BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Consideration and Implementation of Section 393.1075, the Missouri Energy Efficiency Investment Act	)))	**File No. EX-2010-0368**

COMMENTS OF MDNR, NRDC, SIERRA CLUB, RENEW MISSOURI AND GRELC ON PROPOSED ORDER OF RULEMAKING

The Department of Natural Resources, Natural Resources Defense Council, Renew Missouri, Sierra Club and Great Rivers Environmental Law Center submit these joint comments on the Proposed Order of Rulemaking published in the Missouri Register on November 15, 2010.

We are grateful for the hard work of the Commission and its Staff and for the opportunity to participate in what has been an inclusive and thorough workshop process. The result is a rule that substantially advances the cause of energy efficiency in Missouri. We think it can still be improved in the following respects.

Achieving the Goal of All Cost-effective Savings

The MEEIA sets "a goal of achieving all cost-effective demand-side savings." §393.1075.4. Therefore, it is the policy of the state that the utilities should seek to capture all potential for energy savings that is less costly than generating, transmitting and distributing electricity, and the process for filing, approving and implementing energy efficiency plans should lead to this outcome.

We believe the proposed rules provide a reasonable process for implementing this goal. First, the draft sets out guidelines by which the Commission can determine if a utility plan is meeting the goals of the legislation. These guidelines allow the Commission to consider both specific incremental targets that mirror the level of savings that utilities in other states are striving to achieve, and the outcome of the utilities' own potential studies. 4 CSR 240-

20.094(2)(A). Second, when filing a plan, the utility must demonstrate how the programs will make progress toward the goal of achieving all cost effective demand-side savings over the life of the programs, and if the plan will not achieve the incremental savings goals, the utility must provide compelling evidence that those targets are not within its reach. 4 CSR 240-3.164(2)(D). Third, the Commission may only approve a plan if it finds that it is "consistent with a goal of achieving all cost-effective demand-side savings." 4 CSR 240-20.094(3)(A). And finally, the application by a utility for a performance incentive must "define the relationship between the utility's portion of annual net shared benefits achieved and documented through EM&V reports, annual energy savings achieved and documented through EM&V reports as a percentage of annual energy savings targets, and annual demand savings achieved and documented through EM&V reports as a percentage of annual demand savings targets."

1. Numeric Goals

We strongly support the inclusion of the energy savings goals in the proposed rules and have been the proponents of such goals as interim steps that offer a presumptive way, not conclusive but rebuttable by the utility, of demonstrating progress toward the statutory goal of "achieving all cost-effective demand-side savings." The savings goals are not "hard" targets; thus, if for some reason the utility's potential studies demonstrate clearly that these targets are out of reach, the Commission may approve a plan that falls short of the targets. However, the targets provide a backstop to guard against a utility-controlled potential study that may significantly underestimate the available energy savings potential in order to establish a lower baseline for the purposes of a performance incentive. In other words, allowing the Commission to use targets that reflect levels of savings that have been adopted broadly throughout the region,

as well as potential studies that take into account the unique aspects of any particular service territory, strikes the appropriate balance for Missouri.

Interim goals are well within the rulemaking authority granted to the Commission in §393.1075.11. An administrative agency has reasonable latitude regarding what methods and procedures to adopt in carrying out its statutory duties. *Citizens for Rural Preservation v.Robinett,* 648 S.W.2d 117, 128 (Mo.App. WD 1982). The legislative delegation of powers and duties includes by implication everything necessary to carry out the power or duty and make it effectual or complete. *AT&T v. Wallemann*, 827 S.W.2d 217, 224 (Mo.App. WD 1992). "Where the grant of power is clear, the detail for its exercise need be given only within practical limits. The rest may be left to the administrative agency delegated the duty to accomplish the legislative purpose." Id. at 224–5.

Utilities in Midwestern states with savings targets routinely argue that such targets are unattainable. Typically, these concerns are expressed during a rulemaking process, before utilities have experience in meeting a rule's requirements. However, once savings targets have been established, utilities are able to make progress toward achieving savings. Energy savings in various states are achieved after statewide energy savings targets are established. On its face, this is evidence that setting targets helps motivate utilities to achieve savings. Questions concerning how much energy have been saved, and which states are actually meeting their targets, are secondary and largely addressed by NRDC's June 14, 2010 filing in docket EW-2010-0265 titled "Energy Efficiency Performance Goals," filed in response to AmerenUE's June 11 presentation titled "All Cost Effective DSM: What is it?"

