

# **Cape Light Compact Governing Board Meeting**

**DATE:** Wednesday, March 11, 2015  
**LOCATION:** Rooms 11&12, Superior Courthouse, Barnstable  
**TIME:** 2:00 – 4:30 p.m.

## **AGENDA**

- 2:00 Open Session Vote on Entry into Executive Session and Required Declarations of the Chair – 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)
- 2:45 Public Comment
- 2:55 Approval of Minutes
- 3:00 Treasurer’s Report, Peter Cocolis  
Discussion and potential vote on contract process
- 3:10 Energy Efficiency Program
1. 2015 Mid Term Modification (MTM) Discussion and potential vote, Margaret Song
  2. Discussion and Potential Vote on Town of Falmouth Cap, Stephan Wollenberg
- 4:10 Administrator’s Report
1. Review Proposed Response to Eric Bibler OML Complaint
  2. Board Schedule, other administrative updates
  3. Briefing on presentations/updates made on February 11, 2015
- 4:15 CVEC Update

Cape Light Compact Governing Board  
Wednesday, January 14, 2015  
Open Session Meeting Minutes

The Governing Board of the Cape Light Compact met on Wednesday, January 14, 2015 at 2:00 p.m. in Room 11/12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

**PRESENT WERE:**

1. Dr. Joyce Flynn, Chairwoman, Yarmouth
2. Robert Schofield, Vice-Chair, Bourne
3. Peter Cocolis, Treasurer, Chatham
4. Peter Cabana, Member at Large, Dukes County
5. Barry Worth, Secretary, Harwich
6. David Anthony, Barnstable
7. Sheila Lyons, Barnstable County @ 4:03 p.m.
8. Deane Keuch, Brewster
9. Timothy Carroll, Chilmark – remotely by telephone until 4:03 p.m.
10. Brad Crowell, Dennis
11. Frederick Fenlon, Eastham
12. Ronald Zweig, Falmouth
13. Thomas Mayo, Mashpee
14. Richard Toole, Oak Bluffs
15. Raymond Castillo, Orleans
16. Everett Horn, Sandwich
17. Peter Fontecchio, Truro
18. Richard Elkin, Wellfleet
19. Susan Hruby, W. Tisbury

**ABSENT WERE:**

20. Michael Hebert, Aquinnah
21. Paul Pimentel, Edgartown
22. Thomas Donegan, Provincetown

**VACANCIES:**

23. Tisbury

**LEGAL COUNSEL:**

Audrey Eidelman, Esq., BCK Law, PC

**STAFF PRESENT:**

Margaret Downey, Administrator  
Stephan Wollenburg, Sr. Power Supply Planner  
Briana Kane, Sr. Residential Program Coordinator  
Matthew Dudley, Residential Program Coordinator  
Lindsay Henderson, Marketing & Data Analyst  
Meredith Miller, C&I Program Manager  
Philip Moffitt, EM&V Manager  
Karen Loura, Administrative Assistant  
Ian Munn, Intern

**OTHERS**

None

**CALL TO ORDER**

Chr. Flynn called the meeting to order at 2:00 p.m.

**ELECTION OF 2015 EXECUTIVE COMMITTEE**

M. Downey reviewed the names placed into nomination at the December meeting and invited additional nominations before closing the nomination period.

**OFFICE OF CHAIRMAN**

B. Worth nominated Joyce Flynn for the position of Chairperson, seconded by R. Schofield at the December 10, 2014 Meeting. With no additional nominations, P. Cabana moved to close nominations and vote to appoint Joyce Flynn to the position of Chairman, seconded by B. Worth and voted by roll call as follows:

- |                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable  | Yes | 10. B. Worth, Harwich     | Yes |
| 2. R. Schofield, Bourne    | Yes | 11. T. Mayo, Mashpee      | Yes |
| 3. D. Keuch, Brewster      | Yes | 12. R. Toole, Oak Bluffs  | Yes |
| 4. P Cocolis, Chatham      | Yes | 13. R. Castillo, Orleans  | Yes |
| 5. T. Carroll, Chilmark    | Yes | 14. E. Horn, Sandwich     | Yes |
| 6. B. Crowell, Dennis      | Yes | 15. P. Fontecchio, Truro  | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet   | Yes |
| 8. F. Fenlon, Eastham      | Yes | 17. S. Hrubby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth      | Yes | 18. J. Flynn, Yarmouth    | Yes |

Motion carried in the affirmative (18-0-0).

**OFFICE OF V. CHAIRMAN**

T. Mayo nominated Robert Schofield for the position of V. Chairperson, seconded by D. Anthony at the December 10, 2014 Meeting. With no additional nominations, B. Worth moved to close nominations and vote to appoint Robert Schofield as V. Chairperson, seconded by P. Cabana and voted by roll call vote as follows:

- |                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable  | Yes | 10. B. Worth, Harwich     | Yes |
| 2. R. Schofield, Bourne    | Yes | 11. T. Mayo, Mashpee      | Yes |
| 3. D. Keuch, Brewster      | Yes | 12. R. Toole, Oak Bluffs  | Yes |
| 4. P Cocolis, Chatham      | Yes | 13. R. Castillo, Orleans  | Yes |
| 5. T. Carroll, Chilmark    | Yes | 14. E. Horn, Sandwich     | Yes |
| 6. B. Crowell, Dennis      | Yes | 15. P. Fontecchio, Truro  | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet   | Yes |
| 8. F. Fenlon, Eastham      | Yes | 17. S. Hrubby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth      | Yes | 18. J. Flynn, Yarmouth    | Yes |

Motion carried in the affirmative (18-0-0).

**OFFICE OF TREASURER**

B. Worth nominated Peter Cocolis for the position of Treasurer, seconded by Peter Cabana at the December 10, 2014 Meeting. With no additional nominations, T. Mayo moved to close nominations and vote to appoint Peter Cocolis to the position of Treasurer, seconded by R. Schofield and voted by roll call vote as follows:

- |                           |     |                          |     |
|---------------------------|-----|--------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 10. B. Worth, Harwich    | Yes |
| 2. R. Schofield, Bourne   | Yes | 11. T. Mayo, Mashpee     | Yes |
| 3. D. Keuch, Brewster     | Yes | 12. R. Toole, Oak Bluffs | Yes |
| 4. P Cocolis, Chatham     | Yes | 13. R. Castillo, Orleans | Yes |
| 5. T. Carroll, Chilmark   | Yes | 14. E. Horn, Sandwich    | Yes |

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- |                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| 6. B. Crowell, Dennis      | Yes | 15. P. Fontecchio, Truro  | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet   | Yes |
| 8. F. Fenlon, Eastham      | Yes | 17. S. Hrubby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth      | Yes | 18. J. Flynn, Yarmouth    | Yes |
10. Motion carried in the affirmative (18-0-0).

**OFFICE OF SECRETARY**

R. Zweig nominated Barry Worth, to the position of Secretary, seconded by P. Cabana at the December 10, 2014 Meeting. With no additional nominations, R. Schofield, moved to close nominations and vote to appoint Barry Worth to Secretary, seconded by P. Fontecchio and voted by roll call vote as follows

- |                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable  | Yes | 10. B. Worth, Harwich     | Yes |
| 2. R. Schofield, Bourne    | Yes | 11. T. Mayo, Mashpee      | Yes |
| 3. D. Keuch, Brewster      | Yes | 12. R. Toole, Oak Bluffs  | Yes |
| 4. P Cocolis, Chatham      | Yes | 13. R. Castillo, Orleans  | Yes |
| 5. T. Carroll, Chilmark    | Yes | 14. E. Horn, Sandwich     | Yes |
| 6. B. Crowell, Dennis      | Yes | 15. P. Fontecchio, Truro  | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet   | Yes |
| 8. F. Fenlon, Eastham      | Yes | 17. S. Hrubby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth      | Yes | 18. J. Flynn, Yarmouth    | Yes |
- Motion carried in the affirmative (18-0-0).

**OFFICE OF MEMBER-AT-LARGE**

R. Schofield nominated Peter Cabana for the position of Member-at-large, sec. R. Toole at the December 20, 2014 Meeting. Hearing no additional nominations, R. Schofield moved to close nominations and vote to appoint P. Cabana to the position of Member-at-Large, seconded by P. Cocolis and voted by roll call vote as follows:

- |                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| 1. D. Anthony, Barnstable  | Yes | 10. B. Worth, Harwich     | Yes |
| 2. R. Schofield, Bourne    | Yes | 11. T. Mayo, Mashpee      | Yes |
| 3. D. Keuch, Brewster      | Yes | 12. R. Toole, Oak Bluffs  | Yes |
| 4. P Cocolis, Chatham      | Yes | 13. R. Castillo, Orleans  | Yes |
| 5. T. Carroll, Chilmark    | Yes | 14. E. Horn, Sandwich     | Yes |
| 6. B. Crowell, Dennis      | Yes | 15. P. Fontecchio, Truro  | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet   | Yes |
| 8. F. Fenlon, Eastham      | Yes | 17. S. Hrubby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth      | Yes | 18. J. Flynn, Yarmouth    | Yes |
- Motion carried in the affirmative (18-0-0).

**PUBLIC COMMENT**

There were no members of the public present.

Ian Munn, Cape Light Compact intern provided a review on his background.

**CONSIDERATION OF MEETING MINUTES**

The Board then considered the December 10, 2014 Open Session Meeting Minutes. P. Cabana offered a correction to the name of the staff present from Senator Wolf's office. R. Schofield moved to accept the

December 10, 2014 Open Session Meeting Minutes as corrected, seconded by R. Toole and voted by roll call vote as follows:

1. D. Anthony, Barnstable	Yes	10. B. Worth, Harwich	Yes
2. R. Schofield, Bourne	Yes	11. T. Mayo, Mashpee	Yes
3. D. Keuch, Brewster	Yes	12. R. Toole, Oak Bluffs	Yes
4. P Cocolis, Chatham	Yes	13. R. Castillo, Orleans	Abs
5. T. Carroll, Chilmark	Yes	14. E. Horn, Sandwich	Yes
6. B. Crowell, Dennis	Yes	15. P. Fontecchio, Truro	Yes
7. P. Cabana, Dukes County	Yes	16. R. Elkin, Wellfleet	Yes
8. F. Fenlon, Eastham	Yes	17. S. Hruby, W. Tisbury	Yes
9. R. Zweig, Falmouth	Yes	18. J. Flynn, Yarmouth	Yes

Motion carried in the affirmative (17-0-1).

### **TREASURER'S REPORT**

#### **1/14/15 Year-to-date Operating Fund Expenditure Totals Report**

P. Cocolis then reviewed the 1/14/15 Year-to-date Operating Fund Expenditure Totals Report. He discussed salaries and Medicare expenses. M. Downey has authority to move money from Health Insurance into Medicare if needed. F. Fenlon asked what portion of the Legal Services Fund expenditure is due to E Bibler, Assembly of Delegates and Secretary of State. M. Downey has asked Counsel to track. There was discussion about the possibility of needing a supplemental budget request.

#### **Energy Efficiency (EE) Budget**

P. Cocolis then reviewed the 2014 Energy Efficiency Fund Budget (Jan. through mid-December). He said there are 2014 invoices outstanding and it is anticipated being right on budget target for 2014 for Energy Efficiency. He said he will provide a year-end report in March showing energy savings, etc. The Report includes a new column showing total cost percentage by line. The 339.7% cost is due to the popular heat loan program. He noted that the Compact revenues and expenditures are revised through Mid-Term Modifications (MTM).

B. Crowell observed a slight decrease in the numbers. M. Downey explained it has to do with the Mid-term Modification. M. Downey invited any Board Member interested to contact her to go over the modifications.

There was discussion about the rise in electricity pricing. M. Downey noted the potential for winter price spikes to continue for the next 3 years or so until capacity issues (natural gas) are addressed. S. Wollenburg agreed adding the prices will decrease in July.

### **ENERGY EFFICIENCY PROGRAM**

#### **2015 Residential Rebates - What's New and Different**

M. Song then provided a Power Point Presentation overview of the 2015 Residential Rebates

B. Kane presented the rebate program for lighting in 2015. M. Downey will include the Benefit/Cost Ratio (BCR) per program in the 2014 overview scheduled for March. There was discussion about the rebates issuing on cards vs. checks. R. Zweig urged sensitivity to market demand. B. Crowell asked about the number of people who qualify for rebates vs. the number who receive rebate checks. Vendors have found rebate cards have value on receipt. The lowest rebate is \$30 and B. Kane has not heard anything negative about the cards. She agreed to inquire as to customer satisfaction surveys.



M. Dudley presented an overview of HVAC equipment rebates and reviewed changes. He said the Federal standards have increased. All rebates are listed on the Cape Light Compact Website. The Cape Light Compact Facebook page contains deal tips and there is an on-line lighting catalogue available. B. Kane will keep the Board up-dated on pop-up and potential turn-in events.

M. Downey reported that the Compact is in the last year of its second 3-year Plan. She anticipates it will be a very busy year for staff and will require monthly Board meetings. She noted key dates for the 2015 compliance timeline. The Board will be meeting monthly, except for the month of August in 2015.

- 2016-2018 Residential Program Discussion

M. Song reviewed the existing programs and plans for 2016-18. There was discussion about Cape Light Compact providing services to natural gas customers. M. Downey reviewed history of Cape Light Compact's services to gas customers, which was approved by the DPU in the 2013-2015 Energy Efficiency Plan. There has been a policy change at National Grid (NGrid) whereby NGRID prefers to serve residential customers who heat with natural gas, Maggie noted that these customers also pay into the Compact's fund on the electric side as well. Cape Light Compact has three choices. 1) Continue to operate as we do now and provide home energy assessments (audits) to gas customers; 2) Continue to operate as we do now, but transfer the savings benefits to NGrid for a fee, this will increase cost slightly. This practice is not uncommon; 3) Change Compact protocol and no longer provide Home Energy Assessments to natural gas customers. According to the last census 55.6% of Barnstable County ratepayers are gas customers.

Staff recommends option #1, but enter into discussions with NGRID on option #2. This issue will be decided by the DPU. Propane gas customers are served by Cape Light Compact.

There was discussion about the gas customers contributing into two energy conservation funds and their ability to benefit from both providers. There was discussion about changes in policies and the impact on the budget without gas customers.

The Cape Light Compact's Energy Efficiency Program is in high demand by customers and the whole house budget was exceeded by 20%. A request for an additional \$8,000,000 is being made for 2015.

There was discussion about oil and propane gas customers not contributing if they use no electricity.

