

**Cape Light Compact Governing Board
Wednesday, August 14, 2013
Executive Session Meeting Minutes**

The Governing Board of the Cape Light Compact met on Wednesday, August 14, 2013 in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

Present were:

Joyce Flynn, Chairwoman, Yarmouth
Robert Schofield, Vice-Chair, Bourne
Peter Cocolis, Treasurer, Chatham
Barry Worth, Secretary, Harwich
Peter Cabana, Member at Large, Dukes County
David Anthony, Barnstable
Deane Keuch, Brewster
Timothy Carroll, Chilmark - by Teleconference
Brad Crowell, Dennis
Fred Fenlon, Eastham
William Doherty, Barnstable County
Thomas Mayo, Mashpee
Ronald Zweig, Falmouth
Richard Toole, Oak Bluffs
Kenneth Rowell, Orleans
Everett Horn, Sandwich
Sue Hruby, West Tisbury

Absent Were:

Michael Hebert, Aquinnah
Edgartown - Vacant
Sharon Lynn - Provincetown
William Straw - Tisbury
Peter Fontecchio - Truro
Kathy Hubby - Wellfleet

Legal Counsel: Jeffrey Bernstein, Esq., BCK Law, PC

Staff Present:

Maggie Downey, Compact Administrator
Margaret Song, Residential Program Manager
Briana Kane, Sr. Residential Program Coordinator
Matthew Dudley, Residential Program Coordinator
Meredith Miller, C&I Program Manager
Nicole Price, C&I Program Planner
Vicki Marchant, C&I Program Analyst
Lindsay Henderson, Communications & EE Data Analyst
Joseph Soares, Sr. Power Supply Planner
Philip Moffitt, EM&V Analyst
Debbie Fitton, Energy Education Coordinator

Public: Ed Maroney, Barnstable Patriot; Dan McCready, Cape Cod Broadcasting
Chris Rogers, Sullivan, Rogers & Company, LLC - presenter

ENTRY INTO EXECUTIVE SESSION – 4:10 will not return to open session

Chr. Flynn then declared the need to enter into Executive Session pursuant to MGL Ch. 30A § 21 (a) (10) for a discussion on Power Supply Procurement Strategy (confidential and competitively sensitive information) and for an update on DPU Regulatory Litigation, in accordance with MGL Ch. 30A § 21 (a) (3) and that an open session may have a detrimental effect on the bargaining or litigating position of the

Cape Light Compact. *P. Cabana moved the Board vote to enter into Executive Session and at the conclusion of the Executive Session not to reconvene in open session, seconded by B. Worth and voted unanimously by roll call in favor.* Counsel and staff remained.

POWER SUPPLY

J. Soares stated that staff is working on the power supply strategy for 2014 and that he needs some guidance from the Board today. The current contract/bid was for pricing strategy and not for the lowest price. The contract was for 6 pricing periods and that ConEdison *Solutions* (CES) were only able to be above NSTAR's prices for 2 out of the 6 periods, and could only be 1.1 cents above. The Compact did an extension for 1 year through January 2015. Recently there has been a lot of negative press on the power supply program and its prices. He stated that he and M. Downey contacted CES and sent them the link to the Assembly meeting. They had a meeting with Jorge Lopez to see if the Compact could terminate the contract with CES, and asked CES to send the costs to dissolve the contract. J. Soares and M. Downey met with NextEra Energy, who was next in line in the 2010 bid. They would be willing to keep CES on to do the retail components and are working on a hedging strategy. They would be willing to take over the contract and would spend up to \$6 million to unwind the contract and work the cost in to the price over the term of the contract. M. Downey told the Board that no matter what the Board decides the Compact will be 5.25 mils above NSTAR for 2014. J. Soares stated that that is because competitive suppliers have to reconcile bad debt and back office costs that NSTAR does not have. M. Downey asked if there was anything that the Compact would gain by switching. B. Worth stated that we have all supported CES over the length of our relationship, and that CES is being subjected to bad press.

Here is an opportunity for change and NextEra is a good company. B. Crowell stated that we are always on the side of the consumer, but has reserves about switching without an RFP and taking \$6 million in additional costs. M. Downey stated that there are only 2 suppliers that want to be in this market. J. Bernstein stated that suppliers tend to shy away from sureties and guarantees that are in place. P. Cabana said that they should go out to bid. B. Doherty stated that the Assembly has said that no matter who the supplier is, as long as our prices are higher then we still have an issue. He is concerned that if we cancel our contract with CES then it looks as if we are agreeing that we were getting a bad pricing. D. Keuch stated that he is retired from CES and that people around town don't even know who CES is, and he wants to stay with CES. D. Anthony is concerned that if we unwind from CES, we should eliminate all relations with back office staff and retail operations. He recommends going out to bid and that way we can always say that we went out to bid. It is easier to defend a contract than trying to get out of a contract. He wants to stay with CES until the end of the contract and go out to bid in the spring. B. Crowell agreed and that the NextEra deal could be more expensive. M. Downey took a poll of the Board to see who was interested in staying with CES or who wanted to terminate. The sense of the majority of the board is to stay with CES.

UPDATE ON DPU REGULATORY LITIGATION

J. Bernstein stated that there was a big cost shift on electric bills that was avoided because of CLC participation in filings.

At 5:04 R. Schofield moved to exit Executive Session and adjourn, seconded by B. Worth, voted unanimously.