**Sustainable Energy Utility Advisory Board (SEUAB) Regular Meeting**

**Tuesday, October 11, 2022**

**10:00 AM – 12:00 PM**

# Call to Order

Vice-chair Marshall Duer-Balkind called the meeting to order at 10:07 AM, October 11, 2022. Vice-chair Marshall Duer-Balkind called a quorum of the Sustainable Energy Utility Advisory Board (SEUAB or Board) at 10:08 AM. This was a Microsoft Teams video conference call meeting.

# Roll Call/Instructions

Roll call was taken at 10:04 AM and the following people were in attendance:

# Board Members

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **In Attendance?** | **FY 2023**  **Special Meetings**  **Attendance Record** | **FY 2023 Regular Meetings**  **Attendance Record** |
| Bicky Corman - Board Chair (Mayor’s Designee) | No | N/A | 0/0 |
| Marshall Duer-Balkind – Vice Chair (Councilmember Cheh) | Yes | N/A | 1/1 |
| Sandra Mattavous-Frye (or OPC proxy) | Yes | N/A | 1/1 |
| Cary Hinton (PSC) | Yes | N/A | 1/1 |
| Donna Cooper (Electric Company) | Yes | N/A | 1/1 |
| Eric Jones (Building Management) | Yes | N/A | 1/1 |
| Nina Dodge (Environment) | Yes | N/A | 1/1 |
| Jamal Lewis (Low-Income Community) | Yes | N/A | 1/1 |
| Mishal Thadani (Economic Development) | Yes | N/A | 1/1 |
| Sasha Srivastava (Renewable Energy) | Yes | N/A | 1/1 |
| Vacant (Building Construction) | N/A | N/A | N/A |
| Vacant (Council Chairperson Mendelson) | N/A | N/A | N/A |
| Vacant (Gas Utility) | N/A | N/A | N/A |

# Other Attendees: Angela Johnson (DCSEU), Dollie Banks (Pepco), Joesph Cohen (Pepco) Sarah Kogel-Smucker (OPC), Dave Epley (DOEE), Jennifer Johnston (DOEE), Brandon Bowles (DCSEU), Benjamin Burdick (DCSEU), Crystal McDonald (DCSEU), Hussain Karim (DOEE), Dr. Lance Loncke (DOEE), Paige Dunlevy (DCSEU), Patti Boyd (DCSEU), Rebecca Foster (VEIC), Tamara Christopher (DCSEU), Jacob Whitacre (DOEE), Nick Burger (DOEE), Alex Fisher (DOEE)

# Approval and Amendment of the Agenda

* Eric Jones moved to approve the agenda and was seconded by Sasha Srivastava. All were in favor, and none were opposed.

# SEUAB Recruitment

* Dave Epley (DOEE) highlighted that the Board is looking to fill the following three vacant positions: building construction, gas utility, and Council Chairperson Mendelson.
* Dave Epley (DOEE) requested that recommendations for open seats be shared with him and Jennifer Johnston (DOEE).

# Discussion and Approval of September Meeting Minutes

* Dr. Donna Cooper (Pepco) moved to approve the agenda and was seconded by Nina Dodge. All were in favor, and none were opposed.

# Board Annual Report Progress Update

* Jennifer Johnston (DOEE) shared that DOEE/DCSEU’s sections that have been drafted and are on track for the current timeline.
* Vice-chair Marshall Duer-Balkind confirmed the Board has a special meeting scheduled for Tuesday, October 25th to review the draft content and executive summary.
* Vice-chair Marshall Duer-Balkind requested all Board members complete their sections and provide comments/edits on other sections prior to the October 25th special meeting.
* Nina Dodge requested a friendly reminder (including any sections that are missing content) be sent to the Board five days before the special meeting.
* Jennifer Johnston (DOEE) suggested the following timeline:
  + 10/25/22: Special meeting
  + 11/1/22: Board provide any final comments
  + 11/1/22-11/7/22: DOEE to finalize
  + 11/8/22: Board vote on approval of report

