

Draft Executive Session Minutes

Pursuant to G.L. c. 30A, §§ 21(a)(3), 21(a)(3) and (10)

Exempt from Public Records Disclosure

Pursuant to G.L. 4, s. 7, cl. 26(d)

Draft Minutes subject to correction, addition and Committee/Board Approval

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, March 10, 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 on Wednesday, March 10, 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. Forrest Filler, Aquinnah
2. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Erik Peckar, Dukes County
8. Alan Strahler, Edgartown
9. Ronald Zweig, Falmouth
10. Valerie Bell, Harwich
11. Richard Toole, Executive Committee, Oak Bluffs
12. Martin Culik, Chair/Executive Committee, Orleans
13. Nathaniel Mayo, Provincetown
14. Leanne Drake, Sandwich
15. Jay Grande, Tisbury Alternate
16. Bob Higgins-Steele, Truro Alternate
17. Richard Elkin, Executive Committee, Wellfleet
18. Sue Hruby, West Tisbury
19. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Brad Crowell, Dennis
3. Fred Fenlon, Eastham
4. Wayne Taylor, Mashpee
5. Kirk Metell, Tisbury
6. Jarrod Cabral, Truro

Legal Counsel:

Rebecca Zachas, BCK Law, P.C.

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Staff Present:

Austin Brandt, Senior Power Supply Planner
Maggie Downey, Administrator
Melissa Allard, Senior Administrative Coordinator

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 2:02 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); and (2) to discuss 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, to return to open session thereafter. Seconded by Tim Carroll.

Forest	Filler	Aquinnah	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
John	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Robert Schofield, Colin Odell, and Alan Strahler joined meeting at 2:05 PM.

Peter Doyle joined meeting at 2:20 PM.

LOW INCOME COMMUNITY SHARED SOLAR STRATEGY (LICSS) – CON EDISON:

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Thomas Sweeney, ConEdison Clean Energy Business (CEB), reviewed the Low-Income Community Shared Solar Strategy for Cape Light Compact Municipal Aggregation Program PowerPoint. He stated that Municipal Aggregation Programs are now recognized by the Department of Energy Resource (DOER) to increase access to Low Income Community Shared Solar subscribers. Low-income households that participate in the program are not taking on any economic risk. There is also no economic risk for the Compact or towns. Solar credits go from projects to the Compact and then they are disbursed to the Compact's supplier. He stated that there would be a 20-year contract between the Compact and Con Edison CEB.

Valerie Bell asked if the Compact would be taking on more administrative work to manage the program. Maggie Downey answered yes. She stated there is a fee from ConEdison CEB to the Compact to cover those costs. Valerie Bell asked if there must be a minimum number of subscribers for the contract to continue. Sweeney stated that the volume of low-income customers the Compact has is why this program will work. Richard Elkin asked how numbers will change over time or if everything is fixed. Sweeney stated that the dollar amounts paid for the power and what Con Edison CEB will pay the Compact is fixed.

Sweeney reviewed the economics slide. He stated that the Con Edison CEB will pay \$0.015/kWh for allocated production per contracted project for participating low-income subscribers. Con Edison CEB will also pay the Compact an annual administration fee of \$25,000 and will advance the first year Administration Fee to negotiate forms of agreements in good faith with Con Edison CEB.

Richard Elkin asked what percentage of our total capacity of low-income customers does the program need. Austin Brandt stated that he does not have an exact answer. He stated that it is important to remember that we are not talking about kilowatt hour ("kWh") to kWh, we are talking about dollars to dollars. Therefore, it is not as much about the load as it is about matching that \$0.015 that the Compact will get from Con Edison CEB for each kWh its project produces to the total Eversource bill of all the Compact's low-income customers.

Peter Cocolis asked how the customers would see the benefit. Sweeney stated that the customers would see a reduction in their energy supply charges on their electric bill. Richard Elkin asked if it would clearly state on their bill that they are receiving this reduction from this program. Austin Brand stated that it will not explicitly state that on the bill. Erik Peckar asked if the administration fee was per project. Maggie Downey stated that that is the cap for each year.

Alan Strahler asked for confirmation that the program is not costing the Compact anything and that the Compact's role is primarily to reach out to low-income subscribers and get them relief on their energy bills. Maggie Downey stated that that is correct. She stated it is a part of the Compact's municipal aggregation plan where the Compact looks to get the best rates for each of the customer classes. Sue Hruby asked what the timeline on this. Maggie Downey stated that hopefully the last quarter into 2021 is when subscribers should start seeing benefits.

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Maggie Downey is looking for a sense of the Board to move forward with counsel and then bring back to the Board to vote. Sense of the Board was to move forward with the process.

LOW INCOME COMMUNITY SHARED SOLAR – BCK:

Rebecca Zachas reviewed the Low-Income Community Shared Solar PowerPoint. She stated that DOER released a set of revised guidelines, including the Guideline Regarding Alternative Programs for Community Shared Solar Tariff Generation Units. She stated that some of the revisions are very significant to the point that it could affect municipal aggregation’s ability to offer these programs.

Rebecca Zachas stated that public comments were due to DOER on March 5, 2021, and that the Compact did submit comments. These comments were to strike the requirement to file an amended municipal aggregation plan with the Department of Public Utilities (DPU) to offer a LICSS program, strike language regarding potential future DPU directives, clarify whether a low-income customer may take multiple discounts from LICSS projects, revise language related to allocation of energy or energy credits, clarify revisions related to LICSS enrollment process, and revise use of term “municipality” to “aggregator” to reflect multi-municipality aggregations.

Rebecca Zachas stated that some of the other commenters she is aware of as of right now are the City of Boston, Con Edison, and Northeast Clean Energy Council/Ameresco. [REDACTED]

APPROVAL OF MINUTES:

The Board considered the February 10, 2020 Executive Session Meeting Minutes.

Peter Cocolis moved the Board to accept the minutes as amended, seconded by Ron Zweig.

Forest	Filler	Aquinnah	Yes
Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes

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Nate	Mayo	Provincetown	Absent
Leanne	Drake	Sandwich	Yes
John	Grande	Tisbury	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)

Return to Open Session

At 2:52 PM, Martin Culik asked for a motion to end executive session, moved by Robert Schofield, seconded by Ron Zweig.

Forest	Filler	Aquinnah	Yes
Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Absent
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
John	Grande	Tisbury	Absent
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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