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August 12, 2021

**VIA ELECTRONIC MAIL ONLY ([dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov))**

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5th Floor  
Boston, MA 02110

Re: *D.P.U. 21-80*  
*NSTAR Electric Company d/b/a Eversource Energy 2022-2025 Grid Modernization Plan*

Dear Secretary Marini:

Enclosed for filing please find the Cape Light Compact JPE's (the "Compact") Petition for Leave to Intervene in the above-referenced proceeding. We have also included a Notice of Appearance of Counsel and Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Rebecca F. Zachas". The signature is written in a cursive style.

Rebecca F. Zachas

RFZ/drb  
Enclosures

cc: Sarah Spruce, Esq., Hearing Officer (via email only)  
DPU 21-80 Service List (via email only)  
Margaret T. Downey, Compact Administrator (via email only)

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES**

NSTAR Electric Company	)	
d/b/a Eversource Energy	)	
2022-2025 Grid Modernization Plan	)	D.P.U. 21-80
	)	

**PETITION FOR LEAVE TO INTERVENE OF THE  
CAPE LIGHT COMPACT JPE**

Pursuant to 220 C.M.R. §1.03 and the Notice of Public Hearing and Request for Comments issued on July 29, 2021 (the “Notice”), 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, a joint powers entity organized pursuant to G.L. c. 40, §4A ½ and G.L. c. 164, §134 (the “Compact”), hereby submit this petition of intervention as a full party in the above-captioned proceeding. As grounds for its petition of intervention, the Compact states the following:

**I. INTRODUCTION**

1. On July 1, 2021, NSTAR Electric Company d/b/a Eversource Energy (“Eversource” or the “Company”) filed with the Department of Public Utilities (the “Department” or “DPU”) a petition for approval of its 2022-2025 Grid Modernization Plan in the above-referenced proceeding. On May 21, 2021, in D.P.U. 20-69-A, the Department issued an Order requiring Eversource to include in its filing a five-year strategic plan including a proposal for full deployment of advanced metering functionality (“AMF”).

2. In this filing, among other things, Eversource proposed \$198.8 million in grid-facing investments and an estimated \$620 million in a full-scale deployment of advanced metering infrastructure (“AMI”) from 2023 to 2028. Investments for the AMI proposal would include AMI meters, communications, and service company information technology.

## **II. BACKGROUND OF THE COMPACT**

3. The Compact is a governmental aggregator under G.L. c. 164, §134 that provides energy services to consumers on Cape Cod and Martha’s Vineyard. The Compact operates a municipal aggregation competitive supply program pursuant to a municipal aggregation plan, most recently approved in D.P.U. 14-69 and administratively updated in accordance with D.P.U. 17-95, which provides electric power supply on an opt-out basis to customers across all customer classes located on Cape Cod and Martha’s Vineyard. The Compact maintains a business office at 261 Whites Path, Unit 4, South Yarmouth, Massachusetts 02664.

4. The purposes of the Compact include, among other things, to negotiate the best terms and conditions for electricity supply and transparent pricing for consumers, to utilize and encourage renewable energy development to the extent practicable through contract provisions and demonstration projects, and to advance consumer protection and interests for the residents of Cape Cod and Martha’s Vineyard. First Amended and Restated Joint Powers Agreement of the Cape Light Compact JPE at Article II.<sup>1</sup>

5. The Compact also provides comprehensive energy efficiency services to Cape Cod and Martha’s Vineyard as a Program Administrator of the Massachusetts Joint Statewide Three-Year Electric and Gas Energy Efficiency Plans, most recently approved in D.P.U. 18-116.

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<sup>1</sup> The Compact’s Joint Powers Agreement is available online at <https://3jy14ha9u771r7qzn35g0s6c-wpengine.netdna-ssl.com/wp-content/uploads/2018/01/First-Amended-and-Restated-JPA-FINAL-12-13-17.pdf>.

The Compact's energy efficiency programs target the residential, income eligible, and commercial & industrial customer sectors. Eversource is the distribution company providing service in the Compact's service territory.

6. The Compact actively participated as a full party in the investigation into Eversource's first grid modernization plan in D.P.U. 15-122, and as a stakeholder in the grid modernization investigation in D.P.U. 12-76, the Department's investigation into time-varying rates ("TVR") in D.P.U. 14-04, and the Department's Phase II Investigation of Grid Modernization in D.P.U. 20-69.

### **III. PARTICIPATION BY THE COMPACT IN THIS PROCEEDING**

#### **A. Factors to be Considered in Determining the Priority of Intervention.**

7. In conducting adjudicatory hearings, the Department "may allow any person showing that he may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding..." G.L. c. 30A, §10(4); 220 C.M.R. §1.03(1)(b).

