

1 S.269

2 Introduced by Senators Parent and Brock

3 Referred to Committee on Finance

4 Date: January 18, 2022

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

6 Statement of purpose of bill as introduced: This bill proposes to extend the  
7 Energy Savings Account Partnership Pilot Program for an additional three  
8 years.

9 An act relating to extending the Energy Savings Account Partnership Pilot  
10 Program

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

12 ~~Sec. 1. 2018 Acts and Resolves No. 150, Sec. 2 is amended to read:~~

13 Sec. 2. ENERGY SAVINGS ACCOUNT PARTNERSHIP PILOT

14 (a) Definitions. As used in this section:

15 \* \* \*

16 (b) ESA Partnership Pilot; establishment. On or before July 1, 2019, the  
17 Commission by rule or order shall establish a ~~three-year~~ six-year pilot program  
18 for customers to self-direct the use of their Customer EEC Funds, working  
19 ~~with EVT. The total amount of Customer EEC Funds available in the pilot~~

1 ~~program each year shall not exceed \$2 million. The pilot program established~~

2 under this section shall be an expansion of the ESA option under which:

3 (1) Notwithstanding any contrary provision of 30 V.S.A. §  
4 209(d)(3)(E), the customer shall continue to pay its EEC and be able to receive  
5 an amount equal to 100 percent of its ESA account balance to pay for the full  
6 cost of projects that are eligible under subdivision (3) of this subsection; for  
7 technical assistance and other services from Efficiency Vermont; and for  
8 evaluation, measurement, and verification activity conducted by the  
9 Department or EVT.

10 (2) The customer may receive payments in advance of project  
11 completion from EVT based on the energy management plan submitted under  
12 subsection (e) of this section, estimated project costs, and projected energy  
13 savings. However, a customer shall not receive advance payments from EVT  
14 that exceed the amount of Customer EEC Funds the customer has already paid.

15 (3) Notwithstanding any contrary provision of 30 V.S.A. § 209, the  
16 Customer EEC Funds may be used for one or more of the following: electric  
17 energy efficiency, thermal energy and process-fuel efficiency for unregulated  
18 fuels, energy productivity measures, demand management, and energy storage  
19 that provides benefits to the customer and its interconnecting utility. In  
20 addition, for a customer who is a manufacturer and whose purchases of

21 ~~regulated fuel exceeded 600,000 thousand cubic feet (MCF) in 2017, the~~

1 ~~Funds may be used for thermal energy and process fuel efficiency for~~  
2 regulated fuels, and any regulated fuel savings attributable to investment of  
3 Customer EEC Funds through the pilot program shall be counted towards  
4 EVT's performance indicators. EVT may allocate the cost of the pilot across  
5 regulated and unregulated fuel funding sources in a manner that avoids or  
6 reduces the need to adjust savings goals approved by the Commission.

7 \* \* \*

8 (e) Energy management plans. Working with EVT, each customer selected  
9 for the ESA Partnership Pilot shall develop an energy management plan for the  
10 ~~three-year~~ six-year period of the pilot with projects to be implemented, energy  
11 savings targets, and a timeline for projects and investments. A copy of each  
12 plan shall be submitted to the Commission, the Department, and ACCD.

13 \* \* \*

14 (i) Annual reports. On or before each November 1 from 2020 through  
15 ~~2022~~ 2025, the EVT and the selected customers jointly shall submit written  
16 progress reports to the Commission, the Department, and the standing  
17 committees of jurisdiction that include projects under the ESA Partnership  
18 Pilot and their associated energy and cost savings. A customer's projects  
19 under the pilot and the associated data and results shall be made public through  
20 this report. However, a customer may request that the Commission order  
21 ~~customer-specific data to be used in preparing a report under this subsection be~~

1 ~~kept confidential if the data would qualify for exemption from disclosure~~  
2 under 1 V.S.A. § 317. If the Commission issues such an order, the data subject  
3 to the order shall be disclosed only in accordance with a protective agreement  
4 approved by the Commission and signed by the recipient of the data, unless a  
5 court directs otherwise.

6 (j) Evaluation; recommendation. On completion of the ESA Partnership  
7 Pilot, the Commission shall conduct or shall have a third party conduct an  
8 independent evaluation of the ESA Partnership Pilot.

9 \* \* \*

10 (3) After considering the results of that evaluation, the Commission  
11 shall submit a written recommendation to the standing committees of  
12 jurisdiction on whether to continue the program conducted under this section  
13 and, if so, under what recommended conditions and revisions, if any. The  
14 Commission shall submit this recommendation to the General Assembly on or  
15 before January 15, ~~2023~~ 2026.

