

**Cape Light Compact  
Executive Committee &  
Governing Board Meeting**

**DATE:** Wednesday, September 9, 2020  
**TIME:** 2:00 – 4:30 p.m.

**Note: The meeting will be held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020. Members of the Public can join in by audio and follow along with Meeting Materials, see the information below. All public comments should be submitted to Maggie Downey, Compact Administrator, at [mdowney@capelightcompact.org](mailto:mdowney@capelightcompact.org) by 2:00 PM on Tuesday, September 8, 2020 and should follow the public comment protocol below. Public comments received after the September 8<sup>th</sup> deadline will be distributed prior to the Compact's next Board meeting.**

**Telephone dial-in: +1 (646) 558-8656**

**Meeting ID: 876 93654794**

**Further instructions are attached to this agenda.**

**AGENDA**

1. **2:00 PM Open Session Vote on entry into Executive Session** pursuant to M.G.L. c. 30A §21(a)(10) to discuss trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to a proposed Low-Income Community Solar project, to return to open session thereafter. **Participation in the Executive Session is limited to CLC Board Members, CLC Staff and Invited Guests**
2. Executive Session Discussion.
3. Executive Session Vote to adjourn executive session and return to open session

**Open Session Starts at 2:45: Members of the Public are invited to attend remotely.**

1. Public Comments - Written Only
2. Approval of July 8, 2020 Open Session Minutes
3. Chairman's Report, Ron Zweig: Home Energy Reports
4. 2020 Operating and Energy Efficiency Budget Reports, Peter Cocolis
5. Update on Energy Efficiency Programs
  1. Proposed Dehumidifier Turn-In Event, Dan Schell
  2. Update on Cape and Vineyard Electrification Offering (CVEO), MA Department of Public Utilities 20-40, Austin Brandt
  3. Review Residential and Commercial Offering Extension Dates, Maggie Downey
6. Administrator's Report, Maggie Downey:
  1. Update on Rural Energy Savings Program (RESP) loan from the Rural Utilities Service (RUS), potential vote.
  2. Update on COVID Plan for Compact Office for last quarter of 2020
  3. Request to Offer a Vacation Buy-Back for Compact Staff, potential vote

4. Update on Potential Energize Cape & Vineyard Effort
5. Update on DPU 20-69, Investigation by the Department of Public Utilities on its own Motion into the Modernization of the Electric Grid – Phase Two (Customer-facing Grid Modernization investments, including time varying rates and advanced metering functionality)
  
7. Presentation on Yarmouth Municipal Vulnerability Plan (MVP) Grant. Representatives from Rivermoor Energy, Town of Yarmouth, Weston & Sampson, and CLC Staff
  
8. Board Member Update (Reserved for Updates on Member Activities the Chair Did Not Reasonably Anticipate Would be Discussed – No Voting)
  
9. Roll Call Vote to Adjourn the Meeting

**Chairman's Public Comment Protocols  
for the September 9, 2020 Compact Governing Board Meeting**

The Chair, pursuant to his authority under G.L. c. 30A, §20, and consistent with Governor Baker's Emergency "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued on March 12, 2020, announces the following protocols to assist the public in effective participation in the September 9, 2020 Compact Board meeting, where all Board Members, staff and members of the Public shall be participating remotely:

1. All public comments shall be submitted in writing to the Compact Administrator, Maggie Downey, at [mdowney@capelightcompact.org](mailto:mdowney@capelightcompact.org) by 2:00 PM on Tuesday, September 8, 2020. Written comments must include a person's name and, if appropriate, the name of the organization the person is representing. Public comments received after the July 7<sup>th</sup> deadline will be distributed prior to the Compact's next Board meeting.
2. Public comment must be respectful, courteous, and presented in a dignified manner. All remarks must also be free of personal attacks.
3. All public comments consistent with these protocols shall be included in the Compact's Board meeting packet.
4. Board members and staff shall not respond to public comment during the Compact's Board meeting.
5. Copies of the Board meeting packet shall be made available to members of the public on Wednesday, September 9, 2020 at the Cape Light Compact JPE's web site at [www.capelightcompact.org](http://www.capelightcompact.org). Documents exempt from disclosure pursuant to the Public Records Law or protected by the attorney-client privilege shall not be included.

**Cape Light Compact JPE  
Governing Board  
Meeting Minutes  
Wednesday, July 8, 2020**

Pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, the Cape Light Compact JPE Board of Directors met on Wednesday, July 8, 2020 at 2 pm. The meeting was held through a Zoom videoconference for members of the Board with audio call-in available for members of the public.

**Participating Remotely Were:**

1. Forrest Filler, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Peter Doyle, Barnstable Alternate
4. Robert Schofield, Executive Committee, Bourne
5. Colin Odell, Brewster
6. Jillian Goldsmith, Chatham Alternate
7. Timothy Carroll, Chilmark
8. Erik Peckar, Dukes County
9. Fred Fenlon, Eastham
10. Alan Strahler, Edgartown
11. Martin Culik, Executive Committee, Orleans
12. Nathaniel Mayo, Provincetown
13. Leanne Drake, Sandwich
14. Robert Higgins-Steele, Truro Alternate
15. Richard Elkin, Wellfleet
16. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

**Absent Were:**

1. Peter Cocolis, Executive Committee, Chatham
2. Brad Crowell, Dennis
3. Ronald Zweig, Chair/Executive Committee, Falmouth
4. Valerie Bell, Harwich
5. Wayne Taylor, Mashpee
6. Richard Toole, Executive Committee, Oak Bluffs
7. Kirk Metell, Tisbury
8. Sue Hruby, West Tisbury

**Legal Counsel Participating Remotely:**

Jeffrey Bernstein, Esq., BCK Law, P.C.