There was discussion about non-resident tax-payer meetings. M. Song has met with non-resident taxpayers associations. There was discussion about targeting low-income new construction and ways to get a head of ever changing standards and net zero energy projects.

- 2015 Mid-Term Modification (MTM) Discussion

M. Downey reviewed why the MTM is being requested and noted that a presentation and a vote of support to submit to DPU will be on the February Board Meeting Agenda.

*T. Carroll disconnected from the phone at 4:03*

#### ADMINISTRATOR'S REPORT

Chr. Flynn reordered the agenda and took up review of response to Eric Bibler's, Weston CT, Open Meeting Law Complaint.

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- Review Proposed Response to Eric Bibler OML Complaint

The Board then reviewed a draft response to E. Bibler, Weston CT 12/13/14 Open Meeting Law Complaint relative to the 11/12/14 Governing Board Meeting.

*S. Lyons arrived to the meeting @ 4:03 p.m.*

Atty. Eidelman advised the Board that power supply procurement strategy is confidential as outlined in the letter. M. Downey added these are “procurement strategies” and are for multi-year contracts. S. Wollenburg explained not only is it competitive – it is confidential. Suppliers have indicated they will not submit bids to the Compact if this information is disclosed. M. Downey requested a sense of the Board on the letter as drafted. The members expressed their support and affirmation of the draft response.

- Preview of Annual Report to Communities

*Agenda item postponed to February Meeting due to time constraints.*

- Board Meeting Schedule

The Board discussed the 2015 meeting schedule. The Board will need to plan on meeting on the 2<sup>nd</sup> Wednesday of every month (except August) in preparation of the next 3-year Energy Efficiency Plan (2016-2018). M. Downey reported additional meetings may be required in the fall.

### ADMINISTRATOR’S REPORT

#### Vendor Contracts

M. Downey reported on the request from the newly elected County Commissioner Cakounes at County Commissioners meeting earlier in the day whether the Cape Light Compact Board has previously approved vendor contracts presented to them for signature. The Board discussed a protocol on contracts to be presented at the February Board meeting for a vote.

#### Aggregation Plan Update

M. Downey reported approval on the Aggregation Plan Update is before the DPU and an Order has not been issued.

T. Mayo reported he will speak on power supply aggregation during the Energy Conference at the Mass. Municipal Association’s (MMA) Annual Meeting taking place January 22-24, 2015.

### CVEC UPDATE

S. Wollenburg reported most PV systems are interconnected and generating electricity. A couple of systems have not yet interconnected. Towns are realizing the benefits and CVEC is currently working with accounting challenges. CVEC has applied for and received a \$1.4 million grant to install a battery back-up system @ Dennis/Yarmouth Regional High School.

R. Elkin expressed his appreciation to Cape Light Compact for assistance completing Wellfleet’s Green Community Application. He said Wellfleet now has Green Community Status and \$135,000. He added that it was Cape Light Compact’s assistance in putting the plan together that did it.

### ADJOURNMENT

*At 4:35 p.m. R. Schofield moved to adjourn, seconded by F. Fenlon and voted unanimously in favor.*

Respectfully submitted,

*Karen E. Loura*

Administrative Assistant

**LIST OF DOCUMENTS & EXHIBITS:**

- Meeting Notice/Agenda
- December 10, 2014 Open Session Meeting Minutes
- 2015 Residential Rebate Power Point Presentation Handout
- 2016-2018 Residential and Low-Income Planning Power Point Presentation Handout
- 1/14/15 YTD Expenditure Totals Munis Report
- 2014 EE Budget/Actuals (January – mid December, 2014)
- Cape Light Compact 2015 Energy Efficiency Program Budget
- 2013 Draft Annual Report to Communities – Topic Tabled to next meeting
- Draft Response to E. Bibler's OML Complaint of 12/13/14



OR 2015 06

	ORIGINAL APPROP	TRANFRS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
-----							
CAPE LIGHT COMPACT							
-----							
4 CAPE LIGHT COMPACT OPERTG FUND							
-----							
5100		CLC OPERTG FD-SALARIES					
	0.00	235,000.00	235,000.00	101,900.86	0.00	133,099.14	43.4%
5213		CLC OPERTG FD-TELEPHONES					
	0.00	3,000.00	3,000.00	0.00	0.00	3,000.00	.0%
5233		CLC OPERTG FD-AUDIT/ACCTG SVCS					
	0.00	40,000.00	40,000.00	1,750.00	0.00	38,250.00	4.4%
5235		CLC OPERTG FD-LEGAL SERVICES					
	0.00	430,302.00	430,302.00	213,828.68	0.00	216,473.32	49.7%
5238		CLC OPERTG FD-IT COUNTY SUPPRT					
	0.00	24,000.00	24,000.00	0.00	0.00	24,000.00	.0%
5239		CLC OPERTG FD-CONTRACTUAL					
	0.00	64,856.34	64,856.34	26,534.41	14,679.93	23,642.00	63.5%*
5281		CLC OPERTG FD-OUTSTATE TRAVEL					
	0.00	6,000.00	6,000.00	936.51	0.00	5,063.49	15.6%
5282		CLC OPERTG FD-IN STATE TRAVEL					
	0.00	17,700.00	17,700.00	6,136.53	1,700.00	9,863.47	44.3%
5291		CLC OPERTG FD-ADVERTISING					
	0.00	34,500.00	34,500.00	15,206.18	3,077.63	16,216.19	53.0%*
5293		CLC OPER-OUTRCH/MARKETG CONTRC					
	0.00	63,865.00	63,865.00	38,444.00	25,346.00	75.00	99.9%*
5294		CLC OPERTG FD-FREIGHT/SHIPPG					
	0.00	250.00	250.00	74.17	0.00	175.83	29.7%
5295		CLC OPERTG FD-PRINTG/COPYG					
	0.00	8,627.15	8,627.15	0.00	5,827.15	2,800.00	67.5%*
5298		CLC OPERTG-LED ST LIGHTS-CONTR					
	0.00	135,871.45	135,871.45	29,758.14	0.00	106,113.31	21.9%
5361		CLC OPERTG FD-POSTAGE					
	0.00	12,888.79	12,888.79	1,883.77	5,046.88	5,958.14	53.8%*
5421		CLC OPERTG FD-SPONSORSHIPS					
	0.00	16,000.00	16,000.00	12,000.00	0.00	4,000.00	75.0%*
5429		CLC OPERTG FD-SUBSCRIPTIONS					
	0.00	2,500.00	2,500.00	2,326.00	0.00	174.00	93.0%*
5433		PUBLIC OFFICIALS INSURANCE					
	0.00	7,328.55	7,328.55	6,764.94	0.00	563.61	92.3%*
5463		CLC OPERTG FD-EQUIP RENTAL					
	0.00	4,950.00	4,950.00	0.00	0.00	4,950.00	.0%
5469		CLC OPERTG FD-MISC RENTALS					
	0.00	50.00	50.00	50.00	0.00	0.00	100.0%*

FOR 2015 06

	ORIGINAL APPROP	TRANSFRS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
4 5490		CLC OPERTG FD-CVEC MEMB CONTRB					
	0.00	403,455.00	403,455.00	403,455.00	0.00	0.00	100.0%*
4 5559		CLC OPERTG FD-COMPUTER EQUIP					
	0.00	1,441.86	1,441.86	0.00	1,441.86	0.00	100.0%*
4 5981		CLC OPERTG FD-RETIREMENT					
	0.00	35,000.00	35,000.00	35,000.00	0.00	0.00	100.0%*
4 5983		CLC OPERTG FD-GRP INSUR					
	0.00	21,000.00	21,000.00	11,467.60	0.00	9,532.40	54.6%*
4 5984		CLC OPERTG FD-MEDICARE					
	0.00	800.00	800.00	1,435.05	0.00	-635.05	179.4%*
	<b>GRAND TOTAL</b>						
	0.00	1,569,386.14	1,569,386.14	908,951.84	57,119.45	603,314.85	61.6%

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

2014 Budgeted (Based on Three-year Plan)

2014 Actuals (January Through Mid -December)

4 Percent Vari

Program	PA Costs					Total PA Costs
	PPA	Marketing	Incentives	STAT	EMV	
<b>Residential (total)</b>	<b>\$913,072</b>	<b>\$558,534</b>	<b>\$12,174,798</b>	<b>\$1,415,320</b>	<b>\$1,111,177</b>	<b>\$18,174,901</b>
1. Residential Whole House	\$ 632,158	\$ 203,785	\$ 9,815,491	\$ 660,297	\$ 906,123	\$ 12,217,854
Residential New Construction	\$ 18,798	\$ 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	\$ 744,256
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
<b>Low-Income (total)</b>	<b>\$228,985</b>	<b>\$74,772</b>	<b>\$1,996,342</b>	<b>\$612,549</b>	<b>\$173,050</b>	<b>\$3,086,699</b>
4. Low-Income Whole House	\$ 169,017	\$ 28,168	\$ 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	\$ 136,358	\$ 2,124,009
Low-Income Multi-Family Retrofit	\$ 30,318	\$ 4,154	\$ 509,135	\$ 121,833	\$ 24,843	\$ 690,263
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
<b>Commercial &amp; Industrial (total)</b>	<b>\$418,318</b>	<b>\$182,239</b>	<b>\$13,484,233</b>	<b>\$1,138,605</b>	<b>\$686,006</b>	<b>\$16,321,462</b>
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	\$ 461,488	\$ 13,613,143
C&I Retrofit	\$ 258,075	\$ 36,346	\$ 8,377,236	\$ 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
<b>GRAND TOTAL</b>	<b>\$1,961,383</b>	<b>\$815,548</b>	<b>\$27,666,375</b>	<b>\$3,167,678</b>	<b>\$1,971,133</b>	<b>\$35,582,112</b>

Program	PA Costs					Total PA Costs
	PPA	Marketing	Incentives	STAT	EMV	
<b>Residential (total)</b>	<b>\$719,657</b>	<b>\$413,744</b>	<b>\$11,062,383</b>	<b>\$1,538,475</b>	<b>\$705,100</b>	<b>\$14,377,359</b>
1. Residential Whole House	\$ 499,291	\$ 131,753	\$ 9,273,662	\$ 504,917	\$ 476,789	\$ 10,886,412
Residential New Construction	\$ 14,816	\$ 13,352	\$ 149,582	\$ 76,247	\$ 10,589	\$ 264,586
Residential Multi-Family Retrofit	\$ 22,056	\$ 4,237	\$ 200,717	\$ 32,473	\$ 29,371	\$ 288,854
Residential Home Energy Services	\$ 462,419	\$ 110,664	\$ 8,825,063	\$ 307,246	\$ 436,829	\$ 10,142,222
Residential Behavior/Feedback	\$ -	\$ 3,500	\$ 98,300	\$ 88,950	\$ -	\$ 190,750
2. Residential Products	\$ 117,745	\$ 92,243	\$ 1,728,721	\$ 295,244	\$ 223,202	\$ 2,457,155
Residential Cooling & Heating Equipment	\$ 45,105	\$ 13,523	\$ 767,041	\$ 79,315	\$ 60,117	\$ 965,100
Residential Lighting	\$ 54,811	\$ 58,352	\$ 798,406	\$ 110,806	\$ 139,207	\$ 1,161,582
Residential Consumer Products	\$ 17,829	\$ 20,369	\$ 163,274	\$ 105,122	\$ 23,878	\$ 330,473
3. Residential Hard-to-Measure	\$ 102,651	\$ 188,747	\$ -	\$ 735,315	\$ 5,109	\$ 1,033,822
Residential Statewide Marketing	\$ -	\$ 98,359	\$ -	\$ -	\$ -	\$ 98,359
Residential DOER Assessment	\$ 100,059	\$ -	\$ -	\$ -	\$ 5,109	\$ 105,169
Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ 2,592	\$ -	\$ -	\$ -	\$ -	\$ 2,592
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 729,949	\$ -	\$ 729,949
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 2,531	\$ -	\$ 2,531
Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ 3,835	\$ -	\$ 3,835
Residential Education	\$ -	\$ 91,388	\$ -	\$ -	\$ -	\$ 91,388
<b>Low-Income (total)</b>	<b>\$167,487</b>	<b>\$49,575</b>	<b>\$1,462,576</b>	<b>\$314,578</b>	<b>\$99,304</b>	<b>\$2,043,520</b>
4. Low-Income Whole House	\$ 127,748	\$ 26,425	\$ 1,462,576	\$ 314,578	\$ 57,873	\$ 1,989,300
Low-Income New Construction	\$ 3,828	\$ 660	\$ 2,200	\$ 990	\$ 3,962	\$ 11,641
Low-Income Single Family Retrofit	\$ 101,004	\$ 21,813	\$ 1,313,880	\$ 272,471	\$ 42,711	\$ 1,751,880
Low-Income Multi-Family Retrofit	\$ 22,915	\$ 3,951	\$ 146,495	\$ 41,118	\$ 11,300	\$ 225,779
6. Low-Income Hard-to-Measure	\$ 29,739	\$ 23,150	\$ -	\$ -	\$ 1,331	\$ 54,220
Low-Income Statewide Marketing	\$ -	\$ 15,980	\$ -	\$ -	\$ -	\$ 15,980
Low-Income DOER Assessment	\$ 17,790	\$ -	\$ -	\$ -	\$ 1,331	\$ 19,121
Low-Income Energy Affordability Network	\$ 11,949	\$ 7,170	\$ -	\$ -	\$ -	\$ 19,119
<b>Commercial &amp; Industrial (total)</b>	<b>\$688,402</b>	<b>\$156,629</b>	<b>\$9,472,336</b>	<b>\$642,568</b>	<b>\$740,458</b>	<b>\$11,618,588</b>
6. C&I New Construction	\$ 119,507	\$ 22,614	\$ 1,174,368	\$ 226,274	\$ 189,770	\$ 1,732,533
C&I New Construction	\$ 119,507	\$ 22,614	\$ 1,174,368	\$ 226,274	\$ 189,770	\$ 1,732,533
7. C&I Retrofit	\$ 395,779	\$ 78,115	\$ 8,297,968	\$ 416,293	\$ 546,395	\$ 9,734,551
C&I Retrofit	\$ 181,517	\$ 34,247	\$ 5,573,556	\$ 193,736	\$ 252,101	\$ 6,235,160
C&I Direct Install	\$ 214,262	\$ 43,868	\$ 2,724,413	\$ 222,557	\$ 294,293	\$ 3,499,391
8. C&I Hard-to-Measure	\$ 91,115	\$ 56,096	\$ -	\$ -	\$ 4,293	\$ 151,506
C&I Statewide Marketing	\$ -	\$ 56,096	\$ -	\$ -	\$ -	\$ 56,096
C&I DOER Assessment	\$ 90,925	\$ -	\$ -	\$ -	\$ 4,293	\$ 95,219
C&I EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ 190	\$ -	\$ -	\$ -	\$ -	\$ 190
<b>GRAND TOTAL</b>	<b>\$1,483,578</b>	<b>\$620,143</b>	<b>\$21,937,295</b>	<b>\$2,493,621</b>	<b>\$1,504,662</b>	<b>\$28,039,497</b>