16 Sec. 2. EFFECTIVE DATE

17 ~~This act shall take effect on passage.~~

*Sec. 1. 2018 Acts and Resolves No. 150, Sec. 2 is amended to read:*

*Sec. 2. ENERGY SAVINGS ACCOUNT PARTNERSHIP PILOT*

*(a) Definitions. As used in this section:*

*\* \* \**

*(b) ESA Partnership Pilot; establishment. On or before July 1, 2019, the Commission by rule or order shall establish a ~~three-year~~ pilot program for*

*customers to self-direct the use of their Customer EEC Funds, working with EVT. The total amount of Customer EEC Funds available in the pilot program each year shall not exceed \$2 million. The pilot program established under this section shall be an expansion of the ESA option under which:*

*(1) Notwithstanding any contrary provision of 30 V.S.A. § 209(d)(3)(B), the customer shall continue to pay its EEC and be able to receive an amount equal to 100 percent of its ESA account balance to pay for the full cost of projects that are eligible under subdivision (3) of this subsection; for technical assistance and other services from Efficiency Vermont; and for evaluation, measurement, and verification activity conducted by the Department or EVT.*

*(2) The customer may receive payments in advance of project completion from EVT based on the energy management plan submitted under subsection (e) of this section, estimated project costs, and projected energy savings. However, a customer shall not receive advance payments from EVT that exceed the amount of Customer EEC Funds the customer has already paid.*

*(3) Notwithstanding any contrary provision of 30 V.S.A. § 209, the Customer EEC Funds may be used for one or more of the following: electric energy efficiency, thermal energy and process-fuel efficiency for unregulated fuels, energy productivity measures, demand management, and energy storage that provides benefits to the customer and its interconnecting utility. In addition, for a customer who is a manufacturer and whose purchases of regulated fuel exceeded 600,000 thousand cubic feet (MCF) in 2017, the Funds may be used for thermal energy and process-fuel efficiency for regulated fuels, and any regulated fuel savings attributable to investment of Customer EEC Funds through the pilot program shall be counted towards EVT's performance indicators. EVT may allocate the cost of the pilot across regulated and unregulated fuel funding sources in a manner that avoids or reduces the need to adjust savings goals approved by the Commission.*

~~*(4) The pilot created pursuant to this section shall be extended an additional 18 months, until December 31, 2023. The Commission shall allow the current participants in the pilot to decline to participate in this extension by submitting written notice to the Commission on or before June 30, 2022. The extension shall allow pilot participants to spend or contract to spend pilot funds accrued prior to January 1, 2024 but shall not allow participants to accrue additional pilot funds. The Commission shall consider requests and shall approve all reasonable extension requests.*~~

~~*(5) The participants selected for the pilot may request an additional extension until December 31, 2026. The Commission shall consider requests and shall approve all reasonable extension requests.*~~

(4) The pilot created pursuant to this section shall be extended an additional 18 months, until December 31, 2023. The Commission shall allow the current participants in the pilot to decline to participate in this extension by submitting written notice to the Commission on or before June 30, 2022.

(5) The participants selected for the pilot may request an additional extension until December 31, 2026. The extension shall allow pilot participants to spend or contract to spend pilot funds accrued prior to January 1, 2024 but shall not allow participants to accrue additional pilot funds. The Commission shall consider requests and shall approve all reasonable extension requests.

\* \* \*

(e) Energy management plans. Working with EVT, each customer selected for the ESA Partnership Pilot shall develop an energy management plan for the ~~three-year~~ period of the pilot with projects to be implemented, energy savings targets, and a timeline for projects and investments. A copy of each plan shall be submitted to the Commission, the Department, and ACCD.

\* \* \*

(i) Annual reports. On or before each November 1 from 2020 through 2022 2025, the EVT and the selected customers jointly shall submit written progress reports to the Commission, the Department, and the standing committees of jurisdiction that include projects under the ESA Partnership Pilot and their associated energy and cost savings. A customer's projects under the pilot and the associated data and results shall be made public through this report. However, a customer may request that the Commission order customer-specific data to be used in preparing a report under this subsection be kept confidential if the data would qualify for exemption from disclosure under 1 V.S.A. § 317. If the Commission issues such an order, the data subject to the order shall be disclosed only in accordance with a protective agreement approved by the Commission and signed by the recipient of the data, unless a court directs otherwise.

(j) Evaluation; recommendation. On completion of the ESA Partnership Pilot, the Commission shall conduct or shall have a third party conduct an independent evaluation of the ESA Partnership Pilot.

\* \* \*

(3) After considering the results of that evaluation, the Commission shall submit a written recommendation to the standing committees of jurisdiction on whether to continue the program conducted under this section and, if so, under what recommended conditions and revisions, if any. The Commission shall submit this recommendation to the General Assembly on or

*before January 15, 2023 July 1, 2027.*

*Sec. 2. ESA PARTNERSHIP PILOT WORKING GROUP*

*(a) On or before August 1, 2022, the Department of Public Service shall convene the Energy Savings Account Partnership Pilot Program Working Group. The Working Group shall include the participants in the Energy Savings Account program created pursuant to 30 V.S.A. § 209(d)(3)(B), the participants in the Energy Savings Account Partnership Pilot Program, Efficiency Vermont, and the Secretary of Commerce and Community Development or designee.*

*(b) On or before January 15, 2023, the Energy Savings Account Partnership Pilot Program Working Group shall report to the General Assembly with recommended changes to the Energy Savings Account program rules.*

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on passage.*