

S.202; An Act Relating to the Energy Efficiency Charge;
Side-by-Side, As Passed Senate v. House Proposal of Amendment
 Aaron Adler, Legislative Counsel, May 6, 2014

§	AS PASSED SENATE	HOUSE PROPOSAL OF AMENDMENT
1	<p>30 V.S.A. § 209 is amended to read:</p> <p>§ 209. JURISDICTION; GENERAL SCOPE * * *</p> <p style="padding-left: 40px;">(d) Energy efficiency. * * *</p> <p style="padding-left: 40px;">(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Board may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of section 218c of this title. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund administrator appointed by the Board and deposited into an Electric Efficiency Fund. When such a charge is shown, notice as to how to obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Board. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.</p> <p style="padding-left: 40px;">(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section.</p> <p style="padding-left: 40px;">(B) The charge established by the Board pursuant to this subdivision (3) shall be in an amount determined by the Board by</p>	<p>30 V.S.A. § 209 is amended to read:</p> <p>§ 209. JURISDICTION; GENERAL SCOPE * * *</p> <p style="padding-left: 40px;">(d) Energy efficiency. * * *</p> <p style="padding-left: 40px;">(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Board may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of section 218c of this title. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund administrator appointed by the Board and deposited into an Electric Efficiency Fund. When such a charge is shown, notice as to how to obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Board. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.</p> <p style="padding-left: 40px;">(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Board will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section.</p> <p style="padding-left: 40px;">(B) The charge established by the Board pursuant to this subdivision (3) shall be in an amount determined by the Board by</p>

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	<p>rule or order that is consistent with the principles of least cost integrated planning as defined in section 218c of this title. As circumstances and programs evolve, the amount of the charge shall be reviewed for unrealized energy efficiency potential and shall be adjusted as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In setting the amount of the charge and its allocation, the Board shall determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives: reducing the size of future power purchases; reducing the generation of greenhouse gases; limiting the need to upgrade the State’s transmission and distribution infrastructure; minimizing the costs of electricity; <u>reducing Vermont’s total energy expenditures</u>; providing efficiency and conservation as a part of a comprehensive resource supply strategy; providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and the value of targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. The Board, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under <u>this</u> subdivision (3) of at least \$5,000.00 may apply to the Board to self-administer energy efficiency through the use of an energy savings account which shall contain a percentage of the customer’s energy efficiency charge payments as determined by the Board. The remaining portion of the charge shall be used for systemwide energy benefits. The Board in its rules or order shall establish criteria for approval of these applications.</p> <p style="text-align: center;"><u>(C) The Board may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce</u></p>	<p>rule or order that is consistent with the principles of least cost integrated planning as defined in section 218c of this title. As circumstances and programs evolve, the amount of the charge shall be reviewed for unrealized energy efficiency potential and shall be adjusted as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In setting the amount of the charge and its allocation, the Board shall determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives: reducing the size of future power purchases; reducing the generation of greenhouse gases; limiting the need to upgrade the State’s transmission and distribution infrastructure; minimizing the costs of electricity; <u>reducing Vermont’s total energy demand, consumption, and expenditures</u>; providing efficiency and conservation as a part of a comprehensive resource supply strategy; providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and the value <u>of</u> targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. The Board, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under <u>this</u> subdivision (3) of at least \$5,000.00 may apply to the Board to self-administer energy efficiency through the use of an energy savings account which shall contain a percentage of the customer’s energy efficiency charge payments as determined by the Board. The remaining portion of the charge shall be used for systemwide energy benefits. The Board in its rules or order shall establish criteria for approval of these applications.</p> <p style="text-align: center;"><u>(C) The Board may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce</u></p>

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	<p><u>the use of fossil fuels for heating by supporting electric technologies that may increase electric consumption, such as air source heat pumps if, after investigation, it finds that deployment of the technology:</u></p> <p style="padding-left: 40px;"><u>(i) will be beneficial to electric ratepayers;</u></p> <p style="padding-left: 40px;"><u>(ii) will result in cost-effective energy savings to the end-user and to the State as a whole;</u></p> <p style="padding-left: 40px;"><u>(iii) will result in a net reduction in greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal;</u></p> <p style="padding-left: 40px;"><u>(iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)–(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building’s energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Board and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);</u></p> <p style="padding-left: 40px;"><u>(v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;</u></p> <p style="padding-left: 40px;"><u>(vi) will be promoted in conjunction with demand management strategies offered by the customer’s distribution utility to address any increase in peak electric consumption that may be caused by the deployment;</u></p> <p style="padding-left: 40px;"><u>(vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and</u></p>	<p><u>the use of fossil fuels for space heating by supporting electric technologies that may increase electric consumption, such as air source or geothermal heat pumps if, after investigation, it finds that deployment of the technology:</u></p> <p style="padding-left: 40px;"><u>(i) will be beneficial to electric ratepayers as a whole;</u></p> <p style="padding-left: 40px;"><u>(ii) will result in cost-effective energy savings to the end-user and to the State as a whole;</u></p> <p style="padding-left: 40px;"><u>(iii) will result in a net reduction in State energy consumption and greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal. In making a finding under this subdivision, the Board shall consider the use of the technology at all times of year and any likely new electricity demand created by such use;</u></p> <p style="padding-left: 40px;"><u>(iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)–(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building’s energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Board and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);</u></p> <p style="padding-left: 40px;"><u>(v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;</u></p> <p style="padding-left: 40px;"><u>(vi) will be promoted in conjunction with demand management strategies offered by the customer’s distribution utility to address any increase in peak electric consumption that may be</u></p>

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	<p><u>(viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Board shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), “regulated fuel” and “unregulated fuel” shall have the same meaning as under subsection (e) of this section.</u></p> <p style="text-align: center;">* * *</p> <p>(e) Thermal energy and process fuel efficiency funding.</p> <p style="text-align: center;">* * *</p> <p>(3) In this subsection: (A) “Efficiency services” includes the establishment of a statewide information clearinghouse under subsection (g) of this section. (B) “Regulated fuels” means electricity and natural gas delivered by a regulated utility. (C) “Unregulated fuels” means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.</p> <p style="text-align: center;">* * *</p>	<p><u>caused by the deployment;</u></p> <p><u>(vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and</u></p> <p><u>(viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Board shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), “regulated fuel” and “unregulated fuel” shall have the same meaning as under subsection (e) of this section.</u></p> <p style="text-align: center;">* * *</p> <p>(e) Thermal energy and process fuel efficiency funding.</p> <p style="text-align: center;">* * *</p> <p>(3) In this subsection: (A) “Efficiency services” includes the establishment of a statewide information clearinghouse under subsection (g) of this section. (B) “Regulated fuels” means electricity and natural gas delivered by a regulated utility. (C) “Unregulated fuels” means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.</p> <p style="text-align: center;">* * *</p>
2	<p>Sec. 2. EFFECTIVE DATE <u>This act shall take effect on July 1, 2014.</u></p>	<p><i>No change proposed by House.</i></p>

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