

# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 20-19-A

October 5, 2022

Petition of the Town of Cohasset for approval by the Department of Public Utilities of a municipal aggregation plan pursuant to G.L. c. 164, § 134.

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D.P.U. 20-20-A

Petition of the Town of Marshfield for approval by the Department of Public Utilities of a municipal aggregation plan pursuant to G.L. c. 164, § 134.

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D.P.U. 20-21-A

Petition of the Town of Scituate for approval by the Department of Public Utilities of a municipal aggregation plan pursuant to G.L. c. 164, § 134.

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D.P.U. 20-22-A

Petition of the Town of Rochester for approval by the Department of Public Utilities of a municipal aggregation plan pursuant to G.L. c. 164, § 134.

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D.P.U. 20-23-A

Petition of the Town of Uxbridge for approval by the Department of Public Utilities of a municipal aggregation plan pursuant to G.L. c. 164, § 134.

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### ORDER ON COMPLIANCE FILING

**APPEARANCES:**

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Wellesley, Massachusetts 02481

FOR: GOOD ENERGY LP, as agent for Town of  
Westwood  
Petitioner

## I. INTRODUCTION

On December 30, 2021, the Department of Public Utilities (“Department”) issued an Order finding that, subject to certain required modifications, the Towns of Cohasset, Marshfield, Scituate, Rochester and Uxbridge (“Town” or together, “Towns”), revised municipal aggregation plans (“Plan” or together, “Plans”) satisfied all procedural and substantive requirements contained in G.L. c. 164, § 134(a) and met the requirements established by the Department concerning aggregated service. Town of Cohasset, et al., D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, at 46 (2021).<sup>1</sup> The Department directed each Town to file a further revised Plan, public outreach and education plan (“Education Plan”), Opt-Out Documents (i.e., model Opt-Out Notice, Language Access Document, and reply envelope) and exemplar electric service agreement (“ESA”) containing all required modifications. D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, at 42. In addition, the Department directed each Town to file additional information to support its request for a waiver from the information disclosure requirements contained in 220 CMR 11.06(4)(c).<sup>2</sup> D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, at 43-44.

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<sup>1</sup> The Department docketed these matters as follows: (1) Town of Cohasset, D.P.U. 20-19; (2) Town of Marshfield, D.P.U. 20-20; (3) Town of Scituate, D.P.U. 20-21; (4) Town of Rochester, D.P.U. 20-22; and (5) Town of Uxbridge, D.P.U. 20-23. These cases are not consolidated and remain separate proceedings.

<sup>2</sup> Because the proposal lacked the requisite support, the Department did not make any substantive findings on the Towns’ requests for a waiver, including the reasonableness of its proposed alternative disclosure strategy. D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, at 43-44.

On August 19, 2022, each Town submitted a compliance filing. On August 30, 2022, the Department issued a hearing officer memorandum directing each Town to make further edits to their respective August 19, 2022 compliance filing. On September 23, 2022, each Town submitted its required compliance filing (“Compliance Filing”) with: (1) proposed revisions to its Plan, Education Plan, Opt-Out Documents and exemplar ESA; and (2) a more detailed description of its proposed alternative disclosure strategy to support its request for a waiver from the information disclosure requirements.<sup>3</sup>

## II. ANALYSIS AND FINDINGS

After review of each revised Compliance Filing, including the revised Plan, supporting documents, and each Town’s supplemental waiver request, the Department finds that each Town is in substantial compliance with the Department’s directives in D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23 (2021) and Town of Westwood, D.P.U. 20-24-A (2022).

The Department’s approval of each Town’s Plan is limited to the products identified in their Plans at § I.<sup>4</sup> Any new product the Towns seek to make available to municipal aggregation

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<sup>3</sup> On October 4, 2022, the Town of Rochester submitted a correction page to its Compliance Filing, which resolved a typographical omission in its Education Plan. D.P.U. 20-22, Attachment 3, Section 1.8.

