

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, June 8, 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, June 8, 2022, at 2:30 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. Forrest Filler, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Meghan Gombos, Dukes County
7. Fred Fenlon, Eastham
8. Alan Strahler, Edgartown
9. Wayne Taylor, Mashpee
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. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. Timothy Carroll, Executive Committee, Chilmark
2. Brad Crowell, Dennis
3. Dion Alley, Executive Committee, Oak Bluffs
4. Matthew Patrick, Falmouth
5. Valerie Bell, Harwich
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

Legal Counsel Participating Remotely:

Audrey Eidelman Kiernan, Esq., KO Law, P.C.
Erin O'Toole, Esq., KO Law, P.C.

Staff Present:

Lindsay Henderson, C&I Senior Analyst
Izzi Caplan, Communication Coordinator
Maggie Downey, Administrator
Margaret Song, C&I Program Manager
Mariel Marchand, Power Supply Planner
Briana Kane, Residential Program Manager

Phil Moffitt, EM&V Program Manager
Dan Schell, Senior Analyst

Consultant Participants:

Kevin Galligan, Galligan Energy
Melva Deshmukh, NextEra Energy (in Open Session only)

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 3:08 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) to review and approve a consumer advocacy worksheet and regulatory litigation strategy concerning the Eversource Rate Case, DPU 22-22 and to review litigation strategy regarding DPU 22-55, Eversource’s Capital Investment Proposal for Cape Cod. Not to return to Open Session. Seconded by Joyce Flynn.

Forrest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Meghan	Gombos	Dukes County	Yes
Fred	Fenlon	Eastham	Unable to vote due to technical issues
Alan	Strahler	Edgartown	Yes
Wayne	Taylor	Mashpee	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)

WORKSHEET:

Audrey Eidelman Kiernan gave an overview of the consumer advocacy worksheet for D.P.U. 22-22 (Eversource Rate Case), which was sent to the Board in advance of the meeting as part of the Executive Session meeting materials

Audrey Eidelman Kiernan provided background on the purposes for the consumer advocacy worksheet and the reporting that the Compact is required to present to the Department of Public Utilities (DPU) when any energy efficiency ratepayer funds are used by the Compact for consumer advocacy purposes. She stated that the focus of this presentation will be on the two-energy efficiency related issues that may arise as part of the Compact’s participation in D.P.U. 22-22 as a consumer advocate. First, Eversource has proposed changes to the low-income (LI) surcharge for energy efficiency because as part of D.P.U. 20-150 (Energy Efficiency Guidelines), the DPU directed all electric distribution company Program Administrators (PAs) to revise their formula and present the revision in their next rate case. The Compact is concerned about the rate impact of applying this revised formula to the LI energy efficiency surcharge. It is likely that Attorney General will take up these

issues of concern about rate impact in its role as consumer advocate and the Compact can then support the positions taken by the Attorney General on brief. Also, the Attorney General may advocate that that all electric distribution company PAs propose their revised formulas as part of a single the DPU investigation undertaken at the same time and make the change together rather than piecemeal as their next rate cases arise.

Audrey Eidelman Kiernan stated that the second energy efficiency issue is the revised performance metrics. In DPU 18-50 the Compact and other interveners made recommendations on metrics used by Eversource and looking at reporting and tracking and targets and making sure that Eversource did not receive performance incentives as a PA for demand response activities that it would also receive performance incentives for as part of its performance based ratemaking plan. The DPU has yet to decide on 18-50 and Eversource presented its metrics once again as part of this latest rate case, DPU 22-22. The Compact will want to raise the same issues of concern on brief in DPU 22-22 that the intervenors did in DPU 18-50.

David Anthony asked about whether the DPU has a deadline to decide on these rate impact and other issues of concern. Audrey Eidelman Kiernan stated that by statute, the DPU has a timeframe in which it must approve rates that have been filed for approval, and in accordance with the statute, the DPU will approve rates by that deadline, but if there are issues that require further investigation, the DPU will then require approval subject to further reconciliation for what isn't resolved. She stated that the concern is about cost impacts given what is happening in global energy markets and its impact on supply price increases. Kevin Galligan addressed the idea of phasing in the costs for "gradualism". Under this principle, Eversource would eventually get the rate increase it has requested, but not all at once.

