

**Cape Light Compact JPE  
Governing Board  
Meeting Minutes  
Wednesday, June 14, 2023**

The Cape Light Compact JPE Board of Directors met on Wednesday, June 14, 2023, at 2:00 p.m. The meeting was held as a hybrid meeting (in-person and through remote participation) through a Zoom videoconference for members of the Board with audio call-in available for members of the public, pursuant to St. 2023, c. 2, which, among other things, extends the temporary provisions pertaining to remote meetings of public bodies under the Open Meeting Law to March 31, 2025.

**Participating In-Person Were:**

1. Colin Odell, Executive Committee, Brewster
2. Brad Crowell, Dennis
3. Tom McNellis, Eastham
4. Gary Senecal, Eastham Alternate
5. Valerie Bell, Harwich
6. Martin Culik, Chair/Executive Committee, Orleans
7. David Jacobson, Orleans Alternate
8. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

**Participating Remotely Were:**

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Brian Miner, Chatham
5. Timothy Carroll, Chilmark
6. Alan Strahler, Edgartown
7. Matthew Patrick, Falmouth
8. Wayne Taylor, Mashpee
9. Leanne Drake, Sandwich
10. Richard Elkin, Executive Committee, Wellfleet
11. Nicola Blake, Executive Committee, West Tisbury

**Absent Were:**

1. Forrest Filler, Aquinnah
2. Meghan Gombos, Dukes County
3. Peter Meleney, Oak Bluffs
4. Nathaniel Mayo, Provincetown
5. Russ Hartenstine, Tisbury
6. Jarrod Cabral, Truro

**Legal Counsel Participating Remotely:**

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

**Staff Participation In-Person:**

Maggie Downey, Administrator

**Staff Participating Remotely:**

Anneliese Conklin, Data Analyst  
Briana Kane, Residential and Commercial & Industrial Program Manager  
Dan Schell, Senior Analyst - Retail and Demand Response  
Dave Botelho, Data Analyst  
Mariel Marchand, Power Supply Planner  
Margaret Song, Energy Efficiency Strategy and Policy Manager  
Melissa Allard, Senior Administrative Coordinator  
Stephen McCloskey, Analyst - Home Energy Services

**Public Participants:**

None.

Martin Culik called the meeting to order at 2:08 PM.

**Public Comment:**

No written comments were received in advance of the meeting and no members of the public were present for public comment.

**APPROVAL OF MINUTES:**

The Board considered the May 10, 2023, Open Session and Executive Session Meeting Minutes.

Matt Patrick stated that he was listed as both participating and absent, and that he was present.

*Colin Odell moved the Board to accept the minutes as amended and to release them as amended, seconded by Valerie Bell.*

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Brian	Miner	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Abstained
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Abstained
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (13-0-2)*

**CHAIRMAN’S REPORT:**

### **1. Final Report on April 5, 2023 Planning Meeting**

Martin Culik stated the final report on the April 5<sup>th</sup> planning meeting is included in the Board Packet.

### **2. Plans to Discuss Tactical Ideas Regarding Energy Efficiency – Energy Coaches in the Fall**

Martin Culik stated there will be a discussion on Energy Coaches at a fall Board Meeting.

### **3. Award from Cape Cod Technology Council**

Martin Culik stated that on May 31<sup>st</sup>, Maggie Downey, Joyce Flynn, and he accepted an award from the Cape Cod Technology Council for the CVEO (Cape and Vineyard Electrification Offering) program.

### **DISCUSSION AND POTENTIAL VOTE ON PROPOSED REVISIONS TO THE COMPACT'S AGGREGATION PLAN, AUDREY EIDELMAN KIERNAN, ESQ.:**

Audrey Eidelman Kiernan stated that she is here to review the revisions to the Compact's Aggregation Plan. She stated that she had received a letter from the DPU (Department of Public Utilities) Hearing Officer on March 2<sup>nd</sup> asking the Compact to make certain changes to its Plan. The DPU requested these changes to provide clarification, support customer education, and bring the Plan in line with more recent DPU precedent. She stated that during last month's Board Meeting the Compact went through each page and reviewed the changes. She stated that the only difference in versions is on page 21, where Mariel Marchand and she made a small change to the tax exemption provision.

