

Senate File 2311

S-5096

1 Amend Senate File 2311 as follows:

2 1. Page 6, lines 9 and 10, by striking <as provided>

3 2. By striking page 6, line 24, through page 8, line 18, and  
4 inserting:

5 <(b) A rate-regulated gas or electric utility customer  
6 may request an exemption from participation in any energy  
7 efficiency plan or demand response plan offered by a gas or  
8 electric utility. Upon receipt of a request for exemption  
9 submitted by a customer, the gas or electric utility shall  
10 grant the exemption and, beginning January 1 of the following  
11 year, the customer shall no longer be assessed the costs of the  
12 plan and shall be prohibited from participating in any program  
13 included in such plan. An exemption shall be permanent and  
14 shall exempt the customer from any subsequent five-year plan  
15 offered by the gas or electric utility, provided, however,  
16 that a customer granted an exemption may request to enroll  
17 in a subsequent five-year energy efficiency plan or demand  
18 response plan at any time prior to the commencement of such  
19 plan. The gas or electric utility shall grant the enrollment  
20 and, beginning at the commencement of the subsequent plan, the  
21 customer shall be assessed the costs of the plan and shall be  
22 allowed to participate in any program included in such plan.

23 (2) Gas and electric utilities required to be  
24 rate-regulated under this chapter may request an energy  
25 efficiency plan or demand response plan modification during the  
26 course of a five-year plan. A modification may be requested  
27 due to changes in funding as a result of public utility  
28 customers requesting exemptions from the plan or for any other  
29 reason identified by the gas or electric utility. The board  
30 shall take action on a modification request made by a gas or  
31 electric utility within ninety days after the modification  
32 request is filed. If the board fails to take action within  
33 ninety days after a modification request is filed, the  
34 modification request shall be deemed approved.

35 (3) Before any energy efficiency plan or demand response

1 plan is filed with the board pursuant to this subsection, the  
2 board shall adopt rules pursuant to chapter 17A establishing  
3 reasonable processes and procedures for utility customers to  
4 request exemptions from energy efficiency plans or demand  
5 response plans pursuant to this subsection. The rules adopted  
6 by the board shall only apply to rate-regulated gas or electric  
7 utilities and shall, at a minimum, do all of the following:

8     (a) Prohibit a customer from obtaining an exemption from  
9 an energy efficiency plan or demand response plan if the  
10 customer has participated in any energy efficiency program or  
11 demand response program included in a plan during the course  
12 of the plan, or has redeemed any rebate pursuant to an energy  
13 efficiency program or demand response program included in a  
14 plan during the course of the plan.

15     (b) Require utilities to provide notification to customers  
16 regarding the ability to request an exemption from an energy  
17 efficiency plan or demand response plan, or the ability to  
18 enroll in a subsequent five-year plan if the customer received  
19 an exemption, and establish requirements regarding the content  
20 and form of such notification provided to customers. The  
21 notification provided to customers shall inform the customer  
22 that participation in any energy efficiency program or demand  
23 response program included in a plan during the course of  
24 the plan, or redemption of any rebate pursuant to an energy  
25 efficiency program or demand response program included  
26 in a plan during the course of a plan, shall preclude the  
27 customer from receiving an exemption from the plan until the  
28 commencement of the next five-year plan. Such information  
29 included in the notification shall also be included in any  
30 rebate provided to customers relating to an energy efficiency  
31 program or demand response program included in a plan.

32     (c) Provide reasonable time for utilities to develop any  
33 billing or administrative systems required to implement the  
34 rules adopted by the board pursuant to this subparagraph.

35     (d) Provide that if more than ninety percent of the total

1 number of customers in a particular customer class request an  
2 exemption from an energy efficiency plan or demand response  
3 plan pursuant to this subsection, the utility may discontinue  
4 such plan for that particular customer class.

5 (e) Specify how costs that have not been fully recovered  
6 from customers during a plan period, including costs of  
7 discontinued plans, are to be recovered from customers.

