

# Cape Light Compact JPE Executive Committee & Governing Board Meeting

**DATE:** Wednesday, May 9, 2018  
**LOCATION:** Cape Light Compact Offices – MV Conference Room  
261 Whites Path, Unit 4, South Yarmouth  
**TIME:** 2:00 – 4:30 p.m.

## AGENDA

2:00 PM Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §21(a)(10) to discuss trade secrets and confidential, competitively-sensitive or other proprietary power supply information; potential vote related to the Cape Light Compact 2019 and beyond power supply program portfolio (renewable energy and REC contracting) and potential vote to determine whether it is appropriate to release any portion of confidential competitive electric supply contract provisions, to return to open session thereafter.

### RETURN TO OPEN SESSION

Public Comment

Approval of Minutes

Chairman's Report

Fiscal Report, Peter Cocolis

Energy Efficiency Program

1. Vote to Approve \$240,000 for Barnstable High School

Administrator's Report:

1. Update on 2017 Energy Efficiency Term Report
2. FAQ on Compact Pension and OPEB Liabilities
3. 2017 Audit Starting June 11<sup>th</sup>
4. Vote to Authorize and/or Ratify the Compact's Treasurer's establishment of a Line of Credit and Letter of Credit with Rockland Trust for the ISO New England Forward Capacity Market and potential Renewable Energy Certificate contract

Board Member Update (Reserved for Updates on Member Activities the Chair Did Not Reasonably Anticipate Would be Discussed – No Voting)



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ATTORNEYS AT LAW

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The firm has attorneys also admitted  
to practice in District of Columbia,  
Idaho, New York and Vermont

271 WAVERLEY OAKS ROAD, SUITE 203  
WALTHAM, MASSACHUSETTS 02452  
617.244.9500

FACSIMILE: 802.419.8283  
E-MAIL: [bckboston@bck.com](mailto:bckboston@bck.com)  
WEBSITE: [www.bck.com](http://www.bck.com)

***CONFIDENTIAL AND PRIVILEGED  
ATTORNEY/CLIENT COMMUNICATION***

**MEMORANDUM**

To: Margaret T. Downey, Administrator, Cape Light Compact JPE  
From: BCK Law, P.C. /AAE  
Date: May 4, 2018  
Re: Confidential Treatment of Basic Service Filings

**I. INTRODUCTION**

The Cape Light Compact JPE (the "Compact") has inquired as to whether any aspect of the routine basic service filings of NSTAR Electric Company d/b/a Eversource Energy (the "Company") are provided confidential treatment. The Compact considers certain price elements of its retail competitive electric supply agreements and solicitation processes to be confidential and is specifically seeking information on whether the Company similarly maintains confidential treatment of any wholesale supply agreements or solicitations. This memorandum provides detail on the confidential portions of the Company's February 12, 2018 Department of Public Utilities ("DPU") basic service filing for industrial customers (the "Filing").

**II. DISCUSSION**

On February 12, 2018, the Company filed with DPU its bid results from its February 6, 2018 bid deadline for industrial customers in its January 11, 2018 request for proposals ("RFP"). Certain attachments and schedules in this Filing contained specific contract and pricing terms that the Company maintains are proprietary and confidential. These attachments and schedules were filed with DPU pursuant to a Motion for Protective Treatment. The confidential information in the Filing included:

- **The Confirmation Agreement:** the executed Confirmation Agreement to the Master Power Supply Agreement between the Company and the wholesale supplier, specific to the RFP and the price/bid agreed to. A template Master Power Supply agreement may be found on the Company's website, but the executed Master Power Supply

VERMONT OFFICE:  
P.O. Box 205  
Woodstock, Vermont 05091  
Telephone: 802.457.9050  
Facsimile: 802.419.8283  
E-Mail: [bckvt@bck.com](mailto:bckvt@bck.com)

MOUNTAIN STATES OFFICE:  
P.O. Box 3625  
Hailey, Idaho 83333  
Telephone: 617.584.8338  
Facsimile: 802.419.8283  
E-Mail: [bckidaho@bck.com](mailto:bckidaho@bck.com)

Agreement does not appear to be part of the Filing. The Confirmation Agreement appears redacted in the public Filing. The name of the supplier (Exelon) is known, but the Load Responsibility and Contract Rates sections of the Confirmation Agreement are redacted.

- **Schedule A:** a summary of the calculation of the new basic service rate. This schedule computes the retail prices in \$/kWh for basic service supply to be charged to the Company's customers. A general written explanation of the rate is included in the Filing but this specific Exhibit is not provided in the public Filing.
- **Schedules 1A and 1C:** the results of the RFP and the costs associated with the renewable energy portfolio standard ("RPS"), alternative energy portfolio standard ("APS") and clean energy standard ("CES") adders as well as the Company's RPS, APS and CES cost calculations based on the forecast market price for each corresponding certificate class are confidential.
- **Schedule 2:** the Wholesale Load calculation by customer group is confidential.
- **Schedule 4:** the Bid Sheets received in response to the RFP are confidential.

*NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 18-BSF-B1 (2018).*

In its Motion for Protective Treatment, the Company makes the following arguments:

- The wholesale market prices offered to the Company are confidential, competitively sensitive and proprietary information;
- The bids received by the Company for basic service should be protected from public disclosure because they are competitively sensitive market data – if they were disclosed to the public, the Company's ability to procure basic service supply on the most favorable terms for its customers may be jeopardized;
- Disclosure of the bid terms has the potential to cause substantial harm to the Company's customers because the Company's future ability to negotiate similar agreements with other wholesale market participants in the Massachusetts electricity market may be adversely effected if the winning bidders bid terms are disclosed (meaning, the Company would have to negotiate against these terms in future solicitations) and this is contrary to the interests of the Company's customers because it would potentially impede the Company's ability to obtain similar or better bids from other suppliers in the future; and
- The price terms must remain confidential to preserve the Company's future negotiating leverage and its ability to function effectively in the wholesale electricity supply market. Disclosure of bid terms may dissuade wholesale suppliers, who must protect their competitive position in the national market, from marketing suppliers in Massachusetts and it may discourage suppliers from making concessions or agreeing

to specific provisions more favorable to the buyer because public knowledge of the precedents would decrease the suppliers' bargaining leverage in other negotiations.

*NSTAR Electric Company d/b/a Eversource Energy*, Motion for Protective Treatment at 3-5, D.P.U. 18-BSF-B1 (2018).