PA Costs
Total PA Costs
88.9%
89.1%
91.7%
42.0%
92.0%
86.3%
78.5%
78.0%
78.3%
67.3%
138.9%
96.3%
82.9%
0.0%
15.9%
339.7%
2.8%
5.5%
73.1%
88.2%
66.8%
7.2%
82.5%
32.7%
46.5%
68.4%
79.0%
30.8%
71.2%
68.0%
68.0%
71.8%
67.3%
80.6%
88.4%
89.8%
136.6%
0.0%
0.7%
78.8%

Source: G:\12-001 Compact Efficiency 2012\2013-2015 EEP\20121102 & 12.20 DPU 12-107 Proceeding\2013.02.21 Compliance Filing\DPU 12-107\_CLC\_Ext. 4 COMPLIANCE\_2013-2015 08-50 Tables\_Expanded\_2013.02.13.xlsx

FOR 2015 08

	ORIGINAL APPROP	TRANFRS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
-----							
0 CAPE LIGHT COMPACT							
-----							
74 CAPE LIGHT COMPACT OPERTG FUND							
-----							
74 5100		CLC OPERTG FD-SALARIES					
	0.00	235,000.00	235,000.00	144,784.17	0.00	90,215.83	61.6%
74 5213		CLC OPERTG FD-TELEPHONES					
	0.00	3,000.00	3,000.00	0.00	0.00	3,000.00	.0%
74 5233		CLC OPERTG FD-AUDIT/ACCTG SVCS					
	0.00	7,000.00	7,000.00	1,750.00	0.00	5,250.00	25.0%
74 5235		CLC OPERTG FD-LEGAL SERVICES					
	0.00	430,302.00	430,302.00	263,157.94	0.00	167,144.06	61.2%
74 5238		CLC OPERTG FD-IT COUNTY SUPPRT					
	0.00	24,000.00	24,000.00	0.00	0.00	24,000.00	.0%
74 5239		CLC OPERTG FD-CONTRACTUAL					
	0.00	82,176.41	82,176.41	53,379.71	0.00	28,796.70	65.0%
74 5281		CLC OPERTG FD-OUTSTATE TRAVEL					
	0.00	6,000.00	6,000.00	936.51	0.00	5,063.49	15.6%
74 5282		CLC OPERTG FD-IN STATE TRAVEL					
	0.00	17,700.00	17,700.00	8,629.30	1,700.00	7,370.70	58.4%
74 5291		CLC OPERTG FD-ADVERTISING					
	0.00	31,500.00	31,500.00	23,432.00	2,843.50	5,224.50	83.4%*
74 5293		CLC OPER-OUTRCH/MARKETG CONTRC					
	0.00	67,865.00	67,865.00	64,415.00	3,125.00	325.00	99.5%*
74 5294		CLC OPERTG FD-FREIGHT/SHIPPG					
	0.00	250.00	250.00	150.19	0.00	99.81	60.1%
74 5295		CLC OPERTG FD-PRINTG/COPYG					
	0.00	8,126.65	8,126.65	4,430.50	1,556.62	2,139.53	73.7%*
74 5298		CLC OPERTG-LED ST LIGHTS-CONTR					
	0.00	135,871.45	135,871.45	29,758.14	0.00	106,113.31	21.9%
74 5320		CLC OPERTG FD-FOOD SUPPLIES					
	0.00	200.00	200.00	66.99	0.00	133.01	33.5%
74 5361		CLC OPERTG FD-POSTAGE					
	0.00	12,687.22	12,687.22	7,656.89	1,785.34	3,244.99	74.4%*
74 5421		CLC OPERTG FD-SPONSORSHIPS					
	0.00	16,000.00	16,000.00	15,850.00	0.00	150.00	99.1%*
74 5429		CLC OPERTG FD-SUBSCRIPTIONS					
	0.00	2,500.00	2,500.00	2,326.00	0.00	174.00	93.0%*
74 5433		PUBLIC OFFICIALS INSURANCE					
	0.00	7,328.55	7,328.55	6,764.94	0.00	563.61	92.3%*
74 5463		CLC OPERTG FD-EQUIP RENTAL					
	0.00	4,950.00	4,950.00	0.00	0.00	4,950.00	.0%

FOR 2015 08

	ORIGINAL APPROP	TRANFRS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
74 5469		CLC OPERTG FD-MISC RENTALS					
	0.00	50.00	50.00	50.00	0.00	0.00	100.0%*
74 5490		CLC OPERTG FD-CVEC MEMB CONTRB					
	0.00	403,455.00	403,455.00	403,455.00	0.00	0.00	100.0%*
74 5559		CLC OPERTG FD-COMPUTER EQUIP					
	0.00	1,441.86	1,441.86	1,441.86	0.00	0.00	100.0%*
74 5981		CLC OPERTG FD-RETIREMENT					
	0.00	35,000.00	35,000.00	35,000.00	0.00	0.00	100.0%*
74 5983		CLC OPERTG FD-GRP INSUR					
	0.00	21,000.00	21,000.00	15,799.86	0.00	5,200.14	75.2%*
74 5984		CLC OPERTG FD-MEDICARE					
	0.00	800.00	800.00	2,028.74	0.00	-1,228.74	253.6%*
	GRAND TOTAL						
	0.00	1,554,204.14	1,554,204.14	1,085,263.74	11,010.46	457,929.94	70.5%

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



# Cape Light Compact 2015 Energy Efficiency Program Budget

For additional information and supporting documents, please see the 2013-2015 three year plan (D.P.U. 12-107) at <http://www.capeightcompact.org/library/2010/08/CLC-Revised-Plan-122013.pdf> and filed Annual Reports, which can be found in the Reports section of our website under Annual Reports on Energy Efficiency Activities.

Program	Program Administrator Budget, 2015 (1)										Performance Incentive (3)	TOTAL PA Budget
	Program Planning and Administration	Marketing and Advertising	Participant Incentives	Sales, Technical Assistance & Training	Evaluation and Market Research	Total PA Costs	Lost Base Revenue (2)					
<b>Residential (total)</b>	\$ 1,325,253	\$ 561,582	\$ 13,138,943	\$ 2,139,448	\$ 542,285	\$ 17,707,510	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,707,510
1. Residential Whole House	\$ 969,829	\$ 164,360	\$ 9,870,183	\$ 733,538	\$ 443,713	\$ 12,181,622	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,181,622
2. Residential Products	\$ 260,305	\$ 150,037	\$ 3,208,760	\$ 457,410	\$ 87,182	\$ 4,163,694	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,163,694
3. Residential Hard-to-Measure	\$ 95,119	\$ 247,185	\$ 60,000	\$ 948,500	\$ 11,389	\$ 1,362,194	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,362,194
Residential Statewide Marketing	\$ -	\$ 122,185	\$ -	\$ -	\$ -	\$ 122,185	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 122,185
Residential DOER Assessment	\$ 89,134	\$ -	\$ -	\$ -	\$ 11,389	\$ 100,523	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,523
Residential EEAC Consultants (4)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ 5,985	\$ -	\$ -	\$ -	\$ -	\$ 5,985	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,985
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 800,000	\$ -	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 800,000
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 133,500	\$ -	\$ 133,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 133,500
Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Residential Education	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 125,000
<b>Low-income (total)</b>	\$ 383,665	\$ 96,629	\$ 2,991,907	\$ 877,139	\$ 66,711	\$ 4,416,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,416,050
4. Low-income Whole House	\$ 320,760	\$ 49,477	\$ 2,991,907	\$ 877,139	\$ 63,741	\$ 4,303,023	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,303,023
5. Low-income Hard-to-Measure	\$ 62,905	\$ 47,152	\$ -	\$ -	\$ 2,970	\$ 113,027	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 113,027
Low-income Statewide Marketing	\$ -	\$ 20,364	\$ -	\$ -	\$ -	\$ 20,364	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,364
Low-income DOER Assessment	\$ 18,258	\$ -	\$ -	\$ -	\$ 2,970	\$ 21,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,228
Low-income Energy Affordability Network	\$ 44,647	\$ 26,788	\$ -	\$ -	\$ -	\$ 71,435	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 71,435
<b>Commercial &amp; Industrial (total)</b>	\$ 1,091,459	\$ 264,939	\$ 7,410,257	\$ 1,022,901	\$ 591,310	\$ 10,380,867	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,380,867
6. C&I New Construction	\$ 214,427	\$ 51,390	\$ 1,325,295	\$ 237,329	\$ 134,101	\$ 1,962,543	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,962,543
7. C&I Retrofit	\$ 821,454	\$ 151,099	\$ 6,084,962	\$ 785,572	\$ 447,619	\$ 8,290,706	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,290,706
8. C&I Hard-to-Measure	\$ 55,577	\$ 62,450	\$ -	\$ -	\$ 9,591	\$ 127,618	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 127,618
C&I Statewide Marketing	\$ -	\$ 62,450	\$ -	\$ -	\$ -	\$ 62,450	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 62,450
C&I DOER Assessment	\$ 50,537	\$ -	\$ -	\$ -	\$ 9,591	\$ 60,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,128
C&I EEAC Consultants (4)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ 5,040	\$ -	\$ -	\$ -	\$ -	\$ 5,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,040
<b>GRAND TOTAL</b>	\$ 2,800,377	\$ 923,150	\$ 23,541,107	\$ 4,039,487	\$ 1,200,306	\$ 32,504,427	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,504,427

**Notes:**

- (1) The 2015 budget has been updated from the 2013-2015 Three-Year Plan, and is consistent with the Cape Light Compact's Revised Energy Efficiency Surcharge petition (D.P.U. 14-143).
- (2) Lost Base Revenues are not applicable to the Cape Light Compact.
- (3) Shareholder Performance Incentives are not applicable to the Cape Light Compact.
- (4) EEAC Consultant fees on the electric side do not get paid out of the PA's budgets, but are instead paid by the DOER out of the RGGI proceeds.

2015 Budgeted (Based on 2015 EERF Update)

Program	PA Costs					
	PPA	Marketing	Incentives	STAT	EMV	Total PA Costs
<b>Residential (total)</b>	<b>\$1,325,253</b>	<b>\$561,582</b>	<b>\$13,138,943</b>	<b>\$2,139,448</b>	<b>\$542,285</b>	<b>\$17,707,510</b>
1. Residential Whole House	\$ 969,829	\$ 164,360	\$ 9,870,183	\$ 733,538	\$ 443,713	\$ 12,181,622
Residential New Construction	\$ 49,683	\$ 21,115	\$ 250,000	\$ 100,729	\$ 10,320	\$ 431,846
Residential Multi-Family Retrofit	\$ 49,166	\$ 21,051	\$ 507,818	\$ 45,565	\$ 17,216	\$ 640,816
Residential Home Energy Services	\$ 870,981	\$ 122,194	\$ 9,087,865	\$ 497,743	\$ 416,176	\$ 10,994,960
Residential Behavior/Feedback	\$ -	\$ -	\$ 24,500	\$ 89,500	\$ -	\$ 114,000
2. Residential Products	\$ 260,305	\$ 150,037	\$ 3,208,760	\$ 457,410	\$ 87,182	\$ 4,163,694
Residential Cooling & Heating Equipment	\$ 72,624	\$ 16,938	\$ 1,450,000	\$ 112,992	\$ 31,520	\$ 1,684,074
Residential Lighting	\$ 141,314	\$ 97,392	\$ 1,508,760	\$ 194,739	\$ 41,796	\$ 1,984,601
Residential Consumer Products	\$ 46,367	\$ 35,707	\$ 250,000	\$ 149,679	\$ 13,867	\$ 495,620
3. Residential Hard-to-Measure	\$ 95,119	\$ 247,185	\$ 60,000	\$ 948,500	\$ 11,389	\$ 1,362,194
Residential Statewide Marketing	\$ -	\$ 122,185	\$ -	\$ -	\$ -	\$ 122,185
Residential DOER Assessment	\$ 89,134	\$ -	\$ -	\$ -	\$ 11,389	\$ 100,523
Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ 5,985	\$ -	\$ -	\$ -	\$ -	\$ 5,985
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 800,000	\$ -	\$ 800,000
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 133,500	\$ -	\$ 133,500
Residential R&D and Demonstration	\$ -	\$ -	\$ 60,000	\$ 15,000	\$ -	\$ 75,000
Residential Education	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ 125,000
<b>Low-Income (total)</b>	<b>\$383,665</b>	<b>\$96,629</b>	<b>\$2,991,907</b>	<b>\$877,139</b>	<b>\$66,711</b>	<b>\$4,416,050</b>
4. Low-Income Whole House	\$ 320,760	\$ 49,477	\$ 2,991,907	\$ 877,139	\$ 63,741	\$ 4,303,023
Low-Income New Construction	\$ 4,946	\$ 609	\$ 100,000	\$ 1,566	\$ 2,261	\$ 109,381
Low-Income Single Family Retrofit	\$ 265,945	\$ 42,731	\$ 2,484,009	\$ 663,070	\$ 48,853	\$ 3,504,607
Low-Income Multi-Family Retrofit	\$ 49,869	\$ 6,138	\$ 407,898	\$ 212,503	\$ 12,627	\$ 689,035
5. Low-Income Hard-to-Measure	\$ 62,905	\$ 47,152	\$ -	\$ -	\$ 2,970	\$ 113,027
Low-Income Statewide Marketing	\$ -	\$ 20,364	\$ -	\$ -	\$ -	\$ 20,364
Low-Income DOER Assessment	\$ 18,258	\$ -	\$ -	\$ -	\$ 2,970	\$ 21,228
Low-Income Energy Affordability Network	\$ 44,647	\$ 26,788	\$ -	\$ -	\$ -	\$ 71,435
<b>Commercial &amp; Industrial (total)</b>	<b>\$1,091,459</b>	<b>\$264,939</b>	<b>\$7,410,257</b>	<b>\$1,022,901</b>	<b>\$591,310</b>	<b>\$10,380,867</b>
6. C&I New Construction	\$ 214,427	\$ 51,390	\$ 1,325,295	\$ 237,329	\$ 134,101	\$ 1,962,543
C&I New Construction	\$ 214,427	\$ 51,390	\$ 1,325,295	\$ 237,329	\$ 134,101	\$ 1,962,543
7. C&I Retrofit	\$ 821,454	\$ 151,099	\$ 6,084,962	\$ 785,572	\$ 447,619	\$ 8,290,706
C&I Retrofit	\$ 383,357	\$ 72,181	\$ 2,289,921	\$ 326,778	\$ 173,475	\$ 3,245,711
C&I Direct Install	\$ 438,098	\$ 78,918	\$ 3,795,041	\$ 458,794	\$ 274,144	\$ 5,044,995
8. C&I Hard-to-Measure	\$ 55,577	\$ 62,450	\$ -	\$ -	\$ 9,591	\$ 127,618
C&I Statewide Marketing	\$ -	\$ 62,450	\$ -	\$ -	\$ -	\$ 62,450
C&I DOER Assessment	\$ 50,537	\$ -	\$ -	\$ -	\$ 9,591	\$ 60,128
C&I EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ 5,040	\$ -	\$ -	\$ -	\$ -	\$ 5,040
<b>GRAND TOTAL</b>	<b>\$2,800,377</b>	<b>\$923,150</b>	<b>\$23,541,107</b>	<b>\$4,039,487</b>	<b>\$1,200,306</b>	<b>\$32,504,427</b>

