

## **Energy Policy Review Commission - Unofficial Minutes**

Wednesday May 1, 2013

1:00pm – 2:30pm

Executive Office of Energy and Environmental Affairs

2<sup>nd</sup> Floor Conference Room B

### **Members in Attendance:**

Tom Regh	Progressive Energy Services
Bob Rio	A.I.M
Elliot Jacobson	Action Inc.
Sandra Merrick	AGO
Rob Calnan	Clanan's Energy Systems, Inc.

### **Others in Attendance:**

Barbara Kates-Garnick	EEA
Kevin Galligan	Cape Light Compact
Andrew Goldberg	AGO
Dan Burgess	EEA
Shaela Collins	Rick May, P.C.
Ben Davis	DPU
Victoria Gilmore	Energy Services Group
Stolle Singleton	Office of the Minority Leader
Rep. Matt Beaton	House of Representatives
Lyn Huckabee	DOER
Rita Carvalho	Action Inc.
Lauren Farrell	EEA
Aisling O'Shea	EEA
Hinna Upal	EEA
Martha Broad	MassCEC
Christos Kapsambelis	Bourne Energy Commission
Carolyn O'Connor	HQUS

### **Documents passed out:**

- Agenda
- GWSA Strategies
- GWSA Subcommittee Summary Reports
- DOER Chapter 25A, Section 5 Annual Report, 2011

*Undersecretary Kates-Garnick called the meeting to order at 1:06pm.*

### **Introduction**

Undersecretary Kates-Garnick welcomed the Commission members and attendees. She congratulated Rob Calnan on being officially sworn into the Commission and apologized for the delay. Commission members and meeting attendees started around the room. Undersecretary Kates-Garnick reviewed the agenda saying that there would be an environmental presentation as it is required by law. She then said an update on the information requests would be discussed as well as the schedule for future meetings.

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She stated that Tom Regh would like to add on his previous presentation but that it will be a brief presentation as there is a lot to discuss during the meeting. Undersecretary Kates-Garnick pointed out that each Commission member was given a packet of all the agendas, minutes, and presentations; while all are available online, it is nice to have concrete materials when starting to write the report. She then introduced Aisling O'Shea for the environmental presentation.

### **Presentation – “Massachusetts Global Warming Solutions Act (GWSA) and The Clean Energy and Climate Plan for 2020: An Overview ”**

**Aisling O'Shea, Global Warming Solutions Manager, EOEAA**

Tom Regh thanked Ms. O'Shea for presenting, stating that it was very helpful. He then said that in reviewing the Annual Report to EEAC, he saw that the electrical savings went up despite the fact that GHG emissions went down in the residential sector. Ms. O'Shea said that she could have a GWSA Team Leader look into that for Mr. Regh. Ben Davis said he could guess that was because the electric supply was coming from natural gas, which is cleaner so the level of emission reductions is different. Sandy Merrick asked Ms. O'Shea if she could describe the next deliverable for January 2014. Ms. O'Shea replied that in January 2014 the 5-year report is due as required by the GWSA Legislation. She continued by saying that in terms of status, it is an ongoing evaluation and the team will be looking for help from the Implementation Advisory Committee and the GWSA Subcommittees. Ms. Merrick asked if Ms. O'Shea could explain the economic benefits of RGGI. Ms. O'Shea referred to her presentation, saying that \$1.6 billion in net present economic value was added to the region, including \$400 million to Massachusetts; Electricity consumers overall – households, businesses, government users, and others – will enjoy a net lifetime gain of nearly \$1.1 billion, as their overall electric bills drop over time; and a lowering by more than \$765 million in the total dollars that Massachusetts and the RGGI states send outside the region in the form of payments for fuel. Undersecretary Kates-Garnick stated that the GWSA goals are a work in progress and as measurements and data are important to their success, it is where the focus is on. She also stated that the Secretary is very committed to this critical effort to meet the Administration's GWSA goals.

### **Information Requests**

Undersecretary Kates-Garnick asked the Commission members if they felt it was okay for Tom Regh to present again, to which they replied yes. She stated that Bob Rio's data request is almost complete as it is in final review and would be sent to the full group for review soon. Dan Burgess said that he is providing the DOER Chapter 25A, Section 5 2011 Annual Report to everyone as it gives an overview of DOER programs and spending. He said that the 2012 report is not released as of yet, but they should have it before the Commission is over. Undersecretary Kates-Garnick said that Tom Regh made requests of MassCEC and will forward his request to the group. Martha Broad said that she spoke with Mr. Regh regarding his information request. She went on to say that when the survey was distributed, the people who were surveyed were assured their answers would be kept confidential. Ms. Broad said that the consultant has the survey data and to redact the information, it would cost about \$3,000.

