



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY  
GOVERNOR

KIMBERLEY DRISCOLL  
LIEUTENANT GOVERNOR

REBECCA L. TEPPER  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

JAMES VAN NOSTRAND  
CHAIR

CECILE M. FRASER  
COMMISSIONER

STACI RUBIN  
COMMISSIONER

November 5, 2024

VIA Email

James Avery, Esq.  
Pierce Atwood, LLP  
100 Summer Street  
Boston, Massachusetts 02110  
[Javery@pierceatwood.com](mailto:Javery@pierceatwood.com)

RE: Town of West Newbury, D.P.U. 24-83

Dear Attorney Avery:

On May 21, 2024, the Town of West Newbury ("West Newbury" or "Town"), through its agent Colonial Power Group, Inc., filed with the Department of Public Utilities ("Department") a petition for approval of a municipal aggregation plan ("Plan") pursuant to G.L. c. 164, § 134(a). The Department conducted a public hearing on July 26, 2024, pursuant to a June 21, 2024 notice of filing, public hearing, and request for comments.<sup>1</sup>

On July 9, 2024, the Department approved Municipal Aggregation Guidelines ("Guidelines"). Municipal Aggregation Guidelines, D.P.U. 23-67-A. To align its previously filed Plan with the newly adopted Guidelines, West Newbury filed a revised plan on August 23, 2024.

General Laws c. 164, § 134(a) authorizes any municipality or group of municipalities to aggregate the electrical load of interested customers within its boundaries, provided that the load

---

<sup>1</sup> The Department received one comment from Mr. Theodore Olsen who objects to the opt-out nature of municipal aggregation programs.

is not served by a municipal light plant. In D.P.U. 23-67-A, the Department approved Guidelines for municipal aggregation plan filings and annual reporting requirements. The Department held that a plan filing that complies with the Guidelines will satisfy the requirements set forth in G.L. c. 164, § 134(a). D.P.U. 23-67-A at 20.

More specifically, the Department reviews a filed plan to determine whether it includes the information required by the Guidelines (including supplemental information provided by the Town at the request of the Department). Guidelines, Section V.B. If, upon review, the Department finds that a filed plan includes all such information, the Department will approve a plan as filed. Conversely, if upon review, the Department finds that a filed plan does not include all the information required by the Guidelines, the Department will not approve such plan and will identify the information such plan must include to warrant Department approval.

Table 1, below, identifies the information required by each section of the Guidelines and the section(s) of the Town's Plan that includes the necessary information.

**Table 1**

<b>Guidelines</b>	<b>Plan</b>
<b>III. Procedural Requirements</b>	
A. Initiation of Process	Petition, Exhibit 2, Attachment A; Plan, Section III.A
B. Consultation with DOER	Petition, Exhibit 2, Attachment B; Plan, Section III.B
C. Public Review	Petition, Exhibit 2, Attachment C; Plan, Section III.C
<b>IV. Plan Elements</b>	
A. Organizational Structure	Section IV.A
B. Program Operations	
1. Statutory Requirements	
a. Universal Access	Section IV.B.1.a
b. Reliability	Section IV.B.1.b
c. Equitable Treatment of Customer Classes	Section IV.B.1.c
2. Procurement of Supply	Section IV.B.2
3. Product Information	Section IV.B.3
a. Rate Setting	
b. Renewable Energy Content	
c. Other Energy-Related Products and Services	
4. Other Funding/Costs	Section IV.B.4
5. Customer Enrollment	
a. Initial Enrollment	Section IV.B.5.a
b. Ongoing Enrollment	Section IV.B.5.b

