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*Admitted in:* MA

June 4, 2024

ELECTRONIC SUBMISSION

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5<sup>th</sup> Floor  
Boston, Massachusetts 02110

Re: Investigation by the Department of Public Utilities on its own Motion into  
Establishing Guidelines for Municipal Aggregation Proceedings - D.P.U. 23-67

Dear Secretary Marini:

On behalf of the Joint Petitioners referenced in the attached Motion for Approval of Municipal Aggregation Guidelines ("Motion"), attached please find the Motion for filing in the above-referenced proceeding.

Please contact me if you require further assistance with respect to this matter.

Thank you for your consideration.

Very truly yours,

  
James M. Avery

JMA/cdw

Attachment

cc: Barry Perlmutter, Utility Analyst (electronic)  
Morgane Treanton, Assistant Director, Electric Power Division (electronic)  
Jeffrey Leupold, Hearing Officer (electronic)  
Lauren Morris, Hearing Officer (electronic)  
Timothy M. Federico, Hearing Officer (electronic)  
Distribution List - D.P.U. 23-67 (electronic)

**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF PUBLIC UTILITIES**

Investigation by the Department of Public Utilities on its own Motion into Establishing Guidelines for Municipal Aggregation Proceedings	) ) ) ) )	D.P.U. 23-67
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**MOTION FOR APPROVAL OF MUNICIPAL AGGREGATION GUIDELINES**

NOW COMES 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 (“Compact”); Colonial Power Group, Inc. (“Colonial”); Good Energy, L.P. (“Good Energy”); Peregrine Energy Group/MassPowerChoice, LLC (“Peregrine;” Colonial, Good Energy and Peregrine are collectively referred to herein as the “Consultants”); City of Boston; the Town of Dartmouth; the Town of Marshfield; the Town of Rockland; Town of Townsend; Department of Energy Resources (“DOER”); Attorney General’s Office; Green Energy Consumers Alliance; Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid; NSTAR Electric Company d/b/a Eversource Energy; Direct Energy Business, LLC, Direct Energy Services, LLC, Energy Plus Holdings, LLC, Green Mountain Energy Company, Inc., NRG Home f/k/a Reliant Energy Northeast LLC and XOOM Energy Massachusetts, LLC (collectively the “NRG Retail Companies”), and PowerOptions, Inc., collectively, the “Joint Petitioners” hereby move the Department of Public Utilities (“Department”), pursuant to 220 CMR 1.05(a), to approve the jointly-negotiated municipal aggregation guidelines (“Guidelines”) and related attachments, provided as Exhibit 1.

The Consultants assist municipalities operating or seeking to develop and operate municipal aggregation plans. On October 6, 2023, many of these municipalities were signatories to Joint Comments filed in this docket, which identified a series of principles they collectively advocated for the Department to follow in its creation of the Guidelines. See Joint Initial Comments of Municipal Aggregators. On behalf of their municipal clients, the Consultants have adhered to those principles in the ensuing months of discussions, negotiations and drafting of the Guidelines during the working group process described below. While a limited number of municipalities represented by the Consultants have also elected to become signatories to this Motion (in addition to the 21 member municipalities of the Compact), the Consultants have updated their municipal clients on the content of the Guidelines and related attachments, and all feedback received by the Consultants has been positive.

The Joint Petitioners submit these Guidelines and attachments for the Department's review and approval. The Guidelines were developed by the Municipal Aggregation Working Group ("Working Group"), which the Department established through a Hearing Officer Memorandum dated December 22, 2023, and facilitated by Department staff. The Guidelines closely track the Example Guidelines developed by Department staff that were the subject of discussion during the technical session held on December 20, 2023 (see Hearing Officer Memorandum, December 13, 2023). The Guidelines adopt the approach that provides for greater discretion for municipalities in the development and implementation of their municipal aggregation plans and programs, accompanied by greater transparency that will allow for improved public scrutiny. In addition, while the Joint Petitioners did not fully agree on all issues, the Joint Petitioners agree that the adoption of the Guidelines and accompanying documents should significantly improve the effectiveness and efficiency of the Department's review and approval of municipal aggregation plans under current law.

With respect to greater discretion, the Guidelines are based on the underlying principle that, to optimize (1) the value that municipal aggregation programs can offer to their constituents;

and (2) the contribution that such programs can make to attaining the Commonwealth's clean energy goals, municipalities require the flexibility to adapt to changing market conditions in a timely manner. For example, the Guidelines do not require a municipality to obtain Department approval to modify products that were identified in its plan or to introduce new products that were not identified in its plan, nor do the Guidelines prescribe the number or types of products a municipality may offer. Instead, the Guidelines rely on transparent notification to constituents, which advises them on their options and how to avail themselves of such options, when a municipality seeks to modify or add products. The Guidelines also reflect the principle that municipalities are best suited to identify the types of supply products that will best meet the wants and needs of their constituents.

An innovative component of the Guidelines is its reference to the DOER's Recommended Best Practices for Advancing Clean Energy in Municipal Aggregation ("DOER's Best Practices"), a document developed by DOER at the request of Department staff and reviewed and modified during the stakeholder process. The Guidelines include two requirements related to DOER's Best Practices. First, municipalities must review and discuss with DOER, as part of its statutorily mandated consultation, DOER's Best Practices - this discussion would occur early in the plan development process. Second, municipalities must discuss in their plans whether they intend to pursue clean energy through their programs, and if so, what factors and criteria the municipality will use to guide its final decision-making regarding clean energy programming for the aggregation, with reference to the DOER Best Practices and the Municipality's consultation with DOER. These requirements are intended to increase the contributions of municipal aggregation programs to attaining the Commonwealth's clean energy goals.

