Concord Municipal Light Board May 12, 2021 Minutes

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Municipal Light Board was held on Wednesday May 12, 2021 at 7:30AM, via a Zoom Webinar. Present were Board Members: Alice Kaufman (Chair), Wendy Rovelli, Gordon Brockway, Pamela Hill and Brian Foulds. Also in attendance were David Wood, CMLP Director; Carole Hilton; CMLP Customer Service Administrator, Laura Scott, CMLP Power Supply and Rates Administrator; Matt Cummings, CMLP Financial Manager/Accountant; Joe Repoff: CMLP Assistant Director, Jason Bulger, Concord CIO; Karin Farrow, CMLP Sr. Admin; Greg Marcinek, Telecom Director; Stephen Crane, Concord Town Manager; Kate Hanley, Concord Director of Sustainability; Ray Andrews, Finance Committee liaison to the Light Board; Terri Ackerman Select Board liaison to The Light Board. Concord residents: Karlen Reed, David Allen, Gail Hire, Andy Puchrik, Tom Bates, Pamela Dritt, Courtney Whalen, Mark Howell, Tom Tarpey, Jim Terry, Dan Gainsboro, Debbie Gilmore, Jake Swenson, Scott Hopkinson and 2 call-in listeners.

A video recording can be found here https://youtu.be/ENlab-T1RZI. Time stamps are listed below.

Note definitions for acronyms used in these minutes:

- **AMI**: Advanced metering infrastructure
- **ENE**: Energy New England
- **EV**: Electric Vehicle
- **REC**: Renewable Energy Credits

**CALL TO ORDER (00:00:00)**

Ms. Kaufman called the meeting to order at 7:30 AM. Meeting recording has been posted to the Minuteman Media Website.

It was noted that the Zoom chat and Q&A functions would not be utilized during the meeting. Ms. Kaufman started by thanking Ms. Rovelli for being the Acting Chair at the last meeting.

**FUTURE MEETINGS and MINUTES (00:01:40)**


There were no minutes available for approval and a robust conversation was held among Board members as to the amount of detail that the minutes should contain. Opinions ranged from just broad topic overviews and decisions made, to a detailed account covering all points of the conversations.

Ms. Kaufman summarized the discussion by saying that there seems to be an overall consensus that minutes be succinct, as a recording of the entire meeting is available online.

To the suggestion that there was a danger of misrepresentation when the minutes were in the format of a recap of each person’s comments, Mr. Allen opined that the only misrepresentation was to leave something out. He added that in a few months, when there was a return to in-person meetings that a recording of the meetings would no longer be readily available and that access to detailed minutes was important.
DIRECTORS UPDATE (00:13:45)

Energy Services
- There were 490 EVs registered in Concord at the end of 2020, an increase of 98 from 2019.
- There have been 35 requests for EV Specialist Support Services in the 1st quarter of 2021, almost 2 ½ times as many as in the 1st quarter of 2020.
- There are now 16 air-source heat pump installers on the Concord Clean Comfort Participating Contractors List, with more in the application queue.
- Twenty-seven CMLP customers have already received air-source heat pump rebates in 2021 and there are 20 more active projects that should be installed over the next few months. Combined, that represents 80% of the peak distribution year (59 heat pump rebates in 2018).
- The total number of coaching requests received since the Concord Clean Comfort Program began on February 23rd has increased by 36% in the last month alone.

Substation 219
- Approximately 1 year ago, we had a failure on the tap changer on one of the transformers at Substation 219. The device was repaired and the station returned to normal operation. Recently Eversource requested to take the transmission line that feeds it out of service for maintenance, and while offline, the new tap changer was inspected. Arcing was noticed, and through a collaborative effort, an internal wiring issue inside of the transformer was identified. This is a manufacturing issue and an enormous job. Updates will be provided as the situation is addressed.

Broadband Truck
- The new Broadband truck is in service. The decision for a truck over a van is based on more versatility with its ability to tow and its additional reach.

Personnel
- The recruitment for Customer Service Representative received 156 applicants. The applicants have been screened and 1st round interviews completed with 12 candidates. The 2nd round interviews scheduled are for later this week.
- On May 3rd, Phase III of our re-staffing plan was executed with essential service employees back in the office 5 days a week. Phase IV is still scheduled for 6/7/2021 (return of non-essential services employees).

Energy New England
- In process of scheduling an ENE update. It most likely will not be until the July meeting as the ENE June meeting is currently in conflict with our Light Board meeting.

