

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, March 15, 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, March 15, 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. Robert Schofield, Executive Committee, Bourne
2. Colin Odell, Executive Committee, Brewster
3. Brad Crowell, Dennis
4. Tom McNellis, Eastham
5. Gary Senecal, Eastham Alternate
6. Valerie Bell, Harwich
7. Martin Culik, Chair/Executive Committee, Orleans
8. David Jacobson, Orleans Alternate

Participating Remotely Were:

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Peter Cocolis, Chatham
4. Timothy Carroll, Chilmark
5. Alan Strahler, Edgartown
6. Nathaniel Mayo, Provincetown
7. Leanne Drake, Sandwich
8. Bob Higgins-Steele, Truro
9. Richard Elkin, Executive Committee, Wellfleet
10. Erik Peckar, Executive Committee, West Tisbury
11. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. Forrest Filler, Aquinnah
2. Meghan Gombos, Dukes County
3. Matthew Patrick, Falmouth
4. Wayne Taylor, Mashpee
5. Peter Meleney, Oak Bluffs
6. Russ Hartenstine, Tisbury
7. Jarrod Cabral, Truro

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
Mariel Marchand, Power Supply Planner
Melissa Allard, Senior Administrative Coordinator
Phil Moffitt, Chief Financial Officer

Public Participants:

Christopher Powicki

Martin Culik called the meeting to order at 2:08 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 February 8, 2023, Open Session and Executive Session Meeting Minutes.

Robert Schofield moved the Board to accept the minutes and to release them as amended, seconded by Joyce Fynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Abstained
Richard	Elkin	Wellfleet	Yes
Erik	Peckar	West Tisbury	Abstained
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (12-0-2)

Tim Carroll joined the meeting at 2:10pm.

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION PURSUANT TO M.G.L. C. 30A §21(A)(3) TO DISCUSS MATTERS BELOW, TO RETURN TO OPEN SESSION:

Martin Culik at 2:11 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) to review and approve February 8, 2023 Executive Session minutes regarding 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, 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
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Erik	Peckar	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

RETURN TO OPEN SESSION:

At 2:14 PM, Martin Culik asked for a motion to end executive session, moved by Robert Schofield, seconded by Joyce Flynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Erik	Peckar	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Nate Mayo joined the meeting at 2:40pm.

DISCUSSION AND POTENTIAL VOTE ON EARLY INCLUSION OF CLEAN PEAK STANDARD INTO POWER SUPPLY, MARIEL MARCHAND:

Mariel Marchand reviewed the Power Supply Update: Clean Peak Standard PowerPoint.

Mariel Marchand stated that the Clean Peak Standard (CPS) is designed to provide incentives to clean energy technologies that can supply electricity or reduce demand during seasonal peak demand periods. She stated that retail electric suppliers are required to meet a baseline minimum percentage of sales with qualified clean peak resources. Seasonal peak demand periods are established by the Massachusetts Department of Energy Resources (DOER) and for 2023 the CPS is 6% of a supplier's electric load.

Mariel Marchand stated that the final CPS regulation was filed in the summer of 2020. It included language that electricity sold "under contracts executed or extended on or after January 1, 2020 shall include a minimum percentage of electrical energy sales with Clean Peak Certificates." She stated that the Compact executed its Competitive Electric Supply Agreement (CESA) with NextEra before January 1, 2020. The original term of the contract runs through December 31, 2023. However, in December of 2021, the Compact extended its CESA with NextEra through December 21, 2026. She stated because the extension was executed after January 1, 2020, the Compact will be required to comply with the CPS beginning in 2024.

Mariel Marchand stated that per guidance from the Massachusetts Department of Public Utilities (DPU), retail electricity suppliers are considered 100% renewable if the voluntary renewable energy certificates (RECs) provided are above and beyond the mandatory renewable percentage. The DPU has stated the mandatory minimum renewable percentage for 2023 is 59%, thus CLC is retiring voluntary RECs for the remaining 41%. CPS is not included as part of the 59% mandatory minimum, per the DPU's calculation of that 59%. She stated that the Compact would be required to match the CPS percentage with voluntary renewables regardless of whether the Compact were required to comply with CPS, in order to claim 100% renewable status.