With respect to greater transparency, the Guidelines require that municipal aggregators provide the public with access to program information on an ongoing basis. Specifically, the public will have access, both through the Department's and the municipalities' websites (with limited exceptions) to information related to, among other things, a program's: (1) product rates and rate

components, with a detailed description of the services provided through each component; (2) product renewable energy content, including the types of resources that comprise such content; (3) supply procurement activities; and (4) customer notifications. In addition, the Working Group, under the direction of DOER staff, revised the annual report to ensure that DOER has access to the information necessary to provide analyses of the operation of municipal aggregation programs, while minimizing the effort required of municipalities to provide that information.

The Joint Petitioners note their substantial appreciation of the efforts of Department staff to develop and refine the Guidelines pursuant to the Working Group.

Accordingly, the Joint Petitioners respectfully request that the Department approve the adoption of the Guidelines and related attachments and take such other action as may be necessary and appropriate in connection with such approval.

Respectfully submitted,

CAPE LIGHT COMPACT JPE

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By its attorney,

By its attorney

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Dated: June 4, 2024

EXHIBIT 1

Guidelines



**Guidelines for Municipal Aggregation Plans and Programs, D.P.U. 23-67**

**Department Staff Proposed Final Guidelines (revised)**

May 23, 2024

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- VI. ANNUAL REPORTS
- VII. APPLICABILITY OF RULES GOVERNING THE RESTRUCTURING OF THE ELECTRIC INDUSTRY (220 CMR 11.00)

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- VIII. NOTIFICATIONS TO ELECTRIC DISTRIBUTION COMPANIES
- IX. PLAN AND PROGRAM CHANGES
- X. IMPLEMENTATION OF GUIDELINES
- XI. WAIVER

Attachments

- 1. Attachment III.C - Public Access
- 2. Attachment IV.A - Organizational Structure
- 3. Attachment IV.B.1.c - Equitable Treatment of Customer Classes
- 4. Attachment IV.B.2 - Procurement of Supply
- 5. Attachment IV.B.3 - Product Information
- 6. Attachment IV.B.3.b – DOER Recommended Best Practices for Advancing Clean Energy in Municipal Aggregation Plans
- 7. Attachment IV.B.6.a – Representative Opt-Out Notification
- 8. Attachment IV.B.6.b – Representative Notification of Product Change
- 9. Attachment IV.B.7.b.i - Annual Product Information
- 10. Attachment IV.B.7.b.ii - Annual Rate Component Information
- 11. Attachment IV.B.7.b.iii - Annual Voluntary Renewable Energy Content Information
- 12. Attachment VI. - Annual Report (Excel file)

## GUIDELINES

### I. PURPOSE

These Guidelines set forth (1) the information to be included by a Municipality in its Plan, (2) the information that a Municipality shall provide on an ongoing basis regarding the operation of its Program, (3) the requirements that apply to Electric Distribution Companies related to facilitating the successful operation of Programs, and (4) the Department's review of Plans, pursuant to G.L. c. 164, § 134(a).

### II. DEFINITIONS

**Annual Report** – means the report that Municipalities shall file annually with the Department that includes Program information for the previous year (see Section VI, below).

**Auto-Enroll Customer** – means an Electric Customer who is eligible to be enrolled in a Program on an opt-out basis, specifically all Basic Service customers except for those customers who (1) have informed the Electric Distribution Company they do not want their account information shared with their municipality, or (2) are participating in an optional “green power” program that requires them to remain on Basic Service.

**Basic Service** – means the electric supply product that the Electric Distribution Companies provide to Electric Customers in their service territory that are not receiving an electric supply product from a Competitive Supplier or through participation in a Program.

**Competitive Supplier** – means an entity licensed by the Department to sell electric supply products to Electric Customers, as defined in 220 CMR 11.02.

**Consultant** – means an entity retained by a city or town (or a group of cities or towns) to assist with the development and operation of a Plan and Program.

**DOER** – means the Massachusetts Department of Energy Resources.

**Default Product** – means the Product that participants in a Program receive unless they affirmatively select an alternate Product.

**Department** – means the Massachusetts Department of Public Utilities.

**Electric Customer** – means the customer of record of an account with an Electric Distribution Company.

**Electric Distribution Company** – means an investor-owned entity that provides electric distribution service as a monopoly service to Electric Customers in their specified service territories. The Electric Distribution Companies are Fitchburg Gas and Electric Light Company d/b/a Unitil, NSTAR Electric Company d/b/a Eversource Energy, and Massachusetts Electric Light Company and Nantucket Electric Light Company each d/b/a National Grid.

**Electricity Broker** – means an entity that is licensed by the Department to facilitate or otherwise arrange for the purchase and sale of electric supply and related services to customers, as defined in 220 CMR 11.02.