### III. ANALYSIS

The Filing demonstrates that the Company seeks confidential treatment of price and bid information when making basic service filings with DPU. The authority for the confidential treatment is found in DPU's enabling statute, which states that the Department may "protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings..." G.L. c. 25, §5D. This authority is very similar to the Massachusetts Public Records Law ("PRL") exemption the Compact uses to withhold disclosure of "trade secrets or confidential, competitively-sensitive or other proprietary information provided...in the course of activities conducted as a municipal aggregator...when such...municipal aggregator...determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy..." G.L. c. 4, §7, cl. 26(s). Given the similar authorities for confidential treatment, the Compact's reasoning for withholding its pricing strategy from public disclosure under the PRL is consistent with the arguments outlined by the Company in its recent Motion for Protective Treatment (listed above).

One area where the Compact and the Company may approach confidential treatment differently is the length of the confidential treatment. The exemption from public records disclosure utilized by the Compact does not have any time benchmark associated with it. The distribution companies are not public entities and not subject to the PRL. DPU regulations governing filing of requests for protective treatment under G.L. c. 25, §5D require the petitioner to request a period of time to maintain the confidentiality. Therefore, distribution companies may seek certain terms for confidential treatment of wholesale price bids (e.g., 1 year). However, before it was made clear that municipal aggregators do not need to file their competitive supply agreements with DPU, the Compact was in the practice of filing its agreements with DPU. On March 6, 2013, DPU approved a Compact Motion for Protective Treatment of price terms and the financial surety for an agreement with Consolidated Edison Solutions, pursuant to G.L. c. 25, §5D and G.L. c. 4, §7, cl. 26(s). The Compact did not apply a sunset provision that would make such information public after a period of time in this request; instead, it argued there is no legal basis to do so when the PRL exemption applies. DPU granted the Compact's motion (see Attachment A). Thus, DPU has approved the Compact's confidential treatment of pricing terms and financial surety information in perpetuity.

#### **IV. CONCLUSION**

As discussed above, it is clear that the Company seeks confidential treatment of confidential and competitively sensitive wholesale pricing and bid information when making basic service filings with DPU. The Company's arguments for doing so are consistent with the Compact's rationale for maintaining confidential treatment of the Compact's pricing strategy and financial surety provisions in the Compact's supply agreements. Please let me know if you have any questions regarding the material presented in this memorandum or desire any additional information.

# ATTACHMENT A

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

GRANTED

  
Karen A. Robinson, H.O.  
March 6, 2013

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)  
Cape Light Compact Motion for  
)  
Protective Treatment of Confidential  
)  
Information as an Opt-Out  
)  
Municipal Aggregator  
)  
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04-32  
D.P.U. 10-        

**MOTION FOR PROTECTIVE TREATMENT OF CONFIDENTIAL  
INFORMATION**

The Cape Light Compact ("Compact") hereby requests that the Department of Public Utilities ("DPU" or the "Department") grant protection from public disclosure of certain confidential, competitively sensitive and proprietary information submitted under separate cover with this Motion in accordance with G.L. c. 25, §5D and G.L. c. 4, §7, cl.26(s).

**I. BACKGROUND**

The Compact and Consolidated Edison Solutions, Inc. ("ConEdison Solutions") have executed a Competitive Electric Supply Agreement, effective January 1, 2011 for a term of three years ("Agreement"). Under the Agreement, ConEdison Solutions will provide competitive retail power supply to the Compact's customers on an opt-out basis.<sup>1</sup>

The Compact and ConEdison Solutions wish to provide the Department with a copy of the Agreement but desire to keep certain price and financial security terms of the Agreement confidential. The Agreement includes a pricing exhibit and a financial

<sup>1</sup> The Compact's Aggregation Plan remains unchanged and the non-price terms of the Agreement remain substantially similar to the non-price terms approved by the Department in D.T.E. 04-32 on May 4, 2004.

security exhibit in the event of supplier nonperformance according to the terms of the Agreement. In order to protect the interests of the Compact and ConEdison Solutions, the Compact seeks to remove the following exhibits from the public record when filing the Agreement:

1. Prices and Terms. See attached as Confidential Exhibit A.<sup>2</sup>
2. Payment Guarantee of Consolidated Edison, Inc. See attached as Confidential Exhibit E.

## II. LEGAL STANDARD

Confidential information may be removed from the public record in accordance with G.L. c. 25, §5D, which states in part that:

The [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

In addition, the Massachusetts Public Records Law, G.L. c. 4, § 7,

c1.26(s)(emphasis added), exempts from disclosure by statute:

*[T]rade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making,*

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<sup>2</sup> Exhibits A and E have been provided to the Department under separate cover.

*selling or distributing electric power and energy*; provided, however, that this subclause shall not exempt a public entity from disclosure required of a private entity so licensed.

The Department has determined that competitively sensitive information such as price terms are subject to protective status:

The Department will continue to accord protective status when the proponent carries its burden of proof by indicating the manner in which the price term is competitively sensitive. Proponents generally will face a more difficult task of overcoming the statutory presumption against the disclosure of other terms, such as the identity of the customer.

*Standard of Review for Electric Contracts*, D.P.U. 96-39, at 2, Letter Order (August 30, 1996).

Further, in granting the Compact's Motion for Protective Treatment of Confidential Information in *Cape Light Compact Petition for Approval to Enter into a Competitive Electric Supply Agreement as an Opt-Out Municipal Aggregator*, D.T.F. 04-32 (March 23, 2004), the Department has determined that financial security exhibits to the Compact's competitive supply agreements are subject to protective treatment.

### III. ARGUMENT

The pricing exhibit submitted under separate cover with this Motion contains sensitive information about the pricing strategy agreed upon by the Compact and ConEdison Solutions. To disclose the pricing terms of the Agreement would compromise the most efficacious and cost-effective arrangement by ConEdison Solutions and the Compact of power supply to the Compact's customers and would adversely affect the Compact and ConEdison Solutions' ability to conduct business in relation to other entities making, selling or distributing electric power and energy. The pricing terms were

provided in connection with the Compact's solicitation of a supplier for a competitive electric supply agreement, and therefore are exempt from public disclosure by G.L. c. 4, §7, cl.26(s). Further, the pricing exhibit contains confidential, competitively sensitive and proprietary information that may be removed from public record in accordance with G.L. c. 26, §5D.

