

**Cape Light Compact  
Governing Board and Executive Committee  
Open Session Meeting Minutes  
Wednesday, April 13, 2016**

The Cape Light Compact Governing Board and Executive Committee met on Wednesday, April 13, 2016 in the Innovation Room, Open Cape Building, Barnstable County Complex, 3195 Main Street, Barnstable MA 02630 at 11:30 a.m.

**PRESENT WERE:**

1. Joyce Flynn, Chairwoman, Yarmouth
2. Robert Schofield, Vice-Chair, Bourne @ 11:45
3. Peter Cocolis, Treasurer, Chatham
4. Ronald Zweig, Secretary, Falmouth
5. Sheila Lyons, Barnstable County @ 1:20
6. Richard Toole, Member at Large, Oak Bluffs
7. David Anthony, Barnstable
8. Deane Keuch, Brewster
9. Brad Crowell, Dennis
10. Fred Fenlon, Eastham
11. Valerie Bell, Harwich
12. Joseph Buteau, Truro
13. Thomas Donegan, Provincetown @ 11:40
14. Joshua Peters, Sandwich
15. Richard Elkin, Wellfleet
16. Paul Pimentel, Edgartown
17. Sue Hruby, W. Tisbury – by phone

**ABSENT WERE:**

18. Michael Hebert, Aquinnah
19. Tim Carroll, Chilmark
20. John Ally, Dukes County
21. Tisbury – vacant
22. Mashpee - vacant
23. Chris Galazzi - Orleans

Members physically present: 16  
Members participating by phone: 1

**LEGAL COUNSEL**

Jeff Bernstein, Esq., BCK Law, PC

**STAFF PRESENT:**

Maggie Downey, Administrator  
Austin Brandt, Power Supply Planner  
Lindsay Henderson, Analyst

**CONSULTANTS**

Kevin Galligan, Galligan Energy Consulting, Inc.

Chr. Flynn called the meeting to order at 11:35 a.m. stating the Meeting Notice/Agenda had been duly posted on the Cape Light Compact website in accordance with the Open Meeting Law. The Chair acknowledged remote participation of S. Hruby who was unable to attend due to other obligations.

**PUBLIC COMMENT**

There were no members of the public present.

## CONSIDERATION OF MEETING MINUTES

The Board considered the March 9, 2016 Meeting Minutes. *D. Anthony moved the Board vote to accept the minutes, seconded by P. Cocolis and voted by roll call as follows:*

1. <i>D. Anthony – Barnstable</i>	<i>Yes</i>	9. <i>R. Toole – Oak Bluffs</i>	<i>Yes</i>
2. <i>D. Keuch – Brewster</i>	<i>Yes</i>	10. <i>J. Peters – Sandwich</i>	<i>Yes</i>
3. <i>P. Cocolis – Chatham</i>	<i>Yes</i>	11. <i>J. Buteau – Truro</i>	<i>Abs</i>
4. <i>B. Crowell – Dennis</i>	<i>Abs</i>	12. <i>S. Hruby – W. Tisbury</i>	<i>Yes</i>
5. <i>F. Fenlon – Eastham</i>	<i>Yes</i>	13. <i>J. Flynn – Yarmouth</i>	<i>Yes</i>
6. <i>P. Pimentel – Edgartown</i>	<i>Abs</i>		
7. <i>R. Zweig – Falmouth</i>	<i>Abs</i>		
8. <i>V. Bell – Harwich</i>	<i>Abs</i>		

*Motion carried in the affirmative (8-0-5)*

T. Donegan arrived at 11:40 am and R. Schofield arrived at 11:45 am.

## TREASURER'S REPORT

P. Cocolis reviewed the energy efficiency fund budget for the end of calendar year 2015. He stated that 93.5% of the budget was spent and that the money that was not spent in 2015 gets reconciled with the energy efficiency reconciliation factor and filed with the DPU to correct the charges to ratepayers<sup>1</sup>. For future reports, the Board Members stated that they would like to see bullets with the main points of the report as there is a lot of information.