**Staff Participating Remotely:**

Austin Brandt, Senior Power Supply Planner  
Briana Kane, Residential Program Manager  
Dan Schell, Marketing and Communications Coordinator  
Maggie Downey, Administrator  
Melissa Allard, Senior Administrative Coordinator

**Public Participants:**

None.

Joyce Flynn called the meeting to order at 2:03 PM.

**PUBLIC COMMENT:**

There was no public present and no public comments were submitted to the Board in writing under the public comment guidelines.

**APPROVAL OF MINUTES:**

The Board considered the June 10, 2020 Open Session Meeting Minutes.

*Robert Schofield moved the Board to accept the minutes as amended and to release them as amended, seconded by Martin Culik.*

Forrest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Jillian	Goldsmith	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Erik	Peckar	Dukes County	Abstained
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Robert	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (14-0-1)*

**2020 OPERATING AND ENERGY EFFICIENCY BUDGET REPORTS:**

Joyce Flynn stated that the operating and energy efficiency budget reports are in the Board packet for the Board to review. However, since Peter Cocolis is not present, it will be discussed at the next Board Meeting.

**UPDATE ON ENERGY EFFICIENCY PROGRAMS:**

**1. Proposed Dehumidifier Turn-In Event**

Dan Schell stated there has been a delay in scheduling dehumidifiers turn-in events due to COVID-19. The Compact is hoping to schedule three on Cape Cod and one on Martha's Vineyard. The management team

has talked about holding it at the Compact's office. Dan Schell stated that if any of the Board Members have any ideas about places to hold the event on Martha's Vineyard to reach out to him.

Alan Strahler asked about Crane Appliances on Martha's Vineyard. Dan Schell stated that TRC has reached out to see if they will hold the event but have not heard back yet.

## **2. Update on Cape and Vineyard Electrification Offering (CVEO), MA Department of Public Utilities (DPU) 20-40**

Austin Brandt stated that the Department of Public Utilities (DPU). sent out notice of filing and request for comments on June 26, 2020. There is a link to the notice on the Compact's website and anyone who wants to intervene must notify the DPU by July 27, 2020. Eversource wants to intervene, but it is likely to intervene as a limited participant.

Maggie Downey stated that she will be sending talking points out to the Board Members to share in support of Cape & Vineyard Electrification Offering (CVEO). Maggie Downey is going to work with stakeholders. The Compact needs members of the public to speak out and submit letters of support. The Compact needs to show that the community is willing to pay for the program.. Comments on CVEO must be submitted by August 10, 2020.

### **PRESENTATION ON RECENT SOLAR MASSACHUSETTS RENEWABLE TARGET (SMART) PROGRAM REGULATIONS: LOW- INCOME COMMUNITY SOLAR (LICS), AUSTIN BRANDT. POTENTIAL VOTE IN SUPPORT OF SMART LICS PROJECTS:**

Austin Grant reviewed the SMART Program Updates PowerPoint. He stated that SMART provides higher compensation rate for Low Income Community Shared Solar (LICSS) projects. Emergency regulations revised SMART LICSS systems to increase the accessibility of the program to low income communities.

Richard Elkin asked how finely they are going through the census. Maggie Downey stated it is a more granular process and there are more than one census tracts. Richard Elkin asked how individuals' income is being tracked. Austin Brandt stated that it would be based on their service rate with Eversource. Richard Elkin asked if the Compact would be building the projects. Austin Brandt answered no, they would be done by project developers and there will be a contract for each. Richard Elkin asked how customers would sign up to save. Austin Brandt stated it will be similar to the opt out process the Compact does for power supply. In no instance will it harm the customer. Jeff Bernstein stated that project developers would not be signing up customers one by one because it is cost prohibitive to enroll customers in that manner.

Joyce Flynn asked if this would add significantly to staff's workload. Austin Brandt answered that there will be some additional administrative tasks. The Compact will need supplier developer to keep track of payments, produce benefit variables, and matching incentives of what is being produced. Maggie Downey stated that the Compact would be paid for its legal fees associated with these projects.

David Anthony asked if it was first come first serve for developer's projects. He asked if the Compact would vet the project and stated that the Compact should have a discussion on the project.. Austin Brandt stated that the Compact's role is to review the RFP for these projects. The Compact is open to working with any project developer and will evaluate on a project by project basis to assure that it selects projects that will benefit low-income customers, fit within the Compact's values, and are supported by the community. He stated that there is no scenario where the Compact or customer is responsible for payments to the LICSS developer.

