



CAPE LIGHT COMPACT

Minutes of Meeting: March 25, 2009

Revised to conform with comments prior to approval on May 13, 2009

Attendance: D Anthony, J Burns, P Cabana, M Downey, F Fenlon, K Galligan, J Hodgkinson, J Howard, K. Johnson, D Keuch, S Lempitski, R Mahoney, V Marchant, R Philbrick, R Schofield, J Soares, M Song, L Stranger, B Worth, A Voll, J Sexton, L. Caporelli, J Bernstein

Public Comment: none

Introduction: R Schofield introduced Liz Caporelli as the newly appointed Alternate Representative from Bourne.

Minutes: Several corrections were introduced for the February minutes prior to their approval. Revised copy will be forwarded for filing

Economic Stimulus Opportunity: Concerning Federal Block Grants for energy efficiency projects, M Downey noted that the Towns of Falmouth, Barnstable and Yarmouth are large enough to qualify for receiving block grants directly from the Federal Authorities. For the remaining towns on the Cape, it is possible for the County of Barnstable to offer technical assistance in grant writing and coordinating the grant applications. She noted that John Burns has already developed a list of larger projects which are ready to go which would be included in these applications. It was noted that the towns have not yet been notified about these grants. After some discussion, the following motion was made and passed unanimously:

Motion by P Cabana, seconded by K Johnson: The County of Barnstable to take the lead in the coordination and development of applications for all eligible towns, except Yarmouth, Barnstable and Falmouth related to Federal Block Grants

Action on Proposed CLC By-Law: Shared Legal Representation Involving Members of Other Public Entities. _ The proposed change in the ByLaws of the Compact has been in hands of Governing Board members since last month. J Bernstein was there to answer questions. Basically, the change relates, at this point to situations where counsel is asked to represent its Members or other entities (like the Cape and Vineyard Electric Coop) in matters in which the Compact has a direct or substantial interest without violating G.L.c. 268A. Prior to asking counsel to represent the Compact, the Governing Board will determine whether conflict of interest exists and then counsel will perform their own evaluation of the issue.

After some discussion where F Fenlon was concerned with his interpretation of the code of professional responsibility, with a response from Mr. Bernstein, satisfying the other members of the Board,

A motion by John Hodgkinson, seconded by P Cabana was made to accept the proposed bylaw change. It passed by a roll-call vote of 10 positive, no negative and one abstention.

Details of the roll call follow:

Edgartown	Yes
Dennis	Yes
Harwich	Yes
Yarmouth	Yes
Barnstable	Yes
Wellfleet	Yes
Bourne	Yes
Tisbury	Yes
Brewster	Yes
Eastham	Abstain
Orleans	Yes
Mashpee	Yes

Open Meeting Law update: J Bernstein detailed recent changes in the Open Meeting Law for Aggregators concerning their obligation to disclose sensitive or confidential information. In particular it will enable the Compact to meet in Executive Session at a full body or as a Power Supply Committee, for example to discuss the merits and confidential information concerning power supplier bidding. This change goes into effect on March 30, 2009.

Executive Session. Upon Motion by K Johnson, seconded by J Howard the Governing Board entered Executive Session at 230PM, after a unanimous positive vote. Purpose of the Executive Session was to discuss litigation strategy on DPU 08-113 with intention to return to public session at end of discussion. The Board returned to Public Session at 337PM

Default Service Adjustment: M Downey reported that after a long struggle and much effort by the Compact, DPU has finally scheduled a public hearing DPU-09-26 for April 8, 2009 in Boston. Since the Compact has been concerned, but the NStar keeps minimizing the affect this current agreement has on electric prices, it is important for the Compact to have a significant presence at the hearing that day. Any Governing Board members who can attend are urged to do so. Several will be assigned points to be made in the oral testimony to be taken that day. Let M Downey know if you are available to attend.

