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H.739

Representative Parent of St. Albans Town moves that the bill be amended
after Sec. 1 by inserting Sec. 2 to read:

Sec. 2. SMEEP PROGRAM EXPANSION; PILOT PROJECT

(a) As used in this section:

(1) “Commission” means the Public Utility Commission under
30 V.S.A. § 3.

(2) “Department” means the Department of Public Service under
3 V.S.A. § 212 and 30 V.S.A. § 1.

(3) “EEC” means the energy efficiency charge under 30 V.S.A.
§ 209(d).

(4) “Efficiency Vermont” means the EEU whose appointment under
30 V.S.A § 209(d)(2) includes the delivery of programs and measures to
customers of multiple electric distribution utilities.

(5) “Energy efficiency utility” or “EEU” means an entity appointed to
deliver energy efficiency and conservation programs and measures under
30 V.S.A. § 209(d)(2).

(6) “Energy transformation project” shall have the same meaning as in
30 V.S.A. § 8002.

(7) “Productivity measures” means investments that reduce the amount
of energy required to produce a unit of product.

1 (8) “SMEEP” means the self-managed energy efficiency program
2 established under 30 V.S.A. § 209(j).

3 (9) “SMEEP expansion pilot” means the three-year pilot program
4 established by this section.

5 (b) By order, the Commission shall establish as a pilot program a three-
6 year expansion of SMEEP for commercial and industrial customers that do not
7 currently qualify for the program.

8 (c) Customers participating in the SMEEP expansion pilot shall not be
9 eligible to participate in any offerings provided by Efficiency Vermont.
10 However, Efficiency Vermont may offer consulting services to a participating
11 customer.

12 (d) A customer applying to participate in the SMEEP expansion pilot shall
13 commit to an annual average energy efficiency investment during the three-
14 year pilot period in an amount equal to the customer’s EEC paid in the year
15 prior to participation in the self-managed program.

16 (e) A participating customer that does not expend the full amount of funds
17 required to participate in the program must, at the end of the three-year pilot,
18 pay the amount of unspent funds to the Electric Efficiency Fund established
19 under 30 V.S.A. § 209(d).

20 (f) Customers participating in the SMEEP expansion pilot shall pay a cost-
21 based fee, the amount of which shall be determined by the Commission, to

1 cover the administrative costs incurred by the Commission and Department,
2 including costs incurred for the verification of savings and investment.

3 (g) The Commission shall reduce the budget and performance indicators of
4 Efficiency Vermont commensurate with participation in the SMEEP expansion
5 pilot program.

6 (h) A customer participating in the SMEEP expansion pilot may use its
7 annual budget for electric and thermal energy efficiency measures, including
8 productivity measures. The customer also may use the annual budget for
9 energy storage measures. The Commission may allow the use of self-
10 administered funds for initial technical guidance related to potential energy
11 transformation projects that may be implemented by the customer's
12 interconnecting utility, such as electrification of vehicles used in the
13 customer's operation.

14 (i) A customer participating in the SMEEP expansion pilot may consider
15 the total cost of energy efficient equipment and technology, including the
16 design, purchase, and installation of new equipment or the alteration of
17 existing equipment, as an eligible energy efficiency investment if that
18 investment increases productivity or enables the participant to demonstrate an
19 increase in payroll.

20 (j) The Commission, with the assistance of the Department and the Agency
21 of Commerce and Community Development (ACCD) under 3 V.S.A. chapter

1 47, shall select not more than 20 companies willing to participate in the
2 SMEEP expansion pilot. In selecting companies to participate in the pilot, the
3 Commission shall consider diversity in geographic location, energy
4 consumption, size and type of business, and the energy savings and economic
5 benefit to the State from the customer's participation.

6 (k) Within three months after being selected for the SMEEP expansion
7 pilot, each participating customer must develop a three-year plan that sets forth
8 the total expenditures to be invested, a summary of the proposed investments,
9 and the expected savings resulting from such investments. This plan shall be
10 filed with the Commission, Department, and ACCD.

11 (l) A participating customer shall provide to the Commission and
12 Department annually an accounting of energy and productivity investments
13 and the resulting energy savings in the form prescribed by the Commission.
14 The Commission or the Department may conduct reasonable audits to ensure
15 accuracy of the data provided.

16 (m) A customer participating in the SMEEP expansion pilot may request
17 that data it reports to the Commission be kept confidential if the data would
18 qualify for exemption from disclosure under 1 V.S.A. § 317. If such
19 confidentiality is requested, the Commission shall disclose the data only in
20 accordance with a protective agreement approved by the Commission and
21 signed by the recipient of the data, unless a court orders otherwise. Any data

1 not subject to a confidentiality request under this subsection shall be a public
2 record.

3 (n) At the end of the three-year pilot period, the Department shall provide
4 to the General Assembly its recommendations on continuing the SMEEP
5 expansion pilot. In making its recommendations, the Department shall
6 consider at a minimum: the impact of the pilot on economic development and
7 job creation, the impact on programs delivered by Efficiency Vermont, the
8 impact of the pilot on participating customers, the impact of the pilot on other
9 electric utility customers, and the impact of the pilot on meeting the State's
10 energy goals.

11 (o) A participant in the SMEEP expansion pilot may receive funding from
12 an energy program administered by a government or other entity that is not the
13 participant but may not count such funds received as part of the investment
14 commitment of the pilot.

15 and by renumbering the remaining section to be numerically correct.