The financial security exhibit submitted under separate cover with this Motion contains sensitive information regarding payment by ConEdison Solutions' parent, Consolidated Edison, Inc., in the event of nonperformance according to the terms of the Agreement and should not be available for public review. The financial security was provided in connection with the Compact's solicitation of a supplier for a competitive electric supply agreement, and therefore is exempt from public disclosure by G.L. c. 4, §7, cl.26(s). Further, the financial security exhibit contains confidential, competitively sensitive and proprietary information that may be removed from the public record in accordance with G.L. c. 25, § 5D.

Moreover, if this information is made publicly available, any other bidder that participated in the Compact's solicitation of a supplier for a competitive electric supply agreement (none of whom know what the others offered to provide in terms of price or financial security) and other competitors will gain an advantage, which could work to the detriment of the Compact and its consumers. The end result would compromise the Compact's ability to continue to negotiate favorable prices and financial sureties for the benefit of its consumers.

In addition, there is no legal basis for the Department to apply a sunset provision that would make such information public after a period of time, as both the pricing terms

and the financial security provided to the Compact fall within the exemption from the definition of a public record set forth in G.L. c. 4, §7, cl.26(s), and therefore no legal requirement exists for such records to be made public.

To the Compact's knowledge, the information contained in the pricing exhibit and the financial security exhibit is not otherwise available in the public domain.

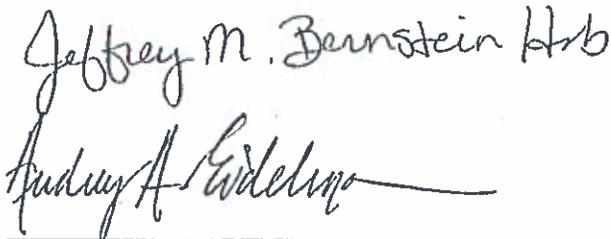
#### IV. CONCLUSION

For these reasons, the Compact requests that the Department grant protection from public disclosure of this confidential, completely sensitive and proprietary information submitted with this Motion in accordance with G.L. c. 25, §5D and G.L. c. 4, §7, cl. 26(s).

Respectfully submitted,

THE CAPE LIGHT COMPACT

By its attorneys,



Jeffrey M. Bernstein, Esq. ([jbernstein@bck.com](mailto:jbernstein@bck.com))  
Audrey A. Eidelman, Esq. ([aeidelman@bck.com](mailto:aeidelman@bck.com))  
BCK LAW, P.C.  
One Gateway Center, Suite 809  
Newton, MA 02458  
617-244-9500 (voice)  
617-244-9550 (fax)

Dated: June 10, 2010

**Cape Light Compact JPE  
Governing Board and Executive Committee  
Open Session Meeting Minutes  
Wednesday, April 11, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, April 11, 2018 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00PM.

**Present Were:**

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

**Absent Were:**

1. Michael Hebert, Aquinnah
2. Timothy Carroll, Chilmark
3. Brad Crowell, Dennis
4. Robert Hannemann, Duke's County
5. Jarrod Cabral, Truro

Members/Alternates

Physically present: 13

Present by phone: 5

**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, Senior Energy Efficiency Program and Marketing Analyst  
Maggie Downey, Administrator  
Margaret Song, C&I Program Manager  
Matt Dudley, Senior Energy Efficiency Program Analyst  
Melissa Allard, Senior Administrative Coordinator  
Tony Gionfriddo, Senior Energy Efficiency Program Analyst

**Public Present:**

None present.

Joyce Flynn called the meeting to order at 2:08 PM. Joyce Flynn recognized Peter Cocolis of Chatham, Paul Pimentel of Edgartown and Richard Toole of Oak Bluffs who were participating remotely because physical attendance at the meeting would be unreasonably difficult.

**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. Trade secrets and confidential, competitively-sensitive or other proprietary power supply information and to determine whether it is appropriate to release any portion of confidential contract provisions, Potential Vote

*Joyce Flynn at 2:10 PM moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 10 to discuss trade secrets, confidential and competitively sensitive information contained in and relative to pricing exhibits of Compact power supply contracts.*

*Joyce Flynn declared that an open session may adversely affect the Cape Light Compact's ability to conduct business in relation to other entities making, selling or distributing electric power and energy. The governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Robert Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	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
Jay	Grande	Tisbury	Absent
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Absent
Joyce	Flynn	Yarmouth	Yes

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

**Jay Grande joined by phone at 2:14 PM.**

**Sue Hruby joined by phone at 2:25 PM.**

**Jay Grande ended participation by phone at 3:24.**

*Joyce moved to return to Open Session Seconded by Robert Schofield.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	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
Jay	Grande	Tisbury	Absent
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Absent
Joyce	Flynn	Yarmouth	Yes

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

**Returned to Open Session at 3:26 PM.**

**PUBLIC COMMENT:**

There were no members of the public present.

**APPROVAL OF MINUTES:**

The Board considered the March 28, 2018 Meeting Minutes. Paul Pimentel requested that in the third paragraph, under 2019-2021 Energy Efficiency Plan, that “CHP” be changed to “heat pumps.” David Anthony noted an issue with the first sentence under discussion of questions and communications from the Attorney General’s Office on DPU 17-95. Maggie Downey read it over and stated that the first and second sentence should be combined with a comma.

*Martin Culik moved the Board to accept the minutes as amended, seconded by Colin Odell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	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
Jay	Grande	Tisbury	Absent
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15 – 0 – 1)*

**CHAIRMAN’S REPORT:**

Joyce Flynn asked the Compact’s new employee, Tony Gionfriddo, to introduce himself.

Joyce Flynn stated that she and Liz Argo from CVEC are trying to kickstart a Cape Wind Energy Meeting that would meet twice a year. If any members of the Board would like to be involved, they are to send her an email.

Joyce Flynn asked members if their respective towns were considering becoming Green Communities. She then handed out an FAQ sheet to the Board that could be used to answer questions people may have. Valerie Bell also indicated that the Massachusetts Green Communities Division has good resources to answer questions too.

**FISCAL REPORT, PETER COCOLIS:**

Peter Cocolis requested Maggie Downey to go over the fiscal report since he was not physically present. Maggie Downey noted that the 2018 operating budget expenditures go to the end of March and that the Compact is waiting on credits to be processed for supplies.

