

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

Cape Light Compact Governing Board Meeting

DATE: Wednesday, September 10, 2014
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 Energy Efficiency Program
 - 1. Presentation by People Power on Compact Behavior Energy Monitoring Initiative
 - 2. Discussion and Potential Vote on Barnstable County Jail Cap
- 2:45 Continue discussion and Potential Vote on CLC Green - Affordable Housing Proposal
- 3:10 Discussion and Potential Votes to Shared Legal Representation Pursuant to Bylaw#1 of the Intergovernmental Agreement
Discussion and Possible Amendments to Bylaw#1
- 3:30 Administrator's Report
 - 1. Treasurer's Report
 - 2. DPU 14-69: Discussion and Potential Vote
 - 3. CVEC Update
- 3:45 Open Session Vote on Entry into Executive Session and Required Declarations of the Chair – (1) M.G.L. c. 30A, Section 21 (a)(10): Power Supply Procurement Strategy Discussion (confidential and competitively sensitive information; 2) M.G.L. c. 30A, Section 21 (a)(3) and Section 21(a)(10): DPU 14-69 (discussion of litigation strategy and related power supply issues), and 3) M.G.L. c 30A, Section 21 (a)(3 and (10) for the purpose of approving past Compact Executive Session Minutes.

Cape Light Compact Governing Board
Wednesday, July 9, 2014
Open Session Meeting Minutes

The Governing Board of the Cape Light Compact met on Wednesday, July 9, 2014 in Room 11/12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

PRESENT WERE:

1. Peter Cocolis, Treasurer, Chatham, Acting Chair
2. Dr. Joyce Flynn, Chairwoman, Yarmouth - remotely by phone
3. Peter Cabana, Member at Large, Dukes County-remotely by phone
4. Paul Pimentel, Edgartown
5. Frederick Fenlon, Eastham
6. Barry Worth, Secretary, Harwich
7. William Doherty, Barnstable County
8. David Anthony, Barnstable
9. Deane Keuch, Brewster
10. Thomas Mayo, Mashpee
11. Ronald Zweig, Falmouth
12. Richard Toole, Oak Bluffs – remotely by phone
13. Everett Horn, Sandwich
14. Richard Elkin, Wellfleet
15. Thomas Donegan, Provincetown
16. Susan Hruby, W. Tisbury

LEGAL COUNSEL:

Audrey Eidelman, Esq. BCK Law, PC

PUBLIC PRESENT:

Eric Bibler, Weston CT

CALL TO ORDER

P. Cocolis, Acting Chair called the meeting to order at 2:05 p.m. He announced the need to re-order the Agenda taking up the Treasurer's Report after the Administrator's Report.

PUBLIC COMMENT - None

CONSIDERATION OF MEETING MINUTES

The Board then considered the June 11, 2014 Meeting Minutes. R. Elkin requested Marcus Springer, Wellfleet Alternate be listed as present. J. Flynn requested corrections on pg. 2 to insert "Paul", 2nd paragraph under Public Comment in front of Pimentel and pg. 4 so that the last sentence will read "Because CLC would only be providing money for Renewable Energy Certificates, CLC would not be in competition with local installers." P. Pimentel requested correction to the roll-call voting on page 3 to show he abstained on the FY15 Operating Budget Vote and voted in favor of establishing the OBEP Reserve Fund. *P. Pimentel moved the Board vote to accept the minutes as corrected, seconded by R. Zweig and voted unanimously in favor by roll call vote as follows:*

- | | | | |
|----------------------------------|-----|---------------------------------|-----|
| 1. W. Doherty, Barnstable County | Yes | 9. B. Worth, Secretary, Harwich | Yes |
| 2. D. Anthony, Barnstable | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. T. Donegan, Provincetown | Yes |
| 5. P. Cabana, Dukes County | Yes | 13. E. Horne, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Yes | 14. R. Elkin, Wellfleet | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. S. Hruby, W. Tisbury | Yes |

ABSENT WERE:

Robert Schofield, Vice-Chair, Bourne
Michael Hebert, Aquinnah
Timothy Carroll, Chilmark
Brad Crowell, Dennis
Orleans, Vacant
William Straw, Tisbury
Peter Fontecchio, Truro

STAFF PRESENT:

Maggie Downey, Compact Administrator
Stephan Wollenburg, Sr. Power Supply Planner
Margaret Song, Residential Program Manager
Briana Kane, Sr. Res. Program Coordinator
Meredith Miller, C&I Program Manager
Philip Moffitt, EM&V Manager
Gail Azulay, EM&V Analyst
Matthew Dudley, Residential Program Coordinator
Deborah Shiflett-Fitton, Energy Education Coordinator
Lindsay Henderson, Data Analyst & Marketing Coordinator
Karen Loura, Administrative Assistant

8. R. Zweig, Falmouth

Yes

16. J. Flynn, Yarmouth

Yes

Motion carried unanimously in favor (16-0-0).

Treasurer's Report: By agreement the Treasurer's Report was moved to after Administrator's Report.

ENERGY EFFICIENCY PROGRAM:

2013 Annual Report

P. Moffitt provided a Power Point presentation entitled 2013 Plan Year Report (Attachment A) which covered Year one of the three-year Energy Efficiency Plan. There was discussion concerning how Non-Energy Impacts (NEI's) were determined. NEI's were developed as part of a study conducted for Statewide Program Administrators. T. Mayo applauded the aggressive goals. Each year there are budgets and goals. Unspent funds are rolled over into the next year. An additional study will identify additional Commercial/Industrial NEI'S. F. Fenlon encouraged achievable aggressive goals. Completion of the LED Streetlight Retrofit Project will make a significant contribution to attaining goal. The Report submitted to the Department of Public Utilities is available electronically at: <http://www.capelightcompact.org/library/2010/08/Cape-Light-Compact-2013-Plan-Year-Report-Complete-2014.06.20.pdf>. P. Cocolis said the Penetration Study will inform the next 3-year plan (2016-2019). The study will be completed in spring, 2015. The board acknowledged it will cost more to serve hard to reach customers.

Energy Education

D. Fitton distributed copies of a Power Point presentation entitled Energy Education Outreach Program 2013-14 School Year (Attachment B) and provided an overview of activities taking place under the Science, Technology, Engineering and Math (STEM) initiative. She provided a review of the education programs and renewable energy topics taught and distributed a list of 2014 Mass. State National Energy Education Development Project Award winners including students from Sandwich, Harwich, Eastham and Martha's Vineyard Regional High School. (Attachment C). The Awards Ceremony which took place at the State House in Boston on June 20th was hosted by the Mass. Department of Energy Resources, Cape Light Compact and NSTAR Electric.

Behavioral Program

B. Kane provided a Power Point presentation entitled C.A.P.E. Presence Pro Energy update (Attachment D). The launch date of an on-line application is 8/1/14. The vendor is People Power working with Blue Line. This effort provides real-time feedback and allows implementation of controls and rules. It is compatible with Droid and Apple devices. Participants may also purchase plug control devices to control energy usage from their phone. Additional information is available @ <http://www.capelightcompact.org/smart/>. Data on effectiveness of these type programs is also available at: <http://www.capelightcompact.org/report/other-reports/> The American Council for an Energy Efficient Economy (ACEEE) has also acknowledged these type programs are successful w/customer engagement, prizes, real time, etc. It was suggested a broadcast email be sent out to Boards of Selectmen to make them aware of available programs. There was discussion concerning use of the device with solar PV generation. B. Kane will inquire and report her findings. P. Pimentel did experiment on Martha's Vineyard and determined the best way to involve participants is to make it simple to participate. S. Wollenburg noted that you will never be able to mandate ADR. R. Elkin would not support without checking the device and more market research. There was discussion about metering and smart meters. W. Doherty said the meter is owned by NSTAR Electric and the utility will not allow device attachment to meters. There was discussion about demographics, age of participants and timing of program during busy summer season. B. Kane said this information will be collected and referred to demographics which are available from previous efforts.

Martha's Vineyard Regional High School (MVRHS) - Energy Efficiency Measures/\$150,000 Cap Waiver

S. Wollenburg anticipates two schools where energy efficiency upgrades will exceed the \$150,000 limit set by the Board approximately 12 years ago. The first one is MVRHS Retrofit Project. It is hoped upgrades will be complete in time for school re-opening in the fall. S. Wollenburg provided details about upgrades proposed as a result of the MVRHS energy audit. He described the method to determine the BCR which includes non-electric costs. The Board previously decided to support savings other than kWh. There was discussion about conducting an ASHRA II audit to look at entire envelop of the school. M. Downey reminded the Board about the previous discussion and Board decision that the need for an ASHRAE II Audits would be approved on a case-by-case basis by the Board, and that the Board discussed using a different format than ASHRAE to meet the needs of the Green Communities Act. There was discussion about the likelihood of available local reserves if projects exceed the budget. S. Wollenburg said the proposed incentive is set liberally, so it is unlikely final costs will exceed cap. Towns will have total project cost information in advance. T. Mayo reported the Mashpee estimates were considerably above actual cost. F. Fenlon expressed concern that the request is for \$225,000 above the \$150,000 incentive cap. D. Anthony reported Cape Light Compact funded \$900,000 for the energy efficiency upgrade project at Barnstable High School. S. Wollenburg noted Cape Light Compact is always striving to do more on the Commercial/Industrial side, and this project falls within the C&I program adding Energy Efficiency Resources are not scarce. Cape Light Compact is tasked with doing all upgrades but the measures must be cost effective. *J. Flynn moved the Board vote to approve the waiver of the \$150,000 incentive cap for the Martha's Vineyard Regional High School's Retrofit Project, thereby allowing a total project incentive of no more than \$375,000, seconded by R. Toole and voted by roll call vote as follows:*

- | | | | |
|----------------------------------|-----------|---------------------------------|-----|
| 1. W. Doherty, Barnstable County | Abstained | 9. B. Worth, Secretary, Harwich | Yes |
| 2. D. Anthony, Barnstable | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. T. Donegan, Provincetown | Yes |
| 5. P. Cabana, Dukes County | Yes | 13. E. Horne, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Abstained | 14. R. Elkin, Wellfleet | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. S. Hruby, W. Tisbury | Yes |
| 8. R. Zweig, Falmouth | Yes | 16. J. Flynn, Yarmouth | Yes |

Motion carried in the affirmative (16-0-2).