Mariel Marchand stated that the Compact has already set its rate for the first half of 2023 and because of the permissible exemption CPS was not built into that rate. She stated that the Compact would need to recover the cost of full year in final six months of 2023 and complying with CPS in 2023 would add approximately 0.45 cents/kWh to the Compact's summer rate.

Valerie Bell asked what the average increase on a bill would be. Mariel Marchand stated that it would be about three dollars. Valerie Bell asked what is considered CPS? Mariel Marchand stated that there are not a whole lot of clean peak certificates available. She stated that it is likely that the Compact would be paying the alternative compliance payment for part of it. She stated that renewable resources that are operating during those peak hours that DOER has set, can qualify to generate clean peak certificates, as well as demand response resources and battery storage. Dan Schell stated there are different seasonal payments and the RECs are paid out at different times based on ISO New England seasonal peaks. He stated that the more days that you dispatch within the timeframes you receive different dollar amounts. He stated that batteries are what people are hoping to see expand in the market, but he believes that various renewable are eligible to do it as well depending on their ability to participate in the market.

Erik Peckar asked what the impact is if the Compact elected to opt into the CPS before 2024. Mariel Marchand stated that the market for clean peak certificates right now is very limited. She stated that facilities are trying to get registered and to start generating clean peak certificates, but she does not know where that will be next year.

Colin Odell asked what the percentage requirement for CPS is. Mariel Marchand stated it is 6% for 2023 and increases 1.5% each year. Colin Odell asked how many hours a year are peak hours. Dan Schell stated that it

varies by season. He stated that he believes they break it down into the four seasons and each season has a different rate that is paid out, with summer having the highest rate. Colin Odell stated his concern is that usually the hours that affect rates heavily are in the top 200-300 load hours a year and that doesn't come anywhere near 6% total consumption. He stated that he is wondering whether they mean 6% total energy or energy in the peak periods. Mariel Marchand stated that it is 6 % of the annual electric load. Colin Odell stated that 6% of the annual may be a very high percentage of the peak hour consumption.

Brad Crowell stated that he would like to understand this better, and he is not sure we have the time for that today. He stated that the bottom line is what the economic impact is, and staff did a good job of that. Maggie Downey stated that we can have a technical session and have Mariel Marchand and staff from NextEra go into more detail. She stated that we can vote on it at the May Board Meeting. She stated that the Compact sets its new rates at the end of May. Valerie Bell stated that she agrees and that since we are setting rates soon and with a lot of customers feeling the effect of price increases that complying early in 2023 would be rushed. She stated that since the Compact's supplier will have to comply with the CPS in 2024 that she is interested in having a technical session to understand it better.

The sense of the Board is to have a technical session before moving forward on whether the Compact should require its supplier to comply early with the CPS for the summer of 2023.

CHAIRMAN'S REPORT:

1. Cape and Islands State Legislative Delegation Meeting

Martin Culik stated that Maggie Downey and a few Board Members will be meeting with Cape and Islands State Legislative Delegation on Friday, March 17th. He stated that they asked for an opportunity to meet with the Compact about several items including the letter in the packet that we sent to them. He stated that we also are looking at several pieces of legislation for municipal aggregators. One specifically affirms the authority for municipal aggregators with respect to the energy efficiency plan. He hopes it will be a very productive meeting.

2. Preparation for April 5 Strategic Planning Meeting and Discussion on Evolution of Compact Programs

Martin Culik stated that the Wednesday April 5th Strategic Planning Meeting and Discussion is all set to go. He stated that there will be a facilitator, Stephan Wollenburg, who used to work for the Compact. He stated it would be great to have everyone in person. He stated that it will be from 10am to 4pm. Maggie Downey reminded Board members that their travel expenses are reimbursable.

Maggie Downey reviewed the Cape Light Compact Key Events: 1994 – 2023 PowerPoint. She stated that these were pulled together to help prepare for the meeting, especially for the many new faces on the Board who may not know about the Compact's history.