Power Supply Issues-J Soares

- He detailed the contents of the letter which has been forwarded to each town, reporting that municipal rates are being reduced from 12.6 cents to 10.999 cents for the period from the April meter read to January 1, 2010. This is a reduction back to the rates which were in effect on July 2007 and results in a reduction of 13% for each municipality.
- An RFP has been issued after meetings with many town officials and the Power Advisory Committee asking for bids on only the municipal load, for the period from January 1, 2010 to July 2011, an 18 month period. Bids will be back on April 15, evaluated by staff and discussed with town officials at a meeting to held on April 16 at 830AM in Barnstable. The towns will have the opportunity to accept the bids and sign contracts, individually with this successful supplier, return to CLC rates or obtain a supplier on their own. Commitments, if they are to be made, will be required by the close of business on April 17.

- Mr. Soares noted that Con Edison board is being asked today to agree to a one year extension of our current power supply contract. If this is approved, we will expect ConEdison Solutions to start immediately to go out into market place to begin purchasing energy for our supply during 2010. They have also been made aware that for 2011, the Compact will go out for bid for full energy supply for our total aggregation.

Net Metering Proceeding- M Downey reported that under DPU 08-75, we are commenting on the proceeding. Major issue is whether net metering is indeed going to be considered for loads which are not behind the meter. We had thought that was settled but the wording in the Green Communities Act is not that specific. If this is not the case, the virtual net metering we have counted upon for successful application of wind turbines in municipalities is in jeopardy.

Cape and Vineyard Electric Coop. (CVEC)- M Downey

- Con Edison full Board of Directors is today, considering approval of the agreement between CVEC and ConEdison Solutions for the large PV project involving installations in many Cape Towns. If they approve the documents, they will be brought to the CVEC Executive Committee for approval on Friday of this week.
- Membership in CVEC has been expanded to include both Harwich and Brewster and at the 3/27/09 Executive Committee Meeting, they will consider addition of Tisbury and Dennis.
- After discussion concerning the makeup of the Executive Committee of the CVEC Board, the following action was taken

Motion by P Cabana, Seconded by D Anthony- That Cape Light Compact continue to have a representative on the Executive Committee of the CVEC- Passed in affirmative by unanimous vote

Motion by P Cabana ,second by J Sexton- Suggest that the CVEC Executive Committee of the CVEC be expanded by the addition of two additional at Large members. Passed with the Town of Barnstable voting against the motion

Orleans Renewable Energy Committee J Hodgkinson reported that the town has a feasibility study which recommends a 600KW turbine be developed by the town and installed in a public watershed. He has recommended that the Renewable Energy Committee consider working with the CVEC on this project.

Streetlights- B Worth reported that he has reviewed the most recent bill for streetlights for Harwich and is satisfied that they are being billed correctly on Rate 2. R Schofield will make a similar review prior to our next meeting and report back to the board.

Chairman's Report- R Mahoney reported on his attendance at the following places during the past month:

- Marston's Mills Energy Fair where 600 students participated
- March 5- Executive Committee Goal Setting meeting
- March 15- Press meeting on the 2009 Energy Efficiency Plan
- March 18- Assembly of Delegates budget review meeting

Executive Committee Goals- The following goals were set by the group and are presented as follows:

1. To support and continue to promote the development and benefits of the CVEC

2. To develop a package of resources to help Governing Board Members to be effective in informing/explaining the impact and opportunities associated with the Green Communities Act.
3. To achieve more effective public education and outreach on Compact efforts (especially with each town's board of selectmen) and support establishment and participation in the town's energy committee.
4. To continue identifying, assessing and tracking relevant proposed legislation and DPU and DOER regulations, activities and requirements. Also, to work in a mutually cooperative and supportive manner with staff on analysis, input and participation on filings, legislation and pertinent meetings.

Other business: F Fenlon asked about efforts to promote some of the new programs being developed in Energy Efficiency and whether his efforts were appropriate. K Galligan replied that he was not in favor of doing any promotion on these issues until they are approved by DPU.

Barry R Worth
Secretary