

**Cape Light Compact JPE  
Governing Board  
Meeting Minutes  
Wednesday, September 29, 2021**

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, September 29, 2021 at 2 p.m. 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. David Anthony, Secretary/Executive Committee, Barnstable
2. Robert Schofield, Executive Committee, Bourne
3. Francis Erdman, Bourne Alternate
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Erik Peckar, Dukes County
8. Fred Fenlon, Eastham
9. Alan Strahler, Edgartown
10. Matthew Patrick, Falmouth
11. Wayne Taylor, Mashpee
12. Richard Toole, Executive Committee, Oak Bluffs
13. Martin Culik, Chair/Executive Committee, Orleans
14. Nathaniel Mayo, Provincetown
15. Leanne Drake, Sandwich
16. Jay Grande, Tisbury Alternate
17. Bob Higgins-Steele, Truro Alternate
18. Richard Elkin, Executive Committee, Wellfleet
19. Sue Hruby, West Tisbury
20. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth
21. Mike Duffy, Yarmouth Alternate

**Absent Were:**

1. Forest Filler, Aquinnah
2. Brad Crowell, Dennis
3. Valerie Bell, Harwich
4. Wayne Taylor, Mashpee
5. Kirk Metell, Tisbury
6. Jarrod Cabral, Truro

**Legal Counsel Participating Remotely:**

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

**Staff Participating Remotely:**

Briana Kane, Residential Program Manager  
Maggie Downey, Administrator

Margaret Song, Commercial & Industrial Program Manager  
Melissa Allard, Senior Administrative Coordinator  
Phil Moffitt, Planning & Evaluation Manager

**Public Participants:**

None.

Martin Culik called the meeting to order at 2:03 PM.

**PUBLIC COMMENT:**

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

**CHAIR REPORT:**

**1. Introduce Matthew Patrick, new Town of Falmouth Board Member**

Martin Culik introduced the new Falmouth Board Member, Matt Patrick, and asked him to introduce himself.

Matt Patrick stated that he is a former Massachusetts state legislator. He worked on the Green Communities Act and is responsible for the virtual net metering section that allows independent power producers to build a photovoltaic system to provide people with power. He also helped get the energy efficiency standards legislation passed. He stated that as the Executive Director of Cape and Islands Self Reliance he wrote the 1994 Barnstable County Energy Management Plan with his staff.

**2. In Person Board Meetings**

Martin Culik stated that he talked to Maggie Downey about resuming in person meetings in December 2021 or January 2022. He stated that they will keep the Board posted.

**3. Senate Bill 2132**

Martin Culik stated that the Compact sent a letter to Senator Barrett regarding Senate Bill 21-32. He stated it is an act to institute a new governance structure for Mass Save which is essentially to create a board of directors for Mass Save. This would impact the Compact Governing Board because there would be duplication of efforts by adding this new layer of governance of the Mass Save energy efficiency programs. Martin stated that the letter is asking Senator Barrett and other members of the Joint Committee on Telecommunications and Energy to carefully consider this proposed legislation and noted that the Compact does have its own Board of Directors. He stated that he will keep the Board updated on this.

**ADMINISTRATOR'S REPORT:**

**1. Discuss and Potential Vote to appoint Mariel Marchand to represent Cape Light Compact on Cape & Vineyard Electric Cooperative (CVEC) Board**

Maggie Downey stated that she is looking for approval from the Board to appoint Mariel Marchand to represent the Compact on the CVEC Board.

*Tim Carroll moved the Board vote to approve Mariel Marchand as the Cape light Compact's representative to CVEC.*

*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 Bob Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

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

**2. Discuss and Potential Vote on Vacation Buy-Back Proposal for Compact Staff**

Maggie Downey stated she is asking the Board to waive the policy and allow staff to participate in the buy-back program of their accrued vacation time. She stated there are approximately seven staff members interested with about a \$43,400 impact.