# Update on PEPCO EEDR Program (FC1160)

* Joesph Cohen (Pepco) highlighted the FC1160 motion for reconsideration will be reviewed by the commission on Wednesday, October 12.
* Joesph Cohen (Pepco) provided some background on FC1160:
  + Pepco has reached out to Staff, DOEE (Dr. Lance Loncke), and the DCSEU on launching the Technical Issues Work Group in October
  + Agreed to meet bi-weekly (twice a month) initially as Pepco launches and ramps up Programs
  + Issues at the forefront of Technical Issues Work Group agenda are as follows (non-exhaustive):
    - Establishing expectations for the Work Group and Structure
      * Agreeing how non-consensus items will be addressed
    - Establishing regular cadence between Pepco’s implementation teams with the DCSEU and VEIC in regard to coordination
      * Contractor and customer outreach
    - Finalization on Technical Reference Manual (TRM) usage for Pepco programs
  + Topics the working group will cover:
    - Ongoing changes to baselines, TRM updates, new deemed savings values, ongoing changes to BCA assumptions, other M&V topics
    - Establish methodology to avoid double counting of savings
    - Ensure incentive alignment per FC1160 Application and Approval
    - Proposed program modifications; such as changes to incentive levels, introduction of new measures, or measure changes (when applicable)
  + Working group will NOT:
    - Serve as a governing body over Pepco or DCSEU programs nor be a determinant of program performance
    - Discuss the merits of Pepco’s approved and implemented programs
    - PJM and capacity market activity of either Pepco or DCSEU
* Order 21076 Paragraph 9:
  + “*However, the Technical Issues Group shall serve as a subgroup to the EEDR WG and shall have no formal authority over program implementation or evaluation. The Technical Issues Group shall be comprised of Pepco, WGL, DOEE, OPC, DCSEU, a member of the DC SEUAB, AOBA, and a member of Commission Staff. As to AOBA’s suggestion of the inclusion of representatives from MMAs and commercial properties communities, Commission staff will work with AOBA to identify any person(s) to represent these communities on the Technical Issues Group*”
* Joesph Cohen (Pepco) shared the following tables on the approved budget and energy savings per order 21417:





* Joseph Cohen (Pepco) mentioned the Technical Reference Manual is the guide for determining saving calculations (including the algorithms and formulas behind the calculations).
* Nina Dodge shared she was under the impression that the commission provided TRM guidance and asked if the commission provided any guidance on the TRM calculations.
* Joseph Cohen (Pepco) clarified that the commission did not provide guidance on the TRM and he hopes the TRM is one of the items the technical working group can address.
* Dr. Lance Loncke (DOEE) asked if Pepco tended to bid any of the savings into PJM.
* Joseph Cohen (Pepco) explained that it is Pepco’s intent to capture the savings.
* Dr. Lance Loncke (DOEE) asked Eric Jones and Sarah Kogel-Smucker (OPC) who would be attending the technical issues group on behalf of OPC and AOBA?
* Sarah Kogel-Smucker (OPC) highlighted that Sandra Mattavous-Frye (OPC) will need to appoint a representative.
* Sarah Kogel-Smucker (OPC) requested information on how the preliminary functions of the working group were determined.
* Dr. Lance Loncke (DOEE) shared that DOEE had proposed to take the lead on setting up this working group. Lance reached out to DOEE attorneys again last week for guidance from the Commission because the technical issues group (on FC1160) is part of the larger EEDR (which falls under PSC jurisdiction).
* Dr. Lance Loncke (DOEE) explained that he is waiting to hear back from the Commission on how DOEE can get this new working group started and what type of reporting is required.
* Sarah Kogel-Smucker (OPC) encouraged Dr. Lance Loncke (DOEE) to ask Sandra Mattavous-Frye (OPC) for a representative and to keep Sarah looped in on the correspondence.
* Eric Jones asked Dr. Lance Loncke (DOEE) to send him an email about AOBA participation in the working group.
* Vice-chair Marshall Duer-Balkind Marshall asked how the working group will determine what is in scope and out of scope for the working group.
* Lance Loncke (DOEE) shared that the intent of the working group is to get in the weeds and make sure these programs coordinate for the measuring of savings and impact.
* Nina Dodge asked if Pepco is bidding efficiency into PJM market capacity market and would that compete with DCSEUs bidding in the capacity market?
* Joseph Cohen (Pepco) shared that PJM has rigorous standards for bidding and the savings would be solely from Pepco program activity.
* Sarah Kogel-Smucker (OPC) highlighted that everyone who bids in the market is in theoretical competition.
* Dollie Banks (Pepco) provided an overview of FC1160 implementation:
  + Internal program administration staff hired
    - Currently 3 FTEs on board
  + Completed Request for Proposals process for companies to provide program implementation services
    - Interviewed ten companies
    - Presently negotiating contracts with three selected companies
  + Marketing company hired
  + DC Programs marketing to align with Pepco’s existing campaigns
  + Oct – December
    - Building out program systems and websites
    - Recruiting service providers for commercial programs
    - Conducting RFP process for residential programs
    - Rebate processing/call center set-up
* Dollie Banks (Pepco) confirmed that Pepco will be running and coordinating the EEDR programs with several contractors (similar to VEIC structure).
* Vice-chair Marshall Duer-Balkind asked if Pepco intends to cross-advertise DCSEU & Pepco programs.
* Dollie Banks (Pepco) said she would include the suggestion to her teams’ discussion.
* Sarah Kogel-Smucker (OPC) flagged that OPC has an energy efficiency outreach specialist and wants to ensure clear guidance for constituents.
* Vice-chair Marshall Duer-Balkind requested the Pepco team provide a presentation on education and outreach strategy for the EEDR programs.

