

## Unresolved issues/suggestions

This includes topics that have been introduced, but no example language was submitted and Staff was unable to synthesize language based on the input received.

- Market transformation studies –
  - OPC – should include – more prescriptive – OPC would provide.
  - Renew – prospectively not retrospectively – statewide collaborative process.
  - OPC – identify baseline.
  - Ameren – OK, make more science than art.
- Methods for resolving disagreements among the parties on the quality of Market Potential Studies.
  - OPC – procedure on how to move forward – dispute resolution process.
  - Ameren – Input up front, resolution process with defined limits – agree to what potential study says beforehand.
  - Renew – No way to resolve short of Commission filing.
  - OPC – Methodology? Consistently used. Utility propose up front – if parties have problem, then resolve.
  - Ameren & KCPL – Similar process to EM&V RFP process.
  - Ameren – Statewide non-starter – different avoided costs among other things.
- Adding specificity to “probable environmental costs” – IRP – avoided costs. Trued up or looked at mid-cycle.
- Defining “public interest” as it applies to programs not subject to cost effectiveness tests OPC – language that speaks to hard to reach customers
- Addressing the use of modifiers for predicting behavior, also known as the ‘take rate’ or ‘market adoption method’, in a Market Potential Study
- Decoupling –
- DSMore works with 2 cost streams. The Utility avoided costs and the Participant costs. Combinations of these 2 are used for the PCT, UCT, TRC, RIM and SCT (with a 10% adder for NEBS) DSMORE cannot have a different cost stream for each of these tests, the amount of analysis would need to be repeated multiple times to account for different costs streams for each test. – Multiple cost streams would cause problems
  - avoided costs.
  - participant.
- EM&V of Net Shared Benefits – currently used for Utility performance incentive, not used for TD. so we have two NSB’s deemed and evaluated. Savings inputs, not net shared benefits subject to EM&V.
- Definition for “All cost effective” –
  - Ameren will provide.
  - Renew – consider .094(2)(B). If retain goals, how do you enforce?
  - OPC take rate.
- Development of a method to track energy savings by customers [of all classes] who have opted out.
  - OPC state implementation plan and 111(d) compliance – not necessarily for rules.
  - Walmart – understand need – should not be too onerous.
  - DE tracking database comments – way to do it without duplicating costs.

- Walmart – how to correlate with language to track when you don't report.
- Curt – capture info from other folks.
- KCPL – 6A3 category – customer opt-out when do they come in and recertify?  
OK – concept in there.

**No consensus was reached on the following topics:**

This includes topics for issues where one or more versions of language has been developed and debated by the group, but no consensus could be reached.

- Combined Heat and Power and Distributed Generation inclusion [some stakeholders seek inclusion, utilities do not agree definitions can be expanded beyond statute]\_.
  - 092(L) and distributed gen.
  - DE – thought there was consensus or not disagreement.
  - Ameren – CHP some efficiencies – distributed generation – not efficiencies.
  - KCPL – CHP specific technology called out. Legislation – original definition in rules, didn't appear to include.
  - OPC – Distributed Generation – NO  
CHP- quiet.
  - DE – clarity on CI programs.
  - Renew – May be situations in future to go in future. Not support / clarification to allow later.
  - CHP – 'modify' consumption including, but not limited to...
- Changes to RAP and MAP definitions.
  - Ameren – Achievable definition is a MAP definition – this is same as MAP, Program definition does not fit for RAP.
  - MIEC – New proposed definition not practical / useful.
  - KCPL – avoided cost from IRP in rule – consistency
  - DE - Statute does not explicitly require link to IRP process. MEEIA = all cost effective, not just least cost.
- Changing market potential study definition
  - OPC – Same as earlier discussion – 'Cost Effective' is where people are getting hung up. Issue is 'take rate' = how much is available. Need language on adoption rate assumptions.
- Valuation and inclusion of NEBS
  - Need an adder. Need to allow Commission to approve an adder. '10%'
  - "Shall" vs. "May" "Shall be included unless can't be estimated / calculated with reasonable confidence [(II)(4)]
  - TRC or societal – unless in societal so put in TRC.
  - 10% of savings attributed to NEBS
  - Commission order an adder be used – cleanest and easiest way to order.
  - OPC – Opposed to including and opposed to adding a requirement that utilities include in test.
  - DE – Most agree there are NEBS, some can be quantified.

- OPC – should utility be rewarded?
  - DE – all part of “all cost-effective
  - Renew – Does a NEB study and compromise on number allow for an adder without rule change?
  - OPC – What is adder accomplishing? Give utilities 10% more.
  - DE – NO. properly reflect when “all cost effective”
- Language was offered requiring a percentage of EE funds to be spent on low-income programs.
  - Utilities and industry groups objected to such language, which was originally suggested at 5%
  - NHT offered examples from other states, showing a range from 0.2%-10%
  - Renew - .2% is misleading – it's .2% of all utility revenues. They support.
- Changing the method of recovery of revenues (prospective vs retrospective)
- Reduction or elimination of EM&V
- Striking goals for demand and energy savings. Likewise no consensus was reached on revising the goals. OPC reduction or eliminations of emEM&V and striking goals are tied.
- Inclusion of greenhouse gas reductions as energy efficiency measures
- Adding mandatory requirements to MEEIA, and placing the burden of proof on the utility that they had achieved the goals of MEEIA. The proposed language was objected to, based on MEEIA being a voluntary program.
- Adding guidance on conducting Market Potential Studies. Several options were discussed, some were adopted.
  - Ameren – seems open ended – where does it stop? already do this.
  - Renew – then should be in rule
  - OPC – should be estimated
  - DE – Support provision
  - KCPL – Calling out one part (like CHP) – part of the bigger issue – what would be in potential study?
  - Tower Grove – Should be studied because missed in other studies.
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- Statewide Market Potential Study
  - KCPL – Pre-emptive to agree before they know what it is.
  - Ameren – different costs, different RTO's, different avoided costs.
  - Renew – Support assessing potential in a collaborative way. Highest net return / lowest risk. Not valuing energy efficiency as other states.
  - Dates – move up.
  - UFM – Statewide potential study waste of time.
  - OPC – Not waste of time – programs in 2 major cities and that's it. Given today's environment not important. By time rules come back, may be more appropriate.
- Recognizing non-traditional measures that reduce greenhouse gasses as EE measures
- Developing a default “adder” for non-energy benefits, which would be used in cost effectiveness tests. This would have the effect of making more programs pass the cost effectiveness tests. This would be an alternative to quantifying NEBs for a particular program.
- Targets for energy efficiency savings

- Changes to the definition of total resource cost test
- Decoupling the IRP from MEEIA
- Required to be consistent with the specific language in the statute, vs. flexibility
  - OPC to provide language on:
    - .092
      - attribution – utility vs. non-utility programs local government, institutional partnership. Utility performance incentive. Conflict of interest, 3<sup>rd</sup> party contractors and auditor.
    - .094 – statewide collaborative – added language