Alan Strahler asked about performance-based rate making and a quick definition. Kevin Galligan noted that this is allowed by the DPU as an alternative to go beyond the standard rate structure. It is an alternative methodology to incentivize the electric company to perform well on key metrics (e.g., efficiency, grid modernization, etc.).

Alan Strahler moved the CLCJPE Board of Directors vote to adopt to adopt the Consumer Advocacy Worksheet for DPU 22-22 and allocate costs between the Compact's energy efficiency and operating budgets as follows:

1. After identifying a regulatory matter, rule-making proceeding, legislative action or other activity relating to or affecting the Compact's administration of its energy efficiency plan or its provision of power supply (taken together, "Consumer Advocacy Matter"), the Compact Administrator will provide the Board with pertinent information regarding the Consumer Advocacy Matter and present a completed consumer advocacy worksheet (as attached) for the Board's consideration and review.

2. The Board will thereafter vote to authorize and direct the Compact Administrator to take all actions deemed necessary or appropriate to implement the Compact's participation in the Consumer Advocacy Matter (subject to any limitations imposed by the Board), and to execute and deliver all documents as may be necessary or appropriate to enable and effectuate such participation.

The motion was seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Unable to vote due to technical issues

Alan	Strahler	Edgartown	Yes
Wayne	Taylor	Mashpee	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 (13-0-0)

EVERSOURCE CAPE COD CAPITAL INVESTMENT PROGRAM (CIP) (D.P.U. 22-55):

Kevin Galligan reviewed the Eversource Cape Cod Capital Investment Program (CIP) (D.P.U. 22-55) PowerPoint and the issues that the Compact would explore if the Board voted to approve the Compact’s intervention in the docket. He stated this is one of seven planned CIP filings to address saturation limits of the electric power system that present barriers to Distributed Generation (DG). Eversource is proposing a \$195 million Capital Investment over 4-years to upgrade eight substations and feeders. The purpose is to enable connection of new DG up to 295,612 kW. The bill impacts are 0.1 – 0.2% increase.

David Anthony asked about three cables going into Hyannis and Oak Street and whether the upgrades were meant to benefit the interconnection of offshore wind. David Anthony believes the costs for the wind farms should be covered fully by those projects. Kevin Galligan noted that this is a good question, and he invited folks to share information.

Bob Higgins-Steele noted repaving on Route 6 in Truro and Provincetown. He stated that it would be to include undergrounding of electric power lines while repaving roads. Kevin Galligan stated that this could be a sub question asked during discovery in this proceeding as to whether there are constraints on the Outer Cape that are missing from this CIP; meaning, is there another CIP for Cape Cod forthcoming in the future.

David Anthony looked at different CIPs and only one on Cape Cod. He asked if the Compact was thinking that it would participate in all proposals or just the Cape Cod proposal. Maggie Downey stated that the Compact would not intervene in the other dockets.

Joyce Flynn moved the CLCJPE Board of Directors vote to approve the Compact’s intervention in DPU 22-55 and the Compact’s participation in the docket with the estimated budget included in Kevin Galligan’s presentation. Seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Unable to vote due to technical issues
Alan	Strahler	Edgartown	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes

Nate	Mayo	Provincetown	Abstained
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 (12-0-1)

ADJOURNMENT:

Motion to adjourn made at 3:28 PM moved by Robert Schofield, seconded by Peter Cocolis.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Meghan	Gombos	Dukes County	Yes
Fred	Fenlon	Eastham	Unable to vote due to technical issues
Alan	Strahler	Edgartown	Yes
Wayne	Taylor	Mashpee	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
- Consumer Advocacy Worksheet for D.P.U. 22-22 (Eversource Rate Case)
- Eversource Cape Cod Capital Investment Program (CIP) (D.P.U. 22-55) PowerPoint