

DEC 24 2018

DEPARTMENT OF
PUBLIC UTILITIES

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SPECIAL MEETING

PUBLIC UTILITIES COMMISSION
WALLINGFORD ELECTRIC DIVISION
100 JOHN STREET
WALLINGFORD, CT 06492

FRIDAY, DECEMBER 21, 2018

10:00 AM

MINUTES

PRESENT: Chairman Robert Beaumont, Commissioners Patrick Birney (at 10:05, via telephone) and Joel Reinbold, Director Richard Hendershot, Electric Division General Manager Tony Buccheri, Office Manager Tom Sullivan, and Town Attorney Gerald Farrell, Sr.

Mr. Beaumont called the meeting to order at 10:02 AM.

Following the Pledge of Allegiance, Mr. Beaumont read the only item on the meeting agenda. "Discussion and possible action: Exercising the WED option of continuing its participation in the 50-in-5 Peaking Project, or MicroGen".

Mr. Beaumont spoke about the current MicroGen Agreement, noting that the start of the current term, which expires at midnight on December 31, 2018, began when the Town (WED) stopped being a full requirements participant of CMEEC.

Attorney Farrell noted that if the Town takes no action regarding the current MicroGen Agreement, Wallingford will be out of the MicroGen Project after December 31, 2018. He further noted that CMEEC in-house counsel had contacted the Wallingford Law Department earlier in the week to inquire about Wallingford's intentions regarding the MicroGen Project. He stated that initially Attorney Robert O'Neil responded to CMEEC on behalf of the Town that this inquiry had been passed on to the Town. He further noted that yesterday (December 20, 2018) the Law Department informed CMEEC counsel about this Special Meeting.

Mr. Beaumont asked if this meeting needed to go into executive session.

Attorney Farrell stated no. He also noted an earlier Executive Session, at a Special PUC meeting held on October 24, 2018, during which this issue was discussed at length, but that no action or votes were taken regarding MicroGen, either during this previous Executive Session or at any other time during the October 24 meeting. Attorney Farrell further stated that today's meeting was to obtain an on-the-record decision from the PUC regarding MicroGen.

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Mr. Birney also noted the lengthy discussion regarding MicroGen at the earlier meeting/executive session, and further noted that during that discussion the PUC heard from inside counsel and outside consultants. Mr. Birney then asked if today's meeting was for further discussion and then possible action, or merely for possible action by the PUC.

Attorney Farrell advised against public discussion regarding MicroGen, citing the still-on-going arbitration process between the Town and CMEEC. He advised that the PUC entertain a motion for "no action" regarding MicroGen and that the existing Agreement be allowed to expire.

After some discussion about wording details, the following motion was made by Commissioner Birney and seconded by Commissioner Reinbold:

"For the reasons of the on-going and pending arbitration with CMEEC, and continued uncertainty of the Town's business relationship with CMEEC, the Town of Wallingford elects not to continue its participation in the 50-in-5 Microgen Project, and that the Town's Law Department is authorized to notify CMEEC of the Town's decision not to continue to participate in the 50-in-5 Microgen Project beyond December 31, 2018".

Attorney Farrell noted that there is no obligation for Wallingford to provide CMEEC with notice if the Town chooses to leave MicroGen at the end of the year, but as a courtesy the motion on the table provides that notice. He further noted that CMEEC's in-house counsel had earlier this week inquired with Wallingford regarding the Town's participation.

Mr. Beaumont asked for a vote on the motion.

3 Ayes.

Mr. Beaumont asked for a motion to adjourn. Mr. Birney made a motion to adjourn the meeting, and the motion was seconded by Mr. Reinbold. Mr. Beaumont called for a vote.

3 Ayes

The meeting adjourned at 10:17 AM.

Respectfully submitted,

Respectfully submitted,

Mary H. Lombardo
Recording Secretary

Joe Rinebold Secretary
Secretary