



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING



D.P.U. 18-116

November 1, 2018

Petition of the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021.

On October 31, 2018, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth, and Dukes County, acting together as the Cape Light Compact JPE ("Compact"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan, covering calendar years 2019 through 2021 ("Three-Year Plan"). The Compact filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act") and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines Consistent with An Act Relative to Green Communities, D.P.U. 08-50 (2008); D.P.U. 08-50-A (2009); D.P.U. 08-50-B (2009); D.P.U. 08-50-C (2011); D.P.U. 08-50-D (2012). The Department has docketed this matter as D.P.U. 18-116.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans, ("Program Administrators") to develop energy efficiency plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost-effective or less expensive than supply. G.L. c. 25, § 21. To accomplish this goal, Program Administrators are required to develop three-year energy efficiency plans in consultation with the Energy Efficiency Advisory Council ("Council") and submit such plans to the Department for review. G.L. c. 25, § 21. The Green Communities Act requires the Department to: (1) consider the plan; (2) provide an opportunity for interested persons to be heard in a public hearing; and (3) within 90 days after the submission of the plan, issue a decision on the plan that ensures that all energy efficiency and demand reduction resources that are cost-effective or less expensive than supply have been identified and captured by the Program Administrator. G.L. c. 25, § 21.

The Compact's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial customers. The Three-Year Plan also incorporates the Compact's Residential Conservation Service filing pursuant to

G.L. c. 164, App. § 2-7(h). The Compact's proposed budget for the three-year period is \$162,931,023 (i.e., \$45,681,618 in 2019, \$55,799,419 in 2020, and \$61,449,986 in 2021).

If the Compact's Three-Year Plan is approved as proposed, the Compact states that customers could experience the following bill impacts:

- A residential customer (R-1) using 516 kilowatt-hours per month could experience a monthly bill increase of \$1.31 or 1.1 percent in 2019; a monthly bill increase of \$3.96 or 3.3 percent in 2020; and a monthly bill increase of \$1.92 or 1.5 percent in 2021;
- A low-income residential customer (R-2) using 488 kilowatt-hours per month could experience a monthly bill decrease of \$0.33 or 0.5 percent in 2019; a monthly bill increase of \$1.00 or 1.5 percent in 2020; and a monthly bill increase of \$0.43 or 0.6 percent in 2021; and
- Bill impacts for commercial and industrial customers will vary. These customers should contact the Compact for specific bill impact information.

Customers who participate in energy efficiency programs may experience a monthly bill decrease over the duration of the Three-Year Plan. For specific bill impacts, please contact the Compact as indicated below.

A copy of the Compact's Three-Year Plan is on file at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. Documents on the Department's website may be accessed either by browsing for documents by industry (e.g., Electric or Gas) at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/byindustry> or by looking up the docket by its number in the docket database at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "18-116"). A copy is also on file for public view at the Compact's office, 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664 and on the Compact's website. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Compact, Jo Ann Bodemer, Esq. or Jeffrey M. Bernstein, Esq., at (617) 244-9500. Any person desiring further information regarding this notice should contact Sarah A. Smegal, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the proposed Three-Year Plan. The hearing will take place on **Monday, December 3, 2:00 p.m.** at the Department's offices, One South Station – 5th Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **December 3, 2018.**

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a

written petition for leave to intervene with the Department not later than the close of business on **Thursday, November 1, 2018**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Wednesday, November 14, 2018**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business of the second business day after the petition to intervene was filed.

An original and one (1) copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station - 5th Floor, Boston, Massachusetts 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Compact's attorneys, Jo Ann Bodemer, Esq. and Jeffrey M. Bernstein, Esq., BCK LAW, P.C., 271 Waverley Oaks Road, Suite 203, Waltham, Massachusetts 02452, and by email, jbodemer@bck.com and jbernstein@bck.com.

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@mass.gov and to the Hearing Officer, Sarah.Smegal@mass.gov, or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 18-116); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642.

