

Vermont Public Power Supply Authority

Legislative and Regulatory Affairs Committee Meeting

May 8, 2019

11:45 a.m.

VPPSA Board Room

5195 Waterbury-Stowe Road, Waterbury Center, VT

CALL IN NUMBER: 1-773-231-9226 MEETING ID: 802 244 7678#

COMMITTEE DIRECTORS

Reg Beliveau, Swanton	Jonathan Elwell, Enosburg	Meredith Birkett, Johnson
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AGENDA

Allotted number of minutes set forth in bold type after each item

1. Call to Order
2. Consideration of changes/modifications to agenda (**3**)
3. Public comment (**3**)
4. Consideration of the Committee Meeting Minutes – March 13, 2019 (**4**)
5. Legislative Update (**45**)
 - a. Electric Vehicles
 - b. Section 108
 - c. Broadband Deployment
 - d. Renewable Energy Programs: Net Metering and Standard Offer
 - e. Efficiency Vermont and Weatherization
6. Regulatory Update: PUC Proceedings (**45**)
 - a. Case # 17 - 4999 Disconnection Rule 3.300
 - b. Case # 19 - 0302 Energy Savings Account Pilot
 - c. Case # 19 - 0855 Revisions to Vermont's Net Metering Rule
 - d. Docket 7307 – Privacy Principles
7. Other Business (**5**)

cc:

Evan Riordan, Barton	Tin Barton Caplin, Barton	Gary Denton, Enosburg
Mike Sullivan, Hardwick	Carol Robertson, Hyde Park	Riki French, Hyde Park
Mac Butova, Jacksonville	Pam Moore, Jacksonville	Phil Wilson, Johnson
Jim Pallotta, Ludlow	Vacant., Ludlow	Bill Humphrey, Lyndonville
Clay Bailey, Lyndonville	Craig Myotte, Morrisville	Penny Jones, Morrisville
Stephen Fitzhugh, Northfield	Jeff Schulz, Northfield	John Morley III, Orleans
Marilyn Prue, Orleans	Lynn Paradis, Swanton	

DRAFT

Vermont Public Power Supply Authority
LEGISLATIVE & REGULATORY BOARD COMMITTEE
MEETING MINUTES
March 13, 2019

Committee Directors present (X indicates present):

Reginald Beliveau, Swanton	X	Meredith Birkett, Johnson
Jonathan Elwell, Enosburg		

Other Directors present:

John Morley III, Orleans	
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Alternates present:

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Others present:

Melissa Bailey, VPPSA	James Gibbons, BED	Ken Nolan, VPPSA	Jon Wolff, Primmer (by phone)
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(numbers in bold type correspond with agenda item numbers)

- (1)** The meeting was called to order at 11:48 at the office of the Authority, located at 5195 Waterbury-Stowe Road, Waterbury Ctr., Vermont.
- (2)** Melissa Bailey asked if there were requests for changes and/or modifications to the current agenda. There were not.
- (3)** There was no public presence and therefore no comments were made.
- (4)** Director Morley moved to approve the minutes from the November committee meeting and Director Birkett seconded the motion. The minutes were approved without objection.
- (5)** Ms. Bailey provided an update on the regulatory proceedings underway at the PUC. A workshop on electric vehicles (EVs) and charging stations was scheduled for March 15th and the committee discussed VPPSA’s position on separately metering, and potentially taxing, kWh usage for EVs.

Now that the PUC has approved the VPPSA/Efficiency Vermont (EVT) MOU in Docket 8316, the VPPSA members may need to provide several additional data fields to EVT in the monthly data transfer. Ms. Bailey will follow up individually with the VPPSA members to identify which fields will need to be provided going forward.



DRAFT

The PUC recently issued an order in Docket 7307 dealing with Privacy Protocols for customer data. Directors Birkett and Morley wondered whether the Order applied to utilities that don't have AMI and what the implications of the PUC Order were for the VPPSA members. Going forward, each Vermont utility will be required to have a Privacy Policy. VPPSA staff will work with members on this requirement. Mr. Gibbons offered to share the Burlington Electric Privacy Policy for use as a template.