Joanne Nelson stated that all, but a small portion of the money owed to the Compact from the Barnstable County has now been received by the Compact. A final reconciliation will be done through the Compact’s 2017 audit.

**DISCUSSION AND VOTE TO ADOPT COMPACT MEETING PROTOCOLS:**

Tom Donegan asked for discussion on the meeting protocols (Code of Conduct) that had been shared with the Board. David Anthony asked what happens if the protocols are not followed. Valerie Bell stated that penalties

assessed would most likely involve the town the Board Member represents as well. Thomas Donegan stated that the penalties could include having the Board Member's appointment taken away.

Colin Odell noted that the protocols' overall purpose is to give the chair authority to uphold Board Meeting etiquette.

Richard Elkin brought up Robert's Rules of Order. Thomas Donegan stated that Robert's Rules of Order is overly complicated. A modified version of Robert's Rules of Order could be prepared and adopted if that is something the Board would like to do, but Thomas Donegan feels that the protocols we follow now are working well. All the Board Members are heard and are aware of the expectations for how the Board Meetings should be run.

Jeff Bernstein stated that the first paragraph of the meeting protocols should be all bullets and that the format should be neater before posting to the website.

*Thomas Donegan moved the CLC/JPE Board of Directors vote to adopt the attached Code of Conduct Policy for Board Members.*

*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 Colin Odell.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	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
Jay	Grande	Tisbury	Absent
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (16 – 0 – 0)*

#### **ENERGY EFFICIENCY PROGRAM:**

##### **1. Small Business Main Streets Update, Matt Dudley**

Matt Dudley gave an update on the Main Street program. He stated that 107 eligible customers have signed up thus far. When comparing the number of businesses that have signed up from January 1st through April 6th of this year to the same period last year, the number is 85% higher. Businesses can sign up until Memorial Day, but the Compact may extend the program through the summer. RISE's Energy Specialist and Technician have been stopping by neighboring eligible businesses to see if they are interested in signing up and are able to conduct the Main Streets energy assessment while they are there. Many of the Chambers have gotten involved in the process as well to promote this offer to their members.

David Anthony questioned the percentages on the Main Streets 2018 Update slide because they don't add up to 100%. Matt Dudley replied that those percentages are the top three types of business that signed up. There are many more types of businesses included in the other 42%.

Joyce Flynn asked how long it takes for businesses to get a call back after signing up for an assessment and then when are the assessments being scheduled for. Matt Dudley stated that people have been getting a call within a couple of days and the assessment is usually scheduled around a week later.

**2. Discussion and Vote on Preliminary Program Enhancements and Budget for the 2019-2021 Energy Efficiency Plan**

Maggie Downey reviewed the 2019-2021 Energy Efficiency Plan, making note of the changes she made on certain slides since March's Board Meeting. Martin Culik asked if an actual number to replace the "xxx" on the Residential Enhancements slide had been determined yet. Maggie Downey stated that it had not yet been decided on and wouldn't be until much closer to the final filing.

*Robert Schofield moved the CLCJPE Board of Directors vote to support the Compact's Preliminary Enhancements to the 2019-2021 Energy Efficiency Plan (EEP) as presented on the attached slides.*

*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 David Anthony.*

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ronald	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
Jay	Grande	Tisbury	Absent
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes

Joyce	Flynn	Yarmouth	Yes
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*Motion carried in the affirmative (15 – 0 – 0)*

**ADMINISTRATOR’S REPORT:**

**1. Update on Compact’s Second Limited Revised Aggregation Plan**

Maggie Downey stated that the second limited revised aggregation plan was filed on April 4th. So far there has been no response, and she will let the Board know if there is any communication.

**2. 2018 Events**

Maggie Downey stated that the Compact would be volunteering at the Annual Community Cleanup Day in Yarmouth this coming weekend. Maggie Downey also gave an update on recent events the Compact participated in and that this past weekend, the Compact staffed a booth at the Lower Cape Home & Garden Show which was well attended and very successful in getting the word out about the Compact’s programs.

Joyce Flynn stated that Board Members could help promote the programs by having Energy Assessment Sign-up cards on tables outside of town meetings.

Peter Cocolis, Paul Pimentel, Richard Toole, and Sue Hruby stopped participation by phone at 4:20 PM.

**ADJOURNMENT:**

*Motion to adjourn made at 4:20 PM moved by Robert Schofield, seconded by Valerie Bell.*

Respectfully submitted,

Melissa Allard

**LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda
- March 28, 2018 Draft Meeting Minutes
- Main Streets 2018 Update Slide
- 2019-2021 Energy Efficiency Plan PowerPoint
- 2018 Operating Budget
- 2018 Energy Efficiency Budget Report
- CLC Code of Conduct Policy for Board Members

Cape Light Compact JPE  
 2018 Operating Fund 001  
 Budget Report  
 As of April 30, 2018

