

Cape Light Compact

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www.capelightcompact.org

POST OFFICE BOX 427 • BARNSTABLE SUPERIOR COURT HOUSE • BARNSTABLE, MASSACHUSETTS 02630

Cape Light Compact Governing Board Meeting

DATE: Wednesday, November 20, 2013

LOCATION: Rooms 11&12, Superior Courthouse, Barnstable

TIME: 2:00 – 4:30 p.m.

AGENDA

- 2:00 Public Comment
- 2:10 Approval of Minutes
- 2:15 Treasurer's Report
- 2:20 Energy Efficiency Update
 - 1. Streetlight LED Retrofit Project and Supplemental Budget Request, potential vote
 - 2. Update on Main Streets Project
 - 3. Results from 2012 Town Competition
- 3:00 Chairman's Report
 - 1. Proposed Assembly of Delegates Resolution
 - 2. Responses to Richard Knabel and Eric Bibler
 - 3. Vote on Cape Light Compact Representative to CVEC
 - 4. Reminder – 2013 Executive Committee Elections in January
- Administrator's Report
 - 1. Updating Compact Aggregation Plan
 - 2. Municipal RFP Update
 - 3. Discussion of Review of Past Executive Session Minutes
- 4:00 CVEC Update
- 4:15 Proposed Executive Session Pursuant to - M.G.L. c. 30A, Section 21(a) (3) and (10), Threatened Litigation from Former Contractor and Review and Approve August 14, 2013 Minutes

Cape Light Compact Governing Board
Wednesday, September 11, 2013
Open Session Meeting Minutes

The Governing Board of the Cape Light Compact met on Wednesday, September 11, 2013 at 2:00 p.m. in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

Present were:

Joyce Flynn, Chairwoman, Yarmouth
Robert Schofield, Vice-Chair, Bourne
Peter Cocolis, Treasurer, Chatham
Barry Worth, Secretary, Harwich
David Anthony, Barnstable
Deane Keuch, Brewster
Timothy Carroll, Chilmark – remotely by phone
Fred Fenlon, Eastham
William Doherty, Barnstable County
Thomas Mayo, Mashpee
Ronald Zweig, Falmouth
Richard Toole, Oak Bluffs remotely by phone
Kenneth Rowell, Orleans
Everett Horn, Sandwich
Sue Hruby, West Tisbury remotely by phone

Legal Counsel:

JoAnn Bodemer, BCK Law PC

Staff Present:

Maggie Downey, Compact Administrator
Margaret Song, Residential Program Manager
Briana Kane, Sr. Residential Program Coordinator
Matthew Dudley, Residential Program Coordinator
Philip Moffitt, EM&V Manager
Debbie Fitton, Energy Education Coordinator
Gail Azulay, EM&V Analyst
Karen Loura, Administrative Assistant

Absent Were:

Michael Hebert, Aquinnah
Brad Crowell, Dennis
Peter Cabana, Member at Large, Dukes County
Edgartown - Vacant
Sharon Lynn - Provincetown
William Straw - Tisbury
Peter Fontecchio - Truro
Kathy Hubby - Wellfleet

Meredith Miller, C&I Program Manager
Nicole Price, C&I Program Planner
Vicki Marchant, C&I Program Analyst
Miles Malone, C&I Intern
Lindsay Henderson, Communications & EE Data Analyst
Joseph Soares, Sr. Power Supply Planner
Kevin Galligan, Program Coordinator

CALL TO ORDER

With a quorum present at 2:08 pm Chr. Flynn called the meeting to order.

MEETING MINUTES

Secretary Worth presented the August 14, 2013 Open Session Meeting Minutes for consideration. *B. Schofield moved the Board vote to amend the minutes by inserting the word "to" in Paragraph 1 of Chairman's Report on page 3, 1st sentence so that the sentence will read: "J. Flynn stated that it is important to attend to the Assembly meetings..." and to add the words "and to cease and desist from making false allegations about the Compact's Power Supply Program, as well as to cease & desist from personal and defamatory attacks on Cape Light Compact's Administrator" Paragraph 2 of Chairman's Report on pg. 3 relative to the demand letter sent to C. Powicki, seconded by B. Worth and voted unanimously in favor.*

TREASURER'S REPORT (ATTACHMENT A)

P. Cocolis reviewed the Compact's Operating Budget as of 9/9/13, and presented the revised Operating Budget dated 9/11/13, depicting the proposed supplemental budget increase for auditing services.

Meredith Miller introduced Miles Malone, C&I Intern from Northeastern University.

M. Downey reported she believes the misuse of the Cape Light Compact Logo and posting on Assembly of Delegates website has been corrected.

Presentation on Cape Light Compact annual Report on 2012 Energy Efficiency Activities by P. Moffitt, EM & V Manager (Attachment B)

P. Moffitt then provided a Power Point Presentation entitled 2012 Annual Report Cape Light Compact Governing Board Meeting 9/11/13. There was discussion about 2012 goals and comparison of Cape Light Compact performance among all program administrators and the impact of evaluations on savings. The DPU remains open to what the new plan reporting requirements will be. M. Downey will send the link to the DPU website to members as well as a press release.

ENERGY EFFICIENCY UPDATE (ATTACHMENT C)

Streetlight LED Retrofit Project: Kevin Galligan then provided a Power Point Presentation reviewing the LED Streetlight Retrofit Project which provided history and update. He reported the project is on schedule. He said Eastham chose not to participate because they do not own their streetlights. In addition to lower operation costs, the maintenance costs will be coming down significantly. Lights are required to come equipped with ability to connect to a computer which will be optional. Operation & Maintenance Agreements will be in place for the initial 5 years and then new quotes from vendors will be required for the next 5 year period. Towns are executing Operation & Maintenance Contracts drafted by CLC and CLC will execute the Energy Management Services Agreement with the Contractor. Of the 4 respondents, Siemens has been selected as the top respondent. Discussion followed.

ASHRAE Level II Audits for Municipal Projects.

The Board then discussed the Level II Audit Program for Municipal Buildings. N. price reported the audits are expensive, time consuming and do not always yield savings. The Level II Audits are valuable to Towns but due to their impact on the budget and staff time some criteria needs to be established. Towns are getting held up do to the STRETCH Code. R. Zweig reported Falmouth voted \$20,000 for ESCO Audit and EMS contract. He said the estimated savings will meet or exceed the cost of the audit and the vendor will be paid from savings or capital budget expenditure. T. Mayo commented that the Board may be able to help by developing criteria for staff to follow and develop a value cap. He said Mashpee has adopted the Stretch Code. Bourne, Barnstable, Yarmouth and Falmouth are in the queue. Oak Bluffs is applying for Green Communities Status and are considering a Level II Audit there. N. Price agreed to provide cost/sf information to the Board and the subject will be continued to next meeting.

CHAIRMEN'S REPORT

J. Flynn reported on availability of the NEED 2013 Annual Reports.

Cape Light Compact Outreach role to reach Boards of Selectmen and supply them with information and materials for inclusion in their meeting packets. She asked members to urge their Selectmen to sign up Cape Light Compact E-Newsletter. R. Zweig suggested adding phone numbers to the newsletter. It was suggested adding the Cape Light Compact phone number as a white pages listing in the phone directory may make it easier for customers to find.

ADMINISTRATOR'S REPORT

M. Downey reported the Audit Management Letter recommended that any expenditure out of the Power Supply Reserve Fund be appropriated by vote of the Board and today she is seeking two appropriations (One for the establishment of a Renewable Energy Certificate budget in the amount of \$600,000 to make purchases between 1/1/13 & 6/30/14 & the other for a Supplemental budget to establish an Auditing Services line item in

the amount of \$130,000 to pay for 2009, 2010, 2011 & 2012 Independent Audited Financial Statements. Discussion followed. *P. Cocolis moved the Board vote to approve the establishment of a Renewable Energy Certificate (REC) budget in order to purchase RECs for the January 1, 2013 through June 30, 2014 time period up to \$600,000, seconded by B. Schofield and voted unanimously in favor. B. Schofield then moved the Board vote to approve a Supplemental Budget Request to the Operating Budget and Power Supply Reserve fund for establishment of an Auditing Services line item in the amount of \$130,000.00 to cover the costs associated with the preparation of 2009, 2010, 2011 and 2012 Compact Independent Audited Financial Statements, seconded by B. Worth and voted unanimously in favor.* It was agreed the Board would issue Supplemental Budgets going forwarded as needed.

M. Downey reported receipt of a letter from the Dept. of Public Utilities (DPU) dated 8/27/13 relative to the Cape Light Municipal Aggregation Plan. The letter requests: (1) a review and revision of the plan to eliminate out-of-date inconsistencies since the 2000 filing; (2) update Plan to reflect current structure and operations; and (3) comply with applicable laws, regulations and department precedent, including Lowell Order. T. Mayo stated it is a requirement of all Municipal Aggregators in the State.

M. Downey reported on Education and Marketing Plan work including presentations to the Boards of Selectmen, Town Council and the two County Commissioners. The update on Cape Light Compact will provide general and municipal specific information. Appointments are being made and each Town's Board Member will receive a copy of the presentation and will be notified in advance of the date of the Board of Selectmen meeting. Meetings will begin after October 7th. The presentations will then be made to each local Energy Committee.

M. Downey reported on a 9/6/13 email from Eric Bibler of Weston CT complaining that the recent Cape Light Compact Audit was useless. She will forward the email to members.