In response to a Board question Mr. Wood reported that the backlog (240+) of requests for Broadband services (installs having been limited to those deemed essential due to COVID restrictions) had been reviewed and a plan made. Addressing the backlog began about 2 weeks ago. The new vehicle will have a significant impact. The plan being that the installation rate will go from 300/year to 450/year.

Mr. Foulds suggested that those looking for additional information on sustainability, should review the reports provided on the Town Website. (https://concordma.gov/2503/Climate-Action-and-Resilience-Plan)
In response to a Board question on there being an adequate energy supply to service the needs of the increasing number of EV users, Mr. Wood responded that the push has been for off peak charging (costs are not covered on charging done during peak). With the push for EVs as well as the other programs moving towards all electric, the impact on the Grid will be watched. Currently there is adequate capacity. The current contract with Eversource is 60Megawatts with the Summer Peak demand being ~35 Megawatts. CMLP staff will continue to monitor demand and adjust capacity as needed. The sub-station can handle 70 Megawatts. It is currently contracted for 60 so there is room for growth. One of the benefits of Smart Meters will be that demand would be more easily monitored.

Mr. Foulds mentioned his request to CMLP for a “we got this” statement in regards to electrification to address citizen concern over the energy supply availability for electrification.

Mr. Wood stated that when demand begins to reach the current 60 Megawatt level, that more might not be readily available from Eversource. Additional capacity (in excess of 60 Megawatts) may come at a considerable cost.

Mr. Brockway opined that looking forward; in-town solar may be part of the solution to exceeding the current capacity contract. Ms. Kaufman added that the Energy Efficiency Programs also go towards reducing energy needs. Mr. Wood reminded all that solar, being intermittent, could be problematic in a high-volume demand area.

Power Supply Opportunities (00:29:10)
Ms. Scott presented the first of two Power Supply (Hydro) opportunities. NYPA (New York Power Authority) has increased the percentage of their Power generation available to the state of Massachusetts. CMLP is currently receiving about 2% (~9,000 Megawatts hours/year) of the Mass share of the facility and there is now an opportunity to purchase more.

There are no RECs associated with the power but it does qualify under the Greenhouse Gas Reduction rules as a non-emitting power, so it is not additive to the New England renewable energy grid. MMWEC provided a cost analysis (See Addendum A below) of the opportunity showing the Capacity Costs, the Energy Cost and the Environmental Attribute Value of the new amount available to Mass. For years 2021-2025 there is no value to the ISO NE Forecast Capacity Price $/kW-month. The buyer would be required to pay the Base Contract Energy Price $/kW-month would be paid out starting in 2021 but there would be no value in it because the capacity could not participate in the NE ISO Market as the value has already been settled and is gone. Value would not begin until 2026 - a negative on the offer. The negative outflows of cash are significant in the early years and then they decrease. Of note is that the values indicated are only a projection of value, not a guarantee. On the Energy portion, the cash flow starts out positive and stays positive (cost being less than value). Going under the assumption that the MMWEC forecasts shown are close to being accurate, over the life of the contract the opportunity is not a bad value opined Ms. Scott. Although it does not add to the NE new renewable energy grid, it is non-carbon emitting.

Mr. Brockway received confirmation from Ms. Scott that this new opportunity did not represent any additional output from the NYPA facility. It was just a re-distribution of the supply currently being generated. Ms. Rovelli pointed out that the long-range goal of the Board was to get to a 100% renewable energy supply. Ms. Hill suggested that environmental impact be a consideration for all
power supply opportunities. The consensus from the Board was that the opportunity met the goals of the Light Plant.

Mr. Wood provided information on the second hydropower supply opportunity. It too would be from an existing river run facility in Concord NH. The annual average production is 45,000 Megawatt hours. The annual winter capacity is 7.9 Megawatts and the summer capacity is ~2.6 Megawatts. It comes with Massachusetts Class II renewable energy certificates. Costs would be in the range of $56/Megawatt hour with a 10-year contract. An analysis similar to the first opportunity has not yet been done nor has it been sent to ENE for a review, as was the NYPA opportunity.

According to Ms. Scott, adding more hydro to the power supply portfolio was not the specific goal, rather that these two opportunities were being presented as a reaction to their becoming available. With the NYPA opportunity it would be a ~50% (~4,500MWh) increase (possibly more if not all the current MA contract holders opted into the offer) of the ~9,000 MWh currently contracted. Direction from the Board is being sought on if they want the entitlement share to be increased and if so by how much.

