

Bill as Introduced

SB 323 - AS AMENDED BY THE SENATE

03/24/10 1013s

2010 SESSION

10-2797
09/10

SENATE BILL

323

AN ACT

requiring the public utilities commission to study certain energy policy issues.

SPONSORS:

Sen. Fuller Clark, Dist 24; Sen. Merrill, Dist 21

COMMITTEE:

Energy, Environment and Economic Development

AMENDED ANALYSIS

This bill requires the public utilities commission to study certain energy policy issues and submit the results of its study to the energy efficiency and sustainable energy board.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT requiring the public utilities commission to study certain energy policy issues.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Public Utilities Commission; Study of Energy Policy Issues.

2 I. The public utilities commission shall undertake a study, through means of a
3 nonadjudicative investigation that relies on a broad collaborative process, regarding legislative,
4 regulatory, and market-based policy options to address the following issues:

5 (a) As part of a comprehensive review of energy efficiency, conservation, demand
6 response, and sustainable energy programs and incentives in the state, possible improvements to
7 and better coordination of those programs and incentives to maximize their effectiveness in
8 supporting green jobs and economic development in New Hampshire, reducing our dependence on
9 imported fossil fuels, meeting goals of the climate change action plan, and supporting development of
10 needed financing mechanisms and competitive opportunities in the market to ensure delivery of
11 energy efficiency programs and services.

12 (b) The appropriate role of regulated energy utilities in helping the state and consumers
13 achieve the state's energy efficiency potential for all fuels.

14 (c) The appropriate role of the state in evaluating the effectiveness of all funds made
15 available to stimulate investment in energy efficiency and clean energy and to advance the state's
16 energy goals.

17 (d) Policy changes that may be necessary in order to achieve the state's energy efficiency
18 and sustainable energy goals and to create the most cost-effective delivery of state funds, initiatives,
19 and programs.

20 II. The public utilities commission shall work in cooperation and close consultation with the
21 energy efficiency and sustainable energy board in the development of the study and resulting
22 recommendations.

23 III. The public utilities commission shall submit its findings, results, and recommendations
24 to the senate president, the speaker of the house of representatives and the chairs of the senate
25 energy, environment, and economic development committee and the house science, technology and
26 energy committee, and the energy efficiency and sustainable energy board in an interim report on or
27 before November 1, 2010 and a final report on or before November 1, 2011.

28 IV. The energy efficiency and sustainable energy board shall provide its recommendations,
29 as required by RSA 125-O:5-a, I, to the senate president, the speaker of the house of representatives,
30 and the chairs of the senate energy, environment, and economic development committee and the

SB 323 - AS AMENDED BY THE SENATE

- Page 2 -

1 house science, technology and energy committee as soon as practicable after receiving the final
2 report due under paragraph III.

3 2 Effective Date. This act shall take effect upon its passage.

Amendments

Amendment to SB 323

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Public Utilities Commission; Study of Energy Policy Issues.

4 I. The public utilities commission shall contract for an independent study, through means of
5 a nonadjudicative investigation utilizing a broad collaborative process, regarding legislative,
6 regulatory, and market-based policy options to address the following issues:

7 (a) A comprehensive review and analysis of energy efficiency, conservation, demand
8 response, and sustainable energy programs and incentives in the state, and recommendations for
9 possible improvements to maximize their effectiveness and increase coordination of those programs
10 and incentives.

11 (b) The appropriate role of regulated energy utilities, providers of energy and energy
12 efficiency, and others in helping the state and consumers achieve the state's energy efficiency
13 potential for all fuels.

14 (c) The effectiveness and sustainability of all funds available to stimulate investment in
15 energy efficiency and clean energy to advance the state's energy goals.

16 (d) Policy changes that may be necessary in order to achieve the state's energy efficiency
17 and sustainable energy goals and to create the most cost-effective delivery systems to ensure
18 optimum use of state funds, initiatives, and programs.

19 II. The public utilities commission shall work in cooperation and close consultation with the
20 energy efficiency and sustainable energy board in choosing an independent consultant and managing
21 the development of the study.