Audrey Eidelman Kiernan stated that two of the DPU requests were for additional language to confirm that the Compact would comply with the DPU's directive and orders. She stated that Section 13 of the Plan already states that the Compact fully intends to comply with the requirements of law and the rules of the DPU. She stated that the DPU may have missed that while reviewing the Plan. She reached out to the DPU to make sure they are comfortable with the Compact's existing language on this subject and has not heard back. She stated that she recommends leaving the Plan as is and in our cover letter for the filing, referring the DPU to those provisions and why the Compact did not add more express language.

Audrey Eidelman Kiernan stated that there was another request that asked for revisions to the customer enrollment provision in the Plan to make an express confirmation that once the current supply agreement term expires, the Compact would then implement the new customer enrollment provision. She stated that this is the language the Compact added to the Plan at the end of 2022 and that the Compact included the requested confirmation in the cover letter for that last Plan filing. She stated that she had made the DPU aware that this confirmation was already addressed in the December 2022 filing and has not heard back from them. She stated that her recommendation is to make it clear in the cover letter that the Compact has stated this in the previous Plan filing and make it clear that there are no additional extensions to the current power supply agreement.

Audrey Eidelman Kiernan stated that this will be submitted on or before June 30<sup>th</sup>.

David Anthony stated that the last time the Compact updated the Plan was in December. He asked if there is a sense that this may be the last time we have to make small changes to the Plan anytime soon. He thinks that having to do so every so often defeats the purpose of trying to have something that is established. Audrey Eidelman Kiernan stated that the December filing was just one specific provision consistent with an Order that had been pending before the DPU for several years. As for this filing, it was due to someone reaching out to the DPU stating that the Compact's Plan did not specifically give context for the current supply offering the way

the website did. She stated that therefore, she believes the Compact should be set for a while. Maggie Downey stated that the Compact, City of Boston, and many other towns are working on legislation to address what would trigger an update to a municipality's Aggregation Plan. She stated that the legislation has been filed and there is a hearing date on September 19<sup>th</sup>.

*Joyce Flynn moved the CLC JPE Board of Directors approve the revisions to the Compact's Aggregation Plan as presented in the Board Meeting Packet, as further revised or amended by consensus of the Board during deliberation thereon, subject to form or other scrivener's revisions, and direct staff to work with legal counsel to prepare submittal documents for the Department of Public Utilities on or before June 30, 2023.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Colin Odell.*

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Brian	Miner	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

**Robert Schofield joined the meeting at 2:30PM.**

**Tim Carroll left the meeting at 2:37PM.**

**ENERGY EFFICIENCY:**

**1. Discussion and Potential Vote on Proposed Mid-Term Modification, Margaret Song**

Margaret Song reviewed the Regulatory Update 2023 Mid-Term Modification (MTM) and Energy Efficiency Surcharge (EES) PowerPoint.

Margaret Song stated that the DPU Order for the 2022-2024 Plan changed the previous requirements for submitting an MTM to DPU. She stated that in this latest Order they have established a cap on budgets. More specifically, the Program Administrators will not be permitted to recover any costs in excess of approved program budgets unless the Program Administrator receives approval by the DPU to increase the program budget. In order to increase the budget, the Program Administrator must demonstrate that the proposed budget

increase will result in an increase in kWh or therm savings and, thereby, provide additional direct resource benefits to electric or gas customers above planned levels.

Margaret Song stated that the Compact, along with other Program Administrators (PAs), filed its Plan in October of 2022. She stated that at that time staff does their best to estimate costs, participation numbers, measure mix, and savings. She stated that we are being requested to submit an MTM as soon as possible for expected differences for 2023 and 2024.

Margaret Song reviewed the expected Mid-Term elements. For residential hard to measure there is an 11% change that is mainly due to increased demand for HEAT Loans and required evaluations. For the Income-Eligible Existing Buildings Program there is a 93% change, which is being driven by the increased cost of heat pumps. For Income-Eligible Hard to Measure there is a 9% change and that is due to required evaluations. Lastly, there is a negative 18% change in the Commercial and Industrial sector due to underspending in 2022.

