

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, February 13, 2019**

The Cape Light Compact JPE Board of Directors met on Wednesday, February 13, 2019 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00 PM.

Present Were:

1. David Anthony, Secretary, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Peter Cocolis, Executive Committee, Chatham
5. Brad Crowell, Dennis
6. Ronald Zweig, Chair, Falmouth
7. Valerie Bell, Harwich
8. Richard Toole, Executive Committee, Oak Bluffs – **By Phone**
9. Martin Culik, Executive Committee, Orleans
10. Leanne Drake, Sandwich
11. Richard Elkin, Wellfleet
12. David Mead-Fox, Wellfleet Alternate
13. Sue Hruby, West Tisbury
14. Joyce Flynn, Vice-Chair, Yarmouth

Absent Were:

1. Michael Hebert, Aquinnah
2. Colin Odell, Brewster
3. Timothy Carroll, Chilmark
4. Robert Hannemann, Dukes County
5. Fred Fenlon, Eastham
6. Wayne Taylor, Mashpee
7. Dave Panagore, Provincetown
8. Kirk Metell, Tisbury
9. Jarrod Cabral, Truro

Members/Alternates:

Physically present: 13

Present by phone: 1

Legal Counsel:

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

Staff Present:

Austin Brandt, Senior Power Supply Planner

Phil Moffit, Planning and Evaluation Manager

Dan Schell, Marketing and Communications Coordinator

Maggie Downey, Administrator

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 for the following matters: DPU 18-116, CLC 2019-2021 Energy Efficiency Plan Filing; DPU 16-169, National Grid; DPU 18-128, 2019 Energy Efficiency Surcharge, Potential Votes

Ronald Zweig at 3:00 PM moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a)(3) to discuss pending litigation strategy regarding the Compact’s 2019-2021 Energy Efficiency Plan (DPU 18-116 and DPU 18-128) and pending regulatory proceeding with NGRID (DPU 16-169).

Ronald Zweig declared that an open session may adversely affect the Cape Light Compact’s litigating position. The Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Joyce Flynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (12 – 0 – 0)

- 1. Regulatory litigation strategy for the following matters: DPU 18-116, CLC 2019-2021 Energy Efficiency Plan Filing; DPU 16-169, National Grid; DPU 18-128, 2019 Energy Efficiency Surcharge, Potential Votes**

Jeff Bernstein reviewed a prepared Summary of Major Findings from D.P.U. Order Regarding the Compact’s Three-Year Energy Efficiency Plan (PowerPoint presentation). The D.P.U. didn’t say completely reject the Cape and Vineyard Electrification Offering (“CVEO”), but asked for the Compact to take additional steps first as well as provide more information on it before resubmitting it for a decision. The Compact could do an Active Demand Response (“ADR”) demonstration project but must first resolve outstanding concerns raised by Eversource about dispatch before the Compact brings such an ADR to the D.P.U. The D.P.U. also wants the Compact to evaluate Energy Efficiency Plan enhancements to make sure they are necessary. Jeff Bernstein stated that there hasn’t been a timeline established on those efforts, only that the information must be given to the D.P.U. by September 30, 2019. He recommended filing a motion for reconsideration or clarification on certain issues and a motion extending the appeal period until after the motion for reconsideration/clarification is decided the Compact also needs clarification on the reporting requirements. There are many conflicting

directives since previously approved programs have essentially been denied in this order. The Compact has already raised many of these issues with the Energy Efficiency Advisory Council (“EEAC”).

Richard Elkin asked what the budget looks like if the Compact goes with what the D.P.U. has approved as of now. Maggie Downey stated that the Compact is putting those numbers together. Martin Culik asked if it would have an impact on staffing. Maggie Downey answered no. Valerie Bell stated that there will be a big difference if the Compact isn’t serving National Grid customers. Maggie Downey stated that the Compact’s budget still includes serving gas customers as the D.P.U. hasn’t ruled on this matter (DPU 16-169) as of yet. The D.P.U. didn’t outright deny anything in its Order on the Compact’s 2019-2021 Energy Efficiency Plan (“EEP”); it raised the bar. Maggie Downey stated that it appears as if Eversource wants to be in full control of all ADR programs. The Compact needs to negotiate with Eversource to try and come to some sort of solution. However, the Compact and Eversource will most likely end up in front of the EEAC stating their respective positions and then move on to the D.P.U. unless they come to a mutual agreement first. Martin Culik stated that Eversource believes the batteries will have an impact on its system yet have nothing to back it up. He shared that Xfinity is working with Sunrun to install 5,000 solar arrays and batteries in New England.

Brad Crowell asked what the Compact objective is on this issue. Maggie Downey stated that the Compact should be allowed to continue operating its Season Savings Direct Load Control program since it has been going on since 2016. Some of the programs may need to change a bit in order for them to be approved. Maggie Downey stated that she is optimistic that some form of CVEO will be approved by the EEAC. The revised CVEO may change from what was initially in the Compact’s EEP. However, she is unsure if the Compact will ultimately obtain approval from the D.P.U. David Anthony asked if there is a way to restate our case directly to the new chairman and share some of the Compact’s concerns. Jeff Bernstein stated that he wouldn’t raise this at this time with the Commission, other than in the form of filings (e.g. the Motion for Reconsideration/Clarification). He also stated that it is worth noting that the D.P.U. finally recognized that a municipal aggregator could do more than utility program administrators. However, the D.P.U. is clearly concerned about more municipal aggregators trying to get EE Funds and how it could present conflicts. Ron Zweig stated that once again the Compact is ahead of the curve and asked if more municipal aggregators and/or utility Program Administrators were operating programs similar to CVEO, would this even be happening? Maggie Downey stated that in the next 3-Year Plan there will most likely be similar programs in other Program Administrator’s (“PA’s”) Energy Efficiency Plans.

David Mead-Fox asked if the Board can do anything to get local officials to support the Compact’s efforts. Maggie Downey answered yes and drew a parallel to the way in which the Compact formed the JPE by speaking with every town Board of Selectmen/Town Council. She stated that seeking local support has to be based on very specific presentations because the broader the information is, the harder it’s going to be to get them to support it. Ron Zweig asked if these items listed in the presentations today were too broad to send out to local boards. Jeff Bernstein stated that he thinks they should be more focused for individual local officials. Maggie Downey stated that the Compact should continue to do what the D.P.U. has asked the Compact to do regarding CVEO and ADR. It should then ask for Boards of Selectmen/Town Council to vote to support revised plans and to bring it to the EEAC for a vote and subsequent D.P.U. for review.

Return to Open Session

At 3:48 PM, Joyce Flynn asked for a motion to end executive session, moved by Robert Schofield, seconded by Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes

Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (12 – 0 – 0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- Summary of DPU 18-116 PowerPoint Presentation, BCK Law