Town of Falmouth ESCo Project – Request for \$150,000 Incentive Cap Waiver

S. Wollenburg provided a summary of the scope of the Falmouth Energy Services Company (ESCO) Project including energy efficiency upgrades for 12 Falmouth Buildings. Trane was formerly limited to manufacturing but have branched out into energy efficiency. Trane is an ESCo and was selected by Falmouth as a result of their Request for Proposals (RFP). Individual costs are incremental so overall costs are less. ESCO projects provide a guaranteed level of savings. B. Doherty said savings are usually figured out on the payback. The ESCo contract was presented to the town and Trane listed measurers and savings. They will demonstrate that the level of projected savings have been met or exceeded. The savings levels were established prior to establishing the incentive. *R. Elkin moved the Board vote to approve the waiver of the \$150,000 incentive cap for the Town of Falmouth ESCo Project, thereby allowing a total project incentive of no more than \$250,000, seconded by D. Anthony and voted by roll call vote as follows:*

- | | | | |
|----------------------------------|-----|---------------------------------|-----|
| 1. W. Doherty, Barnstable County | Yes | 9. B. Worth, Secretary, Harwich | Yes |
| 2. D. Anthony, Barnstable | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. T. Donegan, Provincetown | Yes |
| 5. P. Cabana, Dukes County | Yes | 13. E. Horne, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Yes | 14. R. Elkin, Wellfleet | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. S. Hruby, W. Tisbury | Yes |

8. R. Zweig, Falmouth
Motion carried unanimously in favor (16-0-0).

Yes

16. J. Flynn, Yarmouth

Yes

OPEN SESSION VOTE TO ENTER EXECUTIVE SESSION

At 3:33 p.m. P. Cocolis requested a motion to enter into Executive Session pursuant to MGL Ch30A § 21(a)(10) for the purpose of discussing power supply procurement strategy and MGL Ch. 30A § 21(a)(3) and § 21(a)(10) for the purpose of discussing litigation strategy and related power supply issues. He declared an open session may have a detrimental effect on Cape Light Compact's ability to conduct business in relation to other entities making, selling or distributing electric power and energy and that the consideration of the purchase, exchange, lease or value of electricity will have a detrimental effect on Cape Light Compact's negotiating position as a public body and a detrimental effect on the litigating position of the public body. He added that the Governing Board would return to Open Session at the conclusion of Executive Session. *J. Flynn moved the Board vote to enter into Executive Session for the purposes stated, seconded by D. Anthony and voted unanimously in favor by Roll Call Vote as follows:*

- | | | | |
|----------------------------------|-----|---------------------------------|-----|
| 1. W. Doherty, Barnstable County | Yes | 9. B. Worth, Secretary, Harwich | Yes |
| 2. D. Anthony, Barnstable | Yes | 10. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 11. R Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 12. T. Donegan, Provincetown | Yes |
| 5. P. Cabana, Dukes County | Yes | 13. E. Horne, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Yes | 14. R. Elkin, Wellfleet | Yes |
| 7. P. Pimentel, Edgartown | Yes | 15. S. Hrubby, W. Tisbury | Yes |
| 8. R. Zweig, Falmouth | Yes | 16. J. Flynn, Yarmouth | Yes |

Motion carried unanimously in favor (16-0-0). Staff and Counsel were permitted to remain.

At 4:27 p.m. the Board returned to open session.

It was agreed to consider the \$150,000 cap which has been in place for 12 years at the next meeting.

CLC GREEN-AFFORDABLE HOUSING PROPOSAL

S. Wollenburg provided a Power Point presentation entitled Enabling Solar on Affordable Housing (Attachment E). There was discussion relative to monetizing SREC's. The State is offering low-interest loans which are not suitable for low-income families. The State may work with banks to try to provide incentives. This pilot program would not be applicable to rental units or involve landlords. There was discussion about the systems to be used in the homes and whether the Solar PV System would supply the homes' total base-load. S. Wollenburg said heating system selection will be decided by Habitat for Humanity. Individuals chosen through a lottery help to construct the house. Homes are 2-3 bedrooms and are affordable due to good interest rates and sweat equity Homes must meet minimum requirements. Currently Habitat is thinking about solar for two homes. There is \$180,000 accumulated in CLC Green Program because CLC was able to obtain RECs for less than originally thought. S. Wollenburg said that to be 100 % clear, Cape Light Compact should amend the Terms of Service for the 50% Green and 100% Green Programs to indicate that a portion may be used to support development of renewable resources and not exclusively for retirement of RECs or the Board could decide to refund surplus to CLC Green customers. If CLC Green funds are not used for the Affordable Solar initiative, funding could be provided operational adder. Consideration should be given to issuing refunds to Green Program participants. CLC is not only entity in the position to do something like this. There are lease arrangements also available. Credit checks are still required. F. Fenlon thought the \$180,000 may be useful in potential mil adder legal issues. T. Donegan asked if CLC would be doing financing transactions which no one else is willing to do. There is no precedent for a stream of RECs over 10 years. There is still no guarantee that a leasing company would issue credit for a system like this. Economics of leasing vs purchasing systems are not alike. There was discussion about the number of low-income program participants compared to participation in other programs. Low income participants are a hard to reach group. Affordable is 80% median

income. T. Mayo said if the low-income area is lacking participation, we should do this to boost participation. The Board agreed to table the discussion to the September Meeting and to invite representative from Habitat for Humanity.

ADMINISTRATOR'S REPORT

- Process for Expense Reports: M. Downey reviewed the process for members seeking reimbursement of expenses and distributed blank W-9 Forms to members for completion.
- M. Downey agreed to provide additional DPU 14-69 updates as they become available.

CVEC Update – PV Systems are coming on line and solar power is being generated.

TREASURER'S REPORT

P. Cocolis distributed copies of the 7/9/14 YTD Budget Report and provided a summary of the highlights. He also distributed the comparison of 2014 Budgeted and 2014 Actuals through June based on the 3-year plan.

At 5:00 p.m. B. Doherty moved to adjourn, seconded by F. Fenlon and voted unanimously in favor.

Respectfully submitted,

Karen E. Loura
Administrative Assistant

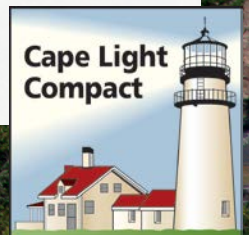
Reviewed by Barry Worth, Secretary on: July 23, 2014

List of materials:

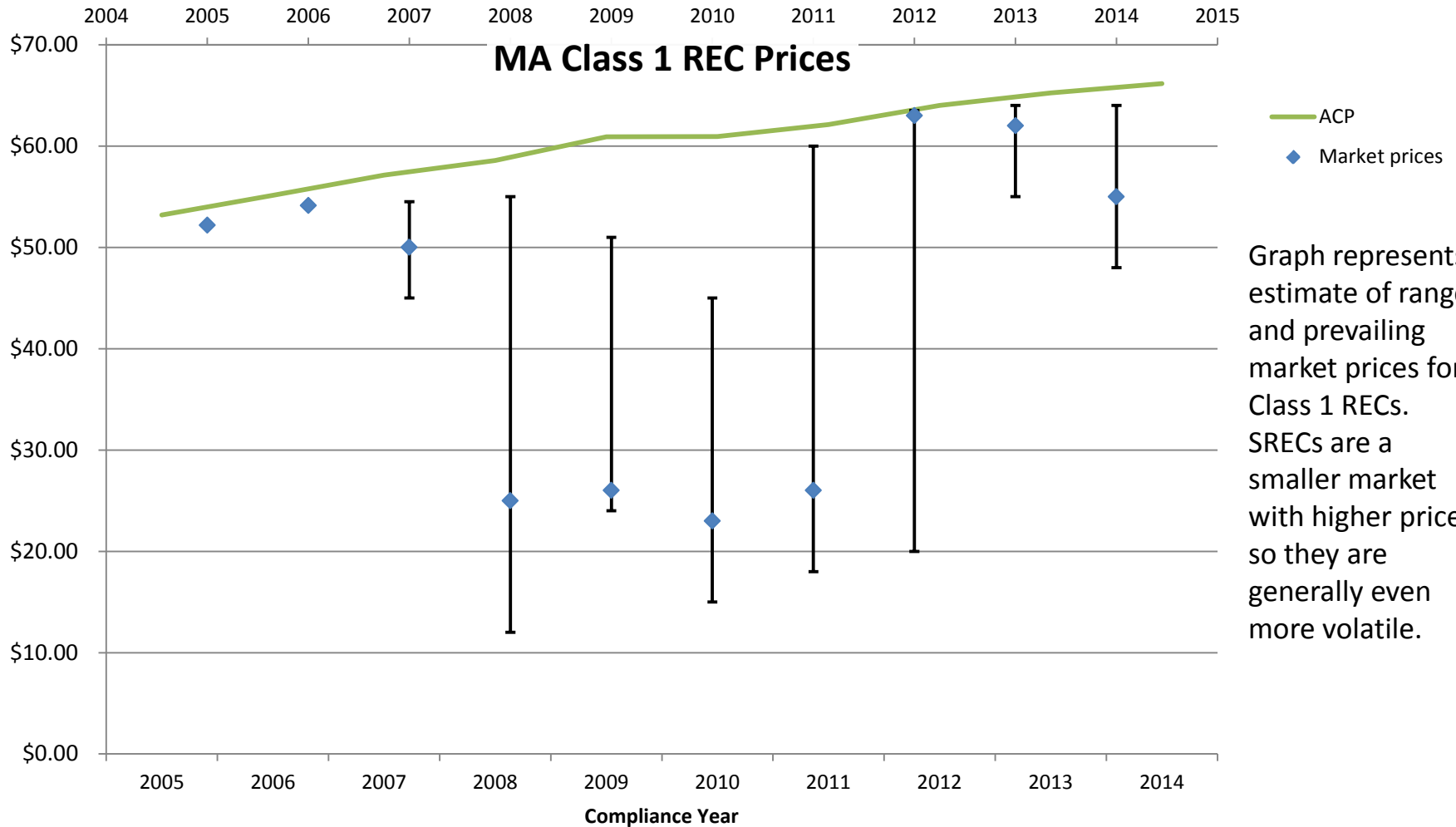
- June 11, 2014 Open Session Meeting Minutes – Draft
- 2013 Plan Year Report by Phil Moffitt, EM&V Program Manager (Attachment A)
- Energy Education Outreach Program 2013-14 School Year by Debbie Fitton Energy Education Coordinator (Attachment B)
- 2014 Mass. State National Energy Education Development Project Award winners (Attachment C)
- C.A.P.E. Presence Pro Energy update by Briana Kane, Sr. Residential Program Coordinator (Attachment D)
- Enabling Solar on Affordable Housing (Attachment E).
- 2014 Comparison of Budgeted and Actual through June, 2014
- 7/9/14 YTD Budget Report