OTHER REPORTS

T. Mayo then raised the issue of follow-up surveys being conducted by KEMA on behalf of Cape Light Compact following Energy Efficiency improvements. He reported feedback that the surveyor was evasive and calls took longer than anticipated. He urged for the opportunity to provide survey in writing and the ability to respond in writing.

D. Fitton, Energy Education Coordinator announced receipt of a thank you note from M. E. Small Student for Cape Light Compact Support.

Energy Carnival Schedule was distributed.

At 4:30 p.m. B Doherty moved to adjourn, seconded by B. Worth and voted unanimously in favor.

Respectfully Submitted,

Karen E. Loura
Administrative Assistant

List of materials used:

Reviewed by B. Worth, Secretary on: 10/2/13

2013 Budgeted (Based on Three-year Plan)

Program	PA Costs				EMV	Total PA Costs
	PPA	Marketing	Incentives	STAT		
Residential (Total)	\$817,786	\$653,373	\$9,588,578	\$1,743,282	\$467,852	\$13,890,649
1. Residential Whole House	\$41,759	\$176,469	\$7,742,857	\$650,992	\$395,459	\$9,567,333
Residential New Construction	\$20,102	\$15,012	\$329,250	\$137,852	\$7,011	\$360,826
Residential Multi-Family Retrofit	\$20,486	\$12,652	\$288,414	\$38,655	\$16,243	\$376,451
Residential Home Energy Services	\$379,570	\$148,805	\$7,102,993	\$860,485	\$343,203	\$8,649,056
Residential Behavior/Feedback	\$-	\$-	\$22,000	\$-	\$-	\$22,000
2. Residential Products	\$108,484	\$159,718	\$1,730,919	\$497,270	\$78,808	\$2,828,178
Residential Cooling & Heating Equipment	\$30,861	\$20,424	\$493,175	\$80,556	\$10,558	\$643,974
Residential Lighting	\$58,863	\$109,764	\$1,001,894	\$272,120	\$55,887	\$1,498,978
Residential Consumer Products	\$19,220	\$29,500	\$288,750	\$135,594	\$13,392	\$483,528
3. Residential Hard-to-Measure	\$9,593	\$247,185	\$5,000	\$399,000	\$11,389	\$607,137
Residential Statewide Marketing	\$-	\$122,185	\$-	\$-	\$-	\$122,185
Residential DOER Assessment	\$8,134	\$-	\$-	\$-	\$11,389	\$10,523
Residential EEAC Consultants	\$-	\$-	\$-	\$-	\$-	\$-
Residential Sponsorship & Subscriptions	\$6,429	\$-	\$-	\$300,000	\$-	\$300,000
Residential HEAT Loan	\$-	\$-	\$-	\$89,000	\$-	\$89,000
Residential R&D and Demonstration	\$-	\$-	\$65,000	\$-	\$-	\$65,000
Residential Education	\$-	\$125,000	\$-	\$-	\$-	\$125,000
Low-Income (Total)	\$160,742	\$365,543	\$2,333,699	\$596,709	\$116,338	\$3,206,419
4. Low-Income Whole House	\$132,655	\$24,860	\$2,353,599	\$596,709	\$113,868	\$3,202,711
Low-Income New Construction	\$2,061	\$229	\$40,000	\$1,877	\$6,920	\$50,887
Low-Income Single Family Retrofit	\$110,814	\$22,337	\$1,844,480	\$676,910	\$93,323	\$2,646,965
Low-Income Multi-Family Retrofit	\$20,780	\$2,313	\$449,100	\$18,922	\$14,825	\$605,760
5. Low-Income Hard-to-Measure	\$57,087	\$43,662	\$-	\$-	\$2,970	\$103,718
Low-Income Statewide Marketing	\$-	\$20,364	\$-	\$-	\$-	\$20,364
Low-Income DOER Assessment	\$19,258	\$-	\$-	\$-	\$2,970	\$20,364
Low-Income Energy Affordability Network	\$38,829	\$23,297	\$-	\$-	\$-	\$62,126
Commercial & Industrial (Total)	\$405,742	\$110,505	\$11,090,318	\$1,429,478	\$477,762	\$13,581,802
6. C&I New Construction	\$9,348	\$9,947	\$1,702,588	\$281,058	\$143,037	\$2,225,848
C&I New Construction	\$9,348	\$9,947	\$1,702,588	\$281,058	\$143,037	\$2,225,848
7. C&I Retrofit	\$342,285	\$39,107	\$9,387,730	\$1,145,427	\$325,135	\$11,239,704
C&I Retrofit	\$159,738	\$17,784	\$6,188,759	\$659,118	\$183,270	\$7,209,668
C&I Direct Install	\$182,547	\$21,323	\$3,200,000	\$486,309	\$141,865	\$4,092,658
8. C&I Hard-to-Measure	\$55,109	\$62,450	\$-	\$-	\$9,591	\$127,150
C&I Statewide Marketing	\$-	\$62,450	\$-	\$-	\$-	\$62,450
C&I DOER Assessment	\$50,537	\$-	\$-	\$-	\$9,591	\$60,128
C&I EEAC Consultants	\$4,671	\$-	\$-	\$-	\$-	\$4,671
C&I Sponsorships & Subscriptions	\$-	\$-	\$-	\$-	\$-	\$-
GRAND TOTAL	\$1,295,289	\$782,419	\$23,012,443	\$3,786,447	\$1,052,252	\$29,859,070

Source: G112-001 Compact Efficiency 2013-2015 EEP/2011102 & 12.20 DPU 12-107 Proceeding 2013.02.21 Compliance Filing/DPU 12-107_CIC_Ech_4 COMPLIANCE_2013-2015 08-50 Tables_Expanded_2013.02.13.xlsx

2013 Actuals (January Through October)

Program	PA Costs				EMV	Total PA Costs
	PPA	Marketing	Incentives	STAT		
Residential (Total)	\$531,889	\$152,409	\$4,105,401	\$954,799	\$198,770	\$10,097,389
1. Residential Whole House	\$223,383	\$112,418	\$7,138,956	\$493,803	\$133,973	\$8,011,881
Residential New Construction	\$11,392	\$10,203	\$80,238	\$43,171	\$6,875	\$163,607
Residential Multi-Family Retrofit	\$11,274	\$8,272	\$22,780	\$22,000	\$5,998	\$128,332
Residential Home Energy Services	\$189,720	\$95,117	\$8,975,467	\$338,632	\$119,307	\$7,731,242
Residential Behavior/Feedback	\$-	\$-	\$-	\$-	\$-	\$-
2. Residential Products	\$59,859	\$4,752	\$1,029,415	\$122,956	\$65,793	\$1,409,815
Residential Cooling & Heating Equipment	\$19,653	\$6,312	\$590,600	\$43,591	\$12,055	\$699,211
Residential Lighting	\$39,404	\$44,215	\$346,080	\$83,043	\$31,701	\$477,443
Residential Consumer Products	\$10,632	\$14,225	\$90,675	\$56,332	\$22,037	\$193,901
3. Residential Hard-to-Measure	\$99,863	\$178,288	\$491	\$388,030	\$-	\$726,703
Residential Statewide Marketing	\$-	\$91,487	\$-	\$-	\$-	\$91,487
Residential DOER Assessment	\$80,344	\$-	\$-	\$-	\$-	\$80,344
Residential EEAC Consultants	\$-	\$-	\$-	\$-	\$-	\$-
Residential Sponsorship & Subscriptions	\$19,599	\$-	\$-	\$-	\$-	\$19,599
Residential HEAT Loan	\$-	\$-	\$-	\$394,287	\$-	\$394,287
Residential R&D and Demonstration	\$-	\$-	\$-	\$3,744	\$-	\$3,744
Residential Education	\$-	\$88,811	\$-	\$-	\$-	\$88,811
Low-Income (Total)	\$102,539	\$30,174	\$959,803	\$235,312	\$52,607	\$1,390,335
4. Low-Income Whole House	\$73,552	\$8,510	\$549,803	\$235,312	\$52,607	\$1,240,201
Low-Income New Construction	\$1,134	\$80	\$34,001	\$1,373	\$1,064	\$41,061
Low-Income Single Family Retrofit	\$60,982	\$7,632	\$762,860	\$219,800	\$48,123	\$1,099,299
Low-Income Multi-Family Retrofit	\$11,435	\$998	\$159,942	\$14,139	\$3,510	\$186,733
5. Low-Income Hard-to-Measure	\$28,988	\$21,654	\$-	\$-	\$-	\$50,642
Low-Income Statewide Marketing	\$-	\$16,313	\$-	\$-	\$-	\$16,313
Low-Income DOER Assessment	\$20,088	\$-	\$-	\$-	\$-	\$20,088
Low-Income Energy Affordability Network	\$8,902	\$6,341	\$-	\$-	\$-	\$14,243
Commercial & Industrial (Total)	\$337,339	\$74,229	\$3,229,471	\$428,637	\$135,090	\$4,211,665
6. C&I New Construction	\$49,189	\$3,891	\$919,150	\$123,843	\$44,173	\$1,140,201
C&I New Construction	\$49,189	\$3,891	\$919,150	\$123,843	\$44,173	\$1,140,201
7. C&I Retrofit	\$188,363	\$14,834	\$2,319,315	\$301,994	\$91,817	\$2,919,223
C&I Retrofit	\$87,005	\$6,002	\$649,750	\$185,770	\$57,628	\$950,853
C&I Direct Install	\$100,458	\$7,832	\$1,670,565	\$146,224	\$33,991	\$1,955,170
8. C&I Hard-to-Measure	\$99,808	\$55,534	\$-	\$-	\$-	\$155,342
C&I Statewide Marketing	\$-	\$55,534	\$-	\$-	\$-	\$55,534
C&I DOER Assessment	\$2,170	\$-	\$-	\$-	\$-	\$2,170
C&I EEAC Consultants	\$-	\$-	\$-	\$-	\$-	\$-
C&I Sponsorships & Subscriptions	\$17,638	\$-	\$-	\$-	\$-	\$17,638
GRAND TOTAL	\$821,037	\$489,371	\$12,393,675	\$1,855,948	\$337,867	\$15,682,295