2015 Actuals (January Through February)

Program	PA Costs					
	PPA	Marketing	Incentives	STAT	EMV	Total PA Costs
<b>Residential (total)</b>	<b>\$43,428</b>	<b>\$19,127</b>	<b>\$127,477</b>	<b>\$25,745</b>	<b>\$70,629</b>	<b>\$286,407</b>
1. Residential Whole House	\$ 36,134	\$ 10,986	\$ 74,289	\$ 17,188	\$ 19,989	\$ 158,585
Residential New Construction	\$ 796	\$ 216	\$ 24,624	\$ 296	\$ 154	\$ 26,086
Residential Multi-Family Retrofit	\$ 1,146	\$ 312	\$ -	\$ 426	\$ 232	\$ 2,115
Residential Home Energy Services	\$ 34,192	\$ 10,458	\$ 49,665	\$ 16,466	\$ 19,604	\$ 130,384
Residential Behavior/Feedback	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2. Residential Products	\$ 7,294	\$ 1,983	\$ 53,188	\$ 5,819	\$ 50,641	\$ 118,925
Residential Cooling & Heating Equipment	\$ 3,097	\$ 842	\$ 53,188	\$ 4,258	\$ 23,901	\$ 85,287
Residential Lighting	\$ 3,291	\$ 895	\$ -	\$ 1,224	\$ 26,587	\$ 31,996
Residential Consumer Products	\$ 906	\$ 246	\$ -	\$ 337	\$ 153	\$ 1,642
3. Residential Hard-to-Measure	\$ -	\$ 6,158	\$ -	\$ 2,738	\$ -	\$ 8,896
Residential Statewide Marketing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential Sponsorship & Subscriptions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 1,790	\$ -	\$ 1,790
Residential Workforce Development	\$ -	\$ -	\$ -	\$ 946	\$ -	\$ 946
Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ 3	\$ -	\$ 3
Residential Education	\$ -	\$ 6,158	\$ -	\$ -	\$ -	\$ 6,158
<b>Low-Income (total)</b>	<b>\$8,583</b>	<b>\$2,499</b>	<b>\$0</b>	<b>\$1,760</b>	<b>\$2,008</b>	<b>\$14,849</b>
4. Low-Income Whole House	\$ 8,583	\$ 2,499	\$ -	\$ 1,760	\$ 2,008	\$ 14,849
Low-Income New Construction	\$ 126	\$ 35	\$ -	\$ 26	\$ 50	\$ 237
Low-Income Single Family Retrofit	\$ 7,292	\$ 2,140	\$ -	\$ 1,495	\$ 1,269	\$ 12,196
Low-Income Multi-Family Retrofit	\$ 1,165	\$ 324	\$ -	\$ 239	\$ 688	\$ 2,416
5. Low-Income Hard-to-Measure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Low-Income Statewide Marketing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Low-Income DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Low-Income Energy Affordability Network	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Commercial &amp; Industrial (total)</b>	<b>\$36,203</b>	<b>\$9,849</b>	<b>\$242,622</b>	<b>\$55,250</b>	<b>\$11,723</b>	<b>\$355,648</b>
6. C&I New Construction	\$ 11,981	\$ 3,259	\$ 7,229	\$ 28,795	\$ 2,412	\$ 53,675
C&I New Construction	\$ 11,981	\$ 3,259	\$ 7,229	\$ 28,795	\$ 2,412	\$ 53,675
7. C&I Retrofit	\$ 24,223	\$ 6,590	\$ 235,393	\$ 26,455	\$ 9,312	\$ 301,973
C&I Retrofit	\$ 5,991	\$ 1,630	\$ 184,980	\$ 11,227	\$ 4,046	\$ 207,874
C&I Direct Install	\$ 18,232	\$ 4,960	\$ 50,412	\$ 15,228	\$ 5,266	\$ 94,099
8. C&I Hard-to-Measure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Statewide Marketing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C&I Sponsorships & Subscriptions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>GRAND TOTAL</b>	<b>\$88,214</b>	<b>\$31,475</b>	<b>\$370,099</b>	<b>\$82,755</b>	<b>\$84,361</b>	<b>\$656,903</b>

5 Percent Variance

PA Costs	Total PA Costs
Residential (total)	\$286,407 1.6%
1. Residential Whole House	\$158,585 1.3%
Residential New Construction	\$26,086 6.0%
Residential Multi-Family Retrofit	\$2,115 0.3%
Residential Home Energy Services	\$130,384 1.2%
Residential Behavior/Feedback	\$- 0.0%
2. Residential Products	\$118,925 2.9%
Residential Cooling & Heating Equipment	\$85,287 5.1%
Residential Lighting	\$31,996 1.6%
Residential Consumer Products	\$1,642 0.3%
3. Residential Hard-to-Measure	\$8,896 0.7%
Residential Statewide Marketing	\$- 0.0%
Residential DOER Assessment	\$- 0.0%
Residential EEAC Consultants	\$- 0.0%
Residential Sponsorship & Subscriptions	\$- 0.0%
Residential HEAT Loan	\$1,790 0.2%
Residential Workforce Development	\$946 0.7%
Residential R&D and Demonstration	\$3 0.0%
Residential Education	\$6,158 4.9%
Low-Income (total)	\$14,849 0.3%
4. Low-Income Whole House	\$14,849 0.3%
Low-Income New Construction	\$237 0.2%
Low-Income Single Family Retrofit	\$12,196 0.3%
Low-Income Multi-Family Retrofit	\$2,416 0.4%
5. Low-Income Hard-to-Measure	\$- 0.0%
Low-Income Statewide Marketing	\$- 0.0%
Low-Income DOER Assessment	\$- 0.0%
Low-Income Energy Affordability Network	\$- 0.0%
Commercial & Industrial (total)	\$355,648 3.4%
6. C&I New Construction	\$53,675 2.7%
C&I New Construction	\$53,675 2.7%
7. C&I Retrofit	\$301,973 3.6%
C&I Retrofit	\$207,874 6.4%
C&I Direct Install	\$94,099 1.9%
8. C&I Hard-to-Measure	\$- 0.0%
C&I Statewide Marketing	\$- 0.0%
C&I DOER Assessment	\$- 0.0%
C&I EEAC Consultants	\$- 0.0%
C&I Sponsorships & Subscriptions	\$- 0.0%
<b>GRAND TOTAL</b>	<b>\$656,903 2.0%</b>

# Agenda Action Request Cape Light Compact Meeting Date: 3/11/2015



## MOTION TO ESTABLISH APPROVAL PROCESS FOR CONTRACTS

**REQUESTED BY:** *Maggie Downey*

### *Proposed Motion(s)*

*I move the Board approve the following process regarding contracts to be executed by the Barnstable County Commissioners:*

- 1) Compact Administrator/Chief Procurement Officer presents contract information to the Compact Treasurer sufficient to allow for determination of whether such contract is consistent with approved budget(s);
- 2) If Treasurer determine such contract is consistent, contract is forwarded to County Commissioners for execution;
- 3) Compact Treasurer will report on contracts presented to the Commissioners at Compact Board meetings;
- 4) Compact Board will vote to ratify actions of Treasurer regarding contracts.

### *Additional Information*

Contracts for vendor services are prepared and executed consistent with the Compact's operating budget and/or the Compact's energy efficiency budget. Both budgets are reviewed and approved by the Compact Governing Board, and in the case of the energy efficiency budget, the MADPU.

### *Record of Board Action*

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

- 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*

# CAPE LIGHT COMPACT

2015 Proposed Mid-Term Modification (MTM)



# What triggers an MTM?

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- **Category One – Energy Efficiency Advisory Committee (EEAC)**
  - Trigger 1: Addition of a Hard-to-Measure program
  - Trigger 2: End of a program or Hard-to-Measure program
  - Trigger 3: Increase program budget by greater than 20%
- **Category Two – Department of Public Utilities (DPU)**
  - Trigger 1: Add a program
  - Trigger 2: Hard-to-Measure into an EE program
  - Trigger 3: Bill Impact Exceeds 2%



# Which triggers are we talking about?

---

- **Category One – Energy Efficiency Advisory Committee (EEAC)**
  - Trigger 1: Addition of a Hard-to-Measure program
  - Trigger 2: End of a program or Hard-to-Measure program
  - ↑ Trigger 3: Increase program budget by greater than 20%
- **Category Two – Department of Public Utilities (DPU)**
  - Trigger 1: Add a program
  - Trigger 2: Hard-to-Measure into an EE program
  - ↑ Trigger 3: Bill Impact Exceeds 2%

# Review on Timeline (2013-2015)



- 11/1/12 - Statewide Three-Year Plan Submittal
- 6/20/14 – 2013 Annual Report on Energy Efficiency Activities
- Q2 2015 – 2014 Annual Report on Energy Efficiency Activities

These are all timelines set either by the Green Communities Act or the DPU

# Proposed 2015 CLC MTM

- **Residential Budget Increase - \$15.3M**
- **Budget increase greater than 20%**
  - **Residential Whole House - \$13,209,054**
    - Home energy assessments, weatherization, oil and propane heating systems
  - **Commercial New Construction - \$2,908,028**
    - Upstream Lighting – selling lighting “upstream” through distributors so that they have an “instant” rebate
- **Residential Hard-to-Measure - \$1,231,611**
  - Residential HEAT Loan – 0% loan for qualified measures
  - Residential Sponsors
- **C&I Hard-to-Measure - \$140,529**
  - C&I Sponsors
  - C&I DOER Assessment

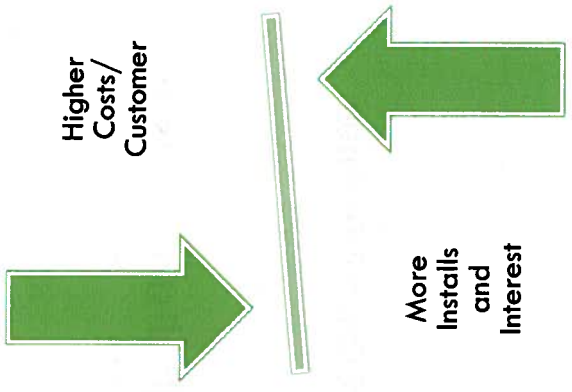
# Residential Whole House Programs

	Plan	Actual
2013 Costs	\$9,557,333	\$12,812,547
2013 Total Benefits	\$52,984,793	\$56,849,224
2014 Costs	\$10,661,327	\$15,169,517
2014 Total Benefits*	\$59,079,343	\$64,961,579
2015 Costs	\$11,548,558	--
2015 Total Benefits	\$64,144,841	--
2013-2015 Costs	\$31,767,218	\$27,982,065
2013-2015 Total Benefits*	\$176,208,977	\$121,810,803

\* Preliminary

Under approved Plan there is \$3,785,154 available for 2015. It is estimated that this will last approximately 8 months based on current demand for services. An MTM is needed in order to provide services for the full year.

2013-2014: Efficient Neighborhoods+®



2014-2015: Costs this winter have continued to spark interest in the whole house program



# Commercial New Construction Program

	Plan	Actual
2013 Incentive Costs	\$1,702,588	\$1,640,204
2013 Lifetime MWH	86,578	77,739
2014 Incentive Costs*	\$1,541,887	\$2,213,204
2014 Lifetime MWH*	77,419	140,511
2015 Incentive Costs	\$1,449,520	--
2015 Lifetime MWH	72,284	--
2013-2015 Incentive Costs	\$4,693,994	\$3,853,408
2013-2015 Lifetime MWH*	236,281	218,250

MTM driven by unanticipated growth of the Upstream Lighting initiative

\* Preliminary

Under approved Plan there is \$840,586 available for 2015. Based on expected participation this is insufficient level of funding. An MTM is needed in order to provide services for the full year.



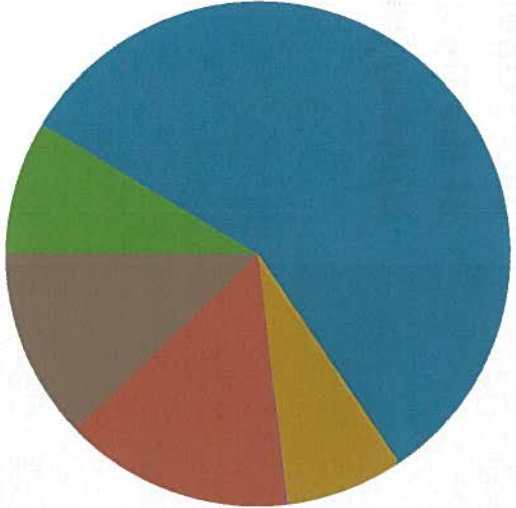
# Residential HEAT Loan

	Plan	Actual
2013	\$300,000	\$737,870
2014	\$300,000	\$802,979
2015	\$300,000	--
2013-2015	\$900,000	\$1,540,849

There were 487 loans in 2013  
 There were 543 loans in 2014  
 There are 187 loans as of 2/1/15

MTM is needed to avoid shutting down program

**Completed Loans**



- Central AC
- Heating Systems
- Hot Water Systems
- Pre-Weatherization
- Weatherization
- Windows

# Sponsorships and DOER Assessment



- Marginally higher costs for sponsorships
- Cost consistency in 11-120A, Phase 2
- DOER Assessment

# Bill Impacts

Rate Class	Bill Impact per Month
Residential Annual (R-1 – 584 kWh/month)	\$3.56
Low-Income - Res Assistance Annual (R-2 – 483 kWh/month)	\$0.15
Commercial Annual (G-1 – 2,396 kWh/month)	(\$0.10)

These impact assume that all other things are equal, but only these charges change.