2. Definitions of Potential

To ensure the integrity of the target-setting process, in which the potential study findings will play a significant role, we strongly suggest that the definitions of "Technical potential," "Economic potential," "Realistic achievable potential" and "Maximum achievable potential" in 4 CSR 240-3.164 be deleted and replaced with the nationally recognized definitions of technical, economic, achievable and program potential developed through a public-private partnership of experts and contained in the National Action Plan for Energy Efficiency. Those definitions are found on pages 2–4 of the document entitled "Guide for Conducting Energy Efficiency Potential Studies," found here: http://www.epa.gov/cleanenergy/documents/suca/potential_guide.pdf. We also request that 4 CSR 240-20.094(2)(A) and (B) simply refer to "achievable" instead of "realistic achievable" energy savings and demand savings.

A utility can use either realistic achievable potential or the numeric goals in demonstrating progress toward the statutory goal of "all cost-effective demand side savings" pursuant to 20.094(2)(A)and (B). Given the potentially critical role of the utility potential study in creating the performance goals and subsequently determining the level of performance incentive, it is important that the potential study be conducted in a collaborative way that provides confidence in its results.

The definitions of potential in the proposed rule, taken together, could significantly and adversely influence Commission review of progress toward the legislative goal of "achieving all cost-effective demand-side savings" as well as future utility conduct of potential studies. The core distinction in NAPEE's Guide is between "achievable potential" and "program potential." As NAPEE uses the terms, "achievable potential" takes expected program participation into

account and is the reference point for considering various levels of “program potential” that are based on different levels of utility funding and implementation.

This is in contrast to an assumption of an absolute distinction between “maximum” and “realistic” achievable potential that introduces an analytic weakness and which does not acknowledge that there can be many levels of “achievable potential” based on the level of funding and aggressiveness of implementation that the company elects to pursue. Estimates from a market potential study are highly variable, depending on the measures included in a study, the range of customer incentives considered in the study questionnaires, and the assumptions used to calculate energy savings forecasts.

Using the current definitions in the proposed rule could result in the following adverse consequences:

- The draft language could limit the Commission’s view of the potential for cost-effective demand side savings to the level of funding and aggressiveness of implementation that the company elects to assume in its potential study.
- Future utility potential studies could focus unduly on establishing a single level of “realistic” achievable potential, limiting their study of the range of options under different levels of program implementation. This would be most likely to occur if the rule requires the utility to conduct potential studies but fails to establish adequate standards for conducting them.

MEEIA and Chapter 22

The MEEIA compels the PSC to permit electric utilities to implement demand-side programs with a goal of achieving all cost-effective demand-side savings. Before recovery of costs and incentives can be had, the PSC must approve the programs and they must result in

energy or demand savings and be beneficial to all customers in the relevant class. Cost-effectiveness is measured primarily by the TRC test. § 393.1075.4, RSMo.

We ask that section 4 CSR 240-20.094(3)(A)3 of the proposed rules be removed.

The proposed rule, 4 CSR 240-20.094(3)(A)3, says the PSC must approve programs that pass the TRC, but it adds the following condition, that the programs:

> 3. Are included in the electric utility's preferred plan or have been analyzed through the integration process required by 4 CSR 240-22.060 to determine the impact of the demand-side programs and program plans on the net present value of revenue requirements of the electric utility.

Unfortunately, the proposed IRP rule meshes imperfectly with the MEEIA rule. Where there is conflict, the MEEIA must prevail because it, and not the IRP rule, is a legislative directive.

Chapter 22 uses criteria not in the MEEIA. The criterion of the MEEIA is the cost-effectiveness of demand-side programs. § 393.1075.3–.4.

Under the latest Chapter 22 rewrite, the primary criterion is the minimization of utility costs, but utilities may use other critical factors. 22.010(2). The utility assesses alternative resource plans against a number of performance measures. 22.060(2). Alternative resource plans (ARPs) are mixtures of demand-side and supply-side resources. 22.060(3). The most cost-effective demand-side portfolio could fail the IRP tests if it were packaged with a bad set of supply-side resources.