Maggie Downey stated that in 1994 what started the conversation about municipal aggregation and the Compact was the Barnstable County Energy Management Plan. She stated that it was the first document that looked strategically at energy issues across all 15 towns on Cape Cod. The two main recommendations that came out of the document were local control of ratepayer funded energy efficiency plans and establishing a county-wide energy management committee. In 1997 the Massachusetts Electric Utility Restructuring Act passed. This authorized cities and towns to become municipal aggregators on an opt-out basis and to locally administer electric ratepayer funded energy efficiency programs. The Barnstable County Commissioners then spearheaded

the formation of the Compact. In 1998 spring and fall town meetings and town council voted on becoming municipal aggregator. The towns executed an Intermunicipal Agreement to govern operations of the Compact.

Maggie Downey stated that from 1998 into 1999 there was collaboration with Massachusetts Department of Energy Resources DOER on the development of an Aggregation Plan and an Energy Efficiency Plan. In 1999 the Compact participated as a consumer advocate in the Massachusetts Department of Telecommunications and Energy (DTE, now the DPU) review of Commonwealth Electric sale of the Canal Electric Plant. In 2000 DTE approved the Compact's Aggregation Plan and in December the Compact begins serving default service customers as a pilot on an opt-out basis. In 2001 the DTE approved the Compact's first energy efficiency plan, and it was implemented. In 2005 it was the end of standard offer service and the Compact's default service pilot program, and the Compact began offering an opt-in green power option.

Maggie Downey stated that in 2007 the Compact established and funded initial operations of the Cape & Vineyard Electric Cooperative (CVEC). In 2008 the Compact as a consumer advocate participated in a stakeholder process for proposing certain provisions for green communities' legislation. Also, the Green Communities Act passed and required the statewide administration of energy efficiency by gas and electric distribution companies and municipal aggregators with certified energy efficiency plans. In 2009 the Compact first assisted member municipalities to procure retail electric supply for their municipal load. She stated that this is provided outside of our power supply program. In 2010 there was the first statewide three-year energy efficiency plan filed with the DPU, and the Compact proposed and received approval to administer enhancements to the plan.

Maggie Downey stated that from 2010 to 2011 the Compact participated as a consumer advocate in DPU review of the NSTAR merger. In 2011 the Compact participated as a consumer advocate with CVEC and other stakeholders in the DPU establishment of a net metering queue, the "System of Assurance," to support the process for interconnection of distributed generation. The Compact also participated as a consumer advocate to establish a fair cost reconciliation mechanism for electric distribution company renewable long-term contracts. In 2012 the Compact participated as a consumer advocate with CVEC and other stakeholders in the DPU review of electric distribution company standards for interconnection of distributed generation. In 2013 the DPU requested that the Compact update its Aggregation Plan and in 2015 the DPU approved the Compact's updated plan.

Maggie Downey stated that in 2016 the Compact held multiple public input forums on voluntary renewable energy content for its power supply program. In 2017 the Compact participated as a consumer advocate in the Eversource rate case. The Compact also reorganized as a Joint Powers Entity. She stated that the advisory ruling by the DPU required the Compact to update its Aggregation Plan for a second time to reflect reorganizing as a JPE. She stated that the Attorney General also requested limited changes to the Aggregation Plan in this proceeding and therefore there was a Third Amendment to the plan. She stated lastly, the Board voted to become a green aggregator under its power supply agreement.

Maggie Downey stated that in 2018 the Green Communities Act was updated to include language authorizing strategic electrification as part of energy efficiency and was intended to allow energy efficiency funds to be used for programs that support customers switching to renewables. 2018 was also when the Compact first proposed Cape and Vineyard Electrification Offering (CVEO) as an enhancement to the 2019-2021 Energy Efficiency Plan. She stated that it was not approved, and the Compact revised the program design with significant stakeholder input. In 2020 to 2021 the Compact proposed a revised CVEO program design for DPU approval. She stated that both proposals were denied. In 2021 the Compact participated as a consumer advocate in DPU Grid Modernization proceedings.

Maggie Downey stated that in 2022 the Compact participated as a consumer advocate in the 2022 Eversource rate case. Also, the Massachusetts Climate Act passed. She stated that Section 87A expressly authorized CVEO as demonstration offering and Section 24 permitted pairing of electrification with renewables and storage starting with the 2025-2027 statewide energy efficiency plan. The Compact also updated its Aggregation Plan as required by the DPU to reflect new customer enrollment practices for its power supply program which was the fourth amendment. In 2023 CVEO pursuant to Section 87A is approved by the DPU. On February 2, 2023 the DPU approved the Compact's Fourth Amended Aggregation Plan.

