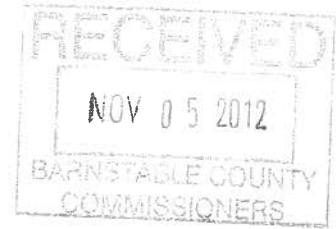


Cape Light Compact
Special Revenue Funds
as of 10/31/12

Description	Fund 0027 Energy 2012	Fund 2006 Solarize Our Schools	Fund 2161 Energy Audit Grant	Fund 2162 Energy Effic Conserv Block	Fund 8038 Energy Efficiency Reserve Fund	Fund 8046 Power Supply Reserve Fund	Fund 8073 RPS RECS Fund	Fund 8074 CLC Operating Fund	Fund 8075 CLC Green Fund
Und Balance as of 7/1/12	929,741.39	81,208.66	4,500.00	0.00	106,600.50	1,058,076.70	0.00	60,629.57	127,420.91
Revenues									
SBC Revenues	1,491,595.00								
RGGI Revenues	476,556.77								
FCM Revenues	309,310.05								
FERF Revenues	1,646,676.31								
Other Income									
Bank Interest Income	114.17								
Energy Audit Grant-Application Fees									
Energy Audit Grant Revenue									
Energy Effic Conserv Block Grant Rev									
Mill Adder Revenue						418,662.25			
Power Supply Reserve Fund REC Revenue						267,769.00			
RPS RECs Revenues									
CLC Green Fund Revenue								40,403.62	
CLC Green Fund REC Revenue									
TOTAL REVENUES	3,924,252.30	0.00	0.00	0.00	0.00	686,431.25	0.00	0.00	40,403.62
TOTAL TRANSFERS						(988,920.00)		988,920.00	
TOTAL EXPENDITURES	6,492,647.60	0.00	6,100.00	0.00	0.00	139,615.00	0.00	624,151.14	19,566.44
Und Balance	(1,638,653.91)	81,208.66	(1,600.00)	0.00	106,600.50	615,972.95	0.00	425,398.43	148,258.09



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November 1, 2012

BY HAND DELIVERY AND E-FILING

Mark D. Marini, Secretary
Department of Public Utilities
One South Station – 5th Floor
Boston, MA 02110

Re: *Cape Light Compact*, D.P.U. 12-107

Dear Secretary Marini:

On behalf of the Cape Light Compact (the “Compact”), enclosed please find a Motion for Interim Continuation of Existing Energy Efficiency Programs and Residential Conservation Service Program. The Compact respectfully submits this motion for approval in order to ensure continuity of energy efficiency program services as the Department reviews the Compact’s proposed energy efficiency investment plan, budget and allocation of program operating costs for its energy efficiency programs during the period January 1, 2013 through December 31, 2015 (“Three-Year Plan”), which is to be filed with the Department tomorrow.

In addition, the Compact respectfully submits this filing in place of its annual RCS filing. Section 32 of the Energy Act of 2012, states that if a utility includes RCS as part of an energy efficiency investment plan filed pursuant to G.L. c. 25, § 21, the utility shall have satisfied the requirements of subsection (b), and its energy efficiency investment plan shall not be reviewed under subsection (f), of section 7 of chapter 465 of the acts of 1980, as most recently amended by chapter 164 of the Acts of 1997. In accordance with this statute, the Compact included its proposed operating budgets for the RCS program in the Three-Year Plan to meet the requirements of subsections (b) of section 7 of chapter 465 of the Acts of 1980.

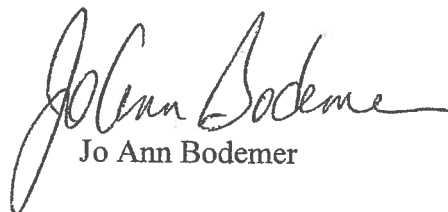
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Secretary Mark D. Marini
November 1, 2012
Page 2

Please do not hesitate to contact me with any questions you may have relating to this filing.