Colin Odell stated that benefits flow two ways. The developer being able to have 50% of the output committed to low-income customer increases its receipts from the SMART program. The Compact would be offering an amount of kWh to the developer that would be dedicated to qualifying low-income customers that the developer could count on. He asked if the Compact has any historic numbers for the consistency of low-income sales or if it comes down to looking at the census maps. He asked if the Compact has the responsibility to a developer to secure a certain number of low-income customers. Austin Brandt stated the Compact does not control census tract or low-income rates. If every low-income customer becomes ineligible, it is not the Compact's responsibility. He stated that the Compact can analyze the Housing Assistance Corporation's data. Colin Odell asked if any developers have come forward. Maggie Downey answered yes. Colin Odell asked if they understand the risk. Maggie Downey answered yes. Austin Brandt stated that would be detailed in any contract/agreement between the Compact and a project developer.

Richard Elkin asked if a developer comes in and says it can serve 10% of a town's customer base, is it 10% or all customers or just low-income users? Jeff Bernstein stated that in that example it would be 10% of low-income customers in that town. Jeff Bernstein noted that developers look at geographic areas, number of low-income customers in that area and the size of projects. The ideal is to find a project that could supply all low-income customers in the identified community/town. Richard Elkin stated what happens if there are not enough customers. A developer will only take on 95% capacity because they do not want to take the risk. Austin Brandt stated low-income residents in a community or area enroll and if there is additional capacity for low-income customers, the Compact could extend the initial eligibility area definition. Jeff Bernstein stated that the project developers will get to that point where they can choose to take the risk by reaching out to other aggregators. Richard Elkin asked if that wording would then be added to the first contracts. Jeff Bernstein answered that it would likely not be as it would be premature to do so with the initial offerings.

Colin Odell asked if this would create competition for organizations like Habitat for Humanity. Maggie Downey answered that the programs would complement each other. Richard Elkin asked if developers building projects in other places could take advantage of our customers. Jeff Bernstein answered that they must be within the service territory.

*Martin Culik moved the CLC]PE Board of Directors vote in support of the Compact implementing SMART low-income community shared solar projects in the Compact's municipal aggregation service territory, in order to enhance the accessibility of the SMART program to low income communities. The Compact will implement such projects consistent with the recent revisions to the Department of Energy Resources' SMART regulations, related SMART Guidelines and any related directives from the Department of Public Utilities. The CLC]PE Board a/Directors will review and approve the terms governing, among other things, the Compact's allocation of electricity or bill credits for any such project.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver al/ documents as may be necessary or appropriate to implement this vote. Seconded by Colin Odell.*

Forrest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Jillian	Goldsmith	Chatham	Yes

Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Robert	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14-0-0)

**ADMINISTRATOR’S REPORT, MAGGIE DOWNEY:**

- DPU 20-69, Investigation by the Department of Public Utilities on its own Motion into the Modernization of the Electric Grid – Phase Two (Customer-facing Grid Modernization investments, including time varying rates and advanced metering functionality). Potential Vote to submit comments, participate in technical session and in proceeding generally**

Maggie Downey stated that DPU 20-69 is the investigation into phase two of grid modernization. The Compact plans to comment in this proceeding.

She noted that she is concerned because Eversource is proposing to serve only basic service customers and Compact customers would not be able to participate. This could have an impact on implementation of the Compact’s demand response program. Maggie Downey stated that the Compact has addressed and responded to the questions that have been vetted by the Board on the consumer advocacy allocation worksheet to authorize the use of energy efficiency rate payer funds for participation in this docket.

Richard Elkin stated that electric cars have become more common. He asked if Eversource is proposing a time of day to lower rates. Maggie Downey stated that it is trying to get customers to charge their electric cars off peak hours. It is also looking at alternatives to smart metering and seeing how they respond.

David Anthony asked if the Compact should reach out to car dealerships. Maggie Downey stated that it was premature to get them involved. David Anthony asked if there was any financial impact. Maggie Downey answered not at this time.

*Robert Schofield move the CLCJPE Board of Directors vote to participate in the DPU 20-69 proceeding for the reasons outlined in the attached Consumer Advocacy Worksheet.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Tim Carroll.*

Forrest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes



Jillian	Goldsmith	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Robert	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14-0-0)

**2. Update on COVID Plan for Compact Office**

Maggie Downey stated that she sent the Compact office COVID-19 sent protocols to the Board. She worked on with them with Ron Zweig. She stated that the office is open to the public by appointment and that most staff are continuing to work remotely.

**3. Schedule for fall board meetings (and anticipation of continued virtual meetings)**

Maggie Downey stated that based on conversations with Ron Zweig and Jeff Bernstein the Board Meetings will continue to be held virtually this fall unless something significant changes.

**4. Home Energy Assessment Update**

Maggie Downey reviewed the Home Energy Assessment Update PowerPoint. She stated that in person assessments had been put on hold in March. Weatherization work has started up now and health and safety protocol have been put into place. Maggie Downey stated that the Compact would like to resume in person assessments and continue to offer virtual assessments as well.