22 III. The cost of the study shall not exceed \$300,000, and shall be performed by an
23 independent entity with expertise in energy efficiency, sustainable energy, program design and
24 implementation, and evolving energy technologies. The public utilities commission shall utilize in
25 the first instance available funding for monitoring, evaluation, and verification of existing programs,
26 to the extent feasible, in support of this study. The commission may supplement these funds as
27 needed by utility assessment pursuant to RSA 365:37.

28 IV. The public utilities commission shall submit the results of the study to the senate
29 president, the speaker of the house of representatives, the chairs of the senate energy, environment
30 and economic development committee and the house science, technology and energy committee, and
31 the energy efficiency and sustainable energy board in an interim report on or before November 1,

Amendment to SB 323

- Page 2 -

1 2010 and a final report on or before November 1, 2011. All reports shall also be posted on the public
2 utilities commission website.

3 V. The energy efficiency and sustainable energy board shall provide its recommendations,
4 upon review of the comprehensive study, to the senate president, the speaker of the house of
5 representatives, and the chairs of the senate energy, environment and economic development
6 committee and the house science, technology and energy committee as soon as practicable.

7 2 Effective Date. This act shall take effect upon its passage.

Amendment to SB 323
- Page 3 -

2010-1705h

AMENDED ANALYSIS

This bill requires the public utilities commission to contract for an independent study of certain energy policy issues and submit the results of its study to the energy efficiency and sustainable energy board.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 4-8-10

LOB ROOM: 304 **Time Public Hearing Called to Order:** 1:05 pm

Time Adjourned: 1:35 pm

(please circle if present)

Committee Members: Reps. Kaen, S. Harvey, Cali-Pitts, Borden, Friedrich, Levasseur, Lisle, Matheson, Pastor, Read, Townsend, Introne, J. Garrity, Devins, Tahir, Remick, Holden, Rappaport and Tholl

Bill Sponsors: Sen. Fuller Clark, Dist 24; Sen. Merrill, Dist 21

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Martha Fuller Clark, prime sponsor – We are working to study energy policy issues.

Q: Chairwoman Naida Kaen - How will this legislation impact employee staffing at the PUC?

A: They have the information at the PUC. They may need some technical consultants to come to table to explain some issues.

Dick Ober, Charitable Foundation, Easy Board – A professional in-department review; an audit of the PUC and the diverse review of all its issues and resolve conflicts.

Q: Rep. Saghir Tahir – Why do we need this study?

A: We do not have the in department review of the information we have collected at this time.

Q: Do we have money to do this?

A: The resources are in various places; we do not have the monies.

Q: Rep. Charles Townsend – If we keep the monies in two different separate pots of money; should they be put together?

A: The study would look at this issue and better use of various options suggested in the study.

Q: Rep. Tahir – What is the cost of this program?

A: As low as six figures.

Q: Rep. Suzanne Harvey – We are talking about the PUC?

A: Yes, the PUC.

Joanne Morin, OEP – This will allow the public to figure out the way to get a robust analysis of what direction to point the use of getting green energy.

Jack Ruderman, Director, NH PUC – Where is funding coming from? Answer is S>P>C> 15-18 million in the queue now. There is money to study efficient programs also utility assessment fee; number of sources of money.

Q: Rep. Laurence Rappaport – What is the cost?

A: Director Ruderman – It is hard to estimate the cost; guess is \$500,000 or less.

Q: Rep. Robin Read – How will the money be used?

A: The Easy Board will coordinate \along with the PUC. We need to explore the best use of REGI funds; the best programs need to be studied.

Q: Rep. Townsend – Do we need more staff?

A: NO, we have staff to do the work.

Q: Rep. Harvey – Would the legislators need to put a cap on spending for the study?

A: We will look at this to see if we need a cap or not.

Q: Rep. William Remick – Don't we have people to do this?

A: We have the capacity to do this.

Rep. Tahir – Do we lack laws that allow the commission to do this work?

A: We would like to have some direction and guidance from legislature.

Q: Rep. Rappaport – Can you envision a time to issue the report?

A: Line 11 – Nov. 1, 2011; first time for report to the legislature.

Bob Scott – No comment.