c. Opt-In Products	Section IV.B.5.c
6. Customer Notifications	
a. Opt-Out Notice	Section IV.B.6.a
b. Notification of Product Change	Section IV.B.6.b
c. Other Notifications	
i. General Program Information	Section IV.B.6.c.(i)
ii. Program Supplier Communication	Section IV.B.6.c.(ii)
7. Ongoing Program Information	
a. Updated Product Information	Section IV.B.7.a
b. Previous Year Program Information	Section IV.B.7.b
i. Product Information	
ii. Rate Component Information	
iii. Renewable Content Information	
c. General Product Information	Section IV.B.7.c
8. Termination of the Program	Section IV.B.8
C. Rights and Responsibilities of Programs Participants	Section IV.C
<b>V. Department Review</b>	Section V
<b>VI. Annual Reports</b>	Section VI
<b>VII. Application of Restructuring Rules</b>	N/A
<b>VIII. Notification to EDCs</b>	
A. Plan Filing	Section VII.A
B. Electric Supply Agreement	Section VII.B
<b>IX. Plan and Program Changes</b>	
A. Plan Modifications	Section VIII.A
B. Program Consultant	Section VIII.B
<b>X. Implementation of Guidelines</b>	N/A
<b>XI. Waiver</b>	N/A

Section IV.B.1.c of the Guidelines requires that Municipal Aggregation Plans “identify those Plan elements for which there may be variances in treatment between customer classes or subclasses, ... and explain why the varied treatment is reasonable and appropriate in consideration of the disparate characteristics of each customer class or subclass.” Section IV.B.1.c of the Plan filed by the Town of West Newbury identifies all of the Plan elements listed in Table IV.B.1.c of the Plan as elements for which treatment may vary between customer classes: (1) procurement of supply; (2) product rate setting/renewable energy content; (3) other funding sources/costs; (4) customer enrollment; (5) customer notification; and (6) access to ongoing program information. The Plan (at page 6) states that:

[c]ustomer classes and subclasses differ in many respects such as electrical load, electricity consumption patterns or load factors, interest in and the ability to support enhanced renewable energy or opportunities described in the DOER Best

Practices or factors associated with Environmental Justice Populations such as English proficiency. These distinctions are expected to affect all aspects of Program operation. For example, effective and responsive procurement, product determination, enrollment, notification and ongoing customer education efforts will vary between residential and larger commercial or industrial customers due to differences between customers in these classes and their consumption patterns.

In D.P.U. 23-67-A, the Department stated that the Guidelines strike an appropriate balance between discretion (i.e., providing municipal aggregators with flexibility in the design and operation of their Programs) and transparency (i.e., ensuring that the public has ready access to useful information about such design and operation). D.P.U. 23-67-A at 7. The Department further stated that the Guidelines' provisions related to access to ongoing Program information, as set forth in Section IV.B.6, functions as the "cornerstone" of transparency. D.P.U. 23-67-A at 7, 14-15. Therefore, when reporting on (1) procurement of supply, (2) product rate setting/renewable energy content, (3) other funding sources/costs, (4) customer enrollment, (5) customer notification, and (6) access to ongoing program information, the Town shall describe how its treatment differed between customer classes.<sup>2</sup>

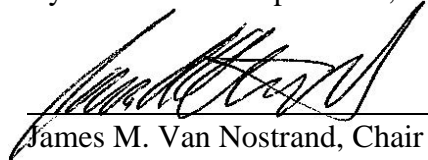
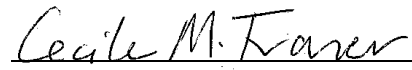
---

<sup>2</sup>

For example, the Town shall describe how its initial procurement of supply, as set forth in Section IV.B.2, differed between customer classes.

Based on its review of the Town's Plan, the Department finds that the information included in the sections identified in Table 1 complies with the information requirements set forth in the applicable section of the Guidelines and, therefore, satisfies all requirements in G.L. c. 164, § 134(a).<sup>3</sup> Accordingly, the Municipal Aggregation Plan filed by the Town of West Newbury, as revised in its filing of August 23, 2024, is approved.

By Order of the Department,

  
James M. Van Nostrand, Chair  
Cecile M. Fraser, Commissioner  
Staci Rubin, Commissioner

---

<sup>3</sup> The Department notes that the Town must comply with all of the requirements set forth in the Guidelines, even if the Plan did not specifically address a particular requirement.