

January 12, 2019

MEMORANDUM TO: Energy Efficiency and Sustainable Energy Board

FROM: Consumer Advocate Don Kreis
Chair, EESE Board EERS Committee

SUBJECT: EERS Committee 2019

I apologize for my absence from the January meeting of the EESE Board, which is the result of necessary out-of-state travel. The purpose of this memorandum is to set in motion the process of reconstituting the EERS (Energy Efficiency Resource Standard) Committee of the EESE Board. You elected me the chair of the EERS Committee at our December 7, 2018 meeting, reprising a role in which I served during 2017.

The Settlement Agreement recently approved by the Public Utilities Commission (PUC) in Docket DE 17-136 , *see* Order No. 26,207 (Dec. 31, 2018) covers modifications for 2019 to the currently effective 2018-2020 EERS implementation plan, clarifies how plan modifications for 2020 will be handled, and, significantly for present purposes, sets in motion a process for planning EERS programs to be delivered to customers beginning on January 1, 2021.¹ The EESE Board, through its EERS Committee, plays a significant role in that planning process.

Specifically, the Settlement Agreement provides (at pages 13-14)² that

In 2019, the Commission will solicit and hire a consultant to act as a technical consultant to Staff and all other non-utility stakeholders. . . . [S]takeholders, including the consultant, will begin discussions in the fall of 2019 during meetings of the EERS Committee of the Energy Efficiency and Sustainable Energy Board, relating to (but not limited to) the following topics: a) policies relevant and applicable to the EERS; b) establishing appropriate goals (for example, kWh, kW, MMBTU, approach to income eligible programs, etc.) for the EERS plan covering the 2021-2023 period; c) the appropriate level of funding relating to the 2021-2023 Plan; and d) the appropriate program design and delivery models to achieve the stated goals, including ways to

¹ The Settlement proceeds on the reasonable assumption that the EERS will be implemented as of January 1, 2021 according to another triennial plan that will run through December 31, 2023. But I do not want to foreclose the possibility of stakeholders agreeing that a different planning period or, indeed, a different planning paradigm might be more appropriate. For example, it might make more sense to plan the EERS in five-year increments while allowing for a more robust set of interim annual adjustments annually or biannually.

² The Settlement Agreement is available at http://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2018-12-13_EVERSOURCE_SETTLEMENT_AGREEMENT.PDF.

identify and address potential barriers and disincentives to serving the income eligible population.

The Settlement Agreement further provides (at pages 14-15) that the PUC will begin the process of selecting the independent planning expert by issuing a request for proposals (RFP) on or before March 15, 2019, “[f]ollowing consultation with the EERS committee of the EESE Board.”

With this latter duty (input into the RFP drafting process) particularly in mind, it is important for the EESE Board to jump-start the EERS Committee immediately – i.e., at the January EESE Board meeting.

Section F of the EESE Board’s governance document (entitled Statement of Governing Principles) provides:

The Board, as a means to fulfill its responsibilities, may from time to time appoint Committees or Working Groups to serve in an advisory capacity to the Board. Such Committees or Working Groups will be established by vote of the Board. Committees shall be subject to the provisions of RSA 91-A specifically including public notice of each meeting and availability of draft minutes within five business days.

A motion authorizing a committee must indicate the purpose and duties of the Committee and the membership thereto, or a process for determining such membership, such as by appointment. Committee membership may be extended to individuals or organizations that are not members or nonvoting participants of the Board, if so indicated in the motion.

The EESE Board constituted the EERS Committee in its present form at its meeting of August 19, 2016.³ The Committee’s purposes and duties were described as follows:

- defining the Board’s role in planning and implementation of the EERS,
- coordinate with PUC staff regarding drafting of the RFP identifying the role of the consultant and selecting a consultant,
- assigning members to the EERS Working Group to work on the establishment of the 3-year EERS Plan (due September 1, 2017).

This requires an update. I propose the following statement of Committee purposes and duties:

- To provide input to the Public Utilities Commission with respect to the Request for Proposals, scheduled for issuance in March, to serve as an independent planning

³ The EERS Committee was additionally formalized at the December 9, 2016 EESE Board meeting, at which time the committee roster was expanded and likewise formalized.

expert for stakeholders, the EESE Board and the Commission, as contemplated by Order No. 26,207 of the Commission;

- To make recommendations to the EESE Board with respect to policies relevant and applicable to the EERS;
- To make recommendations to the EESE Board for appropriate goals (e.g., kWh, kW, MMBTU, approach to income eligible programs, etc.) to be included in the EERS implementation plan that will be applicable to the period beginning on January 1, 2021
- To make recommendations to the EESE Board about the appropriate level of funding relating to the EERS implementation plan that will be applicable to the period beginning on January 1, 2021;
- To make recommendations to the EESE Board about the appropriate program design and delivery models to achieve the stated goals, including ways to identify and address potential barriers and disincentives to serving the income-eligible population.
- To serve as a resource to the EESE Board whenever the Board requires assistance with discharging its role as an enhanced stakeholder board with respect to the state's ratepayer-funded energy efficiency programs.

Consistent with the EESE Board's governance document, I further recommend that the EESE Board retain the right to appoint members of the EERS Committee (as opposed to delegating that authority to either me as committee chair or Becky as EESE Board chair). While I'd be happy to make the appointments myself, this committee seems too important for its membership roster to be determined by one person.

The most recently approved roster of EERS Committee members is as follows: Steven Tower, NHLA; Brian Ramsey, Velcro (representing the BIA); Kate Epsen, NHSEA; Becky Ohler, NHDES; Meghan Hoye, Lightec; Scott Albert, GDS Associates; Kate Peters, Eversource; Cindy Carroll, Unitol; Eric Stanley, Liberty; Carol Woods, NHEC; David Borden, New Castle Energy Committee; Don Kreis, OCA; Ben Frost, Housing Finance Authority.

In similar fashion, a new EERS Committee roster might consist of something like:

Ray Burke or Steven Tower, NHLA; Kathy Garfield, BIA; Madeleine Mineau, NHSEA now d/b/a CENH; Becky Ohler, NHDES, *ex officio*; Scott Albert, GDS Associates; Kate Peters, Eversource; Cindy Carroll, Unitol; Eric Stanley, Liberty; Carol Woods, NHEC; Don Kreis, OCA; Melissa Birchard, CLF; Ellen Hawes, Acadia Center.

I have been in touch with Scott Albert – he is interested in serving again. Madeleine Mineau has likewise expressed interest. I haven't spoken specifically with Melissa Birchard or Ellen Hawes but in the past they have indicated on numerous occasions that they would like to join the EERS Committee. I assume that Ray or Steve from NHLA will want to serve. I likewise assume the 'usual suspects' from the utilities will participate.

Therefore, I recommend that the EESE Board approve the Committee roster I have outlined above, subject to any additional expressions of interest or non-interest that may come to the Board's attention prior to or at its meeting.

I apologize, again, for being absent. Thank you for the opportunity to lead the EERS Committee; I will do my best to assure its success in 2019 as it undertakes some very important work.