

**Cape Light Compact JPE  
Governing Board  
Executive Session Meeting Minutes  
Wednesday, December 8, 2021**

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 in open session on Wednesday, December 8, 2021 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.

**Present Were:**

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Francis Erdman, Bourne Alternate
5. Colin Odell, Executive Committee, Brewster
6. Peter Cocolis, Chatham
7. Timothy Carroll, Executive Committee, Chilmark
8. Brad Crowell, Dennis
9. Erik Peckar, Dukes County
10. Alan Strahler, Edgartown
11. Matthew Patrick, Falmouth
12. Valerie Bell, Harwich
13. Wayne Taylor, Mashpee
14. Martin Culik, Chair/Executive Committee, Orleans
15. Nathaniel Mayo, Provincetown
16. Leanne Drake, Sandwich
17. Bob Higgins-Steele, Truro Alternate
18. Richard Elkin, Executive Committee, Wellfleet
19. Sue Hruby, West Tisbury
20. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth
21. Mike Duffy, Yarmouth Alternate

**Absent Were:**

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

**Legal Counsel:**

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

**Staff Present:**

Maggie Downey, Administrator

**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 return to open session:**

*Martin Culik at 3:14 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 and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to Massachusetts Department of Public Utilities 20-40, Cape & Vineyard Electrification Offering (CVEO) and the 2022-2024 Energy Efficiency Plan, DPU 21-126, not to return to open session thereafter. Seconded by Peter Cocolis.*

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
Valerie	Bell	Harwich	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
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (17-0-0)*

**APPROVAL OF MINUTES:**

The Board considered the November 10, 2021 Executive Session Meeting Minutes.

Matt Patrick stated that he did not play a role in drafting the Restructuring Act and that should be removed from the minutes.

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

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
Valerie	Bell	Harwich	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
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (17-0-0)*

**2022-2024 THREE YEAR PLAN:**

Maggie Downey stated that the appeal was filed with the Department of Public Utilities (DPU) and the Supreme Judicial Court (SJC). She stated that in an Information Request (IR) from the DPU as part of the denial it asked the Compact to remove CVEO from the 2022-2024 Three Year Plan. She stated that the Compact declined to do so. The DPU will have to issue an order and deny it again in that docket.

Maggie Downey stated that the Compact is concerned that the DPU is also gearing up to deny it from serving mutual National Grid customers. She stated if that happens the Compact would be prevented from serving approximately 102,000 residential customers. She also stated that the DPU asked the Compact in an IR to provide numbers based on removal of CVEO and mutual customers. They are also asking about shared costs and the Board's allocation methodology. She stated that there is a fiscal impact because the operating budget is supporting the energy efficiency budget.

Maggie Downey stated that the 2022-2024 Energy Efficiency Plan (EEP) hearings start tomorrow. She stated that the hearings are all by Zoom and she will send the invite to the Board if anyone wants to join.

Joyce Flynn stated that it is in the interest of our customers to fight on this. She stated that the Compact does a great job with their energy efficiency programs. The Compact can audit electrical and heating systems and is more trustworthy because it is municipal and not a for-profit utility. Jeff Bernstein stated that there are three ways to move forward. 1) Pursue the appeal to the SJC, 2) mobilize as much political support from town and state officials prior to the DPU's decision on the plan, and 3) legislatively. He stated that the Massachusetts legislature can pass an act that negates the DPU's decision or clarifies the intent of specific legislation.