P. Cocolis then reviewed the energy efficiency fund budget for calendar year 2016 for the month of January. R. Toole asked why the budget was less than last year and M. Downey stated that it is based upon demand and many factors. She also stated that the high budgets that we have seen are not sustainable and will be decreasing over time with changes in code<sup>2</sup> and opportunities, and also to remember that this is the first year of a 3 year plan. M. Downey reminded the Board that our financial records are posted to the Compact's website every 6 months. There is also a graph on the website that displays what the bill impact is for a customer for the energy efficiency programs.

P. Cocolis reviewed the FY16 operating fund budget which showed that 66.3% has been spent through 4/11/16. He stated that the Board will need to approve a supplemental budget request in the Salaries, Marketing and Retirement accounts.

P. Cocolis reviewed the Contract Summary sheet listing Contracts and Amendments he has approved, since the last Board meeting, which have been forwarded to the County Commissioners for execution and requested the Board vote to ratify his actions. M. Downey stated that the Compact issues Requests for Proposals for the majority of energy efficiency service programs although they are exempt from Ch. 30B procurement laws pursuant to the energy related services exemption. She stated that there are some RFPs that are done statewide through other Program Administrators and even though the Compact participates in these RFPs and review the proposals, we generally do not receive the final documents. *R. Schofield moved the board vote to ratify the actions of the Compact Treasurer relative to Compact contracts from March 9, 2016 through April 13, 2016. The Compact Administrator is authorized and directed to take all actions necessary or appropriate to*

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<sup>1</sup> This correction will be made in the Compact's Energy Efficiency Reconciliation Factor (EERF) filing with the Department of Public Utilities. Unspent 2015 funds are rolled-over into the 2016 a revenue stream.

<sup>2</sup> New building codes therein require more stringent energy efficiency requirements.

implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote, seconded by P. Pimentel and voted by roll call as follows:

- |                            |     |                               |     |
|----------------------------|-----|-------------------------------|-----|
| 1. D. Anthony – Barnstable | Yes | 10. R. Toole – Oak Bluffs     | Yes |
| 2. R. Schofield – Bourne   | Yes | 11. T. Donegan – Provincetown | Yes |
| 3. D. Keuch – Brewster     | Yes | 12. J. Peters – Sandwich      | Yes |
| 4. P. Cocolis – Chatham    | Yes | 13. J. Buteau – Truro         | Yes |
| 5. B. Crowell – Dennis     | Yes | 14. S. Hruby – W. Tisbury     | Yes |
| 6. F. Fenlon – Eastham     | Yes | 15. J. Flynn – Yarmouth       | Yes |
| 7. P. Pimentel – Edgartown | Yes |                               |     |
| 8. R. Zweig – Falmouth     | Yes |                               |     |
| 9. V. Bell – Harwich       | Yes |                               |     |

Motion carried in the affirmative (15-0-0)

### **CHAIRMAN’S REPORT**

Chr. Flynn stated that she has become aware that Compact staff has a lot of vacation time accrued and encouraged them to use their time.

### **ADMINISTRATOR’S REPORT**

- **Draft of FY17 Operating Budget**  
M. Downey reviewed the draft FY17 operating fund budget. The FY16 budget on this sheet included the supplemental budget that is assumed to be approved by the Board at this meeting. She stated that she had been directed in the past to bring a draft budget to the Board in April to allow for review time. M. Downey pointed out new line items and stated that we don’t have final numbers for some of the lines at this time. The Compact has accruals on the balance sheet and should develop a plan to address and eliminate this liability. She stated that the proposed legal budget does not include funding for a rate case, which would be a heavy lift, and the budget also does not include general expenses such as room rentals for meetings.
- **Update on Administrative Services Agreement**  
M. Downey stated that she has several meetings with the County Administrator, Finance Director and County Counsel regarding the Compact and County’s relationship. M. Downey has been working with County Administration to work through several issues, and the County’s biggest concern is the liability with signing contracts. J. Bernstein stated that since the funds are the Compact’s the County is really just an agent of CLC. D. Anthony stated that Barnstable is willing to entertain discussion about becoming fiscal agent.
- **Out of State Travel Request**  
M. Downey received an award from the US Department of Energy’s Women in Energy and is a member of this association and there is a symposium meeting twice a year. The spring meeting is in Palo Alto, CA 5/30/16-6/2/16 and the estimated cost is about \$1,500.
- **Board Meeting Calendar Invites**  
M. Downey stated that L. Henderson will be sending out new meeting invites for the Board Meetings.
- **Other**  
M. Downey stated that there are some vacancies on the Board vacancies for the towns of Mashpee, Orleans and Tisbury.