# FC1160 Technical Issues Working Group Nomination

* Dave Epley (DOEE) requested working group nominations be sent to him and Jennifer Johnston before the special meeting on Tuesday, October 25th.
* Eligible working group nominations:
  + Marshall Duer-Balkind
  + Jamal Lewis
  + Mishal Thadani
  + Sasha Srivastava

# Update on DCSEU-Relevant PSC Formal Cases

* Alex Fisher provided an update on the following cases:

|  |  |  |  |
| --- | --- | --- | --- |
| **Case Number** | **Subject** | **Most recent updates** | **Upcoming Deadlines** |
| [FC1050](https://edocket.dcpsc.org/public/search/casenumber/fc1150) | Interconnection | PSC to follow-up on when two working groups will re-start: 1) Ongoing Interconnection Working Group and 2) Advanced Inverter Working Group |  |
| [FC1130](https://edocket.dcpsc.org/public/search/casenumber/fc1130) | Grid Modernization | Customer Impact Working Group is meeting to put together a report due to Commission on November 4. Rate Design Working Group is paused. Comments due on Pepco Cost estimate for Green Button Connect My Data. Data Requests filed by both PSC and OPC relating to the cost estimate. | Comments on Pepco's cost estimate due October 19, Reply Comments due November 3 |
| [FC1160](https://edocket.dcpsc.org/public/search/casenumber/fc1160) | Utility Efficiency and Demand Response | Approval of Pepco's programs - awaiting on PSC responses to Motions for Reconsideration and Clarification by Pepco and DOEE |  |
| [FC1171](https://edocket.dcpsc.org/public/search/casenumber/fc1171) | Community Solar Metering & Billing Practices | Initial and Reply Briefs filed by Joint Movants (OPC/OAG) and Pepco |  |
| [FC1167](https://edocket.dcpsc.org/public/search/casenumber/fc1167) | Climate Business Plans | Comments and Reply Comments have been filed - waiting on PSC |  |
| [GD-2019-04-M](https://edocket.dcpsc.org/public/search/casenumber/gd-2019-04-m) | Benefit-Cost Analysis Framework | Report Submitted to PSC |  |

* Cary Hinton (PSC) said he would follow up with the group on the statuses of the various PSC working groups.
* Vice-chair Marshall Duer-Balkind asked if the GD-2019-04-M benefit-cost analysis is the same as the cost test for FC1160.
* Alex Fisher (DOEE) shared that DOEE filed a motion for clarification on this, however, the only approved cost test is the one occurring under FC 1160.
* Vice-chair Marshall Duer-Balkind requested the Board receive more frequent updates on opportunities to comment on formal cases.