11/15/2013 15:46
mdowney

Barnstable County
YEAR-TO-DATE BUDGET REPORT

FOR 2014 12

PG 1
glytdbud

ACCOUNTS FOR: 8074	CAPE LIGHT COMPACT OPERTG FUND	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
8074 5100								
8074 5213	CLC OPERTG FD-SALARIES	0.00	182,219.00	38,414.46	0.00	0.00	143,804.54	21.1%
8074 5233	CLC OPERTG FD-TELEPHONES	0.00	1,200.00		0.00	0.00	1,200.00	.0%
8074 5235	CLC OPERTG FD-AUDIT/ACCTG SVCS	0.00	0.00	0.00	0.00	0.00	51,431.25	60.4%
8074 5239	CLC OPERTG FD-LEGAL SERVICES	0.00	130,000.00	78,568.75	0.00	0.00	327,305.26	14.6%
8074 5281	CLC OPERTG FD-CONTRACTUAL	0.00	383,105.00	55,799.74	0.00	0.00	29,404.25	34.7%
8074 5282	CLC OPERTG FD-OUTSTATE TRAVEL	0.00	45,000.00	15,595.75	0.00	0.00	-1,857.76	184.4%
8074 5291	CLC OPERTG FD-IN STATE TRAVEL	0.00	2,200.00	2,028.88	0.00	0.00	9,774.13	29.2%
8074 5294	CLC OPERTG FD-ADVERTISING	0.00	12,800.00	4,025.87	0.00	0.00	1,714.37	85.7%
8074 5295	CLC OPERTG FD-FREIGHT/SHIPPG	0.00	12,000.00	4,291.19	0.00	0.00	250.00	.0%
8074 5361	CLC OPERTG FD-PRINTG/COPYG	0.00	7,000.00	572.39	0.00	0.00	6,427.61	8.2%
8074 5421	CLC OPERTG FD-POSTAGE	0.00	11,000.00	1,731.47	0.00	0.00	4,725.00	57.0%
8074 5429	CLC OPERTG FD-ASSOC DUES	0.00	11,000.00	8,000.00	0.00	0.00	1,500.00	86.4%
8074 5463	CLC OPERTG FD-SUBSCRIPTIONS	0.00	1,500.00	0.00	0.00	0.00	1,500.00	.0%
8074 5490	CLC OPERTG FD-EQUIP RENTAL	0.00	5,000.00	0.00	0.00	0.00	5,000.00	.0%
8074 5981	CLC OPERTG FD-GRANTS TO CVEC	0.00	402,745.00	402,745.00	0.00	0.00	0.00	100.0%
8074 5983	CLC OPERTG FD-RETIREMENT	0.00	28,000.00	17,521.81	0.00	0.00	10,478.19	62.6%
8074 5984	CLC OPERTG FD-GRP INSUR	0.00	17,000.00	2,598.56	0.00	0.00	14,401.44	15.3%
	CLC OPERTG FD-MEDICARE	0.00	1,764.00	538.33	0.00	0.00	1,225.67	30.5%
	TOTAL CAPE LIGHT COMPACT OPERTG F	0.00	1,254,783.00	632,432.20	0.00	14,066.85	608,283.95	51.5%
	TOTAL EXPENSES	0.00	1,254,783.00	632,432.20	0.00	14,066.85	608,283.95	51.5%

**Agenda Action Request
Cape Light Compact
Meeting Date: 11/20/13**



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

Power Supply Reserve Budget Request for Establishment of a Streetlight Repair and Improvement Budget

REQUESTED BY: *Margaret T. Downey*

Proposed Motion(s)

1) I move the Board vote to approve the establishment of a Streetlight Improvement budget in order to repair and/or improve streetlights associated with the LED retrofit project for the period of January 1, 2014 through June 30, 2014 in the amount of \$150,000.

As part of the LED streetlight retrofit project, there may be repairs and/or improvements required for a municipally owned streetlight that would need to be implemented before installing the LED fixture. Since there are no energy savings from this action, power supply reserve funds are being requested to cover any potential costs.

Record of Board Action

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

Cape Light Compact LED Streetlight Retrofit Project Update

Friday, November 15, 2013 *(last report October 11, 2013)*

Full Conversion Project October 2 & 4, 2013 Kick-off

- Followed up with Barnstable (metered lights need special handling)
- Still no response from: Bourne or Falmouth (follow-up still needed)

Street Light Purchases from NSTAR Progress

- Chilmark DPRS received 10/4, P&S Agreements rec'd 11/13, BCK Law reviewed (expect closing on Dec 1 or Jan 1, including Chilmark in Phase 2 audit report to be reviewed 11/15)
- West Tisbury DPRS received 10/23, request being sent to NSTAR Legal for price and P&S
- Tisbury DPRS request submitted to NSTAR 10/23, still pending
- Presentation prepared for C-O-MM Prudential Committee meeting that was set for 11/13/13 was cancelled, pending rescheduled date in December

Full Conversion Project Summary Activities

- IGA (Investment Grade Audit) Agreement between Compact and Siemens with attachments (pricing approach, estimated schedule and forms of EMS and O&M Agreements) executed September 25, 2013 ratified by County Commissioners on October 2, 2013
- IGA submitted via e-mail on 10/12/2013 to DOER (within 15-day Ch25A requirement)
- EMS (Energy Management Services) Agreement between Compact and Siemens executed November 7, 2013 (set to be ratified by County Commissioners on November 20) – need to provide to DOER when ratified
- Subcontractor Evari GIS Consulting commenced Field Audit on Monday, October 7, 2013
 - Over 9,000 fixtures mapped and data collected for audit to date
- Project webpage updated (www.capelightcompact.org/ledstreetlights)
 - Answers to FAQs, updated comparative savings
- Cree BetaLED XSP1 fixture selected as primary solution based on specs, adjustability and maximum energy savings (the Cree BetaLEDway model is priced and available for special terms & conditions (i.e., 3500K) locations)
- Phase 1 IGA Report (Hyannis FD & Yarmouth) finalized 11/11/2014 – Notice to Proceed issued 11/11/2013
- Phase 2 IGA Report (Dennis, Harwich, Chilmark, Edgartown & Oak Bluffs) to be finalized 11/18/2014 – Notice to Proceed to be issued 11/18/13
- Sample fixture order/install request made to Siemens 11/18/13 for Provincetown to compare (location at Commercial & Pleasant, pole #1/32)

Notes

- Follow-up with Bourne & Falmouth (missed kick-off mtg)
- Centerville-Osterville-Marstons Mills (C-O-MM) Fire District meeting (date to be confirmed) in December re: streetlight purchase next steps
- Submit EMS Agreement when ratified to DOER (15-days, deadline by December 4, 2014)
- Follow-up with Sandwich re: Marina lights being transferred from ACoE

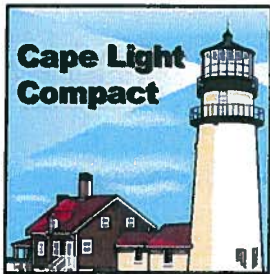


Cape Light Compact Board

2012 Home Energy Assessment Competition Results

November 20, 2013

Lindsay Henderson





Re-Cap of Competition

- **Participation:**

- 22 local Recreation and/or Councils on Aging, and 3 non-profit organizations participated in the competition

- **Rewards:**

- Each participant was awarded money based on the number of assessments recruited and votes received.

