

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD

RSA 125-O:5-a

21 South Fruit Street, Suite 10

Concord, N.H. 03301-2429

Draft Minutes for August 20, 2021

Attendees:

Board Members: Ryan Clouthier (Southern NH Services); Don Maurice Kreis (OCA); Joe Fontaine for Becky Ohler (DES); Marc Lemenager for Kate Peters (Eversource); Eric Stanley (Liberty Utilities); Ray Burke (NH Legal Assistance); Bruce Clendenning (The Nature Conservancy); Tonia Chase (BIA); Cindy Carroll (Unitil); Carol Woods (NHEC); Don Perrin (NH Department of Administrative Services); Representative Kat McGhee (NH House of Representatives); Representative Michael Vose (NH House of Representatives); Matt Siska (GDS Associates); Doria Brown (NH Municipal Association); Jack Ruderman (NH Housing Authority); Mark Sanborn (Department of Energy).

Others: Karen Cramton (Department of Energy); Ricky DiCillo (DES); Samuel Evans-Brown (Clean Energy NH); Kelly Buchanan (Clean Energy NH); Bob Backus.

1. Welcome and Introductions

- The meeting was held in person at the New Hampshire Department of Environmental Services.
- Bruce Clendenning called the meeting to order at 9:04 a.m.

2. Approval of the June 18, 2021 EESE Board Meeting Minutes.

- Joe Fontaine moved. Tonia Chase seconded.
- Approval of the June 18, 2021 minutes. All in favor with three abstentions.

3. EESE Board Representative to EM&V Committee

Christa Shute served as the EESE Board representative to the EM&V Committee. Given she is no longer employed by the Office of the Consumer Advocate a new representative is needed. Don Kreis provided a history of the EM&V Committee and its work. He reminded Board members that the Committee representative represents the entire EESE Board during Committee meetings. Two Staff of the OCA have previously served as the Board's representative to the Committee and have enjoyed the Committee's work. The Committee's work is very important

and the work is complex. A dedicated individual, with time to devote to Committee work, is needed.

Chris Skoglund (DES) has technical and subject matter expertise in this subject matter. His supervisor is supportive of his representing the Board on the Committee and performing the required work of the Committee.

Matt Siska (GDS) indicated he would be available to provide information and assist with technical needs/questions. He agreed that having a dedicated individual represent the Board is critical.

Should there be back-up coverage (i.e., an assigned alternate)?

Consistent meeting attendance is important as the subject matter is highly technical; it's difficult for someone to step-in for someone else. However, some Board members think assigning an "alternate" is a good idea. The OCA staff did not have an alternative.

Determination: The Committee meets on a regular schedule but is flexible on meeting times if someone has a conflict; therefore, naming an alternate is not necessary.

Motion and Vote:

Motion: Mark Sanborn nominated Chris Skoglund of DES to represent the EESE Board on the EM&V Committee. Don Kreis second the motion.

Vote: Unanimous, all in favor.

4. Discussion of EESE Board's EERS Committee

Public Utilities Commission and Department of Energy Discussion

Mark Sanborn (Department of Energy) provided an overview of the new Department of Energy and its role regarding the EESE Board; noting with the creation of the new Department, the EESE Board will transfer from the PUC to the Department (i.e., the EESE Board will be administratively attached to the Department). With the creation of a Department of Energy and the transition energy agencies, the Governor is changing the structure of government. The Department will inform the make-up of the Board through its appointments. Mark suggested, and Bruce will, reach out to Chris Ellms (Department's Deputy Commissioner) to determine how the Board will function going forward. Don Kreis stated that the OCA is also administratively attached to the Department. Administratively attached is defined in RSA 21:G-10 and refers to administrative efficiency (i.e., provides back office services), and does not mean the Department has any role in the OCA affairs.

EERS Docket Discussion

Mark continued stating that the EERS docket remains open and with the PUC. The EERS Committee works on the EERS docket (i.e., Triennial Plan), and represents the Board. If the EERS Committee wants to continue for purposes of triennial plan, then Mark suggested a better vehicle may be to work directly with the PUC on how they are going to proceed with the docket. The EERS Committee may not actually get the triennial plan moving forward, but the Committee could send a message to the PUC that the triennial plan needs to move forward, and why it is important that the plan move forward. He noted, there is clearly a reason why the PUC is not moving forward with an order, and the EESE Board needs to understand why. A reason may be that the EERS targets are too aggressive and the cost to the business community – especially to large companies and manufacturing – is too high, especially in a state where energy costs are already high. Electricity costs are preventing businesses from relocating here. Enough people who had influence on the process did not want the EERS triennial plan to move forward. He also noted, the PUC has drastically reduced the size of its staff with the transition to the Department/PUC structure.

Dianne Martin, Chairwoman of the PUC, is a member of the EESE Board. It was suggested the Board talk with her.

Don (OCA) personally believes the PUC will never issue an order on the docket's settlement. He highlighted the vast amount of work funded by ratepayers that went into developing the triennial plan and coming to consensus on the EERS triennial plan. The PUC has snubbed its nose at the consensus approach to the three-year plan. There is no PUC representative at this meeting. This is a public policy fiasco.

Businesses need an answer; their plans are in limbo.

What happens if the triennial is not approved by the PUC?