ARPs must "meet at least the projected load growth and resource retirements," 22.060(3). This is not enough to ensure full implementation of SB 376. Instead, ARPs should be required to meet the "all cost-effective" goal of SB 376. An "all cost-effective" demand side portfolio will do more than offset load growth and may **cause** retirement of supply-side resources. This scenario must be part of an IRP.

Selection of a preferred resource plan (PRP) is contingent on the policy objectives and performance measures and also on the judgment of utility decision-makers. 22.070(1). While it would appear from 22.070(1)(C) that a PRP will maximize demand-side resources, it is not clear how the winnowing of ARPs assembled under 22.060 will automatically yield a PRP with the most cost-effective demand-side portfolio; the minimally compliant ARP of 22.060(3)(A)1 and the optimally compliant ARP of 22.060(3)(A)5 could both fail during the analysis prescribed in 22.060(4)–(7). Furthermore even the demand-side component of the PRP is subject to the judgment of utility decision-makers; they decide whether the PRP is in the public interest and achieves state energy policies. 22.070(1)(C).

Lowest PVRR, IRP policy objectives, performance measures, critical uncertain factors and decision-makers' judgment are all criteria absent from the MEEIA.

Disconnect between 22.060 and 22.070. 4 CSR 240.22.060(3)(A)1–5 prescribes a special set of alternative resource plans for renewable and demand-side resources. These include a minimally compliant demand-side plan (the "compliance benchmark"), an "aggressive" plan defined as maximum technical potential (which is an academic exercise), and an optimally compliant plan (minimal compliance with legal mandates but maybe something more).

It's unclear what happens to these plans. They must go through the analysis of 22.060(4)–(7). The preferred resource plan must use demand-side resources to the "maximum" amount that complies with legal mandates. 22.070(1)(C). This differs from both the minimal compliance benchmark ARP and the "optimal" ARP. Indeed, 22.070 does not even say that the PRP must be one of the ARPs in 22.060.

Uncertain status of the PRP. The PRP is a moving target. It can change at any time and be replaced by a contingent plan if the PRP ceases to be appropriate for any reason. 22.070(4).

The PRP can become obsolete if it ceases to be consistent with the utility's business plan or acquisition strategy. 22.080(12). A utility can get variances from the rule. 22.080(13). A utility may request action in other cases that is inconsistent with the PRP as long as it provides a detailed explanation. 22.080(17).

Under the MEEIA rule, 20.094(3)(A)3,the utility can disregard the PRP, but whatever programs it offers must first go through 22.060 integration, which still involves all the criteria itemized above that are not in the MEEIA.

The MEEIA outranks Chapter 22. For all the reasons given above, Chapter 22 in its present form is not the right vehicle for identifying cost-effective demand side programs under the MEEIA. If the IRP rule is to perform that role, it must be modified to accommodate the MEEIA.

SB 376 is a delegation of specific rulemaking authority to achieve the MEEIA's purposes. § 393.1075.11. Chapter 22, by contrast, has no specific legislative authority. Its status as an internal Commission rule is reflected in the limited, procedural nature of the Commission's review of utility IRPs: only deficiencies in Chapter 22 compliance are reviewable, not the substance of the plans. 22.080 (7, 8, 16).

If the Commission subordinates the MEEIA to Chapter 22, it will be imposing criteria not prescribed by the legislature. The MEEIA rules will be invalid if they go beyond the statutorily conferred authority or attempt to modify or extend the statute. *PharmFlex Inc. v. Division of Employment Security*, 964 S.W.2d 825, 829 (Mo.App. WD 1997).

A chronologically later statute creating a specific statutory scheme prevails over earlier, more general laws. *Control Technology and Solutions v. Malden R-1 SD*, 181 S.W.3d 80, 83 (Mo.App. ED 2005). Therefore the Commission cannot use its general rulemaking powers under

§§ 386.250(6) and 393.140(11) to make rules inconsistent with the MEEIA. To do so would be to exercise a legislative function in violation of the separation of executive from legislative powers. Mo. Constitution Article II, § 1; *Missouri Coalition for the Environment v. JCAR*, 948 S.W.2d 125, 132–4 (Mo. 1997); *State ex rel. Rothrum v. Darby*, 345 Mo. 1002, 137 S.W.2d 532, 536–7 (Mo. 1940).