Mr. Wood reminded the Board that their vote represents a recommendation to the Town Manager, as he is the one that executes the contracts. Ms. Kaufman responded to Mr. Brockway’s question to the Board about their priorities: increasing NE Renewable sources or increasing the amount of non-emitting power supply for Concord? He suggested the Board establish an Operating Policy outlining the priorities for the Board for the power selection process.

Mr. Wood added that there was a Solar Strategy and a Renewable Energy Strategy developed in 2010-2011 that may need updating, but could be used as a guiding principle.

In response to Mr. Foulds’ questions on the impact to the power portfolio, Ms. Scott responded that the NYPA opportunity would represent a ~2.6% increase of the contracted (See Addendum B below) power supply.

Mr. Foulds opined that, increased costs aside, being MA additive was preferential to increasing the non-emitting supply.

Mr. Wood voiced his agreement that Class I opportunities are the ideal method of de-carbonization of the power supply and that short-term non-emitting opportunities were an option of filling in the gap.

Ms. Kaufman summarized the discussion by saying that the Board should review the Renewable Energy Strategy, and that the development of a Board policy/Statement of Purchase Goals should be considered.

Mr. Crane: “don’t let the great be the enemy of the good”. The recommendation of the Board, knowing that it was generated only after an exhaustive discussion, is a great indicator of the action that should be taken, as the Board does a good job of seeing that needs of the Light Plant are being balanced with the desires of the direction that the community wants to go in. Mr. Crane went on to advise, that with the on-going changes in technology, this may make a written policy obsolete “before the ink dried”, suggesting instead that establishing a strategy may be the more effective option.
Ms. Ackerman requested that going forward that Hydro be broken out on the graphic representation of CMLP’s power supply sources.

Ms. Scott agreed to provide a more detailed graph. Ms. Rovelli suggested that in the cases where sources may be classified differently, depending on the audience, that the graph also contain an explanation of those differences. Mr. Brockway suggested that the graph be added to the website.

Mr. Foulds made a motion that the Light Board vote in favor of supporting the offered NYPA Hydro contract. Ms. Rovelli provided the second. Roll call vote:
Mr. Brockway: In favor, Ms. Hill: yes, Ms. Rovelli: yes, Mr. Foulds: yes, Ms. Kaufman, yes. Motion carried with a unanimous roll call vote.

The decision was made that there was not enough information on the second opportunity currently available to make an informed recommendation. Further discussion and a recommendation were deferred.

100% Renewable Option (01:15:05)
Ms. Scott, having recently received two separate citizen inquiries, asked the Board if CMLP should offer its customers the opportunity to pay the price differential to have their energy 100% as non-carbon emitting. Currently about 50% of the CMLP power supply is from non-emitting sources.

Mr. Gainsboro, (one of the citizens who expressed interest) opined that there was a cross-section of the Community that might appreciate the opportunity to help advance the Town towards the goal of 100% non-emitting. Other MLPs currently offer this type of option with the administration of the program consisting of the determination of the supply being utilized by the participants and purchasing incremental REC’s to cover the difference. On one hand offering this option can be seen as being responsive to CMLP customers while on the others hand it requires additional administration and with the goal of 100% being only 9 years away with it have an appreciable impact.

In addition, should it be a new rate sheet or a rider? CMLP would purchase the additional REC’s with the cost being passed on only to those customers opting in to the option. At this time, administrative/software costs to offer this option have not been determined. On the next customer survey, a question could be included to gauge the interest in the option.

Mr. Foulds voiced his support in favor of the option as long as the option was additive in nature to the rest of the programs. Offering that there are programs available (i.e. Green Energy Alliance) for those wanting to offset their usage from emitting sources, suggesting that directing those customers to an established program instead of implementing one was worth considering.

Ms. Scott opined that the extra effort involved for the customer with utilizing a third party might have a negative impact on participation.

Mr. Foulds opined that staff concentration on projects already in progress (AMI meters, Battery storage) would be a better allocation of staff time.
Mr. Crane voiced support of the option being available for consumers and noted that it was reasonable to attach a premium to it to cover the costs.

Mr. Brockway voiced his support of directing customers to the external site, which would also afford them to cover not only the uncovered portion of their electric consumption, but also their consumption from other sources i.e. gasoline.

