

225 CMR: DIVISION OF ENERGY RESOURCES

225 CMR 11.00: REGARDING OVERSIGHT AND COORDINATION OF ELECTRIC RATEPAYER FUNDED ENERGY EFFICIENCY ACTIVITIES

Section

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11.01: Application

Application. 225 CMR 11.00 shall apply to the oversight and coordination of ratepayer-funded energy efficiency activities pursuant to M.G.L. c. 25A, § 11G and § 11E, and M.G.L. c. 25, § 19. As required by statute, the Division of Energy Resources (DOER) shall file annual reports with the Department of Telecommunications and Energy (DTE) regarding the proposed program budgets for electric ratepayer-funded energy efficiency plans. DOER shall also file annually with the legislature a report determining the extent to which energy markets are achieving the energy efficiency goals of the Commonwealth. During the year 2001, DOER shall ascertain whether ratepayer funding for energy efficiency activities should continue beyond year 2002, and if so, shall file legislation to extend for a specified period the authorization to continue collection of a charge to fund energy efficiency activities.

11.02: Definitions

Subject to the terms defined in 225 CMR 11.01, terms used in 225 CMR 11.00 shall have the same meaning as those defined in M.G.L. chs. 25, 25A or 164.

Municipal Aggregator: Any municipality or any group of municipalities acting together within the Commonwealth to aggregate the electrical load of interested electricity consumers within its boundaries, as provided in M.G.L. c. 164, § 134.

11.03: Establish Statewide Energy Efficiency Goals, Reporting Requirements, and Supporting Guidelines

- (1) DOER shall establish statewide energy efficiency goals, reporting requirements, and supporting guidelines to 225 CMR 11.00. DOER may change or modify such goals, reporting requirements, and guidelines on a periodic basis, as deemed necessary, but not more frequently than on an annual basis.
- (2) In the event that DOER proposes to change or modify the statewide energy efficiency goals, reporting requirements, or supporting guidelines, it shall provide interested parties the opportunity to review and comment on such proposed changes or modifications, and may hold a public hearing.

11.04: Oversight and Coordination of Ratepayer-funded Energy Efficiency Activities

- (1) DOER shall conduct its oversight and coordination of ratepayer-funded energy efficiency activities in a manner consistent with the statewide energy efficiency goals of the Commonwealth, identified by DOER and DTE pursuant to M.G.L. c. 25A or c. 164.
- (2) The statewide energy efficiency goals, reporting requirements, and supporting guidelines, as established by DOER pursuant to 225 CMR 11.03(1), shall be used by electric distribution companies, and municipal aggregators which develops an energy efficiency plan pursuant to M.G.L. c. 164, § 134(b), to design and administer ratepayer-funded energy efficiency programs.

11.04: continued

(3) Electric distribution companies shall file annual energy efficiency plans with DOER on a date certain, as specified in DOER's supporting guidelines. This requirement shall not preclude an electric distribution company from filing a multi-year energy efficiency plan, supplemented by annual updates, as provided in DOER's supporting guidelines. Within a time certain, as specified in DOER's supporting guidelines, DOER shall review the energy efficiency plans of electric distribution companies to determine whether such proposed plans are consistent with the statewide energy efficiency goals.

(4) A municipal aggregator which develops an energy efficiency plan, pursuant to M.G.L. c.164, § 134(b), shall consult with DOER prior to submitting such plan to the DTE, to ensure that such plan is consistent with the statewide energy efficiency goals. The process of consultation with and review by DOER, as provided in supporting guidelines and 225 CMR 11.04(5), shall be sufficiently flexible so as to ensure that the municipal aggregator is able, on a timely basis, to secure the approval of its respective town council or legislative body on the proposed energy efficiency plan, as required by M.G.L. c. 164, § 134(b).

(5) During its review process of electric distribution company and municipal aggregator energy efficiency plans under 225 CMR 11.04(3) and (4), respectively, DOER shall provide the opportunity for review and input by interested parties, as defined in DOER's supporting guidelines.

(6) Subsequent to its review of energy efficiency plans under 225 CMR 11.04(3) and (4), DOER shall report its opinion, and reasons therefore, to the DTE concerning the consistency of an electric distribution company's or a municipal aggregator's energy efficiency plan with the statewide energy efficiency goals. Such report shall include proposed annual program budgets, as required by M.G.L. c. 25A, § 11G.

(7) 225 CMR 11.04 applies to all entities that administer electric ratepayer-funded energy efficiency programs, as described in supporting guidelines to 225 CMR 11.00.

11.05: Monitoring Energy Efficiency Markets

(1) Pursuant to its authority under M.G.L. c. 25A, § 11E, DOER shall monitor the extent to which the Commonwealth is meeting its energy efficiency goals, and shall annually file a report with the legislature regarding the results of such monitoring. DOER shall provide the opportunity for interested parties to review and comment on such annual reports, as specified in DOER's supporting guidelines.

(2) Pursuant to its authority under M.G.L. c. 25, § 19, DOER shall, during the year 2001, ascertain whether ratepayer-funded energy efficiency programs should continue beyond year 2002, and if so, shall file legislation to extend for a specified period the authorization to continue collection of a charge to fund energy efficiency activities. Within a time certain, as specified in DOER's supporting guidelines, and prior to filing any legislation, DOER shall issue a report regarding whether or not non-low income ratepayer-funded energy efficiency programs should continue beyond year 2002, and if so, at what level of funding. Prior to filing any legislation, DOER shall provide the opportunity for interested parties to review and comment on DOER's report and any proposed legislation, including holding a public hearing, as defined in DOER's supporting guidelines.

(3) In order to fulfill its responsibilities under 225 CMR 11.05(1) and 11.05(2), and pursuant to its authority under M.G.L. c. 25A, §§ 7 and 11E, DOER may require electric distribution companies, municipal aggregators, suppliers, and other identified entities, to submit specific information as may be prescribed by DOER's supporting guidelines. Where such information is considered proprietary, DOER is authorized to enter into agreements that will protect the discovery of proprietary information consistent with its obligations under the Massachusetts Public Records Law, M.G.L. c. 66, and the Federal Freedom of Information Act (FOIA). All such information that qualifies for confidential treatment shall be utilized in an aggregated, non-identifying fashion.

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11.06: Energy Efficiency Advisory Committee

DOER may, at its discretion, establish an energy efficiency advisory committee to assist in fulfilling its oversight and coordination responsibilities delineated in 225 CMR 11.03, 11.04, and 11.05.

REGULATORY AUTHORITY

225 CMR 11.00: M.G.L. c. 25, § 19 and c. 25A, §§ 6, 7, 11D, 11E, 11G.

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