# Motion to Submit MTM to the MA DPU for Approval



## *Proposed Motion*

*I move the Board approve the submission of the Compact's mid-term modification (MTM) to Massachusetts Department of Public Utilities for review and approval.*

**Agenda Action Request  
Cape Light Compact  
Meeting Date: 23/11/2015**



**MOTION TO SUBMIT MTM TO THE MADPU FOR APPROVAL**

**REQUESTED BY:** *Margaret Song*

***Proposed Motion(s)***

*I move the Board approve the submission of the Compact's mid-term modification (MTM) to Massachusetts Department of Public Utilities for review and approval.*

***Additional Information***

The Compact is requesting a mid-term modification to the approved 2015 energy efficiency budget for the following reasons:

- The Compact Residential Whole House program has exceeded initial Compact planned costs and goals for both 2013 and 2014. Specifically, Efficient Neighborhoods +® effort was an overwhelming success, with increased weatherization, air sealing and lighting installations.
- Projected increase in residential audits due to the winter pricing peak, increases costs above what was initially planned. Heating system replacements, as evidenced in the HEAT Loan program are also greater than planned.
- The C&I program need for an MTM in the New Construction Program is due to unanticipated growth of the Upstream Lighting initiative (this initiative was in the design stage when the Plan was prepared)

After approval by the Compact Governing Board, the Compact's MTM will be discussed by the Energy Efficiency Advisory Council, along with other Program Administrators' MTM requests, and then submitted to the MADPU for review and approval.

***Record of Board Action***

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

- 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*



**Agenda Action Request  
Cape Light Compact  
Meeting Date: 3/11/2015**



- 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  
TOWN OF FALMOUTH ESCO PROJECT**

**REQUESTED BY:** *Stephan Wollenburg*

***Proposed Motion(s)***

1) I move the Board vote to revise the waiver of the \$150,000 incentive cap for the Town of Falmouth ESCO Project, previously approved on July 9, 2014 increasing the cap to allow for a project incentive of no more than \$450,000, from the previously approved \$250,000.

***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 Town of Falmouth Energy Service Contract (ESCO) Project. Measures installed under this project will be carried out in twelve Town of Falmouth buildings and will include interior and exterior lighting, HVAC upgrades, VFD replacements, and refrigeration retrofits.***

***The Project facts are summarized as follows:***

- ***Total Annual kWh savings: 409,820 kWh (estimate)***
- ***Benefit/Cost Ration (BCR): 1.36***
- ***Total Customer Incentive: Not to exceed \$450,000***

***Record of Board Action***

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

## DRAFT PROPOSED RESPONSE FOR COMPACT BOARD REVIEW

March 16, 2015

BY FIRST CLASS AND ELECTRONIC MAIL ([ebibler@gmail.com](mailto:ebibler@gmail.com) and [jandprogers@comcast.net](mailto:jandprogers@comcast.net))

Eric Bibler  
31 Old Hyde Road  
Weston, CT 06883

James Rogers  
197 Main Street  
Sandwich, MA 02653

Re: ***Cape Light Compact/Open Meeting Law Complaint Dated February 24, 2015***

Dear Mr. Bibler and Rogers:

This letter serves as a response to your Open Meeting Law (“OML”) complaint dated February 24, 2015 against the Cape Light Compact (the “Compact” or “CLC”). A copy of your complaint is appended to this letter as Attachment 1.

In your complaint, you allege several violations relative to the Compact’s compliance with the OML, with respect to the executive session held at a Governing Board meeting on October 24, 2012.

As a threshold matter, your complaint is not timely. The executive session minutes for this meeting were posted to the Compact’s website in unredacted form on October 10, 2014. You were advised of this in a letter to you from the Compact on the same date. You made a public records law request seeking “records that will serve to document whether Ms. Downey informed the members of the CLC Governing Board that she had contacted the OIG through BCK Law in July of 2012 after the letter of July 24, 2012 was sent” and the Compact responded by stating “[p]lease see the recently released Executive Session Minutes of October 24, 2012 posted to the Compact’s web site.” See Attachment 2. Therefore, your OML complaint should have been filed in November of 2014.

The unredacted minutes remained on the Compact’s website for the next six weeks. For some reason, when the Compact’s website was updated on November 24, 2014, the unredacted minutes were inadvertently posted. This was corrected on February 22, 2015 when you brought the issue to the Compact’s attention and the unredacted minutes were restored the next day and are available here:

<http://www.capelightcompact.org/docs/minutes/2012/2012%2010%2024%20Executive%20Session%20Meeting%20Minutes%20Unredacted%20by%20Board%20vote%2010.8.14.pdf>

At issue in your complaint is the following portion of the unredacted executive session minutes:

**Litigation, Attorney Client Advice and Proprietary Commercial or Financial Information Discussion**

M. Downey requested the State Inspector General to examine the Cape Light Compact Power Supply contracts in effort to respond to public allegations asserting impropriety on the part of CLC. The OIG chose to go deeper and required submittal of copies of all contracts and financials back to 2005 and are conducting a confidential investigation. This could take a very long time. This does not conflict with CLC's internal audit being performed by Sullivan, Rogers & Company, LLC. The OIG will also look at those audit results. The OIG will only report if there are findings.

This portion of the minutes will be referred to as the "OIG Power Supply Contract Discussion."

Since your complaint is untimely, the Compact declines to individually address all of the allegations in your complaint. However, your complaint seems to make two main allegations: that the meeting notice omitted a topic to be discussed in executive session, and that the OIG Power Supply Contract Discussion should have taken place in open session. For the reasons set forth below, your complaint has no merit.

**Sufficiency of Meeting Notice/Topics of Discussion**

The Compact complied with applicable guidance from the Office of Attorney General ("OAG") regarding specificity of topics of discussion. The OML requires the Compact to states "all subjects that may be revealed without compromising the purpose for which the executive session was called" at the time the Compact enters into executive session. See G.L. c. 30A, § 21(b)(3); OML 2015-14. The OAG has also stated that "given the sensitive nature of executive session topics, it may be reasonable at times for a public body to withhold details that may compromise the purpose for entering executive session." OML 2011-56. Any reference to discussions with the Office of Inspector General ("OIG") would have compromised the purpose for which executive session was called. The OIG discussions were confidential as evidenced in a letter from the Compact to the OIG in October of 2012 which can be made available to the OAG on an *in camera* basis if it deems necessary.

In addition, the Compact's meeting notice practices are in accord with OML 2014-138. Given the sensitivity of the subject of the OIG Power Supply Contract Discussion, reference to Purpose 10 was enough under the circumstances. See OML 2014-138 which found that the Compact's sister organization the Cape & Vineyard Electric Cooperative, Inc. "had entered executive session by merely saying that it was doing so 'pursuant to M.G.L. Chapter 30A § 21(a)10'" and found that it was sufficient under the circumstances.

**Use of Purpose 10**

The OIG Power Supply Discussion was a proper topic of discussion under Purpose 10 of the OML which was referenced in the meeting notice. The Open Meeting Law provides that the Compact may meet in executive sessions:

To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Importantly, the OAG has found that the Compact is a type of public body given “wide latitude to determine what information may be discussed outside of the public's view.” See OML 2014-138 and 2012-81. The Compact correctly determined that the use of Purpose 10 was proper under these circumstances, and it was reasonable for the Compact to assume that disclosure would adversely affect its ability to conduct its business. Among other things, public disclosure of the OIG Power Supply Contract Discussion could have adversely affected the Compact’s ability to effectively conduct its power supply procurement activities, and its business dealings with power suppliers or potential suppliers who could have been reluctant to participate in any Compact power supply offerings due to possible OIG involvement or scrutiny if this had been disclosed.

Finally, none of the remedial actions you suggest in your complaint is appropriate as no violations of the OML occurred with respect to the executive session held on October 24, 2012.

Sincerely,

Margaret T. Downey  
Compact Administrator

cc: Office of the Attorney General  
Jeffrey M. Bernstein, Esq.

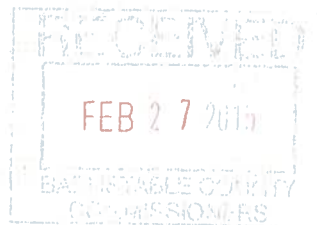
Attachments:

1. February 24, 2015 Bibler OML Complaint
2. October 10, 2014 Letter to Eric Bibler



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108



Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: James Last Name: Rogers

Address: 197 Main Street

City: Sandwich State: MA Zip Code: 02563

Phone Number: +1 (508) 888-1953 Ext. \_\_\_\_\_

Email: jandprogers@comcast.net

Organization or Media Affiliation (if any): Cape Light Compact Ratepayer Member

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

- Individual
- Organization
- Media

### Public Body that is the subject of this complaint:

- City/Town
- County
- Regional/District
- State

Name of Public Body (including city/town, county or region, if applicable): Cape Light Compact

Specific person(s), if any, you allege committed the violation: Mr. William Doherty, Chairman; Ms. Margaret Downey, Compact Administrator / Records Custodian

Date of alleged violation: 10/24/2012

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

See Attachment A filed with Eric Bibler as co-complainant

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

See Attachment A filed with Eric Bibler as co-complainant

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: James T. Boyce

Date: 2/24/15  
For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:





# Cape Light Compact

Tel: (508) 375-6648 • Fax (508) 362-4136

[www.capelightcompact.org](http://www.capelightcompact.org)

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

October 10, 2014

BY ELECTRONIC MAIL ONLY (ebibler@gmail.com)

Eric Bibler  
31 Old Hyde Road  
Weston, CT 06883

Re: Response to September 30 and October 5, 2014 Public Records Request/Cape Light Compact

Dear Mr. Bibler:

The Cape Light Compact (the "Compact") is in receipt of your Public Records Law ("PRL") requests dated September 30, 2014 and October 5, 2014. A copy of each request in its entirety is appended to this letter. The October 5<sup>th</sup> letter duplicates and expands on the September 30, 2014 document request and this letter shall serve as the Compact's response to both requests. The pertinent portions of your records requests are set forth below in underlined text, and the Compact's responses are set forth below in italicized text.

You have requested the following records:

1. Please provide copies of any records that will serve to document whether Ms. Downey, CLC Executive Administrator, informed the members of the Cape Light Compact Governing Board of her plan to contact the Office of the Inspector General through BCK Law in July of 2012, prior to making contact.

*Request #1: The Cape Light Compact has no records responsive to this request. Additionally, as was discussed at the October 8, 2014 Compact Board meeting many Compact Board members were informed individually prior to my contacting the Office of Inspector General (OIG).*



2. Please provide copies of any records that will serve to document whether Ms. Downey informed the members of the CLC Governing Board that she had contacted the OIG through BCK Law in July of 2012 after the letter of July 24, 2012 was sent.

*Request #2: Please refer to the recently released Executive Session minutes of October 24, 2012 posted to the Compact's web site.*

3. Please provide copies of any records that will serve to document whether the CLC Governing Board considered, and/or approved, Ms. Downey's contact with the OIG through BCK Law in July of 2012, during a noticed public meeting, or through any other means.

*Request #3: The Cape Light Compact has no records responsive to this request.*

4. Please provide copies of any records that will serve to document whether Ms. Downey informed the members of the CLC Governing Board of her discussions with the Barnstable County Commissioners (or any number of the Commissioners, including CLC Chairman / Commissioner Doherty) concerning the proposed contact with the OIG in July of 2012.

*Request #4: The Cape Light Compact has no records responsive to this request because no meetings with the Barnstable County Commissioners occurred.*

5. Please provide copies of any documents or communications, including e-mail communications, between Ms. Downey and any of the County Commissioners relating to the contact that Ms. Downey made with the OIG, through BCK Law, on behalf of CLC in July of 2012, whether before or after this contact was made.

*Request #5: The Cape Light Compact has no records responsive to this request.*

6. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether the CLC Governing Board requested that BCK Law act as "shared legal counsel" for CLC and CVEC in matters relating to any communications with, or investigations by, the Office of the Inspector General of CLC and/or CVEC.

*Request #6: The Cape Light Compact has no records responsive to this request. BCK Law did not serve as shared legal counsel for this matter.*

7. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether BCK Law communicated with the CLC Governing Board any opinions or suggestions or actions deemed necessary or prudent to ensure compliance with CLC's bylaws concerning "shared legal representation" -- specifically, with respect to the "shared legal representation" by BCK

Law of the interests of both CLC and CVEC in communicating with, and responding to, the Office of the Inspector General.

*Request #7: The Cape Light Compact has no records responsive to this request. BCK Law did not serve as shared legal counsel for this matter.*

8. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether Commissioner Doherty ever raised the issue of a potential conflict of interest relating to his dual service as both a County Commissioner and Chairman and member of the Executive Committee of the Cape Light Compact in relation to the conversations between Ms. Downey and the County Commissioners regarding Ms. Downey's initial contact with the Office of the Inspector General or any subsequent aspects of the investigation of CLC and CVEC by the OIG.

*Request #8: The Cape Light Compact has no records responsive to this request.*

9. Please provide copies of any correspondence, including e-mail correspondence, between Ms. Downey and any of the County Commissioners relating to any aspect of the investigations by the Office of the Inspector General of the Cape Light Compact and the Cape & Vineyard Electric Cooperative.

*Request #9: The Cape Light Compact has no records responsive to this request.*

10. Please provide copies of records that will serve to document any deliberations of the CLC Governing Board or Executive Committee (whether in open session or executive session) on the topic of the investigations by the Office of the Inspector General of CLC and CVEC. Please identify all of the dates on which the CLC Board or Executive Committee held deliberations on this topic, which should be named as a topic for discussion in executive sessions.

*Request #10: Please see response to #2 above.*

11. Please provide copies of any correspondence, including e-mail correspondence, between Ms. Downey and the members of the CLC Governing Board relating to the investigations of the Office of the Inspector General of CLC and CVEC.

*Request #11: The Cape Light Compact has no records responsive to this request.*

12. Please provide copies of all correspondence received by the Cape Light Compact from the Office of the Inspector General (including correspondence received through the "shared legal counsel," BCK Law).