Joyce Flynn asked what the wait time for an in-person assessment was. Briana Kane stated that the Compact does not have that information at this time. RISE is bringing more staff back on. There is a quick turn-around for virtual assessments. Joyce Flynn asked if the incentive for 100% for insulation was still expiring on July 31, 2020. Briana Kane stated that the Compact is waiting to lock down an extension soon. Martin Culik asked if in person assessments were in line with Governor’s COVID-19 policies. Maggie Downey answered yes and that addendums have been

Maggie Downey asked for the sense of the Board to resume in person assessments and continue to offer virtual assessments as well. The sense of the Board is yes.

**ADJOURNMENT:**

Motion to adjourn made at 3:30 PM moved by Robert Schofield, seconded by Martin Culik.

Forrest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes

Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Jillian	Goldsmith	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Robert	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- June 10, 2020 Draft Meeting Minutes
- 2020 Operating Budget
- 2020 Energy Efficiency Budget
- SMART Program Updates PowerPoint
- Agenda Action Request: SMART Program Regulations for Low-Income Community Solar
- DPU 20-69
- Agenda Action Request: DPU 20-69: Investigation by DPU on its own Motion into the Modernization of the Electric Grid - Phase Two
- Cape Light Compact Operational Protocols
- Home Energy Assessment Update PowerPoint



CY2020 Operating Budget as of September 8, 2020

ORG	OBJECT	ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	% USED
01001	5110	OP-SALARIES	45,000	45,000	28,878.92	16,121	64.20
01001	5119	OP-SALARY RESERVE	5,000	5,000	0.00	5,000	0.00
01001	5171	OP-RETIREMENT	13,503	13,503	9,773.79	3,729	72.40
01001	5173	OP-GROUP INSURANCE	12,035	12,035	7,545.40	4,490	62.70
01001	5174	OP-MEDICARE/OTHER TAXES	1,275	1,000	393.04	607	39.30
01001	5175	STATE UNEMPLOYMENT INSURANCE	0	275	46.25	229	16.80
01001	5179	OP-MISC FRINGES	500	500	217.50	283	43.50
01001	5180	OP-RETIREMENT LIABILITY	42,700	42,700	0.00	42,700	0.00
01001	5181	OP-OPEB LIABILITY	15,000	15,000	0.00	15,000	0.00
01001	5210	OP-UTILITIES	500	500	36.16	464	7.20
01001	5270	OP-MISC RENTALS	1,000	1,000	0.00	1,000	0.00
01001	5272	OP-RENT	3,600	3,600	2,175.00	1,425	60.40
01001	5290	OP-CUSTODIAL SERVICES	800	800	602.28	198	75.30
01001	5301	OP-ADVERTISING	160,000	160,000	97,523.52	62,476	61.00
01001	5302	OP-PUBLIC MARKETING SUPPORT	0	0	11,790.05	-11,790	100.00
01001	5309	OP-IT SERVICES	398	398	294.95	103	74.10
01001	5313	OP-STAFF PROFESSIONAL DEVELOP	5,000	3,400	3,603.68	-204	106.00
01001	5314	OP-PAYROLL SERVICES	80	1,080	914.98	165	84.70
01001	5315	OP-LEGAL SERVICES	195,000	195,000	105,705.24	89,295	54.20
01001	5316	OP-AUDIT FEES	1,000	1,000	951.70	48	95.20
01001	5318	OP-TREASURY SERVICES	1,000	1,000	412.06	588	41.20
01001	5319	OP-CONTRACTUAL	20,000	20,000	13,559.00	6,441	67.80
01001	5320	OP-OUTREACH/MARKETING CONTRACT	100,000	100,000	47,438.57	52,561	47.40
01001	5341	OP-POSTAGE	10,000	10,000	4,580.75	5,419	45.80
01001	5343	OP-TELEPHONES	1,257	2,857	1,713.99	1,143	60.00
01001	5344	OP-INTERNET	587	2,187	1,264.16	923	57.80
01001	5345	OP-PRINTING	12,500	12,500	6,730.88	5,769	53.80
01001	5400	OP-SUPPLIES	1,500	1,500	63.72	1,436	4.20
01001	5490	OP-FOOD SUPPLIES	500	500	382.02	118	76.40
01001	5710	OP-TRAVEL IN STATE	17,000	14,400	1,915.67	12,484	13.30
01001	5720	OP-TRAVEL OUT STATE	6,000	6,000	1,645.32	4,355	27.40
01001	5730	OP-SPONSORSHIPS	41,800	41,800	20,037.00	21,763	47.90
01001	5731	OP-SUBSCRIPTIONS	20,000	20,000	18,944.50	1,056	94.70
01001	5732	OP-SOFTWARE LICENSES	1,225	1,225	996.10	229	81.30
01001	5741	OP-INSURANCE	15,000	15,000	12,562.11	2,438	83.70
01001	5789	OP-UNPAID BILLS	2,000	2,000	0.00	2,000	0.00
01001	5850	OP-MISC EQUIPMENT	500	500	20.45	480	4.10
01001	5854	OP-FINANCIAL SOFTWARE SYSTEM	1,000	1,000	64.00	936	6.40
01001	5855	OP-COMPUTER EQUIPMENT	3,000	3,000	0.00	3,000	0.00
		Total 01 OPERATING FUND	757,260	757,260	402,782.76	354,477	53.20
		Expense Total	\$ 757,260.00	\$ 757,260.00	\$ 402,782.76	\$ 354,477.24	53%
		2020 Power Supply Revenue thru July 31	\$ 533,725.00				