Ms. Kaufman received agreement from the other Board members to defer any decision on the proposal until additional information was provided: transactional costs of the two alternatives discussed, cost of creating a program at CMLP, when does it become cost effective, and would it be of additive value to the programs already at CMLP compared the existing external program (from the Green Energy Alliance) currently available.

Town Meeting Warrant Articles (01:29:00)

Ms. Hire presented her citizens article (Article 41 – See Addendum C below) which urges the Town Manager to complete the Town’s fiber network. To assist in that a short-term study committee would be appointed. The committee charge would be threefold – 1) expediting service on the last 5% of streets currently without fiber laid, 2) exploring barriers to subscription growth and 3) investigating opportunities for expanding fiber to the home/business. Fiber is a profitable public resource. There are three different ways for goals to be set – by staff, by the Light Board, or by the citizens. In her view, the citizens can move more quickly. The committee would only be short term (8 months), come up with recommendation and then let Town Meeting decide about next steps. Now is the time to move on this as there are currently opportunities available (i.e. Biden administration infrastructure funding, COVID Relief).

Mr. Foulds considered that, as the Article was presented the Town Manager would be making the committee appointment. Might it be better for the Select Board to make those appointments? Ms. Hire responded that changes were already being discussed and confirmed Mr. Foulds’ assessment that a role of the committee would be defining the obstacles to full Broadband availability.

Mr. Howell opined that the fiber optic and telecommunication services are an extraordinarily valuable asset to the town. It is capable of supporting economic vitality, supporting sustainability and resilience goals. Seven years ago, when this started, the goals were conservative. There was a need to ensure that the taxpayers and rates payers were not harmed, learn how to operate in a completely new industry and confirm that we could be competitive and earn a return. The endeavor has proved to be successful.

A study is needed at this time to address the issue of investment priorities. What is being suggested is that there is expertise in the community that can help put some focus on Telecommunications. The 5% of the street not having fiber in reality represents closer to 20-25% of the population. Hearing that staff is already stretched and a backlog exists due to COVID, this is a way for assistance to be provided by the citizens. Concluding by suggesting the Board vote in favor of supporting the Article.

Ms. Dritt in agreement with Mr. Howells’ points and voiced her support of the Article adding that there were additional items to consider, (i.e. the ability to hard wires meters for those with health concerns) but would like to participate in Time of Use Rates.
Ms. Reed speaking as the Chair of the Peg Access Committee stated that the committee had recently voted in favor of supporting the Article. It being an essential service that desperately needs to be targeted for examination. She urged the Board to support the article.

Mr. Hopkinson, member of the PEG Access Committee and who wrote the Broadband business plan in 2015, spoke as a citizen in favor of Article 41 opining that the committee would provide needed support. The Light Plant had done a great job getting to where things are but now is time for the citizens to step up and offer support.

Ms. Hill respects and supports the idea for digging into the issue but said for her it raised the question of governance – Where does the fundamental responsibility to do this digging actually lie? She is in favor of citizens committees but wanted to know where the work belongs.

Mr. Brockway responded that the responsibility essentially belonged to the Board, however certain parts of the constituency want things to move faster and that is okay.

Speaking to Mr. Foulds’ request for clarification on the comment that the 5% for the roads without fiber representing a much larger percent of the population, Mr. Wood stated that there were a number of roads that did not have conduit installed as the line were undergrounded in the 1980’s and early 90s which is the area not currently being served in addition to some multi-unit dwelling units.

Mr. Foulds opined that it would be of value to access current costs for completing the remaining 5%.

Ms. Hire, responding to a question from Mr. Foulds, responded that as written the Article was broad enough and covered the concerns address during the meeting. Now was the time as internet has become so much more important than it was 18 months ago.

As to the Board’s concerns about governance, Ms. Hire responded that the citizens make the laws in Concord and the committee would be subject to Open Meeting Laws along with providing the citizens the opportunity to weigh in on the matter.

Mr. Rovelli stated that she shared Ms. Hills’ concern over governance, adding that there were now new staff positions in the Broadband Department prompting the need for updating of the Board on the current state of things as well as the plans for the future.

Mr. Wood voiced his agreement as to the need for Board education adding that it was part of CMLP’s plan.

Mr. Howell added his thoughts around governance stating the Energy Futures Taskforce was a good model for what the Article was trying to accomplish. Discussions on issues of priorities is warranted, with multiple choices available for any Town allocation of profit - PEG Access, availability for school children, availability at multi dwelling units, access for business downtown etc. The committee would afford interested parties a place where their voices could be heard.

