

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, February 8, 2023**

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, February 8, 2023, at 2:00 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 In-Person Were:

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Robert Schofield, Executive Committee, Bourne
3. Colin Odell, Executive Committee, Brewster
4. Valerie Bell, Harwich
5. Martin Culik, Chair/Executive Committee, Orleans

Participating Remotely Were:

1. Peter Doyle, Barnstable Alternate
2. Peter Cocolis, Chatham
3. Timothy Carroll, Chilmark
4. Tom McNellis, Eastham (no audio)
5. Gary Senecal, Eastham Alternate
6. Alan Strahler, Edgartown
7. Matthew Patrick, Falmouth
8. Wayne Taylor, Mashpee
9. David Jacobson, Orleans Alternate
10. Nathaniel Mayo, Provincetown
11. Ralph Vitacco, Sandwich Alternate
12. Richard Elkin, Executive Committee, Wellfleet

Absent Were:

1. Forrest Filler, Aquinnah
2. Brad Crowell, Dennis
3. Meghan Gombos, Dukes County
4. Peter Meleney, Oak Bluffs
5. Leanne Drake, Sandwich
6. Russ Hartenstine, Tisbury
7. Jarrod Cabral, Truro
8. Erik Peckar, Executive Committee, West Tisbury
9. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Legal Counsel Participating Remotely:

Audrey Eidelman Kiernan, Esq., KO Law, P.C.

Staff Participation In-Person:

Maggie Downey, Administrator

Staff Participating Remotely:

Dan Schell, Senior Analyst - Retail and Demand Response
Dave Botelho, Data Analyst
Briana Kane, Residential and Commercial & Industrial Program Manager
Isabelle Caplan, Communications Coordinator
Lindsay Henderson, Senior Analyst - Small Business
Melissa Allard, Senior Administrative Coordinator
Phil Moffitt, Chief Financial Officer

Public Participants:

Christopher Powicki (joined at 3:00 PM for public comment only)

Martin Culik called the meeting to order at 2:00 PM.

PUBLIC COMMENT:

No written comments were received in advance of the meeting and no members of the public were present for public comment.

APPROVAL OF MINUTES:

The Board considered the January 11, 2023, Open Session and Executive Session Meeting Minutes.

Robert Schofield 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
Gary	Senecal	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Ralph	Vitacco	Sandwich	Abstained
Richard	Elkin	Wellfleet	Yes

Motion carried in the affirmative (13-0-1)

CHAIRMAN’S REPORT:

1. Board Strategic Planning for 2025-2027 Energy Efficiency Plan and Operating Budget

Martin Culik stated that he, David Anthony and Joyce Flynn met with Maggie Downey to go over various Board related items. They agreed that the Board should meet to review the strategic goals for the Compact's energy efficiency plan and operating budget. Martin Culik noted that this meeting or meetings would not have anything else on the agenda. David Anthony stated that given the fact that we have been remote for 3 years and still been very effective, the idea is to get everyone together at their comfort level and let the conversation come out about where we as a Board would like to see things go. It has been effective for both small and big government. Maggie Downey stated that this meeting will also be used as a planning strategy session for the next 3-year plan.

Valerie Bell stated she agrees that we would need to have a separate meeting. She stated that we just need to determine when we are able to do this. Martin Culik stated that we are looking at having this meeting on April 5th. He stated that they also talked about having a professional facilitator work with the Board to help draw out ideas and put together the plan. Maggie Downey stated that it is also important to get a facilitator that is aware of the programs and operations of the Compact and any limitations on the same set by the regulatory authorities. She is recommending Stephan Wallenberg. She stated that he used to work for the Compact, then worked for National Grid and now works for Sustainable Energy Advantage. Peter Cocolis stated that it may be a good idea to have an outline beforehand in order to get the most out of it. Colin Odell stated that it would be helpful if any Board Member may be able to acquire information on what the state is likely to set for the next climate bills. Maggie Downey stated that there are several pieces of legislation that were introduced, but we don't yet know which bills the Legislature will focus on. She stated that she will pull the bills together to send to the Board.