# Energy Efficiency Program Updates

## September 9, 2020

**Cape Light  
Compact**



*Working Together Toward A Smarter Energy Future*

# Home Energy Assessment Update



- 100% insulation incentive
  - To be eligible for the 100% incentives customers should call to schedule a Home Energy Assessment by September 30, 2020
  - Customers who have a Virtual Home Energy Assessment (VHEA) have 30 days from date of VHEA to sign the contract and install by March 31, 2021.
  - Customers who had an in-person assessment prior to the temporary suspension of on-premise who hadn't signed an insulation contract yet have to sign the contract by July 31, 2020, and install by November 30, 2020.
  - Customers with signed contracts prior to the suspension of on-premise work need to have installed by November 30, 2020.
  - Customers must live in a 1-4-unit home.

# Commercial & Industrial Update



- New webpage for all business enhanced offers – [www.CapeLightCompact.org/buisnessoffers](http://www.CapeLightCompact.org/buisnessoffers)
- Small Business enhanced incentive has been extended through November 30, 2020 – customers can call Compact or sign-up online for an assessment
- Extended until November 30, 2020:
  - Increased incentives for commercial lighting with controls purchased at participating electrical distributors
  - Increased incentives for commercial kitchen equipment. Equipment must be purchased from a participating foodservice dealer



Thank you!



**Agenda Action Request  
Cape Light Compact  
Meeting Date: 9/9/2020**



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

**US Department of Agriculture Rural Energy Savings Program  
Loan Application**

**REQUESTED BY:** *Maggie Downey*

***Proposed Motion(s)***

*I move the CLCJPE Board of Directors vote to support preparation of the documents required by the US Department of Agriculture's Rural Energy Savings Program by Compact staff, with advice from legal counsel, consultants and auditors as necessary, as part of its loan application.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote.*

***Additional Information***

See attached presentation and USDA RESP Application Checklist

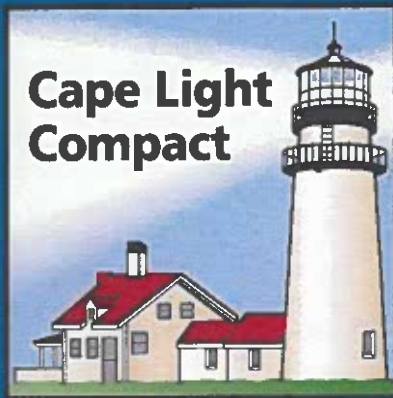
***Record of Board Action***

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

## RESP Application Checklist

**(See Regulation for further details on below items)**

1. Application Cover Letter signed by highest ranking officer.
2. Signed Board Resolution approving the establishment of the program.
3. Articles of Incorporation and Bylaws or other applicable organizational documents.
4. Multi-Tier Action Environmental Compliance Agreement.
5. 10 Year Long Range Financial Forecast to include:
  - a. Current and Projected cash flows
  - b. Pro forma balance sheet
  - c. Financial goals for margins, debt service, coverage, equity, etc.
  - d. Assumptions, supporting data, analysis
  - e. Current and projected income and expenses
  - f. Itemized budget and schedule, discussion of loan loss reserve
  - g. Sensitivity analysis if required by RUS
6. Implementation work plan.
7. Measurement and Verification plan.
8. Additional Federal compliance forms as provided in NOSA
  - a. Attorney's Opinion Letter
  - b. Form 400
  - c. Standard Form 100 (N/A if less than 100 full time employees).
  - d. Form AD-1049
  - e. Form AD-1047
  - f. Lobbying Certification
  - g. Certification on Federal Debt Delinquency



**Cape Light  
Compact**

*Your Trusted, Local Energy Resource*

**U.S. Department of  
Agriculture Rural Energy  
Savings Program (RESP)  
Compact Governing Board  
September 9, 2020**

# USDA RESP Loan Program

## **Compact Submitted Letter of Intent (LOI) May 29, 2020**

- LOI approved and Compact invited to proceed with loan application on August 17, 2020
- Application due November 16, 2020
- Loan Application Checklist
  - Cover Letter
  - Board Resolution approving establishment of program
  - Compact Joint Powers Agreement
  - Multi-tier Action Environmental Compliance Agreement
  - 10-Year Long Range Financial Forecast
  - Implementation Workplan
  - Measurement and Verification Plan



# USDA RESP Loan Program

- Loan Application Checklist (continued)
  - USDA Compliance Forms
    - Attorney's Opinion Letter
    - Form 400
    - Form AD-1049
    - Form Ad-1047
    - Lobbying Certification
    - Certification on Federal Debt Delinquency



# Next Steps

## **Board vote to begin work on RESP loan application**

- Staff to begin drafting all required documents
- October 14 Board Meeting vote on RESP Loan Resolution
- Target: Present draft loan application to Compact Board by November 2
- Work with Cape Cod 5 to develop an agreement to administer RESP loan on behalf of Compact