The utilities believe the 2020 EERS budgets will continue until there is an order (i.e., apply existing EERS targets, but savings assumptions will change for measures). Don mentioned that usually at this time of year parties are in agreement on next year's programs. Utilities cannot keep pretending its 2020 – metrics change, etc.. The utilities also indicated the System Benefits Charge (SBC) is a PUC approved rate and the utilities are required to continue with the current SBC in their tariffs until the PUC orders a change to the SBC rate.

It was suggested that legislation may be needed. The OCA may also take legal action to force the PUC to act.

Can a modified EERS Triennial Plan be filed with the PUC?

Mark Sanborn asked if the filed plan (i.e., settlement) could be modified and the resubmitted to the PUC?

Parties entered into a settlement agreement which is a legal position. The utilities stand behind the filed plan and settlement agreement. However, Don believes the parties could get together and propose something different to the PUC.

Discussion continued and many indicated that they would first want to understand why an EERS order has not been issued. Many in attendance speculated as to the reasons why. The Board should not guess at the reason(s); it needs to understand the PUC's areas of concerns and then those concerns should be addressed in a revised plan.

Role of EERS Committee Discussion

Bruce (TNC) stated that the role of committee should be further defined before we move forward. How do we plan for the future?

It is imperative for stakeholders to be involved in developing triennial plan; it is the right approach to planning and funding energy efficiency programs. There is benefit to stakeholders collaborating with program administrators (i.e., utilities), and the EERS Committee is necessary to collaborate with program administrators.

The utility representatives agree Stakeholder input during planning and program design is important. The Committee is intended to inform the triennium plan; not review ongoing performance. Quarterly meetings with program administrators is an opportunity for stakeholders to meet for performance updates.

The statute that created the EESE Board defined the Board's purpose: to "promote and coordinate EE". The EERS Committee is necessary to support this purpose. Based on current statute, the next triennial plan will be reviewed by the PUC, then go to the legislature for approval. The EERS Committee may assist in that effort.

What would an EERS Committee look like?

Don reviewed the previous EERS Committee's charge and proposed the following revised duties for the EERS Committee:

- To make recommendations to the EESE Board with respect to policies relevant and applicable to ratepayer-funded energy efficiency;
- To make recommendations to the EESE Board for appropriate goals (e.g., kWh, kW, and MMBTU saved; approach to income eligible programs, etc.) to be included in future ratepayer-funded energy efficiency programs;
- To make recommendations to the EESE Board about the appropriate level of funding relating to such programs;
- To make recommendations to the EESE Board about the appropriate program design and delivery models to achieve stated savings goals, including ways to identify and address potential barriers and disincentives to serving the income-eligible population;

- To serve as a resource to the EESE Board whenever the Board requires assistance with discharging its role as an enhanced stakeholder board with respect to the state’s ratepayer-funded energy efficiency programs; and,
- As necessary, to provide input to the Public Utilities Commission with respect to the hiring of consultants to provide assistance to stakeholders in the energy efficiency context.

Next steps:

Before the next meeting, Bruce will bring a small group together to better define the functions of the EERS Committee. The group will bring a revised proposal to the next meeting. The group will consist of the following volunteers: Bruce (TNC), Don (OCA), Marc (utility rep), Ray (NHILA), Tonia (BIA). Bruce will be the convener of this gathering.

5. Legislative Updates

Science Technology & Energy (ST&E) will be meeting in September to deal with 14 retained bills; the largest number of retained bills in past six years. To handle this large quantity, ST&E will set up subcommittees to bring back recommendations to the full committee (i.e., ST&E). The goal is to pass judgement on the retained bills by mid-October. Representative Vose, the Committee Chair, expects that the public can attend the sessions and outside speakers will be allowed to contribute. The Committee may be reaching out and calling on stakeholders, etc. for expertise.

6. Board & Program Updates

- EERS Committee:
 - No updates
- PUC:
 - No updates
- Department of Energy:
 - Josh Elloitt was nominated for the position of Policy and Programs Director on
 - Department programs are moving forward.
 - The change to the Department happened quickly, so there are still a lot of mechanics to be worked out. Need to work out the PUC-DOE administration of programs.
 - Jared has been deferring as much as possible to the firm Commissioner.
 - Chris Ellms was confirmed as Deputy Commissioner.
 - Mark doubts that Jared’s term as Interim Commissioner will be extended.
 - As leadership positions are filled, longer-term strategies will be determined.
 - State Energy Strategy – focus: build up offshore wind and transportation sectors. Process will be continuing and conversations will continue to move forward. The

Department wants a robust conversation, and new leadership at the Department agrees.

- DES:
 - RGGI – The next program review will be initiated. RGGI, Inc. performs the administrative work and they will be organizing online meetings for stakeholder input. End of process may change RGGI administrative rules, meaning legislative changes may be needed.
 - EV Settlement funds and program administration are now at the DES.
- OCA:
 - The transition to the Department of Energy has had a nearly devastating effect on the OCA. Both analysts moved to the PUC. Counsel resigned. Call Don if you are looking for work.
- Other Updates:
 - LES Conference is scheduled for October 8th. Hoping to provide a hybrid conference. CleanEnergyNH.org and NHEnergy.org have links to conference.
 - Clean Energy NH would like to be reappointed to represent a non-profits on the EESE Board.

7. Miscellaneous

Coffee and Bagels – Thank you to the DES for the August meeting refreshments. Cindy (Unitil) offered to provide coffee and bagels for the September meeting.

Rural transportation presentation at next meeting. The Board Chair is looking for ideas for the October meeting.

8. Meeting adjourned at 10:52

Mark motioned, Ray second. Meeting adjourned.