Chapter 22 and the MEEIA can only be harmonized by ensuring that a demand-side portfolio that satisfies the criteria of the MEEIA automatically becomes part of the preferred resource plan, not the other way around.

The Demand-Side Investment Mechanism

The statute is unambiguous that it seeks to level the playing field between demand and supply side investments for purposes of utility resource planning. Toward that end, the commission is required to, "(1) Provide timely cost recovery for utilities; (2) Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently; **and** (3) Provide timely earnings opportunities associated with cost-effective measurable and verifiable efficiency savings." § 393.1075.3 (emphasis added). While the Commission is given considerable discretion to decide how to accomplish each of these actions, there is no discretion to pick and choose between these three actions. Rather, they all must be addressed.

The Commission in its proposed rule has taken steps to ensure that cost recovery for utilities is accomplished on a timely basis, 4 CSR 240-20.093(4); and has offered the utilities the opportunity to file a performance incentive mechanism that would provide an earnings opportunity. 4 CSR 240-20.093(2)(H). These steps can effectively address the first and third of the steps required by the statute, § 393.1075.3(1) and (3). However, the second step of ensuring

that the financial incentives a utility faces are aligned with helping customers use energy more efficiently has not been appropriately addressed.

A fairly simple change in language can begin to address this issue. The definition of "Demand-side programs investment mechanism" in the current draft at 4 CSR 240-20.093(1)(M) says that, "The DSIM may include, in combination and without limitation: 1. Cost recovery of demand-side program costs through capitalization of investments in demand-side programs; 2. Cost recovery of demand-side program costs through a demand-side program cost tracker; 3. Accelerated depreciation on demand-side investments; 4. Recovery of lost revenues; and 5. Utility incentive based on the achieved performance level of approved demand-side programs." We strongly recommend that 20.093(1)(M)4 be changed so that it explicitly invites utilities to file a DSIM that also includes a mechanism that would, "Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently." This mirrors precisely the statutory language in § 393.1075.3(2), and will allow utilities to make the case for a DSIM that more fully meets the objective of the statute. Our reasons for proposing this change are discussed below.

It is well understood and extensively documented that utility revenues rise when sales rise, and the converse is equally true — declining sales mean declining revenues. Thus, Missouri utilities can earn more than their authorized fixed costs revenue requirement if sales are higher than was projected during a rate case. This "throughput incentive" amounts to a strong disincentive for utilities to invest in energy efficiency or to support energy saving policies and measures outside their control, and the magnitude of the disincentive is substantial. In a 2008 Report to the Minnesota Public Utility Commission on decoupling, the Regulatory Assistance

Project (RAP) provided an example to illustrate the effect of changes in sales, both up and down, on a utility's earnings.[1] In the hypothetical, a 1% change in revenues had an effect about ten times greater on utility earnings; for example, a 2% gain or loss in revenues caused a 23.76% gain or loss in earnings.

The statutory directive to the commission to align utility financial incentives such that utilities are encouraged to support energy efficiency investments that save customers money is rendered meaningless if this powerful disincentive is not addressed in a meaningful and timely manner in this rulemaking.

The current draft offers the utilities an opportunity to file a mechanism by which it can recover "lost revenues," which it defines as follows:

> "Lost revenue means the **net** reduction in utility retail revenue, taking into account all changes in costs and all changes in any revenues relevant to the Missouri jurisdictional revenue requirement, that occur when utility demand-side programs approved by the commission in accordance with … cause a drop in net retail kilowatt hours delivered to jurisdictional customers below the level used to set the electricity rates. Lost revenues are only those **net** revenues lost due to energy and demand savings from utility demand-side programs approved by the commission in accordance with …. and measured and verified through EM&V." 4 CSR 240-3.163(1)(P).