**Agenda Action Request  
Cape Light Compact  
Meeting Date: 9/9/2020**



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

**Waive Section 8.3(l) of CLCJPE Policies and Procedures Manual (Vacation Buy-Back)**

**REQUESTED BY:** *Maggie Downey*

***Proposed Motion(s)***

*I move the CLCJPE Board of Directors vote to waive section 8.3(l) of the CLCJPE Policies and Procedures Manual and allow Compact employees to buy-back up to 10 days of their existing accrued vacation days, on, or before September 30, 2020.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote.*

***Additional Information***

As noted in Section 8.3(l), attached, staff are eligible to buy-back vacation upon reaching 15 years, or more, of continuous service with the Compact. The current pandemic disrupted staff's use of their accrued vacation time. It has also impacted family finances through loss or reduced work hours within families. It is in the Compact's best interest to reduce staff's accrued vacation days, and allowing vacation buy-back by compensating staff for unused vacation time, reduces Compact's financial liability. For these reasons, the Compact Administrator respectfully requests that the Board consider waiving Section 8.3(l) of the Personnel Policies and allowing interested staff to buy-back up to 10 vacation days. The estimated total budget impact is approximately \$17,860.

***Record of Board Action***

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

**Cape Light Compact JPE  
Policies and Procedures Manual  
Chapter 8  
Leave  
Section 8.3(l)**

At the beginning of each calendar year, the CLCJPE, subject to annual appropriation, provides a vacation buy-back program to eligible employees in accordance with the following:

- (1) An employee with fifteen years of continuous full time service with the CLCJPE, may exchange up to 5 days of vacation days for a day's pay per day exchanged. The total days exchanged to the CLCJPE will be deducted from the employee's total accumulated vacation days.
- (2) An employee with twenty years, or more, of continuous full time service with the CLCJPE, may exchange up to 10 of these days to the CLCJPE for a day's pay per day exchanged. The total days exchanged to the CLCJPE will be deducted from the employee's total accumulated vacation days.





---

ATTORNEYS AT LAW

---

The firm has attorneys also admitted to practice in District of Columbia, Idaho, New Hampshire (Inactive) and Vermont

1337 MASSACHUSETTS AVENUE, BOX 314  
ARLINGTON, MASSACHUSETTS 02476

TELEPHONE: 617.244.9500  
FACSIMILE: 802.419.8283  
E-MAIL: [bckboston@bck.com](mailto:bckboston@bck.com)  
WEBSITE: [www.bck.com](http://www.bck.com)

September 4, 2020

***VIA ELECTRONIC MAIL ONLY***  
***([Peter.Ray@mass.gov](mailto:Peter.Ray@mass.gov))***

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5th Floor  
Boston, MA 02110

*Re: D.P.U. 20-69*  
*Investigation by the DPU on its own Motion into the Modernization of the Electric Grid –*  
*Phase Two.*

Dear Secretary Marini:

Enclosed for filing please find the Reply Comments of the Cape Light Compact JPE (the "Compact") in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Rebecca F. Zachas".

Rebecca F. Zachas

RFZ/drb  
Enclosures

cc: Tina Chin, Esq., Hearing Officer (via email only)  
Sarah Spruce, Esq., Hearing Officer (via email only)  
D.P.U. 20-69 Service List (via email only)  
Margaret T. Downey, Compact Administrator (via email only)

VERMONT OFFICE:  
P.O. Box 205, Woodstock, Vermont 05091  
Telephone: 802.457.9050  
Facsimile: 802.419.8283  
E-Mail: [bckvt@bck.com](mailto:bckvt@bck.com)

MOUNTAIN STATES OFFICE:  
Telephone: 617.584.8338  
Facsimile: 802.419.8283  
E-Mail: [bckidaho@bck.com](mailto:bckidaho@bck.com)

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF PUBLIC UTILITIES**

---

Investigation by the Department of Public Utilities )  
On its Own Motion into the Modernization of )  
the Electric Grid – Phase Two. )

---

D.P.U. 20-69

**REPLY COMMENTS OF THE CAPE LIGHT COMPACT JPE**

The towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet and Yarmouth, and Dukes County organized and operating collectively as the Cape Light Compact JPE, a joint powers entity organized pursuant to G.L. c. 40, §4A ½ and G.L. c. 164, §134 (the “Compact”), hereby submit the following Reply Comments pursuant to the solicitation of comments in the Vote and Order Opening Investigation issued by the Department of Public Utilities (the “Department”) on July 2, 2020 (the “Order”), in the above-referenced proceeding.

**I. REPLY COMMENTS**

The Compact offers the following reply comments on certain aspects of the initial comments filed in this docket:

**A. Comments Supported the Need for Municipal Aggregations to Be Able to Offer Time-Varying Rates (“TVR”) to Their Electric Vehicle (“EV”) Customers.**

In its Initial Comments, the Compact stated that the Department must ensure that municipal aggregators are able to offer supply TVR programs to their EV customers to the same extent that the electric distribution companies (“EDCs”) can offer supply TVR programs to their basic service EV

customers. Compact Comments 4-9. Significantly, other commenters supported TVR for EV customers on municipal aggregation. AGO Comments at 7; DOER Comments at 26; Acadia Center Comments at 7; Eversource Comments at 10; National Grid Comments at 20; City of Newton Comments at 1; Greenlots Comments at 4; Actual Energy Comments at 1-2; CLF Comments at 10. The AGO stated that the Department should consider “the impact of differing TVR rate designs on municipal aggregation customers, both in terms of direct EDC charges and in terms of the potential to encourage TVR by municipal aggregations.” AGO Comments at 7.