	<u>Budget Amount</u>	<u>Actual Amount</u>	<u>Remaining Amount</u>	<u>Remaining %</u>
<b><u>REVENUE</u></b>				
OPERATING FUND CY18-TRANSFERS IN	848,765.00	424,382.50	424,382.50	50.00%
OPERATING FUND CY18-INTEREST INCOME	0.00	12,453.32	(12,453.32)	
<b>TOTAL REVENUES</b>	<b>848,765.00</b>	<b>436,835.82</b>	<b>411,929.18</b>	
<b><u>EXPENSES</u></b>				
OPERATING FUND CY18-ADVERTISING (POWER SUPPLY)	85,000.00	10,832.72	74,167.28	87.26%
OPERATING FUND CY18-AUDIT FEES	11,250.00	612.50	10,637.50	94.56%
OPERATING FUND CY18-BANK FEES	500.00	0.00	500.00	100.00%
OPERATING FUND CY18-BUILDING RENOVATNS/FURNITU	4,500.00	615.97	3,884.03	86.31%
OPERATING FUND CY18-COMPUTER EQUIPMENT	5,000.00	0.00	5,000.00	100.00%
OPERATING FUND CY18-CONTRACTUAL	54,500.00	20,685.25	33,814.75	62.05%
OPERATING FUND CY18-CUSTODIAL SERVICES	4,438.00	1,183.20	3,254.80	73.34%
OPERATING FUND CY18-FINANCIAL SOFTWARE SYSTEM	6,250.00	2,700.00	3,550.00	56.80%
OPERATING FUND CY18-FOOD SUPPLIES	1,500.00	1,240.71	259.29	17.29%
OPERATING FUND CY18-GROUP INSURANCE	19,790.00	6,759.05	13,030.95	65.85%
OPERATING FUND CY18-IN STATE TRAVEL	16,000.00	2,159.22	13,840.78	86.50%
OPERATING FUND CY18-INSURANCE	10,600.00	0.00	10,600.00	100.00%
OPERATING FUND CY18-INTERNET	2,700.00	917.87	1,782.13	66.00%
OPERATING FUND CY18-IT SERVICES	5,000.00	37.59	4,962.41	99.25%
OPERATING FUND CY18-LEGAL SERVICES	263,660.00	111,481.87	152,178.13	57.72%
OPERATING FUND CY18-MEDICARE	2,060.00	531.07	1,528.93	74.22%
OPERATING FUND CY18-MISC FRINGES	7,090.00	11.60	7,078.40	99.84%
OPERATING FUND CY18-MISC RENTALS	5,000.00	0.00	5,000.00	100.00%
OPERATING FUND CY18-OPEB LIABILITY	7,100.00	0.00	7,100.00	100.00%
OPERATING FUND CY18-OUT OF STATE TRAVEL	5,600.00	0.00	5,600.00	100.00%
OPERATING FUND CY18-OUTREACH/MARKETING SERV	15,000.00	2,214.00	12,786.00	85.24%
OPERATING FUND CY18-PAYROLL SERVICES	1,500.00	917.04	582.96	38.86%
OPERATING FUND CY18-POSTAGE	26,000.00	1,925.71	24,074.29	92.59%
OPERATING FUND CY18-PRINTING	12,500.00	3,753.56	8,746.44	69.97%
OPERATING FUND CY18-PROFESSIONAL DEVELOPMENT	5,000.00	0.00	5,000.00	100.00%
OPERATING FUND CY18-RENT	22,500.00	7,500.00	15,000.00	66.67%
OPERATING FUND CY18-RETIREMENT	35,447.00	0.00	35,447.00	100.00%
OPERATING FUND CY18-RETIREMENT LIABILITY	5,300.00	0.00	5,300.00	100.00%
OPERATING FUND CY18-SALARIES	141,790.00	36,626.64	105,163.36	74.17%
OPERATING FUND CY18-SALARY RESERVE	5,000.00	0.00	5,000.00	100.00%
OPERATING FUND CY18-SHIPPING/FREIGHT	500.00	49.98	450.02	90.00%
OPERATING FUND CY18-SOFTWARE LICENSES	3,750.00	0.00	3,750.00	100.00%
OPERATING FUND CY18-SPONSORSHIPS	35,000.00	26,116.00	8,884.00	25.38%
OPERATING FUND CY18-SUBSCRIPTIONS	5,500.00	5,496.40	3.60	0.07%
OPERATING FUND CY18-SUPPLIES	2,500.00	(58.16)	2,558.16	102.33%
OPERATING FUND CY18-TELEPHONES	6,540.00	1,201.46	5,338.54	81.63%
OPERATING FUND CY18-TREASURY SERVICES	5,000.00	1,506.25	3,493.75	69.88%
OPERATING FUND CY18-UNPAID BILLS	2,000.00	0.00	2,000.00	100.00%
OPERATING FUND CY18-UTILITIES	400.00	180.00	220.00	55.00%
<b>TOTAL EXPENSES</b>	<b>848,765.00</b>	<b>247,197.50</b>	<b>601,567.50</b>	<b>70.88%</b>
<b>CHANGE IN NET POSITION</b>	<b>0.00</b>	<b>189,638.32</b>		