However, under such a mechanism, utilities would continue to see higher levels of revenue recovery with higher sales. Therefore the utility will find itself facing the same conflict it currently faces at the prospect of taking actions or supporting policies to save energy and thereby save their customers money, knowing that such actions would cause their shareholders to

[1] Regulatory Assistance Project, *Revenue Decoupling: Standards and Criteria, A Report to the Minnesota Public Utilities Commission*, 36 (2008).

miss out on the earnings from higher sales. Under such a mechanism, utility management would face this conflict at the prospect of supporting state building codes for energy-efficient construction, federal appliance standards that have successfully transformed the market for products ranging from refrigerators and televisions to air conditioners and lighting, or any action outside its own programs for advancing the use of increasingly efficient technologies. Such a mechanism would ultimately fail to align the utilities' financial incentives with the goals of the statute to capture all cost-effective energy efficiency for the benefit of ratepayers.

As stakeholders who seek to promote the statute's goal of capturing all of the cost-effective potential for energy efficiency in the Missouri marketplace, it is a top priority for our organizations to ensure that the utility business model is consistent with this objective. We believe this objective is best served if utilities are invited to propose a broader range of mechanisms that can comprehensively address the throughput incentive.

DSIM Rate and Bill Impacts

The supporting information required to be filed with a DSIM under 4 CSR 240-3.163(2) includes: "(D) Estimates of the effect of the DSIM on customer rates and average bills for each of the next three (3) years for each rate class."

We ask that this period be revised to "(D) Estimates of the effect of the DSIM on customer rates and average bills over the life of each measure."

The lives of many efficiency measures are much longer than three years. As implementation proceeds and these measures approach saturation, the system benefits realized by all customers and the bill savings realized by direct participants will increase.

Public appreciation of DSM programs will be best gained by a full estimation of savings realized over the lifetime of the energy efficiency measures. This will also benefit the utilities in their quest for all cost-effective savings.

Opt-Out Provision, 4 CSR 240-20.094(6)

Section 393.1075.7, RSMo, allows three categories of large customers to opt out of utility offered programs. It allows customers in two categories, i.e., those with a demand over 5,000 kW at one or more accounts and those who operate an interstate pipeline pumping station, to opt out without any requirement that they capture all cost-effective energy efficiency potential in their operations. The proposed rule allows customers in the third category, those with a demand over 2,500 kW in aggregate from all their accounts, to opt out if they can demonstrate to staff that their internal programs will produce savings at least equal to those expected from utility-provided programs. However, the rule does not specify the criteria by which staff is to evaluate the validity of the customer's projected savings; all it requires is a "demonstration" that a customer qualifies for the opt-out. 20.094(6)(C)3.

The proposed rules can be improved by imposing as a condition of opt-out a requirement that those "opt-out" customers with demand over 2,500 kW in aggregate from all their accounts periodically demonstrate, subject to independent verification, that they have used and/or are using their own funds to install efficiency measures that are cost-effective to the same extent and according to the same avoided cost assumptions and cost-effectiveness tests as those used by their utility. Allowing a customer to opt-out based solely on a one-time demonstration of self-financing of expenditures on efficiency improvements is not a sufficient requirement. Missouri utilities will be incurring efficiency program costs year after year in order to achieve all cost-effective savings. Therefore, customers who wish to self-finance their own efficiency

improvements should be required to continue to demonstrate an ongoing achievement of savings at least equal to those expected from the utility's programs until they have implemented all cost-effective measures at their sites. This could be accomplished by adding a provision to the rule requiring annual filings with the Commission. The proposed rules can also be improved by ensuring that all interested parties receive notice of a customer's request to opt out and have adequate opportunity to review and comment on that request.

Finally, we request that the language of 4 CSR 240-20-094(6)(H), which states that customers "revoke an opt-out by providing written notice to the utility and commission fourteen (14) to sixteen (16) months in advance of the calendar year for which it will become eligible for the utility's demand-side program's costs and benefits" be changed to reduce this period to six (6) months. If they opt back in, and participate in a program, they should be required to remain in for the number of years over which the cost of that program is being recovered, or until the cost of their participation in that program has been recovered.

A September 2009 report by the National Action Plan for Energy Efficiency (NAPEE) notes that several states allow self-directed energy efficiency programs[2]. We consider Oregon, New Mexico, and Utah to have model policies[3]. However, the NAPEE report also notes that most customers are likely to accomplish more energy efficiency by participating in utility programs than by self-financing because utility programs have lower payback requirements and because utility programs provide access to innovation and new perspectives.

[2] National Action Plan for Energy Efficiency (2009). *Discussion of Consumer Perspectives on Regulation of Energy Efficiency Investments*. www.epa.gov/eeaction[plan.