Undersecretary Kates-Garnick said that if the Commission would like to see more data, they should put that request into the recommendations in the report. Mr. Regh said that he would like to see the report of the data captured, specifically questions 8, 13, 17, 18, 19, 20, 21, 22, and 23. Ms. Broad reiterated that any data that was gathered for the survey is in the consultant database. Mr. Regh responded that he does not want the data itself, but the results. He said that he does not want individual responses, but the overall responses especially the results not discussed in the MassCEC report. Ms. Broad said that she misunderstood that and suggested she and Mr. Regh sit down with the consultant. Undersecretary

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Kates-Garnick asked Hinna Upal if she wanted to say anything regarding information requests. Ms. Upal replied that the information requests have been helpful as they determine what data exists and does not. She continued that all agencies have been helpful in responding. Ms. Upal said that the data requests have been a struggle as they cross-cut agencies and departments, however they have been responded to as quickly as possible with the available resources. Ms. Merrick referred to Section (C)(1) of the statute that states the commission must consult with utilities and can consult with other state agencies and private companies with state contracts. Ms. Upal responded that the Commission can request it, but it will cost money, as it does with the MassCEC request. Mr. Regh said that he would like data from the lead vendors themselves, of which Ms. Merrick agreed to help reach out to. He asked Ms. Merrick if there was an update with this letter to the lead vendors. Ms. Merrick responded that she had no update as it takes a long time for approval. She then asked about the requirement of the Commission to consult IOUs and when they would address that. Kevin Galligan said that he hoped his presentation on behalf of the Program Administrators address those concerns. Ms. Merrick replied that she thinks the Commission should consult with the IOUs. Undersecretary Kates-Garnick said the Commission can reach out and invite them to speak at a meeting. Ms. Upal said that there are opportunities for this during the public comment period. Shaela Collins said the contracts with the Program Administrators are not through the State and they have worked very hard on the data request responses. She continued that going another direction could be hard and to Ms. Upal's point, the Program Administrators have work to do but took the time to help with the data requests. Ms. Merrick said that she wanted to know whether they have contracts with the State or not. Undersecretary Kates-Garnick said that the Commission members can provide a list of people to include for the public comment. Mr. Regh stated that the Commission members are not compensated for participating on the Commission and he does not believe the data requests are very time consuming. He also said that if his intent is to clearly state in the report that there were questions left unanswered. Ms. Collins stated that there is a lot of regulatory oversight and there have been several information requests from the Commission. Mr. Regh asked if Ms. Collins was stating that DPU has the answers. Ms. Collins replied that she was not answering on the data requests but the Program Administrators helped when they could.

Undersecretary Kates-Garnick acknowledged there were many things left to discuss at the meeting. She stated that the Commission was asked to submit metrics and no one responded so EEA staff took the responsibility to create them. Elliot Jacobson asked what the role of the Commission was. Mr. Regh said that the Commission should be doing a deep dive into all of the topics, but they have only discussed energy efficiency. He stated that the point of the Commission is not to sit around and have presentations or to report without data or analysis. He said that he feels the deadline for the report is unrealistic, there were missing Commission members, and there has not been enough time for meetings. Ms. Merrick stated that she thinks there are 9 items the Commission should be reporting on, not 5 as suggested. Ms. Upal stated that there are 6 objectives outlined in the draft and they were created to get the ball rolling on the report. Rep. Beaton stated that there is much concern on the progress to date and can offer to get rid of the deadline pressure. He said that the #1 goal of the Commission is that the end product of the Legislation is met. Rep. Beaton continued that the data requests are a baseline of existing metrics and the point of the Commission was to streamline and simplify. He believes Mr. Rio's data request could have been completed in a week on a spreadsheet as his request was pretty clear. Undersecretary Kates-Garnick commended the work that has been done to date but due to the time constraints, the Commission needs to respond and work together to move forward. She stated that the Commission should remember that it is important to work together and to be respectful of everyone and everyone's time. She then introduced Tom Regh for his presentation.

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## **Presentation – “ Energy Efficiency Concerns”**

### **Tom Regh, Progressive Energy Services**

Mr. Regh stated apologized if he offended anyone at a previous meeting and stated that he has presented nothing but data but would like to see the utilities respond to his questions. He said that Elliot Jacobson mentioned that the EEAC is the right forum but that does not allow for a deep dive in all areas that ratepayers and taxpayers are depending on this Commission to do. Ben Davis stated that the right forum might be the DPU, who does a very deep dive into the annual reports. Mr. Davis said that the DPU just finished 10 days of hearings and responding to the data requests is something that is very time consuming for the Commission. Mr. Rio stated he felt Mr. Regh’s frustration is that there is an overwhelming charge and the members do not get paid to participate in the Commission. He also said that it can be difficult to participate in the DPU hearings.