Valerie Bell asked what National Grid's (NGRID) involvement is in this since issue and are they still adamant about this? Maggie Downey answered yes. NGRID has intervened in the Compact's 2022-2024 Energy Efficiency Plan as it objects to the Compact serving what they consider their customers. In actuality, they are mutual customers because they pay into both the gas and electric energy efficiency fund. Weatherization yields both electric and gas savings. Colin Odell asked if NGRID was trying to claim the electric savings. Maggie Downey answered no, the Compact will still get the piggyback savings. She stated with the lighting measures going away there will be very little electric savings. She stated that NGRID is trying to claim 100% of all

weatherization savings. Colin Odell stated that this is probably setting them up to lock in getting credit for the gas to heat pumps during decarbonization. Maggie Downey stated it has been discussed if an existing NGRID customer switches to electric heat, then the gas PAs will claim the savings because the customer is reducing MMBtu. She stated that it is still not resolved on new construction. She stated that under the current arrangement of serving mutual customers NGRID is having no trouble reaching its savings' goals right now.

Maggie Downey stated that an order on the Energy Efficiency Surcharge (EES) will be issued before the end of the month. That will be the first indication on what the DPU is going to include in the 2022-2024 EEP Order because the EES docket sets the rate that is collected to administer the program. The 2022-2024 EEP Order does not have to be issued until January 31<sup>st</sup>. She stated that the EES will be a good indicator of what that order will be like. There will be an update at the January 2022 Board Meeting.

Martin Culik asked if the Compact has talked to our legislative delegation on these issues. Maggie Downey stated that she has not talked to the legislative delegation since she and Matt Patrick met with Senator Moran to request a meeting with the Cape and Vineyard legislative delegation. There was an initial email exchange to set up a meeting but that never went anywhere. She stated that she has not had a chance to update them and that she is waiting until we get the DPU Order and will have all of the information for discussion with the delegation.

Matt Patrick stated that he sent the example letter of support to Scott Ridley who is one of the consultants that brought out the concept of municipal aggregation and asked him what he thought. Matt asked whether it would be appropriate to bring Scott Ridley in at this time. Maggie Downey answered no as to the EES docket, the briefings are complete. She stated that any future involvement would be in an appeal.

Maggie Downey stated resolution of these issues will likely require either legislative relief or legal action through the courts, but it will be the Board's decision as what action to take. Jeff Bernstein stated that he believes this DPU will not be responsive to public pressure unfortunately. He stated that in 2023 when a new Governor is put in place, he or she gets to appoint two of the three members of the DPU right away. He stated that does not help the Compact for the next year, but it may not be waiting years. He stated that he thinks it makes sense to mobilize public and legislative opinion in any event. Erik Peckar stated that there are local groups who can assist, it is just about getting the word out. He stated he understands the strategy of waiting but believes it could be in the Compact's best interest to get the information out to people as soon as possible. Maggie Downey stated that she did reach out during the letter campaign. She received 25 letters of support for the Compact and people spoke at the hearings as well. She stated that it probably does not have an impact on the DPU's decision and the Compact is at the point where it needs a change in law.

Nate Mayo asked if there are bullet points for both advocates and citizenry, and another geared to policy makers. Maggie Downey answered yes, and she has sent them to Senator Cyr and Senator Moran. She stated that she would be happy to talk offline with Nate Mayo because he has worked at the State House. Nate Mayo stated he is happy to do so and that it would be good to get a concise stance on it for advocates and the public. Sue Hruby stated that in addition we should get an editorial campaign going. Maggie Downey stated that the Compact is working on these items. She stated that it is moving and focusing on CVEO, people are interested and aware. Sue Hruby asked what is the point of mobilizing people if the Compact is not getting anywhere, why not just go to the SJC? Maggie Downey stated she believes that this requires legislative relief because the Compact is a creature of the legislature. She stated if not for the Restructuring Act, the Compact would not be here. She stated that unlike the utilities, the Compact does not have a legislature liaison and it makes it challenging to find out why the Compact's proposed legislation is not moving forward.

#### **ADJOURNMENT:**

*Motion to adjourn made at 3:52 PM moved by Matt Patrick, seconded by Joyce Flynn.*

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
Valerie	Bell	Harwich	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
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (17-0-0)*

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- November 10, 2021, Draft Executive Session Meeting Minutes