**Environmental Justice Population** – in Massachusetts, an environmental justice population is a neighborhood where one or more of the following criteria exist:

- the annual median household income is 65 percent or less of the statewide annual

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median household income;

- minorities make up 40 percent or more of the population;
- 25 percent or more of households identify as speaking English less than “very well;” and
- minorities make up 25 percent or more of the population and the annual median household income of the Municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income.<sup>1</sup>

**Guidelines** – means these Municipal Aggregation Guidelines.

**Municipality** – means a city or town (or group of cities or towns) that (1) operates a Program pursuant to G.L. c. 164, § 134(a), or (2) has filed a Plan for Department approval.

**Opt-In Product** - means those Products that Participants in a Program must affirmatively select to receive.

**Opt-Out Notice** – means the document sent to Auto-Enroll Customers to inform them of their right to opt-out of such enrollment (see Section IV.B.6.a, below).

**Participant** – means an Electric Customer that is participating in a Program.

**Petition** – means a petition submitted by a Municipality to the Department for review and approval of a Plan.

**Plan** – means the document that a Municipality submits to the Department for approval to administer a Program pursuant to G.L. c. 164, § 134(a).

**Product** – means an electric supply product available to Participants in a Program.

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<sup>1</sup> See Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs (Updated June 24, 2021) available at <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>.

**Program** – means a program in which a Municipality aggregates Electric Customers located within its municipal boundaries for the purpose of procuring electric supply and energy-related products and services, pursuant to G.L. c. 164, § 134(a).

**Program Supplier** – means the Competitive Supplier that is providing electric supply and, if applicable, energy-related products and services to Participants.

### III. PROCEDURAL REQUIREMENTS

- A. Initiation of the Process – The initial step pursuant to which a town or city may seek to develop a Program is by obtaining local approval pursuant to G.L. c. 164, § 134(a) as follows: (1) a town may initiate a process to aggregate electrical load upon authorization by a majority vote of the town meeting or town council; and (2) a city may initiate a process to aggregate electrical load upon authorization by a majority vote of the city council, with the approval of the mayor/city manager. A Municipality’s Petition shall include documentation of how local approval was obtained.
- B. Consultation with DOER - A town or city (or group of towns or cities) seeking to develop a Program shall consult with DOER in developing its Plan. The consultation should take place prior to public review of the Plan (as set forth below) and shall include review and discussion of the DOER Recommended Best Practices for Advancing Clean Energy in Municipal Aggregation Plans (“DOER Best Practices”), as discussed further in Section IV.B.3.b.iii. The Petition shall include documentation of its completion of a consultation with DOER.
- C. Public Review – A town or city (or group of towns or cities) seeking to adopt a Plan shall allow for public review of such proposed Plan for a minimum of 30 calendar days. The Petition shall:
1. identify the dates during which the proposed Plan was available for public review;
  2. identify and describe the ways by which the public could access the Plan, in the format shown in Attachment III.C (“Public Access”);
  3. describe how the Municipality provided access to the Plan for those who: (1) are hard to reach, have limited English proficiency, require audial or visual assistance, and/or may not routinely access the Municipality’s website; and/or (2) reside in an Environmental Justice Population; and
  4. describe the process by which the Municipality incorporated public feedback.

Recommended practice - Municipalities should provide access to the Plan through a link prominently displayed on the municipal website. If a Municipality did not, or does not expect to do so, the Plan shall provide an explanation.

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### IV. PLAN ELEMENTS

Pursuant to G.L. c. 164, § 134(a), a Plan shall include the following elements:

#### A. Organizational Structure

A Plan shall identify the entity or entities (i.e., Municipality, Consultant, Program Supplier) that will perform core functions of the Program. For each such function, the Plan shall identify where in the Plan the tasks are described or provide a description of such tasks. A Plan shall provide this information in the format shown in Attachment IV.A.

#### B. Program Operations

##### 1. Statutory Requirements

Pursuant to G.L. c. 164, § 134(a), a Plan shall provide for:

- a. Universal Access – A Plan shall specify that all Electric Customers residing or located in the Municipality are eligible to participate in the Program, whether through an automatic enrollment process or upon request of the customer to join the Program (see Section IV.B.5, below). The Plan shall describe all proposed conditions or restrictions on participation in the Program.
- b. Reliability – A Plan shall describe the steps the Municipality will take to ensure a continuous power supply for Participants, thus ensuring that the Program can serve Participants without interruption (see Section IV.B.2, below). The Plan shall demonstrate that the Municipality has the technical expertise necessary to operate and manage the Program, for example, through retaining a Consultant that is an Electricity Broker licensed to provide municipal aggregation consulting services. The Department deems that those entities that are (1) Electricity Brokers and (2) providing consulting services to Department-approved Programs in the Commonwealth on or before the date of issuance of these Guidelines, are licensed to provide municipal aggregation consulting service.
- c. Equitable Treatment of Customer Classes – A Program shall treat all Participants that are similarly situated equitably. A Plan shall identify those Plan elements for which there may be variances in treatment between customer classes or subclasses, in the format shown in Attachment IV.B.1.c, and explain why the varied treatment is reasonable and appropriate in consideration of the disparate characteristics of each customer class or subclass.

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2. Procurement of Supply - A Plan shall identify:
  - a. the steps by which the Municipality intends to procure supply for the Program, including (but not limited to) issuance of a request for quotes and proposals, evaluation/selection of bids or proposals, and negotiating and executing contracts with selected Competitive Suppliers; and
  - b. an expected timeline for each step.

