



The Massachusetts Department of Public Utilities (or “DPU”) released Draft Guidelines and Template for Municipal Aggregation on August 15th of 2023. This proposal would change how municipal aggregations are currently structured as well as the process for receiving DPU approval. In response to a call for comments, the Berkshire Regional Planning Commission has prepared the following response for docket number (D.P.U. 23-67); (2).

1. The change in requiring a specific launch date for Municipal Aggregations was determined in advance of the approval through DPU.

- First, the change will now require a specific launch date to lock municipalities into a specific purchase window for aggregation rates. This can lead to limited purchasing options and affect both the willingness and ability of the municipality to proceed with an Aggregation.
- Secondly, the proposal limits municipalities to a specific launch date instead of a window with a range of dates, with the understanding that DPU will process the application in either 120 days or 180 days. This operates under the assumption that the changes proposed to the approval process will now be "expedited" by using the proposed application Template, however, there are no substantive changes proposed to the actual approval process which will ensure that the DPU can complete reviews of aggregations within that time frame. Further the proposed remediation should the aggregation be approved and commence on time is that the aggregation would then have two years from the date of approval. Thus, eliminating the purpose of requiring a set launch date.
- Ultimately, this change will require Municipalities to try and gauge a single future date that will be most advantageous to their residents for supply to be purchased. The feasibility of this change appears near impossible given the ever-changing nature of the energy market landscape.

2. Requiring that new original and amended plan now requires an attached petition signed by counsel "directly representing" the municipality, which increases the burden on smaller municipalities, often the very ones who most want to implement an aggregation for their residents.

- This role has traditionally been filled by a consultant hired by the municipality to organize the aggregation. Transitioning the burden directly to the municipality increases the burden for smaller communities, many of which would now need to hire an outside counsel to fill this role or add additional burdens to municipal counsel which are often at capacity.

3. Requiring applications to include predefined specifications for all products that the aggregation intends to include adds an undue burden to municipalities.

- The nature of the energy market determining pre-pricing for all products being offered through an aggregation program suffers from the same issues as setting specific launch dates. This does not account for changing energy prices and prevents the municipality from being able to take advantage of favorable market conditions.