

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code chapter 476 and section 17A.4, the Utilities Board (Board) gives notice that on December 28, 2016, the Board issued an order in Docket No. RMU-2016-0019, In re: Review of Energy Efficiency Planning and Reporting for Non-Rate-Regulated Gas and Electric Utilities Rules 199 IAC Chapter 36, “Order Commencing Rule Making,” proposing to amend the Board’s energy efficiency planning rules in Chapter 36. Chapter 36 regulates energy efficiency planning of non-rate-regulated electric and natural gas utilities.

The Board is undertaking a comprehensive review of its rules and as part of that review is attempting to make the rules more readable, streamline reporting requirements in the rules, ensure the rules are current, and transition away from providing forms within the rules. The intent of these changes is to promote ease of access for those interacting with the Board.

The order approving this Notice of Intended Action can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2016-0019.

Pursuant to Iowa Code section 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before February 7, 2017. The statement should be filed electronically through the Board’s EFS. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to Docket No. RMU-2016-0019. Paper comments may only be filed with approval of the Board.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)“b,” an oral presentation may be requested or the Board on its own motion after reviewing the comments may determine an oral presentation should be scheduled. Requests for an oral presentation should be filed by February 7, 2017.

After analysis and review of this rule making, the Board tentatively concludes that the proposed amendments, if adopted, will have a beneficial effect by promoting ease of access for those interacting with the Board. No negative impact on jobs has been found.

The amendments are intended to implement Iowa Code chapter 476 and section 17A.4.

The following amendments are proposed.

ITEM 1. Amend rule 199—36.1(476) as follows:

199—36.1(476) ~~Non-rate-regulated utilities~~ Utilities not required to be rate-regulated. Each ~~non-rate-regulated~~ natural gas and electric utility not required to be rate-regulated shall file energy efficiency plans and reports as provided in this chapter.

ITEM 2. Amend rule 199—36.2(476) as follows:

199—36.2(476) Definitions. The following words and terms, when used in this chapter, shall have the following meanings:

“*Annual*” means during each calendar year.

“*Demand savings*” means the change in the rate of energy usage measured over a period, which period shall be specified.

~~“Dollar savings” means the reduction in the dollars spent on natural gas or electricity service by customers and by the utility system as the result of the energy efficiency programs.~~

~~“Energy efficiency programs” means shall include efficiency improvements to a utility infrastructure and system and activities conducted by a utility intended to enable or encourage customers to increase the amount of heat, light, cooling, motive power, or other forms of work performed per unit of energy used. “Energy efficiency programs” also means activities which lessen the amount of heating, cooling, or other forms of work which must be performed, or activities which decrease the cost of providing energy. Examples include, including but are not limited to: energy studies or audits, general information, financial assistance, direct rebates to customers or vendors of energy-efficient products, research projects, direct installation by the utility of energy-efficient equipment, direct or indirect load control, and time-of-use rates, tree planting programs, educational programs, and hot water insulation distribution programs. In the case of a municipal utility, other utilities and departments of the municipal utility shall be considered customers to the same extent that such utilities and departments would be considered customers if served by an electric or natural gas utility that is not a municipal utility.~~

~~“Energy savings” means the amount of energy not used because of an energy efficiency program, measured in kilowatt-hours (kWh) of electricity, thousands of cubic feet (Mcf) of natural gas, or dekatherms (dth) of natural gas.~~

~~“Filing year” means the calendar year during which an energy efficiency plan or report is filed.~~

~~“Peak demand savings” means the change in the rate of energy use at the time of the utility’s highest annual use, measured in kilowatts (kW), thousands of cubic feet per day (Mcf/day) of natural gas, or dekatherms per day (dth/day) of natural gas.~~

~~“Year” means calendar year.~~

ITEM 3. Amend rule 199—36.3(476) as follows:

~~**199—36.3(476) Schedule of filings.** On or before July 1, 1992, each non-rate-regulated utility shall file its initial biennial energy efficiency plan with the board for the period January 1, 1992, through December 31, 1993. Each non-rate-regulated utility not required to be rate-regulated shall offer energy efficiency programs to its customers through an energy efficiency plan; assess the potential energy and capacity savings available through cost-effective energy efficiency measures and programs; determine the utility’s cost-effective energy efficiency goal; and submit to the board a report that includes the utility’s cost-effective energy efficiency goal and, for each measure utilized in meeting the goal, the measure’s description and projected cost and the analysis of cost-effectiveness. Each utility not required to be rate-regulated shall file subsequent a biennial energy efficiency plans plan and report on or before July 1, 1994, and succeeding January 1 of each even-numbered years year.~~

ITEM 4. Amend rule 199—36.4(476) as follows:

