

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, September 11, 2024**

The Cape Light Compact JPE Board of Directors met on Wednesday, September 11, 2024, 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. Sean Hogan, Barnstable Alternate
2. Robert Schofield, Executive Committee, Bourne
3. Brad Crowell, Dennis
4. Tom McNellis, Eastham
5. Gary Senecal, Eastham Alternate
6. Valerie Bell, Harwich
7. Martin Culik, Chair/Executive Committee, Orleans
8. Suzanne Ryan-Ishkanian, Wellfleet
9. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Participating Remotely Were:

1. Bill Doherty, Bourne Alternate
2. Colin Odell, Executive Committee, Brewster
3. Brian Miner, Chatham
4. Timothy Carroll, Chilmark
5. Alan Strahler, Edgartown
6. Matthew Patrick, Falmouth
7. Wayne Taylor, Mashpee
8. David Jacobson, Orleans Alternate
9. Leanne Drake, Sandwich
10. Nicola Blake, Executive Committee, West Tisbury

Absent Were:

1. Forrest Filler, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Meghan Gombos, Dukes County
4. Peter Meleney, Oak Bluffs
5. Nathaniel Mayo, Provincetown
6. Russ Hartenstine, Tisbury
7. Jarrod Cabral, Truro

Legal Counsel Participating Remotely:

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

Staff Participation In-Person:

Margaret Song, Energy Efficiency Strategy and Policy Manager

Staff Participating Remotely:

Briana Kane, Residential and Commercial & Industrial Program Manager
Carley Leonard, Customer Service Coordinator
Dan Schell, Senior Analyst - Retail and Demand Response
David Botelho, Senior IT Services & Data Management Analyst
David MacLellan, Senior Analyst
Jason Bertrand, Marketing & Communications Coordinator
Kim Grant, Town Energy Coordinator
Laura Selmer, Energy Efficiency Analyst
Mariel Marchand, Power Supply Planner
Miranda Skinner, Strategy and Regulatory Analyst
Melissa Allard, Senior Administrative Coordinator
Phil Moffitt, Chief Financial Officer
Stephen McCloskey, Energy Efficiency Analyst
Tatsiana Nickinello, Energy Efficiency Analyst

Public Participants:

None.

Martin Culik called the meeting to order at 2:02 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 July 10, 2024 Open Session Meeting Minutes.

Robert Schofield moved the Board to accept the minutes and to release them, seconded by Joyce Flynn.

Sean	Hogan	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Brian	Miner	Chatham	Yes
Brad	Crowell	Dennis	Abstained
Tom	McNellis	Eastham	Yes
Matt	Patrick	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Suzanne	Ryan-Ishkanian	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (12-0-1)

Alan Strahler joined the meeting at 2:06 PM.

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION PURSUANT TO M.G.L. C. 30A §21(A) (10) TO DISCUSS MATTERS BELOW, TO RETURN TO OPEN SESSION:

Martin Culik at 2:06 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(10), to review and approve the July 10, 2024 Executive Session minutes regarding trade secrets and confidential, competitively sensitive or other proprietary power supply information, to return to open session thereafter. Seconded by Robert Schofield.

Sean	Hogan	Barnstable	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
Suzanne	Ryan-Ishkanian	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14-0-0)

RETURN TO OPEN SESSION:

Motion to return to open session made at 2:09 PM moved by Robert Schofield, seconded by Joyce Flynn.

Sean	Hogan	Barnstable	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
Suzanne	Ryan-Ishkanian	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14-0-0)

Colin Odell joined the meeting at 2:10 PM.

CHAIRMAN’S REPORT, MARTIN CULIK:

Martin Culik had the three new Compact staff members introduce themselves: Kim Grant, the new Town Energy Coordinator, David MacLellan, the new Senior Analyst, and Carley Leonard, the new Customer Service Coordinator.

Tim Carroll joined the meeting at 2:20 PM.

