

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 22-2954-PET

Petition of Vermont Department of Public)
Service to open a proceeding to initiate an EEU)
Demand Resource Plan proceeding for the 2024-)
2026 and 2027-2029 performance periods)

EFFICIENCY VERMONT MOTION FOR CLARIFICATION

NOW COMES Efficiency Vermont and seeks clarification from the Vermont Public Utility Commission (the “Commission”) concerning the intent of two requirements, as described herein, established under the *Order Approving Efficiency Vermont’s 2024-2026 Demand Resource Plan* entered September 26, 2023 (the “Order”) in this Demand Resource Plan Proceeding (“DRPP”).

a. Refrigerant Management

1. In this DRPP the Commission was called upon to approve a budget for Efficiency Vermont’s Refrigerant Management initiative. While the Order establishes a budget for such activities, requirements affecting the change in the approved Refrigerant Management budget require clarification. Specifically, at page 25 the Order states:

We accept in part the Department’s recommended changes to the refrigerant management budgets and approve reducing the budgets by \$350,000. The approved 2024 State budget includes a \$700,000 appropriation to ANR for a refrigerant management initiative. The parties expect ANR and Efficiency Vermont to enter an agreement to spend these funds and begin delivering benefits in 2024. However, Efficiency Vermont’s proposed budgets, modeling of resource-acquisition savings, and agreement with ANR assume the use of \$350,000 for the ANR-funded initiative. A reduction of \$700,000 might jeopardize achieving the modeled energy savings for other portions of the refrigerant management program that assume the use \$350,000 of budgeted funds. Efficiency Vermont, therefore, is directed to file a status report with the Commission if the details of the ANR agreement change and a different amount of electric resource-acquisition budgets

are dedicated to the ANR-initiative. If a report is made, the Commission will determine if any changes are needed to Efficiency Vermont’s approved resource-acquisition budgets.

Id. Efficiency Vermont believes that this requirements should be interpreted to allow Efficiency Vermont to use \$350,000 of its approved Resource Acquisition budget as matching funds to secure the ANR funding. Efficiency Vermont also interprets this requirement to mean that \$350,000 of EEC-supported funding is to be reduced in other portions of the electric Resource Acquisition Budget (*i.e.*, portions of the budget not allocated for refrigerant management).

2. Efficiency Vermont’s interpretation of the Order is predicated on the testimony of its Witness Westman who explained:

Efficiency Vermont worked with ANR on the development of a refrigerant management initiative that would be incremental to Energy Efficiency Charge (“EEC”)-supported refrigerant management activities, and specifically focus on providing enhanced support for grocers with large amounts of refrigerants but extremely limited methods for monitoring those refrigerants or reducing leakages. Efficiency Vermont proposed to ANR that up to \$350,000 in matching funds from the EEC-funded Energy Efficiency Utility (“EEU”) budget could be used to enhance an ANR-funded initiative for implementing a comprehensive program for these customers that creates opportunities for monitoring, repair, and replacement of refrigerant-containing equipment. In the absence of the ANR funds, a total of only \$350,000 would be allocated to this market segment and limited to repair or replacement costs, with remaining refrigerant management funds being allocated across large commercial and residential sectors to ensure equitable levels of service to all customer classes.

See Case No. 22-2954-PET, Westman *Reb pf.* of 5/11/2023 at 5-6.

3. Accordingly, Efficiency Vermont seeks confirmation that \$350,000 of the approved budget can be used as matching funds to the \$700,000 of ANR funding to be used for the development of a refrigerant management initiative that will be incremental to the EEC-supported initiative.

4. If Efficiency Vermont’s interpretation is contrary to Commission expectations, Efficiency Vermont seeks clarity from the Commission that the \$350,000 reduction is intended to reduce the planned spending in refrigerant management activities specifically, or intended to prohibit Efficiency Vermont from using EEC funds to match a portion of the ANR grant.

5. Lastly, Efficiency Vermont seeks clarification from the Commission that by this order, no further notice of supplemental funding pursuant to this grant from the State of Vermont is required. Efficiency Vermont would only anticipate bringing this topic back to the Commission if the terms of the agreement signed with the State were substantively different from what has been represented in case materials and subject to the Commission’s order. To the extent that this would require a waiver of the requirements of Section I.2.C of the Process and Administration Document,¹ this Motion seeks such a waiver.²

b. Flexible Load Management (“FLM”) Working Group

6. As a part of its presentation in the DRPP, the Department of Public Service (the “Department” or “DPS”) recommended that the Commission open a new proceeding following the completion of this DRPP to convene an FLM working group. The Department proposed that the working group should seek the participation of all Distribution Utilities (“DUs”) to identify

¹ The terms “Process and Administration Document” and “P&A Document” refer to the *Process and Administration of an Energy Efficiency Utility Order of Appointment* document as approved by the Commission on December 27, 2022 in Case No. 22-1647-PET.