Martin Culik asked how the Board Members felt about meeting on April 5th. Sense of the Board was yes.

PRESENTATION SUMMARIZING DEPARTMENT OF PUBLIC UTILITIES (DPU) ORDER 22-137, CAPE AND VINEYARD ELECTRIFICATION OFFERING:

Maggie Downey reviewed the Cape & Vineyard Electrification (CVEO) Approved, DPU 22-137 PowerPoint.

Maggie Downey reviewed the CVEO participant incentives. There will be a total of 100 participants split between low-income and affordable customers, 80 of the low-and-moderate-income participants will reside in deed restricted homes, and 20 will be moderate-income customers. Participants in deed restricted residences will receive 100% incentives for heat pumps, solar PV, and battery storage. Moderate income customers will have a maximum copay of \$5,000 for heat pumps, receive a \$15,000 incentive toward solar PV along with financing if needed, and for battery storage they are able to use financing only. Financing will be through the zero-interest Heat Loan Program.

Maggie Downey reviewed a high-level summary of the DPU Order. She stated that CVEO participant incentive levels and a budget of \$6,011,509 was approved. The program requires removal of all fossil fuel equipment from the residence.

Valerie Bell asked if customers would get help for getting new stoves and hot water heaters. Maggie Downey answered yes. She stated that the Compact must document implementation progress in its 2023 Annual Report and evaluate CVEO and file evaluation with the DPU by August 1, 2025. She stated that a new Energy Efficiency Reconciliation Factor is to be filed with DPU on or before May 1, 2023.

Maggie Downey stated that the DPU Order conflicts with Section 24 of the 2022 Climate Bill. The Climate Bill permits Program Administrators (PAs) to use energy efficiency funds for solar paired with storage as part of strategic electrification in the 2025-2027 Energy Efficiency Plan. In CVEO Order, DPU 22-137, it states that PAs cannot propose solar paired with storage as part of strategic electrification until CVEO is evaluated and

DPU reviews the evaluation and reports to the Legislature, which effectively delays Section 24 until the 2028-2030 Plan. She stated that a third-party potential study for the Compact low-income customers by April 1, 2024 is required as part of the CVEO Order. Regarding the requirement to spend 10% of total energy efficiency budget on low-income customers, the DPU proposed that in order to spend 10% of the total budget on low-income customers, the Compact should reduce its overall energy efficiency budget. This could have potential negative impacts to residential and commercial customers. It was also proposed for the Compact to reduce incentive levels for residents and businesses. She stated that the DPU once again stated the possibility of the Compact's energy efficiency plan being decertified if the Compact can't meet the 10% income eligible spending requirements.

Martin Culik asked what the third-party potential study is. Maggie Downey stated that it studies the potential of customers to be served. Martin Culik asked if the Compact has that data. Maggie Downey stated that the Compact presented some of it with the Compact's 2019-2021 Term Report, but the DPU wants a separate study on the Compact's income eligible customers.

Matt Patrick asked what is the prospect of the Compact sending a letter to the Cape and Vineyard delegation regarding the Section 24 issues and asking the delegation to send a letter to DPU expressing concern over the Order. Audrey Kiernan stated that Maggie Downey has let the delegation know of the ruling. She stated that in the past they have sent a letter to the DPU, and it did cause change but she would defer to the Board and staff on whether they want to do so now. She stated that there will be a new DPU commission, and it may be possible for the new commission to walk back language or change position going forward. Colin Odell stated that we could address the Governor's office about the inconsistency between the current DPU actions and state law and indicate that the Compact feels that part of the Governor's consideration for any new appointees to the commission should be their willingness to abide by legislative rules especially in the climate area. Matt Patrick stated that the Compact should go forward with that. He stated even with a new commission we need to put this at the top of their list and therefore should send a letter as soon as possible. Maggie Downey stated that she will write up a draft and send to Martin Culik before she sends it out.