Enabling Solar on Affordable Housing

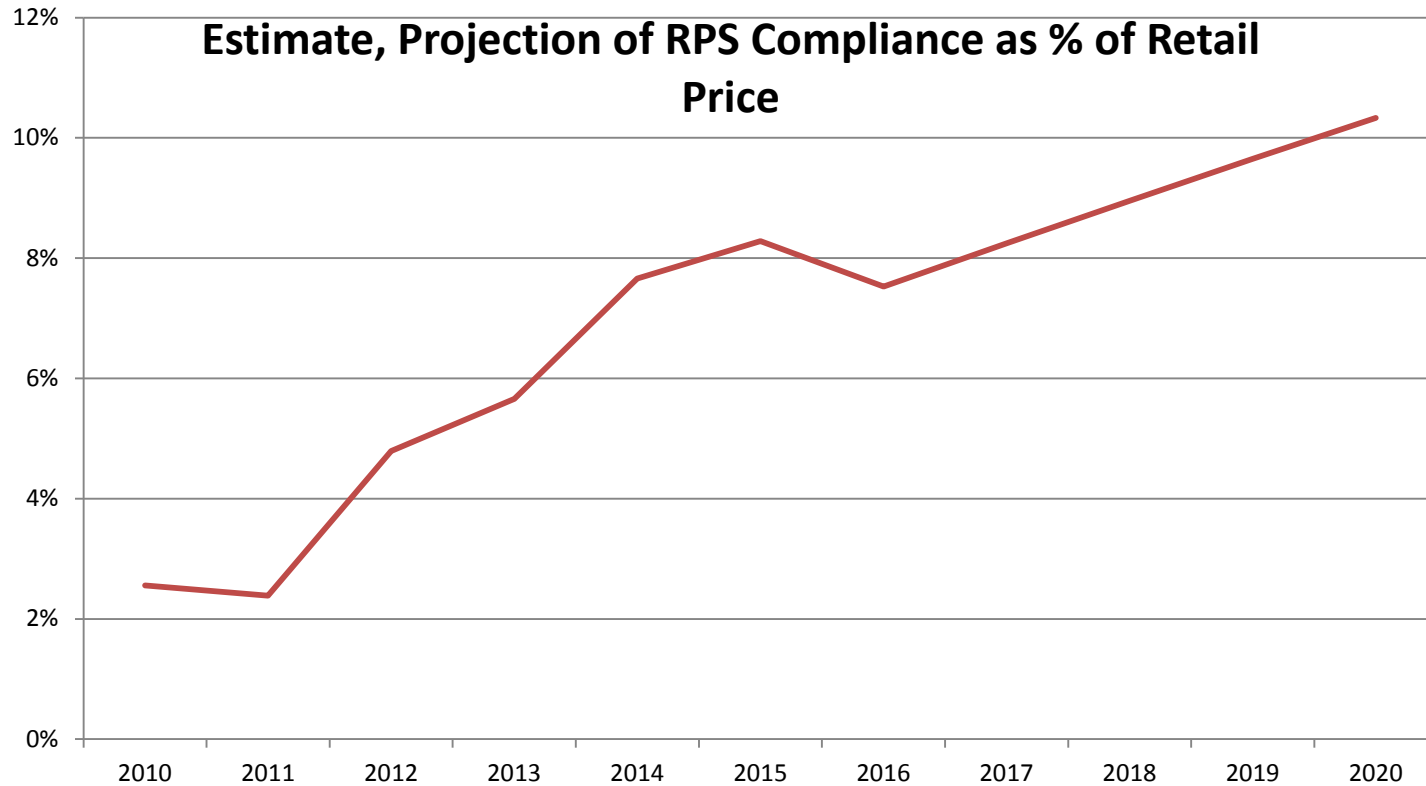
- Quick recap
 - Habitat for Humanity approached CLC for help installing PV on their new homes
 - CLC proposed pre-purchasing SRECs – paying for SRECs produced over a period of time at the beginning of the term
 - Program could be self-sustaining, but would depend on future changes in MA solar incentive structure



Problem: REC prices are volatile



Problem: REC prices are volatile



- RECs make up a significant portion of the Compact's retail price, and this will increase over time.
- Financing a capital-intensive project like solar PV based on an uncertain future REC revenue stream is challenging

Proposal – Pre-Purchasing SRECs



- The Compact would agree on a price, a term, and a production estimate with the housing organization.
- These numbers would be used to calculate a lump payment to defray the initial cost of the PV system.
- As SRECs are produced over the term, the Compact would take ownership of them. The Compact could put these SRECs to its supplier for use in its power supply program.
- If SRECs were sold, **proceeds could be used to make the program self-sustaining.**

Benefits



- To the Compact:
 - Greater stability and predictability in RPS compliance costs
 - Attractive REC pricing
 - While this request is very limited, if the model proves to be successful, it could be applied to a larger portion of the Compact's REC needs
- Other:
 - Encourages installation of solar on the Cape
 - Benefits affordable housing occupants – lower utility costs = reduced risk of mortgage default



Why the Compact?



- As an opt-out power supply provider, the Compact has more stable load, allowing it to make long-term decisions. Long-term contracts generally yield lower prices.
- Could only find one company that offers similar pre-purchase model – likely not sufficient to support solar on affordable housing
- **Bottom line – the Compact stands to benefit from this model, and Habitat has said they would likely not be able to include solar on their homes without this agreement with the Compact.**

Proposal – Pre-Purchasing SRECs



- The Compact would agree on a price, a term, and a production estimate with the housing organization.
- These numbers would be used to calculate a lump payment to defray the initial cost of the PV system.
- As SRECs are produced over the term, the Compact would take ownership of them. The Compact could put these SRECs to its supplier for use in its power supply program, which could help to increase stability of RPS compliance costs.
- If SRECs were sold, **proceeds could be used to make the program self-sustaining.**

Request



- \$60,000 supplementary budget request – specific language in your packet.
- This would support roughly 30 kW of solar, or approximately 5 residential-scale systems.
- This amount is considered a pilot – Board may decide to expand if model proves successful.
- If approved:
 - Staff will finalize term sheet and contract documents.
 - Habitat for Humanity of Cape Cod currently has two sites designed for solar to be constructed by this winter.
 - Staff will consider other sites for remainder of the \$60,000

**Agenda Action Request
Cape Light Compact
Meeting Date: 9/10/2014**



- 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*

Supplemental Budget Request for FY15

REQUESTED BY: *Stephan Wollenburg*

Proposed Motion(s)

1) I move the Board vote to approve a supplemental budget for the Compact's FY15 operating budget in the amount of \$60,000 for a new item, Solar on Affordable Homes.

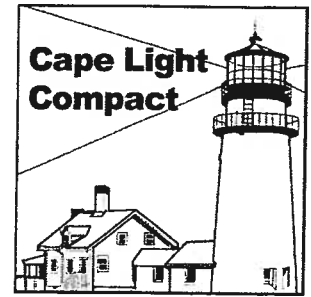
Additional Information

As discussed at the Compact's June 11, and July 9 2014 board meetings, Compact staff is proposing to purchase SREC2s from PV systems installed on affordable housing. Specifically, the Compact will pre-pay for these RECs. Doing this allows the Compact to purchase SREC2s, which are extremely volatile in price and which the Compact can put to its supplier for use in its power supply program at an attractive price. Pre-paying for these SREC2s also defrays the cost of installing solar on affordable housing on the Cape.

Record of Board Action

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

**Agenda Action Request
Cape Light Compact
Meeting Date: 9/10/2014**



- 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

**WAIVER OF INCENTIVE CAP BARNSTABLE COUNTY JAIL
RETROFIT PROJECT**

REQUESTED BY: *Stephan Wollenburg*

Proposed Motion(s)

1) I move the Board vote to approve the waiver of the \$150k incentive cap for the Barnstable County Jail project, located on Connery Avenue in Bourne, thereby allowing a total project incentive of no more than \$215,000.

Additional Information

The Cape Light Compact caps its incentive for individual municipal projects at \$150k, with the proviso that the CLC Board may waive that cap as it deems appropriate. The proposed motion is to approve a waiver for the Barnstable County Jail Retrofit Project. RISE Engineering proposed the energy conservation measures.

The Project facts are summarized as follows:

- ***Efficiency measures: ECM 1 - retrofit existing interior and exterior lighting, from primarily metal halide and high pressure sodium fixtures to LEDs***
- ***Total Project Cost: not to exceed \$215,000***
- ***Total Annual kWh savings: 293,298***
- ***Total Annual Therm savings: 0***
- ***Payback Period without incentive: 5 years***
- ***Total Customer Incentive: Not to exceed \$215,000***

Record of Board Action

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



insert Falmouth logo here

MAIN STREETS INITIATIVE (for qualifying businesses located in Falmouth)

Dear Falmouth Business Owner:

Controlling energy costs is an important consideration in running most small businesses, but finding the resources to become more energy efficient can be difficult. That's why the Cape Light Compact is working with its member town, the Town of Falmouth, to roll out an initiative to offer eligible small businesses **No-Cost Energy Efficiency Upgrades**. **This offer is open to qualifying businesses who accept our offer before 4:30pm on Friday October 24, 2014.**

THIS LIMITED TIME OFFER COVERS THE FULL COST OF ENERGY EFFICIENCY IMPROVEMENTS

Do I qualify for this limited time offer?

