



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 08-113

January 8, 2009

Petition of Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact, for certification of its Electric Energy Efficiency Plan for the calendar year 2009, by the Department of Public Utilities, pursuant to G.L. c. 164, § 134(b).

On November 28, 2008, the Cape Light Compact ("Compact") filed with the Department of Public Utilities ("Department") its electric energy efficiency plan covering calendar year 2009 ("2009 Plan"). The Compact filed its 2009 Plan pursuant to G.L. 164, § 134(b). The 2009 Plan includes programs for residential, low-income, commercial, and industrial customers.

The 2009 Plan proposes funding for energy efficiency programs through a number of sources, including the systems benefits charge, proceeds from the Forward Capacity Market and the RGGI auction. The Plan also includes funding through a \$2.2 mills per kilowatt-hour ("kWh") charge, which the Compact proposes to implement through NSTAR Electric Company's energy efficiency reconciling factor under review in NSTAR Electric Company, D.P.U. 08-117. If this charge is approved as proposed, the bill of an average residential basic service customer using 500 kWh of electricity per month would increase by \$1.11 (89 percent). Bill impacts for commercial and industrial customers will vary. These customers should contact the Company for specific bill impact information. The Department docketed the Compact's petition as D.P.U. 08-113.

Copies of the 2009 Plan are on file at the Department's offices, One South Station, Boston, Massachusetts 02110 for public viewing during business hours, and on the Department's website, at <http://www.mass.gov/dpu>. Copies are also on file for public view at Barnstable Superior Court House, 3195 Main Street (Route 6A), Barnstable, Massachusetts 02630. Any person desiring further information regarding the 2009 Plan should contact counsel for the Company, Suzy Hong, Esq. at 617-244-9500. Any person desiring further information regarding this notice should contact Benjamin N. Spruill, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the 2009 Plan and Settlement. The hearing will take place on **January 23, 2009, at 3:15 p.m.** at the Department's offices, One South Station - 2nd Floor, Boston, Massachusetts 02110. A procedural conference will take place immediately following the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **January 23, 2009.**

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **January 20, 2009.** A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and four (4) copies of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Public Utilities, One South Station - 2nd Floor, Boston, Massachusetts 02110 not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorney, Suzy Hong, Esq., BCK Law, P.C., One Gateway Center, Newton, Massachusetts 02458.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the hearing officer [benjamin.spruill@state.ma.us] or (2) on a 3.5" disk or CD-ROM. The text of the e-mail, disk label, or CD-ROM must specify: (1) the docket number of the proceeding D.P.U. 08-113; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The Department strongly encourages filers to avoid submitting scanned files but will accept them for posting when an alternative version does not exist in electronic format. In addition, if the petitioner, applicant, or any other participant has already filed a document relevant to this proceeding, such as the initial petition, application, or filing, without providing an electronic copy of that document, such entity is directed to do so in compliance with the above electronic filing requirements as soon as practicable. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.