Margaret Song stated that for the next steps the Compact has to finalize the MTM and then simultaneously file with the DPU and Energy Efficiency Action Council (EEAC) to be reviewed.

David Jacobsen asked if at some point we could see the commensurate changes in saving as well. Maggie Downey stated that the filing will address that and she would be happy to share it with the Board once completed. Margaret Song stated that at least for the hard to measure there will not be commensurate savings. She stated that for income-eligible the main cause for the increase is that many customers are converting to heat pumps and there is a heating penalty in the savings calculation formula which results in no kWh savings. She stated that one of the things that PAs are trying to figure out is how to craft the conversation around heat pump incentives because electrification is a policy goal and results in positive greenhouse gas emissions reductions.

Brad Crowell stated that looking at this, we are looking for an approximate \$10 million budget increase overall. He stated that looking ahead in the PowerPoint it looks like there is a negative impact on ratepayer's monthly bills. Margaret Song stated that the EES is an accounting mechanism that reconciles what was underspent previously and also accounts for income eligible tariff changes from the Eversource Rate Case, and what you see is that there is decrease for residential, and commercial and industrial, and an increase for income-eligible. She stated that these numbers are only for 2023, not including 2024. Brad Crowell asked if it would change dramatically in 2024. Margaret Song answered not in a big way for residential, and commercial and industrial as compared to our Plan. She stated that some of this will depend on what we spend in 2023.

*Joyce Flynn moved the CLC JPE Board of Directors approve the proposed mid-term modifications to the Compact's 2022-2024 Three-Year Energy Efficiency Plan (Plan) as presented in the Board Meeting Packet, subject to any necessary final data and quality control revisions, and direct staff to work with legal counsel to prepare and submit the mid-term modification request to the Department of Public Utilities.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Valerie Bell.*

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Robert	Schofield	Bourne	Yes
Brian	Miner	Chatham	Yes
Brad	Crowell	Dennis	Yes

Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

**2. Revised 2023 Energy Efficiency Surcharge (EES) Filing with the MA Department of Public Utilities, Margaret Song**

Margaret Song stated that the EES is the primary source of funding for Compact’s, and utility Program Administrators, energy efficiency programs. She stated that it is also known as Energy Efficiency Reconciliation Factor (EERF). The Compact’s effective EES date is January 1<sup>st</sup> of each year and the proposed EES must be filed 60 days prior. She stated that the EES is designed such that, if revenue and expenditures are exactly as planned, then the Compact’s energy efficiency fund would be \$0 at year end. She stated that in reality, both expenditures and revenue vary from the plan, and there is a positive or negative balance at year end. Annually, the EES fully reconciles the Compact’s change in expenditures and revenues.

Margaret Song stated that the expected expenditures are pretty clear, but the revenues are going to be carryover from the previous year, known systems benefits charge, forward capacity market, regional greenhouse gas initiative revenue, and interest projections.

Margaret Song stated that the DPU directed the Compact to file new EES for effect July 1, 2023 and it was due May 1<sup>st</sup>. She stated that this was due to NSTAR Electric Rate Case (DPU 22-22) that had an income eligible tariff calculation method change. Low-income costs no longer have an allocation factor to residential and C&I sectors. She stated that the other component of the revised EES filing was updating the Compact’s assumptions on expenditures, revenues, and sales, as well as including costs approved for CVEO.

Margaret Song reviewed the rate payer impacts. The residential, commercial, and industrial rates have decreased. As for income-eligible it is increasing largely due to the DPU order for Eversource that says income-eligible must now pay for their own initiatives.

**3. Summer Sizzler Offering, Stephen McCloskey**

Stephen McCloskey stated that the Summer Sizzler promotion started on June 1<sup>st</sup> and goes until August 31<sup>st</sup>. He stated that anyone who has any home energy assessment and signs the weatherization contract within that time will receive a \$100 e-gift card.

Tom McNellis asked if that contract is with a contractor, and the reason he asks that is because people have been having a tough time getting a hold of and scheduling with contractors. Stephen McCloskey stated that the contract is coming from RISE Engineering after they perform the home energy assessment. Briana Kane stated

that customers do not need to go out and find their own weatherization contractor, RISE Engineering will offer the work to contractors off of an approved list.

