

October 12, 2023

To:

The Honorable Jeffrey N. Roy

House Chair, Joint Committee on Telecommunications, Utilities, and Energy

State House Room 43

The Honorable Michael J. Barrett

Senate Chair, Joint Committee on Telecommunications, Utilities, and Energy

State House Room 109D

Dear Chair Roy, Chair Barrett, and Members of the Committee,

As municipal leaders committed to helping our residents access affordable electricity, and providing options to combat the global climate crisis at the local level, we write to you today to voice our support and call for the advancement of [H.3852](#), *An Act supporting electrical load aggregation programs in the Commonwealth*, sponsored by Representative Tommy Vitolo of Brookline.

H.3852 will empower municipalities with existing electrical load aggregation programs (also known as municipal aggregation programs) to more effectively update and operate their programs and foster the expansion of these programs to other cities and towns throughout the Commonwealth.

This bill was informed by a diverse group of municipal leaders and aggregation program administrators with years of experience operating aggregation programs in our state. It was first filed as H.3219 by Representative Roy and S.2145 by Senator Lewis, and it was then refined into H.3852 filed by Representative Vitolo.

Electrical load aggregation programs allow cities and towns to procure power for their own residents, often at a lower cost and with a higher clean energy percentage than what residents would otherwise receive through the default utility basic service. As a result, aggregation programs, especially those considered “green” because of their higher percentages of renewable energy, represent a vital tool for municipalities to advance local environmental goals in a cost-effective manner for their communities. Many communities with active programs achieved significant cost savings over this past winter when basic service rates reached historic highs. While we recognize that future savings cannot be guaranteed, we are proud of this accomplishment, and know that we can do so much more.

The legislature created load aggregation as part of the Electric Utility Industry Restructuring Act of 1997, and by 2013 the DPU had established a review process that effectively authorized local officials to operate programs without regulatory impediments, provided that programs comply with specific consumer protections. Now, however, unwarranted barriers are hindering communities from taking full advantage of the opportunity presented by aggregation.

Nearly half of the cities and towns in the Commonwealth do not yet have a program at all. Twenty-two of these municipalities have submitted aggregation plan proposals to the DPU for review, only to get stuck in

the queue, often waiting well over a year, and in some cases for over four years, for a response. This excessive delay has deterred many of the remaining municipalities from even pursuing a program.

The DPU currently interprets the statute to require that aggregation plans include nearly every detail of program operations. Therefore, any adjustment to those details requires a community to file a plan amendment with the DPU for its review and approval. State level oversight is an important feature to ensure that programs function in a fair and equitable manner. However, additional guidance is needed from the legislature to recognize and clarify that aggregation rules must allow local municipal leaders to adapt their programs based on local decision making. H.3852 would do just that.

Under H.3852 and subject to review and approval by the DPU, aggregation plans would be required to describe the structural elements of the proposed programs: how they will be organized, how they will make decisions, and how they will set their rates. Any changes to these structural items would require a plan amendment and approval by the DPU. The implementation elements, such as specific renewable energy levels, electricity supply options, and format of letters to consumers, would be governed by the local decision-making process outlined in the plan, and changes would not require an amendment. This clarification of responsibilities and authority would provide municipal leaders with the much-needed flexibility to adapt program operations more effectively and reduce the regulatory burden for DPU. Importantly, H.3852 also retains all the critical consumer protections and adds additional provisions that promote program transparency and protect consumer data.

It is important to note that the DPU opened a proceeding in August 2023 to address some of the issues H.3852 seeks to solve, such as reducing review time and clarifying rules for aggregations. However, the proposal falls short because it codifies the DPU's current interpretation of the statute. As an example, without H.3852, if every aggregation program desired to add the same, simple new offering (say, a discount to low-income customers from Community Shared Solar), the DPU would have to review and approve over 150 amendments. Without H.3852, therefore, we can expect an ever-expanding approval backlog at DPU and continued restrictions on municipal decision-making. The result is that our aggregation programs will be unable to adapt to the needs of our communities or the market.

As communities across the Commonwealth feel the real-time environmental and economic consequences of the climate crisis and as we work to hit our statewide climate goals and transition to a just clean energy economy, it is more important than ever that Massachusetts electricity consumers have access to energy options that are as sustainable, reliable, and cost-effective as possible.

We, the undersigned municipal officials, join our colleagues in the Legislature in wholeheartedly and enthusiastically supporting H.3852 and respectfully request that you advance the bill favorably out of committee. Thank you for your support and consideration.

Sincerely,

Scott J. Lambiase, Town Manager, Abington
Andrea Becerra, Sustainability Director, Acton
Jay R. Green, J.D., Town Administrator, Adams

Charles F. Ketchen, Select Board Chair, Alford
Peter Puciloski, Select Board, Alford
Peggy Rae Henden-Wilson, Select Board, Alford
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Andrew Flanagan, Town Manager, Andover
Jim Feeney, Town Manager, Arlington
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Edward G. Boscher, Chair, Select Board, Belchertown
Kristen L. Rubin, Town Administrator, Berlin
Donald A. Lowe, Town Administrator, Bolton
Boxford Select Board, Boxford
Bernard Greene, Select Board Chair, Brookline
Clint Phillips, Select Board, Buckland
Larry Wells, Select Board, Buckland
Joan Livingston, Select Board, Buckland
Paul F. Sagarino, Jr., Town Administrator, Burlington
Yi-An Huang, City Manager, Cambridge
Margaret T. Downey, Administrator, Cape Light Compact JPE¹
Sarah Reynolds, Town Administrator, Charlemont
Paul Cohen, Town Manager, Chelmsford
Jennifer Morse, Town Administrator, Cheshire
Carl W. McKinney, Town Administrator, Clarksburg
Chris Senior, Town Manager, Cohasset
Kevin P. Fox, Town Administrator, Colrain
Veronique Blanchard, Town Administrator, Conway
David Gilbert Keith, Energy Committee Chair, Deerfield
Michael Mullen, Town Administrator, Dighton
Ann Vandal, Town Manager, Dracut
Nicole LaChapelle, Mayor, Easthampton
Connor Read, Town Administrator, Easton
Charlie Sisitsky, Mayor, Framingham
Jamie Hellen, Town Administrator, Franklin
Ray Purington, Town Administrator, Gill
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Gregory M. Snedeker, Selectboard, Gill
Charles J. Garbiel, II, Selectboard, Gill
Greg Verga, Mayor, Gloucester
Sherman L. Derby, Sr., Selectmen Chair, Hancock
Diana M. Szynal, Select Board Chair, Hatfield

¹ 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 are organized and operating collectively as the Cape Light Compact JPE.

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Kate Hodges, Town Administrator, Lancaster
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R. Christopher Brittain, Town Administrator, Lee
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Patricia Duffy, Selectboard, Leverett
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