Sincerely,



Jo Ann Bodemer

JAB/drb
Enclosures

cc: Jeffrey Leupold, Hearing Officer (w/enc. 3 copies) (via email and hand delivery)
Clayton Hale, Hearing Officer (w/enc.) (via email and hand delivery)
Margaret T. Downey, Cape Light Compact (w/enc.) (via email and first class mail) ✓

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THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CAPE LIGHT COMPACT)
) D.P.U. 12-107
)

**MOTION OF THE CAPE LIGHT COMPACT FOR THE INTERIM
CONTINUATION OF EXISTING ENERGY EFFICIENCY PROGRAMS
AND ITS 2012 RESIDENTIAL CONSERVATION SERVICE PROGRAM**

The Cape Light Compact (the “Compact”) requests that the Department of Public Utilities (“Department”) approve the Compact’s request to continue its existing energy efficiency and Residential Conservation Service (“RCS”) programs¹ during the period January 1, 2013 through January 31, 2013, or until the Department approves the Compact’s proposed energy efficiency investment plan, budget and allocation of program operating costs for its energy efficiency programs for the period January 1, 2013 through December 31, 2015 (“Three-Year Plan”). In support of its motion, the Compact states as follows:

1. The Compact is a municipal aggregator, pursuant to G.L. c. 164, § 134, with a principal place of business at 3195 Main Street, Barnstable, MA 02630.
2. The Compact is an energy efficiency program administrator (“PA”) offering competitive supply and energy efficiency services to residents of Cape Cod and Martha’s Vineyard.
3. The Compact currently operates comprehensive energy efficiency programs pursuant to the 2010-2012 Energy Efficiency Investment Plan approved by the Department in

¹ Any reference in this motion to energy efficiency programs and budgets shall include RCS program budgets and recovery of program operating costs as applicable.

2010. *Electric Three-Year Energy Efficiency Plans 2010-2012*, D.P.U. 09-116 through D.P.U. 09-120 (2010) (“*Electric Order*”).

4. The Compact funds all of its electric energy efficiency programs, including RCS, from a mandatory per kilowatt-hour charge, pursuant to G.L. c. 25, § 19, an Energy Efficiency Reconciliation Factor, and various outside funding sources.

5. The design, implementation, and cost recovery of the Compact’s energy efficiency programs are subject to the Department’s jurisdiction under the provisions of G.L. c. 164 and G.L. c. 25, §§ 19 and 21.

6. On November 2, 2012, in accordance with G.L. c. 25, §§ 19 and 21, an Act Relative to Green Communities (“Green Communities Act”), the Compact will file for Department review and approval its proposed energy efficiency investment plan, budget and allocation of program operating costs for its Three-Year Plan.

7. The Green Communities Act requires the Department to issue a decision on the Three-Year Plan within 90 days of submission. G.L. c. 25, § 21(d)(2).

8. Similarly, the Compact operates RCS programs pursuant to G.L. c. 164 App. §§ 2-1 through 2-10 and 220 C.M.R. §§ 7.00 *et seq.*

9. The Department approved the Compact’s RCS program for the period January 1, 2012 through December 31, 2012 (“CY 2012”) in *Cape Light Compact*, D.P.U. 11-RCS-01 (December 27, 2011). The CY 2012 budget was approved by the Department in the Compact’s Electric Three-Year Energy Efficiency Program Plan, *Cape Light Compact*, D.P.U. 09-119 (2010), and updated in its 2012 Mid-Term Modification, *Cape Light Compact*, D.P.U. 11-116, as filed October 28, 2011.

10. On August 3, 2012, the Energy Act of 2012 (the “Energy Act”) was enacted. Section 32 of the Energy Act states that if a utility includes RCS as part of an energy efficiency investment plan filed pursuant to G.L. c. 25, § 21, the utility shall have satisfied the requirements of subsection (b), and its energy efficiency investment plan shall not be reviewed under subsection (f), of section 7 of chapter 465 of the acts of 1980, as most recently amended by Chapter 164 of the Acts of 1997.

