

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

TOWN OF ADAMS	)	D.P.U. 20-103
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**PETITION OF TOWN OF ADAMS FOR APPROVAL OF  
LIMITED AMENDMENT TO ITS AGGREGATION PLAN  
ESTABLISHED PURSUANT TO M.G.L. c. 164, §134**

**I. INTRODUCTION**

The Town of Adams (“Town”) hereby petitions the Massachusetts Department of Public Utilities (“Department”) for approval, pursuant to M.G.L. c. 164, §134 (“Section 134”), of certain limited amendments to its established Community Choice Power Supply Program’s Aggregation Plan in the form of a restated plan (“Amended Plan”) (see Exhibit 1 for the form of Amended Plan). The Town has proposed to make essentially one change to its approved and operational Aggregation, namely adding the ability to provide certain “optional product(s),” including service with a higher renewable energy “content.” This same feature has been presented to and approved by the Department on numerous occasions and the Town is employing proposed terms and conditions within its Amended Plan that have been approved by the Department, including in recent decisions.

The Town has presented this petition in a manner consistent with the Department’s February 26, 2020 Memorandum establishing “Uniform Plan Filing Requirements.” The Town appreciates the Department’s effort to “streamline the review of future municipal aggregation plan filings and to minimize the amount of required discovery.” The Town has also taken further actions consistent with the Department’s objectives with the hope of further streamlining the process for the review of the proposed minor and accepted form of change to its Aggregation Plan, particularly in light of the Town’s experience in the administration of its Aggregation Plan. First, the Town has not only included a blacklined version of its updated Aggregation Plan to the Aggregation Plan of the City of Haverhill, a plan recently approved by the Department (stamp approval dated July 1, 2020 in D.P.U. 19-17), but, for convenience, has presented a blackline version reflecting changes to the Town’s established Aggregation Plan approved in the docket described below (see Exhibit 7). Please note that the Town also incorporated all changes directed to be adopted to the Aggregation Plan approved for the City of Boston (the Department’s order being issued shortly after that for Haverhill) but did not incorporate provisions relating to Boston’s specific policy goals and objectives reflected in Section 3 of the Boston plan. Second, the Town and its consultant will monitor Department orders and directives with respect to any additional changes to Aggregation Plan requirements and will update the Town’s Aggregation Plan at an appropriate time, including in any compliance filing required in this proceeding. As a result, the Town respectfully request that, after any required public

comment hearing, the Department consider a “stamp approval” of this proposed, minor amendment so that the Town may more expeditiously respond to the interests of its residents in the “optional product(s)” reflected in the amendment presented with this petition while minimizing the administrative burden for all stakeholders.

## **II. BACKGROUND ON THE TOWN OF ADAMS’ AGGREGATION PLAN**

On October 14, 2015, the Town filed with the Department a petition for approval of its Aggregation Plan pursuant to M.G.L. c. 164, §134. The Department docketed the Town’s original petition as D.P.U. 15-69. On December 29, 2015, the Department issued an Order approving the Town’s original Aggregation Plan, concluding that it was consistent with the requirements established in M.G.L. c. 164, §134. The Town has established and implemented a Community Choice Power Supply Program pursuant to which the Town “aggregates” the load of electric customers located within the Town in order to procure alternative competitive sources of supply for electricity for Program participants. Eligible customers are automatically enrolled in the Program unless they choose to “opt-out.” M.G.L. c. 164, §134(a). The Town retained Colonial Power Group, Inc. (“CPG”) as a consultant to assist in the design, implementation, and administration of the Plan and Program.

## **III. PROPOSED AMENDMENT TO THE PLAN**

The sole proposed change to the Town’s Aggregation Plan is set forth in the Amended Plan (Section 3.2 – Optional Product). The Town proposes to update the Aggregation Plan, subject to Department approval, with the addition of the ability of the Town to provide one or more “optional product(s)”. The proposed amendment will confirm the Plan’s authority to offer participating customers an alternative to the Plan’s so-called standard product in the form of alternative energy offerings which may, but shall not be required to, incorporate Renewable Energy Certificates (“RECs”) beyond the required minimum Massachusetts Renewable Portfolio Standard (“RPS”) obligation. The Town will notify customers of the availability of the “optional product(s)” and the respective price difference(s) as they are made available.

In the course of the Town’s consultation with the Massachusetts Department of Energy Resources (“DOER”) described below, the DOER requested that the Town make two minor changes to Sections 5.1.4 and 9 of the Plan, which comport with recent practice.