Within fourteen days of Department approval of its Plan, a Municipality shall file updated expected timelines for the procurement of supply in its docketed proceeding and with the Electric Distribution Companies serving Electric Customers within the Municipality. A Municipality shall file such updates monthly until the Municipality has provided notification of contract execution to the applicable Electric Distribution Company, as set forth in Section VIII.B.

A Plan shall provide this information in the format shown in Attachment IV.B.2.

3. Product Information
  - a. Rate Setting
    - i. A Plan shall identify the components that will comprise the rates to be charged to Participants, including but not limited to, costs associated with: (1) supply and renewable energy content, (2) Consultant services, (3) Municipality services, and (4) other services related to the Program. The Plan shall provide this information in the format set forth in Attachment IV.B.3.
    - ii. If, at the time of a Plan filing, a Municipality has not determined (1) the number of Products, (2) the value of a rate component of a Product, or (3) whether to include a rate component for Consultant, Municipality, or other Program-related services, the Plan shall identify and describe the factors/criteria that the Municipality will consider in making such determinations.
    - iii. The Plan shall specify that all funds collected through rates will be used specifically for the benefit of the Program.
  - b. Renewable Energy Content
    - i. A Plan shall identify and describe the renewable energy content for each Product, in the format shown in Attachment IV.B.3.

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- ii. If, at the time of a Plan filing, a Municipality has not determined the number of Products or the level of renewable energy content of a Product, the Plan shall identify and describe the factors/criteria that the Municipality will consider in making such determinations.
- iii. Clean Energy Best Practices - Municipalities should consider the best practices set forth in DOER Best Practices, as may be updated periodically after consultation with the Department and stakeholders. A Plan shall discuss if the Municipality intends to pursue clean energy through its Program, and if so, what factors and criteria the Municipality will use to guide its final decision-making regarding clean energy programming for the aggregation, with reference to the DOER Best Practices and the Municipality's consultation with DOER.

### c. Other Energy-Related Products and Services

A Plan shall identify and describe other energy-related products and services that the Municipality will offer to Participants. If, at the time of a Plan filing, a Municipality has not determined whether to offer such products and services, the Plan shall identify and describe the factors/criteria that the Municipality will consider in making such a determination.

## 4. Other Funding Sources/Other Costs to Participants

- a. A Plan shall identify:
  - i. sources of Program funding other than Product rates, and explain how the funding will be used for the benefit of the Program; and
  - ii. the types of costs that Participants will incur outside of Product rates.

## 5. Customer Enrollment

### a. Initial Enrollment

- i. Pursuant to G.L. c. 164, § 134(a), a Municipality may enroll Auto-Enroll Customers within 30 days after its Plan becomes operational, provided that, prior to enrollment, the Municipality shall provide such customers the opportunity to opt-out (see Section IV.B.6.a, below).
- ii. Auto-Enroll Customers that do not opt-out will be enrolled in the Default Product unless they affirmatively



select an Opt-In Product.

- iii. If a Municipality does not begin the initial enrollment of Participants within two years of Department approval, the Department will deem the Program to be terminated. A Municipality that seeks to reinstate its Program must comply with the procedural requirements set forth in Section III, above.

b. Ongoing Enrollment

A Plan shall identify the way in which the Municipality intends to provide:

- i. new Electric Customers with the opportunity to enroll in the Program. If the Municipality intends to automatically enroll new Auto-Enroll Customers, the Plan shall specify that the Municipality will provide these customers with the opportunity to opt-out that is consistent with the opt-out provisions for initial enrollments; and
- ii. Electric Customers that are not eligible for automatic enrollment with the opportunity to enroll in the Program on an opt-in basis.

c. Opt-In Products

- i. A Plan shall identify the actions a Participant must take to enroll in an Opt-In Product;
- ii. A Plan shall specify that the Municipality will notify Participants enrolled in an Opt-In Product prior to any change in the product's rates and/or renewable energy content. At the commencement of the new price/renewable energy content, Participants will continue to receive their current Product, subject to the new applicable price and renewable energy content, unless the Participant informs the Municipality otherwise; and
- iii. A Plan shall specify that a Participant enrolled in an Opt-In Product that is being discontinued must affirmatively select another Product – if the Participant does not make such a selection, the Participant will be enrolled in the Default Product.

6. Customer Notifications

a. Opt-Out Notice

- i. A Plan shall specify that the Municipality will (1) deliver an Opt-Out Notice to all Auto-Enroll Customers prior to

enrollment, and (2) provide these customers with at least 30 calendar days, plus an additional six days to account for delivery, to opt-out.

- ii. Pursuant to G.L. c. 164, § 134(a), the Opt-Out Notice shall inform Auto-Enroll Customers, in advance of automatic enrollment: (1) that they are to be automatically enrolled in the Program; (2) that they have the right to opt-out of the Program without penalty; and (3) of the actions that a customer must take to opt-out. The Opt-Out Notice shall (1) prominently state all charges to be made, and (2) include full disclosure of the Basic Service rate, how to access it, and the fact that it is available to them without penalty.
- iii. A Plan shall include a representative form of the Municipality's proposed Opt-Out Notice. Such notice shall include the information required by statute, as well as: (1) Product information related to price, term, and renewable energy content for both the Default and Opt-In Products; and (2) the actions that an Auto-Enroll Customer must take to select an Opt-In Product. The Plan shall identify the steps the Municipality will take to address residents with limited English proficiency.
- iv. The Opt-Out Notice shall present the Product information as set forth in Attachment IV.B.6.a.
- v. Recommended practice – Municipalities should:
  - (a) send Opt-Out Notices in a clearly marked municipal envelope that identifies it contains important information regarding participation; and
  - (b) include a self-addressed, postage-paid envelope for the opt-out reply card.

