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H.739

Representative Carr of Brandon moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

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

1 (A) A member of the transmission or industrial electric rate classes
2 shall be eligible to apply to participate in the self-managed energy efficiency
3 program class if the charges to the applicant, or to its predecessor in interest at
4 the served property, under subdivision (d)(3) of this section were a
5 minimum of:

6 (i) \$1.5 million during calendar year 2008; or

7 (ii) \$1.5 million during calendar year 2017.

8 (B) A cost-based fee to be determined by the Commission shall be
9 charged to the applicant to cover the administrative costs, including savings
10 verification, incurred by the Commission and Department. The Commission
11 shall determine procedures for savings verification. Such procedures shall be
12 consistent with savings verification procedures established for entities
13 appointed under subdivision (d)(2) of this section.

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

18 (D) An applicant eligible pursuant to subdivision (A)(i) of this
19 subdivision (j)(4) shall commit to an annual average ~~energy efficiency~~
20 investment in energy efficiency and productivity programs and measures
21 during each three-year period that the applicant participates in the program of

1 ~~no~~ not less than \$1 million. An applicant eligible pursuant to subdivision
2 (A)(ii) of this subdivision (j)(4) shall commit to an annual average investment
3 in energy efficiency and productivity programs and measures during each
4 three-year period that the applicant participates in the program of not less than
5 \$500,000.00. To achieve the exemption from energy efficiency charges related
6 to natural gas under subdivision (3) of this subsection (j), ~~the~~ an applicant shall
7 make an additional annual energy efficiency investment in an amount not less
8 than \$55,000.00. As used in this subsection (j), “productivity programs and
9 measures” means investments that reduce the amount of energy required to
10 produce a unit of product.

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

15 (F) A participant shall provide to the Commission and Department
16 annually an accounting of ~~energy~~ investments in energy efficiency and
17 productivity programs and measures and the resultant energy savings in the
18 form prescribed by the Commission, which may conduct reasonable audits to
19 ensure accuracy of the data provided.

20 (G) The Commission shall report to the General Assembly annually
21 by on or before April 30 concerning the prior calendar year’s class of self-

1 managed energy efficiency programs. The report shall include identification of
2 participants, their annual investments, and resulting savings, and any actions
3 taken to exclude entities from the program.

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

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

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

16 (I) the difference between the investment it made pursuant to
17 the self-managed energy efficiency program during the three-year period of
18 noncompliance and the full amount of the charges and rates related to energy
19 efficiency it would have incurred during that period absent exemption under
20 subdivision (3) of this subsection (j); and

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

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

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

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

18 (K) Any data not subject to a confidentiality request under
19 subdivision ~~(4)(J)~~ of this ~~subsection~~ subdivision (4) will be a public record.

20 (L) A participant in the self-managed program class may submit
21 projects to the independent system operator of New England, including

1 through recognized aggregators, for payments under that operator's forward
2 capacity market program, and shall invest such payments in electric or fuel
3 efficiency.

4 (M) A participant in the self-managed program class may receive
5 funding from an energy program administered by a government or other entity
6 ~~which~~ that is not the participant ~~but~~ and may ~~not~~ count such funds received as
7 part of the annual commitment to its self-managed energy efficiency program.

8 * * *

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2018.