~~**199—36.4(476) Joint filing of plans or reports.** A utility may file its plan or report jointly with other non-rate-regulated utilities not required to be rate-regulated or their agents. A joint plan or report shall contain the information required by rules 199—36.5(476) and 199—36.6(476) for each utility participating in the joint plan or report, whether jointly filed or individually filed. This information for each utility shall be separately identified; if a plan is filed jointly for several utilities by person(s) a person acting as an agent for the utilities. Those person(s) That person shall state to the board their the person’s authority to act on behalf of the utilities. The description of a utility’s programs as required in paragraph “a” of subrules 36.5(1) and 36.5(2) 36.5(2) “a” may be provided by reference to an attached document or a section of a joint plan or report.~~

ITEM 5. Amend rule 199—36.5(476) as follows:

~~**199—36.5(476) Energy efficiency plan and report requirements.** Each utility’s energy efficiency plan utility shall include the following provide:~~

~~**36.5(1)** A report on the results of all energy efficiency programs the utility has implemented and completed during each of the two calendar years immediately preceding the filing year. Summary~~

~~information for energy efficiency programs implemented in earlier years and completed prior to the filing year may also be included in the original plan which identifies the utility's progress in meeting the energy efficiency goal. For each program implemented during the past two calendar years and completed during each of the two calendar years for which reports are due, the following information shall be provided:~~

- ~~a.~~ a. A description of the program, including the purpose or goal of the program, and the energy-using facilities, equipment, or customer behavior that the program was designed to change;
- ~~b.~~ a. Annual energy and peak demand savings, annual dollar savings, and, if available, nonpeak demand savings from the program for each year;
- ~~c.~~ b. A description of the method(s) for determining the annual energy savings, and peak demand savings, nonpeak demand savings, and annual dollar savings, whether engineering estimates, surveys, metering, or other methods;
- ~~d.~~ c. Annual number of program participants for each year;
- ~~e.~~ d. Annual ~~and total~~ costs of the program for each year;
- ~~f.~~ e. Date the program was initiated, date the program was terminated, and the reason for termination; and
- ~~g.~~ f. Other relevant information.

~~**36.5(2)** A report on the results and projected results of all energy efficiency programs the utility is continuing or commencing in the filing year or the year following. For those programs continuing, the report shall describe the program results from the two calendar years immediately preceding the filing year and projected results for the filing year and the year following. Summary information for energy efficiency programs implemented in earlier years but still underway may also be included in the original plan. For those programs commencing in the filing year or the year following, the report shall describe projected implementation and results of programs for each of the two years, as well as an optional description of program results beyond the two years. Updates or amendments to the utility's energy efficiency plan including the goals and the projected results of all energy efficiency programs the utility plans to implement during a period that shall include, but may extend beyond, the two calendar years for which reports are due. For each program under this subrule, the following information shall be provided:~~

- ~~a.~~ a. For programs commencing during the current report period, a description of the program, including the purpose or goal of the program and the energy-using facilities, equipment, or customer behavior that the program is designed to change;
- ~~b.~~ b. Annual energy and peak demand savings, annual dollar savings, and, if available, nonpeak demand savings from the program;
- ~~c.~~ b. Projected annual energy and peak demand savings, annual dollar savings, and, if available, nonpeak demand savings from the program for each year;
- ~~d.~~ a. A description of the method(s) for determining the annual energy savings, peak demand savings, nonpeak demand savings, and annual dollar savings, whether engineering estimates, surveys, metering, or other methods;
- ~~e.~~ c. A description of the method(s) for projecting the annual energy savings, and peak demand savings, nonpeak demand savings, annual dollar savings, whether engineering estimates, surveys, metering, or other methods;
- ~~f.~~ d. Annual number of program participants and annual estimated Projected number of program participants for each year;
- ~~g.~~ a. Annual and total costs of the program;
- ~~h.~~ e. Estimated annual ~~and total~~ cost of program for each year; and
- ~~i.~~ a. Date the program was initiated and planned termination dates; and
- ~~j.~~ f. Other relevant information.

ITEM 6. Amend rule 199—36.7(476) as follows:

199—36.7(476) New Structure energy conservation standards. A utility providing natural gas or electric service shall not provide such service to any structure completed after April 1, 1984, unless

the owner or builder of the structure has certified to the utility that the building conforms to the energy conservation requirements adopted under ~~661—16.801(103A)~~ and ~~661—16.802(103A)~~ 661—Chapter 303. If this compliance is already being certified to a state or local agency, a copy of that certification shall be provided to the utility. If no state or local agency is monitoring compliance with these energy conservation standards, the owner or builder shall certify that the structure complies with the standards by signing a form provided by the utility. No certification will be required for structures that are not heated or cooled by electric service; or are not intended primarily for human occupancy.