*David Anthony moved under the unique circumstances existing of this date the CLC/JPE Board of Directors vote to waive section 8.3(l) of the CLC/JPE Policies and Procedures Manual and allow all Compact employees to buy-back up to 10 days of their existing accrued vacation days, on, or before October 31, 2021.*

*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 Bob Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes

Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

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

**3. Review, Discuss and Potential Vote Regarding Eversource’s Phase II Electric Vehicle Infrastructure Program and Electric Vehicle Demand Charge Alternative Proposal, DPU 21-90, Using the Compact’s Consumer Advocacy Worksheet**

Maggie Downey stated that she is using the Compact’s Consumer Advocacy Worksheet to affirm the Compact’s participation in the latest Department of Public Utilities (DPU) docket DPU 21-90. She stated it is Eversource’s phase two of its electric vehicle infrastructure plan. She stated there are two main issues of interest: (1) the Compact wants to make sure that Eversource’s efforts are coordinated with the municipalities; and (2) that Eversource’s electric vehicle infrastructure plan is consistent and coordinates with the Compact’s energy efficiency programs.

*Joyce Flynn moved the CLC/JPE Board of Directors vote to adopt a process to allocate consumer advocacy costs between the Compact 's energy efficiency and operating budgets for DPU 21-90 as follows:*

- 1. After identifying a regulatory matter, rulemaking proceeding, legislative action or other activity relating to or affecting the Compact 's administration of its energy efficiency plan or its provision of power supply (taken together, "Consumer Advocacy Matter"), the Compact Administrator will provide the Board with pertinent information regarding the Consumer Advocacy Matter and present a completed consumer advocacy worksheet (as attached) for the Board's consideration and review.*
- 2. The Board will thereafter vote to authorize and direct the Compact Administrator to take all actions deemed necessary or appropriate to implement the Compact 's participation in the Consumer Advocacy Matter (subject to any limitations imposed by the Board), and to execute and deliver all documents as may be necessary or appropriate to enable and effectuate such participation.*

*Seconded by Bob Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes

Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

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

#### 4. Update on “Energize the Cape & Vineyard” Proposal

Maggie Downey stated that the “Energize the Cape & Vineyard” effort will not be asking the Board for a \$50,000 commitment in the 2022 calendar year. She stated that the effort has been tabled for now. An agreement could not be reached on how to operate the large organization and structures. She stated that this will impact some of the towns because they applied for funds through Department of Energy Resources (DOER) REPA Grant. She stated that there was a conversation with DOER regarding whether the funds could be used by the Towns for another purpose and DOER did not support this request and the funds will have to be excluded as part of the final REPA grant contract award.

Alan Strahler asked if this effort is just on hold and will be resumed when an agreement is made and the Compact’s role is determined. Maggie Downey stated that she does not know if it will come back as a singular entity. She thinks it may come back in smaller segments by groups of towns.

**Sue Hruby joined the meeting at 2:24 PM.**

#### **REVIEW AND DISCUSS CAPE LIGHT COMPACT’S DRAFT 2022-2024 ENERGY EFFICIENCY PLAN: PROPOSED GREENHOUSE GAS (GHG) REDUCTION GOALS, BUDGET, ELECTRIFICATION GOALS AND PROPOSED ENHANCEMENTS TO STATEWIDE INCENTIVES**

Maggie Downey presented the Cape Light Compact JPE 2022-2024 Energy Efficiency Plan PowerPoint.

Maggie Downey stated that after the April draft plan was filed, the legislature passed the Climate Act Creating a Next-Generation Roadmap for Massachusetts climate policy. The new act requires the Compact to set Greenhouse Gas (GHG) emission reduction goals. She stated that it has fundamentally changed the role of the Compact and the role of the Massachusetts Energy Efficiency Plan (EEP). She stated that the Compact is no longer charged with just reducing kilowatt hours. It now has a specific goal to reduce GHG using the energy efficiency programs to address climate change in the Commonwealth. She stated that the Clean Energy Climate Plan determined what was set for the GHG goals. It requires electrification of 1 million homes by 2050 and electrification of 300 to 400 million square feet of commercial building space by 2050. She stated that these

goals were set through Mass Save under the EEPs with no additional funding resources. Therefore, the Compact is forced to use its energy efficiency surcharge to achieve these goals.

Maggie Downey stated that the Compact also must incorporate the Energy Efficiency Action Council priorities into our plans which are GHG emissions reductions, electrification, equity, and workforce development. She stated that there are also Compact Board priorities to consider which are to achieve GHG reductions goals, continue commercial enhanced incentives, the Cape and Vineyard Electrification Offering (CVEO), and enhanced incentives for income eligible/moderate income new construction projects.