### **BOARD MEMBER UPDATE**

No updates from members of the Board.

Break 12:55 – 1:15 pm

S. Lyons arrived at 1:21 pm.

**SUPPLEMENTAL FY16 BUDGET REQUEST**

M. Downey presented the supplemental budget for FY16. R. Schofield moved the Board to approve the supplemental budget request to the Compact’s FY16 operating budget as presented. The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote, P. Pimental seconded and voted by roll call as follows:

- |                                 |     |                               |     |
|---------------------------------|-----|-------------------------------|-----|
| 1. D. Anthony – Barnstable      | Yes |                               |     |
| 2. S. Lyons – Barnstable County | Yes | 11. R. Toole – Oak Bluffs     | Yes |
| 3. R. Schofield – Bourne        | Yes | 12. T. Donegan – Provincetown | Yes |
| 4. D. Keuch – Brewster          | Yes | 13. J. Peters – Sandwich      | Yes |
| 5. P. Cocolis – Chatham         | Yes | 14. J. Buteau – Truro         | Yes |
| 6. B. Crowell – Dennis          | Yes | 15. S. Hrubby – W. Tisbury    | Yes |
| 7. F. Fenlon – Eastham          | Yes | 16. J. Flynn – Yarmouth       | Yes |
| 8. P. Pimentel – Edgartown      | Yes |                               |     |
| 9. R. Zweig – Falmouth          | Yes |                               |     |
| 10. V. Bell – Harwich           | Yes |                               |     |
- Motion carried in the affirmative (16-0-0)

**ENERGY EFFICIENCY UPDATE**

**Clarifying Commercial & Industrial Programs**

M. Downey reminded the Board that M. Song had presented the question at the last Board meeting at to whether or not the budget criteria for certain social and cultural non-profits would apply to the non-profit as a whole or each site individually. D. Anthony moved the Board to approve application of budget criteria to each site rather than the entire organization. The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote, R. Schofield seconded and voted by roll call as follows:

- |                                 |     |                               |     |
|---------------------------------|-----|-------------------------------|-----|
| 1. D. Anthony – Barnstable      | Yes |                               |     |
| 2. S. Lyons – Barnstable County | Yes | 11. R. Toole – Oak Bluffs     | Yes |
| 3. R. Schofield – Bourne        | Yes | 12. T. Donegan – Provincetown | Yes |
| 4. D. Keuch – Brewster          | Yes | 13. J. Peters – Sandwich      | Yes |
| 5. P. Cocolis – Chatham         | Yes | 14. J. Buteau – Truro         | Yes |
| 6. B. Crowell – Dennis          | Yes | 15. S. Hrubby – W. Tisbury    | Yes |
| 7. F. Fenlon – Eastham          | Yes | 16. J. Flynn – Yarmouth       | Yes |
| 8. P. Pimentel – Edgartown      | Yes |                               |     |
| 9. R. Zweig – Falmouth          | Yes |                               |     |
| 10. V. Bell – Harwich           | Yes |                               |     |
- Motion carried in the affirmative (16-0-0)

**EXECUTIVE COMMITTEE MINUTES**

*P. Cocolis moved to approve the Executive Committee minutes of March 21, 2016, R. Schofield seconded. Approved (4-0-1) with R. Zweig abstaining.*

