

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
Wednesday, September 29, 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, September 29, 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. David Anthony, Secretary/Executive Committee, Barnstable
2. Robert Schofield, Executive Committee, Bourne
3. Francis Erdman, Bourne Alternate
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Erik Peckar, Dukes County
8. Fred Fenlon, Eastham
9. Alan Strahler, Edgartown
10. Matthew Patrick, Falmouth
11. Wayne Taylor, Mashpee
12. Richard Toole, Executive Committee, Oak Bluffs
13. Martin Culik, Chair/Executive Committee, Orleans
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
20. Mike Duffy, Yarmouth Alternate

Absent Were:

1. Forest Filler, Aquinnah
2. Brad Crowell, Dennis
3. Valerie Bell, Harwich
4. Wayne Taylor, Mashpee
5. Nathaniel Mayo, Provincetown
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

Legal Counsel:

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

Staff Present:

Maggie Downey, Administrator
Mariel Marchand, Power Supply Planner
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 4:05 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 the Compact's Power Supply Offering, not to return to open session thereafter. Seconded by Joyce Flynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Jay	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)

APPROVAL OF MINUTES:

The Board considered the July 21, 2021 Executive Session Meeting Minutes.

Robert Schofield moved the Board to accept the minutes as amended, seconded by Peter Cocolis.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes

Wayne	Taylor	Mashpee	Abstained
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Jay	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 (16-0-1)

POWER SUPPLY UPDATE:

Maggie Downey stated that the Board has recently been discussing how it would like to move forward on several policy issues that pertain to the Compact’s power supply program. Specifically, staff and the Board have been discussing the CLC Local Green program, Renewable Energy Certificate (REC) contracts, Renewable Portfolio Standard (RPS) requirements and the percentage of renewables the Compact should include in its universal aggregated power supply program. She stated that staff is looking for a sense of the Board as to how to move forward and to get some direction on related policy matters because there have been several opportunities that have been presented to the Compact.

Marcel Marchand reviewed the Cape Light Compact Power Supply Update PowerPoint.

Marcel Marchand stated that staff is looking to get a sense of the Board on three separate questions. She stated the first one is on the Compact’s existing Competitive Electric Supply Agreement (CESA). Currently it is with NextEra Energy and goes through December 31, 2023 (December meter reads). She stated that the RFP was crafted to allow for a long term CESA. The current CESA is for five years with the opportunity to extend for another three years. She stated the first question is whether the Compact should enter negotiations with NextEra to extend the current CESA. She reviewed the pros and cons of extending CESA with NextEra. Some of the pros: (1) there are limited number of firms with the ability to work with the Compact to carry out our pricing strategy and abide by our contract terms, the Compact has very stringent contract terms and conditions to which many suppliers are not willing to agree; (2) NextEra has indicated that it will attempt to minimize fee increases; (3) NextEra has taken on the Farmington Solar PPA and is not charging us for the administrative work; and (4) the full RFP process is costly. She stated the cons: (1) there could be a better deal for the Compact’s customers; and (2) an extension risks a public perception that the Compact is not open to competition. She stated that staff’s recommendation is to enter negotiations with NextEra to see what it can offer.

Marcel Marchand stated that the next question is about whether the Compact should pursue additional Power Purchase Agreements (PPAs) for energy and RECs or increase its purchase of MA Class 1 RECs to exceed the RPS. She stated PPAs are the most effective way to increase renewable energy development because they provide developers with financial backing they need to go ahead with their projects. The Compact currently has a PPA with Farmington Solar for just under 5 MW. She stated that the Compact has been approached by NextEra. It has a few solar projects in development in Vermont it is willing to offer us to see if the Compact would be interesting in entering a PPA. Vineyard Wind has also approached the Compact for some additional capacity it has on one of its projects. She stated that the Compact is exceeding Class 1 RPS by 1%. She stated that that percentage could be increased but would come at a price to customers. [REDACTED]

[REDACTED] Maggie Downey asked what percentage the Farmington Solar project is. Mariel Marchand stated that it is 1%.

Mariel Marchand stated that the last question is should the Compact maintain its status as a green aggregation providing 100% renewable energy using non-MA Class 1 RECs. Currently NextEra is retiring EarthEra voluntary RECs to match 99% of the Compact’s load. She stated EarthEra RECs have gone up in price in the past few months. She stated that the staff recommends continuing its strategy of providing 100% renewable energy with Class 2 RECs. The staff sees the value in the power supply being 100% renewable.

Maggie Downey discussed the question of entering negotiations with Next Era to extend the CESA. She stated if the Board decides not to do this, then in 2022 the Compact would start putting together an RFP. David Anthony stated that the inclusion in the current contract of the option to extend another three years was so that the Compact would have the advantage of a continued relationship with a supplier that had met the goals and he believes that NextEra has done that. He stated that there are things he thinks that have not been considered and that is a lot of staff and board time putting an RFP together when it could be directed at other things. He stated having the opportunity to negotiate means that the Compact won’t have to go through that whole process. Also, it shows a commitment to NextEra and hopefully it will build on that relationship coming back to us. He stated that if the Compact were to switch providers that customers could get dropped during the transition and, therefore, by staying with NextEra the Compact can avoid an unintended impact on some of our customers. Peter Cocolis stated that he agrees with David. He does not see a reason to change suppliers. He does not think the Compact will get a lot of pushbacks because we are extending a contract with a supplier who has worked well with us and met our needs.

Martin Culik asked if NextEra would ante up its terms before May of next year. Maggie Downey stated that if the Compact indicated that we would like to sit down and negotiate an extension it would be amenable to negotiate an extension. She stated that it would be beneficial to do now so that if the Compact does not like what it brings back to the table, then the Compact would start putting together an RFP in 2022.

Maggie Downey asked for a sense of the Board if they were okay with staff entering negotiations with NextEra on the three-year extension. Sense of the board was yes.

Maggie Downey asked for a sense of the Board on continuing its strategy of providing 100% renewable energy with Class 2 RECs and not pursuing additional Class I RECS above the mandate RPS requirement. Sense of the Board is yes.

Maggie Downey asked for a sense of the Board on pursuing additional PPAs for energy and RECS [REDACTED] Sense of the Board is yes.

John Grande left meeting at 4:25 PM.

Fred Fenlon left meeting at 4:40 PM.

ADJOURNMENT:

Motion to adjourn made at 4:47 PM moved by Colin Odell, seconded by Peter Cocolis.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes

Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Alan	Strahler	Edgartown	Yes
Matt	Patrick	Falmouth	Yes
Wayne	Taylor	Mashpee	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- July 21, 2021, Draft Executive Session Meeting Minutes
- Cape Light Compact Power Supply Update PowerPoint