The Compact and other commenters noted the significant number of electric customers on municipal aggregation. Eversource Comments at 10; National Grid Comments at 20; CLF Comments at 10. The City of Newton provided that, “[w]ith aggregations serving a large and increasing percentage of Massachusetts electricity customers, aggregations will be an important channel for making TVR rates available to customers.” City of Newton Comments at 1. Actual Energy further noted the valuable role that retail providers can play in partnering with municipal aggregations to offer TVR to customers. Actual Energy Comments at 2.

In particular, Acadia Center noted the need for inclusion of competitive supply customers in the Department’s investigation here:

One issue left unresolved by the Department’s Order in 15-120/121/122 was whether customers who were not on basic supply were eligible to receive [advanced metering functionality (“AMF”)]. Eversource proposed in testimony to remove AMF from customer homes if they were to switch onto competitive supply, due to the expense of the meter and assumed lack of ability to charge time varying supply rates. In the intervening years, the concentration of customers on competitive supply has only increased due to the proliferation of municipal aggregation programs throughout the state – including Boston’s recently approved program. In guiding the utilities’ plans for both an EV-specific deployment of AMF and a larger scale deployment, the Department must require a solution that allows competitive supply customers to have access to TVR

programs. Any TVR and AMF program must be designed with this goal in mind.

Acadia Center Comments at 7.

As set forth in the Compact's Initial Comments, for municipal aggregators to be able to offer supply TVR to their EV customers, the Department must address targeted AMF deployment to EV customers on municipal aggregation, as well as data access and billing by the EDCs for municipal aggregators. Compact Comments at 6-7. In its initial comments, Eversource stated that:

The significant number of customers on alternate supply further reduces the cost effectiveness of any AMF investment made for the purposes of TVR supply pricing. The Company cannot accept nonstandard pricing from suppliers because suppliers must conform to the parameters of the Company's billing system. Suppliers, however, may obtain interval data from the Company through a subscription service and that data could be used by the supplier to generate a separate bill utilizing rates of their own design.

Eversource Comments at 10. It is imperative to note that it is currently cost-prohibitive to offer TVR at scale through the method suggested by Eversource. Eversource has a responsibility to ensure that TVR supply options are available to all customers, regardless of how they choose to receive supply, in a fair and equitable manner. This must also be accomplished without subsidizing basic service rates or unduly burdening competitive supply markets.

The Compact looks forward to further participation on this issue in this proceeding, and stands ready to move forward with TVR offerings for its customers, once enabled to do so.

**B. Deployment of Advanced Metering Infrastructure ("AMI") and TVR Should Not Be Limited to Basic Service EV Customers.**

As the Compact demonstrated in its Initial Comments, the Department should not limit deployment of AMI and TVR to the EDCs' basic service EV customers for a number of reasons, including that the Department should avoid unfair and discriminatory treatment based solely on choice of supplier. See Compact Comments at 4-9. The Compact acknowledges and appreciates

the concerns of the Low-Income Energy Affordability Network and the Massachusetts Energy Directors Association (“LEAN/MEDA”) related to competitive supply customers on TVR. LEAN/MEDA Comments at 8. However, by no means should municipal aggregators be summarily lumped in, or otherwise saddled, with those concerns as to competitive suppliers. It is extremely important to note that municipal aggregation was not part of the AGO’s Report.<sup>1</sup> The Compact has worked with LEAN successfully in the past to ensure that low income customers are treated equitably and this situation should be no different. There is simply no basis to conclude that municipal aggregators cannot fairly offer TVR to low-income customers.

**C. The Department Should Investigate AMI and TVR on a Comprehensive Basis for All Customers, Even in Implementing a Targeted Approach for EV Customers.**

Commenters pointed out that the Department should consider AMI and TVR within the context of a comprehensive solution for all customers, not just in the isolation of a targeted EV program. See, e.g., CLF Comments at 5; Utilidata Comments at 2; DOER Comments at 2. Eversource recommended that, if AMI is deployed, then the Department should “establish a framework for supporting a comprehensive infrastructure deployment, not just replacing meters.” Eversource Comments at 3. National Grid’s analysis for AMI and TVR focused on all customers, including EV customers. Utilidata stated that the benefits of AMI are unlikely to be fully realized until AMI is deployed to all customers. Utilidata Comments at 2. Acadia Center noted that the Department “should not pursue AMF for EV customers if it would result in an inability to expand beyond a small subset of customers or if it locked in communications or back office technologies that would not be well-suited for large-scale deployment.” Acadia Center Comments at 2.

---

<sup>1</sup> Office of Attorney General Maura Healey, *Are Customers Benefitting from Competition? An Analysis of the Individual Residential Electric Supply Market in Massachusetts* (Aug. 2019 Update).