Brian Miner asked if RISE Engineering tracks lead time between registration and audits and reports back to the Compact in any way. Stephen McCloskey stated that once the customer has been registered, they hear from RISE Engineering within a couple days and then the audit is booked about 4 to 6 weeks out. He stated that once the weatherization contract is signed, the weatherization is typically done within a month.

Martin Culik asked how the Compact is promoting this promotion. Maggie Downey stated that is a statewide marketing event. She stated that it is in the Compact’s social media posts, on the website, and newsletter.

Alan Strahler stated that on the Vineyard we have been hearing that it is harder to get the audit and contractors out there. He asked if the Compact is looking at how the Island is being served compared to the rest of the Cape. Briana Kane stated that the Compact is looking at it. She stated that we have been having conversations with our Community First Partner, Vineyard Power, on this topic. She stated that RISE Engineering and weatherization contractors are out there monthly for designated weeks. There is continual work happening on the Vineyard but there is a longer wait time, 10 to 12 weeks. She stated that in the case where a customer would need a hot roof or specific type of air sealing, we have to get a hazmat ferry which are very hard to come by. The wait time for a customer really depends on what they need for weatherization.

**ADMINISTRATOR’S REPORT:**

**1. Summer Power Supply Rates**

Maggie Downey reviewed the Power Supply Rates: June ‘23 – December ’23 PowerPoint Slide. She stated they are significantly lower than what they were the previous six months. The standard rates are lower than Eversource’s basic service rate.

**2. Discussion and Vote on Public Comment Protocols for Compact Meetings**

Maggie Downey stated that in the Board Packet there are revisions to the public comment protocol. They are being proposed as a result of a Massachusetts Supreme Judicial Court case where citizens in a town of the Commonwealth took issue with the town’s public comment protocols being too restrictive and in violation of free speech. She stated that Massachusetts Municipal Association (MMA) had a tech session that the legal counsel attended and recommended guidance. She stated that counsel made recommendations to our existing policy based on the changes in law and the recommendations of MMA. They are shown in redline.

Audrey Eidelman Kiernan stated that on the first page, third line down, that “in” should not be removed. It should say “ineffective participation in its Governing Board”.

*Brad Crowell moved the CLCJPE Board of Directors approve the revisions to the Compact's Public Comment Protocols.*

*The Compact Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Valerie Bell.*

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes

Robert	Schofield	Bourne	Yes
Brian	Miner	Chatham	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

### **3. CLC Shirts for Board members**

Maggie Downey stated that Melissa Allard will be sending out an email to the Board to order new Cape Light Compact shirts. She stated that these can be worn when representing the Compact at an event or meeting.

### **4. CVEO Update**

Stephen McCloskey stated that many customers have been calling in, interested in CVEO and they have been put on a list. He stated that we have started the process of reviewing eligibility. He stated that so far, we have confirmed 10 deed restricted properties to move forward to RISE Engineering to facilitate the CVEO home energy site assessment and one enhanced residential customer. He stated that three assessments have been scheduled this week with the first happening today.

**Leanne Drake and Richard Elkin left the meeting at 3:57PM.**

### **ADJOURNMENT:**

*Motion to adjourn made at 4:00 PM moved by Colin Odell, seconded by Joyce Flynn.*

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Robert	Schofield	Bourne	Yes
Brian	Miner	Chatham	Yes
Brad	Crowell	Dennis	Yes
Tom	McNellis	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Nicola	Blake	West Tisbury	Yes

Joyce	Flynn	Yarmouth	Yes
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*Motion carried in the affirmative (13-0-0)*

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- May 10, 2023, Draft Open Session Meeting Minutes
- Cape Light Compact Aggregation Plan with Updates
- Regulatory Update 2023 Mid-Term Modification (MTM) and Energy Efficiency Surcharge (EES) PowerPoint
- Power Supply Rates: June '23 – December '23 PowerPoint Slide
- Summer Sizzler Promotion PowerPoint Slide
- Public Comment Protocols for Compact Meetings
- 2023 Operating Budget