*R. Elkin arrived at 1:45 p.m.*

**GRID MODERNIZATION AND PLANS FILED BY MASSACHUSETTS DISTRIBUTION COMPANIES (DPU 15-120, 15-121 AND 15-122), AND OVERVIEW OF MICRO GRIDS**

Austin Brandt presented an overview of the Grid Modernization plans that have been filed with the Department of Public Utilities. M. Downey stated that the Compact is waiting to review the evaluation of National Grid’s pilot that it did in Worcester, to see how aspects of that pilot may benefit the ratepayers on Cape Cod and Martha’s Vineyard. She stated that it will be very important to educate consumers.

K. Galligan presented an overview of micro grids, including what a micro grid is and the value of them.

**EXECUTIVE SESSION**

*At 2:45 p.m. Chr. Flynn moved the Board to enter into executive session for the purpose of litigation strategy related to DPU 15-181, DPU 16-05, DPU 16-07, DPU 15-122 and DPU 15-120 pursuant to G.L. c. 30A §21(a)(3) and discussion of confidential power supply contracts including trade secrets or confidential competitively sensitive or other proprietary information pursuant to G.L. c. 30A § 21(a)(10). She declared in open session that an open meeting may have a detrimental effect on the bargaining or litigating position of the Cape Light Compact. She said the Board will not reconvene in Open Session at the conclusion of the Executive Session.*

*Seconded by R. Schofield and voted by roll call as follows:*

- |  |            |                                      |            |
|--|------------|--------------------------------------|------------|
| <i>1. D. Anthony – Barnstable</i>      | <i>Yes</i> |                                      |            |
| <i>2. S. Lyons – Barnstable County</i> | <i>Yes</i> | <i>11. R. Toole – Oak Bluffs</i>     | <i>Yes</i> |
| <i>3. R. Schofield – Bourne</i>        | <i>Yes</i> | <i>12. T. Donegan – Provincetown</i> | <i>Yes</i> |
| <i>4. D. Keuch – Brewster</i>          | <i>Yes</i> | <i>13. J. Peters – Sandwich</i>      | <i>Yes</i> |
| <i>5. P. Cocolis – Chatham</i>         | <i>Yes</i> | <i>14. J. Buteau – Truro</i>         | <i>Yes</i> |
| <i>6. B. Crowell – Dennis</i>          | <i>Yes</i> | <i>15. R. Elkin - Wellfleet</i>      | <i>Yes</i> |
| <i>7. F. Fenlon – Eastham</i>          | <i>Yes</i> | <i>16. S. Hruby – W. Tisbury</i>     | <i>Yes</i> |
| <i>8. P. Pimentel – Edgartown</i>      | <i>Yes</i> | <i>17. J. Flynn – Yarmouth</i>       | <i>Yes</i> |
| <i>9. R. Zweig – Falmouth</i>          | <i>Yes</i> |                                      |            |
| <i>10. V. Bell – Harwich</i>           | <i>Yes</i> |                                      |            |

*Motion carried in the affirmative (17-0-0)*

Respectfully submitted,  
Lindsay Henderson

**LIST OF DOCUMENTS & EXHIBITS**

- Meeting Notice/Agenda
- March 9, 2016 Meeting Minutes – draft
- Summary of Contracts – March 9, 2016 – April 13, 2016
- FY16 Operating Budget Report dated 4/11/16
- 2015 EE Budget Report
- 2016 EE Budget Report
- Supplemental Operating Budget Request for FY16

- Draft FY17 Budget
- Out of State Travel Request for M. Downey
- Non-Profit Update
- Micro-grids: An Overview What, Why & Where (presentation and white paper)
- Grid Modernization Overview (presentation and summary)
- March 30, 2016 Compact Petition for Leave to Intervene in DPU 15-122
- March 30, 2016 Compact Petition for Leave to Intervene in DPU 15-120