11. As the Compact’s current energy efficiency programs end on December 31, 2012, the Compact seeks, consistent with past practice, to continue them at expenditure levels consistent with those approved for 2012 for the interim period from January 1, 2013, through the date of the Department’s final order approving the Compact’s Three-Year Plan (“Interim Period”). *See Electric Three-Year Energy Efficiency Plans 2010-2012*, D.P.U. 09-116 through D.P.U. 09-127, Order on Motions for Interim Continuation of Energy Efficiency Programs (2009); *see also Cambridge Electric Light Company/Commonwealth Electric Company*, D.P.U. 91-234-B at 37 (1994) (program continuity is an important goal in energy efficiency efforts); *Cambridge Electric Light Company/Commonwealth Electric Company*, D.P.U. 92-218, at 18 (1993) (same). Consistent with the Department’s directives in 2009, all funds expended during the Interim Period on the continuation of energy efficiency programs will be charged to the Compact’s 2013 budget.

12. Approval of this motion will ensure that, during the Interim Period, the Compact is able to continue to offer its energy efficiency programs on an uninterrupted basis.

13. Approval of this motion will not result in any undue bill impacts for the Compact’s customers during the Interim Period.

14. During the Interim Period, the Compact will continue to recover all costs

incurred in implementing and delivering its energy efficiency programs, through its energy efficiency surcharge.

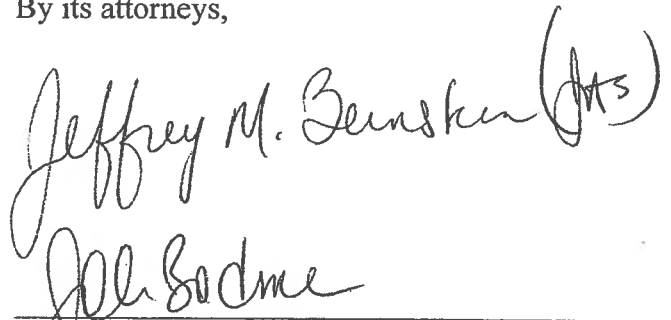
WHEREFORE, the Compact hereby respectfully requests that the Department:

- (a) Approve the Compact's motion, as detailed above, to continue to implement during the Interim Period, existing energy efficiency programs, consistent with the 2012 budget reviewed and approved in *Electric Order*;
- (b) Approve the Compact's recovery of costs related to the ongoing development and implementation of its energy efficiency programs through its energy efficiency surcharge;
- (c) Approve and ratify the Compact's ongoing implementation of the energy efficiency investment plan for 2010-2012 approved in *Electric Order* during the Interim Period in all other respects;
- (d) Approve this motion on or before December 31, 2012; and
- (e) Grant such other and further relief relating to this motion as may be appropriate.

Respectfully submitted,

THE CAPE LIGHT COMPACT

By its attorneys,



Jeffrey M. Bernstein (jbernstein@bck.com)

Jo Ann Bodemer (jbodemer@bck.com)

BCK Law, P.C.

One Gateway Center, Suite 809

Newton, Massachusetts 02458

Telephone: (617) 244-9500

Facsimile: (617) 244-9550

Dated: November 1, 2012

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

CAPE LIGHT COMPACT

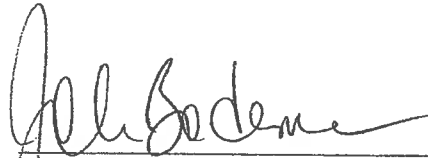
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D.P.U. 12-107

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 Newton, Massachusetts this 1st day of November, 2012.



Jo Ann Bodemer (jbodemer@bck.com)

BCK Law, P.C.

One Gateway Center, Suite 809

Newton, Massachusetts 02458

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OCT 17 2012

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October 15, 2012

**VIA ELECTRONIC MAIL
ORIGINAL BY HAND DELIVERY**

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

Re: Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines, D.P.U. 11-120, Phase II

Dear Secretary Marini,

The Cape Light Compact (the "Compact") hereby respectfully submits these letter comments in the above referenced proceeding, in accordance with the Department of Public Utilities' ("Department") ruling on the Joint Motion, dated October 4, 2012, extending the deadline to file comments on the proposed revisions to the Energy Efficiency Guidelines ("Guidelines") to October 15, 2012. In addition, the Compact notes its participation in and support of the joint comments being filed on behalf of the Program Administrators in this proceeding.

Background

Through this investigation the Department is proposing revisions to its Guidelines that include, among other things, modifications to the recovery of an Energy Efficiency Surcharge ("EES") by Electric Program Administrators. In summary, the Department proposes to review each year of a proposed EES for the three-year term as part of its review of the Electric Program Administrator's three-year plan filing. See Guidelines at 3.2.1.6 through 3.2.1.6.3.