Mr. Allen “in a democracy the government is the people. In Concord we have a very direct democracy.” Adding it was time to do this and that he was in support of the Article.
Ms. Hill asked if the decision to move forward with a vote on Article 41 could be deferred pending receipt of additional plans/strategies that may already be in process at CMLP as she felt she did not have enough information to make an informed vote.

Mr. Foulds stated he had enough information and was willing to vote to in favor of supporting the Article or not.

Mr. Brockway opined that although his initial reaction was the Board/CMLP was doing a good job and the committee was unwarranted scrutiny, that he could now appreciate there could be some value in “a fresh set of eyes”.

Ms. Rovelli shared Ms. Hill preference for deferring any decision pending the receipt of additional information not only from Mr. Wood on what was being planned but also from what would be the role of the Board on the committee.

Mr. Wood agreed to provide the Board with additional information on the topic for discussion at the June 9, 2021 meeting.

The Board agreed to defer a vote on support or not of the Article until the next meeting.

Mr. Foulds requested Ms. Hire provide the Board with a copy of any revisions to the article. For use during discussions at the next meeting.

Ms. Hire agreed to provide the requested material.

Article 31 (See Addendum below) was summarized by Ms. Kaufman as a single Town Meeting vote that would require new construction in Concord to be all electric with the same one-vote requesting home-rule to the State Legislature to implement the new by-law. Concord has been averaging 25 teardown new construction per year.

Mr. Foulds pointed out that the by-law only applied to new construction, but the State request to implement also covered major renovations. Major renovations was removed from the Article on the advice of Counsel. Leaving as part of the home-rule request will make it easier if at some point the Town votes to add major renovations to the Bylaw.

Ms. Rovelli requested further discussion on the exemption for the Housing Authority- if they were exempt due to the belief that all electric was the too expensive. She was in support of the article although in disagreement on the need for an exemption.

Ms. Kaufman explained that the exemption had been added at the request of the Select Board and the Affordable Housing Authority adding it was a possibility that a motion would be made at Town Meeting for the removal of the exemption.

Mr. Brockway opined that all electric is cost effective, adding that the Light Plant has Low-Income Assistance Programs already in place and that would be adding heating costs assistance to the
assistance already available to them.

Ms. Hill voiced her support of what Mr. Brockway and Ms. Rovelli said adding that she wished that the exemption was not part of the Article asking it a statement could be made clarifying the Board view of support for the Article by adding a statement against the exemption.

Ms. Kaufman reiterated that it was possible that a motion to amend the Article to remove the exemption for affordable housing could be made from the floor at the town meeting there being no substantive value on it being part of the meeting minutes. Mr. Foulds mentioned that if the deadline had not yet passed such a statement could be part of the support statement that was printed in the Town Meeting Materials. Mr. Foulds voiced his support of the Article as written.

Discussion ensued around the possibility of a vote for Board Support, if a motion was made at Town Meeting, to remove the affordable housing exclusion from the article.

Mr. Foulds moved that the Light Board vote to support Article 31 at Town Meeting. Mr. Brockway provided the second and with a unanimous roll call vote, the motion was moved.

**Advanced Meter Infrastructure Project (02:18:25)**
Due to time consideration deferred until the next meeting.

**Past Due Accounts & Collections (02:18:25)**
Due to time consideration deferred until the next meeting.

**Liaison & Public Comment (02:19:10)**
Ms. Dritt requested that the Board vote now in support of a possible motion made during Town Meeting to remove the exclusion for affordable housing. Opining that there was a massive misunderstanding of the cost of all electric buildings and support of an exemption supports the misunderstanding.

Ms. Kaufman explained the Board could not vote on a motion that had not yet been made. Ms. Hill requested that an update for Article 31 be part of the June 9 Agenda.

Mr. Foulds moved to adjourn the meeting. Ms. Hill second the motion and with a unanimous roll call vote, the meeting was adjourned at 9:53AM.

Respectfully submitted
Brian Foulds, Clerk
Addendum A: MMWEC analysis of NYPA opportunity

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Discount 2.0% NPV $1,041,580

Concord Municipal Light Board Meeting 5/12/2021
Addendum B:

CMLP Emissions Certificates as a % of Purchases

as of 12/10/2020

- MA Class 1 REC
- ME Class 2
- Nuclear
- Emitting
- purchased MA Class 1 REC
ARTICLE 31: HOME RULE LEGISLATION AND BYLAW AMENDMENT
REGULATION OF FOSSIL FUEL INFRASTRUCTURE

Motion: Ms. Escobedo moves that the Town take affirmative action on Article 31 as printed in the Warrant.

Narrative: The purpose of this article is to protect the health, safety, and welfare of Town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change. It is also the next step in Concord’s strategy to meet its climate goals set at 2017 Town Meeting and implement its Climate Action and Resilience Plan.

Because over 60% of Concord’s GHG emissions come from buildings, Article 31 offers an essential tool to help meet Concord’s greenhouse gas reduction goals. Electricity is the only “fuel” that we can make renewable. Given CMLP’s commitment to provide 100% carbon-free electricity, electrifying buildings is the best way to significantly reduce emissions from buildings.

This article seeks Town Meeting approval to both establish a new Town Bylaw that would require that all new construction be fossil fuel free and further request Home Rule Legislation for the authority to implement the bylaw. This bylaw will apply to any new construction that will require heating and/or cooling and that is associated with a valid building permit application. This includes construction on a vacant lot, to replace a demolished building, or of a new accessory building constructed on an existing residential or commercial property. The bylaw includes several exemptions, including affordable housing, restaurant and commercial kitchen equipment, portable propane appliances, and backup emergency generators. It also sets up an appeals process to hear and resolve complaints should an applicant’s building permit be denied.

The technology exists today to efficiently heat and cool homes with electric-powered heat pumps. Heat pumps are highly efficient heating and cooling systems able to heat a home or business in the winter and provide air conditioning in the summer. Heat pumps are a cost-effective technology and work well in cold climates. Coupled with tightly sealed buildings (more wall insulation, better windows, tighter air sealing, etc.), electric home heating systems promise increased efficiency and a reduced carbon footprint. Alternatives to combusting fossil fuels in the home also include induction cook stoves, electric stoves, and heat pump hot water heating systems.

New construction requirements are a sensible first step in the building electrification transition that will help prevent us from making the problem worse, and it is cost effective to build all electric new construction in most cases. A recent analysis by the Rocky Mountain Institute, RMI, a national science-based NGO, showed that a new all-electric home in Concord has lower upfront costs and lower annual utility expenses compared to a new fossil fuel home.

We cannot afford to expand the number of homes and buildings using fossil fuel for the next 30-40 years. Taking this action now will ensure we do not continue to add systems and infrastructure that will be more difficult and expensive for residents to replace later.
Frequently Asked Questions about Article 31

Why electrify buildings?

Buildings are the largest source of GHG emissions in Concord, contributing over 60% of community-wide emissions. To reduce emissions from our buildings, in addition to building and renovating buildings to be very energy efficient, we need to electrify everything and clean up the grid. Electricity is the only fuel that we can make renewable. All-electric buildings are also the most efficient buildings because heat pumps are the most efficient heating and cooling technology.

Is electricity actually cleaner than gas? Doesn’t our electricity come from fossil fuels?

Electricity is the only fuel we can make fossil fuel free and Concord’s electricity is already over 50% carbon-free. The electrical grid in Massachusetts is greening by State mandate. Concord’s electricity is provided by Concord Municipal Light Plant (CMLP). CMLP has a goal of providing 100% carbon-free electricity by 2030 and is already more than halfway there. Gas is a fossil fuel that cannot be cleaned up. It contributes to climate change and its combustion releases pollutants such as particulate matter and nitrogen oxides that are harmful to human health.

Can the Concord Municipal Light Plant, CMLP, handle the additional electrical load?

Yes, CMLP has capacity to meet the additional electrical load today and in the coming years. This article will result in a gradual increase in electrical demand as about 25 new homes are built in Concord every year. CMLP’s strategic plan includes beneficial electrification of transportation and heating and cooling homes, both of which will result in increased electrical demand. CMLP is continuously evaluating electrical load and planning for a future that includes beneficial electrification.

What does this mean for existing buildings?

This article only applies to new construction. However, many Concord residents and businesses are transitioning existing buildings to heat pumps for heating and cooling. There are many rebates and incentives available from CMLP including heating/cooling coaching available through the Concord Clean Comfort program.

How unique is this Article? Who else is doing this?

Legislation, or bylaws requiring new construction to be fossil fuel free are happening in other cities and towns across the country. Closer to home, Brookline, Arlington, and Lexington have passed similar articles at their 2021 Town Meetings. In fact, Concord was prepared to move a very similar article at the 2020 Town Meeting, but the Attorney General decided that a general bylaw like this was preempted by state law, so Concord’s article was not moved. Since then, Concord has learned that a two-for-one approach of a Home Rule Petition and a Bylaw is a feasible approach to beneficial electrification of new construction.
What is a Home Rule Petition? How is this different from a bylaw?

Article 31 includes a Home Rule Petition and a Bylaw. A Home Rule Petition, voted on at Town Meeting, requests authority from the Massachusetts Legislature for special authority to implement the bylaw. The bylaw requiring that new construction be fossil fuel free will only be implemented if both Article 31 is approved by Town Meeting and if the home rule petition authority is granted by the Legislature.

RECOMMENDATIONS:

The Select Board recommends Affirmative Action on Article 31.
The Select Board voted unanimously to support Article 31. This article requires that new construction in town be fossil fuel free – that means constructed with no onsite combustion of fossil fuels for heat, hot water, and cooking.

Concord has a long history to taking progressive actions to address sustainability, climate change and resource protection. Town Meeting has previously voted to support sustainability principles, to establish goals for greenhouse gas reduction in line with the Massachusetts Global Warming Solutions Act and the Paris Climate Agreement and establish a Tree Preservation Bylaw.

Kate Hanley, the town’s sustainability director was hired specifically to oversee the application and coordinated expansion of Concord’s progressive principles. She worked to develop our Climate Action and Resilience Plan, a project that relied on public engagement for input, and serves as a roadmap for how Concord can achieve its goals. The plan clearly states that since 60% of our local emissions comes from buildings, the next step would be to electrify new home construction and begin to build a cleaner future, as Concord’s control over its own municipal light plant, CMLP, allows. Our community owned light plant and its citizen board are working to secure efficiency services that bring 100% zero-carbon energy to power our community. Additionally, expanding our commitment to the goal of bringing clean energy to our homes becomes an ever more important strategy for us to meet our climate goals.

In what has been called a “landmark report”, the International Energy Agency just last month called on countries to move faster and more aggressively to cut planet-warming pollution to stave off the impacts of a changing climate.

Article 31 does just that. By starting to invest in renewable energy supplies and using technologies already in the marketplace when we build new homes, we can transition away from fossil fuel use and all breathe a little better.

Concord’s elected legislators, Sen. Mike Barrett and Rep. Tami Gouveia, have been leaders in the Legislature to propose and pass legislation to meet the challenge of climate change.

In its deliberations, the Select Board considered the known science around climate change, the potential strategies for meeting our town goals, and looked to other communities for models. In fact, Arlington, Brookline and Lexington have all passed similar legislation at their Town
Meetings this spring and another 10 communities (including Acton, Newton, and Ipswich) also have it on their warrant.

The Select Board urges a vote of Affirmative Action on Article 31 as this year’s action step in our existing multi-year plan to help us meet our climate goals.

**The Planning Board Recommends Affirmative Action on Article 31.** The Planning Board believes Article 31 would provide the Town the ability to move forward with sustainability actions in a measurable way and the Planning Board recommends affirmative action on Article 31.

**The Concord Municipal Light Board, Climate Action Advisory Board, and Comprehensive Sustainability and Energy Committee recommend Affirmative Action on Article 31.**
Motion: Ms. Hire moves that the Town take affirmative action on Article 41 as printed in the Town Meeting Materials, with changes in the language of the article as printed in the Warrant highlighted:

“To determine whether The Town will vote to urge the Town Manager to increase the availability of municipal fiber optic telecommunications service. To assist in this task, the Town Manager Select Board shall appoint a Fiber Broadband Completion Committee with the following charge: Study and recommend appropriate solutions, including possible funding, for,

(a) expediting the installation of fiber-optic telecommunications utility service on the remaining 5% of Town property streets that lacks such service;

(b) exploring barriers to Concord Light Broadband subscription growth; and

(c) investigating opportunities for expanding fiber-to-the-home and to fiber-to-the-business.

The Committee shall write a Report with findings and recommendations to the Town Manager and the Select Board by a date no later than one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting.

The Committee shall be comprised of no fewer than 5 and no more than 7 members, including: one member of the Concord Municipal Light Board, chosen by the Light Board; one member qualified to represent the business consumers of fiber-based utility services; one member qualified to represent the real estate community; and at least two additional at-large members chosen by the Town Manager Select Board. The Committee shall elect its own chair and clerk. The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services via the Town’s fiber optic network.

