

## Sunset Advisory Commission 2022 Board and Commission Questionnaire

The Sunset Advisory Commission reviews every State board and commission and takes testimony regarding whether each board or commission should continue to operate or be eliminated and whether the powers and duties of any board or commission should be revised. Each board and commission has the burden of justifying its continued operation.

Please answer the following questions about the specific board or commission under review. If asked to testify before the Sunset Advisory Commission, please plan to provide concise recommendations regarding the continued operation of the board or commission under review and any revisions to its powers, duties, or membership.

1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

a. The Clean Energy Development Board (Board) meets for regularly scheduled quarterly meetings and schedules additional special meetings as needed. In FY21 they met five times and in FY22 they met nine times. During the last five complete calendar years (2017 – 2021) the Board as met an average of 6.4 times per year.

b. Board meeting schedules, agendas and minutes posted at:

[https://publicservice.vermont.gov/renewable\\_energy/cedf/board](https://publicservice.vermont.gov/renewable_energy/cedf/board)

Agendas are available prior to meetings and after the meetings draft minutes are posted. The draft minutes are replaced with the final minutes once they are approved at a subsequent Board meeting.

2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

a. Board members are appointed to four-year terms and by either the Commissioner of the Department of Public Service (3 members), the Chair of the House Energy and Technology Committee (2 members), or the Chair of the Senate Energy and Natural Resources Committee (2 members).

The current (*September 1<sup>st</sup>, 2022*) board members, who appointed them, and the year their term ends are:

- Kate Desrochers, House Energy Committee Chair, 2023
- David Farnsworth, PSD Commissioner, 2025
- Ken Jones, Senate Energy Committee Chair, 2025
- Johanna Miller, House Energy Committee Chair, 2025
- Sam Swanson, PSD Commissioner, 2023

- Paul Zabriskie, Senate Energy Committee Chair, 2023
- *Vacant seat, to be appointed by PSD Commissioner, 2023*

Board members, except for those members otherwise regularly employed by the State, are allowed the per diem compensation as provided for in 32 V.S.A. § 1010(a). However, in the past few years none of the Board members have requested per diem payments.

3. Provide an overview of the board or commission's purpose.
  - a. The Board has decision-making and approval authority with respect to the annual and strategic plans, the annual budget, and all program designs of the Clean Energy Development Fund (CEDF). The Board also can function in an advisory capacity to the Commissioner of the PSD regarding the work and goals of the Clean Energy Development Fund.
4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?
  - a. The purpose – particularly decision-making and approval authority - is needed less now than it was when created statute. The CEDF was receiving between \$4 and 7 million per year from Entergy Vermont Yankee, and was about to receive over \$21 million in ARRA funds at the time this purpose was added to the CEDF statute (30 VSA § 8015). There was a need identified by the legislature at the time to have the Board provide additional oversight and decision-making authority for the CEDF funds, in addition to the decision-making authority of the PSD commissioner.
  - b. Without on-going funding the purpose of the Board could revert to being advisory, which would still maintain value to provide advice to the PSD Commissioner in the instance of additional funding.
5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?
  - a. The Board is performing its duties and purpose well. The minutes of the meetings show that the members attend the meetings, completed their required duties, reviewed policies and related documents, and provided helpful guidance to the PSD on the funding, program design, and planning decisions for the CEDF. Staff at the PSD that work with the Board report active engagement by the Board citing examples of how Board discussions and decisions have helped the CEDF meet its purpose and goals.
6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

- a. Given the current low level of funding (and thus spending) and no new funding for the CEDF planned, the current statutory purpose and authority of the Board may be more than is needed, but it is not making the work of the CEDF or the PSD less effective. There might be some savings of time if the Board's purpose was changed but any such efficiency gain would be marginal.
7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?
  - a. There is no overlap other than with the functions of the PSD as related to the administration and oversight of the CEDF and its purpose to facilitate the development and implementation of clean energy resources.
8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?
  - a. Yes, generally. There are some specific provisions of the enabling statute that could be modernized the funding activities of the CEDF that the Board was created to oversee.
9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?
  - a. The Board itself had no expenditures and no payments of per-diems were requested last fiscal year. The only expenditures related to the Board is the time spent by PSD staff to host the board's meetings, help with meeting planning, agendas, minutes, public participation, and communication with Board members. This time is not separated in timesheets from other staff work administrating the CEDF and thus the exact cost of staff time related to the Board is not known. With only 5-9 meetings a year the staff time dedicated to the Board is not a substantial amount.
  - b. Funding for the PSD staff that work on all CEDF activities, including those related to the Board, comes from the monies in the CEDF. For FY22 the total amount was \$129,102 of State CEDF funds plus \$8,587 of federal funds for work related to ARRA funded programs.
10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?
  - a. The Board itself does not have any reporting obligations. The PSD prepares the reports, plans, and budgets for the CEDF and presents them to the Board. The Board reviews, provides comments on, and votes to approve (or not) the annual plan and budget, as well as any proposed program designs or substantial changes to program designs.