If a Municipality does not expect to follow these practices, the Plan shall provide an explanation.

b. Notification of Product Change

A Plan shall specify that the Municipality will notify Participants of changes in price or renewable energy content of Products. The notification shall identify both the existing and new price and renewable energy content, and identify the actions a Participant must take if they no longer seek to purchase the existing Product. The notification of product change shall present the Product information as set forth in Attachment IV.B.6.b.

c. Other Notifications

- i. General Program Information - After obtaining approval of its Plan, a Municipality may deliver information and educational materials regarding its Program to each Electric Customer within the Municipality. The Electric Distribution Company serving Electric Customers within the Municipality shall use best efforts to provide the Municipality, upon request but no more often than quarterly, with the customer name, mailing address (and service address, if different), and rate class to facilitate such notifications. The Electric Distribution Companies shall not include information for Electric Customers that have informed the Electric Distribution Company they do not want their account information shared with their municipality. A Plan shall specify that the Municipality will not share this information with Program Suppliers.

Recommended practice – To the extent that a Municipality expects to send such notifications to competitive supply customers, the notification should inform those customers that, if they enroll in the Program, they may incur an early cancellation fee, and that they should check with their supplier on this matter before enrolling. If a Municipality did not, or does not expect to do so, the Plan shall explain why.

- ii. Program Supplier Communications - Upon consultation with and approval from the Municipality, a Program Supplier under an active contract with the Municipality may communicate with Participants regarding the Program and, if applicable, energy-related products or services.

7. Access to Ongoing Program Information

A Municipality shall make the Program-related information listed in (a) through (c) below publicly available. A Plan shall identify and describe the ways in which the Municipality will make this information available to the public, in the format shown in Attachment III.C. The Plan shall describe how the Municipality will provide access for those who: (1) are hard to reach, have limited English proficiency, require audial or visual assistance, and/or may not routinely access the Municipality's website; and (2) reside in Environmental Justice Populations.

Recommended practice - Municipalities should provide access to ongoing Program information through a link prominently displayed on the municipal website. If a Municipality does not expect to do so, the Plan shall provide an explanation.

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a. Updated Product Information

Upon any change in price or renewable energy content of a Product, a Municipality shall provide the updated Product information as set forth in Attachment IV.B.3.

b. Annual Program Information for the Previous Year

A Municipality shall provide the following information for the previous calendar year:

- i. Product rate components, renewable energy content, and participation, as forth in in Attachment IV.B.7.b.i;
- ii. For each Product rate component identified in Attachment IV.B.7.b.i, the revenue collected, as set forth in Attachment IV.B.7.b.ii. For each rate component, the Municipality shall provide a detailed accounting of the services provided;
- iii. For each renewable energy category identified in Attachment IV.B.7.b.i, the number of megawatt-hours of electricity provided through the Program that will be matched to voluntary renewable energy certificates, as set forth in Attachment IV.B.7.b.iii. For each renewable energy category, the Municipality shall identify the mechanism (e.g., NEPOOL Generation Information System) by which the purchases/retirements of renewable energy certificates was tracked;
- iv. Organizational structure, in the format shown in Attachment IV.A;
- v. Equitable treatment of customer classes, in the format shown in Attachment IV.B.1.c;
- vi. Procurement of supply, in the format shown in Attachment IV.B.2;
- vii. Ways in which the Municipality made ongoing Program information available to the public during the previous year, in the format shown in Attachment III.C; and
- viii. *[if applicable]* Other Funding Sources/Other Costs to Participants.

A Municipality shall also provide representative copies of customer notifications sent during the previous year (see Section IV.B.6, above).

c. General Program Information

A Municipality shall provide Program-related (1) documents (e.g., Plan,

press releases, Department Orders) and (2) information (e.g., Program description, consumer choice, continuing role of the Distribution Company, etc.).

8. Program Termination

- a. A Plan shall describe: (1) the circumstances that would cause the Municipality to terminate the Program; (2) the actions the Municipality will take to minimize the chances of these circumstances arising; (3) the steps the Municipality will take to ensure that Participants are returned to Basic Service in an orderly fashion in the event of Program termination under each circumstance; and (4) the notification process to Participants, the Electric Distribution Companies serving Electric Customers within the Municipality, and the Department.
- b. A Municipality that has terminated a Department-approved Program and seeks to file a new Plan for Department approval may not file such Plan for a minimum of two years from the date of termination, defined as the date by which the Municipality has returned all Participants to Basic Service. A Municipality must comply with the procedural requirements set forth in Section III, above. The new Plan must provide a full explanation of the circumstances that led to the termination and the steps the Municipality has taken to protect against another termination.

C. Rights and Responsibilities of Program Participants

The Plan shall provide that Participants may: (1) select any of the Products offered to the applicable customer class or subclass; (2) switch from one Product to another by contacting the Municipality; and (3) leave the Program at any time by contacting the Municipality or the Electric Distribution Company.