*Request #12: The estimate for providing public records consisting of communications from the OIG to Compact staff and Compact counsel is as follows:*

<i>Compact Administrator – 1/4 hr. \$55.57/hour: (Document search and review)</i>	<i>\$13.89</i>
<i>Copy charges for printed records– 8 pages @\$ .20 per page</i>	<i>\$1.60</i>
<i>Estimated Total:</i>	<i>\$15.49</i>

**13. Please provide copies of all correspondence sent by the Cape Light Compact to the Office of the Inspector General (including correspondence sent through the "shared legal counsel," BCK Law).**

*Request #13: The estimate for providing public records consisting of communications from the Compact to the OIG is as follows:*

*Option A: Provide all documents sent by Compact to OIG*

<i>Compact Administrator – 2 hr. \$55.57/hour: (Document search, review and redaction time)</i>	<i>\$111.14</i>
<i>Compact Administrative Assistant – 5 hr: \$25.40/hour</i>	<i>\$127.00</i>
<i>Copy charges for printed records– approximately 8,000 pages @\$ .20 per pages</i>	<i>\$1,600.00</i>
<i>Estimated Total:</i>	<i>\$1,838.14</i>

*Option B: Redact customer information, competitively sensitive information and attorney-client privileged information. Biber to make arrangements to review records in person at the Compact's offices.*

<i>Compact Administrator – 2 hr. \$55.57/hour: (Document search, review and redaction time)</i>	<i>\$111.14</i>
<i>Compact Administrative Assistant – 5 hr: \$25.40/hour</i>	<i>\$127.00</i>
<i>Estimated Total:</i>	<i>\$238.14</i>

**14. Please review all executive session minutes of the Cape Light Compact Governing Board and the CLC Executive Committee during which the "ongoing process" of communicating with the Office of the Inspector General was a topic of discussion to determine if any information that was previously withheld can not be disclosed to the public, in light of the fact that the investigations of the OIG are now public.**

*Request #14: Please see response to #2 above.*

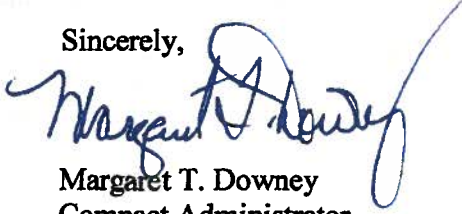
Note as stated above photocopying charges are included in the estimates above, but should you elect to make arrangements to view the documents in person the photocopying charges will be inapplicable.

Please note that the actual cost of producing the requested public records might vary once

the custodian begins preparing the record.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret T. Downey". The signature is fluid and cursive, with a large loop at the end.

Margaret T. Downey  
Compact Administrator

cc: Jeffrey M. Bernstein, Esq.  
Cape Light Compact Governing Board  
Shawn Williams, Secretary of State's Office

## **Maggie Downey**

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**From:** Eric Bibler <ebibler@gmail.com>  
**Sent:** Tuesday, September 30, 2014 4:30 PM  
**To:** Maggie Downey; Joyce Flynn  
**Subject:** Correspondence from the Cape Light Compact to the Office of the Inspector General

Dr. Joyce Flynn  
Chairman

Ms. Maggie Downey  
Executive Administrator  
Records Custodian  
Chief Procurement Officer  
Administrator of Shared Legal Counsel with CVEC

Cape Light Compact  
Barnstable, MA

September 30, 2014

Re: Correspondence from the Cape Light Compact to the MA Office of the Inspector General Sometime in 2012 and Thereafter

Dear Dr. Flynn and Ms. Downey,

I have recently been informed that the Cape Light Compact (CLC) has informed some CLC members that representatives of CLC contacted the Massachusetts Office of the Attorney General in July of 2012 (or at approximately this time) to ask the Inspector General *"to review aspects of CLC's operations and activities to resolve matters raised by the Special Committee Report"* issued on May 2, 2012.

For a copy of the Report of the Special Committee of Inquiry, see here: <http://www.barnstablecounty.org/regional-government/assembly-of-delegates/standing-committees/committee-reports-and-minutes/> ).

The strong implication of these recent comments by CLC representatives is that the Information Requests submitted last week by the Inspector General to all 21 Member Towns and two counties *"acting together as the Cape Light Compact"* has come as a direct response to CLC's request for help from the IG in "resolving" unspecified matters.

Please note that there is no mention in the minutes of the CLC Governing Board, so far as I can discern, of any discussion or action of the Board relating to any contact with, or request to, the MA Inspector General.

Please provide me with the following documents, in electronic form, to the extent possible. If there are no records responsive to a request, please so state in each instance.

1. Any records that will serve to document that the Cape Light Compact Governing Board or Executive Committee discussed the possibility of, the existence of, or the approval of, any communication from the Cape Light Compact (or counsel) to the Inspector General for each instance when

2. Copies of any correspondence from the Cape Light Compact, or counsel, to the Office of the Inspector General (OIG).

3. Copies of any correspondence from the OIG to the Cape Light Compact (or counsel).

4. Please identify correspondence from CLC (or counsel) to the Inspector General that was *provided to members of the CLC Board* and provide records to indicate when, and how, these documents were provided to the board members.

5. Please identify correspondence from the Inspector General to CLC (or counsel) that was *provided to members of the CLC Board* and provide records to indicate when, and how, these documents were provided to the board members.

Thank you, in advance, for your cooperation with this request.

Sincerely,

Eric Bibler



**Maggie Downey**

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**From:** Eric Bibler <ebibler@gmail.com>  
**Sent:** Sunday, October 05, 2014 11:47 AM  
**To:** Maggie Downey; Joyce Flynn; Bill Doherty  
**Subject:** Request for Public Records Relating to CLC Board Approval of Initiatives by Ms. Downey and Shared Legal Representation by BCK Law  
**Attachments:** 2014.09.30\_CLC Press Release\_IG Requests Documents from 23 CLC Member Municipalities.pdf; 2014.10.01\_Lyons Reveals County Commissioners Cooperation with CLC .pdf; OIG\_Correspondence\_Documents Requests\_CLC and Barnstable County .pdf

Dr. Joyce Flynn  
Chairman

Mr. William Doherty  
Board Member  
Former Chairman

Ms. Margaret Downey  
Executive Administrator  
Records Custodian  
Chief Procurement Officer  
Head of Legal Affairs

October 5, 2014

**Re: Initial Contact by Ms. Downey and BCK Law, Mutual Counsel for Cape Light Compact and CVEC, with the Office of the Inspector General to Request a Limited Review of the CLC Electric Supply Procurement Process**

**Re: Subsequent Contacts with the Office of the Attorney General**

**Re: CLC Board Approval of the Designation of BCK Law to Serve as Shared Legal Representation for CLC and CVEC in All Matters Related to Investigations of CLC and CVEC by the Office of the Inspector General**

Dear Dr. Flynn, Commissioner Doherty and Ms. Downey,

As you know -- and have obviously known for some time -- the Massachusetts Office of the Inspector General has been conducting an extensive investigation of the Cape Light Compact (CLC) and the Cape & Vineyard Electric Cooperative (CVEC) for over two years, since September 27, 2012, at the very latest.

As you also know, according to the recent recorded testimony of Barnstable County Commissioner Sheila Lyons on October 1, 2014 to the Barnstable County Assembly of Delegates, Ms. Downey consulted with the County Commissioners at some unknown date prior to July 24, 2012 regarding her plan to approach the Office of the Inspector General to request a limited review of a one aspect of CLC's energy procurement process (see attached transcript and video record on Assembly website here: [Lyons Testimony Before Assembly of Delegates, October 1, 2014](#)).

According to Commissioner Lyons, Ms. Downey informed the County Commissioners that she was motivated to contact the Office of the Inspector General because of the numerous questions raised by the Special Committee of Inquiry on CLC and CVEC on its report dated May 2, 2012 and because Ms. Downey felt that these questions "aren't going to go away."

According to Commissioner Lyons, Ms. Downey told the Commissioners at that time:

That was a conversation that Maggie Downey had at our request because she did call to say, "This [information] has been requested and we want to be able to say, 'we've already done it. We did it when you suggested it, and, we were just waiting for results.' "

Commissioner Lyons also clearly indicated that Ms. Downey had insisted on keeping this information from the Assembly of Delegates and the public.

When asked if the County Commissioners had posted this topic of discussion on any agenda, deliberated this course of action at any meeting, or taken a vote on whether to accede to Ms. Downey's request, Commissioner Lyons replied:

No, we did not. We were....she felt that she should do it, and we weren't going to stop her....No, we didn't take a vote.

On July 24, 2012, a representative of BCK Law, the shared legal counsel for the Cape Light Compact and CVEC, sent a letter to the Office of the Inspector General (OIG) requesting that the OIG conduct a narrow review that was limited to a single aspect of CLC's operations -- a review of CLC's procurement process for electricity power supply. The letter was copied to Ms. Margaret Downey, Compact Administrator (see copy of letter from BCK Law attached).

**This sequence of events raises numerous uncomfortable questions, including the following:**

- 1. Why did Ms. Downey approach the Office of the Inspector General secretly -- and attempt to limit any review by the OIG to an examination of the procurement process for the power supply?*
- 2. Why did Ms. Downey not simply agree to the recommendations of the Special Committee of Inquiry and the Assembly of Delegates and publicly offer its full cooperation in submitting to a comprehensive review of the operations and finances of the Cape Light Compact by the Inspector General?*
- 3. Why, conversely, did Ms. Downey believe that it was in the best interest of the Cape Light Compact to limit any review by the OIG; to petition the OIG secretly to conduct such a limited review; and to anticipate any benefit from pre-empting any comprehensive review by the OIG and by making a blatant misrepresentation, at some future date, that CLC "did it [the comprehensive review the Special Committee recommended] when you suggested it" and that it was kept secret by CLC because "we were just waiting for results"?*
- 4. Why did the County Commissioners agree to such a plan?*
- 5. How did the County Commissioner manage to agree to support this secret contact by Ms. Downey and her counsel to the Office of the Inspector General if the County Commissioners never held any legal deliberations on the topic, through a properly noticed public meeting, and never recorded their approval of the plan by taking a vote?*
- 6. How could the County Commissioners fail to recognize several inherent conflicts of interest in their acquiescence to Ms. Downey's secret contact with the Office of the Inspector General by virtue of the fact that:*

a) Commissioner **William Doherty** was at this time serving as Chairman of the Cape Light Compact and a member of the CLC Executive Committee;

b) Ms. **Downey** was the Executive Administrator of both the Cape Light Compact and CVEC and a member of the CVEC Executive Committee;

c) Mr. **Zielinski** was the Treasurer of CVEC, a member of the CVEC Executive Committee and the County Administrator / Treasurer for Barnstable County, which keeps the books and records for both CLC and CVEC and acts as the Fiscal and Administrative Agent for both CLC and CVEC (the Special Committee had recommended a forensic audit of CLC's finances) and immediate superior to Ms. Downey in the County government?

d) Ms. **Mary Pat Flynn**, Chairman of the County Commissioners, is also a selectman for the Town of Falmouth, which had entered into undisclosed related party transactions with CVEC and/or CLC to sell Renewable Energy Certificates from Falmouth's wind turbine operations to CLC through CVEC.

All of these questions are deserving of serious consideration.

Of more immediate moment for the purposes of this public records request to the Cape Light Compact are the following questions:

1. Did Ms. Downey inform the Cape Light Compact Governing Board, and the CVEC Board of Directors, of her intent to approach the Office of the Inspector General and to propose a secret, limited review of CLC's procurement process for the electricity supply as an answer to the more comprehensive recommendations of the Special Committee of Inquiry on CLC and CVEC?

If so, when did Ms. Downey, as Executive Administrator of both public bodies, inform the respective Boards of CLC and CVEC of her actions?

2. Did the Cape Light Compact Governing Board, or the CVEC Board of Directors, ever deliberate and approve Ms. Downey's initiative to contact the Office of the Inspector General through BCK Law, on July 24, 2012? If so, when?

3. Did the Cape Light Compact Governing Board, or the CVEC Board of Directors, ever approve the use of BCK Law as "shared legal representation" to represent the interests of both CLC and CVEC in its dealings with the Office of the Inspector General -- both initially and subsequently when, as the Compact's press release states, these contacts with the OIG became "an ongoing process," as evidenced by the comprehensive request for documents that the OIG submitted to CLC on September 27, 2012?

4. Did BCK Law make any effort to inform either of its clients -- the Cape Light Compact Governing Board, or the CVEC Board of Directors -- of its communications with the Office of the Inspector General on July 24, 2012 to propose a limited review of CLC's power procurement process, prior to sending this letter to the OIG?

I respectfully encourage Dr. Flynn, the current Chairman of the Cape Light Compact; Commissioner Doherty, the sitting Chairman of CLC at the time of these events; and Ms. Downey, the principal agent of all of these actions, Executive Administrator of CLC and past Executive Administrator of CVEC, to provide answers to these questions.

As you know -- and as you have so often informed me, and others --the Cape Light Compact is "not legally obligated to answer any questions" -- and routinely refuses to do so.