- **Timeframe:**

- Energy Assessments needed to be completed between 6/15/12 and 11/19/12
 - Postcards were given to customers at time of assessment and needed to be sent back to CLC by 12/7/12

- **Noteworthy:**

- 150 customers mentioned the competition when calling in to request an assessment

Results

Place	Town/Organization	Total Votes Received	Final Amount
1.	Yarmouth -	77	\$8,000
2.	Brewster -	27	\$1,350
2.	Barnstable -	27	\$1,350
4.	Bourne -	25	\$1,250
5.	Boys & Girls Club -	24	\$1,200
6.	Harwich -	23	\$1,150
7.	CC Child Development -	20	\$1,000
8.	Eastham -	16	\$800
9.	Dennis -	15	\$750
9.	Sandwich -	15	\$750
11.	Wellfleet -	14	\$700
11.	Boy Scouts -	14	\$700
13.	Provincetown -	12	\$600
14.	Orleans -	9	\$450
14.	Mashpee -	9	\$450
14.	Chilmark -	9	\$450
Total			\$20,950

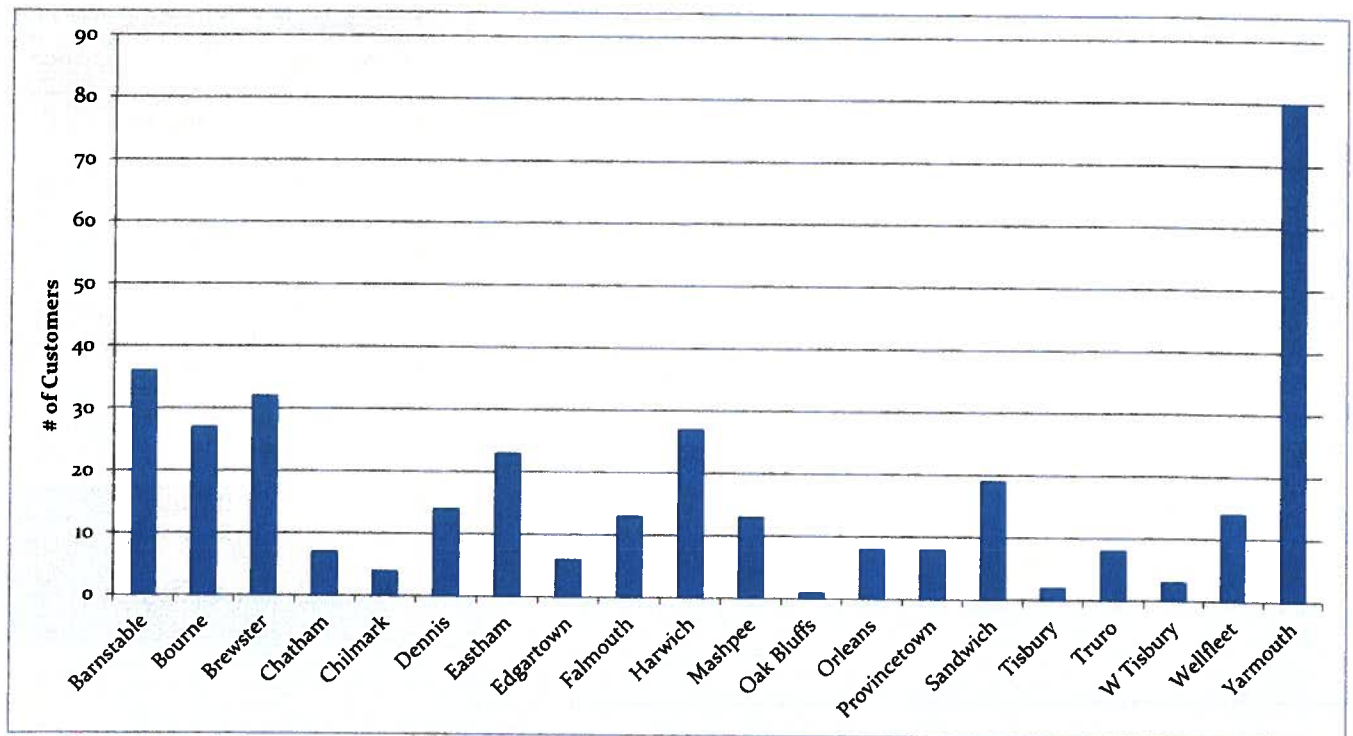


Pictured: L to R, Pat Armstrong, Erik Tolley, Joyce Flynn, Karen Marciante

**Town of Yarmouth Wins
2012 Home Energy
Assessment Competition!**

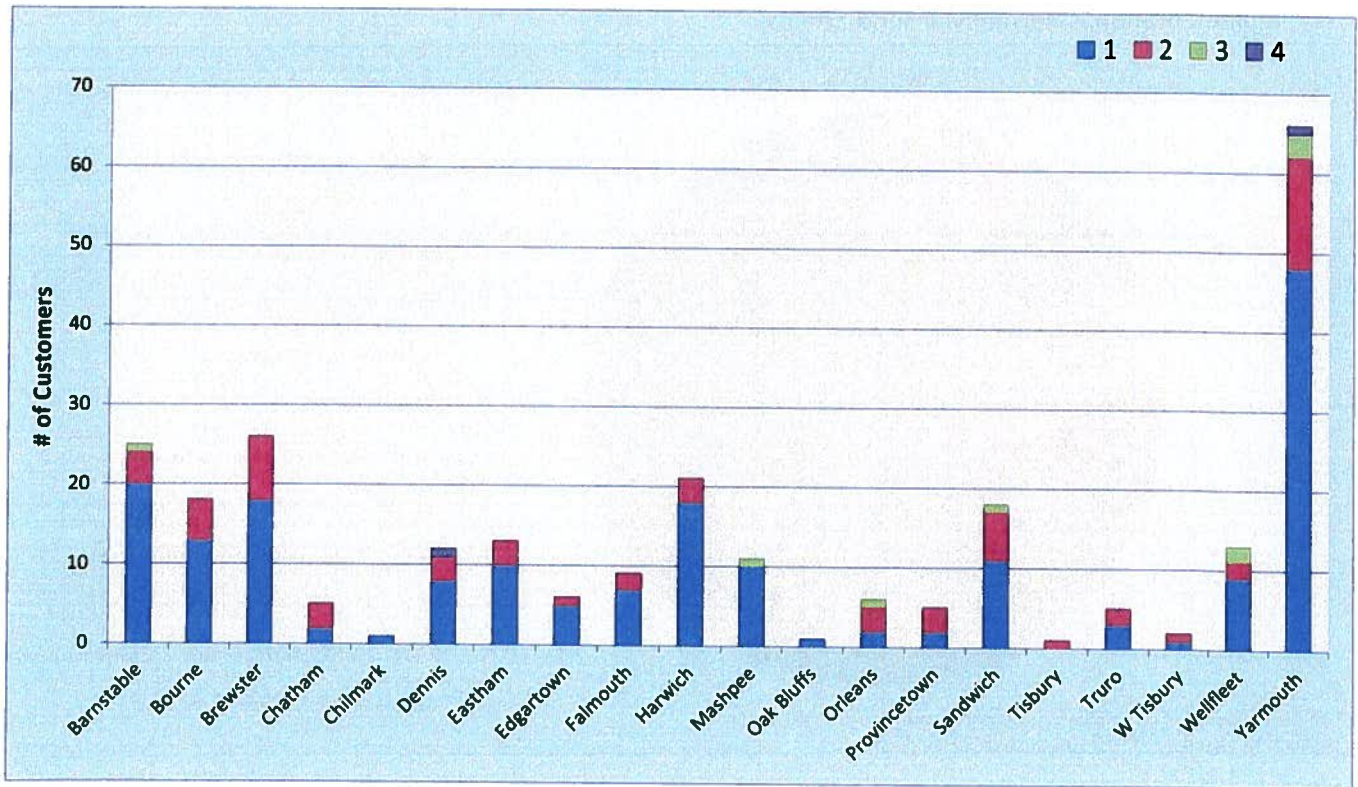
Participants by Town

- 345 people participated and voted
- Represents approximately 10% of the total number of customers who had assessments in 2012



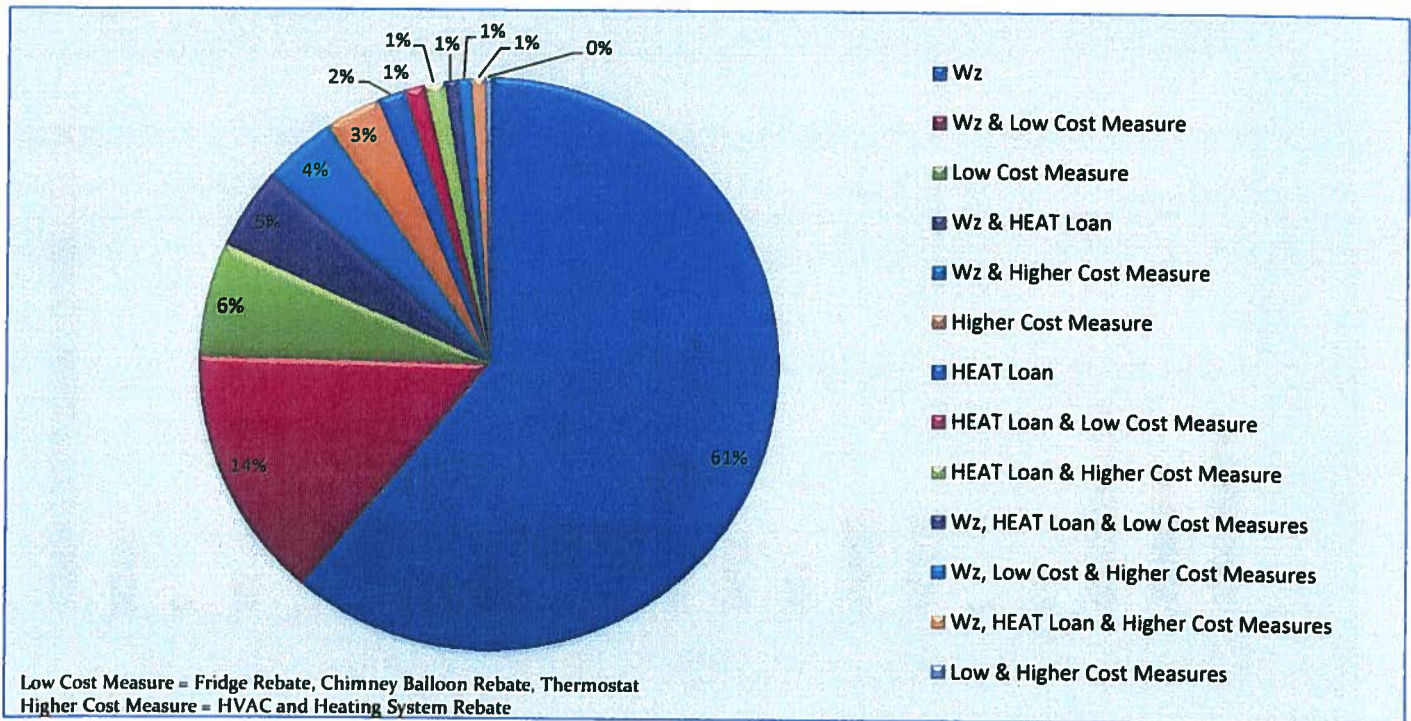
Number of Measures by Town

- 72 % of customers implemented 1 measure
- 24 % of customers implemented 2 measures
- 3 % of customers implemented 3 measures
- 1 % of customers implemented 4 measures