- Qualifying businesses use less than 40kW peak average monthly demand or less than 72,000 kWh per year.
- If you are receiving this letter directly, you have been pre-screened and are qualified.

How to take advantage of this offer:

- Call us at 1-800-797-6699 by 4:30pm Friday, October 24, 2014 with your NSTAR electric bill handy

How will this work?

- Within a few days of our receipt of your request, our Small Business Program contractor (RISE Engineering) will contact you to perform a free energy evaluation of your business;
- At the time of the visit, RISE will identify eligible improvements you can make to reduce energy use. These items will be summarized in a contract you can sign, allowing certain upgrades to be performed at **NO COST** to you.
- RISE will make all arrangements for installing efficiency upgrades at your business. Installation will be performed by licensed contractors using high quality materials, backed by a guarantee, including the removal and proper disposal of any hazardous material. This is a complete turnkey service – you only need to say "Yes" to the proposal.

The following no-cost measures are included in this initiative to replace existing, inefficient equipment:

- High-performance linear fluorescent T8 ballasts, lamps, and/or fixtures
- Screw-in compact fluorescent and LED lamps (including compatible dimmers as required)
- Hard-wired compact fluorescent and LED fixture options
- LED exit signs and refrigeration case lights
- Wall and ceiling mounted occupancy sensors
- *Programmable setback thermostats
- Vending machine controls
- *Water conserving showerheads, faucet aerators, and spray rinse valves

This offer is only available for a limited time, so you must act now. Get started quickly by calling Cape Light Compact today at 800-797-6699. You must agree to participate before 4:30pm on Friday October 24, so don't miss out. We look forward to hearing from you.

Regards,

A handwritten signature in cursive script that reads "Margaret T. Downey".

Margaret T. Downey, Compact Administrator
Cape Light Compact

Julian M. Suso, Town Manager
Town of Falmouth

nationalgrid

CONFLICT OF INTEREST ISSUES PERTAINING TO USE OF SHARED LEGAL COUNSEL



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PURPOSE OF PRESENTATION

- ❖ The purpose of this presentation is to provide the Cape Light Compact (the “Compact”) with background information regarding the Compact’s current legal counsel status, its shared legal representation bylaw, and an overview of applicable Massachusetts law on the subject.

FREEDOM TO CHOOSE LEGAL COUNSEL

- ❖ The Conflicts of Interest Law, G.L. c. 268A, does not prohibit public entities from engaging the same law firm as their legal counsel. Many Massachusetts municipalities use the same law firms. Several of the Compact members use the same law firm.
- ❖ The Towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs and West Tisbury are represented by Reynolds, Rappaport, Kaplan & Hackney, LLC.
- ❖ The Towns of Dennis, Eastham, Harwich, Provincetown, Sandwich, Tisbury and Wellfleet are represented by Kopelman & Paige, P.C. This firm also represents Dukes County.
- ❖ In addition to the eight Compact members, Kopelman & Paige, P.C. represents over 100 Massachusetts municipalities.

THE CONFLICTS OF INTEREST LAW, G.L. c. 268A

- ❖ The Conflicts of Interest Law, G.L. c. 268A, does limit the Compact's counsel from representing anyone other than the Compact in relation to any particular matter in which the Compact has a direct and substantial interest, even if the parties' interests are substantially aligned.
- ❖ Shared legal representation on a particular matter is permitted if such representation is provided for by law for the proper discharge of official duties.
- ❖ The Compact has a bylaw permitting counsel to provide legal services for other public entities on matters where the entities have mutual interests, provided certain conditions are met. This is called the shared legal representation bylaw and it was adopted in accordance with G.L. c. 268A on March 25, 2009.

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MASSACHUSETTS RULES OF PROFESSIONAL CONDUCT

- ❖ Even if the Compact requests that a particular attorney represent it and another entity on a particular matter, the attorney must make sure that such representation is permitted under the Massachusetts Rules of Professional Conduct.

- ❖ The Massachusetts Rules of Professional Conduct provide as follows:

Rule 1.7 CONFLICT OF INTEREST: GENERAL RULE

(a) a lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:

- (1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and
- (2) each client consents after consultation.

(b) a lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

- (1) the lawyer reasonably believes the representation will not be adversely affected; and
- (2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

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GUIDANCE FROM STATE ETHICS COMMISSION

- ❖ The leading opinion from the State Ethics Commission on shared legal representation is EC-COI-92-10.
- ❖ In EC-COI-92-10, the Town of Webster adopted a bylaw permitting special town counsel to jointly represent private parties and the Town.
- ❖ The Commission found that adoption of the bylaw was consistent with the Conflicts of Interest Law, G.L. c. 268A.

GUIDANCE FROM THE OFFICE OF INSPECTOR GENERAL

- ❖ The use of shared legal representation is consistent with recommendations from the Massachusetts Office of Inspector General (“OIG”).
- ❖ In its report on *An Investigation of the Use of Certain Bond Funds by the North Attleborough Electric Light Department* (December 2005), the OIG recommended that the Town of North Attleborough and the North Attleborough Electric Department consider using a common lead law firm in order to improve efficiency and control costs.

CAPE LIGHT COMPACT BYLAW

Bylaw 1. Shared Legal Representation Involving Members or Other Public Entities; Official Duties of Compact Counsel.

The purpose of this bylaw is to allow the Compact from time to time to retain counsel who may also represent its Members or other public entities in matters in which the Compact has a direct or substantial interest without violating G.L. c. 268A, Section 11(a) and (c). Such dual or common representation allows the Compact to pool resources for a common purpose, develop mutual interests, and preserve scarce Compact funds. Pursuant to this bylaw, the official duties of Compact counsel include, but are not limited to, representing Members or other public entities in: (i) administrative and judicial proceedings in which the Compact is also a party; (ii) contract negotiations or project development matters in which the Compact or its Members have an interest; and (iii) other matters in which the Compact has a direct or substantial interest, provided that in each instance, such dual or common representation would not cause a violation of rules governing attorney conduct. Compact counsel shall discharge such duties only when requested in writing by the Compact's Governing Board. Prior to making such a request, the Compact's Governing Board shall determine whether the interests of the Compact would be advanced by such dual or common representation and shall evaluate if actual or potential conflicts of interest exist. If any conflicts are identified, they shall be described in the written request. Counsel shall then make its own determination whether such dual or common representation would not cause a violation of rules governing attorney conduct.

CAPE LIGHT COMPACT BYLAW

- ❖ The Compact is required to have the bylaw in order to share legal representation with other parties under G.L. c. 268A, the state Conflicts of Interest Law.
- ❖ As set forth in the bylaw, shared legal representation allows the Compact to pool resources for a common purpose, develop mutual interests, and preserve scarce Compact funds.
- ❖ The bylaw does not require the Compact to share legal counsel with other entities; it only permits shared legal representation if the conditions set forth in the bylaw are met.

CAPE LIGHT COMPACT BYLAW

- ❖ The Compact's Governing Board makes a determination as to whether the interests of the Compact would be advanced by such dual or common representation and evaluates if actual or potential conflicts of interest exist. The determination can be general as to the types of the matters that are approved for the use of shared legal counsel.
- ❖ The Compact's Governing Board then requests shared legal representation in writing to counsel. If the Board previously identified any conflicts, they are to be described in the written request.
- ❖ A sample written request has been provided to the Compact's Governing Board in the September 2014 meeting packet.

CAPE LIGHT COMPACT BYLAW

- ❖ The Governing Board may authorize the Compact Administrator to send a written request for shared legal representation substantially in the same form as the sample written request included in the Board packet.
- ❖ The Governing Board may authorize the Compact Administrator to engage shared legal counsel for the types of matters set forth in the written request for shared legal representation and to manage and direct the scope of services and actions undertaken by shared legal counsel.
- ❖ Once the request has been received, counsel then makes its own general determination whether such dual or common representation would not cause a violation of rules governing attorney conduct.

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SPECIFIC LEGAL MATTERS

- ❖ The Compact has identified several types of legal matters that potentially involve the Compact, its sister organization, the Cape & Vineyard Electric Cooperative, Inc. (“CVEC”) and/or one or more of their members. They are as follows:
 - ❖ (1) Representing the Compact, CVEC and/or one or more of their members regarding the photovoltaic project with Consolidated Edison Solutions, Inc.
 - ❖ (2) Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of various renewable energy certificate (“REC”) contracts. These REC contracts may include, but are not limited to, wind RECs produced from a project located in Falmouth.
 - ❖ (3) Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of various energy related contracts and project development agreements.

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SPECIFIC LEGAL MATTERS

- ❖ (4) Representing the Compact, CVEC and/or one or more of their members in regulatory proceedings before the Department of Public Utilities or the Department of Energy Resources (or other regulatory authorities) in which their interests are substantially aligned including, without limitation, proceedings relating to legislation or policy development on net metering, interconnection of distributed generation, and solar energy incentive programs and any rulemakings or regulatory matters related thereto.
- ❖ (5) Representing the Compact, CVEC and/or one or more of their members in drafting renewable energy project development agreements (including financing agreements) in which their interests are substantially aligned.
- ❖ (6) Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of power purchase agreements with third party wholesale suppliers where the ultimate objective is to provide part of the power supply to be offered to the Compact's aggregation through its chosen competitive supplier.
- ❖ (7) Representing the Compact, CVEC and/or one or more of their members in exploring options with generation companies for the local development and purchase of wholesale and/or renewable energy supply where the ultimate objective is to provide part of the power supply to be offered to the Compact's aggregation.