<sup>4</sup> The Towns of Rochester and Uxbridge plan to offer a standard (opt-out) product that will include the same amount of renewable energy resources (MA Class I Renewable Energy Certificates (“RECs”)) as basic service. The Towns of Cohasset, Marshfield, and Scituate plan to offer a standard (opt-out) product that is expected to include RECs in an amount that is ten percent greater than the minimum required by the Commonwealth, with the exact percentage of RECs to be determined after receipt of bids from competitive suppliers. The Towns of Cohasset, Marshfield, Rochester and Uxbridge intend to offer two optional (opt-in) products, while the Town of Scituate intends to offer three optional (opt-in) products. The Towns of Cohasset, Marshfield, and Scituate intend

program (“Program”) participants is subject to Department approval. D.P.U. 20-117, at 49; Town of Becket, et al., D.P.U. 18-133 through D.P.U. 18-146, at 18-19 (2020); Town of Milton, D.P.U. 19-84, at 10 & n.16 (2020).

Each Town shall implement its Program, including its products/services, consistent with its approved Plan and the directives set forth in this Order, D.P.U. 20-24-A, and the Department’s directives in D.P.U. 20-19 through D.P.U. 20-23. Each Town must operate its Program in compliance with all current and future requirements governing municipal aggregation and the competitive electric supply market.<sup>5</sup> See 220 CMR 11.00, et seq.; D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, at 41 n.50; D.P.U. 20-117, at 33. Regardless of language included in their Plan, if a Town fails to comply with the laws and Department requirements regarding municipal aggregation and the competitive electric supply market, the Department will revoke its approval of their Plan and order the termination of their Program. D.P.U. 20-117, at 49.

In order to ensure timely implementation and to mitigate the potential impact of the launch of a municipal aggregation program on basic service, each Town must launch its Program

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to offer an optional (opt-in) product with the same amount of RECs as basic service. All Towns intend to offer optional (opt-in) products that provide additional RECs above the required minimum. Although the Towns will not determine the amount of voluntary renewable energy content for both standard (opt-out) and optional (opt-in) products until actual bids are received from electricity suppliers, the Towns must certify that the actual percentage of RECs in each standard or optional product, as applicable, is consistent with the product name for each calendar year of the electric supply term. D.P.U. 20-19/D.P.U. 20-20/D.P.U. 20-21/D.P.U. 20-22/D.P.U. 20-23, Plans at § I; D.P.U. 20-117, at 33 n.45.

<sup>5</sup> The Department intends to open an investigation in Fall 2022 to establish guidelines for municipal aggregation plans and the process for review of such plans.

within two years of the date of final Department approval of the Plan (i.e., Department approval of a Town's revised Compliance Filing). A Town's failure to launch its Program within two years<sup>6</sup> will result in revocation of the approval of its Plan without further notice or other action by the Department. D.P.U. 20-117, at 49. If Department approval of a Town's Plan is revoked, the Town may not restart the process of electricity aggregation at the municipal level for at least one year from the date of revocation. In any subsequent petition for approval of a new Plan, the Town must demonstrate what changes it has made to ensure a timely launch of its Program.

D.P.U. 20-117, at 42 n.60.

### III. ORDER

Accordingly, after due consideration, it is

ORDERED: That the revised municipal aggregation plans filed by the Towns of Cohasset, Marshfield, Scituate, Rochester and Uxbridge on September 23, 2022, are

APPROVED; and it is

FURTHER ORDERED: That the failure of the Towns of Cohasset, Marshfield, Scituate, Rochester and Uxbridge to implement the provision of electric supply pursuant to G.L. c. 164, § 134 within two years of final Department approval of the Plan as defined herein shall result in revocation of the approval of the municipal aggregation plan without further notice or other action by the Department; and it is

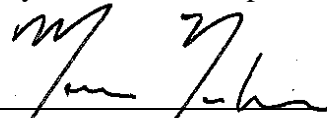
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<sup>6</sup> For the purpose of revocation of Plan approval, the Department defines Program launch as the date the first deliveries commence under the term of an executed ESA. D.P.U. 20-117, at 42 n.59.

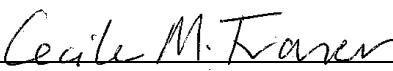
FURTHER ORDERED: That, the requests of the Towns of Cohasset, Marshfield, Scituate, Rochester and Uxbridge for a waiver from 220 CMR 11.06(4)(c) on behalf of themselves and their respective competitive suppliers is GRANTED; and it is

FURTHER ORDERED: That the Towns of Cohasset, Marshfield, Scituate, Rochester and Uxbridge shall comply with all other directives contained in this Order.

By Order of the Department,

  
Matthew H. Nelson, Chair

  
Robert E. Hayden, Commissioner

  
Cecile M. Fraser, Commissioner

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.