[3] For Oregon, *see* http://www.oregon.gov/ENERGY/CONS/SB1149/Business/self-direct.shtml; for New Mexico, *see* N.M. Stat. Ann. § 62-17-9 (2007); for Utah, *see* Pacificorp Electric Service Schedule No. 192. Self Direction Credit.

Probable environmental costs.

The statutory definition of the TRC includes "probable environmental compliance costs." § 393.1075.2(6). The proposed rules do not define or even use this term but incorporate instead the definition of "probable environmental costs" from the proposed IRP rule, 4 CSR 40-22.020(46). See 4 CSR 240-3.163(1)(Q), 3.164(1)(R), 20.093(1)(Y) and 20.094(1)(V).

The proposed rule 22.040(2)(B) does not provide an adequate method of calculating environmental compliance costs. It is restricted to <u>future</u> costs associated with a selected list of pollutants which, in the judgment of utility decision makers, could have a significant effect on rates.

SB 376 plainly means to include all costs, including present costs, and a more objective assessment, not one based on "subjective probability" in certain individuals' judgment. The Commission needs to include a methodology in its rules for calculating these costs, which might include an environmental cost adder expressed in dollars or, as in Ohio, a percentage externality factor. A single-issue workshop docket could resolve the matter expeditiously.

Relying on the IRP rule to implement SB 376 has the effect of adding criteria such as the subjective judgment of utility decision makers that, as discussed above, are not in the statute.

Statewide DSM Collaborative and Technical Reference Manual (TRM)

We request that 4 CSR 240-20-094(8)(B) be replaced with the following language:

> Statewide Collaboratives. Electric utilities and their stakeholders will form a statewide advisory collaborative:
> (1) To receive and share information on new developments and programs;
> (2) To develop a Missouri Technical Resource Manual (TRM);
> (3) To explore joint programs where such programs could reduce program costs and increase savings;
> (4) To provide a forum for national and regional experts to discuss developments in the energy efficiency, demand-side management, demand response, and renewable energy domains; and
> (5) To discuss program results, including successes, challenges and mid-course corrections.

> Collaborative meetings will be led by an independent third-party selected by the commission. This third party will
>
> 1. Be responsible for organizing, facilitating, and recording collaborative meetings.
> 2. Prepare meeting agendas based on input from collaborative participants. Agendas may propose time for both individual utility topics as well as topics of statewide interest and concern.
> 3. Schedule meetings bi-annually, and ensure that meetings:
>   i. Are publicly announced and open to any interested party,
>   ii. Include representatives from all interested groups and
>   iii. Are structured to ensure that active participants have the opportunity to interact on necessary matters; and
> 4. Prepare minutes of each meeting, allowing all participants an opportunity to review and comment on the minutes.

The Statewide DSM Collaborative and the Technical Reference Manual (TRM) are described in 4 CSR 240-20-093 and 4 CSR 240-20-094. The TRM is defined in 4 CSR 240-20.093(1)(BB):

> Statewide technical reference manual means a document that is used by electric utilities to assess energy savings and demand savings attributable to energy efficiency and demand response;

and the role of the TRM in the Evaluation, Measurement and Validation (EM&V) of savings is described in 4 CSR 240-20.093(7)(E):

> Electric utility's EM&V contractors shall use, if available, a commission approved statewide technical reference manual when performing EM&V work.

This statewide process (the Statewide Collaborative) and common documentation (the TRM) are essential to developing a common perspective among Missouri utilities and stakeholders. These common activities will help to educate all parties about successful program designs and savings opportunities. Additionally, developing a TRM will provide needed information for assessing the outcomes of utility programs.

The DSM portfolios of individual electric utilities feature many common programs. Each utility has a residential lighting program, a Home Performance with Energy Star program, a set

of appliance rebate and maintenance programs, a set of commercial and industrial rebate programs, and a set of educational programs. Having a common forum to discuss the implementation of these common programs, to explore new program designs, and to investigate new technologies will help Missouri utilities to improve energy savings throughout the state.

Therefore, we request that the rule language in 4 CSR 240-20-094(8)(B) be changed to establish the procedures to require the creation of a statewide collaborative meeting and the establishment of a common TRM.