CAPE LIGHT COMPACT BYLAW

- ❖ The Compact is free to select legal counsel at any time for any reason. It does not have to work in conjunction with other public entities on a particular matter using shared legal representation.
- ❖ The Compact has used shared legal representation with its sister organization CVEC for numerous matters. In addition, the Compact may want to use shared legal representation for matters involving their members.
- ❖ The Compact's bylaw only permits it to share legal counsel with other public entities (not private parties).

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CONTACT INFORMATION

The information in this presentation is general in nature and is not legal advice.

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SAMPLE LEGAL REPRESENTATION LETTER
(Draft 9-4-14)

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

Re: Request for Shared Legal Representation/Cape Light Compact

Dear Jeff:

The purpose of this letter is to make a formal request for shared legal representation. Bylaw 1 of the Cape Light Compact (the "Compact") permits the Compact from time to time to retain counsel who may also represent its members or other public entities in matters in which the Compact has a direct or substantial interest without violating G.L. c. 268A. Such dual or common representation allows the Compact to pool resources for a common purpose, develop mutual interests, and preserve scarce Compact funds.

Pursuant to Bylaw 1, the official duties of Compact counsel include, but are not limited to, representing Compact members or other public entities in: (i) administrative and judicial proceedings in which the Compact is also a party; (ii) contract negotiations or project development matters in which the Compact or its members have an interest; and (iii) other matters in which the Compact has a direct or substantial interest.

The Compact has identified several legal matters that potentially involve the Compact, its sister organization, the Cape & Vineyard Electric Cooperative, Inc. ("CVEC") and/or one or more of their members which are also public entities. The Compact requests that BCK represent the Compact, CVEC, and/or one or more of their members in the matters listed on Exhibit A to this letter.

The Compact's Governing Board has determined that the interests of the Compact would be advanced by such common legal representation and has determined that no actual or potential conflicts of interest exist.

In accordance with Bylaw 1, BCK should make its own determination whether such common legal representation would be a violation of the rules governing attorney conduct. Please let me know as soon as possible. Thank you.

Sincerely,

Margaret T. Downey, Administrator
Cape Light Compact

EXHIBIT A

Legal Matters

1. Representing the Compact, CVEC and/or one or more of their members regarding the photovoltaic project with Consolidated Edison Solutions, Inc.
2. Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of various renewable energy certificate ("REC") contracts. These REC contracts may include, but are not limited to, wind RECs produced from a project located in Falmouth.
3. Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of various energy related contracts and project development agreements.
4. Representing the Compact, CVEC and/or one or more of their members in regulatory proceedings before the Department of Public Utilities or the Department of Energy Resources (or other regulatory authorities) in which their interests are substantially aligned including, without limitation, proceedings relating to legislation or policy development on net metering, interconnection of distributed generation, and solar energy incentive programs and any rulemakings or regulatory matters related thereto.
5. Representing the Compact, CVEC and/or one or more of their members in drafting renewable energy project development agreements (including financing agreements) in which their interests are substantially aligned.
6. Representing the Compact, CVEC and/or one or more of their members in drafting and negotiation of power purchase agreements with third party wholesale suppliers where the ultimate objective is to provide part of the power supply to be offered to the Compact's aggregation through its chosen competitive supplier.
7. Representing the Compact, CVEC and/or one or more of their members in exploring options with generation companies for the local development and purchase of wholesale and/or renewable energy supply where the ultimate objective is to provide part of the power supply to be offered to the Compact's aggregation.

**Agenda Action Request
Cape Light Compact
Meeting Date: MM/DD/YY**



- 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*

Shared Legal Counsel

Proposed Motion(s)

Moved, that in accordance with Bylaw 1 of the IGA, the Board has made a determination that the interests of the Compact will be advanced by shared legal representation and that no actual or potential conflicts of interest exist.

Moved, that the Board authorizes the Compact Administrator to send a written request for shared legal representation substantially in the form of the sample letter included in the Board packet and made an exhibit to the meeting minutes.

Moved, that the Compact Administrator is authorized to engage shared legal counsel for the types of matters set forth in Exhibit A of the sample written request for shared legal representation and to manage and direct the scope of services and actions undertaken by shared legal counsel.

Additional Information

Record of Board Action

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

FOR 2015 01

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
8074 CAPE LIGHT COMPACT OPERTG FUND						
8074 5100 SAL-REG	235,000.00	6,255.56	6,255.56	0.00	228,744.44	2.7%
8074 5213 PHONES	3,000.00	0.00	0.00	0.00	3,000.00	.0%
8074 5214 INTERN/ISP	0.00	0.00	0.00	0.00	0.00	.0%
8074 5233 AUDIT SVCS	40,000.00	0.00	0.00	0.00	40,000.00	.0%
8074 5235 LEGAL SVCS	430,302.00	35,097.93	35,097.93	0.00	395,204.07	8.2%
8074 5238 IT CNTY SU	24,000.00	0.00	0.00	0.00	24,000.00	.0%
8074 5239 CONTRACTL	45,000.00	0.00	0.00	0.00	45,000.00	.0%
8074 5281 OT-ST TRAV	6,000.00	0.00	0.00	0.00	6,000.00	.0%
8074 5282 IN-ST TRAV	16,000.00	161.70	161.70	0.00	15,838.30	1.0%
8074 5291 ADVESTISG	35,000.00	0.00	0.00	7,113.34	27,886.66	20.3%*
8074 5293 OUT/MRKTG	63,365.00	0.00	0.00	0.00	63,365.00	.0%
8074 5294 SHIPPING	250.00	0.00	0.00	0.00	250.00	.0%
8074 5295 PRTG/COPYG	7,000.00	0.00	0.00	0.00	7,000.00	.0%
8074 5298 MISC C-S/P	150,000.00	0.00	0.00	0.00	150,000.00	.0%
8074 5361 POSTAGE	13,000.00	0.00	0.00	1,900.00	11,100.00	14.6%*
8074 5421 SPONSRSHPS	18,000.00	5,000.00	5,000.00	0.00	13,000.00	27.8%*
8074 5429 SUBSCRIP	500.00	2,326.00	2,326.00	0.00	-1,826.00	465.2%*
8074 5433 PUB-OFF IN	0.00	6,764.94	6,764.94	563.61	-7,328.55	100.0%*
8074 5463 EQUI RENTL	5,000.00	0.00	0.00	0.00	5,000.00	.0%
8074 5469 MISC RENTL	0.00	0.00	0.00	0.00	0.00	.0%

FOR 2015 01

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
8074 5490						
0.00 CVEC MB CN	403,455.00	0.00	0.00	0.00	403,455.00	.0%
8074 5559						
0.00 COMP EQUIP	0.00	0.00	0.00	0.00	0.00	.0%
8074 5790						
0.00 TRANS OUT	0.00	0.00	0.00	0.00	0.00	.0%
8074 5981						
0.00 RETMNT	28,200.00	35,000.00	35,000.00	0.00	-6,800.00	124.1%*
8074 5983						
0.00 GRP INSUR	21,000.00	802.94	802.94	0.00	20,197.06	3.8%
8074 5984						
0.00 MED	800.00	85.83	85.83	0.00	714.17	10.7%*
TOTAL EXPENSES	1,544,872.00	91,494.90	91,494.90	9,576.95	1,443,800.15	
GRAND TOTAL	1,544,872.00	91,494.90	91,494.90	9,576.95	1,443,800.15	6.5%

** END OF REPORT - Generated by Maggie Downey **

Note: Legal budget shows \$40,000⁰⁰
Continuing appropriation from FY14

2014 Budgeted (Based on Three-year Plan)

Program	PA Costs					Total PA Costs
	PPA	Marketing	Incentives	STAT	EMV	
Residential (total)	\$913,072	\$558,534	\$12,175,788	\$1,415,520	\$1,111,177	\$16,174,101
1. Residential Whole House	\$ 632,158	\$ 203,795	\$ 9,815,491	\$ 660,297	\$ 906,123	\$ 12,217,864
Residential New Construction	\$ 18,758	\$ 14,655	\$ 150,000	\$ 88,146	\$ 17,025	\$ 288,584
Residential Multi-Family Retrofit	\$ 27,926	\$ 31,107	\$ 500,000	\$ 44,821	\$ 84,356	\$ 688,209
Residential Home Energy Services	\$ 585,474	\$ 143,033	\$ 9,048,491	\$ 438,380	\$ 804,741	\$ 11,020,120
Residential Behavior/Feedback	\$ -	\$ 15,000	\$ 117,000	\$ 88,950	\$ -	\$ 220,950
2. Residential Products	\$ 149,078	\$ 127,601	\$ 2,305,307	\$ 436,332	\$ 193,664	\$ 3,211,982
Residential Cooling & Heating Equipment	\$ 57,108	\$ 17,488	\$ 1,040,841	\$ 81,106	\$ 41,010	\$ 1,237,554
Residential Lighting	\$ 69,397	\$ 85,176	\$ 1,053,466	\$ 158,996	\$ 116,674	\$ 1,483,709
Residential Consumer Products	\$ 22,573	\$ 24,936	\$ 211,000	\$ 196,230	\$ 35,980	\$ 490,719
3. Residential Hard-to-Measure	\$ 131,836	\$ 227,138	\$ 55,000	\$ 318,891	\$ 11,389	\$ 744,255
Residential Statewide Marketing	\$ -	\$ 102,138	\$ -	\$ -	\$ -	\$ 102,138
Residential DOER Assessment	\$ 115,523	\$ -	\$ -	\$ -	\$ 11,389	\$ 126,913
Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ 16,313	\$ -	\$ -	\$ -	\$ -	\$ 16,313
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 214,891	\$ -	\$ 214,891
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 89,000	\$ -	\$ 89,000
Residential R&D and Demonstration	\$ -	\$ -	\$ 55,000	\$ 15,000	\$ -	\$ 70,000
Residential Education	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ 125,000
Low-Income (total)	\$228,995	\$74,772	\$1,996,342	\$612,549	\$173,950	\$3,086,609
4. Low-Income Whole House	\$ 169,017	\$ 28,158	\$ 1,996,342	\$ 612,549	\$ 170,981	\$ 2,977,047
Low-Income New Construction	\$ 5,065	\$ 694	\$ 145,000	\$ 1,217	\$ 10,780	\$ 162,756
Low-Income Single Family Retrofit	\$ 133,634	\$ 23,310	\$ 1,342,207	\$ 489,499	\$ 135,358	\$ 2,124,009
Low-Income Multi-Family Retrofit	\$ 30,318	\$ 4,154	\$ 509,135	\$ 121,833	\$ 24,843	\$ 690,283
5. Low-Income Hard-to-Measure	\$ 59,978	\$ 46,614	\$ -	\$ -	\$ 2,970	\$ 109,561
Low-Income Statewide Marketing	\$ -	\$ 23,364	\$ -	\$ -	\$ -	\$ 23,364
Low-Income DOER Assessment	\$ 21,228	\$ -	\$ -	\$ -	\$ 2,970	\$ 24,197
Low-Income Energy Affordability Network	\$ 38,750	\$ 23,250	\$ -	\$ -	\$ -	\$ 62,000
Commercial & Industrial (total)	\$819,316	\$182,239	\$13,494,235	\$1,139,605	\$686,006	\$16,321,402
6. C&I New Construction	\$ 169,911	\$ 27,345	\$ 1,750,000	\$ 377,335	\$ 224,928	\$ 2,549,519
C&I New Construction	\$ 169,911	\$ 27,345	\$ 1,750,000	\$ 377,335	\$ 224,928	\$ 2,549,519
7. C&I Retrofit	\$ 562,706	\$ 92,444	\$ 11,744,235	\$ 762,271	\$ 451,488	\$ 13,613,143
C&I Retrofit	\$ 258,075	\$ 36,346	\$ 8,377,235	\$ 379,491	\$ 220,154	\$ 9,271,300
C&I Direct Install	\$ 304,630	\$ 56,098	\$ 3,367,000	\$ 382,780	\$ 231,334	\$ 4,341,843
8. C&I Hard-to-Measure	\$ 86,699	\$ 62,450	\$ -	\$ -	\$ 9,591	\$ 158,740
C&I Statewide Marketing	\$ -	\$ 62,450	\$ -	\$ -	\$ -	\$ 62,450
C&I DOER Assessment	\$ 60,128	\$ -	\$ -	\$ -	\$ 9,591	\$ 69,719
C&I EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ 26,571	\$ -	\$ -	\$ -	\$ -	\$ 26,571
GRAND TOTAL	\$1,961,383	\$815,546	\$27,666,375	\$3,167,675	\$1,971,133	\$35,582,112