DISCUSSION AND PRESENTATION ON MUNICIPAL AGGREGATION GUIDELINES, MA DEPARTMENT OF PUBLIC UTILITIES (MA DPU 23-67-A), MARIEL MARCHAND:

Mariel Marchand reviewed the Municipal Aggregation Investigation Update (DPU 23-67) PowerPoint. She stated that the Department of Public Utilities (DPU) investigation into municipal aggregation guidelines (Guidelines) had two purposes. The first was to establish Guidelines governing the filing requirements and the process by which the DPU reviews and evaluates municipal aggregation plans, as well as the rules governing operation of a municipal aggregation program, and the other was to set forth a template plan that new aggregations could use when filing a plan. She stated that the Compact had numerous concerns with the DPU’s original proposal. She stated that the DPU did listen to public comment and changed course and provided significantly more flexibility to municipalities, with the requirement of added transparency and public facing information.

Mariel Marchand reviewed the timeline. She stated that the DPU opened the investigation on August 23, 2023. She stated that on October 6, 2023 the Compact submitted Compact specific and joint comments to DPU and on October 23, 2023, municipal aggregators, including the Compact, submitted a joint request for Technical Session. The DPU heard the request and began a series of Technical Sessions from December 2023 through May 2024. She stated that on June 4, 2024, stakeholders, including the Compact, submitted a joint motion requesting approval of proposed Guidelines and on July 9, 2024 the DPU issued an Order approving the final Guidelines.

Mariel Marchand reviewed the key Compact concerns and outcomes. She stated that the first concern the Compact had with the draft Guidelines is that the aggregation plan should not be a living document. This makes it so that if an aggregator wanted to change something they would have to file a revised plan for approval by the DPU which would be a long process. She stated that the final Guidelines allow sufficient flexibility such that plan updates are generally not required, so long as ongoing program information is available to the public. A municipality may modify its aggregation plan consistent with Guidelines, allow for public review, and submit to DPU for informational purposes only. She stated that initially the draft Guidelines eroded important distinctions between competitive supply and municipal aggregation customers. She stated that there are a number of differences between municipal aggregators and competitive suppliers, but the draft guidelines were going to require suppliers of municipal aggregators to provide things to customers like a contract summary form and an automatic renewal notice. She stated that this does not make sense for municipal aggregations. She stated that the final Guidelines continue to exempt suppliers of municipal aggregations from the requirement to mail information disclosure labels.

Mariel Marchand stated that another issue of concern for the Compact was that the DPU should ensure continued due process for municipal aggregators after putting the Guidelines in place. The final Guidelines

contain all requirements for plan approval filings and continued operations going forward. She stated that due process is upheld because a change to the Guidelines requires notice to interested stakeholders and an opportunity for comment. She stated that the Compact was also concerned that the draft Guidelines did not allow for alternative approaches to certain customer notifications. She stated that the Compact's rate changes every six months, and that the Compact does not always have its rates finalized 30 days in advance to send out mailer notifications to our customers. She stated that it would be very challenging and expensive to comply with the initial proposed requirement. She stated that the final Guidelines allow for flexibility in timing and method of customer notification when the price or renewable energy content of a product changes and does not require mailing a product change notification to customers 30 days before the price change. She stated that the Compact also wanted the Guidelines to include a waiver provision in case something came up that really didn't work for a particular aggregation and they were able to provide a good reason why to the DPU. She stated that the final Guidelines state that the DPU may, where appropriate, grant an exception or waiver from any provision of the Guidelines. In addition, the final Guidelines made clear that municipalities whose plans were already approved prior to the issuance of these Guidelines don't need to file a revised aggregation plan. Therefore, the Compact does not need to update its aggregation plan. She stated that the Compact does need to comply with the customer notification section, the access to ongoing program information section, and the annual reporting section of the final Guidelines that were approved.

Marcel Marchand reviewed the next steps in DPU 23-67. She stated that the Compact staff is in process of drafting the Compact's Annual Report due November 1st according to the newly designed format. She stated that there will be a number of tables that will also be posted to the Compact's website to comply with the Guidelines. The Compact will also be changing its price change notification and opt-out notice in compliance with the Guidelines. She stated that the DPU recently opened DPU 23-67-B to investigate Low-Income Community Shared Solar programs offered through municipal aggregation. The Compact will be participating in this proceeding.