- (6) Mr. Wolff provided the committee with an update on the 2019 Legislative session. Friday, March 15th was the crossover deadline in the Vermont legislature. Most of the energy-related legislation currently under consideration deals with electric vehicles and electric vehicle charging stations (EVSE). Provisions around PUC jurisdiction, electric vehicle rates, and taxes or fees on EVs will likely ultimately be incorporated into the Transportation Bill.

The amendments dealing with Section 108 financing proposed by VPPSA have passed the Vermont Senate and will now go to the House for consideration.

- (7) Ms. Bailey provided the committee with an update on VPPSA's 2019 Tier 3 offerings. The electric vehicle rebate program from 2018 is continuing, and staff are working to promote the heat pump and heat pump water heater rebates that are now available and being offered jointly with EVT. Committee members reviewed the draft rebate forms for the Heat Pump Program.

Mr. Morley inquired about how the VPPSA members were doing in relation to the 2019 Tier 3 savings requirements. Ms. Bailey and Mr. Nolan explained that VPPSA has planned to meet roughly one-third of the members' Tier 3 obligation through program offerings and custom projects and meet the remaining obligation through the purchase of Tier 2 RECs, which are currently a low-cost compliance alternative. The committee expressed support for this strategy.

- (8) There was no Other Business

The meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Melissa Bailey, Acting Secretary
Legislative & Regulatory Committee

Memorandum

To: VPPSA Legislative and Regulatory Affairs Committee
From: Melissa Bailey
Date: May 8, 2019
Subject: **Agenda Item #5** – Legislative Update

A current, verbal update will be provided by VPPSA staff and/or lobbyist on these and other bills:

Electric Vehicle Legislation – The Transportation Bill includes provisions that would:

- Exclude owners of EVSE from PUC and DPS jurisdiction even if they charge by the kWh
- Allow the state to charge for EV charging at the stations it owns
- Provide incentives for the purchase of EV's by low- and moderate-income Vermonters
- Prohibit those that sell EV charging from also participating in net metering
- Require the PUC to perform a study related to:
 - whether to impose a per kWh “transportation efficiency fee” (that would replace the EEC on kWh used for EV charging)
 - whether to impose a per kWh “transportation infrastructure assessment” (to replace lost revenue from the gas tax)
 - utility rate design for EV charging (both home and public locations)

Section 108 – VPPSA staff developed legislative language related to Section 108 filing requirement to reduce the administrative burden on the VPPSA member municipals. A bill was introduced by Sen. Ann Cummings and passed both the House and Senate. However, because amendments that would allow school districts to net meter up to 1 MW of capacity were added by the House, the Senate Finance committee is now reviewing the bill again.

Broadband Deployment – The Public Service Department will likely be charged with conducting a study on the feasibility of electric utilities providing broadband services.

Standard Offer – The Energy Committees are considering how to address the Standard Offer exemption language.

EVT and Weatherization – There has been a lot of discussion recently related to allowing EVT to use EEC funds to provide moderate income weatherization services. The PUC will likely be required to perform a study related to establishing an “all fuels utility” or expanding existing programs and services offered by the DUs and EVT.

Memorandum

To: VPPSA Legislative and Regulatory Affairs Committee
From: Melissa Bailey
Date: May 8, 2019
Subject: **Agenda Item #6** – Relevant PUC Proceedings

VPPSA is closely monitoring and actively participating in several proceedings underway at the Public Utility Commission.