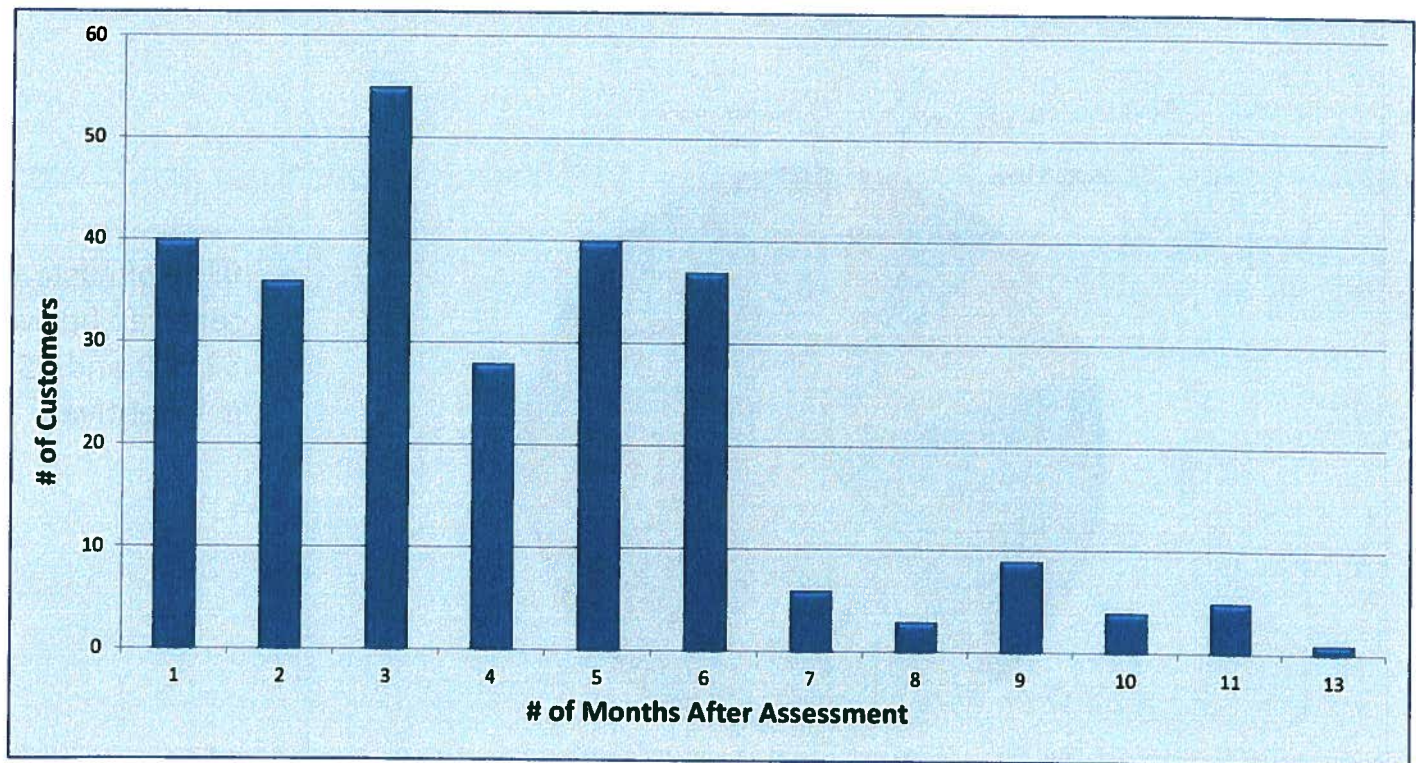
Type of Measures Implemented

- 75% of customers who proceeded with recommended work, had at least weatherization done on their homes
- Implementation is normally around 50-60%

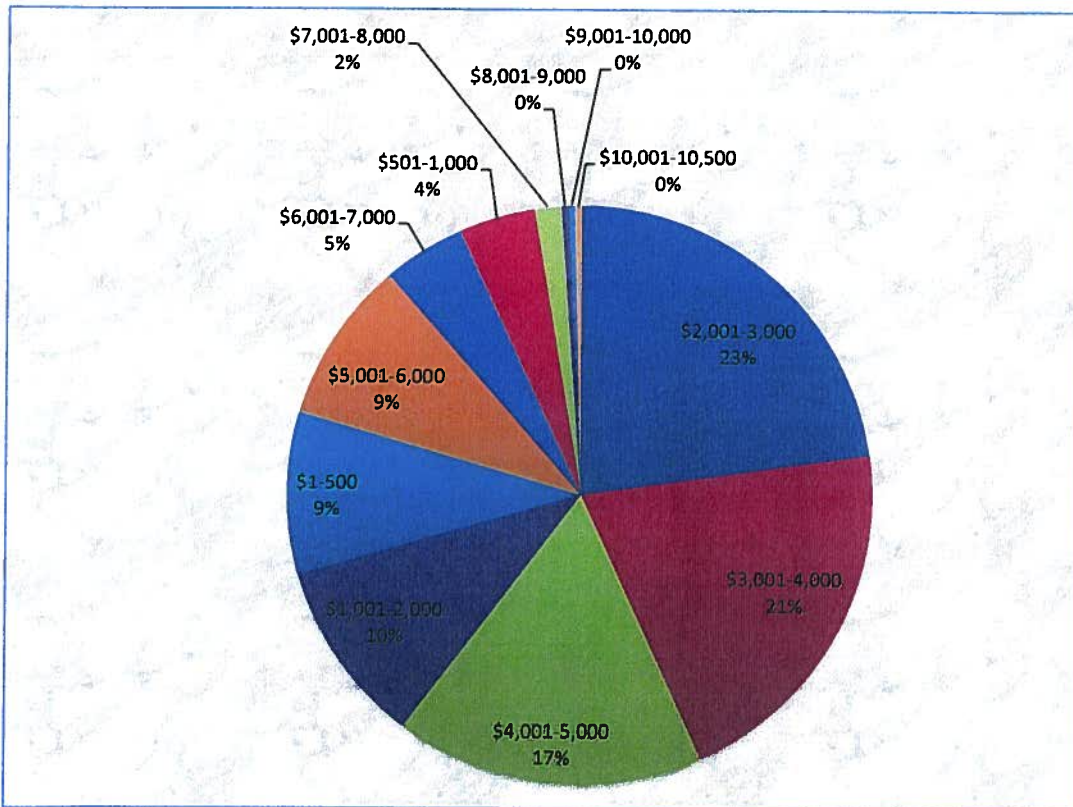


Timeframe for Implementation

- 89 % of customers implemented work within 6 months of assessment (236 out of 264 customers who had work done)



Incentives Received



- 61 % of customers received between \$2,000 and \$5,000 in incentives

To: Richard Knabel, Chair, West Tisbury Board of Selectmen
From: Joyce Flynn, Chair, Cape Light Compact
Date: October 17, 2013

Dear Mr. Knabel,

I'm responding to your letter dated October 8, which arrived at the Compact on Friday, October 11. The concern that West Tisbury might in future be saddled with financial responsibility for the 20-year operation of the planned photovoltaic array at the former landfill site is unfounded; the installation was negotiated as a Power Purchase Agreement (PPA), and its operation, repair, and even decommissioning expenses are guaranteed by Broadway Electric.

1. Yes, the Cape Light Compact will always have a representative on the CVEC board of directors. (See the www.cvecinc.org for details of CVEC board composition.)

2. You are mistaken in your belief that "the Department of Public Utilities (DPU) notified CLC that it believes CLC is not operating in accordance with its approved aggregation plan filed in 2000" and that "DPU has asked CLC to reassess its operating parameters."

The DPU has clearly stated that it contacted the Compact "As part of our analysis of pending municipal aggregation plans"; the Compact was asked to "review the municipal aggregation plan and determine *whether* the Compact should file a revised plan," especially since some language such as "standard offer" and "Commonwealth Electric" are now historical rather than contemporary references.

The DPU will be making a determination in the case of the City of Lowell's Municipal Aggregation. The Compact will review its aggregation plan to confirm it is in accordance with that future decision--not from any proceeding involving the Compact. (The Compact's funding of CVEC is not a relevant issue here.)

