

Cape Light Compact

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July 29, 2014

Mr. William Rossi, Chair
Board of Selectmen
P. O. Box 119
Chilmark MA 02535

RE: Update on Cape Light Compact Aggregation Plan Review (DPU 14-69)

Dear Mr. Rossi:

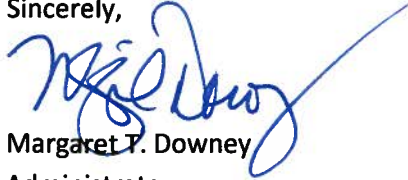
I'm writing to provide an update on the current status the Compact's Aggregation Plan Review, following letters sent on June 12 and July 16.

- The Department of Public Utilities (DPU) has scheduled a technical session on August 6. The purpose of the session is to allow the DPU to discuss with the Compact recommendations the DPU may have on information to include in the revisions to the aggregation plan. Compact staff are looking forward to the session as an opportunity to ensure the aggregation plan fully satisfies the DPU.
- As noted in the June 12 update, the Compact has maintained its position that the purpose of the proceeding should be limited to a review of the revisions to the Compact's aggregation plan. The Compact believes this stance is consistent with enabling legislation and two previous DPU rulings that denied attempts by the Attorney General's office to expand the scope of review of municipal aggregations. One of these rulings, in the Hampshire Council of Government's (HCOG) proceeding to establish a municipal aggregation, denied arguments made by the AG to expand the scope of the proceeding which were nearly identical to those the AG is making in the Compact's proceeding. The AG has appealed the DPU's decision in the HCOG proceeding.
- The Compact has received two sets of information requests from the AG's office. The Compact has not answered some questions that it believes are outside the scope of the proceeding. Again, this is consistent with the Compact's position that the AG is seeking authority over programmatic components of municipal aggregations which enabling legislation doesn't grant her. In response, the AG filed a motion to compel the Compact to provide this information, which is pending an order from the DPU.

- The Compact has offered three times to respond to all of the AG's questions outside the scope of the proceeding, most recently by letter dated July 11. The AG has declined to accept the Compact's offers.
- The Compact is currently working to provide all of the information requested by the AG's questions. Once this is complete, the Compact will post these responses, excluding competitively sensitive data, on its web site (note: competitively sensitive information will be provided to the AG, if requested outside of the Aggregation plan docket).
- In the coming weeks, the Compact expects to receive an additional motion to compel from the AG, for the AG's second set of information requests.

The complexity of this process and the position the Compact has taken with respect to requests from the Attorney General's office has, understandably, led to some confusion over the details. Please contact your representative to the Compact's board if it would be helpful for your representative and/or Compact staff to provide an in-person update and answer questions on the process. We'll continue to provide updates as the proceeding progresses.

Sincerely,



Margaret T. Downey
Administrator

c: Timothy Carroll