

Senate File 2311

S-5041

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 gas or electric utility customer, including
6 a non-rate-regulated gas or electric utility customer,
7 may request an exemption from participation in any energy
8 efficiency plan or demand response plan offered by a gas or
9 electric utility at any time during the course of a plan. Gas
10 and electric utilities shall provide notice to customers of
11 the ability to request an exemption from any energy efficiency
12 plan or demand response plan offered by the utility no less
13 than four times per year, in the customer's billing statement
14 and any other method selected by the utility to provide
15 notice. Such notice provided to customers shall include the
16 estimated costs to participate in an energy efficiency plan or
17 demand response plan. Upon receipt of a request for exemption
18 submitted by a customer, the gas or electric utility shall
19 grant the exemption and, beginning January 1 of the following
20 year, the customer shall no longer be assessed the costs of the
21 plan and shall be prohibited from participating in any program
22 included in such plan. An exemption shall be permanent and
23 shall exempt the customer from any subsequent five-year plan
24 offered by the gas or electric utility, provided, however, that
25 a customer granted an exemption may request to enroll in a
26 subsequent five-year energy efficiency plan or demand response
27 plan at any time prior to the commencement of such plan. Gas
28 and electric utilities shall provide notice to customers of the
29 ability to request to enroll in a subsequent plan offered by
30 the utility no less than four times per year, in the customer's
31 billing statement and any other method selected by the utility
32 to provide notice. Upon receipt of a request to enroll in
33 a subsequent energy efficiency plan or demand response plan,
34 the gas or electric utility shall grant the enrollment and,
35 beginning at the commencement of the subsequent plan, the

1 customer shall be assessed the costs of the plan and shall be
2 allowed to participate in any program included in such plan.

3 (2) Gas and electric utilities required to be
4 rate-regulated under this chapter may request an energy
5 efficiency plan or demand response plan modification during the
6 course of a five-year plan. A modification may be requested
7 due to changes in funding as a result of public utility
8 customers requesting exemptions from the plan or for any other
9 reason identified by the gas or electric utility. The board
10 shall take action on a modification request made by a gas or
11 electric utility within ninety days after the modification
12 request is filed. If the board fails to take action within
13 ninety days after a modification request is filed, the
14 modification request shall be deemed approved.

15 (3) The board shall adopt rules pursuant to chapter 17A
16 establishing reasonable processes and procedures for utility
17 customers to request exemptions from energy efficiency plans or
18 demand response plans pursuant to this paragraph.>

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

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

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

24 6. Page 10, by striking lines 14 through 25 and inserting
25 <response plan that results in projected average annual costs
26 that exceed one and one-half percent of the gas utility's
27 expected annual rate revenue from customers participating
28 in such plans, and shall not require an electric utility
29 to adopt an energy efficiency plan or demand response plan
30 that results in projected average annual costs that exceed
31 two percent of the electric utility's expected annual rate
32 revenue from customers participating in such plans. For
33 purposes of determining the one and one-half or two percent
34 threshold amount, the board shall exclude from a gas or
35 electric utility's expected annual rate revenue the revenues

1 expected from customers that have received exemptions from
2 energy efficiency plans or demand response plans pursuant
3 to paragraph "a", subparagraph (1), subparagraph division
4 (b). A gas or electric utility may voluntarily propose an
5 energy efficiency plan or demand response plan that results in
6 projected average annual costs that exceed one and one-half
7 percent of a gas utility's expected annual rate revenue from
8 customers participating in such plans, or two percent of an
9 electric utility's expected annual rate revenue from customers
10 participating in such plans. The board may approve, reject,
11 or modify the>

12 7. By striking page 10, line 33, through page 11, line
13 7, and inserting <currently approved energy efficiency
14 plan or demand response plan includes projected average
15 annual costs that exceed one and one-half percent of the gas
16 utility's expected annual rate revenue received from customers
17 participating in such plan for service within the previous
18 calendar year, exclusive of recovery of energy efficiency
19 costs, or two percent of the electric utility's expected
20 annual rate revenue received from customers participating
21 in such plan for service within the previous calendar year,
22 exclusive of recovery of energy efficiency costs, the gas or
23 electric utility may file a request to modify its approved
24 energy efficiency plan or demand response plan to achieve
25 projected average annual costs at one and one-half or less of
26 the gas utility's expected annual rate revenue from customers
27 participating in such plan, or two percent or less of the
28 electric utility's expected annual rate revenue from customers
29 participating in such plan. In such case, or whenever a
30 request>

31 8. By striking page 11, line 31, through page 12, line 1,
32 and inserting <defined in section 476.42. Customers that have
33 been granted exemptions from energy efficiency plans or demand
34 response plans pursuant to paragraph "a", subparagraph (1),
35 subparagraph division (b), shall not be charged for recovery of

1 energy efficiency or demand response costs beginning January
2 1 of the year following the year in which the customer was
3 granted the exemption.>

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