3. The Compact board of directors decided some time ago (see 9/14/2011 executive session minutes at www.capelightcompact.org) to fund CVEC for three more years. The Compact's funding of CVEC will continue through fiscal year 2015.

The Compact has been the primary but not sole source of CVEC's funding. CVEC member towns pay an entrance fee of \$25, but CVEC's rounds of renewable energy projects were intended to provide operating funds and seed money for future rounds. (CVEC also received a spring 2011 \$200,000 grant from the Commonwealth Clean Energy Center, an amount nevertheless labeled by a frequent critic of the Compact and CVEC as a "hidden transfer of funds" from the Compact.)

4. See answer 3, paragraph 1.

I hope this addresses your concerns. The Compact values West Tisbury's membership and always wishes to have elected officials well informed. You and your colleagues are always welcome to attend our Compact board meetings; the next one is scheduled for Wednesday, November 20 at 2 PM in room 11-/12 of the Old Barnstable Courthouse.

Richard R. Knabel
Board of Selectmen
Town Hall, P.O. Box 278
West Tisbury, MA 02575

October 8, 2013

To: Dr. Joyce Flynn, Chairman, Cape Light Compact (CLC):

I have become aware that on August 27, 2013, the Department of Public Utilities (DPU) notified CLC that it believes CLC is not operating in accordance with its approved aggregation plan filed in 2000. DPU has asked CLC to reassess its operating parameters and to file a new aggregation plan for review and approval, which is in accordance with a forthcoming DPU directive.

The most obvious change since 2000 has been CLC's creation of the Cape & Vineyard Electrical Cooperative (CVEC) in 2007, and CLC's subsequent financial support of CVEC amounting to approximately \$500,000 annually. I believe these grants have been guaranteed by the CLC board until 2015, and represent essentially all of CVEC's income and operating funds. While CLC is a member of CVEC, and the grants are considered "member contributions," the member towns/counties of CVEC have thus far contributed virtually nothing since its inception.

Since West Tisbury is a member of both organizations, and has entered into a 20-year long contract with CVEC for the installation and operation of a large photovoltaic array at our former dumpsite, the financial stability and viability of CVEC is certainly a matter of considerable concern, especially if the towns now have to assume the funding burden.

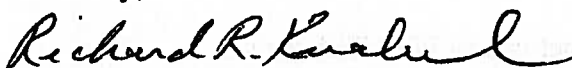
I am also aware that questions and objections have been raised about CLC's funding of CVEC from individuals, town officials, and the Barnstable County Assembly of Delegates, which through a special committee investigating CLC's operations strongly recommended in 2012 that such funding end, and that the two organizations operate independently of each other. Given these considerations, it would be helpful for me, and in turn my board, to have answers to the questions below:

- 1) Will CLC continue to be a member of CVEC?
- 2) Will CLC propose in its new aggregation plan continuing funding for CVEC?
- 3) If so, will CLC fund all of CVEC's operating and legal expenses?
- 4) For how long will CLC propose to fund CVEC? Indefinitely?

Clearly your new aggregation plan must be approved by the DPU, and how long this process will take is unknown, but CLC's intentions are important to all the member towns.

Thank you for your help and all that you do. I look forward to your reply.

Sincerely,



Richard R. Knabel, Chairman
Board of Selectmen, West Tisbury

cc: Skipper Manter; Cynthia Mitchell; Jen Rand; Sue Hruby; Sander Shapiro; Ron Rappaport.

Melena



Updating the Cape Light Compact's Aggregation Plan

November 12, 2013

Why Are We Updating Aggregation Plan?

- 80 August 27, 2013 - Letter from the MA DPU asking Compact to review its plan to:
 - o Determine whether the Compact should file a revised Aggregation Plan to reflect current structure and operations ;
 - o Consider removing obsolete references; and
 - o Comply with any applicable laws, regulations and Department precedent and the forthcoming decision in DPU 12-124 (Lowell Aggregation Plan).
- 81 October 30, 2013 - Letter from the MA DPU to Compact - affirming
 - o DPU has not revoked approval of existing Aggregation Plan;
 - o Compact authorized to continue operating its municipal aggregation program; and
 - o Compact authorized to solicit bids for energy supply.

Board Process for Plan Review

- 8.7 September 11, 2013 Compact Board meeting to discuss DPU August Letter. Following process emerged:
 - o Discussed that Aggregation Plan no longer reflects current operations due to legislative and/or market changes and, contains obsolete references;
 - o Inform Compact Member towns/counties and public of intent to review and possibly update Aggregation Plan;
 - o Staff and counsel to review Aggregation Plan; propose revisions for Board consideration;
 - o Consult with DOER on Updated Aggregation Plan;
 - o Board to vote on Updated Aggregation Plan;
 - o Open a public comment period on Updated Aggregation Plan; and
 - o Submit Updated Aggregation Plan to DPU;

Overview of Proposed Updates to Aggregation Plan

- 8.7 Delete obsolete terms and references (e.g. standard offer, Commonwealth Electric Co.);
- 8.7 Remove all personal names and references;
- 8.7 Procurement process – revise to reflect dynamics of electricity market;
- 8.7 Power Supply contract procurement process: revise to reflect appointment of Chief Procurement Officer (CPO) with authority to procure and contract for power supply after:
 - o Coordination with power supply staff, technical consultant, legal, and select Board members;
 - o Consideration of possible additional contract provisions to exceed Renewable Energy Portfolio standard requirements;
 - o Updates to Board on proposed procurement process and results of procurement process.

Overview of Proposed Updates to Aggregation Plan (cont.)

- 8.3 Mil Adder – rename to “operational” adder to better reflect uses of funds
- 8.3 Voluntarily establish a policy for the “operational adder” to provide guidelines for use of the power supply reserve fund, which included the following:
 - o The balance of unreserved portion of power supply reserve fund, after appropriation of the annual operating budget, shall not exceed:
 - The subsequent year RECs commitment;
 - Adequate funds for security and similar REC contractual obligations under REC Agreements;
 - The average of the previous three years’ operating budgets, and
 - The historical cost of procuring a new supplier should the existing contract terminate.

Overview of Proposed Updates to Aggregation Plan (cont.)

- 8.3 Expenditure of operational adder funds shall be through the budget appropriation process.
- 8.3 Add requirement for preparation of annual independent financial statements by auditor.
- 8.3 Codify that all Compact funds are included in the fiscal agent’s, Barnstable County, annual audit as agency funds.
- 8.3 Consideration of possible Department guidance in DPU 12-124 (Lowell Aggregation Plan).

Overview of Proposed Updates to Aggregation Plan (cont.)

- 8.3 Energy Efficiency Program
 - o Add reference to compliance with the Green Communities Act, and other administrative requirements.
 - o All cost effective programs.
 - o Three-Year Plans and budgets.
 - o Each Three-year Plan reviewed and approved by DPU.

Next Steps

- 8.1 DOER consultation on Updated Aggregation Plan
- 8.2 Board vote on Updated Aggregation Plan – Tentatively December 11th
- 8.3 Public Comment on Updated Aggregation Plan
 - o Comments to be submitted in writing and due within 30 days of Board vote
- 8.4 Submit Updated Aggregation Plan to DPU, including:
 - o Memorandum of Law in support of proposed process and procedure for DPU review
 - o Public comments from Compact's comment period, and responses if appropriate



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK
GOVERNOR

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

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

ANN G. BERWICK
CHAIR

JOLETTE A. WESTBROOK
COMMISSIONER

DAVID W. CASII
COMMISSIONER

October 30, 2013

VIA FIRST CLASS MAIL

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

RE: Cape Light Compact Municipal Aggregation Plan

Dear Attorneys:

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

Sincerely,

/s/

Rebecca L. Tepper
General Counsel

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

RESOLUTION 13- _____

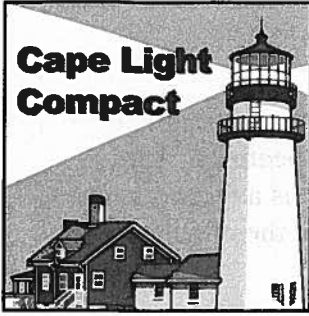
Be it Hereby Resolved by the Barnstable County Assembly of Delegates that:

The Assembly Of Delegates instruct the Assembly Speaker to contact the Office of Inspector General of the Commonwealth of Massachusetts and the Office of Attorney General of the Commonwealth of Massachusetts to seek their assistance in the County's inquiries of the organizations known as Cape Light Compact and Cape and Vineyard Electric Cooperative, specifically including those matters addressed in the Special Committees on Inquiry into CLC and CVEC Report dated May 2, 2012.

This inquiry shall include, yet not be limited to the following:

- an extensive audit of funds and transfers;
- structure and operations of these and similar future non-governmental agencies;
- procedure and review of present inter-municipal agreements with recommendations on future agreements as they pertain to Barnstable County and other Massachusetts Municipalities; and
- Barnstable County's role as fiscal agent and Administrative Agent as per the Cape Light Compact Aggregation Plan on file at the DPU.