8. The Compact seeks to intervene in this proceeding as a municipal aggregator operating a competitive power supply program, as a consumer advocate for ratepayers on Cape Cod and Martha's Vineyard, and as an energy efficiency program and demand response administrator (G.L. c. 25, §21) because of potential impacts and precedents that this proceeding may have on its energy efficiency and other programs. The Compact generally supports a smarter electric grid, but has long been concerned about grid modernization investments and principles or policies (e.g., advanced metering, customer education, TVR) that could impact the Commonwealth's competitive markets and customers' power to choose, particularly if

implemented in a way as to disadvantage non-utility participants in the market and energy efficiency programs. Compact Comments, D.P.U. 12-76-A (January 17, 2014).

9. As the Commonwealth's only municipal aggregator program administrator, the Compact can provide its unique expertise and experience as it relates to energy efficiency and demand response matters relevant to this proceeding. The Compact can best serve its members and customers through its active participation in this docket. Absent its participation in this docket, unlike a program administrator that is an electric distribution company, the Compact has no ability to otherwise influence the technologies or investment that would support its energy efficiency and demand response efforts.

10. As noted in Paragraph 6 above, the Compact has participated extensively in prior related dockets. The Compact has raised significant concerns in the past related to ensuring full inclusion of municipal aggregators (and competitive suppliers) to the extent that electric distribution companies can deploy AMF and offer supply TVR programs to its basic service customers. Further, if the Company is able to offer TVR, then it should also be able and required to make available – on reasonable terms and conditions and at reasonable cost – the data necessary for municipal aggregations to likewise be able to offer a supply TVR. See D.P.U. 20-69, Compact Comments at 4-5 (August 13, 2020). Similar issues may be raised in this docket and the Compact seeks to further explore Eversource's proposal in these areas.

11. Accordingly, the Compact's participation in this proceeding will contribute to a full and fair hearing in this proceeding in that the Compact will represent unique interests from its perspective as a municipal energy aggregator and the only non-utility energy efficiency program administrator. The Compact's participation will also help facilitate an appropriate and informed result in this proceeding. The Compact's intervention will neither unduly burden the

Department, Eversource nor any of the other parties that filed to or may intervene in this proceeding in that the Compact will refrain from introducing duplicative or repetitive material and will cooperate in ensuring a speedy and efficient proceeding.

12. Based on the foregoing reasons, the Compact will be substantially and specifically affected by the outcome of this proceeding and should be granted full intervenor status. The Compact can best serve and protect the interests of its members and customers through its active and full participation herein. No other party can adequately represent the Compact in this proceeding.

13. The Compact's intervention is in the public interest. Accordingly, the Compact respectfully requests that the Department permit it to intervene in this proceeding, with all rights attendant to such status.

**B. Evidence to Be Presented.**

14. If this petition is granted, among others, the Compact may present evidence on issues raised related to the deployment of AMI, data sharing by Eversource with municipal aggregations and associated costs, TVR, and performance metrics, as well as implications of the proposed Grid Modernization Plan on customer engagement and competitive supply markets.

**C. Petitioner's Request for Relief.**

15. The Compact asks the Department to allow it to intervene and participate fully in this proceeding in order that its interests as stated above may be fully protected.

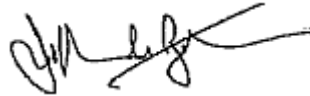
**IV. CONCLUSION**

WHEREFORE, for the above reasons, the Compact respectfully moves that the Department allow this petition to intervene in this proceeding.

Respectfully submitted,

THE CAPE LIGHT COMPACT JPE

By its attorneys,



*Rebecca F. Zachas*

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Dated: August 12, 2021

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES**

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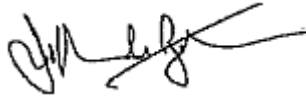
**NOTICE OF APPEARANCE OF COUNSEL**

The undersigned attorneys hereby give notice of their appearance as counsel for the Cape Light Compact JPE in the above-captioned case.

Respectfully submitted,

THE CAPE LIGHT COMPACT JPE

By its attorneys,



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Jeffrey M. Bernstein, Esq. (jbernstein@bck.com)  
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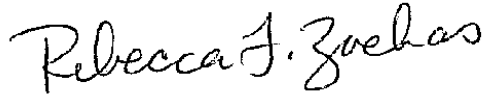
**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES**

NSTAR Electric Company d/b/a Eversource Energy 2022-2025 Grid Modernization Plan	) ) ) ) )	D.P.U. 21-80
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing documents upon Secretary Mark D. Marini and Hearing Officer Sarah Spruce via electronic mail only and upon all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure).

Dated this 12<sup>th</sup> day of August, 2021.



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