Tom McNellis asked what the implications are of the Low-Income Community Shared Solar programs investigation. He asked if there is some reason for the investigation. Mariel Marchand stated that the DPU is looking at what these programs might look like, and how municipal aggregators can offer them. Audrey Eidelman Kiernan stated that several years ago when the Department of Energy Resources (DOER) updated their SMART program regulations it allowed for both the electric distribution companies and municipal aggregators to establish low-income community shared solar programs. Then the utilities were required to update their SMART tariffs with the DPU to reflect the new regulations and when they did that in a docket that dates back to 2020, the DPU said it needed to further investigate the ability of municipal aggregators to run low-income community shared solar programs. She stated that the DPU took four years to issue a ruling in the docket. She stated that recently an order from the DPU in DPU 20-145 stated that the DPU would investigate municipal aggregation low-income community shared solar as part of this municipal aggregation investigation in DPU 23-67.

DISCUSSION AND PRESENTATION ON CLC 2022-2024 ENERGY EFFICIENCY PLAN MID-TERM MODIFICATION FILING, MA DPU 24-126, MARGARET SONG:

Margaret Song reviewed the Cape Light Compact Mid-Term Modification (MTM) for Board PowerPoint. She reviewed a quick MTM history. She stated that in DPU 11-120A, the DPU created guidelines for what is considered an MTM. She stated that in 2013 the Compact had guidance from the DPU regarding the ability to exceed an approved program budget by 20%. She stated that in 2021 the DPU changed the guidelines to permit a program administrator (PA) to overspend a sector level budget by 10% without the need for prior DPU approval. Then in January 2022 after the Compact had filed its 2022-2024 Plan, the DPU amended the

guidelines again stating that the PAs may not exceed their planned program budget by any amount without approval by the DPU.

Margaret Song stated that the Compact filed its first MTM for this three-year plan term on September 14, 2023. She stated that at that time the Compact believed the C&I budget to be significantly under and that the HEAT Loan and income eligible program budgets would be very close to the planned budget. She stated that once staff knew the Compact was going over the approved planned budget, the Compact filed for MTM approval with the DPU. She stated that in March 2024 the Compact received the DPU approval. She stated that in the interim, as staff monitored budgets, it became apparent that the HEAT Loan and income eligible budgets would exceed the approved planned budgets as well as those budget increases requested in the initial MTM. On August 12, 2024, the PAs, DOER, Attorney General's Office (AGO), and Low-Income Energy Affordability Network (LEAN) filed a Joint Motion to waive the program budget cap directive and requested an interpretation of guidelines requirements for MTMs where sector level spending exceeds 10% of the approved budget. She stated on August 15, 2024, the Compact submitted its second MTM for DPU approval and noted for DPU that all of the MTMs would be withdrawn if the Joint Motion for waiver was approved fully (because the Compact would be able to manage its budget to be within the spending requirements for the sector level). On September 3, 2024, the Joint Motion for waiver was approved and the Compact withdrew its MTMs. She stated that all of the additional slides are solely for the Board's information. It was something the Compact presented to the Energy Efficiency Advisory Council (EEAC) and that was filed with the DPU as part of the August 15 MTM filing. She noted that the DPU was clear in its order on the Joint Motion that this waiver/approval was solely for the 2022-2024 term. She stated that there will still need to be a discussion about the MTM rules for the 2025-2027 term.

DISCUSSION AND PRESENTATION ON PROGRAM CHANGES IN THE 2025-2027 ENERGY EFFICIENCY AND DECARBONIZATION PLAN, BRIANA KANE:

Briana Kane reviewed the Cape Light Compact 2025-2027 Plan Updates PowerPoint. She reviewed some of the requirements that the PAs are being asked to meet in this energy efficiency plan (Plan) filing. She stated that the PAs are being asked to focus on equitable delivery of programs, improved customer experience, greenhouse gas (GHG) emission reductions and in doing all of that work within a \$5 billion statewide budget. The budget and GHG emission reduction targets were specified in a letter from the Executive Office of Energy and Environmental Affairs Secretary. She stated that we also have recommendations for sector level savings allocations for gas and electric and balancing the deployment of these various programs requires consideration of cost-effectiveness, ratepayer affordability, and the Commonwealth's equity priorities.

Briana Kane reminded the Board that the focus of the Plan is decarbonization, equity, customer experience, and the provision of data. She reviewed the commitments of the Plan. They are 1) shift resources out of market rate programs and into programs focused on underserved customer groups and communities, 2) energy efficiency and electrification improvements for, and efforts to reach and serve, low- and moderate-income (LMI) customers, renters, small businesses, and customers that primarily speak a language other than English (LOTE), 3) commitments to provide no-cost weatherization, barrier remediation, and electrification to rental properties in designated equity communities, 4) increased LMI heat pump production, along with increases in weatherization and barrier mitigation to ensure that LMI homes are electrification-ready, 5) aspirational benchmark to spend 15% of dollar volume of direct Mass Save contracts with diverse suppliers, and 6) enhanced language support for LOTE customers, including material translations, interpreter services, and multilingual staff.

