



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

TO: Municipal Aggregation Distribution List

FROM: Jessica L. Ellis, Hearing Officer

RE: 2021 Municipal Aggregation Annual Reports, D.P.U. 22-MA

DATE: April 6, 2022

CC: Mark D. Marini, Secretary

I. INTRODUCTION

Each municipality with an approved aggregation plan under G.L. c. 164, § 134 must submit an annual report to the Department of Public Utilities (“Department”). Each municipality shall file its annual report for 2021 (“2021 Municipal Aggregation Annual Report”) with the Department on or before **May 2, 2022** consistent with the filing requirements addressed in Section IV, below.^{1,2}

¹ Pursuant to Town of Becket, et al., D.P.U. 18-133 through D.P.U. 18-144, at 38 (2020), each municipality shall file its annual report on or before May 1st of each year for the previous calendar year. Because May 1, 2022 falls on a Sunday, all 2021 Municipal Aggregation Annual Reports shall be filed on or before the close of business (5:00 p.m.) on the next following business day. 220 CMR 1.02(4).

² To the extent a municipal aggregation program was not fully operational prior to December 31, 2021, the municipality should so indicate in its 2021 Municipal Aggregation Annual Report and include all information described in Section III, below regarding the status of its procurement process.

The required content for the 2021 Municipal Aggregation Annual Reports is described in Section II, below. The accompanying reporting template remains unchanged from the revised reporting template issued on March 23, 2020 in D.P.U. 20-MA.

Finally, in D.P.U. 18-133 through D.P.U. 18-144, at 37-38, the Department established notification requirements for municipalities during the period after plan approval but before a program is fully operational. These requirements are described in Section III, below.

II. 2021 MUNICIPAL AGGREGATION ANNUAL REPORTS

A. Introduction

As the Department continues to gain experience with the operation of municipal aggregation programs, the Department will refine its reporting requirements from time to time and municipalities are required to adhere to all directives in this regard. See e.g., D.P.U. 18-133 through D.P.U. 18-144, at 39. The substance of the 2021 Municipal Aggregation Annual Reports is unchanged from the reporting requirements for 2020. See D.P.U. 21-MA.

B. Reporting Requirements

Each 2021 Municipal Aggregation Annual Report shall contain, at a minimum, the following information:

1. a list of the program's competitive supplier(s) over the past year;
2. the term of each electric service agreement;
3. monthly enrollment statistics by customer class, including customer additions and withdrawals;
4. the number and percentage of customers that opted-out of the program over the year;
5. a description of the standard product and any optional product(s) offered through the program including: (a) the per kilowatt-hour ("kWh") charge for each product; and (b) the percentage of additional Renewable Energy Certificates above required minimums;
6. where a municipality has received Department approval to collect an operational adder: (a) the per kWh operational adder charged during the year;

- (b) the total amount of operational adder funds collected during the year; and
 - (c) a description of the use of such funds by the municipality;
7. total annual kWh sales, by customer class, for the standard product and each optional product;
 8. where a municipality has received a waiver from the information disclosure requirements contained in 220 CMR 11.06(4): (a) a detailed discussion addressing compliance with its approved alternate information disclosure strategy; and (b) relevant documentation demonstrating that competitive supplier has provided the same information to program participants as effectively as the quarterly mailings required under 220 CMR 11.06(4)(c);
 9. a detailed discussion and evidence documenting that the municipality has fully complied with all aspects of its public outreach and education plan, including, at a minimum: (a) a description of all education efforts (initial and ongoing) undertaken during the year; (b) copies of all opt-out notices and other program-related correspondence sent during the year; (c) copies of program-related meeting notices/announcements and minutes of any such meetings; (d) copies of all education and marketing materials used during the year and a description of how and where such materials were used (e.g., traditional media, Web, community outreach, etc.); and (e) screenshot images of all relevant pages of the websites of the municipality and aggregation consultant; and
 10. records of any complaints received by the municipality, its aggregation consultant, or competitive supplier regarding the program and a detailed narrative addressing the response to such complaints (with supporting documents).

C. Reporting Template

The attached reporting template remains unchanged from the revised reporting template issued in D.P.U. 20-MA on March 23, 2020.

III. PRE-OPERATION PROGRAM NOTIFICATION REQUIREMENTS

Unless otherwise ordered by the Department,³ each municipality shall notify the Department in writing within ten days of its program becoming operational (*i.e.*, the date the municipality executes an agreement with a competitive supplier). Until its program is operational, each municipality shall provide quarterly notifications to the Department as to the status of its procurement process (*i.e.*, a brief description of the municipality's supply procurement activities in the previous quarter and whether the municipality intends to solicit bids for program supply in the upcoming quarter). Such updates shall be filed with the Department no later than 45 days prior to the start of each applicable quarterly basic service-pricing period. See D.P.U. 18-133 through D.P.U. 18-144, at 37-38.

IV. FILING REQUIREMENTS

To facilitate the filing of the 2021 Municipal Aggregation Annual Reports, the Department has established docket D.P.U. 22-MA. Each municipality shall file its 2021 Municipal Aggregation Annual Report in D.P.U. 22-MA and include a reference to the docket in which its current municipal aggregation plan was approved. Each municipality shall file its 2021 Municipal Aggregation Annual Report with the Department on or before the close of business (5:00 p.m.) on **May 2, 2022**.

Due to certain ongoing safety measures and precautions put in place due to the COVID19 pandemic, as outlined in the June 15, 2021 Commission Memorandum continuing modified filing requirements, all filings will be submitted only in electronic format in recognition of the difficulty that parties and the Department may have filing and receiving original copies. Until further notice, parties must retain the original paper version and the Department will later determine when the paper version must be filed with the Department Secretary. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. Annual reports must be submitted to the Department in electronic format by e-mail attachment to dpu.efiling@mass.gov.⁴ The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 22-MA); (2) the name of the municipality filing the annual report; and (3) a brief descriptive title of the document (*i.e.*, "2021 Municipal Aggregation Annual Report of [municipality]"). The electronic filing should also include the name, title, and telephone number of a person to

³ The Department may establish more robust pre-operation program notification requirements for an individual municipality on a case-by-case basis. See *e.g.*, City of Boston, D.P.U. 19-65, at 42-43 (2020).

⁴ Given the large number of annual report filings, municipalities should not also submit annual reports by e-mail attachment to the Hearing Officer.

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: <https://eeaonline.eea.state.ma.us/DPU/Fileroom> (enter "22-MA").

Each individual annual report must be electronically filed in searchable, PDF format. Municipal aggregation consultants filing annual reports on behalf of multiple municipalities shall not combine individual annual reports into one paper and/or electronic filing. Data responses should be filed in electronic format using the attached reporting template with all formulae and cell references intact.