2014 Actuals (January Through August)

Program	PA Costs					Total PA Costs
	PPA	Marketing	Incentives	STAT	EMV	
Residential (total)	\$515,904	\$311,612	\$8,995,105	\$1,040,599	\$337,215	\$11,200,435
1. Residential Whole House	\$ 334,394	\$ 92,105	\$ 8,074,373	\$ 379,582	\$ 214,858	\$ 9,095,312
Residential New Construction	\$ 9,923	\$ 4,862	\$ 117,018	\$ 59,006	\$ 6,208	\$ 197,018
Residential Multi-Family Retrofit	\$ 14,772	\$ 3,404	\$ 125,052	\$ 22,030	\$ 13,081	\$ 178,339
Residential Home Energy Services	\$ 309,700	\$ 80,339	\$ 7,758,803	\$ 216,045	\$ 195,568	\$ 8,560,455
Residential Behavior/Feedback	\$ -	\$ 3,500	\$ 73,500	\$ 82,500	\$ -	\$ 159,500
2. Residential Products	\$ 78,858	\$ 58,809	\$ 920,732	\$ 202,222	\$ 119,094	\$ 1,379,715
Residential Cooling & Heating Equipment	\$ 30,208	\$ 9,218	\$ 399,905	\$ 51,414	\$ 24,669	\$ 515,415
Residential Lighting	\$ 36,709	\$ 37,221	\$ 435,673	\$ 82,109	\$ 77,922	\$ 669,634
Residential Consumer Products	\$ 11,941	\$ 12,370	\$ 85,154	\$ 68,699	\$ 16,503	\$ 194,667
3. Residential Hard-to-Measure	\$ 102,651	\$ 160,698	\$ -	\$ 458,795	\$ 3,284	\$ 725,408
Residential Statewide Marketing	\$ -	\$ 80,261	\$ -	\$ -	\$ -	\$ 80,261
Residential DOER Assessment	\$ 100,059	\$ -	\$ -	\$ -	\$ 3,264	\$ 103,323
Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ 2,592	\$ -	\$ -	\$ -	\$ -	\$ 2,592
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 454,222	\$ -	\$ 454,222
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 739	\$ -	\$ 739
Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ 3,835	\$ -	\$ 3,835
Residential Education	\$ -	\$ 80,436	\$ -	\$ -	\$ -	\$ 80,436
Low-Income (total)	\$111,267	\$38,909	\$876,555	\$186,091	\$29,297	\$1,242,120
4. Low-Income Whole House	\$ 84,938	\$ 19,789	\$ 876,555	\$ 186,091	\$ 28,447	\$ 1,195,820
Low-Income New Construction	\$ 2,545	\$ 556	\$ 856	\$ 736	\$ 2,218	\$ 6,913
Low-Income Single Family Retrofit	\$ 67,157	\$ 15,904	\$ 778,485	\$ 160,177	\$ 22,503	\$ 1,044,225
Low-Income Multi-Family Retrofit	\$ 15,236	\$ 3,329	\$ 97,214	\$ 25,178	\$ 3,725	\$ 144,682
5. Low-Income Hard-to-Measure	\$ 26,329	\$ 19,120	\$ -	\$ -	\$ 850	\$ 46,300
Low-Income Statewide Marketing	\$ -	\$ 13,996	\$ -	\$ -	\$ -	\$ 13,996
Low-Income DOER Assessment	\$ 17,790	\$ -	\$ -	\$ -	\$ 850	\$ 18,640
Low-Income Energy Affordability Network	\$ 8,539	\$ 5,124	\$ -	\$ -	\$ -	\$ 13,663
Commercial & Industrial (total)	\$436,142	\$130,182	\$7,584,144	\$471,255	\$359,655	\$8,981,377
6. C&I New Construction	\$ 80,020	\$ 18,140	\$ 695,488	\$ 165,608	\$ 95,739	\$ 1,054,995
C&I New Construction	\$ 80,020	\$ 18,140	\$ 695,488	\$ 165,608	\$ 95,739	\$ 1,054,995
7. C&I Retrofit	\$ 265,007	\$ 63,297	\$ 6,888,655	\$ 305,648	\$ 261,173	\$ 7,783,780
C&I Retrofit	\$ 121,541	\$ 27,451	\$ 5,000,519	\$ 150,683	\$ 127,209	\$ 5,427,403
C&I Direct Install	\$ 143,466	\$ 35,846	\$ 1,888,137	\$ 154,964	\$ 133,964	\$ 2,356,377
8. C&I Hard-to-Measure	\$ 91,115	\$ 48,744	\$ -	\$ -	\$ 2,743	\$ 142,602
C&I Statewide Marketing	\$ -	\$ 48,744	\$ -	\$ -	\$ -	\$ 48,744
C&I DOER Assessment	\$ 90,925	\$ -	\$ -	\$ -	\$ 2,743	\$ 93,668
C&I EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ 190	\$ -	\$ -	\$ -	\$ -	\$ 190
GRAND TOTAL	\$1,063,313	\$480,703	\$17,455,804	\$1,697,945	\$726,167	\$21,423,933

Source:
G:\12-001 Compact Efficiency 2012\2013-2015 EEP\2012\1102 & 12.20 DPU 12-107 Proceeding\2013.02.21 Compliance Filing\DPU 12-107_CLC_Exh. 4
COMPLIANCE_2013-2015 08-50 Tables_Expanded_2013.02.13.xlsx

**Agenda Action Request
Cape Light Compact
Meeting Date: 9/10/2014**



- 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*

**MOTION TO AFFIRM EDITS TO AGGREGATION
PLAN SUGGESTED BY DPU**

REQUESTED BY: *Maggie Downey*

Proposed Motion(s)

1) I move the Board vote to affirm the non-substantive edits to the Compact's Aggregation Plan proposed by the Department of Public Utilities (DPU) as a result of the August 6, 2014 technical session.

Additional Information

The DPU's review of the updates to the Cape Light Compact's Aggregation Plan, DPU 14-69, is presently ongoing. As a result of an August 6th Technical session, the DPU suggested non-substantive edits to "increase clarity and completeness of the Plan." At the technical session staff informed the DPU that the proposed DPU edits would be sent to the Board and that the Board would be asked to affirm the revised Aggregation Plan at the September Board meeting. The Board was provided an update on the DPU technical session.

Staff incorporated DPU suggestions and submitted an updated version of the Aggregation Plan to DPU on August 20th.

Record of Board Action

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

RIDLEY & ASSOCIATES, INC.

September 3, 2014

Mr. Ronald Bergstrom, Chairman
Barnstable County Assembly of Delegates

RE: Request to be placed on September 17, 2014 Assembly of Delegates Agenda

Dear Mr. Bergstrom:

I am writing to request an opportunity to be placed on the Assembly's agenda on September 17, 2014. Given the current focus of the Assembly's attention on the Cape Light Compact, I believe a dialogue with Assembly members would provide useful information and could help lead to productive discussion between the Assembly and the Compact.

As you may recall, I appeared briefly before the Assembly during the public comment period at your August 6th meeting. At that time, Assembly members expressed regret that I was not appearing as part of an agenda item. They wanted an opportunity for dialogue that could not take place during public comment.

A previous e-mail sent to you on August 20th regarding my interest in being placed on the Assembly's agenda unfortunately received no response. Therefore, I am reiterating my request. I would speak as both a current consultant to the Compact and from my experience in developing the organization and its programs .