**For that reason, I respectfully submit the following public records requests, to which you are legally obligated to respond within 10 days:**

**Please provide copies of all records in electronic form to the extent possible. Please consider each individual request on a stand alone basis. In the event that there are no records responsive to any of the requests, please state this fact in each applicable instance.**

- 1. Please provide copies of any records that will serve to document whether Ms. Downey, CLC Executive Administrator, informed the members of the Cape Light Compact Governing Board of her plan to contact the Office of the Inspector General through BCK Law in July of 2012, prior to making contact.*
- 2. Please provide copies of any records that will serve to document whether Ms. Downey informed the members of the CLC Governing Board that she had contacted the OIG through BCK Law in July of 2012 after the letter of July 24, 2012 was sent.*
- 3. Please provide copies of any records that will serve to document whether the CLC Governing Board considered, and/or approved, Ms. Downey's contact with the OIG through BCK Law in July of 2012, during a noticed public meeting, or through any other means.*
- 4. Please provide copies of any records that will serve to document whether Ms. Downey informed the members of the CLC Governing Board of her discussions with the Barnstable County Commissioners (or any number of the Commissioners, including CLC Chairman / Commissioner Doherty) concerning the proposed contact with the OIG in July of 2012.*
- 5. Please provide copies of any documents or communications, including e-mail communications, between Ms. Downey and any of the County Commissioners relating to the contact that Ms. Downey made with the OIG, through BCK Law, on behalf of CLC in July of 2012, whether before or after this contact was made.*
- 6. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether the CLC Governing Board requested that BCK Law act as "shared legal counsel" for CLC and CVEC in matters relating to any communications with, or investigations by, the Office of the Inspector General of CLC and/or CVEC.*
- 7. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether BCK Law communicated with the CLC Governing Board any opinions or suggestions or actions deemed necessary or prudent to ensure compliance with CLC's bylaws concerning "shared legal representation" – specifically, with respect to the "shared legal representation" by BCK Law of the interests of both CLC and CVEC in communicating with, and responding to, the Office of the Inspector General.*
- 8. Please provide copies of any documents or communications, including e-mail communications, that will serve to document whether Commissioner Doherty ever raised the issue of a potential conflict of interest relating to his dual service as both a County Commissioner and Chairman and member of the Executive Committee of the Cape Light Compact in relation to the conversations between Ms. Downey and the County Commissioners regarding Ms. Downey's initial contact with the Office of the Inspector General or any subsequent aspects of the investigation of CLC and CVEC by the OIG.*
- 9. Please provide copies of any correspondence, including e-mail correspondence, between Ms. Downey and any of the County Commissioners relating to any aspect of the investigations by the Office of the Inspector General of the Cape Light Compact and the Cape & Vineyard Electric Cooperative.*

**10. Please provide copies of records that will serve to document any deliberations of the CLC Governing Board or Executive Committee (whether in open session or executive session) on the topic of the investigations by the Office of the Inspector General of CLC and CVEC. Please identify all of the dates on which the CLC Board or Executive Committee held deliberations on this topic, which should be named as a topic for discussion in executive sessions.**

**11. Please provide copies of any correspondence, including e-mail correspondence, between Ms. Downey and the members of the CLC Governing Board relating to the investigations of the Office of the Inspector General of CLC and CVEC.**

**12. Please provide copies of all correspondence received by the Cape Light Compact from the Office of the Inspector General (including correspondence received through the "shared legal counsel," BCK Law).**

**13. Please provide copies of all correspondence sent by the Cape Light Compact to the Office of the Inspector General (including correspondence sent through the "shared legal counsel," BCK Law).**

**14. Please review all executive session minutes of the Cape Light Compact Governing Board and the CLC Executive Committee during which the "ongoing process" of communicating with the Office of the Inspector General was a topic of discussion to determine if any information that was previously withheld can not be disclosed to the public, in light of the fact that the investigations of the OIG are now public.**

Thank you in advance for your cooperation with these requests.

Sincerely,

Eric Bibler

Cc: Cape Light Compact Governing Board  
Cc: Cape Light Compact Member Municipalities  
Cc: CVEC Board of Directors  
Cc: Barnstable County Commissioners  
Cc: Barnstable County Assembly of Delegates  
Cc: MA Officials  
Cc: Office of the Inspector General  
Cc: Office of the Attorney General



## Maggie Downey

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**From:** Eric Bibler <ebibler@gmail.com>  
**Sent:** Tuesday, February 24, 2015 5:04 PM  
**To:** Joyce Flynn; Maggie Downey  
**Cc:** James F. Rogers  
**Subject:** OML Complaint Against the Cape Light Compact Concerning the Executive Session Meeting of the CLC Governing Board on October 24, 2012  
**Attachments:** 2012.10.24\_CLC Executive Session Meeting Minutes Unredacted by Board vote 10.8.14 (downloaded from CLC website on 2015.02.23).pdf; 2012.10.24\_CLC Redacted Executive Session Minutes\_from CLC website\_2015.02.22.pdf; 2014.10.08\_CLC Meeting Minutes\_Approve disclosure of exec session minutes.pdf; OML Complaint Form\_Bibler V. Cape Light Compact\_Executive Session Meeting on 2012.10.24\_Signed.pdf; OML Complaint Form\_Rogers V. Cape Light Compact\_Executive Session Meeting on 2012.10.24.pdf; OML Complaint\_Bibler and Rogers V. Cape Light Compact\_Executive Session Meeting on 2012.10.24\_ATTACHMENT A.pdf

Dr. Joyce Flynn  
Chairman

Ms. Maggie Downey  
Compact Administrator  
Records Custodian

Cape Light Compact  
PO Box 427 / SCH  
3195 Main Street  
Barnstable, MA 02630

February 24, 2015

Re: OML Complaint Against the Cape Light Compact Concerning the Executive Session Meeting of the CLC Governing Board on October 24, 2012

Dear Dr. Flynn and Ms. Downey,

Please see attached our Open Meeting Law Complaint against the Cape Light Compact concerning the executive session meeting of the CLC Governing Board on October 24, 2012, along with copies of relevant documents that are cited in the complaint.

For reasons explained in the body of the OML Complaint in *Attachment A*, we believe this complaint to be timely, notwithstanding the fact that the meeting in question occurred more than two years ago. The substance of the complaint expressed in *Attachment A* is reproduced in the body of this e-mail below.

We are attaching a copy of the OML Complaint Form that is signed and dated by Mr. Bibler to this e-mail along with an unsigned copy from Mr. Rogers.

Please be advised that Mr. Rogers does not have the ability to scan and send the signed and dated OML Form via e-mail and has mailed an executed copy of the OML Form associated with this complaint to the Compact at the above address, for delivery via U.S. Mail.

Sincerely,

Eric Bibler  
Weston, CT

James Rogers  
Sandwich, MA

Cc: CLC Governing Board  
Cc: CLC Municipal Members  
Cc: Office of the Attorney General - Open Government Division  
Cc: Office of the Inspector General

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**OML Complaint Against the Cape Light Compact**

**Executive Session Meeting of the CLC Governing Board**

**on October 24, 2012**

-

**February 24, 2015**

-

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**Description of Alleged Violation**

**Factual Background**

On October 24, 2012, the Cape Light Compact Governing Board convened an executive session meeting to conduct confidential deliberations of the Board.

The topics for discussion during the executive session were noticed on the Agenda, as follows:

2:45 – 4:00 Energy Efficiency Program Update

*Proposed Executive Session Pursuant to MGL Chapter 30A,*

*Section 21(a) 3 (pending regulatory litigation– 2013-2015 Massachusetts*

*Joint Statewide Three-Year Electric and Gas Energy Efficiency Plan*

*(D.P.U. 12-xx)) and Chapter 30A, Section 21(a) 10 (municipal aggregator  
proprietary commercial or financial information).*

See the copy of the CLC Meeting Agenda that is attached and which may also be accessed on the CLC website here: [http://www.capelightcompact.org/docs/agendas/2012/2012-10-24\\_agenda.pdf](http://www.capelightcompact.org/docs/agendas/2012/2012-10-24_agenda.pdf)

Subsequent to the meeting, CLC published a redacted version of the open session and executive session meeting minutes for this meeting, a copy of which were obtained from the CLC website on February 22, 2015 (see attached).

The Redacted Meeting Minutes show that CLC provided substantially the same declarations of the topics for discussion by the CLC Board, during the executive session, as provided by the Meeting Notice and Agenda:

**ENERGY EFFICIENCY PROGRAM UPDATE – PROPOSED EXECUTIVE SESSION PURSUANT TO MGL CHAPTER 30A §21(A)3 AND §21(A)10**

At 3:05 p.m. Upon statement from T. Carroll, participating remotely that no other individuals are present and/or able to hear the discussion at his location and a pronouncement from Chr. Doherty that the Board would not re-convene in regular session, *D. Keuch moved the Board vote to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 3 to discuss pending regulatory litigation relative to the 2013-15 Mass. Joint Statewide 3-year electric and gas energy efficiency plan (DPU 12-xx) and Chapter 30A §21(a)10 to discuss municipal aggregator proprietary commercial or financial information, seconded by Peter Cocolis and voted unanimously in favor by roll call vote.*

At some unknown point in time, the Cape Light Compact disclosed a portion of the meeting minutes for this executive session which included details of the CLC Board's secret deliberations on all of the topics that were actually *announced* for discussion (see Redacted Meeting Minutes above).

But these partially redacted minutes *continued* to withhold some information concerning the Board's deliberations during the executive session on topics of discussion that CLC *did not identify*.

Here is how the partially redacted meeting minutes referenced the information that CLC did not disclose:

*[Placeholder for redacted minutes as disclosure of these minutes at this time may defeat the lawful purpose of the executive session]*

On October 8, 2014, in response to a request by a member of the public, the Cape Light Compact Governing Board convened an executive session to consider the possible disclosure of some unspecified number of executive session minutes that had previously not been released.

A copy of the minutes for the meeting of October 8, 2014 is attached and can also be accessed on the CLC website here: <http://www.capelightcompact.org/wp-content/uploads/2014/09/2014-10-08-Meeting-Minutes.pdf>

Yesterday, on Monday, February 23, 2015, the Cape Light Compact published on its website a new version of the executive session meeting minutes for the CLC Board meeting of October 24, 2012 which disclosed *additional* information about the meeting that had previously been redacted through the use of the non-specific "Placeholder" included in the prior version of the partially redacted meeting minutes.

CLC has now published the new version of the executive session minutes to the CLC website with a legend that reads as follows: "*2012 10 24 Executive Session Meeting Minutes Unredacted by Board vote 10.8.14*".

A copy of these fully "*Unredacted*" meeting minutes for the meeting of October 24, 2012, which were published only yesterday, is attached and can also be accessed on the CLC website here: [http://www.capelightcompact.org/docs/minutes/2012/2012 10 24 Executive Session Meeting Minutes Unredacted by Board vote 10.8.14.pdf](http://www.capelightcompact.org/docs/minutes/2012/2012%2010%2024%20Executive%20Session%20Meeting%20Minutes%20Unredacted%20by%20Board%20vote%2010.8.14.pdf).

From the legend provided by the Cape Light Compact, it seems apparent that these minutes must have been approved for public release by the CLC Board at the meeting of October 8, 2014.

The "Unredacted" meeting minutes for the executive session meeting of October 24, 2012, which were approved for release by the CLC Board on October 8, 2014, but which were published to the CLC website only yesterday, February 23, 2015, include the following additional information concerning the CLC Board's secret

deliberations on this date which was previously withheld from the public by the unspecified "Placeholder" in the prior versions of the executive session minutes:

*Litigation, Attorney Client Advice and Proprietary Commercial or Financial Information Discussion*

*M. Downey requested the State Inspector General to examine the Cape Light Compact Power Supply contracts in effort to respond to public allegations asserting impropriety on the part of CLC. The OIG chose to go deeper and required submittal of copies of all contracts and financials back to 2005 and are conducting a confidential investigation. This could take a very long time. This does not conflict with CLC's internal audit being performed by Sullivan, Rogers & Company, LLC. The OIG will also look at those audit results. The OIG will only report if there are findings.*

*Violations of the Open Meeting Law*

The Chairman, the Records Custodian and the Governing Board of Cape Light Compact have clearly violated the Open Meeting Law through this series of actions.

Please note the following specific violations of the OML:

**1. The Cape Light Compact did not disclose all of the topics for discussion during the executive session**

The Cape Light Compact did not provide any notice on its Meeting Agenda that it planned to discuss the topic of Ms. Downey's prior initiative in July of 2012 to approach the Office of the Inspector General (OIG) -- which had not been authorized by the CLC Board and was unknown to Board until October 24, 2012 -- or the OIG's subsequent decision to issue comprehensive Information Requests to CLC and to conduct a full-scale investigation of both CLC and CLC's "sister organization," the Cape & Vineyard Electric Cooperative (CVEC).

The issue here is not, as CLC will undoubtedly claim, whether or not an investigation by the Inspector General is a confidential matter. The issue is that the Cape Light Compact never provided any notice on its announced Agenda that the CLC Board intended to discuss this matter, not even by an non-specific allusion to a "regulatory matter."

It is vital to note that although the meeting agenda does provide notice of "*pending regulatory litigation*," CLC cannot claim that this part of the notice refers to the discussions regarding the OIG because it is specifically identified in the Meeting Agenda as referring to "*litigation relative to the 2013-15 Mass. Joint Statewide 3-year electric and gas energy efficiency plan (DPU 12-xx)*."

Nowhere in the Meeting Agenda is there any reference – or any hint of a reference – to the fact that Ms. Downey would inform the CLC Governing Board for the first time of discussions by Downey and the CLC counsel with the OIG that were initiated by Downey in July of 2012 or of the subsequent response of the OIG to launch a full-scale investigation of CLC.



The failure of the CLC Agenda to provide proper public Notice of this proposed topic of discussion during the executive session meeting on October 24, 2012 is a violation of the OML.

**2. The Cape Light Compact did not announce all of the topics for discussion in convening the executive session**

During the meeting of the Governing Board, Chairman William Doherty convened the executive session on a motion by a CLC Board Member, Mr. Dean Keuch, which provided the same declaration of the topics for discussion during the executive session that had been announced on the Meeting Agenda.

As with the Meeting Agenda, this declaration failed to make any reference to the secret deliberations concerning the overtures to, and subsequent investigations by, the Inspector General.

Since the Open Meeting Law requires that a public body announce all topics for discussion during an executive session, this was a violation of the OML.

**3. The Cape Light Compact did not disclose all of the topics that it discussed in the executive session when it published the meeting minutes of the open session and executive session portions of the meeting**

After the meeting, the Cape Light Compact Board and Records Custodian approved and published a version of the meeting minutes that redacted all reference to the Board's secret deliberations of these matters relating to the Office of the Inspector General.

In so doing, the CLC Chairman, Board and Records Custodian failed to rectify their failure to identify this topic of discussion prior to the meeting by failing to include any reference to the discussions in the meeting minutes that were available for public consumption.

Instead, CLC merely inserted a non-descriptive "Placeholder" in place of the redacted information that it failed to identify properly.

**4. One of the topics discussed by the Cape Light Compact during the executive session should arguably have been discussed by the CLC Board during the open session and the Board's deliberations. This topic should also have been disclosed to the public in the meeting minutes, after the fact of the secret deliberations.**

The Cape Light Compact discussed two topics, rather than one, concerning to the Compact's interactions with the Office of the Inspector General.

As noted above, it was at this meeting that the Compact Administrator / Records Custodian revealed to the full CLC Board for the first time that Ms. Downey had approached the Office of the Inspector General in July of 2012 with the assistance of CLC counsel to request that the Inspector General conduct a limited evaluation of CLC's procurement process for the power supply of the Cape Light Compact.