Maggie Downey reviewed the next steps in moving toward implementation of CVEO. She stated that staff is finalizing agreements and refining the list of deed restricted single family residential properties on Cape Cod and Martha's Vineyard. She stated that if any Board Members have any contacts that can help with this task, to please send them her way. She stated that there will be marketing discussions and the goal is to make a public announcement in April-May timeframe.

CAPE LIGHT COMPACT PROGRAM OVERVIEW, ISABELLE CAPLAN:

Isabelle Caplan stated that with many new members on the Board and staff, she wanted to give a high-level overview to get everyone on the same page about the Compact structure and programs. She reviewed the Cape Light Compact Program Overview PowerPoint.

Isabelle Caplan reviewed the Cape Light Compact organizational structure. She stated that it is an energy services organization and energy efficiency service provider. She stated that it is a Joint Powers Entity operated by 21 towns on Cape Cod and Martha's Vineyard. She stated that the Compact is also a municipal aggregator. The Compact purchases electricity in bulk from competitive supplier on behalf of residents and businesses.

Isabelle Caplan stated that the Compact provides 100% renewable power supply for Cape Cod and Martha's Vineyard residents and businesses. The Compact is the default electric supplier for all new Eversource electric accounts. The power supply provider is NextEra Energy Services. There are three power supply offerings for residential, commercial, and industrial customers.

Isabelle Caplan stated the Compact offers energy efficiency programs. The goals are to reduce greenhouse gas emissions and overall energy use. Also, to install cost-effective and efficient measures. She stated that the current goals of the Compact current 3-Year Plan are electrification, equity, and workforce development.

Isabelle Caplan stated that Mass Save is not an entity. Rather, it is a brand and collaborative of all the Program Administrators (PAs). The Compact is one of 6 PAs in Massachusetts. She noted that the Compact is the only non-utility PA. The Compact's programs are funded through a charge on customers' monthly electric bills. She stated that the Compact is serving Cape Cod and Martha's Vineyard customers who heat with electric, oil, and propane. National Grid is the local natural gas PA and the DPU approval of the 2022-2024 Energy Efficiency Plan, prohibits the Compact from comprehensively serving natural gas heated homes.

Isabelle Caplan stated that the Compact offers home and business energy assessments. She stated in the past we have called them audits, but we are moving towards primarily calling them assessments as it is more positive. The assessments are no cost. An energy analyst uses a whole-building approach and provides you with an action plan and recommended measures. She stated that there are rebates and incentives. Some of them require the customer to have an energy assessment. She stated that the Compact provides the HEAT Loan which is 0% interest financing for energy efficiency upgrades. There are programs for income eligible, moderate income, renters, and new construction.

Isabelle Caplan stated that the Compact does a lot of consumer advocacy to ensure that Cape Cod and Martha's Vineyard energy interests are represented at the state level. She stated that includes the Eversource Rate Case, Grid Modernization, and the Eversource Capital Improvement Plan.

[INTERNAL NOTE FOR MEETING MINUTE REFERENCE: AT OR AROUND 3:00 P.M., THE COMPACT ADMINISTRATOR WAS MADE AWARE THAT A MEMBER OF THE PUBLIC HAD JOINED THE ZOOM VIA AUDIO AND WAS LOOKING TO PROVIDE PUBLIC COMMENT. THE COMPACT ADMINISTRATOR THEN REALIZED THAT THERE WAS AN ERROR IN THE POSTING OF THE MEETING START TIME ON THE OFFICIAL MEETING NOTICE. WHILE THE AGENDA FOR THE MEETING POSTED ONLINE WITH THE BOARD MEETING PACKET IN ADVANCE OF THE MEETING IDENTIFIED THE START TIME AS 2 P.M., THE FORMAL MEETING NOTICE ALSO POSTED ONLINE IDENTIFIED THE START TIME AS 3 P.M.]

2023 ENERGY EFFICIENCY PROGRAM UPDATE, BRIANA KANE AND LINDSAY HENDERSON:

Briana Kane reviewed the 2023 Energy Efficiency Program Updates PowerPoint.