Letter by Natalie Hildt.

Respectfully Submitted:

A handwritten signature in cursive script that reads "James E. Devine". The signature is written in black ink and is positioned above the printed name.

James E. Devine, Acting Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 4-8-10

LOB ROOM: 304

Time Public Hearing Called to Order: 11:05

Time Adjourned: 11:35

(please circle if present)

Committee Members: Reps. Kaen, S. Harvey, Cali-Pitts, Borden, Friedrich, Levasseur, Lisle, Matheson, Pastor, Read, Townsend, Introne, J. Garrity, Devine, Tahir, Remick, Holder, Rappaport and Tholl

Bill Sponsors: Sen. Fuller Clark, Dist 24; Sen. Merrill, Dist 21

TESTIMONY

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1st sen Fuller CLARK
2nd Dick ober
3rd JOANNE MORIN
4th SPARKER

4/8/10

SB 323 PRR

1 Speaker ^{SEN} M F CLARK

Rep Rawn We are working to study energy policy issues.
how will this legislation impact
employee staffing at the PUC
ANS they have the information at the PUC, they
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to explain some issues.

Dick Ober Easy Board

support the Bill SB 323

A Professional indept Review. An audit of the PUC
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4/8/10

Page 2
SB 323

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4/8/10

Page 2

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Rep Tahir do we have laws that allow
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ANS we would like to have some direction
and guidance from legislature

Rep RAPPAPORT Can you ^{invision} ~~provide~~ a ~~time~~ time
to issue the report?

ANS Line 11 NOV 1 2011 15 Time for
report to the legislature

Bob Scott No comment
Letter by NATALIE HILDT

Sub-Committee Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 4-14-10, 4-22-10 & 4-29-10

Subcommittee Members: Reps. Harvey

Comments and Recommendations: On 4-29-10 straw poll 11-1 in favor of moving forward.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Rep. Suzanne Harvey
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 4-14-10 ; 4-22-10 ; 4-29-10

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,
Rep. Harvey
Rep.
Subcommittee Chairman/Clerk

4-29-10
Strew Poll
11-1
in favor
of moving
forward

Testimony



**Comments of Natalie Hildt, Manager of Public Policy Outreach
Northeast Energy Efficiency Partnerships (NEEP)
To the House Committee on Science, Technology and Energy
Regarding New Hampshire Senate Bill 323
April 8, 2010**

Chairwoman Kaen and members of the Committee on Science, Technology and Energy:

Northeast Energy Efficiency Partnerships (NEEP) is pleased to submit comments to the House Committee on Science, Technology and Energy regarding SB 323, as amended 2/17/10.¹

As you know, NEEP is a regional nonprofit that promotes the efficient use of energy in homes, buildings and industry in the Northeast. We advance cutting-edge products and practices through coordinated, whole-building efficiency programs and policies. We are committed to this work because saving energy creates a stronger economy, a cleaner environment and a more reliable and affordable energy system.

Support for SB 323, with Caveats

In general, NEEP supports any directives that would call for strengthening and improving coordination of rate-payer funded efficiency programs with other funds and policies such as building energy codes and appliance standards. In our view, this also means developing whole-building and all fuels approaches to delivering efficiency programs through customer-friendly approaches.

We agree that a comprehensive review of efficiency, demand response and renewable energy programs lead by the Public Utilities Commission is a worthwhile endeavor, though we are disappointed by the long time-frame and lack of a clear goal to capture all cost effective energy efficiency laid forth in the legislation.

NEEP supports efforts to leverage the ratepayer funded CORE programs with Regional Greenhouse Gas Initiative (RGGI) funding, and Recovery Act (ARRA) funding, using these additional resources to enhance and expand existing clean energy activities that serve as economic drivers in the state.

Pursuit of an All Cost Effective Efficiency Policy

New Hampshire has shown a strong commitment to growing the energy efficiency sector as a means to help consumers and businesses save money, reduce greenhouse gas emissions and stabilize energy costs and the electricity grid. We applaud the many legislators, regulators, utilities, business and nonprofit organizations who have worked to promote efficiency in order to reach these important state policy objectives.

