

# ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD

RSA 125-O:5-a

21 South Fruit Street, Suite 10

Concord, N.H. 03301-2429

## Minutes for August 19, 2022

### Attendees:

Board Members: Ryan Clouthier (Southern NH Services); Don Kreis (OCA); Ray Burke (NH Legal Assistance); Bruce Clendenning (The Nature Conservancy) ; Chris Ellms (DOE) ; Patrick McDermott (AARP); Joe Fontaine (DES); Philip W. Lamoreaux (DES); Representative Kat McGhee (NH House of Representatives) via Teams; Representative Michael Vose (NH House of Representatives)

Non-voting Participants: Mark Lemenager (Eversource); Cindy Carroll (Unitil) via Teams; Matthew Siska (GDS Associates) via Teams; Eric Stanley (Liberty Utilities); Carol Woods (NH Electric Coop) via Teams; Matt Siska (GDS Associates) via Teams

Others: Chris Skoglund (Clean Energy NH); Megan Ulin (ReVision Energy); Andrew Hatch (Resilient Buildings Group); Kelly Buchanan (Clean Energy NH); Megan Ulin (ReVision Energy) via Teams; Amanda Noonan (DOE) via Teams; James Penfold (eMobility Solutions); Chris Moore (DAS); Torey Brooks; Karen Cramton (DMV); Kate Peters; Jody Carmody (DOE) via Teams

### 1. Welcome and Introductions

- The meeting was held in person at the New Hampshire Department of Environmental Services with remote call-in and video capability.
- Bruce Clendenning called the meeting to order at 9:03am

### 2. Approval of the July 15, 2022 EESE Board Meeting Minutes.

- Pat McDermott motioned. Ryan Clouthier seconded.
- Approval of the July 15, 2022 minutes. One abstention.

### 3. Discussion of Committee Management issues including membership, quorums, decision-processes, and related items.

- Discussion around RSA 91a: How it applies to the Committees and how to determine what a quorum is and noting the Committees are public bodies as defined by RSA 91a.

- Chris Ellms provided the answers from the Department of Justice following his query to them after a similar discussion at the previous EESE Board meeting.
  - Committees of the EESE Board are public bodies under RSA 91-A
  - A quorum is a majority of committee members; this applies to the EESE Board and to any committees of the EESE Board
  - The federal public health emergency and the NH DHHS declaration of public health incident do not qualify as an emergency under RSA 91-A for holding remote meetings
  - Board members and committee members can participate remotely and vote remotely if attendance is not reasonably practical and there is a quorum in person
  - It was also noted that a quorum cannot be changed because it is in statute, a change would require a rulemaking. There was further discussion about remote board meeting participation during declared public health emergencies.
- Question: Can a remote member vote? Yes. But there must be a quorum present in person.
- The Committees will continue, with the guidance from the Department of Justice, until further discussion.
- It was agreed that the both the Energy Efficiency and Outreach & Education committees will provide member lists at the next EESE Board meeting, to clarify the number of members needed for a quorum and for other purposes.
- Further discussion regarding voting in-committee has different import for each committee. It was agreed that the Outreach & Education Committee would bring recommendations regarding potential contracting choices, etc., needed for the Board to fulfill it's charge under HB 549 for votes by the EESE Board.
- And it was agreed that the new IR 22-042 EE investigation docket could impact the work the Energy Efficiency Committee is doing. But there is still a great deal of uncertainty. So, for the time being, the EE Committee will continue serving as a forum for discussing the development of the new state EE plan and will report back to the Board.
- The utilities declared that it would be helpful to have feedback/input from the Board about the plan at some point.
- It was agreed that the Committee would make a recommendation to the Board in the future, as the situation becomes more clear. The Board will decide in the future whether it will make any sort of statement.
- Ray Burke made the following motion and Bruce Clendenning seconded. The motion was passed unanimously:
  - Motion that the EE Committee continue to meet until something changes that we need to address to serve as a forum for discussing topics relevant to the next three-year plan and that the committee continue to report back to the EESE Board.

#### 4. Discussion of location of future EESE Board Meetings and related issues.

- It was recommended that the EESE Board Meetings return to the Walker Building. Primary issue to address is ensuring that remote access will continue to be available to members and the public.
- Bruce will work with the Department of Energy and the Public Utilities Commission to ensure that a move can be effectively made.
  - The Department of Environmental Services agreed that they will strive to continue to make space available if Hearing Room A at the Walker Building is unavailable when needed for the EESE Board.

#### 5. Discussion of PUC Order of Notice IR 22-042 and its likely effect/impact on the DHEE Program Planning

- Utilities do not have a formal position on the Order at this time.
- The Investigation is looking into reporting requirements among other issue. The Order is also asking for parties to file petition for intervention although the Utilities are required to participate.
- Comment was made as to the legality of the Order of Notice. A Motion was filed for a rehearing of the Order.
- A member asked if there should be legislative action taken to clearly define what the charges/responsibilities are of the EESE Board.
- Past expectations of the EESE Board's EERS Committee were to accumulate stakeholder input so that it could be incorporated into a plan before it ever got to the adjudicative stage.

#### 6. Outreach & Education Committee update, decisions

- Discussion on HB 549: A question was asked regarding the O&E Committee's charge, whether HB 549 asserts that the Committee should promulgate information on the benefits of Energy Efficiency OR Energy Efficiency & Sustainable Energy.
  - Chairman Vose, author of the applicable language in HB 549 that provides funding for the EESE Board to provide said information to the public, explained that the legislative intent is specifically regarding the benefits of Energy Efficiency and that they believe that is not as broadly understood as it can be.
  - The intent was to use the expertise of the Outreach & Education Committee to come up with ways to stimulate public interest in energy efficiency.
  - There was discussion of some of the ways organizations and businesses have carried out these efforts and agreement that the committee better understands its charge, now.
- Committee will be looking at existing outreach/education actions to ensure minimal overlap and best utilization of public resources.

## 7. Energy Efficiency Committee update, decisions

- Next weeks scheduled meeting put on hold due to IR 22-042 demands
- Other items were addressed during the discussion of RSA 91-A, previously

## 8. Board and Program Updates

- a. Department of Energy
  - Reviewing the new federal climate & health bill that was just signed and the considerations for the upcoming funding with respect to our REF programs
- b. EE Committee
  - Talk about the 65% threshold for lifetime and annual savings for all of the utilities
- c. Public Utilities Commission
- d. Board member updates
- e. EM&V work group

## 9. Adjourn – Meeting adjourned at 10:59

Motion by Representative Vose

Seconded by Christopher Ellms

Agreed to unanimously