

**THE COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF PUBLIC UTILITIES**

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Petition of the Cape Light Compact JPE for	)	
Approval by the Department of Public Utilities of its	)	D.P.U. 23-58
Proposed Mid-Term Modifications for the 2022-	)	
2024 Three Year Energy Efficiency Plan	)	

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**PETITION FOR APPROVAL OF MID-TERM MODIFICATIONS TO THE CAPE LIGHT COMPACT JPE’S 2022-2024 THREE YEAR ENERGY EFFICIENCY PLAN**

The towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet and Yarmouth, and Dukes County organized and operating collectively as the Cape Light Compact JPE (the “Compact”) respectfully request approval from the Department of Public Utilities (the “Department”) of mid-term modifications (“MTM(s)”) to the Compact’s 2022-2024 Three-Year Energy Efficiency Plan (“Three-Year Plan”), as approved in *Cape Light Compact JPE*, D.P.U. 21-126 (2022) and *Cape Light Compact JPE*, D.P.U. 22-137 (2023), for effect in the 2023 plan year. The Compact requests this MTM pursuant to §3.8.2(c) of the Department’s Energy Efficiency Guidelines (“Guidelines”) approved in *Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines*, D.P.U. 20-150-A (2021) and pursuant to the 2022-2024 Three Year Plans Order, D.P.U. 21-120 through D.P.U. 21-129 at 225, n.138 (January 31, 2022) (“Three-Year Plans Order”). In support of this Petition, the Compact states the following:

1. The Compact is a municipal aggregator pursuant to G.L. c. 164, §134 and a joint powers entity organized pursuant to G.L. c. 40, §4A1/2 and G.L. c. 164, §134. The Compact’s

Aggregation Plan was approved by the Department in D.T.E. 00-47 (August 10, 2000) and revisions to its Aggregation Plan were approved in D.P.U. 14-69 (2015) and most recently approved in D.P.U. 14-69-B (February 2, 2023). The Compact maintains a business office at 261 Whites Path, Unit #4, South Yarmouth, MA 02664.

2. The design, implementation, and cost recovery of the Compact's energy efficiency programs are subject to the jurisdiction of the Department under the provisions of G.L. c. 164, §134 and G.L. c. 25, §§19, 21.

3. The Department approved the Compact's Three-Year Plan for the calendar years 2022 through 2024, which provides energy efficiency programs for the Compact's residential, commercial and industrial ("C&I") and income-eligible sectors. D.P.U. 21-126. The Department also approved the Compact's Cape & Vineyard Electrification Offering for the calendar years 2023 through 2024 in D.P.U. 22-137.

4. Pursuant to the Guidelines, a Program Administrator may propose for review and approval by the Department (and at the same time, the Energy Efficiency Advisory Council) ("Council"), significant modifications to its three-year plan, including an increase or decrease to a three-year term sector budget that is greater than 10 percent. Guidelines at §3.8.2(c).

5. For the 2022-2024 term, the Department has determined that a Program Administrator may not exceed its planned program budget without approval by the Department. Three-Year Plans Order at 225, n.138. In addition, to qualify for a program budget modification, the Program Administrator must demonstrate that an increase in budget results in an increase in kWh or therm savings. *Id.*, n.139. A Program Administrator that projects it will exceed a program-level budget must simultaneously submit any proposed budget change for review by the Council and review and approval by the Department. *Id.*

6. By this Petition, the Compact requests:

- a three-year term budget increase of \$1,524,986 for its Residential Hard-to-Measure Program (an 11% increase);
- a three-year term budget increase of \$84,568 for its Income Eligible Hard-to-Measure Program (an 8% increase);
- a three-year term budget increase of \$18,161,860 for its Income Eligible Existing Buildings Program (a 93% increase); and
- a three-year term budget decrease of \$13,592,418 for its C&I sector (a 24% decrease).

7. The Compact has included with this Petition the following Exhibits:

- Exhibit CLC-1 (Pre-filed Testimony of Margaret T. Downey);
- Exhibit CLC-2 (Table of Budget, Savings, Benefits, and Cost-Effectiveness);
- Exhibit CLC-3 (Bill Impacts); and
- Exhibit CLC-4 (Narrative Description of MTM).

8. In accordance with the Guidelines, §3.8.2(c) and the Three-Year Plans Order at 225, n.138, the Compact is submitting this Petition and the accompanying exhibits concurrently to the Department and the Council.

9. This Petition is consistent with G.L. c. 25, §21(b)(1), which requires that municipal aggregators with certified efficiency plans pursue “the acquisition of all available energy efficiency and demand reduction resources,” as well as with the Department’s Guidelines for MTMs and additional and supplanting Department directives on MTMs in the Three-Year Plans Order.

**WHEREFORE**, the Compact respectfully requests that the Department:

- (a) approve the Compact's proposed modifications to its Three-Year Plan budget as set forth herein; and
- (b) provide such other and further relief as may be necessary or appropriate.

Respectfully Submitted,

CAPE LIGHT COMPACT JPE

By its attorneys,



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