Briana Kane reviewed the residential heat pump rebate offers. She stated that there is still a pathway for income eligible customers to receive heat pumps at no cost. There is also the moderate-income turnkey offer, which is a fully facilitated pathway for a customer to participate in the program through self-attestation and then income

verification for other measures. She stated that there are also now three tiers of incentives for customers, which will help manage the budget. She stated that while the tiers and different levels of rebates can be confusing, we're hoping to make it as simple as possible and really provide support so that customers understand their options.

Briana Kane reviewed the HEAT Loan updates. She stated that the HEAT Loan amounts will be capped at \$25,000. She stated that the PAs are committed to negotiating an interest rate reduction and further evaluating the HEAT Loan offering. She stated that customers are still eligible to receive a 0% interest heat loan, but to help manage costs, the terms will be adjusted based upon income ranges. If a customer falls within that first level up to 135% of SMI, they would be eligible for a 7-year zero interest loan, if they fall within 135 to 300% of SMI, they would be eligible for a 5-year zero interest loan, and if they earn above 300%, they would be eligible for a 3-year zero interest loan.

Briana Kane reviewed the C&I Long-term approach to electrification. She stated that we are working with our vendors to get the word out about our program offerings. She stated that there have been several Main Streets offerings, and the Compact is seeing a big uptick in interest from those customers. She stated that the Compact has proposed an enhanced offering in this current 2022 to 2024 term for nonprofits that's being adopted by all PAs in the 2025 to 2027 term. She stated that the Compact is focusing on providing more robust support for our customers, and helping customers do some existing building studies of where their usage is and navigate through their energy efficiency journey.

Briana Kane reviewed data access. She stated that the Compact knows that data access is still very important to people to understand how the programs are working and operating. She stated the Compact has been working on some new metrics and key performance indicators (KPIs) to help people better understand how the program is progressing. She stated that there will be measure-level data on a quarterly basis and streamlined quarterly reports focusing on priority metrics and highlights. She stated that Mass Save data will continue to have enhancements to help to simplify user experience and highlight priority stats.

Briana Kane reviewed the key dates that are coming up. The revised draft of the Plan is filed on September 25th and the final Plan filing is on October 31st. She stated that we are still awaiting a procedural schedule and that the Plan order will be out in February 2025.

Tom McNellis asked if the Plan order in February 2025 is the one that goes into place. Margaret Song answered that order is what tells the Compact whether the DPU denied, approved fully, or conditioned the Plan. She stated that the guidance has been to continue offering programs that Compact is already approved to offer as long as they're not statutorily required to stop offering them, like incentives for fossil fuels equipment.

ADMINISTRATOR'S REPORT:

1. Update on USDA/RUS Rural Energy Services Program (RESP)

Margaret Song stated that everything is moving along, just taking a bit longer than we had hoped. She stated that once the award is announced that the letter of credit will be requested at that time.

2. Update on Net Zero Conference, October 24th, 2024

Martin Culik stated that if anyone is interested in the Net Zero Conference, the registration is open. He stated that it is on October 24th and the registration is free. Margaret Song stated that the Compact is a presenting sponsor.

3. Next Board Meeting: October 9th, 2024

Martin Culik stated that the next Board Meeting will be on October 9th.

ADJOURNMENT:

Motion to adjourn made at 3:18 PM moved by Robert Schofield, seconded by Brad Crowell.

Sean	Hogan	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odel	Brewster	Yes
Brian	Miner	Chatham	Yes
Tim	Caroll	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
Suzanne	Ryan-Ishkanian	Wellfleet	Yes
Nicola	Blake	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (16-0-0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- July 10, 2024, Draft Open Session Meeting Minutes
- Municipal Aggregation Investigation Update (DPU 23-67) PowerPoint
- Cape Light Compact Mid-Term Modification (MTM) for Board PowerPoint
- Cape Light Compact 2025-2027 Plan Updates PowerPoint