2018 Budgeted (Based on 2018 Energy Efficiency Surcharge)

Program	PA Costs		STAT	EHV	Total PA Costs	
	PP&A	Marketing				
A - Residential	\$ 1,413,521	\$ 582,697	\$ 17,246,631	\$ 5,831,393	\$ 989,453	\$ 26,088,905
A1 - Residential Whole House	\$ 958,755	\$ 256,607	\$ 12,411,756	\$ 4,871,209	\$ 794,116	\$ 19,792,442
A1a - Residential New Construction	\$ 26,019	\$ 8,842	\$ 524,850	\$ 112,014	\$ 25,889	\$ 697,612
A1b - Residential Multi-Family Retrofit	\$ 41,004	\$ 31,131	\$ 586,000	\$ 350,098	\$ 40,232	\$ 1,052,465
A1c - Residential Home Energy Services - Measures	\$ 728,555	\$ 153,265	\$ 11,289,209	\$ 2,545,379	\$ 63,636	\$ 15,242,044
A1d - Residential Home Energy Services - RCS	\$ 97,977	\$ 45,399	\$ -	\$ 1,735,738	\$ 78,831	\$ 1,957,938
A1e - Residential Behavior/Feedback Program	\$ 12,191	\$ -	\$ 72,699	\$ 127,960	\$ 12,598	\$ 342,362
A2 - Residential Products	\$ 226,629	\$ 151,478	\$ 3,700,000	\$ 725,755	\$ 195,546	\$ 5,004,408
A2a - Residential Heating & Cooling Equipment	\$ 114,665	\$ 38,883	\$ 1,500,000	\$ 290,757	\$ 84,935	\$ 2,028,330
A2b - Residential Consumer Products	\$ 18,804	\$ 26,797	\$ 200,000	\$ 156,605	\$ 16,332	\$ 418,528
A2c - Residential Lighting	\$ 92,160	\$ 85,598	\$ 2,000,000	\$ 279,392	\$ 94,300	\$ 2,555,350
A3 - Residential Hard-to-Measure	\$ 247,138	\$ 172,612	\$ 1,134,875	\$ 239,430	\$ -	\$ 1,791,055
A3a - Residential Statewide Marketing	\$ -	\$ 112,017	\$ -	\$ -	\$ -	\$ 112,017
A3b - Residential Statewide Database	\$ 3,233	\$ -	\$ -	\$ -	\$ -	\$ 3,233
A3c - Residential DOER Assessment	\$ 145,089	\$ -	\$ -	\$ -	\$ -	\$ 145,089
A3d - Residential EEAC Consultants	\$ 27,522	\$ -	\$ -	\$ -	\$ -	\$ 27,522
A3e - Residential Sponsorships & Subscriptions	\$ 61,273	\$ 11,155	\$ 1,099,875	\$ 144,830	\$ -	\$ 1,317,908
A3f - Residential HEAT Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3g - Residential Worker Development	\$ -	\$ -	\$ 35,000	\$ 75,000	\$ -	\$ 110,000
A3h - Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3i - Residential Education	\$ 312,655	\$ 86,286	\$ 3,564,650	\$ 1,080,729	\$ 205,199	\$ 5,249,519
B - Low-Income	\$ 223,978	\$ 61,340	\$ 3,564,650	\$ 1,080,729	\$ 205,199	\$ 5,138,896
B1 - Low-Income Single Family Retrofit	\$ 155,472	\$ 41,084	\$ 2,000,000	\$ 691,014	\$ 128,598	\$ 3,073,167
B1b - Low-Income Multi-Family Retrofit	\$ 68,507	\$ 18,256	\$ 1,564,650	\$ 381,716	\$ 76,601	\$ 2,115,729
B2 - Low-Income Hard-to-Measure	\$ 88,487	\$ 24,916	\$ -	\$ -	\$ -	\$ 113,403
B2a - Low-Income Statewide Marketing	\$ -	\$ 22,884	\$ -	\$ -	\$ -	\$ 22,884
B2b - Low-Income Statewide Database	\$ 2,684	\$ -	\$ -	\$ -	\$ -	\$ 2,684
B2c - Low-Income DOER Assessment	\$ 29,281	\$ -	\$ -	\$ -	\$ -	\$ 29,281
B2d - Low-Income Energy Affordability Network	\$ 46,627	\$ -	\$ -	\$ -	\$ -	\$ 46,627
B2e - Low-Income Sponsorships & Subscriptions	\$ 9,996	\$ 2,262	\$ -	\$ -	\$ -	\$ 12,258
C - Commercial & Industrial	\$ 1,139,338	\$ 294,981	\$ 13,104,477	\$ 2,728,701	\$ 693,565	\$ 17,660,861
C1 - CAI New Construction	\$ 78,303	\$ 13,794	\$ 714,879	\$ 326,443	\$ 48,175	\$ 1,182,593
C1a - CAI New Buildings & Major Renovations	\$ 60,356	\$ 9,091	\$ 454,879	\$ 268,645	\$ 35,727	\$ 828,668
C1b - CAI Initial Purchase & End of Useful Life	\$ 17,947	\$ 4,703	\$ 260,000	\$ 57,827	\$ 13,448	\$ 353,925
C2 - CAI Retrofit	\$ 918,648	\$ 193,368	\$ 12,319,398	\$ 2,367,258	\$ 644,390	\$ 16,443,062
C2a - CAI Existing Building Retrofit	\$ 234,343	\$ 58,791	\$ 6,217,000	\$ 541,594	\$ 243,225	\$ 7,284,962
C2b - CAI Small Business	\$ 551,786	\$ 103,110	\$ 5,293,048	\$ 1,293,344	\$ 326,413	\$ 6,897,711
C2c - CAI Publicly Retrofit	\$ 47,055	\$ 17,087	\$ 250,000	\$ 346,373	\$ 28,995	\$ 689,511
C2d - CAI Upstream Lighting	\$ 95,465	\$ 14,379	\$ 559,350	\$ 185,948	\$ 45,746	\$ 900,888
C3 - CAI Hard-to-Measure	\$ 142,387	\$ 87,819	\$ 70,000	\$ 35,000	\$ -	\$ 315,206
C3a - CAI Statewide Marketing	\$ -	\$ 75,299	\$ -	\$ -	\$ -	\$ 75,299
C3b - CAI Statewide Database	\$ 8,909	\$ -	\$ -	\$ -	\$ -	\$ 8,909
C3c - CAI DOER Assessment	\$ 97,530	\$ -	\$ -	\$ -	\$ -	\$ 97,530
C3d - CAI EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3e - CAI Sponsorships & Subscriptions	\$ 35,948	\$ 7,520	\$ -	\$ -	\$ -	\$ 43,468
C3f - CAI Workforce Development	\$ 5,000	\$ -	\$ 20,000	\$ -	\$ -	\$ 25,000
C3g - CAI R&D and Demonstration	\$ -	\$ -	\$ 70,000	\$ 15,000	\$ -	\$ 85,000
<b>GRAND TOTAL</b>	<b>\$ 2,884,424</b>	<b>\$ 963,964</b>	<b>\$ 33,915,558</b>	<b>\$ 9,656,823</b>	<b>\$ 1,888,426</b>	<b>\$ 49,299,295</b>