The Compact believes that the Department could initially roll out AMI and TVR on a targeted basis for EV customers on basic service, municipal aggregation and competitive supply; however, eventually all customers (on all suppliers) need to have access to AMI and TVR. Given that, the Department should take a comprehensive look at the overall customer base and costs to deploy AMI and TVR. Eversource and National Grid noted in their comments that there would be additional costs – besides the meters – such as upgrades to utility communications networks, meter data management systems, and billing systems. Committing to those costs may only make sense if all customers will ultimately benefit from AMI and TVR in addition to EV customers. The Department should investigate whether and how a comprehensive rollout to all customers may be accomplished now, in tandem with a more targeted deployment to EV customers.

Eversource and National Grid both stated in their comments that their customers' meters will soon reach the point of needing replacement. On the other hand, Unitil already has AMI and is ready to swiftly progress to TVR for its EV customers. There should be consistency across the Commonwealth in how electric customers are being served by their EDCs, including what meters are being used and how those customers are enabled (or not) to reduce their electric bills. Eversource and National Grid need to move in the direction of Unitil in terms of updating technology and enabling their customers to reduce their electricity use during times of peak demand.

The Compact recognizes the major effort needed to deploy AMI and TVR, including the investment in utility communications networks, meter data management systems, and new billing capabilities. Such efforts should likely be coordinated with the EDCs' upcoming grid modernization plans for 2022-24. However, the Department should take the preliminary steps

forward in this proceeding to fully investigate and put a comprehensive plan for AMI and TVR for all customers in place.

The Compact also supports short-term solutions that may more quickly allow TVR for EV customers. For example, commenters identified some potential alternatives to AMI for EV customers, including using smart EV chargers with embedded revenue-grade metering, accepting meter data from an onsite energy storage system which serves all onsite load, and load management options. Greenlots pointed out that other jurisdictions (*i.e.*, Maryland and Minnesota) have approved utility programs that rely on embedded metering to implement EV-specific time-of-use rates. Greenlots Comments at 5. Greenlots noted that the Department could grant waivers to utilities to enable them to use embedded smart charger meter data for billing and load management purposes. *Id.*

The Department should also explore Eversource's recommendation of load management programs "to motivate behavior relating to customer charging patterns, while eliminating the risk of incurring high costs as would exist under TVR." However, these types of load management programs should be a complement to, not a replacement for, TVR.

**D. The Department Should Investigate the Use of Volumetric TVR Rates, Rather than Demand Charges.**

Commenters recognized the barrier created by the use of demand charges in EV charging. See Acadia Center Comments at 4; DOER Comments at 14-15; Sierra Club Comments at 2-3; City of Newton at 2; CLF Comments at 9-10; Chargepoint Comments at 12. DOER stated in its comments that:

[d]emand charges have been recognized as a market barrier to the deployment of [Direct Current Fast Charging stations, which] are necessary infrastructure to address customer range anxiety and enable long trips. It may be possible to reduce or eliminate demand charges in the near term, and potentially reintroduce them as utilization increases coincident with system peaks.

DOER Comments at 14-15. Two commenters recommended that the Department investigate the use of volumetric TVR rates, rather than demand charges. CLF Comments at 10, Sierra Club Comments at 3. A party noted that “[t]ime varying volumetric rates better reflect energy costs than demand charges, which may over-collect by including non-facilities-related costs that should be collected in volumetric rates.” Sierra Club Comments at 3.

The Compact supports the recommendation to consider the use of a volumetric TVR rate, rather than demand charges. The rate used should be based on the energy consumed and should send a clear signal to consumers about the time of consumption. Other utilities (Pacific Power and Southern California Edison) are already considering or using volumetric rates in this context, as noted in the Sierra Club Comments (at 3), and the Department should closely investigate the use of such rate structures.

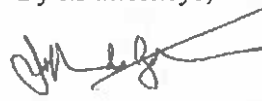
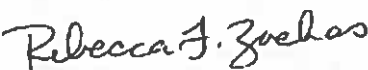
## II. CONCLUSION

The Compact appreciates the opportunity to provide Reply Comments in this proceeding.

Respectfully submitted,

CAPE LIGHT COMPACT JPE

By its attorneys,

---

Jeffrey M. Bernstein, Esq. (jbernstein@bck.com)

Rebecca F. Zachas, Esq. (rzachas@bck.com)

BCK LAW, P.C.

1337 Massachusetts Avenue, Box 314

Arlington, MA 02476

617-244-9500 (voice)

802-419-8283 (fax)

Dated: September 4, 2020



**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF PUBLIC UTILITIES**

---

Investigation by the Department of Public Utilities )  
On its Own Motion into the Modernization of )  
the Electric Grid – Phase Two. )

---

D.P.U. 20-69

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing documents upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department’s Rules of Practice and Procedure).

Dated this 4<sup>th</sup> day of September, 2020.



---

Rebecca F. Zachas, Esq. (rzachas@bck.com)  
BCK LAW, P.C.  
1337 Massachusetts Avenue, Box 314  
Arlington, MA 02476  
617-244-9500 (voice)  
802-419-8283 (fax)