



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### Remedial Plan Sunwave Gas & Power Massachusetts, Inc.

Pursuant to the Department of Public Utilities' ("Department") Interim Guidelines for Competitive Supply Investigation and Proceedings ("Interim Guidelines"), the Department and Sunwave Gas & Power Massachusetts, Inc. - CS-113 ("Company") agree to the following Informal Remedial Plan ("Plan"). Order Establishing Final Interim Guidelines for Competitive Supply Investigations and Proceedings, D.P.U. 16-156-A (2017), Attachment A, Section 5(3). This Plan results from an informal review that the Delegated Commissioner<sup>1</sup> initiated on December 20, 2018, to determine the extent to which the Company may have significant consumer issues or violated the Department's regulations. As described in the Department's December 20, 2018 letter, the investigation related to the Massachusetts Department of Energy Resources' ("DOER") December 6, 2018 petition requesting the Department to take specific action resulting from the Company's alleged non-compliance with 225 CMR 14.00, 15.00, and 16.00, for the compliance year 2017. The Plan provisions set forth below establish requirements for the Company regarding compliance with its RPS obligation for each of the years 2017 through 2020.

The Company agrees to the following four provisions:

- 1) As of the date of the Plan, the Company shall refrain from marketing to, and signing up, new customers unless and until it demonstrates compliance with its 2018 RPS obligation, as set forth in Section (c) of Attachment A, hereto.
- 2) Within 30 days of the date of the Plan, the Company shall submit to DOER its 2017 alternate compliance payment, in the amount specified in the DOER petition, plus interest calculated according to the Customer Deposit Rate published in the Wall Street Journal. If the Company fails to do so, it shall withdraw its competitive supplier license.

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<sup>1</sup> "Delegated Commissioner" refers to the commissioner whom the Chairman, with authorization from the Commission, delegates the authority to, among other thing, issue a notice of probable violation. Competitive Supply Interim Guidelines, Section 2(2).

- 3) The Company shall demonstrate compliance with its 2018 RPS obligations in a timely manner, as set forth in DOER's regulations, 225 CMR 14.00, 15.00, and 16.00, and consistent with DOER's practices, except that the Company may demonstrate compliance pursuant to an alternate schedule agreed to by the Company and DOER, as set forth in Attachment A, hereto.
- 4) The Company shall demonstrate compliance with its 2019 and 2020 RPS obligations in a timely manner, as set forth in DOER's regulations and consistent with DOER's practices. If the Company fails to do so in either year, it shall refrain from marketing to, and signing up, new customers until the Department finalizes an informal review or formal investigation into this matter.

The undersigned, duly authorized, stipulate to and acknowledge agreement to the terms herein.

Department of Public Utilities

Cecile M. Fraser

Date: 3/5/2019.

Cecile M. Fraser  
Delegated Commissioner

Sunwave Gas & Power Massachusetts, Inc.

By: Steve C. Laker

Date: 3/4/19

Print name: Steve C. Laker

Title: CED



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*Via Electronic Mail*

February 27, 2019

Greggory Wade  
Counsel/Hearing Officer, Legal Division  
Department of Public Utilities  
One South Station  
Boston, MA 02110

**Re: Sunwave Gas & Power Massachusetts, Inc. - CS-113**

Hearing Officer Wade:

Attached is the schedule upon which Sunwave Gas & Power Massachusetts, Inc. ("Sunwave") and the Department of Energy Resources ("DOER") have agreed regarding the submission and review of Sunwave's 2018 Renewable Energy Portfolio Standard ("RPS") and Alternative Energy Portfolio Standard ("APS") compliance obligations for inclusion in the informal remedial plan.

After today, I will be out of the country. However, in my absence, my colleague Emilee Scott ([escott@rc.com](mailto:escott@rc.com) or 860-275-8362) will be available to finalize the informal remedial plan with the Department of Public Utilities.

Please feel free to contact us if you have any questions or require additional information. Thank you.

Sincerely,

  
Joey Lee Miranda

Copy to: C. Carroll (DOER)  
R. Weir (Sunwave)

Sunwave plans to submit its 2017 alternative compliance payment (ACP) which equals \$1,002,689.34, plus any accrued interest, within 30 days of entering into an informal remedial plan with the Department of Public Utilities (DPU). In order to satisfy the obligations of that plan with respect to its 2018 RPS and APS obligations, Sunwave proposes that provided its 2017 alternative compliance payment (ACP) has been paid in full per the terms of the Informal Remedial Plan, the Department of Energy Resources (DOER):

- a) permit it to submit its 2018 RPS/APS compliance filing as soon as Sunwave: (i) receives the load obligation data from each of the electric distribution companies on April 30; (ii) purchases the required NEPOOL GIS certificates and/or obtains any required ACP credits to satisfy its 2018 RPS and APS obligations as determined by DOER; and (iii) subject to clause (b) below, fully completes and submits to DOER a hardcopy, signed original of DOER's RPS Class I & II and APS Annual Compliance Workbook for 2018 ("2018 Workbook") and related supporting filing documents;
- b) agrees within ten (10) business days to make a determination in writing and in its sole discretion on the completeness of Sunwave's 2018 Workbook and related supporting filing documents;
- c) agrees to make a preliminary determination, in its sole discretion, about Sunwave's compliance with its 2018 RPS and APS obligations within ten (10) business days of DOER's determination, per clause (b) above, that a complete 2018 RPS/APS compliance filing was submitted; and
- d) agrees to notify Sunwave by July 1, 2019 of its final determination about Sunwave's compliance with its 2018 RPS/APS obligations and Sunwave shall immediately obtain any additional ACP Credits required to meet such obligation, if necessary, but no later than ten (10) business days after such written notice
- e) reserves any and all of its rights and remedies under the "Non-compliance" sections of its RPS/APS regulations, including but not limited to, referring any non-compliance with Sunwave's RPS/APS obligations to DPU for license revocation, notwithstanding any of the foregoing.