Respectfully Submitted: Leo G. Cakounes Town of Harwich Representative, November 6, 2013



Cape Light Compact

Tel: (508) 375-6644 • Fax: (508) 362-4136

www.capelightcompact.org

POST OFFICE BOX 427 • BARNSTABLE SUPERIOR COURT HOUSE • BARNSTABLE, MASSACHUSETTS 02630

November 6, 2013

BY ELECTRONIC MAIL (ebibler@gmail.com)

Eric Bibler
31 Old Hyde Road
Weston, CT 06883

Re: October 28, 2013 Email

Mr. Bibler:

I am in receipt of your October 28, 2013 email addressed to me as Chair of the Cape Light Compact (the "Compact"). Please note that in order to ensure that your Public Records Law ("PRL") requests are processed in a timely manner consistently with Massachusetts General Laws, your PRL requests should be sent to the Compact Administrator, Maggie Downey. As you have previously been told, Ms. Downey is the Compact's records custodian and responsible for processing PRL requests. Ms. Downey's response to your request is attached to this letter.

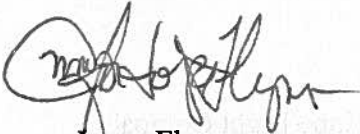
As Chair of the Compact, I am writing this letter to refute your repeated insinuations regarding the Compact's grant from ConEdison Solutions ("ConEd") and the Compact's use of that grant – assigning it to its sister organization, the Cape & Vineyard Electric Cooperative, Inc. ("CVEC"). The Compact has addressed this subject many times over the past three years, and the Compact has repeatedly stated the following:

1. The Compact awarded its power supply contract to ConEd after conducting a competitive bid process. This was affirmed by the work recently completed by the Compact's auditor, who is the same auditor as Barnstable County's and was selected by the Barnstable County Assembly of Delegates. A ConEdison grant of \$520,000 was not given as a quid pro quo for awarding the ConEdison Solutions the power supply contract, as you have repeatedly implied.
2. The Compact assigned its \$520,000 grant to CVEC with full knowledge of the Compact's Governing Board. The Governing Board was aware and supported all actions taken by Ms. Downey at her November 3, 2006 meeting with Jorge Lopez of ConEd. The Compact Governing Board members are independent and articulate representatives of their towns/counties. They supported the actions outlined in Ms. Downey's letter and the formation of CVEC. The formation and funding CVEC was not a secret. To imply that Governing Board members knowingly remained silent on an issue they did not support does a disservice to the Governing Board and the Towns they represent.

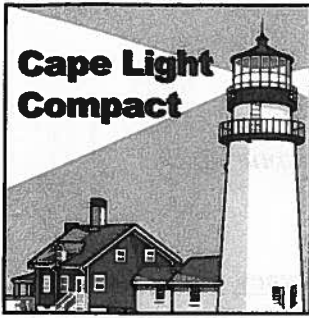
3. Consistent with Massachusetts General Laws,, the Compact's minutes are not and are not required to be verbatim transcripts of what was discussed at Compact Board meetings. The Compact has stated that these issues were discussed at their meetings and that is a fact both past and present Governing Board members stand behind. Inferring that since the minutes do not capture these discussions does not negate the fact that they occurred.
4. The Compact has voted to continue funding CVEC with its power supply reserve funds, collected from participating Compact power supply customers (up to 1 mil) because the distributed renewable energy projects being developed by CVEC are estimated to benefit all ratepayers on Cape Cod and Martha's Vineyard millions of dollars through avoided energy supply costs.

These four statements are not new and have previously been made by Compact Governing Board members and staff. I recognize that you are not pleased with the answers, but your dissatisfaction does not change the facts.

Sincerely,



Joyce Flynn
Chair, Cape Light Compact Governing Board



Cape Light Compact

Tel: (508) 375-6644 • Fax: (508) 362-4136

www.capelightcompact.org

POST OFFICE BOX 427 • BARNSTABLE SUPERIOR COURT HOUSE • BARNSTABLE, MASSACHUSETTS 02630

November 4, 2013

BY ELECTRONIC MAIL (ebibler@gmail.com)

Eric Bibler
31 Old Hyde Road
Weston, CT 06883

Re: Request for Cape Light Compact Records

Dear Mr. Bibler:

The Cape Light Compact (the "Compact") is in receipt of your Public Records Law ("PRL") request dated October 28, 2013. A copy of your requests is appended to this letter. Your request is set forth below in underlined text, and the Compact's response is set forth in italicized text.

1. Copies of any correspondence from Con Edison Solutions to the Cape Light Compact (other than the explanatory correspondence from Mr. Lopez dated August 18, 2011) that evidences "permission to reallocate and utilize the \$520,000 CES provided to the Compact for energy efficiency measures towards the installation of a wind turbine at the Cape Technical High School."

There are no records responsive to this request.

2. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or Barnstable County Commissioners of her intention to meet with Mr. Lopez and make any of the requests referenced in this letter.

The Compact minutes for calendar year 2006 forward are available on the web site at www.capelightcompact.org. Please review the October 11, 2006 minutes, specifically the vote taken by the Compact Governing Board directing staff to take next steps in exploration of formation of an electric cooperative.

In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications

between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

3. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or Barnstable County Commissioners of the results of her meeting with Mr. Lopez, after the occurrence of the meeting, including any actions that were mutually agreed by Ms. Downey and Mr. Lopez.

The Compact minutes for calendar year 2006 forward are available on the web site at www.capelightcompact.org . Please note that, as reflected in the Compact minutes, Power Supply discussions occur at almost every meeting, but minutes are not verbatim transcripts of the discussions that occurred.

In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

4. A copy of the "appropriate side agreement" to the Competitive Electric Supply Agreement ("CESA") that is referenced in Ms. Downey's letter to Mr. Lopez, along with a copy of the underlying CESA to which it applies (appropriately redacted, if necessary).

There are no records responsive to this request.

5. Any documents relating to any "additional action that [needed] to be taken" by the Compact or Con Edison Solutions as referenced in this letter, including, but not limited to, any "side agreements", amendments to the CESA or amendments to the mil adder contributions to the Compact's Reserve Fund, as a result of this meeting between Ms. Downey and Mr. Lopez and subsequent related discussions.

There are no records responsive to this request.

6. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the need to draft such additional "side agreements" and/or amendments to the CESA or other existing agreements between CLC and Con Edison Solutions as a result of Ms. Downey's meeting with Mr. Lopez.

There are no records responsive to this request.

In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

7. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the actual execution and/or implementation of any additional "side agreements" and/or amendments to the CESA or other existing agreements between CLC and Con Edison Solutions as a result of Ms. Downey's meeting with Mr. Lopez.

There are no records responsive to this request.

8. Copies of any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the intention to "increase the Compact's Reserve Fund from a 1/2 mil to one mil as defined under Article 15.3 of the Competitive Electric Supply Agreement as amended ("CESA")."

As you know, the Compact Governing Board meeting minutes are on the web site, and you already have responsive documents in your possession, specifically the November 13, 2006 letter documenting the increase in the mil adder was sent to the Chairman of the Compact's Governing Board. Please see the December 13, 2006 minutes, available on the Compact's web site, regarding power supply pricing for 2007, and note that Power Supply discussions occur at almost every meeting, as reflected in the minutes, but minutes are not verbatim transcripts of the discussions that occurred.

In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

9. Copies of any minutes, correspondence or other documents providing any evidence that Ms. Downey sought or obtained the approval of any members of the CLC Governing Board or the Barnstable County Commissioners to increase the Compact's Reserve Fund from 1/2 mil to one mil as defined under Article 15.3 of the CESA.

Please see the December 13, 2006 minutes, available on the Compact's web site, regarding power supply pricing for 2007 and note that Power Supply discussions occur at almost every meeting, as reflected in the minutes, but minutes are not verbatim transcripts of the discussions that occurred.

In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

10. Copies of any minutes, correspondence or other documents providing any evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County

Commissioners of the implementation of an increase in the Compact's Reserve Fund from 1/2 mil to one mil as defined under Article 15.3 of the CESA.

Please see the December 13, 2006 minutes, available on the Compact's web site, regarding power supply pricing for 2007 and note that Power Supply discussions occur at almost every meeting, as reflected in the minutes, but minutes are not verbatim transcripts of the discussions that occurred.

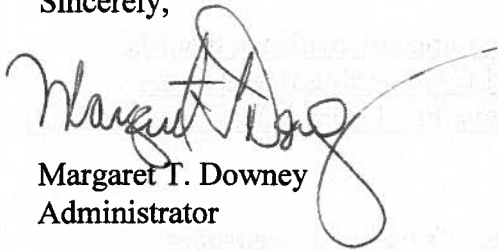
In addition, please be aware that Governing Board members routinely contact Compact staff members with inquiries regarding the Compact's programs and activities. Communications between individual Governing Board members and Compact staff are not subject to Open Meeting Law requirements and thus these communications and discussions are not captured in Compact minutes.

11. Copies of any minutes, correspondence or other documents providing evidence that the Cape Light Compact informed CLC ratepayers of the increase in the "mil adder" surcharge to ratepayers from 1/2 mil to one mil and that CLC offered any explanation to ratepayers for this doubling of the surcharge on ratepayers.

There are no records responsive to this request; however, the Compact advertises its power supply rates every six months in the Cape Cod Times and all weekly community newspapers on Cape Cod and Martha's Vineyard.

Please be advised that under Massachusetts law, persons denied access to public records have certain remedies under 950 C.M.R. 32.00 and G.L. c. 66, §10(b).