Assuming approval of the proposed three-year EES, the approved EES will remain in effect for the three-year term. See *id.* at 3.2.1.6.3.¹

The Guidelines direct each Electric Program Administrator to conduct annual reviews of its approved three-year EES to calculate an updated cents per kilowatt-hour charge for each customer sector, based upon the most current available information. See Guidelines at 3.2.1.6.3.1. An Electric Program Administrator must seek a modification to its approved three-year EES upon a showing that the “bill impact for a customer sector would exceed two percent” (Guidelines at 3.2.1.6.3.1) or if the Electric Program Administrator would experience a 25 percent or more fluctuation in total program revenue absent a revision of the approved three-year EES. See *id.*

The Guidelines expressly provide that the surcharges for each year of the three-year term will take effect according to a schedule determined by the Department. See Guidelines at 3.2.1.6.3. For the current three-year term (2010-2012), the Department’s scheduled review of the Compact’s EES takes place annually in June and adjustments to the EES are put into effect on July 1 of the program year. The July adjustment to the Compact’s annual EES factors creates a six-month lag between program expenditures and program revenue, *e.g.*, 2010 revenue needs were collected from July 1, 2010 through June 30, 2011 with 2010² expenditures accruing on a calendar year basis.

This six-month disconnect between revenues and expenditures is problematic for the Compact. As a municipal aggregator,³ the Compact does not have capital reserves to float the shortfalls in revenue that occur as a result of the timing for the receipt of the EES. For the 2010-2012 three-year plan, the Compact projected its EES revenues for the 2012 plan year at approximately 13 million with expenditures of approximately 26 million. The anticipated deficit, attributable to the lag in the EES, required the Compact to reduce its 2012 plan year expenditures by approximately 35%.⁴ Further exacerbating the Compact’s expected 2012 revenue shortfall is the significant program budget increases beginning January 2013 included in the Compact’s proposed three-year plan for the 2013-2015 term.

¹ The section numbering in the proposed straw has two paragraphs numbered “3.2.1.6.3. The first addresses Rate and Average Bill Impacts. The second provides for the EES to remain in effect for the three-year term.

² As with each program year.

³ The Compact is a governmental aggregator under G.L. c. 164, §134 and consists of the twenty-one towns in Barnstable and Dukes Counties, as well as the two counties themselves. It is organized through a formal Intergovernmental Agreement under G.L. c. 40, §4A. The Compact’s Aggregation Plan was approved by the Department in DTE 00-47. The Compact maintains a business office within the Barnstable County offices located at the Superior Courthouse at 3195 Main Street in Barnstable, MA 02630.

⁴ Upon request, the Compact will provide the supporting analysis showing the monthly deficits experienced during the 2010-2012 term, as well as the projected deficits based upon its proposed 2013-2015 term.

As a public entity, the Compact cannot operate its energy efficiency program without receipt of supporting revenues in a reasonably contemporaneous timeline. Until a resolution between the disconnect between revenues and expenditures is implemented, the Compact will not be able to fully implement its approved 2012 plan year program or its proposed 2013-2015 three-year plan energy efficiency programs, even assuming Department approval.

Alternatives to Meet the Compact's Budget Needs

1. Borrowing Funds

Anticipating the revenue shortfalls, as discussed *supra*, the Compact investigated its option to issue municipal bonds to raise the required funds to meet monthly program expenditures. Municipalities seek the opinion of bond counsel before borrowing or issuing debt for revenue needs. Pursuant to bond counsel's opinion, after consultation with the Massachusetts Department of Revenue, the Compact, nor any of its member municipalities, including Barnstable County as its fiscal administrator, clearly have the authority to issue bonds to satisfy the revenue shortages associated with the Compact's provision of energy efficiency services to Cape Cod and Martha's Vineyard. Bond counsel maintains that a municipality may only issue revenue anticipation notes ("RANs") in anticipation of tax revenues associated with the provision of municipal services. See G.L. c. 44, §4. While the Supreme Judicial Court in *Shea v. Boston Edison Co.*, 431 Mass. 251 (2000), viewed the legislatively authorized "system benefit charges" for energy efficiency and renewable energy as akin to excise taxes, bond counsel concluded that the provision of energy efficiency services is not a municipal service. As such, he found no statutory authority for the Compact or its members to issue RANs under these circumstances.⁵ In other words, absent special legislation to permit the Compact to issue RANs to meet its program expenditure needs, the Compact will not be able to meet its financial obligations pursuant to its approved energy efficiency budgets.