2018 Actuals through Apr 2018

Program	PA Costs		STAT	EHV	Total PA Costs	PA Costs
	PP&A	Marketing				
A - Residential	\$ 263,116	\$ 97,413	\$ 3,592,390	\$ 911,620	\$ 98,176	\$ 4,982,716
A1 - Residential Whole House	\$ 203,353	\$ 26,269	\$ 2,528,805	\$ 804,776	\$ 63,710	\$ 3,635,912
A1a - Residential New Construction	\$ 5,492	\$ 685	\$ 57,980	\$ 18,122	\$ 1,549	\$ 83,828
A1b - Residential Multi-Family Retrofit	\$ 9,287	\$ 1,159	\$ 41,178	\$ 18,120	\$ 9,248	\$ 80,993
A1c - Residential Home Energy Services - Measures	\$ 164,322	\$ 21,522	\$ 2,291,597	\$ 394,256	\$ 46,980	\$ 3,018,677
A1d - Residential Home Energy Services - RCS	\$ 20,679	\$ 2,581	\$ -	\$ 369,544	\$ 5,181	\$ 397,984
A1e - Residential Behavior/Feedback Program	\$ 2,573	\$ 321	\$ 38,050	\$ 4,204	\$ 772	\$ 44,450
A2 - Residential Products	\$ 47,832	\$ 28,352	\$ 852,040	\$ 92,972	\$ 34,447	\$ 1,055,642
A2a - Residential Heating & Cooling Equipment	\$ 24,201	\$ 5,742	\$ 231,960	\$ 30,781	\$ 12,892	\$ 305,576
A2b - Residential Consumer Products	\$ 1,969	\$ 6,729	\$ 54,282	\$ 23,227	\$ 8,712	\$ 96,929
A2c - Residential Lighting	\$ 19,662	\$ 15,881	\$ 568,798	\$ 38,954	\$ 12,842	\$ 653,137
A3 - Residential Hard-to-Measure	\$ 17,932	\$ 42,792	\$ 211,546	\$ 13,873	\$ -	\$ 281,143
A3a - Residential Statewide Marketing	\$ -	\$ 30,461	\$ -	\$ -	\$ -	\$ 30,461
A3b - Residential Statewide Database	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3c - Residential DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3d - Residential EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3e - Residential Sponsorships & Subscriptions	\$ 12,932	\$ 2,969	\$ 211,546	\$ 13,047	\$ -	\$ 240,494
A3f - Residential HEAT Loan	\$ -	\$ -	\$ -	\$ 825	\$ -	\$ 825
A3g - Residential Worker Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3h - Residential R&D and Demonstration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A3i - Residential Education	\$ -	\$ 9,362	\$ -	\$ -	\$ -	\$ 9,362
B - Low-Income	\$ 44,407	\$ 14,074	\$ 429,340	\$ 102,101	\$ 21,206	\$ 611,627
B1 - Low-Income Single Family Retrofit	\$ 44,407	\$ 7,045	\$ 429,340	\$ 102,101	\$ 17,108	\$ 604,598
B1b - Low-Income Multi-Family Retrofit	\$ 30,834	\$ 4,890	\$ 182,866	\$ 46,435	\$ 17,108	\$ 292,114
B2 - Low-Income Hard-to-Measure	\$ 13,582	\$ 2,155	\$ 246,474	\$ 55,676	\$ 4,997	\$ 322,484
B2a - Low-Income Statewide Marketing	\$ -	\$ 7,030	\$ -	\$ -	\$ -	\$ 7,030
B2b - Low-Income Statewide Database	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B2c - Low-Income DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B2d - Low-Income Energy Affordability Network	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B2e - Low-Income Sponsorships & Subscriptions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C - Commercial & Industrial	\$ 225,856	\$ 54,099	\$ 994,490	\$ 232,360	\$ 47,222	\$ 1,554,027
C1 - CAI New Construction	\$ 20,181	\$ 1,917	\$ 36,362	\$ 44,731	\$ 3,922	\$ 107,113
C1a - CAI New Buildings & Major Renovations	\$ 15,552	\$ 1,478	\$ 10,895	\$ 38,082	\$ 3,021	\$ 69,077
C1b - CAI Initial Purchase & End of Useful Life	\$ 4,630	\$ 439	\$ 25,467	\$ 6,649	\$ 900	\$ 38,085
C2 - CAI Retrofit	\$ 205,675	\$ 28,072	\$ 958,128	\$ 185,193	\$ 43,300	\$ 1,420,319
C2a - CAI Existing Building Retrofit	\$ 57,246	\$ 5,492	\$ 416,981	\$ 40,845	\$ 10,992	\$ 521,557
C2b - CAI Small Business	\$ 117,961	\$ 19,041	\$ 388,398	\$ 102,398	\$ 25,347	\$ 633,045
C2c - CAI Publicly Retrofit	\$ 10,059	\$ 1,152	\$ 118,226	\$ 23,875	\$ 2,280	\$ 155,592
C2d - CAI Upstream Lighting	\$ 20,459	\$ 2,337	\$ 54,523	\$ 18,075	\$ 4,781	\$ 100,125
C3 - CAI Hard-to-Measure	\$ -	\$ 21,089	\$ -	\$ 2,435	\$ -	\$ 26,595
C3a - CAI Statewide Marketing	\$ -	\$ 21,089	\$ -	\$ -	\$ -	\$ 21,089
C3b - CAI Statewide Database	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3c - CAI DOER Assessment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3d - CAI EEAC Consultants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
C3e - CAI Sponsorships & Subscriptions	\$ -	\$ 3,071	\$ -	\$ -	\$ -	\$ 3,071
C3f - CAI Workforce Development	\$ -	\$ -	\$ -	\$ 2,435	\$ -	\$ 2,435
C3g - CAI R&D and Demonstration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>GRAND TOTAL</b>	<b>\$ 533,379</b>	<b>\$ 165,586</b>	<b>\$ 5,016,220</b>	<b>\$ 1,246,081</b>	<b>\$ 167,104</b>	<b>\$ 7,138,370</b>

as Percent

**Agenda Action Request  
Cape Light Compact  
Meeting Date: 5/9/2018**



- Aquinnah*
- Barnstable*
- Bourne*
- Brewster*
- Chatham*
- Chilmark*
- Dennis*
- Dukes County*
- Eastham*
- Edgartown*
- Falmouth*
- Harwich*
- Mashpee*
- Oak Bluffs*
- Orleans*
- Provincetown*
- Sandwich*
- Tisbury*
- Truro*
- Wellfleet*
- West Tisbury*
- Yarmouth*

**PROPOSED INCENTIVE FOR BARNSTABLE HIGH SCHOOL  
RETROFIT PROJECT**

**REQUESTED BY:** Margaret Song

**Proposed Motion(s)**

1) I move the Board vote to approve an incentive of up to \$270,000 for stage lighting for the Barnstable High School's Knight Auditorium. 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.

**Additional Information**

The Cape Light Compact Board reviews and approves incentives for individual municipal projects above \$150,000. The proposed motion is to approve an incentive level for the stage lighting for Barnstable High School.

The savings has total annual savings of 272,000 kWh.

**Record of Board Action**

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition

## **FREQUENTLY ASKED QUESTIONS**

### **CAPE LIGHT COMPACT JPE**

#### **PENSION AND OTHER POST EMPLOYMENT BENEFITS (OPEB) LIABILITIES**

**Question: Is the Cape Light Compact JPE (“Compact”) required to provide a pension to its employees?**

**Answer:** Yes, the Compact is a municipal entity similar to Massachusetts cities and towns and is required to provide a retirement benefit to qualifying employees. Municipal employees do not contribute to social security, and most municipal retirees will not qualify for social security. The pension system for all municipal entities is governed by Massachusetts General Laws, Chapter 32.

**Question: Is the Compact a member of a municipal retirement association?**

**Answer:** Yes, the Compact joined the Barnstable County Retirement Association (“BCRA”) on January 1, 2018. As of this date, all pension liabilities associated with all former Barnstable County employees and current staff have been re-allocated from Barnstable County to the Compact.