- **Case # 17-4999 Vermont's Residential Disconnect Rule** – The PUC has scheduled a workshop for May 9th to discuss the following topics: remote disconnection and reconnection, utility disconnections standards, payment arrangements, and budget plans, and winter disconnections. VPPSA will attend this workshop in support of the member systems.
- **Case # 19-0302 Energy Savings Account Pilot** – Last year, the Legislature directed the PUC to look at a 3-year pilot program that would allow commercial and industrial customers to use their own EEC contributions for “electric energy efficiency, thermal energy and process-fuel efficiency for unregulated fuels, energy productivity measures, demand management, and energy storage that provides benefits to the customer and its interconnecting utility.” Participants will be selected via response to a request for proposals and must contribute \$5,000 annually in EEC. Participants must be selected by July 1, 2019 and will be chosen using the following selection criteria: geographic/utility equity, diverse pool, non-energy benefits such as job growth. Priority will be given to: anchor companies, large energy users, those with the ability to self-manage energy projects. Applicants must include a 3-year work plan with projects, timelines, and budgets in their responses to the RFP which will be issued shortly.
- **Case # 19-0855 Revisions to Vermont's Net Metering Rule** – The PUC has opened a proceeding to revise several components of Rule 5.100 and issued a draft revised rule intended to: stream line the registration process; clarify the relationship between Rules 5.100 and 5.500 (Interconnection); clarify the definition of preferred site; simplify the amendment process; and, simplify the CPG transfer process.
- **Docket 7307** - The PUC has adopted Privacy Principles that apply to all DUs and require each utility to have a privacy policy in place consistent with the principles. After discussion at the las committee meeting, staff requested that legal counsel draft a template that could be used by the VPPSA member utilities. The template is attached for discussion and comment.

PRIVACY POLICY

This policy discloses the privacy practices of XXXX Inc. Electric Department (hereinafter “Utility”) with respect to Customer Specific Information (“CSI”), which is defined as a customer’s personal information (such as name, address, social security number, phone number, email address, etc.) or any usage information that can reasonably be identified or re-identified with an individual, family, household, residence, or customer. This policy is adopted in furtherance of the Public Utility Commission’s *Final Order Approving a Statement of Principles Relative to Privacy* in Docket No. 7307 dated February 25, 2019.

Utility will treat CSI as confidential, to the extent permitted by state and federal law, including Vermont’s Public Records Act, 1 V.S.A. § 315 *et seq.*

Unless specifically required by state or federal law, or the express consent of the affected customer(s), Utility shall not disclose CSI by giving, selling, or otherwise distributing to a third party unless required to do so by (1) judicial order (including a subpoena sent by a judge); (2) a warrant naming with specificity the customer(s) whose information is sought and issued pursuant to the Vermont or Federal Rules of Criminal Procedure upon a finding of probable cause or (3) as otherwise authorized in this policy.

This policy does not restrict Utility from the sale, transfer, or other distribution of aggregated data that cannot identify any single Utility customer. Aggregation of customer information shall be done such that individual customers cannot be identified from that data.

Unless otherwise prohibited by law, Utility shall provide customers with notice to their last known mailing address (or via email if customer has previously provided to Utility) no less than ten (10) days prior to responding to a duly authorized subpoena requesting disclosure of CSI.

Utility has undertaken internal measures and put in place sufficient controls to protect CSI from independent disclosure and/or accessibility to unauthorized third parties. Only authorized Utility personnel and contractors approved by the Utility’s manager may have access to CSI, which will be provided only where a legitimate business reason requires it.

Utility shall adhere to any confidentiality arrangement governing the provision of CSI to any entity appointed as an energy efficiency utility pursuant to 30 V.S.A. § 209(d)(2).

Except to the extent disclosure may be required by law, CSI shall not be sold, given, or in any fashion conveyed to third persons for any commercial purpose without the written express consent of customer. Notwithstanding the foregoing Utility may disclose CSI to third party vendors or consultants with whom it works as necessary, provided such third party is bound to maintain the confidentiality of CSI.

Nothing herein restricts a customer from choosing to provide CSI directly to a third-party.

This policy shall be posted permanently at Utility's offices, posted on its website (if any), and made available to customers, and presented to third-party vendors when appropriate to ensure protection of CSI.

[Utility will not provide real time access to information unless pursuant to a judicial order issued under state or federal wiretap law.]

[Any interactive connections with a customer shall require a secure method of user authentication on the part of the customer.]

Adopted: _____

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