² Pursuant to Commission Rule 1.200, “Except where prohibited by statute or by the terms of the rule, itself, the Commission may for good cause grant exceptions in particular cases to any provision of these rules.” Efficiency Vermont contends that the Commission’s extensive review of the refrigerant management budget in this DRPP establishes good cause for the granting of any necessary or required waiver of Section I.2.C of the P&A Document.

and work towards consensus on FLM needs, goals, and outcomes for Efficiency Vermont to pursue on the statewide level. *See* Case No. 22-2954-PET, Bailey *Tr.* of 2/23/2023 at 19-20.

7. In response to the Department’s proposal, the Order approves the recommendation of the Department to open a new proceeding to convene an FLM working group and states:

We also approve the recommendation supported by the Department and Efficiency Vermont to open a new proceeding to convene a flexible load management working group. The working group will be directed to address the three activities identified by the Department to assess ratepayer value: (1) identification of a methodology for quantifying the benefits; (2) articulation of the roles and responsibilities regarding deployment for distribution utilities and the efficiency utilities; and (3) evaluation of flexible load management potential for Vermont.

See Order at 27 (*emphasis added*).

8. However, at page 64, the Order requires that:

Within 90 days of today’s Order, Efficiency Vermont, working with the Department, must file a petition in a new proceeding to convene a working group to identify and work towards consensus on flexible load management needs, goals, and outcomes for Efficiency Vermont to pursue at the statewide level....

Id.

9. While Efficiency Vermont desires to work with the Department to develop a proposal for the establishment of an FLM working group, and supports the areas that the Order indicates will be considered in the “new proceeding,” Efficiency Vermont does not believe it is the appropriate entity to file a petition seeking creation of such a working group. Rather, to the extent that a petition is necessary, Efficiency Vermont believes the Department is better suited to file any required petition, and Efficiency Vermont would remain an interested and engaged stakeholder.

10. Efficiency Vermont proposes that the Department collaborate with stakeholders, including Efficiency Vermont, and file a petition within 90 days of the entry of the Order that proposes the establishment of an FLM working group to assess ratepayer value including: (1) identification of a methodology for quantifying FLM benefits; (2) articulation of the roles and responsibilities regarding deployment for distribution utilities and the efficiency utilities; and (3) evaluation of FLM potential for Vermont.

11. Therefore Efficiency Vermont requests that the Commission clarify its intention with respect to the opening of a proceeding to address the creation of an FLM working group and the establishment of strategies to address the identified issues affecting the implementation of FLM in Vermont.

DISCUSSION

Efficiency Vermont brings this Motion for Clarification in order to advance the resolution of issues in this DRPP. In accordance with the requirements of the Order, Efficiency Vermont will be making a compliance filing that requires resolution of the issues associated with the reduction in the proposed Refrigerant Management budget. Efficiency Vermont is also pursuing the development of a proposal for the development of an FLM working group with the DPS. However, in both instances, the Commission will be called upon to act on Efficiency Vermont's proposal. In order to provide for the orderly resolution of the issues raised in this Motion, Efficiency asks the Commission to commence procedures as are necessary and appropriate to resolve these issues.

CONCLUSION

For the reasons discussed in this Motion, Efficiency Vermont requests that the Commission clarify its Order and confirm Efficiency Vermont’s understanding of the Order’s intent. Specifically Efficiency Vermont asks that the Commission confirm that it is appropriate to use \$350,000 of EEC-funded budget to match the proposed ANR grant of \$700,000 to be used for refrigerant management activities focused on providing enhanced support for grocers with large amounts of refrigerants but extremely limited methods for monitoring those refrigerants or reducing leakages. Additionally, Efficiency Vermont asks that the Commission reaffirm that it will open a proceeding to implement an FLM working group or in the alternative that the DPS will file the petition seeking the opening of the proposed proceeding.

Should you have questions concerning this submission, please do not hesitate to contact us.

DATED at WINOOSKI, VERMONT this 20th day of October 2023.

RESPECTFULLY SUBMITTED,
EFFICIENCY VERMONT

By: : /s/MORRIS L. SILVER
Morris L. Silver, Esq.
Attorney for Efficiency Vermont

The Kellogg Farm
Stage Road
Post Office Box 606
Benson, Vermont 05731-0606
(802) 236-5011
MLSILVER@SOVER.NET;
MLSILVER.VT@OUTLOOK.COM

cc: Parties of Record (via ePUC)