In NEEP's estimation, the vital next step to unleashing the power of efficiency is a policy mandate to capture all cost effective efficiency. We urge the Committee to amend this legislation to specifically direct the PUC to study such a policy and its implications for New Hampshire.

¹ These comments are offered by NEEP staff and do not necessarily represent the view of NEEP's Board of Directors, sponsors or underwriters.

Policies calling for electric and natural gas utilities to invest in all energy efficiency less than and up to the cost of power generation have recently been successfully implemented in a number of neighboring states.² Since it costs about a third as much to meet demand through efficiency compared to a kWh of new generation, this makes solid fiscal sense as a state policy.

A plan to capture all cost effective efficiency would negate tough choices faced in the recent passage of SB 300, which moved efficiency funds to low income energy assistance and will have significant consequences on programs' ability to deliver savings. Instead, utilities would be directed to meet demand as cost-effectively as possible, which would by definition mean spending much more on programs that help residents and businesses save energy.

Many states have found that it is technically achievable and economically feasible to triple or even quadruple the amount invested in energy efficiency programs as a means of meeting demand and creating jobs. There are regional and state-specific studies that bear this out.³ We look forward to working with the PUC, the Energy Efficiency and Sustainable Energy (EESE) Board and other stakeholders to aid in this comprehensive energy policy study and include recommendations that the legislature enact such a mandate.

A Call to Strengthen the EESE Board

Lastly, we renew our call that the Public Utilities Commission should provide the Energy Efficiency and Sustainable Energy Board with resources to hire technical consultants and the charge to review and comment on the CORE efficiency programs.

The creation of the EESE Board was meant to bring to New Hampshire a stakeholder advisory process similar to those that have been in operation in other New England states— including Connecticut, Rhode Island, Massachusetts and Maine— in order to more broadly deploy energy efficiency as a clean, affordable and reliable resource to serve the state's residents and businesses.

However, one significant difference between the stakeholder advisory boards in those states⁴ and the EESE Board in New Hampshire is that in the other states the stakeholder boards are funded to secure their own technical consultants, specifically in order to review the ratepayer-funded energy efficiency programs as planned by those states' utility companies.

Conclusion

By enacting legislation requiring procurement of all cost effective efficiency, the state can continue down the path to exponentially greater energy savings and benefits to the state's

² New England states that have enacted or are in the process of enacting such policies include Massachusetts, Rhode Island, Connecticut, and Maine. Vermont has mandated it in effect, with the highest per capita spending on efficiency in the nation.

⁴ See "Additional Opportunities for Energy Efficiency in New Hampshire," a report prepared by GDS Associates at the Request of the NH PUC, January 2009, or NEEP's database of electric and gas efficiency potentials studies, www.neep.org.

⁴ Those boards are respectively known as the Energy Conservation Management Board (ECMB) in Connecticut; Energy Efficiency and Resources Management Council (EERMC) in Rhode Island; Energy Efficiency Advisory Council (EEAC) in Massachusetts; and Energy Conservation Board (ECB) in Maine.

residential, commercial and municipal sectors. We hope that the legislature passes SB 323 swiftly and empowers the EESE Board to study and advance this strategy so that it may become the state's permanent energy policy.

NEEP stands ready to work with the state, utilities and other interested parties to maximize the potential of efficiency to deliver economic, environmental and broader public benefits. We thank the Committee again for the opportunity to provide comment on this important legislation.

Natalie Hildt
Policy Outreach Manager
T: 781-860-9177, ext. 121
nhildt@neep.org

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 5-4-10

LOB ROOM: 304

Amendments:

Sponsor: Rep. Cali-Pitts/Rappaport OLS Document #: 2010 1705h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Borden

Seconded by Rep. Harvey

Vote: 12-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Harvey

Seconded by Rep. Borden

Vote: 11-3 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent of Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David A. Borden, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 323

BILL TITLE: (New Title) requiring the public utilities commission to study certain energy policy issues.