Maggie Downey reviewed the Climate Plan GHG reduction goals. The Compact's allocation of the statewide reduction goals for 2030 is 24,406 metric tons for the next three-year plan. She stated that the numbers presented in the Compact's September 15<sup>th</sup> Draft EEP exceed the allocated GHG reduction goal. The draft EEP reflects a reduction of 34,186 metric tons of GHG, which means the Compact would be exceeding its GHG reduction allocation by 140%. She stated that the other goal for the Climate Plan is electrification. The Compact's draft EEP includes moving 4,483 residents from oil and propane to electric heat.

Maggie Downey reviewed the EEAC and key priorities that were touched on at the July Board Meeting. For equity the Compact is targeting moderate income and increasing participation for customers with limited English proficiency. For strategic electrification it is to focus on delivered fuels (oil and propane) and GHG reductions and cold climate heat pump goals for residential and commercial sectors. For workforce development the Program Administrators (PAs) have developed Clean Energy Pathways which focus on high schoolers and over 18 years old individuals to train and pair with an internship. This would help encourage them to join the energy efficiency network.

Briana Kane reviewed the Compact Board priorities. Currently for the commercial and industrial program there are 100% incentives for municipalities, small non-profits, small businesses. The Department of Public Utilities (DPU) directed the Compact to conduct an evaluation to define specific enhancements. She stated that the Compact is still waiting on the results of this evaluation.

Briana Kane reviewed the proposed Residential Program enhancements for multi-family new construction projects, which was developed based on the feedback from stakeholders such as Board Members, towns, and independent contractors. These stakeholders are looking for enhanced incentives for income eligible/moderate income new construction projects. She stated that because the Compact is offering more incentives for these projects that there need to be certain criteria in place. Briana reviewed the proposed criteria for this new program: (1) The projects need to be deed restricted; (2) have no installation of fossil fuel or electric baseboard heating systems (3) they must agree to work with Compact evaluation vendors' (4) they must have a cap on the incentive for the engineering study: and (5) the contractor must be certified for multi-family new construction projects. She reviewed the criteria of CVEO to convert oil, propane, electric resistance heat to cold climate heat pumps, install PV systems to support electrification of heating system and reduce GHG emissions, and install battery storage for demand response.

Briana Kane reviewed the investment in Board priority areas for each year of the next three-year plan and then the total. She stated that the total over three years for these enhancements is \$58.65 million dollars in the current draft plan. She reviewed the proposed budget slide and presented the total budget for each year.

Margaret Song continued by reviewing the PowerPoint starting at the scenario analysis slide. She stated that the staff is looking for direction from the Board because there are multiple stakeholder interests and priorities at play. She stated that staff likes all these enhancements and statewide goals but as mentioned before, the

Compact is exceeding what is required for GHG reduction goals and achieving all of the priorities just discussed will increase customers' electric bills. She included slides that show GHG reductions and bill impacts for the residential, income eligible, and commercial and industrial programs based on certain scenarios. Those scenarios are the Compact's September 15<sup>th</sup> draft plan as presented; eliminate the Behavior Initiative (Opower) and Residential New Construction Enhanced Incentives, eliminate the Opower and reduce heat pumps to a 20% goal, eliminate Opower and reduce heat pumps to 40%, and eliminate Opower and reduce heat pumps to 60%.

Margaret Song stated that while the plan as presented achieves all goals, the bill impacts are significant for residential customers. She stated that the staff does not recommend any changes in the commercial programs as there are no new enhancements. As for residential, staff is recommending the scenario where behavior program is removed, and residential heat pumps are reduced by 20%.

Colin Odell stated that with respect to the bill impacts he does not find the average monthly usage accurate. He stated he has looked at his own usage over the past year and his lowest monthly usage is around 750 kWh. Margaret Song stated that the number is the average usage from all the customers, which includes seasonal customers. Therefore, it may accurately portray consumption of an average year-round home. Margaret noted that this methodology is what is required by the DPU for calculating customer bill impacts.

