

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, February 14, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, February 14, 2018 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 12:30PM.

Present Were:

1. Peter Doyle, Barnstable Alternate
2. Robert Schofield, Executive Committee, Bourne
3. Colin Odell, Brewster
4. Peter Cocolis, Executive Committee, Chatham
5. Brad Crowell, Dennis
6. Fred Fenlon, Eastham
7. Paul Pimentel, Edgartown – By Phone
8. Ronald Zweig, Vice-Chair, Falmouth
9. Valerie Bell, Harwich
10. Wayne Taylor, Mashpee
11. Richard Toole, Executive Committee, Oak Bluffs – By Phone
12. Martin Culik, Orleans
13. Thomas Donegan, Executive Committee, Provincetown
14. Leanne Drake, Sandwich
15. Richard Elkin, Wellfleet
16. Sue Hruby, West Tisbury
17. Joyce Flynn, Chair, Yarmouth

Absent Were:

1. Michael Hebert, Aquinnah
2. David Anthony, Secretary, Barnstable
3. Tim Carroll, Chilmark
4. Robert Hahnemann, Duke's County
5. Jay Grande, Tisbury
6. Jarrod Cabral, Truro

Members/Alternates

Physically present: 15

Members present by phone: 2

Legal Counsel:

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

Staff Present:

Austin Brandt, Senior Power Supply Planner

Briana Kane, Planning and Evaluation Manager

Joanne Nelson, Comptroller
 Lindsay Henderson, Analyst and Marketing
 Maggie Downey, Administrator
 Margaret Song, C&I Program Manager
 Matthew Dudley, Senior Analyst
 Melissa Allard, Senior Administrative Coordinator

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. DPU 17-05, 2017 Eversource Rate Case
2. Update on Regulatory Litigation and discussion of strategy related to the Compact’s Aggregation Plan, DPU 14-69, and the Compact’s Request for an Advisory Ruling, DPU 17-95, Potential Vote
3. Competitively Sensitive Power Supply Procurement and Pricing Discussion

Joyce Flynn at 1:30 pm moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 3 to discuss strategy with respect to pending regulatory litigation relative to DPU 17-05, the Eversource Rate Case, and DPU 14-69, the Compact’s Request for an Advisory Ruling; and pursuant to MGL Chapter 30A §21(a) 10 to discuss competitively sensitive Power Supply Procurement and Pricing discussions.

The recordkeeper of today’s executive session shall be Compact staff. The Executive Session meeting minutes shall be presented to the Compact’s Secretary for review and approval.

I declare that an open session may have a detrimental effect on the Cape Light Compact’s litigating position. The Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Robert Schofield.

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (15 – 0 – 0)

Colin Odell joined the meeting at 1:32 pm.

1. Regulatory litigation strategy. DPU 17-05, 2017 Eversource Rate Case

Attorney Jeffrey Bernstein gave an overview of DPU 17-05 Compliance Filings. He discussed pending appeals of certain parts of the Department's order and whether the Compact wished to file an amicus brief. He noted that preparing and filing an Amicus Brief was not included in BCK's 2018 workplan and this will likely impact the workplan and/or budget later in the year.

The Board discussed the benefits of the Compact's participation in DPU 17-05, and whether or not the Compact will be able to quantify the benefits of its consumer advocate role. Maggie Downey noted that staff and consultants are working on this issue, but she noted that it is challenging to claim that the Compact was solely responsible for impacting the outcome of a particular matter when multiple intervenors might have addressed the same issue. Tom Donegan stressed the importance of identifying the bill impacts of the DPU decision. The Board continued to discuss the value of filing an Amicus Brief.

Richard Elkin joined the meeting at 1:45 pm.

Martin Culik moved the Board vote to file an Amicus Brief in support of the appellants on the MMRC and certain energy efficiency issues. Seconded by Robert Schofield.

Peter	Doyle	Barnstable	Abstained
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	No
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	No
Paul	Pimentel	Edgartown	No
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Not Present
Wayne	Taylor	Mashpee	No
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Abstained
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (10 – 4 – 2)

2. Update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's Request for an Advisory Ruling, DPU 17-95, Potential Vote

Attorney Bernstein reviewed the DPU 17-95 PowerPoint that was discussed during the Executive Committee Meeting the previous week. He explained the legal issues surrounding the Attorney General's submission of Information Requests in a non-adjudicated proceeding/Advisory Ruling. He reminded the Board that the Compact faced a similar issue in a previous DPU proceeding, (DPU 14-169) and provided the information to the Attorney General outside of the regulatory proceeding. The Board agreed that it was not opposed to

providing the information, and acknowledged that most, if not all, of the information is already available on the Compact’s web site. The Board discussed the importance of maintaining open communications with the Attorney General’s Office and asked for an update on when a meeting would be scheduled. Maggie Downey noted that a meeting with the Attorney General has been requested.

Joyce Flynn moved the CLC JPE Board of Directors vote to express and record its support of the Executive Committee’s February 7, 2018 actions.

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 Robert Schofield.

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Abstained
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Abstained
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (15 – 0 – 2)

3. Competitively Sensitive Power Supply Procurement and Pricing Discussion

Maggie Downey updated the Board that in her capacity as Chief Procurement Officer she and Senior Power Supply Planner Austin Brandt are considering the possibility of entering into a short-term (3-5 year) Renewable Energy Certificate (REC) contract for a portion of the Compact’s Renewable Portfolio Standard (RPS) obligation. The Board had no questions for staff on this matter.

At approximately 2:00 PM, Joyce Flynn asked for a motion to end executive session, moved by Robert Schofield, seconded by Peter Cocolis.

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes

Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (17 – 0 – 0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice / Agenda
- DPU 17-95 Strategy Discussion Presentation