DATE: 5-4-10

LOB ROOM: 304

Amendments:

Sponsor: Rep. *Cali Pitts-Rappaport* OLS Document #: *1705 h*
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Borden*

Seconded by Rep. *Harvey*

Vote: *12-2* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Harvey*

Seconded by Rep. *Borden*

Vote: *11-3* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *No*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

[Signature]
Rep. David A. Borden, Clerk

SCIENCE, TECHNOLOGY AND ENERGY

Amendment 1705h

Bill #: 323

Title: EESE BOARD

PH Date: / /

Exec Session Date: 5 / 4 / 10

Motion: O.T.P.

Amendment #:

MEMBER	YEAS	NAYS
Kaen, Naida L, Chairman	✓	
Harvey, Suzanne, V Chairman	✓	
Cali-Pitts, Jacqueline A		
Borden, David A, Clerk	✓	
Friedrich, Carol H		
Levasseur, Nickolas J		
Lisle, Carolyn M	✓	
Matheson, Robert F	✓	
Read, Robin P	✓	
Pastor, Beatriz	✓	
Townsend, Charles L	✓	
Introne, Robert E	✓	
Garrity, James M		✓
Devine, James E		
Tholl, John E	✓	
Tahir, Saghir A		
Remick, William J	✓	
Holden, Frank R		✓
Rappaport, Laurence M	✓	
	12	2
TOTAL VOTE:		

SCIENCE, TECHNOLOGY AND ENERGY

Bill #: SB 323 Title: _____

PH Date: 1/1/10

Exec Session Date: 5, 4, 10

Motion: OTR/A

Amendment #: _____

MEMBER	YEAS	NAYS
Kaen, Naida L, Chairman	✓	
Harvey, Suzanne, V Chairman	✓	
Cali-Pitts, Jacqueline A		
Borden, David A, Clerk	✓	
Friedrich, Carol H		
Levasseur, Nickolas J		
Lisle, Carolyn M	✓	
Matheson, Robert F	✓	
Read, Robin P	✓	
Pastor, Beatriz	✓	
Townsend, Charles L	✓	
Introne, Robert E	✓	
Garrity, James M		✓
Devine, James E		
Tholl, John E	✓	
Tahir, Saghir A		
Remick, William J	✓	
Holden, Frank R		✓
Rappaport, Laurence M		✓
	11	5
TOTAL VOTE:		

Committee Report

REGULAR CALENDAR

May 12, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on SCIENCE, TECHNOLOGY AND ENERGY to which was referred SB323,

AN ACT (New Title) requiring the public utilities commission to study certain energy policy issues.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Harvey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	SCIENCE, TECHNOLOGY AND ENERGY
Bill Number:	SB323
Title:	(New Title) requiring the public utilities commission to study certain energy policy issues.
Date:	May 5, 2010
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill approves a review and analysis of and recommendations for state programs and incentives regarding energy efficiency, conservation, demand response and sustainable energy. The committee's amendments to the senate bill specify that rather than having state organizations conduct the study and independent consultant with appropriate expertise be hired at no more than \$300,000. These funds are not new appropriations; rather, they exist in the utilities core program under a "monitoring and evaluation" budget line that equals 5% of the core fund, which is paid into by ratepayers. The bi-partisan 11-3 vote of the committee shows favor for an in-depth look at how we're spending these various funds and what improvements can be made going forward. A final report will be due November, 1, 2011.

Vote 11-3.

Rep. Suzanne Harvey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

SCIENCE, TECHNOLOGY AND ENERGY

SB323, (New Title) requiring the public utilities commission to study certain energy policy issues.
OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Harvey for SCIENCE, TECHNOLOGY AND ENERGY. This bill approves a review and analysis of and recommendations for state programs and incentives regarding energy efficiency, conservation, demand response and sustainable energy. The committee's amendments to the senate bill specify that rather than having state organizations conduct the study and independent consultant with appropriate expertise be hired at no more than \$300,000. These funds are not new appropriations; rather, they exist in the utilities core program under a "monitoring and evaluation" budget line that equals 5% of the core fund, which is paid into by ratepayers. The bi-partisan 11-3 vote of the committee shows favor for an in-depth look at how we're spending these various funds and what improvements can be made going forward. A final report will be due November, 1, 2011.
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SB 323

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S. HARVEY
Mark Kaer