Alan Strahler stated while looking at the bill impacts for residential for the scenario where the behavior program is removed and residential heat pumps are reduced by 20%, there is not a huge difference in total monthly cost (monthly bill impact) over the three years. He then asked about an option where the Compact removes Opower and does not reduce the heat pumps and whether the Board could see the total cost monthly for that as well. Briana Kane stated that when staff was looking at bill impacts, she recommended removing Opower because it has not been cost effective and the program has a high cost. She stated that there would be about a sixty cents reduction on the average monthly bill from the September 15<sup>th</sup> plan if Opower is removed.

Matt Patrick looked for clarification whether we were talking about the energy efficiency surcharge line on the electric bill and asked whether all electric customers pay this charge regardless of who their competitive suppliers is. Maggie Downey stated that was correct. Matt Patrick asked if that money goes to the Compact's programs. Maggie Downey stated that was correct as well.

Erik Peckar stated going back to Colin Odell's question on the average monthly usage if the Compact has looked at the potential growth of that amount based upon energy efficiency programs like installing heat pumps and strategic electrification. He asked if the Compact expects that number to go up and how that may impact the total costs. Margaret Song stated that there is likely an increase in load growth. She stated that the question lies with how aggressive the remainder of the energy efficiency measures are to help mitigate that anticipated load growth. She noted that the Compact is watching it.

Sue Hruby indicated that the Compact needs to be prepared for complaints from customers on an increase in their electric bill and know how to respond. She stated good communication plan to prepare customers for these impacts is needed.

Maggie Downey asked if the sense of the Board was to go along with the staff recommendation on the scenario where behavior program is removed, and residential heat pumps are reduced by 20%. Richard Elkin stated that he would like to see the option with just the behavior program removed. Maggie Downey asked for a sense of the Board on going ahead with that option as well. David Anthony stated that he thinks just reducing the Opower offer will still result in significant bill increases and that the Board should continue to review all of the scenarios presented. He stated that the Compact is trying to balance bill impacts to the programs that are being

offered and that there needs to be a bit more than just window dressing on removing a program that people did not think was effective to begin with. He recommends going with the staff recommendation. Martin Culik stated that there seems to be a consensus to remove Opower and suggests coming back for further discussion and a vote at the October Board meeting.

Colin Odell stated that he would like to see the comparisons made to how much of an increase the energy efficiency surcharge will be compared to the current surcharge. He also asked to add the percentage change as well. Maggie Downey stated that it can be done. Bob Higgins-Steele stated that if the Compact is going to be facing blowback, then he would rather have blowback on the September 15<sup>th</sup> scenario. Martin Culik asked if he would consider it without Opower. Bob Higgins-Steele stated yes.

Martin Culik suggests that at the next meeting we include a scenario with just removing Opower for the Board to review and discuss. Martin Culik asked if there was a sense of the Board to meet with the Cape & Islands legislative delegation and conduct public education. Sense of the Board was yes.

**APPROVAL OF MINUTES:**

The Board considered the July 21, 2021 Open Session Meeting Minutes.

*Joyce Flynn moved the Board to accept the minutes as amended and to release them as amended, seconded by Colin Odell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Abstained
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (18-0-1)*

**Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) and (10) to discuss matters below, to return to open session:**



*Martin Culik at 4:05 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) and (10) to (1) review and approve executive session minutes which contain discussions regarding pending or imminent regulatory litigation and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to a proposed Low-Income Community Solar project (when the release of the discussion would have a detrimental effect on the Compact's negotiating position); (2) to discuss pending or imminent regulatory litigation and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to the Compact's Power Supply Offering, not to return to open session thereafter. Seconded by Joyce Flynn.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- July 21, 2021 Draft Meeting Minutes
- Action Agenda Request: Compact Board Representative to the Cape & Vineyard Electric Cooperative (CVEC)
- Action Agenda Request: Waive Section 8.3(1) of CLCJPE Policies and Procedures Manual (Vacation Buy-Back)
- Action Agenda Request: Consumer Advocacy Worksheet: MA Department of Public Utilities (DPU) 21-90, Eversource Phase II Electric Vehicle Infrastructure Plan
- Consumer Advocacy Allocation Worksheet
- Climate Collaborative & the Energize Initiative Email
- Cape Light Compact JPE 2022-2024 Energy Efficiency Plan PowerPoint