

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, May 10, 2023**

The Cape Light Compact JPE Board of Directors met on Wednesday, May 10, 2023, at 2:00 p.m. The meeting was held as a hybrid meeting (in-person and through remote participation) through a Zoom videoconference for members of the Board with audio call-in available for members of the public, pursuant to St. 2023, c. 2, which, among other things, extends the temporary provisions pertaining to remote meetings of public bodies under the Open Meeting Law to March 31, 2025.

Participating In-Person Were:

1. Robert Schofield, Executive Committee, Bourne
2. Colin Odell, Executive Committee, Brewster
3. Brian Miner, Chatham
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
9. Richard Elkin, Executive Committee, Wellfleet
10. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Participating Remotely Were:

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Timothy Carroll, Chilmark
3. Alan Strahler, Edgartown
4. Matt Patrick, Falmouth
5. Leanne Drake, Sandwich
6. Russ Hartenstine, Tisbury
7. Bob Higgins-Steele, Truro
8. Nicola Blake, West Tisbury

Absent Were:

1. Forrest Filler, Aquinnah
2. Brad Crowell, Dennis
3. Meghan Gombos, Dukes County
4. Wayne Taylor, Mashpee
5. Peter Meleney, Oak Bluffs
6. 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
 Lindsay Henderson, Senior Analyst – Small Business
 Mariel Marchand, Power Supply Planner
 Dave Botelho, Senior Data Analyst
 Briana Kane, Energy Efficiency Program Manager
 Margaret Song, Energy Efficiency Regulatory and Strategy Manager
 Anneliese Conklin, Data Analyst
 Meredith Miller, Energy Efficiency Analyst
 Stephen McCloskey, Energy Efficiency Analyst
 Laura Selmer, Energy Efficiency Analyst

Presenters/Guests:

Melva Deshmukh, NextEra Energy
 Mary McMahan, SEA
 Stephan Wollenburg, SEA

Public Participants:

Chris Powicki

Martin Culik called the meeting to order at 2:02 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 March 15, 2023 and April 5, 2023, Open Session and Compact Board March 15, 2023 Executive Session Meeting Minutes.

Richard Elkin moved the Board to accept the minutes and to release them, seconded by Valerie Bell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Brian	Miner	Chatham	Abstain
Tim	Carroll	Chilmark	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Russ	Hartenstine	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (15-0-1)

CHAIRMAN’S REPORT:

1. Chatham Board Member, Peter Cocolis Retirement

Martin Culik announced that two new board members have joined the Board. Brian Miner from Chatham is replacing Peter Cocolis who has retired and Nicola Blake is now the West Tisbury representative as Erik Peckar has resigned.

CONTINUED DISCUSSION AND POTENTIAL VOTE ON EARLY INCLUSION OF CLEAN PEAK STANDARD INTO POWER SUPPLY:

Melva Deshmukh from NextEra presented on the Clean Peak Standard (CPS). The Compact is exempt from the Clean Peak Standard until 2024 as the current Power Supply contract was signed in 2018 before the requirement to comply went into effect. The Clean Peak Certificates must come from resources in Massachusetts. Richard Elkin asked about Time of Use Rates and the status. Valerie Bell inquired if ratepayers would be paying more to cover the cost of these CPS Certificates and whether rates would increase for all ratepayers if these were to be applied. Maggie Downey said, yes rates would increase and that NextEra would be responsible for purchasing these certificates. If there aren’t enough Certificates available, then there is an Alternative Compliance Payment (ACP) that is made to the Department of Energy Resources (DOER) and these funds/payments are transferred to MassCEC. Matt Patrick brought up that there is a municipal utility in Tennessee that uses the internet to regulate their usage during peak times. Dan Schell reminded the Board that we have 2 Demand Response programs available now that customers can opt-in and be rewarded for their reduction of usage during peak times. Maggie Downey said that there isn’t an option for the Compact to only do this for half a year, so the Compact would need to cover a full year of certificates within 6 months if the Board chooses to move forward with early inclusion. Mariel Marchand stated that the impact for 2024 would be 0.3 cents/kWh which would be less than doing it for 2024. The Board expressed that they were not interested in pursuing early inclusion for the remainder of 2023. Colin Odell stated that he would like to make sure that the ratepayers are notified that this added cost for compliance in 2024 is due to the law. Richard Elkin would like to know what the ACP money that is given to MassCEC is being used for. Maggie responded that there is no clearly identifiable program that the ACP payments are used for, but MassCEC appropriates funds consistent with their mission.

