

**Cape Light Compact JPE  
Governing Board  
Executive Session Meeting Minutes  
Wednesday, January 10, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, January 10, 2018 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 1:00PM.

**Present Were:**

1. Joyce Flynn, Chair, Yarmouth
2. David Anthony, Secretary, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Peter Cocolis, Executive Committee, Chatham
5. Richard Toole, Executive Committee, Oak Bluffs
6. Thomas Donegan, Executive Committee, Provincetown
7. Valerie Bell, Harwich
8. Martin Culik, Orleans
9. Colin Odell, Brewster
10. Richard Elkin, Wellfleet
11. ChristiAne Mason, Wellfleet Alternate
12. Paul Pimentel, Edgartown
13. Brad Crowell, Dennis
14. Tim Carroll, Chilmark – by phone
15. Ronald Zweig, Vice-Chair, Falmouth – by phone
16. Sue Hruby, West Tisbury – by phone, joined the meeting at 1:41
17. Jay Grande, Tisbury – by phone, joined the meeting at 1:15
18. Fred Fenlon, Eastham, joined the meeting at 1:45
19. Robert Hannemann, Duke's County, joined the meeting at 2:18

**Absent Were:**

20. Jarrod Cabral, Truro
21. Michael Hebert, Aquinnah
22. Vacant - Sandwich
23. Wayne Taylor, Mashpee

Members/Alternates

Physically present: 15

Members present by phone: 4

**Legal Counsel**

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

Rebecca Zachas, Esq., BCK Law, P.C. – by phone

**Staff Present**

Greg Abbe, Senior C&I Senior Analyst

Austin Brandt, Senior Power Supply Planner

Maggie Downey, Administrator  
Lindsay Henderson, Analyst and Marketing  
Briana Kane, Planning and Evaluation Manager  
Margaret Song, C&I Program Manager

**CONSULTANT**

Kevin Galligan, Galligan Energy Consulting Inc.

**PUBLIC PRESENT**

Peter Doyle, Barnstable (Town Alternate, pending appointment letter)

Joyce Flynn called the meeting to order at 1:06. Joyce Flynn recognized Jay Grande of Tisbury, Ronald Zweig of Falmouth, and Sue Hruby of West Tisbury, who would all be remotely participating because physical attendance at the meeting would be unreasonably difficult.

**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:**

1. Regulatory litigation strategy. DPU 17-05, 2017 Eversource Rate Case
2. Update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's Request for an Advisory Ruling DPU 17-95

*Joyce Flynn at 1:08 moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 3 to discuss strategy with respect to pending regulatory litigation relative to DPU 17-05, the Eversource Rate Case and to provide an update on regulatory litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's request for an Advisory Ruling, DPU 17-95.*

*The recordkeeper of today's executive session, shall be Compact staff. The Executive Session meeting minutes shall be presented to the Compact's Secretary for review and approval.*

*I declare that an open session may have a detrimental effect on the Cape Light Compact's litigating position. The Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Peter Cocolis.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Not present for this vote
Fred	Fenlon	Eastham	Not present for this vote
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes

Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Not present for this vote
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Not present for this vote
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (14 – 0 – 0)*

**Jay Grande joined the meeting at 1:15**

**Break at 1:20**

**Reconvene at 1:27**

Jeffrey Bernstein, Esq., gave a review of a handout on DPU 14-69.

Mr. Bernstein asked for questions on his presentation. Colin Odell asked if filing the auto enrollment revision creates any problems with the advisory order. Jeffrey Bernstein clarified that the administrative compliance that is being dealt with in open session addresses this. Brad Crowell asked if the other 18 municipal aggregators took issue with this. Jeff Bernstein indicated that two others joined the petition with CLC JPE, but the majority of aggregators are managed by brokers. Maggie Downey indicated that most other municipal aggregators do not have auto enroll and that is what makes CLC unique. Austin Brandt clarified that for National Grid aggregators they have to request the list. Many municipal aggregators may not be interested in new load as it may negatively impact price. Valerie Bell indicated that the towns might have issues with getting rid of auto enroll. Even though described as an administrative change, it might need to be brought to the towns. Jeff Bernstein indicated that this was discussed during the Executive Committee Session last week, and noted that this issue may require legislation to address. He indicated that the DPU Commissioners do not usually overturn a Hearing Officer decision but that this filing was a first step in signifying that the Compact believed it was entitled to due process and an opportunity to be heard before changes were made that affected it. David Anthony indicated that we could comply with the administrative portions, if necessary, but indicated in writing our concerns with the decision. Richard Elkin asked if we could submit an administrative/housekeeping submission and a second filing that includes customer enrollment under protest. Jeffrey Bernstein indicated he would have to give some consideration but yes, we could indicate the issues with customer enrollment and file an amended plan first to conform with the administrative/housekeeping changes (i.e. conversion to JPE). Thomas Donegan stated that CLC JPE should put the DPU on notice about concerns with the order.

**Sue Hruby joined the meeting by phone at 1:41**

**Fred Fenlon joined the meeting at 1:45**

Ronald Zweig indicated that we should send all aggregators a copy of our filing. Valerie Bell indicated that the change in enrollment issued by the DPU, might not impact all aggregators, but that the DPU could make changes in the future that may impact them. Sue Hruby asked if we should send the other aggregators a letter that briefly summarizes what we've done and offer to send them files if they wish. Joyce Flynn agreed with Valerie Bell.

Discussion on this topic ended and moved on to DPU 17-05.

Jeffrey Bernstein, Rebecca Zachas and Kevin Galligan presented a PowerPoint on DPU 17-05.

Valerie Bell asked if the MMRC applied retroactively or just on new systems. Kevin Galligan indicated this is for systems installed on or after December 31, 2018 and beyond. Maggie Downey indicated that MMRC is important to the towns as towns are counting on the revenue, but given this order, the future revenues will be changing/declining and the towns will need to account for this as part of their municipal budgeting process. Jeffrey Bernstein indicated that if any towns are considering new projects, they need to consider this impact. Thomas Donegan indicated that Leo Cakounes mentioned at the DPU information session on 17-05 that CVEC would consider proposing special legislation to overturn the DPU order. Austin Brandt indicated that CVEC is working on asking the towns to approve filing a request for override. Thomas Donegan indicated that the CLC JPE should join in on this. Maggie Downey mentioned that we might want to update Massachusetts Municipal Association (MMA).

### **Robert Hannemann joined the meeting at 2:18**

Fred Fenlon asked about the impact to the ratepayer. Kevin Galligan indicated that we will not have this analysis ready until February. Thomas Donegan asked that we meet with the media to let them know about this in advance of having a tangible number in February. Peter Cocolis agreed and also asked about the ROI approved at 10%. Kevin Galligan mentioned that we can tell the story without the numbers at tomorrow's media session.

*Joyce Flynn asked for a motion to end executive session, moved by Robert Schofield, seconded by Brad Crowell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Abstained
Fred	Fenlon	Eastham	Abstained
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Abstained
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Abstained
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (14 – 0 – 4)*

Respectfully submitted,

Briana C. Kane

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda