

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Operations and Oversight Committee

Date: December 1, 2015

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2015 NOV 23 A 11: 20

6-1-15 – Order No.15-1006232: Communication from Mayor Vigeant informing councilors of the receipt of \$50,000.00 from Colonial Power as part of its negotiated municipal aggregation agreement with the City to fund energy efficiency improvements for the City of Marlborough and its residents. Additionally, the Mayor looks forward to working closely with the City Council on the best means to inform Marlborough residents of their options under the current municipal aggregation agreement.

(Ossing abstained)

-REFER TO OPERATIONS AND OVERSIGHT

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

**The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.**

**Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.**



## IN CITY COUNCIL

JUNE 1, 2015

Marlborough, Mass., \_\_\_\_\_

### ORDERED:

That the City of Marlborough received \$50,000.00 from Colonial Power as part of its negotiated municipal agreement to fund energy efficient improvements for the City of Marlborough and its residents, be and is herewith refer to **OPERATIONS & OVERSIGHT COMMITTEE**.

**Councilor Ossing abstained.**

ADOPTED

ORDER NO. 15-1006232



*City of Marlborough*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

MAY 28 A 11: 24

*Nicholas Milano*  
EXECUTIVE AIDE

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*Patricia Bernard*  
EXECUTIVE SECRETARY

May 28, 2015

City Council President Patricia Pope  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Colonial Power**

Honorable President Pope and Councilors:

I am pleased to inform you that the City of Marlborough has recently received \$50,000 from Colonial Power as part of its negotiated municipal aggregation agreement with the City to fund energy efficiency improvements for the City of Marlborough and its residents.

As electricity rates remain high and heating costs continue to rise, especially when we have winters like the one we just had, we ought to assist our residents in finding energy efficiencies in their own homes. I look forward to working with you to establish a program to utilize these funds effectively and achieve greater energy savings for the City of Marlborough and its residents.

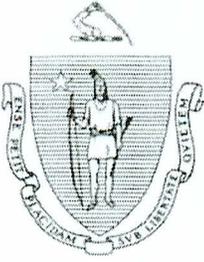
Additionally, as you may know, National Grid has reduced its electricity rates to nearly 9 cents per kilowatt hour. This rate outperforms the rate that the City has with Colonial Power under the municipal aggregation agreement. Over the first six months of the municipal aggregation agreement, Marlborough residents were able to achieve significant savings due to the low rate we negotiated with Colonial Power. However, these new rates from National Grid mean that Marlborough residents are now paying more than they should for electricity.

I look forward to working closely with you on the best means to inform Marlborough residents of their options under the current municipal aggregation agreement.

As always, please do not hesitate to contact me with any questions or concerns.

Sincerely,

**Arthur G. Vigeant**  
Mayor



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK  
GOVERNOR

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BOSTON, MA 02110  
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ANN G. BERWICK  
CHAIR

RICHARD K. SULLIVAN, JR.  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

JOLETTE A. WESTBROOK  
COMMISSIONER

DAVID W. CASH  
COMMISSIONER

December 11, 2013

VIA FIRST CLASS MAIL

Arthur Vigeant, Mayor  
City Hall  
140 Main Street  
Marlborough, MA 01752

James M. Avery, Esq.  
Brown Rudnick LLP  
One Financial Center  
Boston, MA 02111

RE: City of Marlborough Municipal Aggregation Plan

Dear Mayor Vigeant and Attorney Avery:

On November 27, 2013, the Department issued City of Lowell Municipal Aggregation, D.P.U. 12-124 (2013) (the "Lowell Order"). In the Lowell Order, the Department directs the City of Lowell to submit to the Department on December 1<sup>st</sup> of each year an annual report containing certain information about the City of Lowell's municipal aggregation program. D.P.U. 12-124, at 67-68.

The Department finds that municipal aggregation annual reports will improve customer education and the public's understanding of municipal aggregation. For this reason and consistent with the Lowell Order, the Department directs the City of Marlborough ("City") to submit an annual report to the Department on December 1<sup>st</sup> of each year. The annual report shall, at a minimum, provide: (1) a list of the program's competitive suppliers over the past year; (2) the term of each power supply contract; (3) the aggregation's monthly enrollment statistics by customer class; (4) a brief description of any renewable energy supply options; and (5) a discussion and documentation regarding the implementation of the municipal aggregation's

alternative information disclosure strategy. The City should file its first annual report on December 1, 2014.

In the Lowell Order, the Department finds that the practice of “suspending” a municipal aggregation program by switching customers between competitive supply and basic service as a means of obtaining a lower price for energy supply violates the Department’s policies regarding the use of basic service. D.P.U. 12-124, at 65. Basic service is designed to be utilized as a last-resort service, and not used as an alternate competitive supply option. Town of Lancaster, D.P.U. 12-39, at 18 (2012); Town of Lanesborough, D.P.U. 11-27, at 24 (2011); Town of Ashland, D.P.U. 11-28, at 16-17 (2011); Town of Lunenburg, D.P.U. 11-32, at 16-17 (2011); NSTAR Electric Terms and Conditions for Distribution Service and Competitive Suppliers, D.T.E. 05-84, at 15-18 (2006); Investigation by the Department of Telecommunications and Energy on its own Motion into the Provision of Default Service, D.T.E. 02-40-B at 7 (2003).

Based on testimony received during the Lowell evidentiary hearings, the Department is aware that some municipalities have been engaging in the practice of “suspending” municipal aggregation programs. D.P.U. 12-124, Exh. DPU-Colonial 1-3; Tr. 1, at 168. Under the Lowell Order, if a municipality switches all of its customers from competitive supply to basic service based on price, the Department will consider the municipal aggregation program terminated. D.P.U. 12-124, at 66. Once a municipal aggregation plan is terminated, a municipality seeking to form a new municipal aggregation must submit a municipal aggregation plan to the Department for approval in accordance with G.L. c. 164, § 134(a).

The Department acknowledges that prior to the Lowell Order, there was some ambiguity about municipalities “suspending” their municipal aggregation programs, and some municipal aggregation programs currently may be “suspended.” The Department will allow any municipality with a currently “suspended” program an opportunity to choose whether to reinstitute (without submitting a new municipal aggregation plan as described above) or terminate its municipal aggregation program. Therefore, if the City’s municipal aggregation program is currently suspended and the City wants to maintain its municipal aggregation program, the City must secure a competitive supplier and re-enroll its customers by December 1, 2014. If the City does not have a fully operational municipal aggregation program by December 1, 2014, the municipal aggregation program will be considered terminated.

Sincerely,

/s/

Ann G. Berwick  
Chair

cc: Service List for D.T.E. 06-102