Special Legislation

The Compact has begun the process of pursuing the special legislation required to provide the authority for it to issue RANs under these circumstances. A legislative solution, however, is neither guaranteed nor immediate. As such, while legislation could provide a long-term resolution to the Compact's energy efficiency revenue needs it cannot alleviate the financial pressure the Compact currently faces.

2. An Adjustment to the EES Effective Date

Pursuant to the Green Communities Act ("GCA"), the EES for municipal aggregators, as a fully reconciling funding mechanism, should ensure "program costs are collected, allocated and distributed in a cost effective, fair and equitable manner." G.L. c. 25, §21(d)(2). As stated *supra* the Department determines the schedule by which the annual EES will take effect. See

⁵ Bond counsel reached a similar conclusion with respect to the Compact's authority to borrow funds.

Guidelines at 3.2.1.6.3. The Compact respectfully submits that for municipal aggregators having an EES adjustment date that aligns with program expenditures is the best way to ensure program costs are collected consistent with the directives of the GCA. For municipal aggregators, the Compact requests that the EES adjustment date be shifted annually from July 1 to January 1, thereby aligning program expenditures, which are tracked on a calendar year basis, with revenue.

The Compact understands that shifting its EES adjustment date may require NSTAR Electric Company (“NSTAR”), the distribution company for the Compact’s service territory, to make a separate filing on the Compact’s behalf.⁶ Under the Guidelines, NSTAR may need to petition the Department, solely on the Compact’s behalf, if, for instance the Compact determines in its annual EES review that one of the Guideline’s EES recalculation thresholds is crossed while NSTAR does not during its own annual review. See Guidelines at 3.2.1.6.3.1. NSTAR and the Compact have successfully coordinated the collection and distribution of the Compact’s EES for each of the plan years 2010 through 2012, which included coordination with NSTAR of its annual petition to the Department for approval of EES reconciliations. The Compact is thus confident that it can continue successful coordination with NSTAR should the Department consider changing the Compact’s EES adjustment date.

The Compact submits that eliminating or reducing the delay in EES revenue collection is an effective solution to current revenue issues under the current guidelines for municipal aggregators. In addition, reducing the lag between expenditures and revenue collection would minimize and/or entirely eliminate the need for the Compact to borrow funds. Moreover, eliminating the need for borrowing in the case of municipal aggregators is consistent with the imperative in the GCA that directs the administration of a municipal aggregator’s EES to be “cost-effective.” See G.L. c. 25, §21(d)(2).

3. Reductions to Program Budgets

The least desirable alternative would be to reduce program budgets to levels that equal the estimated monthly program revenues,⁷ including the EES. Annual adjustments to the EES could then serve as a backstop if estimates differ from actual revenue. While this would eliminate most of the negative impact of the EES lag, it would also require significant reductions in the Compact’s program budgets and the concomitant capture of electric savings. This result, of course, is clearly inconsistent with the GCA’s goal of capturing all available cost effective energy efficiency and demand reduction. See *id.* at §21(b)(1).

⁶ The GCA directs the distribution company to coordinate the collection and distribution of the EES to a municipal aggregator operating within its service territory. See G.L. c. 25, §21(d)(2).

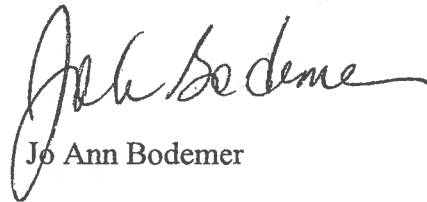
⁷ The GCA provides for energy efficiency funding from the collection of 1) System Benefit Charges; 2) Regional Greenhouse Gas Initiative funds; 3) Forward Capacity Market funds; and 4) other funding (grants, etc). See G.L. c. 25, §19(a).