Briana Kane reviewed the retail updates. She stated that customers can receive \$25k HEAT Loan for all eligible measures and now additionally \$25k for electrification. Residential customers are required to use a Mass Save Heat Pump Installer contractor in order to qualify for heat pump rebates and financing. She stated that the Heat Pump Installer Network (HPIN) list can be found on the Mass Save website. The list also shows which contracts will work with commercial customers. She stated that the Compact has an increased ConnectedSolutions thermostat enrollment from \$25 to \$50. She stated that lighting incentives are evolving. On July 1st commercial screw base lighting will be removed. There has also been removal of some foodservice equipment and increased efficiency requirements in the program.

Briana Kane stated that there are new measures that are coming soon or that are being explored. They are commercial multifamily laundry equipment for multifamily properties with shared laundry sites, solar domestic

hot water, 120v and split system heat pump water heaters, high velocity low speed fans, and high efficiency conveyer toasters for commercial use.

Briana Kane stated that as a reminder there have been lighting changes. Lighting is to be phased out of the Residential Coordinated Delivery (RCD) program completely by the end of June 2023. Currently, lighting offerings are only available to renters and moderate-income customers. She stated that as a reminder the Compact has awarded three education grants to get the word out about the Compact's energy efficiency programs. The recipients are Vineyard Power, FCEN Energy Café Series, and Pleasant Bay Community Boating.

Briana Kane reviewed the renovations and additions retail heat pump rebate. She stated that as of January 1st participants will be eligible for both the retail heat pump rebate and the renovations and additions incentive. She stated that it is being implemented in a way so that we're not double counting and applications are being processed in the correct manner. She stated that the goals are to capture savings on other improvements that would otherwise be lost. She is hoping to see an increase in renovation and addition enrollment.

Lindsay Henderson reviewed the 2023 Main Streets Efforts PowerPoint.

Lindsay Henderson reviewed the Main Streets program. She stated that the Compact works with two of its vendors, RISE Engineering and NRM, going door to door to small businesses in a specified area to install energy efficiency measures on-site. Some measures will need to follow up on at a future date. She stated that the Compact works with Chambers of Commerce and Merchant Associations to promote the event. The Towns help promote the effort and partner with Town on co-branding materials.

Lindsay Henderson stated that the Compact is offering up to 100% incentive for all Small Businesses in Environmental Justice Communities (EJC) who have measures installed through an energy assessment. Direct mail letters and flyers being sent out to the targeted customers in advance of the Main Street effort in the applicable town.

Lindsay Henderson reviewed the spring and fall Main Streets towns and dates. Towns were selected based on EJC status, participation rates from both last year's Main Streets efforts and non-Main Streets participation and location. She stated that the Compact is excited to offer the program because there are some new towns or towns we haven't done in a few years. She stated that she will be reaching out to Board Members to help get her connected to the appropriate people at town hall to see if they will be willing to put the town seal on the materials and if the Town Administrator's would be willing to put their signatures on the letters.

ADMINISTRATOR'S REPORT:

1. Participation in Eversource's Advanced Metering Infrastructure (AMI) Stakeholder Group

Maggie Downey stated that Eversource has formed an Advanced Metering Infrastructure (AMI) Stakeholder Group, and that Mariel Marchand will be leading that effort for the Compact.

PUBLIC COMMENT:

Ms. Downey informed the Board and Christopher Powicki, a member of the public waiting to participate via audio, of the error in posting of the meeting start time on the official meeting notice, apologized to Mr. Powicki for the delay, and provided opportunity for Mr. Powicki to present his public comment.