Recommended practice - Municipalities should allow Participants to leave the Program at any time without penalty. If a Municipality does not intend to follow this practice, the Plan shall provide an explanation.

V. DEPARTMENT REVIEW OF MUNICIPAL AGGREGATION PLANS

- A. Pursuant to G.L. c. 164, § 134(a), a Municipality shall submit its Plan to the Department for review and approval. The Department may schedule a conference with the Municipality or its representative to discuss any aspect of the Petition or Plan that may need revision or clarification. The Department may request supplemental information to better determine whether the Plan complies with the statutory requirements addressed above. The Department will include the Municipality official(s) identified in Attachment IV.A on all correspondences.
- B. The Department will issue a written Order with its final decision on all Plans within 120 days of the date on which a Plan was filed, except as set forth

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below. If, upon review, the Department finds that a Plan includes the information requirements set forth above (including supplemental information provided by the Municipality at the request of the Department), the Department will approve the Plan as filed. Conversely, if upon review, the Department finds that a Plan does not include the required information (including supplemental information requested by the Department), the Department will not approve the Plan and will identify the information the Plan must include to warrant Department approval.

- C. The Department's review of a Plan submitted by a Municipality that previously terminated its Department-approved Program may exceed 120 days, reflecting the fact that the Department may need additional time to investigate whether: (1) the Plan sufficiently explains the circumstances that led to the termination, and (2) the steps the Municipality has taken to protect against another termination are sufficient.

## VI. ANNUAL REPORTS

A Plan shall specify that the Municipality will submit an Annual Report to the Department, on a date to be specified, that includes Program information for the previous year. The Annual Report shall consist of two components: (1) an Excel spreadsheet, in the format specified in Attachment VI, and (2) a document that includes the following attachments:

- (a) Attachment III.C (Public Access)
- (b) Attachment IV.A (Organizational Structure);
- (c) Attachment IV.B.1.c (Equitable Treatment of Customer Classes);
- (d) Attachment IV.B.2 (Procurement of Supply);
- (e) Attachment IV.B.6.a (Representative Opt-Out Notification);
- (f) Attachment IV.B.6.b (Representative Notification of Product Change);
- (g) Attachment IV.B.7.b.i (Annual Product Information);
- (h) Attachment IV.B.7.b.ii (Annual Product Rate Component Information);
- (i) Attachment IV.B.7.b.iii (Annual Renewable Energy Content Information).

## VII. APPLICABILITY OF RULES GOVERNING THE RESTRUCTURING OF THE ELECTRIC INDUSTRY (220 CMR 11.00)

- A. Municipalities – Department rules applicable to Aggregators and Electricity Brokers, as defined in 220 CMR 11.02, do not apply to Municipalities. Specifically, Municipalities are exempt from the requirement:
- 1. to obtain a license as an Electricity Broker, pursuant to 220 CMR 11.05(2);

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2. to obtain customer authorization to enroll customers in the Program, pursuant to G.L. c. 164, § 1F(8)(a) and 220 CMR 11.05(4).
- B. Program Suppliers - Program Suppliers will be subject to the rules and regulations that apply to Competitive Suppliers, subject to the following waivers and clarifications:
1. Program Suppliers are exempt from the requirement to mail information disclosure labels to Participants as set forth in 220 CMR 11.06.
  2. Of the requirements set forth in D.P.U. 19-07-A (2020), Municipalities and Program Suppliers shall be subject only to the Website initiative.

The subject matter of these requirements is addressed by Section IV.B.6 (Customer Notifications) and Section VI (Annual Reports) of these Guidelines.

VIII. NOTIFICATIONS TO ELECTRIC DISTRIBUTION COMPANIES

- A. Plan Filing – A Municipality shall notify each Electric Distribution Company serving Electric Customers within the Municipality upon (1) submitting its proposed Plan to DOER for consultation, (2) filing its initial Plan with the Department, and (3) receiving a Department Order approving its Plan.
- B. Electric Supply Agreement Signing – A Municipality shall (1) notify each Electric Distribution Company serving Electric Customers within the Municipality when the Municipality has executed an agreement with a Program Supplier, and (2) direct the Program Supplier to provide the Electric Distribution Company with the information necessary to enroll customers with the Program Supplier. Customer enrollment shall begin no sooner than 60 days from when the Program Supplier provides the necessary information. The Municipality shall file the notification in its docketed proceeding.

IX. PLAN AND PROGRAM CHANGES

- A. A Municipality may modify its Plan in a manner consistent with these Guidelines provided that it allows at least 30 calendar days for public review of the revised Plan. Following public review, the Municipality shall make the Plan publicly available (see Section IV.B.7, above) and submit the revised Plan to the Department for informational purposes. If a Municipality is uncertain whether a proposed revision is consistent with these Guidelines, it may request a consultation with the Department.
- B. Program Consultant - A Municipality shall notify the Department in writing in the event it hires a new Consultant. Such notice shall (1) identify the new Consultant and (2) include documentation that the Consultant is an Electricity Broker licensed to provide municipal aggregation consulting services (see Section IV.B, above).