## **IV. REQUISITE REVIEW AND APPROVAL OF THE AMENDED PLAN**

On June 3, 2020, following a public review and comment period, the Board of Selectmen approved the Amended Plan (see Exhibit 3, Attachment F). The Town and the DOER conducted a consultation conference on August 25, 2020 to consider the proposed amendments to the Aggregation Plan. The Town is grateful for the collaborative nature of the meeting.

The Town notes that it posted the Amended Plan for public comment on April 27, 2020 consistent with Department requirements at that time, including the ongoing pandemic. Thereafter, the

Department has made certain changes to the requirements for aggregation plans, including in the Department's order in the City of Haverhill, D.P.U. 19-17 issued on June 11, 2020 (stamp-approving the related compliance filing in such proceeding on July 1, 2020). Certain of these revisions were discussed with the DOER as well. In response, the Town has incorporated two additional changes within the Amended Plan, namely (i) adopting a provision requiring a 10-day notice to the Department of mailings to competitive supply customers (Section 5.1.4) and (ii) adopting a provision requiring approval of any "further opportunities" for customer opt-out (Section 5.1.6). Again, as noted, the Town will respond to future Department directives in an appropriate manner.

In order to provide effective information to consumers consistent with current Department policy, the Town has updated its Education and Outreach Plan (see Exhibit 1, Attachment A) as well as the form of Opt-Out Document (see Exhibit 1, Attachment B) have also been updated.

The Town respectfully submits that the Amended Plan is consistent with the requirements of M.G.L. c. 164, §134 and current Department directives and policy.

## V. CONCLUSION

WHEREFORE, the Town, with the support of CPG, respectfully requests that the Department find that the Town's Amended Plan and related procedures continue to meet all of the requirements of M.G.L. c. 164, §134 and approve the Amended Plan, and take such other actions as may be necessary and appropriate. As noted, given the Town's successful experience with aggregation plan operations, the limited nature of the amendments to the Aggregation Plan and the Town's undertakings and commitments stated herein, the Town respectfully requests that the Department consider additional procedural measures consistent with the goals of its Uniform Plan Filing Requirements, including the consideration of a "stamp approval."

Respectfully submitted,

TOWN OF ADAMS

By: Counsel for Colonial Power Group, Inc.,  
acting as Agent for the Town of Adams

  
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Dated: September 14, 2020

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

TOWN OF ADAMS

D.P.U. 20-103

AFFIDAVIT

I, Mark Cappadona, on behalf of the Town of Adams ("Town"), certify that the Town's established Community Choice Power Supply Program's Aggregation Plan as proposed to be amended and restated ("Amended Plan") and related supporting documents included with the Town's Petition for Approval of Limited Amendments to its Aggregation Plan Established Pursuant to M.G.L. c. 164, §134 filed on this date in the above-captioned docket, were prepared by me or under my supervision and are true and accurate to the best of my knowledge and belief.

Signed under the pains and penalties of perjury.

  
Mark Cappadona, President  
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Dated: September 14, 2020

**TOWN OF ADAMS**  
**COMMUNITY CHOICE POWER SUPPLY PROGRAM**

**LIST OF EXHIBITS**

- EXHIBIT 1:** Municipal Aggregation Plan
- Attachment A – Education and Outreach Plan  
Attachment B – Customer Opt-Out Documents
- EXHIBIT 2:** Competitive Electric Service Agreement
- EXHIBIT 3:** Supporting Documentation
- Attachment A – Certified Vote to Pursue Aggregation  
Attachment B – Department of Energy Resources Consultation Letter  
Attachment C – Municipal Meeting Minutes  
Attachment D – Public Review and Comment Period  
Attachment E – Public Review Announcements  
Attachment F – Municipal Approval of Aggregation Plan (certified minutes)  
Attachment G – Public Comments and Responses  
Attachment H – Municipal Aggregation Plan (as posted)  
Attachment I – Marketing and Informational Materials
- EXHIBIT 4:** Program Sales, Eligible Customer and Consumption Estimates
- Attachment A – Total Annual Sales  
Attachment B – Customers by Class
- EXHIBIT 5:** Consultant Contract and Marketing Materials
- Attachment A – Consultant Contract  
Attachment B – Consultant Request for Proposals and Response  
Attachment C – Consultant Marketing Materials  
Attachment D – Consultant Pricing Materials
- EXHIBIT 6:** Municipal Aggregation Plan (redline/strikeout)
- EXHIBIT 7:** Municipal Aggregation Plan (redline/strikeout vs existing Aggregation Plan)