., BCK Law, P.C.

Staff Present:

Austin Brandt, Senior Power Supply Planner

Briana Kane, Planning and Evaluation Manager

Joanne Nelson, Comptroller

Lindsay Henderson, Senior Energy Efficiency Program and Marketing Analyst

Maggie Downey, Administrator

Margaret Song, C&I Program Manager

Melissa Allard, Senior Administrative Coordinator

Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) to discuss matters below, to return to open session:

1. Trade secrets and confidential, competitively-sensitive or other proprietary power supply information and determine whether it is appropriate to release any portion of confidential contract provisions, Potential Vote
2. Policy to Support Pursuing Long-Term Contracts for Renewable Energy and RECs, Potential Vote

Joyce Flynn at 2:05 PM moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 10 to discuss trade secrets, confidential and competitively sensitive or other proprietary power supply information; potential vote related to the Cape Light Compact 2019 and beyond power supply program portfolio (renewable energy and REC contracting) and potential vote to determine whether it is appropriate to release any portion of confidential competitive electric supply contract provisions, to return to open session thereafter.

Joyce Flynn declared that an open session may have adversely affect the Cape Light Compact’s ability to conduct business in relation to other entities making, selling or distributing electric power and energy. The governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Ronald	Zweig	Falmouth	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (13 – 0 – 0)

1. Trade secrets and confidential, competitively-sensitive or other proprietary power supply information and determine whether it is appropriate to release any portion of confidential contract provisions, Potential Vote

Joyce Flynn recapped last month's meeting. She stated that the Compact was looking to maintain positive relations with the Attorney General’s Office, but not give up competitive power supply information. Maggie Downey stated that she contacted the Attorney General’s Office (AGO) and let the AGO know that the Board was continuing to discuss the issue of releasing competitively sensitive information contained in Exhibit A of the Compact’s power supply contracts. Thomas Donegan stated that the suppliers are the ones forcing our hands here and that they have the right to say no, and we should say to the AGO that they do not want to release their proprietary procurement strategy. Maggie Downey stated that the suppliers can say no, but it’s the Compact’s decision whether to give the information. David Anthony stated there is a limited pool of vendors and if we were to make the information public the pool may get smaller. The Compact should protect its vendors. Colin Odell stated our priority needs to be protecting the Compact’s consumers and getting them the best rates. The Compact must be careful about using the right words. The Compact should say we are protecting the Compact’s customers interest, not the Compact’s interests. Ron Zweig asked what the repercussions will be if the Compact

chooses not to make the information public. Jeff Bernstein replied that the Attorney General’s Office can communicate that they are unhappy and challenge it. He stated that the Attorney General’s Office already has the documents that were provided subject to a nondisclosure agreement, but they now want them to be made public. Peter Cocolis asked why the Compact and not Eversource as well. Maggie Downey replied that it’s members of the public hounding the Attorney General’s Office for the information.

Thomas Donegan moved following CLCJPE Board deliberations, and communications with our competitive electric suppliers, that the Board determine that it is not appropriate to release the redacted contract exhibits at this time, and to direct the Chair and Administrator to communicate this position to the AGO. Seconded by Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Ronald	Zweig	Falmouth	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (13 – 0 – 0)

2. Policy to Support Pursuing Long-Term Contracts for Renewable Energy and RECs

Colin Odell stated he has no problem allowing the conversation but is conflicted with keeping an open check book. Brad Crowell states he has reservations. Hedging should be done by experts. If the Compact does it wrong, then it will look bad. If the vendor does it wrong, then the Compact needs to get a new vendor. He is not convinced that this would be a good thing. Colin Odell asked if it doesn’t work out what kind of scrutiny would the Compact be put under and would like to see economic analysis before anything is signed. Joyce Flynn asked what the timing of everything is. Maggie Downey replied that the current offer was received as part of the Compact’s recent Request for Proposals to serve the aggregated load and is valid through June 27, 2018. Ron Zweig noted that in the vote says “not to exceed 20 years”; therefore, it doesn’t have to be 20 years and asked why in the vote it says 5% when we’re talking about 1%. Austin Brandt replied that it likely to be close to 1% and if the Compact were to cap it at 1%, it could make it difficult because electricity production is not that precise and does not always match the Compact’s load. Sue Hruby stated that 20 years is a long time and that it depends on the percent we are giving. The Compact needs to establish a tradeoff between years and percentage. Maggie Downey stated that the Compact has entered into this kind of contract before, but they haven’t been as long. Richard Elkin stated that he is still concerned about the 1.5%. Austin Brandt proposed revising the language in motion to say, “approximately 1%”. Martin Culik asked if the goal is to save customers money. Thomas Donegan stated that it is not simply to save money, but for the green energy benefits. Maggie Downey stated that before the Compact’s staff spends the time and effort on the proposals and analysis, she wants to know if the Board Members want the Compact to proceed. Thomas Donegan states that he thinks it’s worth going forth with putting together the proposal whether it works or not. Brad Crowell states that he thinks over a

long period of time it's most likely to cost us money than save and asked if there are other benefits, other than price, to accepting a proposal and are they a priority. Maggie Downey replied that securing renewable energy electrons was another benefit. Austin Brandt stated that it would also support building green projects. Peter Cocolis asked if the Compact had to sign when the proposal is made. Maggie Downey replied that the Compact would have 60 days. The Vendor can show the proposal to others, but the Compact has a right of first refusal for the 60-day period.

Colin Odell moved the CLCJPE Board of Directors vote to support the policy of pursuing long-term contracts, not to exceed twenty years, for the purchase of bundled Renewable Energy and Renewable Energy Certificates (RECs) for approximately 1% of the Compact's total electric load.

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 Richard Elkin.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	No
Fred	Fenlon	Eastham	No
Ronald	Zweig	Falmouth	Yes
Martin	Culik	Orleans	No
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (10 – 3 – 0)

Return to Open Session

At 3:27 PM, Joyce Flynn asked for a motion to end executive session, moved by Thomas Donegan, seconded by Richard Elkin

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Ronald	Zweig	Falmouth	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes

Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (13 – 0 – 0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice / Agenda
- Agenda Action Request: Policy to Support Pursuing Long-Term Contracts for Renewable Energy and REC's