

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, April 13, 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, April 13, 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. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Fred Fenlon, Eastham
8. Alan Strahler, Edgartown
9. Matthew Patrick, Falmouth
10. Valerie Bell, Harwich
11. Dion Alley, Executive Committee, Oak Bluffs
12. Martin Culik, Chair/Executive Committee, Orleans
13. Nathaniel Mayo, Provincetown
14. Bob Higgins-Steele, Truro Alternate
15. Richard Elkin, Executive Committee, Wellfleet
16. Erik Peckar, West Tisbury
17. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. Forest Filler, Aquinnah
2. Brad Crowell, Dennis
3. Wayne Taylor, Mashpee
4. Leanne Drake, Sandwich
5. Kirk Metell, Tisbury
6. Jarrod Cabral, Truro

Legal Counsel Participating Remotely:

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

Erin O'Toole, Esq., KO Law, P.C.

Rebecca Zachas, Esq., KO Law, P.C.

Staff Present:

Briana Kane, Residential Program Manager

Maggie Downey, Administrator

Melissa Allard, Senior Administrative Coordinator

Phil Moffitt, Planning & Evaluation Manager

Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) and (10) to discuss matters below, not to return to open session:

Martin Culik at 4:04 PM moved to enter into Executive (1) pursuant to M.G.L. c. 30A §21(a)(3) to consider strategy and potential vote regarding pending litigation related to the Eversource Rate Case, D.P.U. 22-22; and (2) pursuant to M.G.L. c. 30A §§21(a)(3) and (10) to review and approve the March 9, 2022 executive session minutes regarding the review and approval of September 9, 2020 and February 9, 2022 executive session minutes concerning pending or imminent regulatory litigation related to Massachusetts Department of Public Utilities (DPU) 20-40, Cape & Vineyard Electrification Offering (CVEO), the 2022-2024 Energy Efficiency Plan, D.P.U. 21-126, the Eversource Rate Case, DPU 22-22, and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to Low Income Community Shared Solar Project. Seconded by Joyce Flynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Dion	Alley	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	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)

RATE CASE:

Rebecca Zachas reviewed D.P.U. 22-22 Eversource Rate Case PowerPoint.

Rebecca Zachas stated that there are three expert witnesses that have been reviewing the case and the discovery that keeps coming in. The Compact has issued six sets of discovery questions this far. She stated that discovery will continue well into May. She stated that the testimony is due April 29th and that other intervener parties will be filing as well. Those will be reviewed as well to see if there are any other issues.

Rebecca Zachas stated that the main issue of concern that has been identified relates to commercial customers. Specifically, Eversource is proposing a significant cost shift for commercial customers from Boston to all other regions. The dollar amount of this shift will be quantified once workpapers are received in discovery. The cost shift is unreasonable because costs incurred to benefit Boston customers will shift to other areas of the state. She stated that the Compact's proposed solution is that no rate class should receive a rate decrease and to hold Boston rates at no less than current levels, which will lower rates for other non-residential classes.

Rebecca Zachas stated that there are several bill impacts concerns. She stated that Eversource is proposing increased fixed customer charges which would impact low usage customers. Residential heating rates are being

impacted by the rate consolidation as well. Another issue is the lack of a bill analysis tools. There are also performance metrics that have not been approved that Eversource continues to work under.

Rebecca Zachas stated that there are three concerns related to the performance-based ratemaking (PBR) policy and are not specific to the Compact, they are broader. She stated that they might be taken up by other parties including the Attorney General (AG). The Compact does plan to reach out to the AG and see if we can support the brief if the AG is planning to file and then the Compact could take a lesser role. She stated the first issue is that Eversource is proposing a ten-year PBR plan which means that they would not file a full rate case for ten years. She stated that a lot has happened to the electric industry in the past ten years and that a lot of innovation and change could happen in the next ten years and therefore that waiting ten years for another rate case is quite a long time. The next issue is that Eversource is proposing a price cap when it comes to decoupling. Lastly, there is a lack of flexibility in adding new projects or modifying projects on the list for the major capital projects.

Rebecca Zachas reviewed the estimated budget associated with participating in the Eversource rate case. She stated that it is a very rough estimate since there is a lot that can change that would impact the budget.

David Anthony stated that there has already been time and work put into this already. Is some of the funding coming out of our current budget? Are you are looking to supplement that budget with additional revenue? Maggie Downey stated all that is correct. She stated when the Board had voted to authorize to move forward, at that time Counsel stated the budget approved did not include the costs for this proceeding. Therefore, Compact has been paying out of FY22 budget. David Anthony stated that then this could be an additional \$147,000 needed depending on how things play out. He asked if this case is likely to drag on or is this a relatively secure estimate. Rebecca Zachas stated that she believes it is a relatively secure estimate. She stated that this case itself has a set timeframe. She stated that this budget is based on the issues we have in front of us. There would have to be new major issues that would spark significant changes to the budget estimate.

Colin Odell asked if this was all mill adder and operating budget. Maggie Downey answered yes, it is all operating budget. Colin Odell stated that he would like to see what the mill adder fund looks at before approving the budget. Maggie Downey stated that there is at least \$700,000 in the mill adder fund.

Joyce Flynn left the meeting before this vote.

Colin Odell moved the CLCJPE Board of Directors vote amend the 2022 operating budget to increase of \$130,000. Seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Dion	Alley	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Bob	Higgins-Steele	Truro	Yes

Richard	Elkin	Wellfleet	Yes
Erik	Peckar	West Tisbury	Yes

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

APPROVAL OF MINUTES:

The Board considered the March 9, 2022 Executive Session Meeting Minutes.

Robert Schofield moved the Board to accept the minutes as amended, seconded by Richard Elkin.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Dion	Alley	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Erik	Peckar	West Tisbury	Yes

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

Erik Peckar left meeting at 3:58PM.

ADJOURNMENT:

Motion to adjourn made at 4:30 PM moved by Richard Elkin, seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Valerie	Bell	Harwich	Yes
Dion	Alley	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Bob	Higgins-Steele	Truro	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
- March 9, 2022, Draft Executive Session Meeting Minutes
- D.P.U. 22-22 Eversource Rate Case PowerPoint