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H.739

Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

Referred to Committee on

Date:

Subject: Public service; energy; self-managed energy efficiency programs

Statement of purpose of bill as introduced: This bill proposes to add investment in productivity to the requirements for the self-managed energy efficiency programs.

An act relating to energy productivity investments under the self-managed energy efficiency program

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(j) Self-managed energy efficiency programs.

(1) There shall be a class of self-managed energy efficiency programs for transmission and industrial electric ratepayers only.

(2) The Commission, by order, shall enact this class of programs.

(3) Entities approved to participate in the self-managed energy efficiency program class shall be exempt from all statewide charges under

1 subdivision (d)(3) of this section that support energy efficiency programs
2 performed by or on behalf of Vermont electric utilities. If an electric ratepayer
3 approved to participate in this program class also is a customer of a natural gas
4 utility, the ratepayer shall be exempt from all charges under subdivision (d)(3)
5 of this section or contained within the rates charged by the natural gas utility to
6 the ratepayer that support energy efficiency programs performed by or on
7 behalf of that utility, provided that the ratepayer complies with this subsection.

8 (4) All of the following shall apply to a class of programs under this
9 subsection:

10 (A) A member of the transmission or industrial electric rate classes
11 shall be eligible to apply to participate in the self-managed energy efficiency
12 program class if the charges to the applicant, or to its predecessor in interest at
13 the served property, under subdivision (d)(3) of this section were a minimum
14 of \$1.5 million during calendar year 2008.

15 (B) A cost-based fee to be determined by the Commission shall be
16 charged to the applicant to cover the administrative costs, including savings
17 verification, incurred by the Commission and Department. The Commission
18 shall determine procedures for savings verification. Such procedures shall be
19 consistent with savings verification procedures established for entities
20 appointed under subdivision (d)(2) of this section.

1 (C) An applicant shall demonstrate to the Commission that it has a
2 comprehensive energy management program with annual objectives.
3 Achievement of certification of ISO standard 14001 shall be eligible to satisfy
4 the requirements of having a comprehensive program.

5 (D) An applicant shall commit to an annual average ~~energy efficiency~~
6 investment in energy efficiency and productivity programs and measures
7 during each three-year period that the applicant participates in the program of
8 ~~no~~ not less than \$1 million. To achieve the exemption from energy efficiency
9 charges related to natural gas under subdivision (3) of this subsection (j), the
10 applicant shall make an additional annual energy efficiency investment in an
11 amount not less than \$55,000.00. As used in this subsection (j), “productivity
12 programs and measures” means investments that reduce the amount of energy
13 required to produce a unit of product.

14 (E) Participation in the self-managed program includes efficiency and
15 productivity programs and measures applicable to electric and other forms of
16 energy. A participant may balance ~~efficiency~~ investments in such programs
17 and measures across all types of energy or fuels without limitations.

18 (F) A participant shall provide to the Commission and Department
19 annually an accounting of ~~energy~~ investments in energy efficiency and
20 productivity programs and measures and the resultant energy savings in the

1 form prescribed by the Commission, which may conduct reasonable audits to
2 ensure accuracy of the data provided.

3 (G) The Commission shall report to the General Assembly annually
4 ~~by~~ on or before April 30 concerning the prior calendar year's class of self-
5 managed energy efficiency programs. The report shall include identification of
6 participants, their annual investments, and resulting savings, and any actions
7 taken to exclude entities from the program.

8 (H) Upon approval of an application by the Commission, the
9 applicant shall be able to participate in the class of self-managed energy
10 efficiency programs.

11 (I) On a determination that, for a given three-year period, a
12 participant in the self-managed efficiency program class did not meet or has
13 not met the commitment required by subdivision (4)(D) of this subsection (j),
14 the Commission shall terminate the participant's eligibility for the self-
15 managed program class.

16 (i) On such termination, the former participant will be subject
17 fully to the then existing charges applicable to its rate class without exemption
18 under subdivision (3) of this subsection (j), and within 90 days ~~of~~ after such
19 termination shall pay:

20 (I) the difference between the investment it made pursuant to
21 the self-managed energy efficiency program during the three-year period of

1 noncompliance and the full amount of the charges and rates related to energy
2 efficiency it would have incurred during that period absent exemption under
3 subdivision (3) of this subsection (j); and

4 (II) the difference between the investment it made pursuant to
5 the program within the current three-year period, if different from the period of
6 noncompliance, and the full amount of the charges and rates related to energy
7 efficiency it would have incurred during the current period absent exemption
8 under subdivision (3) of this subsection (j).

9 (ii) Payments under subdivision ~~(4)(I)(i)~~ of this ~~subsection (j)~~
10 subdivision (4)(I) shall be made to the entities to which the full amount of
11 charges and rates would have been paid absent exemption under
12 subdivision (3) of this subsection (j).

13 (iii) A former participant may not reapply for membership in the
14 self-managed program after termination under this subdivision (4)(I).

15 (J) A participant in the self-managed program class may request
16 confidentiality of data it reports to the Commission if the data would qualify
17 for exemption from disclosure under 1 V.S.A. § 317. If such confidentiality is
18 requested, the Commission shall disclose the data only in accordance with a
19 protective agreement approved by the Commission and signed by the recipient
20 of the data, unless a court orders otherwise.