# Legislative Updates

* Hussain Karim (DOEE) discussed the following laws recently passed:
  + [Law 24-177, Clean Energy DC Building Code Amendment Act of 2022](https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N127475): Requires most new and substantially renovated commercial buildings to meet a net-zero-energy standard by 2026. Currently, Appendix Z is an optional pathway for net zero energy code. The mayor has to issue rules for the new net zero standard by the December 31, 2026. By 2025, mandates that public buildings cannot install any new fossil fuel combustion equipment. Beginning 2029, the Department of Buildings will do audits on these subset of net zero buildings.
  + [Law 24-176, Climate Commitment Amendment Act of 2022](https://www.dcregs.dc.gov/Common/NoticeDetail.aspx?NoticeId=N127474): Requires the District to reduce its greenhouse gas emissions to 60% below 2006 levels by 2030 and to achieve carbon neutrality by 2045. Also creates a mayoral task force to track progress towards those commitments.
* Hussain Karim (DOEE) discussed the following bills under council review:
  + [B24-0938 - Building Energy Performance Standards CREF Amendment Act of 2022](https://lims.dccouncil.gov/Legislation/B24-0938) and [B24-0950 - Local Solar Expansion Amendment Act of 2022](https://lims.dccouncil.gov/Legislation/B24-0950) (hearing occurred on Oct 3):
    - *Building Energy Performance Standards CREF Amendment Act of 2022:* Amends BEPS to allow electricity generated on a building site by a CREF to be treated as on-site renewable energy generation and use for that building. DOEE is opposed to this bill.
    - *Local Solar Expansion Amendment Act of 2022:* Amends the District’s renewable portfolio standards to raise the local solar carveout from 10% to 15% by 2041. Also permanently increases the ACP compliance payment to $500.
  + [B24-0785 - Greener Government Buildings Amendment Act of 2022](https://lims.dccouncil.gov/Legislation/B24-0785) (hearing occurred on October 6)
    - *Amendment Overview:*Amend the[Green Building Act of 2006](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/Green_Building_Act_of_2006_B16-515.pdf) to require that construction of new or substantially improved buildings that the District government owns or finances in significant part adhere to net zero energy standards and not incorporate fossil fuel consumption; and to amend the [Department of General Services Establishment Act of 2011](https://code.dccouncil.gov/us/dc/council/code/sections/10-551.01)to codify the Sustainability and Energy Division of the Department of General Services, to require the Department of General Services to procure periodic net zero energy construction and maintenance training for facilities staff, certified business enterprises, and interested parties, to give net zero energy ready, fossil fuel buildings priority consideration for the District government’s facility needs, and to report every two years on certified business enterprise and residential employee participation in net zero energy and energy retrofitting projects.
* Eric Jones highlighted that the current language in the Law 24-177, Clean Energy DC Building Code Amendment Act of 2022 is irregular in how industry have been enforcing building standards. Industry is not against going net zero energy, however there needs to be coordination and implemented thoughtfully.
* Eric Jones provided insight on how the [bill becomes law](https://dccouncil.gov/how-a-bill-becomes-a-law/):

Chart, diagram

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# Agenda Format

* Vice-chair Marshall Duer-Balkind confirmed he will work with Dave Epley (DOEE) and Jennifer Johnston (DOEE) to finalize the November agenda and share with the wider group for feedback.

# Future Agenda Items

* FC1160 Technical Issues Working Group Nomination – to be addressed during special meeting on October 25, 2022
  + Distinguish between DCSEU offerings and Pepco offerings
* Formal Case 1160 – Pepco to provide a presentation on their outreach strategy
* Board Annual Report – to be voted on during November 8, 2022 meeting
* Update on DCSEU-Relevant PSC Formal Cases
* Hearings and Bills before Council

# Actions Taken by the Board

* Approval of October agenda
* Approval of September minutes
* Approval of special meeting for October 25, 2022

# Adjournment

* Vice Chair Marshall Duer-Balkind adjourned the meeting at 11:59 AM.

# Acronyms used during this meeting

* GD – General Docket
* FC – Formal Case
* BCA – Benefit Cast Analysis
* LMI - Low-to-Moderate Income
* RFP – Request for Proposals
* TRM - Technical Reference manual
* CREF - Community Renewable Energy Facility
* DCSEU - District of Columbia Sustainability Energy Utility
* DOEE - Department of Energy and Environment
* OPC - Office of the People’s Counsel
* PSC - Public Service Commission
* VEIC - Vermont Energy Investment Corporation

*Minutes prepared by Jennifer Johnston, DOEE*