As has been made clear by recent testimony to the Assembly of Delegates by County Commissioner, Sheila Lyons (currently Chairman of the County Commissioners and the Barnstable County representative to the CLC Board), Ms. Downey was motivated to take this initiative after the public release in May of that year of the Report of the Special Committee of Inquiry on the Cape Light Compact and Cape & Vineyard Electric Cooperative which recommended a full-scale investigation by the OIG, including a forensic financial audit of CLC's accounts.

Since this contact was made *at the initiative of Ms. Downey*, the Compact Administrator, on a voluntary basis – and not as part of any confidential actions initiated by the Office of the Inspector General – these meetings were not part of any “*litigation*” or “*litigatory process*” that would qualify this topic of discussion for exemption under the Open Meeting Law.

This topic of discussion – i.e. Ms. Downey’s overtures to the Inspector General – should have been discussed by the CLC Board during the open session portion of the meeting.

At the very least, even if the topic had been properly announced (which it was not) and discussed during the executive session, the record of the Board’s deliberations on this topic should not have been redacted from the meeting minutes when they were later published.

Instead, members of the public never learned about the initiatives of Ms. Downey and the CLC “Shared Legal Counsel” (for CLC and CVEC) in contacting the OIG in July of 2012 until Commissioner Lyons revealed this event more than two years later, in the fall of 2014.

**5. Notwithstanding the decision of the CLC Board on October 8, 2014 to disclose Unredacted copies of the executive session minutes for the meeting of October 24, 2012, CLC continued to publish only the Redacted version of the minutes until February 23, 2015, which omitted all mention of the CLC Board’s unnoticed deliberations concerning CLC’s interactions with the OIG, and provided a false and misleading record of the Board’s deliberations on that date.**

As noted in this Complaint, as of February 22, 2015, the CLC website continued to publish the Redacted versions of the meeting minutes for October 24, 2012, rather than the Unredacted version that the CLC Board had approved for release on October 8, 2014.

Although it is true that the OML does not require any public body to publish minutes to a website, the fact is that the Cape Light Compact has adopted, and publicly announced, a policy of using the CLC website as a vehicle for providing the legal Public Notice for its meetings and for making its Meeting Minutes available to the public. The Cape Light Compact does this through a dedicated webpage designated as the CLC “Meeting Center.”

The Cape Light Compact’s failure to publish the fully Unredacted version of the executive session minutes for the meeting of October 24, 2012 has deprived the public of the ability to know that the CLC Board discussed these matters relating to the Office of the Inspector General on this date, notwithstanding the vote of the CLC Board on October 8 2014 to publish the information.

Furthermore, since, as noted above, the CLC Board minutes for the meeting of October 8, 2014 *do not specify* which executive session meeting minutes were newly approved for publication, there is no way that any member of the public could have realized that the Unredacted version of the minutes for October 24, 2012 had been approved for release, but were *missing from the document archive* on the CLC “Meeting Center.”

As a result, the CLC Records Custodian has failed to disclose to the public executive session meeting minutes that the CLC Board expressly approved for release while, at the same time, the public had no means of discerning that these meeting minutes had been approved for release, but were missing from the archive.

This may not technically be a violation of Open Meeting Law but it clearly constitutes a failure on the part of the Records Custodian to be faithful to her duties to the CLC Board and to the public.

**6. The Cape Light Compact Board, Ms. Downey, the Compact Administrator / Records Custodian, and Cape Light Compact Counsel have failed to act in good faith and have violated their solemn promises to**

**the Office of the Attorney General, as reported in the AG's Determination under OML 2012-81, issued on August 24, 2012, to "[comply] fully with the Open Meeting Law with respect to entering executive sessions, listing descriptive topics in meeting notices, and announcing specific purposes for the executive sessions."**

The Determination delivered under OML 2012-81 reviewed a litany of OML complaints against both the Cape Light Compact and CVEC, including, among other complaints:

- a) the "failure to disclose topics of discussion in executive session";
- b) the "failure to release information for which secrecy is no longer required"; and
- c) the "use of executive sessions to withhold information from the public and to discuss matters for which secrecy is not required."

A further related OML Complaint addressed by OML 2012-81 alleged that CLC and CVEC committed all of these failings as a "general practice" and asked the Office of the Attorney General to review all of the meeting minutes of CLC and CVEC to determine if CLC and CVEC had systematically committed all of these violations.

For reference, a copy of the Determination under OML 2012-81 may be found on the Attorney General's website here:

<http://www.oml.ago.state.ma.us/Default.aspx?sectionYear=3&year=2012>

Although the Office of the Attorney General advised the Complainant that the Attorney General would decline "to review generalized allegations covering a broad time period," because the AG "will not conduct broad audits of public bodies based upon generalized allegations," the Attorney General noted that:

*"We did, however, review a sample of the Board's executive session minutes from meeting that occurred in 2010 and 2011 that covered specific matters raised by the complaints."*

The Opinion then states that the Office of the Attorney General -- having "sampled" an unspecified number of the meeting minutes for the executive sessions of CLC and CVEC -- discovered numerous examples in which CLC and/or CVEC violated the Open Meeting Law.

It is also noteworthy that the Determination under OML 2012-81 specifically states that in the course of this investigation, the Assistant Attorney General who authored the opinion consulted with several people affiliated with CLC and/or CVEC, including Ms. Downey (who served as Records Custodian for both entities and administered both entities at that time) and **Ms. Erin O'Toole, Esquire, a representative of BCK Law**, the "shared legal counsel" of CLC and CVEC.

Here are the concluding paragraphs of the Determination rendered by Mr. Jonathan Sclarsic, Assistant Attorney General, under OML 2012-81 after prolonged discussions with Margaret Downey, the Compact Administrator / Records Custodian, and representative(s) from BCK Law, the "shared legal counsel" of CLC and CVEC:

**The Boards of the CVEC and the CLC did Not Provide Sufficient Specificity in Announcing the Purposes for Executive Session during Past Meetings.**

*Although not raised by the complainant, in reviewing the executive session minutes of the Boards of the CVEC and the CLC, we found that during a number of the meetings in later 2010, the Boards failed to state a specific purpose for entering executive session....*

*Margaret Downey, the Administrator of the CLC and the CVEC, assured this office that the Boards of the CLC and the CVEC have reviewed their procedures and are now fully complying with the Open Meeting Law with respect to entering executive sessions, listing descriptive topics in meeting notices, and announcing specific purposes for the executive sessions. We also understand from the Boards that both bodies now use a checklist to review the procedures required by the Open Meeting Law before entering executive session. We have reviewed more recent meeting notices and minutes for the Board of both the CLC and the CVEC, and both Boards do appear to be following the Open Meeting Law with respect to executive session procedures, specifically announcing the purpose for executive session. 1*

### CONCLUSION

*We find that the Governing Boards of the CLC and the CVEC did not violate the Open Meeting Law in holding meetings in executive session and continuing to withhold executive session minutes from the public. We do find that the Boards' statement of the purpose for entering executive session during a number of meetings in 2010 and 2011 was inadequate under the Open Meeting Law. However, the Boards have taken appropriate remedial action by amending their practices to include the use of a checklist to cover the procedural requirements before entering executive session.*

And yet, notwithstanding these confident reassurances to the Office of the Attorney General, the Cape Light Compact committed the same violation of the Open Meeting Law – only worse – exactly two months later, on October 24, 2012, when CLC not only failed to provide “*sufficient specificity...with respect to entering executive sessions, listing descriptive topics in meeting notices, and announcing specific purposes for the executive session*” but failed entirely to make any reference to the topic of discussion in executive session (i.e. interactions with the Office of the Inspector General), before, during, or after the deliberations!

Please note that, according to the official meeting minutes for the executive session of the Cape Light Compact Board on October 24, 2012 – all versions – the meeting was also attended by **Ms. JoAnne Bodemer, Esquire of BCK Law**, the “*shared legal counsel*” of CLC and CVEC, a representative of which firm routinely attends all of the meetings of the Cape Light Compact.

*What happened to the vaunted “checklist to review the procedures required by the Open Meeting Law before entering executive session”?*

*What good is a “checklist” if you never bother to use it?*

*What good are the “assurances” of Ms. Downey, her “shared legal counsel” and her colleagues at CLC regarding their new-found enthusiasm for adhering to the Open Meeting Law if their testimony is patently unreliable?*

*If a representative of the “shared legal counsel” of BCK Law is in the room during these executive sessions – and allows the Open Meeting Law to be flaunted anyway – why should the Division of Open Government believe that CLC, its counsel or the CLC Board are*



*capable of comprehending – and following – the most basic tenets of the transparency laws in the Commonwealth of Massachusetts?*

### *Timeliness of This Open Meeting Law Complaint*

The Open Meeting Law requires that an OML Complaint be filed within 30 days after a public meeting or within 30 days of *when the Complainant could reasonably have known that the violation occurred.*

In this instance, as of February 22, 2015, the CLC “Meeting Center” provided only the Redacted version of the executive session minutes for the meeting of October 24, 2012 to the public. As noted above, these meeting minutes, which had been publicly disclosed by CLC, on the CLC website, in accordance with CLC’s established policy, contained no mention of the unnoticed topics of discussion (i.e. interactions with the Inspector General).

On February 23, 2015, CLC replaced these minutes in the CLC “Meeting Center” with the “Unredacted” version of the minutes that was approved by the CLC Board on October 8, 2014.

Therefore, it was not until the “Unredacted” minutes were published yesterday that any member of the public could have “*reasonably known*” that the CLC Board discussed its interactions with the Inspector General during the executive session of October 24, 2012, in violation of the Open Meeting Law.

Although it may be possible that the Cape Light Compact had briefly posted the “Unredacted” meeting minutes to the Meeting Center before removing them, this is unclear and impossible to determine. In any event, a member of the public could not “reasonably have known” about these unreleased executive session minutes – and the OML violations that they revealed – until after the meeting minutes were published on February 23, 2015.

As Dr. Flynn and Ms. Downey both also know, it was Mr. Bibler who noticed that the “Unredacted” executive session meeting minutes were missing and alerted CLC to this fact on February 22, 2015.

### **Further Actions To Be Taken In Response To This Complaint**

#### *The Cape Light Compact should:*

1. Explain and justify its failure to Notify the public of its intention to discuss matters relating to CLC’s interactions with the Office of the Inspector General during the executive session meeting of October 24, 2012, both on the Meeting Notice & Agenda and by the Chair, in convening the executive session.
2. Explain and justify CLC’s failure to make any reference to this topic of confidential discussions during the executive session meeting on this date in the official meeting minutes that were approved and published after the meeting.



3. Explain and justify the failure of CLC to disclose the fact and the substance of its discussions on October 24, 2012 of the initiative by Ms. Downey and the “Shared Legal Counsel” to contact the OIG. More specifically, CLC should explain why this topic for discussion was not disclosed; why the substance of the Board’s deliberations concerning this aspect of CLC’s interactions with the OIG (the voluntary contact) should have been subject to secrecy; and which of the ten exemptions from public disclosure under the OML CLC claims to apply as a justification for withholding this information from the public.
4. Explain and justify the failure of the Records Custodian to publish the Unredacted minutes of the executive session meeting of October 24, 2012, per the approval and instructions of the CLC Governing Board on October 8, 2014, until February 23, 2015.
5. Explain whether the Cape Light Compact has an established policy concerning the publication of meeting minutes that have been approved for disclosure by the Governing Board, including the timeliness of their publication.

*The Office of the Attorney General should:*

1. Review the actions of the Cape Light Compact Administrator / Records Custodian, Governing Board and “Shared Legal Counsel” (with CVEC) in light of their false assurances and broken promises under *OML 2012-81* and assess appropriate penalties and sanctions.
2. Require the Cape Light Compact to make a video record and/or verbatim transcript of all future meetings, including the executive session portions of the meetings to ensure that CLC keeps an accurate record of its proceedings for all future meetings.

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**FOR IMMEDIATE RELEASE**

**Statement from OffshoreMW and Vineyard Power Cooperative:  
Massachusetts Offshore Wind Lease Auction Results.**

The Bureau of Ocean Energy Management (BOEM) announced today that **OffshoreMW**, along with its community based partner **Vineyard Power Cooperative**, as the provisional winner of a lease to develop offshore wind in the federal waters south of Martha's Vineyard. The lease area, OCS-A 501, consisting of 166,886 acres, is located approximately 14 miles south of the island of Martha's Vineyard.

We want to thank BOEM for their strong leadership in identifying and qualifying the Lease Areas. This gave us confidence that the areas we were bidding on were preferred by many stakeholders, and so we have a strong likelihood of receiving permits at the end of the rigorous and detailed environmental review process that is a next stage in developing the lease area.

We also want to thank the Commonwealth of Massachusetts, in particular the Massachusetts Clean Energy Center, for their many initiatives in developing an offshore wind industry for the Commonwealth. These initiatives include early ecological surveys, transmission planning, and the development of a marine terminal in New Bedford. We also want to thank the City of New Bedford for their leadership, and we look forward to working with them in building offshore wind for Massachusetts.

And perhaps most importantly, we want to note that our decision to bid in the auction was driven in large part by the recent activities of the leadership of the Massachusetts House of Representatives, who have filed a balanced energy bill which would bring new sources of energy to Massachusetts and New England, addressing critical rate payer price spikes resulting from natural gas constraints, while also creating jobs and reducing the Commonwealth's carbon pollution. Without this early sign of policy

support for offshore wind from Massachusetts, we would likely not have made this and future investments in the Commonwealth.

We look forward to working with the Commonwealth's elected officials and other stakeholders in developing an offshore wind policy for Massachusetts that ensures a transparent and competitive process that enables the efficient development of an offshore wind industry.

Prior to today's auction, Offshore MW and Vineyard Power entered into a Community Benefit Agreement, the first of its kind in the US offshore wind industry. The Community Benefit Agreement is a collaborative effort to develop utility scale offshore wind with the intention of delivering value to the local community of Martha's Vineyard, through local job creation, infrastructure investment, and community participation and input in the project. OffshoreMW and Vineyard Power will also explore opportunities to deliver wider regional benefits and values from offshore wind development.

#### **ABOUT Offshore MW**

OffshoreMW is the United States sister company to WindMW of Germany. WindMW recently completed construction of a 288MW offshore wind project in the German North Sea.

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#### **ABOUT Vineyard Power Cooperative**

Vineyard Power is a community-owned energy cooperative on Martha's Vineyard, with a vision of powering our island with renewable electricity. Vineyard Power incorporated in 2009 in support of Martha's Vineyard Commission's "Island Plan" with a goal to bring stable, affordable and renewable energy to the island.

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