**Question: How does BCRA allocate liabilities (retiree costs) amongst the employers?**

**Answer:** The BCRA is a cost-sharing multiple-employer defined benefit pension plan. An independent actuary calculates the BCRA’s total pension liability, which is allocated to members (employer) based on each member’s percentage of active payroll, as specified in Massachusetts General Laws, Chapter 32.

**Question: Do Compact employees contribute to their defined pensions?**

**Answer:** Yes. Consistent with Massachusetts General Laws, Chapter 32, employees contribute between 10 and 11% of their gross regular compensation towards their pension obligations. The most recent BCRA actuarial analysis indicates that most employees in the BCRA will have fully funded their pension liability by retirement age.

**Question: Does Barnstable County have any pension liability for present Compact employees or retirees?**

**Answer:** No, Barnstable County has no pension liability for any Compact employees or future retirees. Those liabilities have been transferred fully to the Compact.

**Question: If a present Compact employee worked for Barnstable County and now works for the Compact, are pension liabilities that belong to Barnstable County (as a result of services rendered to and paid by the County directly) being shifted to the Compact?**

**Answer:** No. For funding purposes, the Compact is allocated its proportionate share of BCRA's total net pension liability based on the active employer's covered payroll as calculated by the actuary.

For financial reporting purposes, the Compact is allocated its proportionate share of BCRA's total net pension liability based on a blended rate of the following items:

- The proportionate share of active employer's covered payroll calculated by the actuary;
- Early Retirement Incentive ("ERI") is a direct charge calculated by the Public Employee Retirement Administration Commission ("PERAC") for only the employers that accepted the ERI;
- The direct amortization of the actuarial determined net pension liability for the Barnstable County Sheriff and Barnstable County Hospital since they no longer have active covered payroll.

**Question: How does the Compact fund its pension liabilities?**

**Answer:** The Compact funds its pension liabilities through employer and employee contributions. The employer contribution is appropriated through the Compact's budget process (energy efficiency staff are included in the energy efficiency budget and power supply staff are included in the operating budget). The contribution is based on the pension fund appropriation provided by the BCRA and approved by PERAC. Employee contributions are made through mandatory payroll deductions in accordance with the withholding amounts established by Chapter 32.

**Question: What are Other Post-Employment Benefits ("OPEB") liabilities and why does the Compact have these liabilities?**

**Answer:** OPEB liabilities consist of medical, dental, vision, and other health-related benefits paid subsequent to the termination of employment via retirement. The Compact has this liability because it offers health insurance coverage to its retirees.

**Question: Does Barnstable County have any OPEB liability for Compact employees?**

**Answer:** No, Barnstable County has no OPEB liability related to Compact employees because the liability only exists with the current or last employer.

**Question: How does the Compact fund its OPEB liabilities?**

**Answer:** The Compact funds its OPEB liabilities through the Compact's budget process (energy efficiency staff are included in the energy efficiency budget and power supply staff are included in the operating budget).

**Agenda Action Request  
Cape Light Compact  
Meeting Date: 5/9/18**



- Aquinnah
- Barnstable
- Bourne
- Brewster
- Chatham
- Chilmark
- Dennis
- Dukes County
- Eastham
- Edgartown
- Falmouth
- Harwich
- Mashpee
- Oak Bluffs
- Orleans
- Provincetown
- Sandwich
- Tisbury
- Truro
- Wellfleet
- West Tisbury
- Yarmouth

**Ratify Treasurer's Establishment of a Line of Credit and Letter of Credit for CLCJPE**

**REQUESTED BY:** *Maggie Downey*

***Proposed Motion(s)***

*I move the CLCJPE Board of Directors vote to (i) ratify the CLCJPE Treasurer's application for a Line of Credit and Letter of Credit in the amount of \$2,000,000 with Rockland Trust for the purpose of posting a form of financial assurance as required by the Independent System Operator of New England (ISONE) as part of the CLCJPE participation in the ISONE Forward Capacity Market (FCM), and for posting a form of financial surety for potential Renewable Energy Certificate (REC) contract, (ii) authorize both the CLCJPE Treasurer and Compact Administrator to jointly execute the following documents and instruments related to the Line of Credit and Letter of Credit: (a) Loan Agreement, (b) Account Pledge and Security Agreement (Cash Collateral), and (c) Commercial Promissory Note.*

*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.*

***Additional Information***

The Cape Light Compact JPE is required to post a form of Financial Assurance (FA) with ISONE as a result of their Forward Capacity Market Pay for Performance (FCM PFP) project that will be implemented on June 1, 2018. Under the new FCM PFP rules financial obligations will be calculated differently for FCM offsetting for hourly and non-hourly requirements. The CLCJPE participates in the FCM as part of its responsibilities administering an Energy Efficiency Plan.

In order to enter into a REC contract, the CLCJPE will be required to post a form of financial surety. A letter of credit is an acceptable form of financial surety.

***Record of Board Action***

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition

# IT'S SPRING CLEANING TIME RECYCLE YOUR DEHUMIDIFIER

## IT'S ONLY 3 STEPS

- 1 Bring in an old, working dehumidifier
- 2 Fill out a rebate form at the event
- 3 Get \$30 in the mail— it's that easy!

## UPCOMING TURN-IN EVENTS

*Date* Saturday, June 9, 2018 10am-2pm

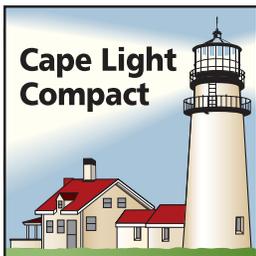
*Location* **Crane Appliance**  
249 Teaticket Hwy.  
East Falmouth, MA 02536

*Date* Saturday, June 16, 2018 10am-2pm

*Location* **Crane Appliance**  
136 Rte. 6A  
Orleans, MA 02653



**Cape Light Compact will also recycle room air conditioners at NO COST!**  
*No rebates are available for recycling air conditioner*



**FOR MORE INFO, VISIT:  
[MASSAVE.COM/DEHUMIDIFIERTURNIN](http://MASSAVE.COM/DEHUMIDIFIERTURNIN)**

This offer is open to anyone with an active residential electric account on Cape Cod or Martha's Vineyard. You can bring a copy of your electric bill to speed up the turn-in/rebate process. Eligible dehumidifiers must be in working condition. Limit two dehumidifier turn-in rebates per Massachusetts residential electric account per calendar year. \$30 rebate is paid in the form of a Visa gift card.