X. IMPLEMENTATION OF GUIDELINES

Municipalities whose Plans were approved by the Department prior to the issuance date of these Guidelines do not need to file a revised Plan for Department approval. However, such Municipalities must comply with the requirements set forth in Sections IV.B.6 (Customer Notifications), IV.B.7 (Access to Ongoing Program Information), and VI (Annual Reports), above, in place of the corresponding requirements in their Plans.

XI. WAIVER

The Department may, where appropriate, grant an exception or waiver from any provision of the Guidelines.



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**Guidelines for Municipal Aggregation Proceedings, D.P.U. 23-67**

**Department Staff Proposed Final Guidelines - Attachments**

May 23, 2024

Attachment III.C	Public Access
Attachment IV.A	Organizational Structure
Attachment IV.B.1.c	Equitable Treatment of Customer Classes
Attachment IV.B.2	Procurement of Supply
Attachment IV.B.3	Product Information
Attachment IV.B.3.b	DOER Recommended Best Practices for Advancing Clean Energy in Municipal Aggregation Plans
Attachment IV.B.6.a	Representative Opt-Out Notification
Attachment IV.B.6.b	Representative Notification of Product Change
Attachment IV.B.7.b.i	Annual Product Information
Attachment IV.B.7.b.ii	Annual Product Rate Component Information
Attachment IV.B.7.b.iii	Annual Voluntary Renewable Energy Content Information
Attachment VI	Annual Report (Excel file)

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**Attachment III.C  
 Public Access**

Table III.C sets forth the format by which a Plan should present information related to public access to: (1) the proposed Plan, pursuant to Guidelines, Section III.C; and (2) ongoing Program information, pursuant to Guidelines, Sections III.C and IV.B.7.

<b>Table III.C - Public Access to Plan/Ongoing Program Information</b>	
<b>Location (i)</b>	<b>Description</b>
Municipal website	
Program website	
Communication vehicles/ Outreach activities	
Social media accounts	
Municipal cable access TV	
Municipal listserv	
Announcement to local/ regional media	
Physical posting in municipal buildings	
Municipal departments, boards, and committees	
Community organizations	

Notes

- (i) The locations and outreach activities identified in Table III.C are provided for illustrative purposes. A Municipality should identify locations and outreach activities that are specific to the Municipality.

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**Attachment IV.A  
 Organizational Structure**

Table IV.A sets forth the format by which: (1) a Plan shall present information related to the Program’s organizational structure, pursuant to Guidelines, Section IV.A; and (2) a Municipality shall present this information for the previous year, pursuant to Guidelines, Section IV.B.7.b.iv.

<b>Table IV.A – Organizational Structure</b>				
<b>Core Functions</b>	<b>Performing Entity (i)</b>			<b>Plan section in which tasks are described (ii)</b>
	Municipality	Consultant	Supplier	
Liaisons/Representatives/Agents				
Municipal Representative/Agent before Department (iii)				<i>Section V</i>
Liaison with DOER				<i>Section III.B</i>
Liaison with Electric Distribution Companies				<i>Section VIII</i>
Plan Elements				
Procurement of Supply				<i>Section IV.B.2</i>
Product Determination				<i>Section IV.B.3</i>
Other Funding/Costs				<i>Section IV.B.4</i>
Customer Enrollment				<i>Section IV.B.5</i>
Customer Notifications/Outreach/Education				<i>Section IV.B.6</i>
Ongoing Program Information				<i>Section IV.B.7</i>
Program Termination				<i>Section IV.B.8</i>
Annual Reports				<i>Section VI</i>
Customer Service (iv)				
Other ( <i>description</i> )				

Notes

- (i) For Programs in which multiple Municipalities participate, these columns may be adjusted to better reflect the way in which the Municipalities operate the Program.
- (ii) Municipalities should include this column only when submitting Table IV.A as part of the Plan.
- (iii) Provide contact information (name, phone number(s), and email address) for a municipal official that the Department will include on all correspondences with the entity identified as the liaison.
- (iv) Provide customer service contact information (name, phone number(s), and email address) for the Municipality, Consultant, and Supplier



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**Attachment IV.B.2  
 Procurement of Supply**

Table IV.B.2 sets forth the format by which: (1) a Plan shall present information related to the expected timeline for the procurement of supply, pursuant to Guidelines, Sections IV.B.2; and (2) a Municipality shall present supply procurement information for the previous year, pursuant to Guidelines, Section IV.B.7.b.vi.

<b>Table IV.B.2 - Procurement of Supply</b>	
<b>Procurement Steps (i)</b>	<b>Expected Timeline (ii)</b>
Issue RFQs/RFPs	
Evaluate/Select Bids	
Negotiate/Execute Contracts	
Other (description)	

Notes

- (i) The Procurement Steps identified in Table IV.B.2 are provided for illustrative purposes. A Plan/Municipality shall identify those procurement steps that are specific to the Program.
- (ii)
  - (a) For the purpose of the Plan, the expected timeline shall be expressed as the number of days after Department approval on Day 0.
  - (b) For the purpose of providing updated expected timelines upon Department approval of the Plan, a timeline shall use actual dates (or range of dates).
  - (c) For the purpose of providing annual Program information for the previous year, a Municipality shall identify the actual timeline (and delete the term “Expected”).