Undersecretary Kates-Garnick said that she understood the frustrations of the group and though there is a broad charge, the Commission was provided an outline and it is necessary for the members to provide feedback. She stated that the AG’s office and individual members have presented data, not just state agencies and the Commission deadline could be met if the group stays focused. Undersecretary Kates-Garnick said that she suggests every member writes a paragraph on their viewpoint as well as a list of recommendations that the Commission can vote on. She said that each position should be a succinct, clearly written paragraph but this way every member will give their point of view. She said that the members must produce substance or EEA will provide it all.

### **Future Meetings and Next Steps**

Dan Burgess said that the Commission will start to have longer, more regular meetings as requested. Starting May 15, the meetings will be 2 hour weekly meetings, if that is approved by the Commission. As the Commission approved, Mr. Burgess stated that the public comment period will open by Thursday or Friday and remain open for 2 weeks, until May 17. The link to the public comment will be distributed to the Commission and to broad EEA stakeholders. Ms. Merrick asked what the public comment period is opened up for to which Mr. Burgess responded the period is open for comment on the statute. Mr. Regh asked how the open period was posted and how people should comment. Mr. Burgess replied that the public comment period would be posted to the Commission’s website; any comments would be sent to Lauren Farrell and all responses would be posted online. Mr. Burgess asked the Commission their view on the second period of public review required by the legislation. Ms. Merrick said that she felt the second period should be public review of the report document. She also said that she believes there should be a press release as there should be public input besides stakeholders. Ms. Merrick continued that the issue of a press release describing the details of the public comment period could help publicize the comment period better, in the hopes that the press might pick it up. Ms. Upal assured that the Open Meeting Law requirement is being met. Mr. Regh stated he felt that more public comment is better than less. Mr. Burgess said that a press release has not been discussed but the stakeholder list is any person who has shown interest in DOER. Undersecretary Kates-Garnick added that the Commission members could open the public comment period to their membership lists if they prefer. She also stated that a press release was not discussed because it can be difficult to put one together.

Undersecretary Kates-Garnick said that the data requests are finishing up so it is time to discuss the substance of the report. She said that at the next meeting on May 15, the first topic, “Expanding Renewables”, will be discussed and for each Commission member to write their discussion points and recommendations. Mr. Jacobson asked if he should be writing his discussion from a low-income

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perspective. Referring to the draft metrics document, Mr. Regh asked if the points listed were the report metrics. Undersecretary Kates-Garnick replied that they were the suggested metrics and others could be proposed. Mr. Regh said that metrics are something that must be measured; a question cannot be measured. Undersecretary Kates-Garnick said that the Commission members can give examples, but there is not a standard number that everyone would be able to agree on. Mr. Regh repeated that he felt a metric has to be measurable. Ms. Upal said that the list of metrics was created to start the conversation and every member is welcome to submit their own metrics. Mr. Davis added that in order to get very detailed metrics, a consultant would have to be paid thousands of dollars. Ms. Upal said that the statute is not in the quantitative realm. Undersecretary Kates-Garnick said the given metrics were created as guidelines and the Commission would have to be more general to get the report done. Mr. Regh stated that his only issue was that a metric should be measurable. Undersecretary Kates-Garnick replied that there are many types of metrics and the Commission needs to move forward to get the report written. She also said that as an example, price volatility is a metric that can be measured. Ms. Merrick asked if any of the Commission members commented on the draft outline or submitted metrics other than the ones EEA created. Undersecretary Kates-Garnick confirmed that no members responded to the outline or submitted metrics. She said the process is moving forward as the public comment period opens on Thursday. She asked that the Commission members review the "expanding renewable" topic for the next meeting and come up with their discussion points and metrics for the Commission to vote on. Ms. Merrick asked if the members could comment on the draft outline. Undersecretary Kates-Garnick said that all members are allowed to comment. Ms. Upal said that there seems to be a difference of opinion on the report objectives so members should feel free to discuss on that. Kevin Galligan spoke on behalf of the Program Administrators saying that he felt Mr. Regh's presentation was one-sided and that the Program Administrators are willing to help. Undersecretary Kates-Garnick replied that the public comment period is the best way to help and suggested responded in writing. Mr. Galligan asked if there were 2 periods of public comment. Undersecretary Kates-Garnick responded that there are 2 periods of public review and the Commission needs to decide how to manage the second period. She stated that the Commission should start to focus on the report as it is a hard and fast deliverable.

*The meeting adjourned at 3:02pm.*

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