As a principal engaged in development of the Cape Light Compact from its initial concept through drafting of key documents such as the first Aggregation Plan and original Intergovernmental Agreement, I believe I can offer useful perspective. There are misunderstandings on fundamental matters that should be cleared up. I can also draw on more than thirty years of experience on electric utility matters, including extensive work with state agencies and municipalities in Massachusetts and elsewhere in the U.S., to help shed light on what are sometimes very complex issues.

Despite past acrimony, I think there is an important opportunity to find common ground. A frank dialogue could help move things forward and foster the kind of leadership the region needs at this point.

I look forward to your response.

Sincerely,

Scott Ridley



ATTORNEYS AT LAW

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

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September 3, 2014

VIA ELECTRONIC MAIL ONLY

Christina Halfpenny, EEAC Chairperson
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Re: MTMs to the Cape Light Compact Three-Year Energy Efficiency Plan as Approved in D.P.U. 12-107

Dear Ms. Halfpenny:

On behalf of the Cape Light Compact (the "Compact"), attached for EEAC consideration is the Compact's proposed mid-term modifications to its approved Three-Year Energy Efficiency Plan.

If you require further information or have any questions, please do not hesitate to contact me.

Sincerely,

Jo Ann Bodemer

JAB/drb
Enclosure

cc: Energy Efficiency Advisory Council (via email only)
Program Administrators (via email only)
Jeffrey M. Leupold, Hearing Officer, DPU (via email and first class mail)
Margaret T. Downey, Cape Light Compact (via email and first class mail)
Emmett Lyne, Esq., Rich May (via email only)

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September 3, 2014

I. INTRODUCTION

The Cape Light Compact (the "Compact"), comprised of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together, respectfully requests the Energy Efficiency Advisory Council's (the "Council") review and support of a mid-term modification, pursuant to the Revised Energy Efficiency Guidelines at § 3.8.1, to the Compact's Three-Year Energy Efficiency Plan ("Three-Year Plan"), as approved by the Department of Public Utilities ("D.P.U." or "Department") in D.P.U. 12-107.

II. COUNCIL AUTHORITY

On January 31, 2013, the Department approved Revised Energy Efficiency Guidelines (the "Guidelines"). See D.P.U. 11-120-A, Phase II (Order, dated January 31, 2013). Pursuant to the Guidelines, the Department has delegated the review of certain Three-Year Plan modifications to the Council. Specifically, Section 3.8.1 of the Guidelines states:

A Program Administrator that seeks to make the following significant modifications to its Energy Efficiency Plan shall submit its proposed modifications to the Council for review:

- (1) the addition of a Hard-to-Measure Energy Efficiency Program;
- (2) the termination of an existing Energy Efficiency Program or Hard-to-Measure Energy Efficiency Program;
- (3) a change in the three-year term budget of an Energy Efficiency Program or Hard-to-Measure Energy Efficiency Program of greater than (1) 20 percent, or (2) a dollar value to be specified by the Department; or

(4) a modification to the design of an Energy Efficiency Program that is projected to result in a decrease in program benefits over the three-year term that is greater than 20 percent.

Guidelines at § 3.8.1.

Based upon this authority, as more fully discussed below, the Compact seeks the Council's support of a modification of its Three-Year Plan budget of greater than 20 percent for certain of its hard-to-measure energy efficiency programs.

III. THE COMPACT'S REQUESTED MID-TERM MODIFICATIONS

The Compact seeks the Council's review and support of a change in the three-year term budget of greater than 20 percent in its Residential HEAT Loan program and both its Residential and Commercial and Industrial ("C&I") Sponsorship programs. The Council has the authority to conduct its review pursuant to section 3.8.1(3) of the Guidelines. See *supra* at II.

Throughout its implementation of the Three-Year Plan, the Compact maintains as its highest priority the achievement of its approved portfolio level savings goals in a cost-effective manner. To this end, the Compact requires the increase in certain hard-to-measure program budgets to meet customer demand and to support the seamless administration of its Three-Year Plan. The table below provides a summary of the proposed budget increases.

Program	2013-2015 Planned Budget	2013-2015 Projected Budget ¹	Additional Budget Requested	Percentage Change from Approved Plan
Residential HEAT Loan	\$900,000	\$2,287,870	\$1,387,870	154%
Residential Sponsorship	\$17,114	\$25,524	\$8,410	49%
C&I Sponsorship	\$14,411	\$28,747	\$14,336	99%

Note: Since each of these programs are hard-to-measure, the Compact's annual and lifetime savings by sector and in total will not be affected by the proposed mid-term modifications.

¹ This column reflects the 2013 plan year report actuals plus projections for 2014 and 2015.

A. Hard-to-Measure - Residential HEAT Loan

The Compact is seeking a \$1,387,870 increase to its Three-Year Plan budget for the hard-to-measure Residential Heat Loan program. With the recent expansion of offerings in the HEAT Loan program, the Compact has experienced exponential growth in its HEAT Loan program. Due to an increase in statewide promotion of the HEAT Loan, by both the Program Administrators and the Department of Energy Resources, the HEAT Loan program has grown significantly in terms of popularity and use. The Compact continues to offer a HEAT Loan to all eligible customers as it allows customers to implement energy efficiency measures that they may not have been able to do without financing. The Compact values this program offering as it allows its customers to go “deeper” in terms of energy efficiency installations. Absent the requested budget adjustment the Compact would be forced to suspend the HEAT Loan program. The Compact respectfully requests the Council’s support of a mid-term modification to increase its budget to accommodate its interested customers through the end of the Three-Year Plan term.

B. Hard-to-Measure - Residential & C&I Sponsorship

The Compact is seeking relatively nominal increases to its Residential and C&I hard-to-measure Sponsorship program of \$8,410 and \$14,336, respectively. With this aggressive Statewide Three-Year Plan, the Compact (as part of the statewide efforts) has been asked to sponsor more events and activities to continue promotion of the Commonwealth’s energy efficiency goals. To accommodate this increased demand, the Compact is proposing nominal increases to its Sponsorship programs. While the proposed increase is small in absolute dollars, these activities do allow for participation in events that help to market the programs and ensure collaboration with other statewide Program Administrators in their sponsorship of organizations such as NEEP, CEE, and other energy efficiency partners whose work supports the statewide programs.

C. Proposed Council Resolution

For the Council’s consideration, the Compact has prepared a proposed resolution, which supports the Compact’s proposed mid-term modifications. See Attachment A.

IV. FUTURE REPORTING

The Compact does not intend on revising its approved Three-Year Plan goals to reflect these mid-term modifications. Rather, all future reporting on its Three-Year Plan will report and compare actual results to the Department approved budgets and goals. Assuming Council support of the proposed mid-term modifications, any variances related to the proposed budget increases will be explained by reference to the Council’s resolution supporting the Compact’s mid-term modification.

ATTACHMENT A

**Resolution of the Energy Efficiency Advisory Council
Regarding Proposed Mid-Term Modification
by the Cape Light Compact**

Adopted September 9, 2014

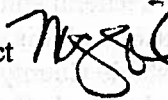
The Energy Efficiency Advisory Council (“EEAC”) is committed to achieving the savings and benefits of the Three-Year Plans. After review and consideration of the Cape Light Compact’s proposed mid-term modification, as set forth in Attachment A and summarized below, the EEAC exercises its authority, pursuant to Section 3.8.1 of the Energy Efficiency Guidelines, dated January 31, 2013, and supports the Compact’s mid-term modification as proposed and directs that this resolution be transmitted in full to the Department of Public Utilities.

Cape Light Compact

Program	Additional Budget
Residential HEAT Loan	\$1,387,870
Residential Sponsorship	\$8,410
C&I Sponsorship	\$14,336

For future reporting in the Three-Year Plan, the EEAC understands that the Cape Light Compact will not be revising its approved Three-Year Plan goals to reflect these mid-term modifications. All future reporting on the Three-Year Plan will report and compare actual results to the Department-approved budgets and goals. This resolution may be submitted to the Department of Public Utilities to support any variance explanations related to the mid-term modifications supported here.

July 16, 2014

To: Cape Cod and Martha's Vineyard Town Managers/Administrators
and County Administrators
From: Maggie Downey, Administrator, Cape Light Compact 
RE: Matters Relating to D.P.U. 14-69

Background

One of the Cape Light Compact ("Compact") Board members notified me that his Board of Selectmen questioned the role of Compact member towns and counties in the Compact's Aggregation Plan proceeding before the Department of Public Utilities ("DPU"). As a result, I thought it would be helpful to prepare this memorandum regarding the Compact's involvement and legal representation in the proceeding before the DPU for the review and approval of the Compact's revised Aggregation Plan. The DPU docketed this matter as D.P.U. 14-69.

The Compact Governing Board

In 1997, the Compact was formed by inter-governmental agreement ("IGA") pursuant to G.L. c. 164, §134, G.L. c. 40, §4A after individual town meeting authorizations in each of the Barnstable and Dukes County towns, which became members. Pursuant to the IGA, the member towns and counties have appointed representatives to act on their behalf. See IGA at Article III. The appointed representative is a member of the Compact's Governing Board, and is authorized to act on behalf of his or her appointing Town or County, and acts in accordance with the IGA. See generally, IGA at Articles II through IV. In turn, the Compact Governing Board has delegated the Compact's day-to-day administration and operations to me as the Compact's Administrator.

Background and D.P.U. Procedural History

The Compact's Governing Board *voted unanimously* to file a revised aggregation plan with the DPU for its review and approval, *after* engaging in an extensive public review process, including a seven week written comment period and meetings with the Office of the Attorney General and the Department of Energy Resources.

The purpose of the DPU proceeding is to review the revisions to the Compact's aggregation plan, pursuant to a scope of review that is clearly limited by DPU precedent. To date the Attorney General has consistently attempted to broaden the scope of the proceeding and relitigate issues it has lost in two other aggregation cases (Lowell and Hampshire Council of Governments). The Compact has opposed these efforts because the Compact believes it is following the directive of the DPU as well as the intent of the enabling legislation and prior decisions. The Attorney General has appealed the Compact's objections to the DPU. The DPU will decide on what information is to be

provided by the Compact in this proceeding and the Compact will comply with the DPU's decision.

