

# ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD

RSA 125-O:5-a

21 South Fruit Street, Suite 10

Concord, N.H. 03301-2429

## Draft Minutes for January 21, 2022

### Attendees:

Board Members: Ryan Clouthier (Southern NH Services); D. Maurice Kreis (OCA); Becky Ohler (DES); Ray Burke (NH Legal Assistance); Bruce Clendenning (The Nature Conservancy); Chris Ellms (Department of Energy); Representative Kat McGhee (NH House of Representatives); Representative Michael Vose (NH House of Representatives); Philip Biron (NH State Fire Marshal's Office); Tonia Chase (BIA); Donald Perrin (DAS).

Non-voting Participants: Mark Lemenager for Kate Peters (Eversource); Eric Stanley (Liberty Utilities); Cindy Carroll (Unitil); Carol Woods (NHEC); Scott Maslansky (CDFA) *via call-in*; Matthew Siska (GDS Associates).

Others: Chris Skoglund (Clean Energy NH); Azanna Wishart (Department of Energy); Jody Carmody (Department of Energy); Megan Ulin (ReVision Energy) *via call-in*; Kim Dragoo (Liberty Utilities) *via call-in*; Karen Cramton (DMV) *via call-in*; Erin Cosgrove (NH Energy Partners) *via call-in*.

### 1. Welcome and Introductions

- The meeting was held in person at the New Hampshire Department of Environmental Services with remote call-in capability.
- Bruce Clendenning called the meeting to order at 9:05 a.m.

### 2. Approval of the December 17, 2021 EESE Board Meeting Minutes.

- Representative Kat McGhee moved. Becky Ohler seconded.
- Approval of the December minutes. All in favor. Three abstentions.

### 3. Nominations/Voting for EESE Board Officers.

- Bruce Clendenning was nominated at the last meeting.
- Ray Burke volunteered as Vice Chair. Chris Ellms also volunteered but supported Ray as Vice Chair.
- All in favor for Bruce Clendenning as Chair and Ray Burke as Vice Chair. One abstention.

#### 4. Consideration of potential changes to Governance Document.

- There was a brief discussion about the Board’s webpage, which is referenced in the document. The Department of Energy website is not yet complete. The EESE Board page is still at puc.nh.gov. The Board agreed to wait until the document is complete before addressing the issue.
- A board member suggested that the Chair and Vice Chair positions be held by state agency employees. Discussion points:
  - A concern was raised that there are four state employees, two of which have already served in leadership positions.
  - Follow Massachusetts DOER, where Board is led by the Commissioner of Energy and Resources.
  - If HB549 passes, there will be a budget allotted to Board for education and outreach.
  - Proposals should be made to re-do the document, then brought to the Board for acceptance at a future date.
- Don Kreis moved to amend language in Section C., Chair: to “Effective January 2023, the Chair shall be elected annually by the Board from among state employees and shall fulfill the following responsibilities:” with the same language also applying to Vice Chair position and to accept the other changes as presented to the Board in draft form. Chris Ellms seconded. All in favor with three abstentions.

#### 5. Update on status of EE programs.

##### A. PUC Decision re: Stay, Rehearing, Recusal

- a. The OCA will file an appeal to the Supreme Court and will request an overturn and stay of the Order.
- b. Marc Lemenager reported that Eversource has two filings for 2022-23, depending on the passage of HB549. If the bill passes, it will change funding and programmatic aspects of the Order.
- c. A board member asked how much re-working of the original plans was needed to present to the PUC. It was pointed out that the amended version of HB549 specifically addresses the program planning that should occur based upon the programs that were in effect in December 2019 (in effect for 2020). That is the intent of the legislation.
- d. A board member expressed concern about the timeframe. Typically, in dockets, there is time for discovery and settlement discussions. It was mentioned that the proposed legislation will pull the programs out of limbo. Even though they may not be discussed as thoroughly as previous plans, at least the programs will be up and running.
- e. A board member asked when the NHSaves website will be updated. Utilities replied that it should be done later this week.

- f. A board member noted that HB549 changes the role of the EESE Board. Where will stakeholder meetings happen and who will convene them? Between now and Quarter 3, if HB549 passes, it is unclear what the role of the EE Committee will be.
- g. HB549 removes the requirement for the EESE Board as the advisory of the Committee but does not preclude the Board.

B. HB549 – Representative Vose

- a. The House passed the bill. It is currently at the Senate. The Senate Energy & Natural Resources Committee voted unanimously to recommend that the bill Ought To Pass with the current amendment [2022-0165S](#). The consent calendar report is filed. The bill will then go back to the House for concurrence or non-concurrence. There will be a session held the week of February 14<sup>th</sup> where Representative Vose will recommend that the House concur. If the House concurs the bill will go to the Governor’s desk. The Governor has stated that he will sign the bill into law.
- b. What does the bill do? It codifies the important part of setting the System Benefits Charge in statute and increasing it year after year. \$400,000 of the SBC may be used to fund the EESE Board to promulgate “the benefits of energy efficiency according to guidelines developed as specified in RSA 125-O:5-a, I(c) as determined by the department of energy.”
- c. The legislation does reduce the EESE Board’s responsibility to coordinate energy efficiency programs in the state. It allows advisory capacity.
- d. A board member asked if the bill passes, will the PUC have to issue an order adjusting what they made the utilities do? Reply: Once a law is enacted, the PUC order would no longer be valid or lawful.

6. EE Committee – Consideration of EESE Board Letter Regarding NH Energy Efficiency Programs – Ray Burke and Chris Skoglund.

- Two meetings were held to discuss the draft. There was a challenge with timing; when the Board voted on the committee statement, the PUC decided not to re-hear the Order. Given where we are now, what is the purpose of the statement at this point? Should we review the statement and vote today or ask the committee to go back and modify based on where we stand today?
- A board member suggested that even if it is an unnecessary piece of support, it is still support. Perhaps two letters would make more sense.
- A board member stated that the PUC seemed to have a perception that the EESE Board is a board of arbitrary bureaucrats, but it’s important that people should understand the membership and efforts that the Board carries out in its activities.
- This letter cements in the record the amount of work that went into an EERS and it provides important background information.

- Becky Ohler moved to finalize the letter as discussed, addressed to the Governor, Senate President, and Speaker of the House and to submit the letter to the docket. Phil Biron seconded. All in favor.

#### 7. Motion to Adjourn

- Ray Burke moved. Becky Ohler seconded. All in favor.
- Meeting adjourned at 11:05 a.m.