Sincerely,



Margaret T. Downey
Administrator

Enclosure

cc: Shawn A. Williams, Supervisor of Public Records
Donald White, Public Records Division
Jeffrey M. Bernstein, Esq.
Compact Governing Board

Maggie Downey

From: Eric Bibler <ebibler@gmail.com>
Sent: Sunday, October 27, 2013 11:17 PM
To: Joyce Flynn
Cc: Maggie Downey; Mary Pat Flynn; Sheila Lyons; Bill Doherty; Assembly of Delegates; Alice Butler; Barry Worth; Brad Crowell; Roland Breault; Christopher Galazzi; David Anthony; Deane Keuch; Everett Horn; Fred Fenlon; Jennifer Rand; John Cunningham; John Hodgkinson; Cape Light Compact Board; Kathy Hubby; Ken Rowell; Kitt Johnson; Elizabeth Caporelli; Megan Amsler; Michael Hebert; Peter Cabana; Peter Cocolis; Peter Fontecchio; Richard Elkin; Richard Toole; Robert Mahoney; Robert Schofield; Ronald Zweig; Sharon Lynn; Steve Lempitski; Timothy Carroll; Tom Mayo; Valerie Bell; William Worthington; Bill Doherty; Cape Light Compact Board
Subject: Request for Public Records Relevant to Ms. Downey's Correspondence of November 13, 2006 to Mr. Jorge Lopez, President of Con Edison Solutions
Attachments: Downey to Lopez_2006.11.13.pdf

Dr. Joyce Flynn
Chairman
Cape Light Compact
Barnstable, MA

October 28, 2013

Re: Request for Public Records Relevant to Ms. Downey's Correspondence of November 13, 2006 to Mr. Jorge Lopez, President of Con Edison Solutions

Dear Dr. Flynn,

Please find attached a copy of a letter dated November 13, 2006 from Ms. Margaret Downey, Compact Administrator, to Mr. Jorge Lopez, President of Con Edison Solutions in which Ms. Downey references a meeting with Mr. Lopez on November 3, 2013 and in which Ms. Downey makes several requests of Mr. Lopez.

I hereby request that you provide me with copies of the following public records in connection with this meeting between Ms. Downey and Mr. Lopez and Ms. Downey's subsequent requests to Mr. Lopez:

1. Copies of any correspondence from Con Edison Solutions to the Cape Light Compact (other than the explanatory correspondence from Mr. Lopez dated August 18, 2011) that evidences *"permission to reallocate and utilize the \$520,000 CES provided to the Compact for energy efficiency measures towards the installation of a wind turbine at the Cape Technical High School."*
2. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or Barnstable County Commissioners of her intention to meet with Mr. Lopez and make any of the requests referenced in this letter.
3. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or Barnstable County Commissioners of the results of her meeting with Mr. Lopez, after the occurrence of the meeting, including any actions that were mutually agreed by Ms. Downey and Mr. Lopez.

4. A copy of the "appropriate side agreement" to the Competitive Electric Supply Agreement ("CESA") that is referenced in Ms. Downey's letter to Mr. Lopez, along with a copy of the underlying CESA to which it applies (appropriately redacted, if necessary).
5. Any documents relating to any "additional action that [needed] to be taken" by the Compact or Con Edison Solutions as referenced in this letter, including, but not limited to, any "side agreements", amendments to the CESA or amendments to the mil adder contributions to the Compact's Reserve Fund, as a result of this meeting between Ms. Downey and Mr. Lopez and subsequent related discussions.
6. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the need to draft such additional "side agreements" and/or amendments to the CESA or other existing agreements between CLC and Con Edison Solutions as a result of Ms. Downey's meeting with Mr. Lopez.
7. Any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the actual execution and/or implementation of any additional "side agreements" and/or amendments to the CESA or other existing agreements between CLC and Con Edison Solutions as a result of Ms. Downey's meeting with Mr. Lopez.
8. Copies of any minutes, correspondence or other documents providing evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the intention to "increase the Compact's Reserve Fund from a 1/2 mil to one mil as defined under Article 15.3 of the Competitive Electric Supply Agreement as amended ("CESA")."
9. Copies of any minutes, correspondence or other documents providing any evidence that Ms. Downey sought or obtained the approval of any members of the CLC Governing Board or the Barnstable County Commissioners to increase the Compact's Reserve Fund from 1/2 mil to one mil as defined under Article 15.3 of the CESA.
10. Copies of any minutes, correspondence or other documents providing any evidence that Ms. Downey informed any members of the CLC Governing Board or the Barnstable County Commissioners of the implementation of an increase in the Compact's Reserve Fund from 1/2 mil to one mil as defined under Article 15.3 of the CESA.
11. Copies of any minutes, correspondence or other documents providing evidence that the Cape Light Compact informed CLC ratepayers of the increase in the "mil adder" surcharge to ratepayers from 1/2 mil to one mil and that CLC offered any explanation to ratepayers for this doubling of the surcharge on ratepayers.

In connection with all of the above requests, please consider the term "correspondence" to include e-mail correspondence.

Please consider all of the above requests individual and provide individual cost estimates for the fulfillment of each item.

For each of the above requests, if there are no documents or records responsive to the individual request, please state this to be the case.

As you can appreciate from these requests, Dr. Flynn, I am trying to determine the extent of the involvement of the Cape Light Compact Governing Board in all of the actions that were discussed and agreed by Ms. Downey and Mr. Lopez on November 3, 2006.

Specifically, I am trying to determine if Ms. Downey informed any members of the CLC Governing Board of her intention to meet with Mr. Lopez on this date, to discuss these topics and to make the requests that she documents in her letter to Mr. Lopez following the meeting.

I am also trying to determine to what extent Ms. Downey had obtained approval from the CLC Governing Board to agree to, and to implement, any of these actions.

Conversely, if no such approval from any other CLC Board members was ever sought or obtained by Ms. Downey, I would like to know when she informed any members of the CLC Board that these actions had been implemented without their informed consent.

I am also trying to obtain copies of the "side agreement" any any other documents that were required to implement the actions that were agreed by Ms. Downey and Mr. Lopez on this date.

And finally, I am trying to determine if, and how, the Cape Light Compact informed ratepayers of the increase in the surcharges on their bills, from 1/2 mil to one mil, and if the CLC ratepayers were offered any explanation as the reasons for this doubling in the mil adder surcharge.

I would have simply asked you to explain these events, and provide the documentary evidence to support any such explanations, but, as you know, the Cape Light Compact has already written to me several times stating that the Compact is "not legally obligated to answer questions" and is "not legally obligated to meet" with members of the public seeking such answers.

Since the Cape Light Compact has, on several previous occasions, professed not to understand what information is actually sought in various records requests, I offer this information by way of clarifying my intent.

I respectfully ask that you, the CLC Records Custodian, and any other members of CLC management use your superior knowledge of CLC's records to provide any information that is relevant to shedding any light on these questions.

Of course, notwithstanding all of your prior refusals to do so, I would welcome any effort on your part to explain these events and how they occurred, in addition to your provision of any relevant documents.

Thank you in advance for you cooperation. I look forward to your reply.

Sincerely,

Eric Bibler

Cc: CLC Governing Board

Cc: CLC Members

Cc: Barnstable County Commissioners

Cc: Barnstable County Assembly

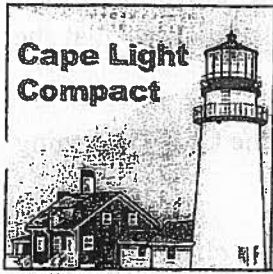
Cc: Supervisor of Public Records - MA Secretary of the Commonwealth

Cc: MA Office of the Inspector General

Cc: MA Office of the Attorney General -- Office of Ratepayer Advocacy

Cc: MA Officials

Cc: Local Press



The Cape Light Compact

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November 13, 2006

Jorge J. Lopez
President and Chief Executive Officer
ConEdison *Solutions*, Inc.
701 Westchester Avenue
Suite 300 East
White Plains, NY 10604

Re: Follow-Up to Our November 3rd Meeting

Dear Mr. Lopez:

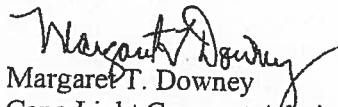
Thank you for meeting with me last Friday, November 3rd, to discuss the Cape Light Compact's (Compact) efforts to form an electric cooperative, and the Compact's pursuit of renewable energy projects. The Compact is pleased that ConEdison *Solutions*, Inc. ("CES") supports the diverse objectives and projects of the Compact, and looks forward to CES' support in its pursuit of renewable energy at the Cape Technical High School. As we discussed at our meeting the Compact requests the following from CES:

- Permission to reallocate and utilize the \$520,000 CES provided to the Compact for energy efficiency measures towards the installation of a wind turbine at the Cape Technical High School.
- Effective with the January 2007 meter reads, increase the Compact's Reserve Fund from a ½ mil to one mil as defined under Article 15.3 of the Competitive Electric Supply Agreement, as amended ("CESA"). In order to accomplish this and not impact the 2007 pricing strategy Compact and CES counsel will need to prepare an appropriate side agreement.

If there is additional action that needs to be taken on behalf of the Compact prior to implementing the above measures, please let me know. Again, thank you for your

support and the support of CES as the Compact moves forward in its pursuit of renewable energy projects.

Sincerely,


Margaret T. Downey
Cape Light Compact Administrator

Cc: Bob Mahoney, Chair
Jeffrey M. Bernstein, Esq., Compact Counsel