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**Attachment IV.B.3  
 Product Information**

Table IV.B.3 sets forth the format by which a Plan shall present information related to Product rates and renewable energy content, pursuant to Guidelines, Section IV.B.3. When presenting updated Product information pursuant to Guidelines, Section IV.B.7.a, a Municipality may modify the table to provide the information in what it considers to be a more useful format.

<b>Table IV.B.3 - Product Information</b>		
	<b>Product # 1</b>	<b>Product # 2</b>
<b>Rate Components (in \$/kWh)</b>		
Supply and Renewable Energy Content		
Consultant Services		
Municipality Services		
Other Services (description)		
TOTAL		
<b>Renewable Energy Content (in % of total)</b>		
Required		
Voluntary	RPS Class I	
	National Wind	
	Other (description)	
TOTAL		
<b>Supplier Name</b>		
<b>Effective Dates</b>		

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**Attachment IV.B.6.a  
 Representative Opt-Out Notification**

Table IV.B.6.a identifies the Product information that an Opt-Out Notice shall include, pursuant to Guidelines, Section IV.B.6.a. A Municipality may modify the table to provide this information in what it considers to be a more useful format.

<b>Table IV.B.6.a - Product Information</b>					
		<b>Municipal Aggregation Products</b>		<b>Basic Service</b>	
		<b>Product # 1 (Default)</b>	<b>Product # 2 (Opt-In)</b>	<b>Existing</b>	<b>Upcoming (if known)</b>
<b>Price</b> (in \$/kWh)					
<b>Renewable Energy Content (in % of total)</b>					
Required					
Voluntary	RPS Class I				
	National Wind				
	Other ( <i>describe</i> )				
TOTAL					
<b>Supplier Name</b>					
<b>Effective Dates</b>				(Feb – Jul)	(Aug – Jan)

**Attachment IV.B.6.b**  
**Representative Notification of Product Change**

Table IV.B.6.b sets forth the Product Information that a Notification of Product Change shall include, pursuant to Guidelines, Section IV.B.6.b. A Municipality may modify the table to provide this information in what it considers to be a more useful format.

<b>Table V.B.6.b - Product Information</b>			
<b>Product Name</b>			
		<b>Current</b>	<b>New</b>
<b>Price (in \$/kWh)</b>			
<b>Renewable Energy Content (in % of total)</b>			
Required			
Voluntary	RPS Class I		
	National Wind		
	Other ( <i>describe</i> )		
TOTAL			
<b>Supplier Name</b>			
<b>Effective Dates</b>			



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**Attachment IV.B.7.b.i  
 Annual Product Information**

Table IV.B.7.b.i sets forth the Program information a Municipality shall include in presenting Product information for the previous year, pursuant to Guidelines, Section IV.B.7.b.i. A Municipality may modify the table to provide this information in what it considers to be a more useful format. [*Note – This table should not be included in Plans.*]

<b>Table IV.B.7.b.i Annual Product Information – Residential (i)</b>				
		<b>Product # 1 (Default)</b>		<b>Product # 2 (Opt-In)</b>
<b>Rate Components</b> (in \$/kWh)				
Supply and Renewable Energy Content				
Consultant Services				
Municipality Services				
Other Services				
TOTAL				
<b>Renewable Energy Content</b> (in % of total)				
Required				
Voluntary	RPS Class I			
	National Wind			
	Other (describe)			
TOTAL				
<b>Participants</b>				
		#	kWh	# kWh
Residential				
Low-Income				
Small Commercial & Industrial				
Large Commercial & Industrial				
TOTAL				
<b>Supplier Name</b>				
<b>Effective Dates</b>				

Notes

(i) Municipalities should provide Product information for all customer classes.

**Attachment IV.B.7.b.ii**  
**Annual Product Rate Component Information**

Table IV.B.7.b.ii sets forth the format by which a Municipality shall present information related to Product rate components identified in Table IV.B.7.b.i during the previous year, pursuant to Guidelines, Section IV.B.7.b.ii. [*Note – This table should not be included in Plans.*]

<b>Rate Component (i)</b>	<b>Revenue (in \$)</b>
Supply and Renewable Content	
Consultant Services	
Municipality Services	
Other Services	

Notes

- (i) For each rate component identified in Table IV.B.7.b.ii, the Municipality shall provide a detailed accounting of the services provided.

**Attachment IV.B.7.b.iii  
 Annual Voluntary Renewable Energy Content Information**

Table IV.B.7.b.iii sets forth the format by which a Municipality shall present information related to the megawatt-hours of electricity provided through the Program during the previous year that will be matched to voluntary renewable energy certificates (*i.e.*, the certificates issued to renewable energy resources for each megawatt-hour of electricity they produce) purchased/retired during that year, pursuant to Guidelines, Section IV.B.7.b.iii. [*Note – This table should not be included in Plans.*]

<b>Table IV.B.7.b.iii – Voluntary Annual Renewable Energy Information</b>	
<b>Category of Renewable Energy (i)</b>	<b>MWh/Certificates (ii)</b>
RPS Class I	
National Wind	
Other	

*Notes*

- (i) For each category, the Municipality shall identify the mechanism (*e.g.*, NEPOOL Generation Information System) by which the purchases/retirements were tracked.
- (ii) A Municipality shall identify, with explanation, instances in which the number of renewable energy certificates purchased/retired exceeds the megawatt-hours of electricity provided through the Program.

ATTACHMENT VI

Annual Report

Excel Spreadsheets Provided Separately