Leanne Drake left the meeting at 3:02 pm.

Tim Carroll left the meeting at 3:15 pm.

PRESENTATION ON RESULTS OF PHASE ONE CAPE LIGHT COMPACT 2025-2027 PLANNING SESSION:

Stephan Wollenburg reviewed the CLC-EE Priorities presentation and went through the results from the Cape Light Compact 2025-2027 Planning Session that was held by the Board on 4/5/23. David Anthony thought that the discussion around moderate income was getting people to participate, rather than the income verification process itself. Maggie Downey brought up that the Compact has Faith Community Environmental Network (FCEN) and Vineyard Power that are out in the community trying to recruit customers to participate in the Compact’s energy efficiency programs. Valerie Bell asked about staffing implications for the tactical suggestions and Maggie Downey responded that the Board would see the budget implications that would go with the tactical ideas. Colin Odell mentioned that building inspectors need more resources and education on new technologies such as heat pumps. There was discussion from the Board about what

information/engagement is needed to share with the building inspectors. Valerie Bell brought up focusing on low usage buildings like churches, and seasonal businesses in addition to seasonal homes, as a tactical consideration. Based on the discussion Stephan Wollenburg informed the Board that he will make some adjustments to the summary slides.

PRESENTATION AND DISCUSSION ON MARCH 2, 2023 LETTER FROM THE MA DEPARTMENT OF PUBLIC UTILITIES REGARDING THE COMPACT'S AGGREGATION PLAN:

Audrey Eidelman Kiernan reminded the Board that the Compact has a revised Aggregation Plan (Plan) that was filed in late 2022 and approved by the DPU in February 2023. She stated that in March 2023, she received a call from the DPU about a complaint that had been received that the Compact's Plan did not contain a sufficient description of its current power supply offering. She then received a letter from the DPU Hearing Officer requesting that the Compact address 15 items identified by the DPU to update the Plan and make it more consistent with other more recently approved municipal aggregation plans. Audrey Eidelman Kiernan presented the proposed revisions to the Compact's Aggregation Plan and the Board's next steps. The Compact needs to respond to the DPU by June 30th. Maggie Downey will be asking for a Board vote on the updates at the June 14th meeting. Colin Odell asked for a blurb about these updates that Board Members could share at the respective Select Board meetings as an FYI.

ADMINISTRATOR'S REPORT:

1. JPE Quorum Requirements

- a. The remote meeting authorization was extended by the Legislature through 2025.
- b. Maggie Downey noted that under the original quorum provisions in the Joint Powers Agreement the Compact did have difficulty convening a meeting under the quorum requirements, so meetings were noticed as both an Executive Committee meeting and meeting of the full Governing Board so that the Compact could take action on necessary/pressing items. Maggie Downey noted that the Compact amended its Joint Powers Agreement to change the quorum requirements in July 2021 such that a quorum to convene is attained when the majority of members of the Executive Committee is physically present; however, in order for the Compact to *take action*, additional members of the Governing Board equal to or greater than a majority must be in attendance, remotely or in person.

2. Cape Light Compact 2022 Municipal Aggregation Report to the MA Department of Public Utilities

- a. The Report has been posted to the Compact's website.
3. Maggie Downey told the Board that they could share the letter on American Rescue Plan Act (ARPA) funds with Select Boards.
4. There is an Electric Vehicle Car Show occurring on Saturday 6/3 at the Hyannis Transportation Center.
5. The EPA Solar Funds from the Inflation Reduction Act (IRA) will be going to the states to administer.

BOARD MEMBER UPDATE:

Joyce Flynn mentioned that there are climate events that are being organized by state representatives and will send Maggie Downey the information to share with the Board. Joyce Flynn mentioned that a plan has almost been put in place to make customers whole who were involved in the Solarize Plus Program in Yarmouth.

ADJOURNMENT:

Motion to adjourn made at 4:41 PM moved by Robert Schofield, seconded by Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Brian	Miner	Chatham	Yes
Tim	Carroll	Chilmark	Left meeting at 3:15
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Left meeting at 4:15
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Left meeting at 3:02
Russ	Hartenstine	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Lindsay Henderson

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- March 15, 2023, Draft Open Session Meeting Minutes
- March 15, 2023, Draft Executive Session Meeting Minutes
- April 5, 2023, Draft Open Session Meeting Minutes
- Presentation – Clean Peak Standard
- Presentation – CLC-EE Priorities
- Revised Aggregation Plan Filing Redline Response to DPU 3-22 Letter Request