Conclusion

Based upon the foregoing, the Compact respectfully requests the Department amend section 3.2.1.6.3 of its Guidelines to specifically provide for a schedule of EES effective dates for municipal aggregators that occur annually on or about the first of January. The Compact submits that such a change is consistent with the statutory directives in the GCA regarding the collection of surcharges for municipal aggregators. Similarly, this change will permit the Compact, a municipal aggregator, to administer and deliver its energy efficiency programs in a manner that will best support the Commonwealth's energy efficiency goals.

The Compact thanks the Department for this opportunity to provide comment in this proceeding.

Sincerely,



Jo Ann Bodemer

JAB/drb

cc: Jeffrey Leupold, Hearing Officer, D.P.U. (via email and hand delivery)
Service List, D.P.U. 11-120 (via email only)
Margaret T. Downey, CLC (via email and first class mail) ✓
Kevin F. Galligan, CLC (via email and first class mail)



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BARNSTABLE COUNTY
COMMISSIONERS

ATTORNEYS AT LAW

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

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VIA FIRST CLASS MAIL

MEMORANDUM

To: Chairmen of the Boards of Selectmen, Town Clerks, County Clerks in the member towns and counties; Service List in D.P.U. 09-119 and the members of the Energy Efficiency Advisory Council
From: Jeffrey M. Bernstein and Jo Ann Bodemer
Date: November 7, 2012
Re: Department of Public Utilities Order of Notice (November 5, 2012; D.P.U. 12-107)

Pursuant to the Department's Order of Notice dated November 5, 2012 in D.P.U. 12-107, enclosed for your review please find the Department's Notice of Filing and Public Hearing.

Thank you.

T:\Clients\BCY\EEP\EEP Implementation\2013-2015 EEP Filing\Memo 11-7-12 Service List Notice of Filing and Public Hearing (DPU 12-107) (bcy).doc

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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 12-107

November 5, 2012

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, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2013 through 2015.

On November 2, 2012, 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, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact ("Compact"), filed with the Department of Public Utilities ("Department") a petition for approval of a three-year energy efficiency plan, covering calendar years 2013 through 2015 ("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 (October 19, 2012). The Department has docketed this matter as D.P.U. 12-107.

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. G.L. c. 25, § 21. Once a plan is submitted, 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 Plan also includes the Compact's Residential Conservation Service filing. The Compact's proposed budget for the three-year period is \$83,493,216 (\$29,857,977 in 2013, \$25,953,775 in 2014, and \$27,681,464 in 2015).

If the Compact's Three-Year Plan is approved as proposed, the Compact states that its proposed rates will have the following effects:

- A residential customer (R-1) using 584 kilowatt-hours per month could experience a monthly bill decrease of \$1.04 per month or 1 percent in 2013; \$0.52 or 0.5 percent increase in 2014; and \$0.82 or 0.8 percent increase in 2015.
- A low-income (R-2) customer using 483 kilowatt-hours per month could experience a monthly bill decrease of \$0.70 or 1.1 percent in 2013; \$0.21 or 0.3 percent increase in 2014; and \$0.12 or 0.2 percent increase in 2015; 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.

Copies of the Three-Year Plan are on file at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. A copy is also on file for public view at the Barnstable Superior Court House, 3195 Main Street (Route 6A), Barnstable, Massachusetts 02630. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Compact, Jo Ann Bodemer, Esq. at (617) 244-9500. Any person desiring further information regarding this notice should contact Jeffrey Leupold or Clayton Hale, Hearing Officers, 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 **December 5, 2012, 2:00 p.m.** at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. 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 5, 2012**.

Any person who participated in the Council process or whose interests were represented by a member of the Council, and who desires 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 **Monday, November 5, 2012**. Any person who did not participate in the Council process or whose interests were not represented by a member of the Council, and who desires 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 **Friday, November 16, 2012**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. 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 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 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, 5th 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 attorney, Jo Ann Bodemer, Esq., BCK LAW, P.C., One Gateway Center, Suite 809, Newton, MA 02458, and by email, jbodemer@bck.com.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us, and the hearing officers jeffrey.leupold@state.ma.us and clayton.hale@state.ma.us 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. 12-107; (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. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.