The Compact is not attempting to withhold information. The Compact has previously stated by telephone, in a meeting with representatives of the Attorney General and in a letter dated July 11, 2014, that it is willing to continue to meet with the Office of the Attorney General and provide information and/or documents on matters that are outside the scope of this proceeding, including any information that relates to a request by the Barnstable County Assembly of Delegates relative to the Compact. The Attorney General has declined all of the Compact's offers.

The legal strategies and related legal decisions pertaining to D.P.U. 14-69 have been discussed by and among the Compact Governing Board, the Compact's legal counsel (BCK Law, P.C.) and Compact staff during executive sessions convened during the Governing Board's regularly scheduled Board meetings and in written communications. The Compact Governing Board has been regularly informed, supports and has, directly or through me, authorized the Compact's legal positions in this proceeding. During the public portions of the Compact's Board meetings, I have provided periodic updates on the status of the proceeding.

Compact's Legal Counsel

BCK Law, P.C. ("BCK") is counsel to the Compact, which consists of the twenty-one member towns and two counties acting together pursuant to the IGA. It is *not* counsel to the individual member towns or counties with respect to Compact matters. For the past seventeen years (17), the language included in virtually all of the documents prepared by BCK on behalf of the Compact submitted to regulatory agencies (with copies sometimes sent to other town officials including town counsel), is as follows (indicating of course the particular filing at issue):

On behalf of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together as the Cape Light Compact (the "Compact"), please accept this letter as the Compact's response in opposition to the Office of the Attorney General's ("Attorney General") Motion Seeking Leave to File Reply Comments ("Motion") filed on July 3, 2014 with the DPU of Public Utilities' (the "DPU") in the above referenced proceeding.

See, e.g., Compact Response to AG's Motion Seeking Leave to Reply filed July 8, 2014, D.P.U. 14-69.

The operative and important language is underlined. The clause "acting together as the Cape Light Compact" modifies the listing of the individual towns. If BCK was retained on behalf of the individual towns for these matters this clause would state "individually and acting together as the Cape Light Compact." The wording as it stands

clearly means that BCK is representing the Compact, which consists of the 21 towns and two counties, as listed, and operating together pursuant to the IGA.

It should also be noted that the DPU itself in all proceedings involving the Compact, lists each of the towns and counties and then states "acting together as the Cape Light Compact."

If you, or your Board/Council, have any questions about this issue or would like to discuss the Compact's Aggregation Plan further, please let me know and I will be available to meet.

Cc: Cape Light Compact Board
Cape Light Compact Member Boards of Selectmen and Town Council



ATTORNEYS AT LAW

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to practice in District of Columbia,
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July 14, 2014

VIA ELECTRONIC MAIL ONLY

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Richard Elkin, Town of Wellfleet
(relkin@capelightcompact.org)
Sue Hruby, Town of West Tisbury
(shruby@capelightcompact.org)

RE: Eric Bibler Email, dated July 10, 2014

Dear Compact Governing Board:

On July 10, 2014, Eric Bibler distributed an email alleging the response of the Cape Light Compact ("Compact") to an information request from the Office of the Attorney General ("Attorney General") in the ongoing aggregation plan revision

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proceeding, D.P.U. 14-69, was “false.” As more fully discussed below, this allegation is incorrect.

1. **The Attorney General’s Inquiry and the Compact’s Response.**

On May 30, 2014, the Attorney General served her first set of information requests to the Compact in D.P.U. 14-69, the proceeding for the review and approval of revisions to the Compact’s Aggregation Plan. The Attorney General proffered the following question:

AG 1-2 Please provide copies of each of the Cape Light Compact’s Fiscal Year Operating Fund Budgets hosted at the Cape Light Compact’s web site at <http://www.capelightcompact.org/budgets/>.

Attorney General Information Request AG-12, D.P.U. 14-69 (May 30, 2014). On June 13, 2014, the Compact provided the following response:

Response The Compact objects to this question as it seeks information that is outside the scope of the Department’s review of the revisions to the Compact’s Aggregation Plan, pursuant to G.L. c. 164, §134(a); is not relevant to the issues raised in this proceeding; is not necessary to the establishment of a complete and accurate record and will not likely lead to the discovery of admissible evidence. Without waiving these objections, the Compact states:

The information sought is publicly available and readily obtainable by the Office of the Attorney General on the Compact’s website.

Witness responsible
Margaret T. Downey, Administrator, Cape Light Compact

Cape Light Compact Response to AG 1-2, D.P.U. 14-69 (June 13, 2014).

2. **The Alleged Falsity.**

Mr. Bibler asserts that the Compact’s response is false because on July 10, 2014 the Compact’s 2015 fiscal year budget (“FY 2015 budget”) was not available on the Compact’s website. The incorrectness of his assertion is patent.

The Attorney General’s inquiry was limited to the budgets that are “hosted at the Compact’s web site.” At the time of the inquiry and the Compact’s response, the budgets available were through the 2014 fiscal year, as the response occurred during the last

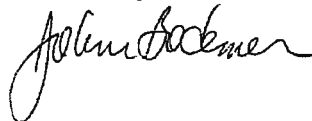
Compact Governing Board
July 14, 2014
Page 3

month of the 2014 fiscal year.

The FY 2015 budget as passed by the Compact Board at its June 11, 2014 meeting was not yet available on the Compact's website. A fiscal year budget is generally not posted until the minutes of the meeting in which the budget was reviewed and approved are themselves approved. The approval of the June 11, 2014 Compact Board meeting minutes occurred at the July 9, 2014 meeting. The approval of the minutes by the Board at its July 9, 2014 meeting confirms its acceptance of the FY 2015 budget. With the minutes approved, the FY 2015 budget is now available for posting on the Compact's website.

In sum, contrary to Mr. Bibler's allegations, the Compact's response as prepared and filed was, and continues to be, accurate. Please feel free to contact either of us directly should you have any questions.

Sincerely,



Jo Ann Bodemer
Jeffrey M. Bernstein

JAB/kch

cc: Office of the Attorney General
Margaret T. Downey, Administrator, Cape Light Compact



ATTORNEYS AT LAW

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

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July 14, 2014

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Sue Hruby, Town of West Tisbury
(shruby@capelightcompact.org)

RE: Chris Powicki Email, dated July 7, 2014.

Dear Compact Governing Board:

On July 7, 2014, Chris Powicki distributed an email alleging, among other things, that the response of the Cape Light Compact ("Compact") to an information request from the Department of Public Utilities ("Department") in the ongoing aggregation plan

revision proceeding, D.P.U. 14-69, was "incomplete and misleading." As more fully discussed below, this allegation is incorrect.

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1. The Department's Inquiry and the Compact's Response.

On May 8, 2014, the Department served its first set of information requests to the Compact in D.P.U. 14-69, the proceeding for the review and approval of revisions to the Compact's Aggregation Plan. The Department proffered the following question:

DPU 1-29 Refer to Cape Light Compact, D.T.E. 00-47, at 27. Please explain how the Compact presented to its customers the competitive supplier's fuel mix, emissions, labor characteristics for 2012 through 2013. Provide copies of all relevant documents, including presentation materials, bill inserts, and screenshots of the Compact's website.

Department of Public Utilities Information Request DPU 1-29, D.P.U. 14-69 (May 8, 2014). On May 22, 2014, the Compact provided the following response:

Response The Compact maintained a full disclosure label including fuel mix, emissions, and labor characteristics on its web site during 2012-2013 (www.capelightcompact.org/disclosurelabel). See DPU 1-28 for further details.

Witness responsible
Margaret T. Downey, Administrator, Cape Light Compact

Cape Light Compact Response to Information Request DPU 1-29, D.P.U. 14-69 (May 22, 2014).

The Compact's response to information request DPU 1-28 contained details regarding the Compact's commitment to providing the required disclosure to consumers and the process it will use. In addition, the Compact's response to information request DPU 1-28 provided a copy of a newly designed "consumer friendly" notice for distribution to customers and an explanation of its purpose, i.e., to provide basic information in a user-friendly manner with a link to the Compact's web site for more detailed information.

2. The alleged incompleteness.

Mr. Powicki contends that the Compact's response was misleading and incomplete because it did not provide copies of certain 2012-2013 disclosure labels that were posted to the Compact's web site and a few of which were reposted with revised information.

The Compact respectfully disagrees with Mr. Powicki's interpretation of the Department's inquiry and the scope of the Compact's response. The inquiry was seeking

Compact Governing Board

July 14, 2014

Page 3

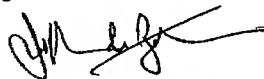
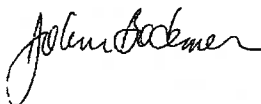
an explanation of the methodology used by the Compact to provide the required consumer disclosure information during the 2012-2013 time period. The question did not ask for every disclosure statement prepared. Nor did the question ask for any drafts and/or corrections made by the Compact during this time period. If the Department had sought historical information of this kind, it would have expressly asked for it.

The Department's request for documents and presentations was for the singular purpose of providing an example of the various methods the Compact may have employed to provide the consumer disclosure. The Compact's response noted that the method of disclosure during that time period was through posting on the Compact's web site, with a reference to the proper web site location. The Compact's response to DPU 1-28 provided additional general information regarding the Compact's current methods for providing the requisite consumer disclosures.

It should also be noted that since the Department's first set of information requests, it has served the Compact with three additional sets of information requests. Many of these were follow-up questions seeking further explanation or clarification of the Compact's earlier responses. In other words, if the Department required additional information from the Compact or was not satisfied with the Compact's response regarding its consumer disclosures during 2012-2013, it would have asked for additional information in its subsequent requests. The Department did not do so.

In sum, contrary to Mr. Powicki's characterization, the Compact's answer was responsive to the Department's request and accepted by the Department as such. Please feel free to contact either of us directly should you have any questions.

Sincerely,



Jo Ann Bodemer
Jeffrey M. Bernstein

JAB/kch

cc: Carbon Copies to Chris Powicki email dated July 7, 2014
Margaret T. Downey, Administrator, Cape Light Compact