



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 23-58

November 21, 2023

Petition of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury and Yarmouth, and Dukes County, organized and operating collectively as Cape Light Compact JPE, for approval of a mid-term modification to its 2022-2024 Three-Year Energy Efficiency Plan.

On September 14, 2023, the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury and Yarmouth, and Dukes County, organized and operating collectively as Cape Light Compact JPE ("Compact"), filed with the Department of Public Utilities ("Department") a petition seeking approval of a mid-term modification to its 2022-2024 Three-Year Energy Efficiency Plan ("Three-Year Plan") approved by the Department in 2022-2024 Three-Year Energy Efficiency Plans, D.P.U. 21-120 through D.P.U. 21-129 (2022). The Department docketed this matter as D.P.U. 23-58.

The Compact proposes to modify its Three-Year Plan to: (1) increase its Department-approved energy efficiency budgets in the Residential and Income-Eligible sectors; and (2) decrease its Department-approved energy efficiency budget in the Commercial and Industrial ("C&I") sector. In total, the Compact proposes to increase its Department-approved Three-Year Plan budget for 2024 by \$6,178,996. On October 19, 2023, the Energy Efficiency Advisory Council adopted a resolution supporting the Compact's proposed mid-term modification.

For the Residential sector, the Compact seeks to increase the budget for its Residential Hard-to-Measure program by \$1,524,986 (or 11 percent). The Compact maintains that it has experienced greater-than-anticipated participation in the Mass Save Heat Loan measure and states that it will use the increased budget to facilitate higher amounts of customer financing through Heat Loans.

For the Income-Eligible sector, the Compact proposes to increase the budget by \$18,246,428 (or 89 percent). Specifically, the Compact seeks to increase the budget for the Income-Eligible Existing Buildings program by a total of \$18,161,860 (or 93 percent).

Within this program the Compact proposes to increase the budget for the Income-Eligible Coordinated Delivery measure by \$18,163,007. The Compact maintains that it has experienced greater-than-expected costs for heat pump installations in this program. In addition, the Compact proposes to decrease its budget for the Income-Eligible Active Demand Response measure by \$1,147. Finally, the Compact seeks to increase the budget of the Income-Eligible Hard-to-Measure program by \$84,568 (or 8 percent). The Compact states that it has been required to do more evaluation, measurement, and verification of core initiatives in this program than expected resulting in increased costs.

For the C&I sector, the Compact proposes to decrease the budget for its C&I New Buildings program by \$389,783 (or 26 percent), decrease the budget for its C&I Existing Buildings program by \$12,838,737 (or 25 percent), and decrease the budget for its C&I Hard-to-Measure program by \$363,898 (or 9 percent). The Compact maintains that it has been unable to meet projected targets for its C&I programs due, in part, to materials and labor shortages.

If the Department approves the mid-term modification as proposed, the Compact states that customers will experience the following bill impacts:

- An average residential customer (R-1) using 516 kilowatt-hours (“kWh”) of electricity per month will experience a monthly bill increase of \$2.33 (1.28 percent).
- An average low-income residential assistance (R-2) customer using 488 kWh of electricity per month will experience a monthly bill increase of \$1.22 (1.26 percent)
- Bill impacts for C&I customers will vary. These customers should contact the Compact for specific bill impact information.

The Department will conduct a public hearing to receive comments on the Company’s petition on **Friday, December 15, 2023, beginning at 2:00 p.m.** The hearing will be virtual and use Zoom videoconferencing. Attendees can join the public meeting by entering the link, <https://us06web.zoom.us/j/85792715038>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the public hearing, attendees can dial in at (**not toll free**) and then enter the **Meeting ID# 857 9271 5038**. If you anticipate providing comments via Zoom during the public hearing, please send an email by **Thursday, December 14, 2023**, to [krista.hawley@mass.gov](mailto:krista.hawley@mass.gov) with your name, email address or telephone number, and mailing address.

Any person interested in commenting on this matter may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Monday, December 18, 2023**. Written comments from the public may be sent by email to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov), [krista.hawley@mass.gov](mailto:krista.hawley@mass.gov), and the Compact’s attorney, Audrey Eidelman Kiernan, Esq., at [akiernan@kolawpc.com](mailto:akiernan@kolawpc.com). Please note that in the interest of transparency any comments will

be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **Monday, December 11, 2023**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

All documents must be submitted to the Department in **.pdf format** by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [krista.hawley@mass.gov](mailto:krista.hawley@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 23-58); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "23-58") at: <https://eeaonline.eea.state.ma.us/DPU/Flerom/dockets/bynumber>. In addition, one copy of all written comments and petitions to intervene should be emailed to the Compact's attorney, Audrey Eidelman Kiernan, Esq., at [akiernan@kolawpc.com](mailto:akiernan@kolawpc.com).

The filing and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments or intervene in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [Gabriella.Knight@mass.gov](mailto:Gabriella.Knight@mass.gov).

For further information regarding the Compact's filing, please contact the Compact's attorney, Audrey Eidelman Kiernan, Esq., at [akiernan@kolawpc.com](mailto:akiernan@kolawpc.com) or (617) 644-7681. For further information regarding this Notice, please contact Krista Hawley, Hearing Officer, Department of Public Utilities, at [krista.hawley@mass.gov](mailto:krista.hawley@mass.gov).