

**Cape Light Compact JPE  
Governing Board  
Executive Session Meeting Minutes  
Wednesday, January 12, 2022**

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, January 12, 2022 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. Brad Crowell, Dennis
8. Alan Strahler, Edgartown
9. Matthew Patrick, Falmouth
10. Martin Culik, Chair/Executive Committee, Orleans
11. Nathaniel Mayo, Provincetown
12. Leanne Drake, Sandwich
13. Bob Higgins-Steele, Truro Alternate
14. Richard Elkin, Executive Committee, Wellfleet
15. Erik Peckar, West Tisbury
16. Joycel Flynn, Vice Chair/Executive Committee, Yarmouth

**Absent Were:**

1. Forest Filler, Aquinnah
2. Fred Fenlon, Eastham
3. Valerie Bell, Harwich
4. Wayne Taylor, Mashpee
5. Dion Alley, Executive Committee, Oak Bluffs
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

**Legal Counsel Participating Remotely:**

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

**Staff Participating Remotely:**

Maggie Downey, Administrator

Melissa Allard, Senior Administrative Coordinator

**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 not return to open session:**

*Martin Culik at 3:01 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 and potential vote on pending or imminent regulatory litigation related to Massachusetts Department of Public Utilities 20-40, Cape & Vineyard Electrification Offering (CVEO) and the 2022-2024 Energy Efficiency Plan, DPU 21-126, and the 2022 Energy Efficiency Surcharge, DPU 21-119, not to return to open session thereafter. 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
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	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)*

**Tim Carroll left the meeting at 3:04 PM.**

**UPDATE ON 2022-2024 ENERGY EFFICIENCY PLAN:**

Maggie Downey stated that an appeal of the Massachusetts Department of Public Utilities Order on DPU 20-40, Cape & Vineyard Electrification Offering (CVEO) has been filed with the Superior Judicial Court (SJC) and the Compact has a docket number but there has not been any update since the initial filing. Jeff Bernstein stated that the next step is that the Department of Public Utilities (DPU) must assemble and certify the record. He stated that with COVID and people being in and out of the office it will be a slow process and may not happen until after the Compact gets a decision on the 2022-2024 Energy Efficiency Plan. Martin Culik asked about the entire appeal process. Jeff Bernstein stated that once the DPU transmits the record to the SJC the parties will adopt a briefing schedule. He stated that there is a rule which provides 40 days after the record is certified for the parties appealing, 30 for the respondents (appellees) such as the DPU, and 10 days to file a reply brief, but parties generally agree on a schedule. After briefing is completed, the SJC will schedule and hold oral argument. He stated that, as he has mentioned before, it is not clear whether the Attorney General’s Office will decline to defend the DPU and based on some of the comments the Attorney General’s Office has filed, there is a good chance that the DPU will need to find outside counsel.

**APPROVAL OF MINUTES:**

The Board considered the December 8, 2021 Executive Session Meeting Minutes.

Joyce Flynn stated that Forest Filler is listed twice in the absent list.

*Joyce Flynn moved the Board to accept the minutes as amended, seconded by Robert Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	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 (14-0-0)*

**ADJOURNMENT:**

*Motion to adjourn made at 3:10 PM moved by Joyce Flynn, seconded by Robert Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	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 (14-0-0)*

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- December 8, 2021, Draft Executive Session Meeting Minutes