8 (f) Allow a customer to request an exemption during the  
9 first plan year of a five-year energy efficiency plan or demand  
10 response plan that takes effect on or after January 1, 2019,  
11 within a time period of sixty days or more after the date such  
12 plan takes effect, which exemption shall become effective at  
13 the end of the time period allowed for customers to request an  
14 exemption.

15 (g) Allow a customer that moves into the service area of a  
16 gas or electric utility during the course of a five-year energy  
17 efficiency plan or demand response plan to request an exemption  
18 from such plan within sixty days after the commencement of gas  
19 or electric service, which exemption shall become effective at  
20 the end of the sixty-day time period from which gas or electric  
21 service commenced.>

22 3. Page 8, lines 29 and 30, by striking <energy efficiency  
23 and demand response programs> and inserting <plans>

24 4. Page 9, line 2, by striking <a program> and inserting <a  
25 plan>

26 5. Page 9, line 7, by striking <program>

27 6. Page 9, line 22, after <groupings.> by inserting  
28 <Gas and electric utilities that are not required to be  
29 rate-regulated shall allow customers to request exemptions  
30 from participation in any energy efficiency programs or demand  
31 response programs offered by the utility, and shall establish  
32 reasonable processes and procedures for customers to request  
33 such exemptions. Such processes and procedures established  
34 by non-rate-regulated gas and electric utilities shall not be  
35 subject to the regulatory authority of the board.>

1 7. Page 10, by striking lines 14 through 25 and inserting  
2 <response plan that results in projected cumulative average  
3 annual costs that exceed one and one-half percent of the  
4 gas utility's expected annual rate revenue from customers  
5 participating in such plans, and shall not require an electric  
6 utility to adopt an energy efficiency plan or demand response  
7 plan that results in projected cumulative average annual costs  
8 that exceed two percent of the electric utility's expected  
9 annual rate revenue from customers participating in such  
10 plans. For purposes of determining the one and one-half or  
11 two percent threshold amount, the board shall exclude from a  
12 gas or electric utility's expected annual rate revenue the  
13 revenues expected from customers that have received exemptions  
14 from energy efficiency plans or demand response plans pursuant  
15 to paragraph "a", subparagraph (1), subparagraph division  
16 (b). A gas or electric utility may voluntarily propose an  
17 energy efficiency plan or demand response plan that results in  
18 projected average annual costs that exceed one and one-half  
19 percent, on a cumulative basis, of a gas utility's expected  
20 annual rate revenue from customers participating in such plans,  
21 or two percent, on a cumulative basis, of an electric utility's  
22 expected annual rate revenue from customers participating in  
23 such plans. The board may approve, reject, or modify the>

24 8. By striking page 10, line 33, through page 11, line 7,  
25 and inserting <currently approved energy efficiency plan or  
26 demand response plan includes projected average annual costs  
27 that exceed one and one-half percent, on a cumulative basis,  
28 of the gas utility's expected annual rate revenue received  
29 from customers participating in such plan for service within  
30 the previous calendar year, exclusive of recovery of energy  
31 efficiency costs, or two percent, on a cumulative basis, of  
32 the electric utility's expected annual rate revenue received  
33 from customers participating in such plan for service within  
34 the previous calendar year, exclusive of recovery of energy  
35 efficiency costs, the gas or electric utility may file a

1 request to modify its approved energy efficiency plan or  
2 demand response plan to achieve projected average annual costs  
3 at one and one-half or less, on a cumulative basis, of the  
4 gas utility's expected annual rate revenue from customers  
5 participating in such plan, or two percent or less, on a  
6 cumulative basis, of the electric utility's expected annual  
7 rate revenue from customers participating in such plan. In  
8 such case, or whenever a request>

9 9. By striking page 11, line 31, through page 12, line 1,  
10 and inserting <defined in section 476.42. Customers that have  
11 been granted exemptions from energy efficiency plans or demand  
12 response plans pursuant to paragraph "a", subparagraph (1),  
13 subparagraph division (b), shall not be charged for recovery of  
14 energy efficiency or demand response costs beginning January  
15 1 of the year following the year in which the customer was  
16 granted the exemption.>

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