Tom McNellis asked if CVEC was still a part of the mix. Maggie Downey stated that CVEC is a separate legal entity with its own revenues and expenditures, and the Compact no longer provides funding to CVEC. Martin Culik stated that there is a representative from each town that serves on the CVEC Board. He stated that Mariel Marchand is the representative from the Compact that sits on the CVEC Board.

Valerie Bell asked when will new electric accounts go to basic service instead of the Compact service first. Audrey Kiernan stated that it starts with the Compact's next competitive supply agreement. She stated that will be around the end of 2026.

ADMINISTRATOR'S REPORT:

1. Update on US Department of Agriculture Rural Utilities Solar Loan Application

Maggie Downey stated that the US Department of Agriculture circled back regarding the solar loan. She stated they asked the Compact to update all of the financial documents included in the initial application. She stated that the Compact applied for the loan in 2020. It was for a 4.9-million-dollar zero interest loan to offer a solar loan program for residences on the Cape and Vineyard. She stated that the Compact will resubmit in late April.

2. March 2, 2023 Letter from MA Department of Public Utilities: Compact Aggregation Plan

Maggie Downey stated that the Compact received a letter from the DPU asking us to update our Aggregation Plan by April 21st. She stated that because of the timing of the April 5 strategic planning session, and because some of the things that we are being asked to change will have significant impacts, she is asking for support on responding to the letter asking for more time for the Board to review and to respond back on or before June 30th.

Brad Crowell asked if the new slate of DPU commissioners can have an impact on future flexibility. Maggie Downey answered yes, it could change things significantly.

Maggie Downey stated that it also came up that there was a customer complaint about the Compact's Aggregation Plan. Audrey Kiernan stated that it was conveyed to her that it was more of an inquiry that there was an aspect of the current Aggregation Plan that is fully described on the website, but the plan didn't contain all of the details on the website. Maggie Downey stated that the heart of the issue is whether the Aggregation Plan must spell out in detail everything the Compact does. She does not believe that was the intent of the Aggregation Plan. She stated that she would also like to know whether the Board supports the Compact asking the DPU for a records request to review the customer complaint. Brad Crowell stated that he would be interested as someone who is responsible for these folks and what they have to say. Peter Cocolis asked Audrey Kiernan if this would impact the relationship with DPU. Audrey Kiernan stated that the request would go to the records officer, not the person who sent the letter request to update the Aggregation Plan. She stated that she would then give a curtesy call to the Hearing Officer who sent the letter to explain the intent of the Board in seeking that information. She stated that she believes that they would understand the Compact's desire to know what inquiries have been made about the Compact. Colin Odell asked how current the inquiry was. Audrey

Kiernan stated that it was more recent. She stated that that the scope of the timeframe of the public records request that she and Maggie Downey talked about was January 2022 to present.

Sense of the Board is that they support the letter being sent to the DPU letting them know that the Compact will respond on these matters on or before June 30th. Sense of the Board is they support the Compact on asking for a records request from the DPU regarding the customer complaint about the Compact.

3. Withdrawal of CVEO Appeal

Maggie Downey stated that the withdrawal of CVEO appeal is final. All the documents are included in the packet. She stated that it is publicly out there.

4. February 28, 2023 Letter to MA Department of Energy Resources

Maggie Downey stated that she included a letter in the packet from all the Program Administrators (PAs) to DOER on our position on implementation of the Inflation Reduction Act (IRA) energy efficiency related rebates so that the Board was aware of this statewide effort.

5. February 16, 2023 Letter from US Senators Warren and Markey to the MA DPU

Maggie Downey stated that she also included a letter from the US Senators Warren and Markey to the DPU expressing their concern with DPU's delay in approving municipal aggregation plan dockets.

Erik Peckar left the meeting at 3:50pm.

ADJOURNMENT:

Motion to adjourn made at 4:02 PM moved by Colin Odell, seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Bob	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
- February 8, 2023, Draft Open Session Meeting Minutes
- Power Supply Update: Clean Peak Standard PowerPoint
- Cape Light Compact Key Events: 1994 – 2023 PowerPoint