“Or take any other action relative thereto.”

Narrative: The Fiber Optic network is an extraordinarily valuable asset to the Town. It is capable of supporting economic vitality, sustainability and resilience goals.

The Fiber Optic network began in 2014 with small steps, at the urging of then-Town Manager Chris Whelan. Goals were purposefully conservative, such as needing to be competitive and earn a return. The slow approach ensured that taxpayers and rate payers would not be harmed. Today, fiber provides fast, reliable broadband internet to over 1,700 subscribers, supports emergency communications in Concord and Carlisle, is operationally self-sustaining, and even helped CMLP avoid an operating loss in 2020.

It is time to shift the dialogue to the options and capabilities that such a system can provide. A Fiber Broadband Completion Committee (FBCC) can re-visit strategy on behalf of the community. A recent GIS data analysis found the 7% of residential parcels without Fiber Broadband access, either by under-ground or overhead cable, represent 22% of individual addresses. Residents in afford-able housing, condominiums, or apartments have limited power to effect connectivity.
Residents in affordable housing, condominiums, or apartments have limited power to effect connectivity.

**Why do we need a study committee?** Investment priorities should be set by the investors, namely, the citizen owners of the system.

- **Expertise** from the community can augment CMLP’s limited resources for planning, which have been hampered by staffing and COVID.
- Like a child who is growing up, the fiber system’s stage of financial and technical maturity calls for a **new strategic plan** for the next phase and beyond.
- **Speed:** The FBCC can more quickly evaluate and recommend:
  - Ways to pursue grants or other programs for low income, such as through the Federal Communication Commission
  - Investments to increase availability for multi-dwelling units
  - Targets for funding expensive, underground capital improvements
  - Intra-departmental financial policies and discretionary expenditures, such as PILOF (payments in lieu of franchise) transfers to the PEG (Public Educational Government) Access Fund

**Why do we need to do it now?** The FBCC would recommend next steps before next year’s Town Meeting.

- **Time-sensitive opportunities:** COVID-19 recovery funds, and proposed broadband infrastructure investments. If we start preparing, we will be in a better position to take advantage should those opportunities arise.
- **Need:** With more residents working and studying from home, we should aim for 100% fiber access and ensure no residents or businesses are left behind.
- **Competition:** Commercial telecommunication interests are actively marketing other, less sustainable and less desirable options: densely sited 5G antennas, “over the air devices” on homes and buildings, and subscription and installation fees paid to out-of-town businesses.

**Recommendations:** The Select Board Recommends No Action on Article 41
The Select Board appreciates the significant value of Concord’s Broadband infrastructure and agrees that all residents and businesses should have the opportunity to connect to our fiber optic network. However, this is a costly endeavor and the Town Manager has requested one year to work with staff to develop a plan to address issues, possible solutions, and financing for completion of its implementation.

**The PEG Access Advisory Committee recommends affirmative action on 2021 Article 41.**
The PEG Access Advisory Committee reviewed Article 41, which proposes to create a Fiber/Broadband Study Committee, at our May 6, 2021 meeting. After an extensive discussion with the Article’s sponsor, Gail Hare, about the purpose and merits of the Article, the PAAC voted to support this Article and recommends affirmative action at Town Meeting.
The purpose of this Article is to create a task force that will study why the Town of Concord has not yet made its fiber-based broadband available to 100% of the Town. The committee will report its findings and offer recommendations before the 2022 Town Meeting. As we heard during the May 11 Enterprise Public Hearing, the broadband/Telecom Fund is now financially solid. Now is the time to push for 100% completion.

Broadband is an essential service, as we have seen during this COVID experience, yet not all of our citizens are able to get this service because of various barriers. Part of the charge of the PEG Access Advisory Committee is to “promote quality telecommunication services that reflect the interests and concerns of Concord residents.” It is in this capacity that our PEG committee recommends a “yes” vote on Article 41 because Concord residents and businesses need access to fiber-based broadband.

The new committee will explore the barriers to broadband adoption in a targeted, focused effort. This will provide the Light Board, the Select Board, and the Town Manager with information needed to form rational policy decisions on laying fiber to homes and businesses in Concord.

We therefore recommend affirmative action on Article 41 and the creation of a fiber/broadband study committee.

Prepared by Karlen Reed, PEG Access Advisory Committee Chair
May 17, 2021