Christopher Powicki stated that he is here on behalf of the Sierra Club, as the Chair of Sierra Club Cape and Islands Group. He stated that the Sierra Club applauds the Compact’s aggregation, for persevering with the CVEO offering as an equitable decarbonization demonstration and urges the Compact to commit in the near future to making significant quantities of locally generated offshore wind energy available to all as soon as possible through the power supply mix offered to Cape Cod and Martha’s Vineyard residential and commercial customers. He stated the Sierra Club also calls on the Compact to comply with the Massachusetts Clean Peak Standards (CPECs). A policy with the goal to reduce the state’s reliance on fossil fuel power plants during seasonal peak demand periods. He stated that since 2020 the Compact and NextEra Energy Services have been undermining this state policy and the Compact’s status as a green aggregation by claiming a waiver under a five year contract signed prior to the enactment of the policy. He stated that by reducing the demand for CPECs, the Compact is supporting development and operation of fossil fuel power plants. Many of which disproportionately impact disadvantage communities. For the past couple of years, the Sierra Club has been working to stop the power plants by helping raise the voices of diverse community interest. He stated that the Sierra Club urges the Compact to direct NextEra to not file for a Clean Peak Standard waiver in 2023.

Mr. Powicki left the meeting upon completion of his comments and no other members of the public were participating via audio in the Zoom.

Ms. Downey then informed the Board that in order to ensure that the prior vote to approve meeting minutes was properly taken within the publicly noticed meeting timeframe, the Board would need to take the vote again.

APPROVAL OF MINUTES:

The Board considered the January 11, 2023, Open Session and Executive Session Meeting Minutes.

Robert Schofield 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
Gary	Senecal	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Ralph	Vitacco	Sandwich	Abstained
Richard	Elkin	Wellfleet	Yes

Motion carried in the affirmative (13-0-1)

Ms. Downey then recounted the Board deliberation that occurred between 2 p.m. and 3 p.m. and noted for the record that the Board elected to hold a one day strategic planning session via a Compact Board Meeting on

April 5 and noted that the Board reviewed the presentation summarizing the DPU Order 22-137 for the Cape and Vineyard Electrification Offering. Ms. Downey and Mr. Culik identified for the record the deliberation of the Board that occurred with respect to the presentation on the DPU 22-137 Order and the Board’s request that the Compact Administrator work with the Compact Chair to send a letter to members of the Legislature (the Cape and Vineyard delegation and Senator Barrett) as well as the Governor’s office to inform them of the Compact’s concern regarding the provision in the DPU 22-137 Order that delayed the effectiveness of Section 24 of the 2022 Climate Act (St. 2022, c. 179, s. 24). Ms. Downey also recounted for the record that the Board had reviewed the Cape Light Compact Program Overview. Ms. Downey identified that the documents used by the Board for the discussion of the CVEO order and the Compact Program overview were available prior to the Board Meeting, having been posted to the Compact’s website as part of the Board Meeting packet.

[INTERNAL NOTE FOR MEETING MINUTE REFERENCE: THE MINUTES CONTAINING THESE SPECIFIC DELIBERATIONS ARE CONTAINED ON PAGES 2-5 HEREIN]

Tim Carroll and Wayne Tylor left meeting at 3:40PM.

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION PURSUANT TO M.G.L. c. 30A §21(A)(3) TO DISCUSS MATTERS BELOW, TO NOT RETURN TO OPEN SESSION:

Martin Culik at 3:41 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) to consider strategy and potential vote on pending litigation, the appeal of Massachusetts Department of Public Utilities D.P.U. 20-40, Cape & Vineyard Electrification Offering (CVEO) and the appeal of CVEO as proposed in the 2022-2024 Energy Efficiency Plan, D.P.U. 21-126, SJ-2021-0443 and SJ-2022-0088, respectively, not to return to open session thereafter. Seconded by David Anthony.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Gary	Senecal	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Ralph	Vitacco	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes

Motion carried in the affirmative (12-0-0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- January 11, 2023, Draft Open Session and Executive Session Meeting Minutes

- Cape & Vineyard Electrification (CVEO) Approved, DPU 22-137 PowerPoint
- Cape Light Compact Program Overview PowerPoint
- 2023 Energy Efficiency Program Updates PowerPoint
- 2023 Main Streets Efforts PowerPoint