

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 07-M-0548 - Proceeding on Motion of the Commission  
Regarding an Energy Efficiency Portfolio  
Standard.

RULING ON SCOPE AND SCHEDULE

(Issued June 15, 2007)

ELEANOR STEIN, Administrative Law Judge:

At the Procedural Conference held in this proceeding on June 4, 2007, Department of Public Service Staff (Staff) presented a Staff Proposed Workplan and Schedule, indicating its intention to collect information on best practices, determine the need for consultants, consult with stakeholders and parties, specify methods to be used to analyze costs, benefits and bill impacts, and promulgate a list of questions to parties to help Staff develop its initial program design proposal. The Staff proposal as presented raises several issues addressed here. In addition, this Ruling establishes a schedule and several processes for the proceeding based upon discussion at the Procedural Conference.

The Staff Proposed Workplan and Schedule

In its presentation of the Proposed Workplan and Schedule, Staff alluded to nine areas of inquiry listed in the Commission Order instituting this proceeding.<sup>1</sup> In particular, the Instituting Order lists as Number 4, "Consider and prioritize end-user efficiency programs, market transformation approaches, research and development, and generation, distribution and transmission efficiencies, including the efficiency potential of distributed generation." In its presentation, Staff expressed an intention of scoping all of

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<sup>1</sup> Case 07-M-0548, Energy Efficiency Portfolio Standard, Order Instituting Proceeding (issued May 16, 2007)(Instituting Order), p. 7.

these areas simultaneously. Staff proposes to examine current programs and best practices and identify where additional efficiency savings can be achieved, and intends regional meetings on standards, codes and legislation. This investigation is to result in a Staff proposal for design options and delivery alternatives for existing and new energy efficiency programs.<sup>2</sup> Staff expressed its intention to issue the Staff proposal by the end of July.

As several parties noted at the procedural conference, the breadth of the scope of the Staff plan is of concern, in particular in light of the expedited schedule contemplated in this proceeding. Staff is urged to focus initially on measures to be considered for ready adoption. In particular, a focus on the design of end-user energy efficiency measures should be the first task, and implementation and delivery proposals for end-user energy efficiency programs are likely to be of the greatest immediate value.

The other issues listed in the Instituting Order, such as distributed generation, combined heat and power, standards, codes, legislation, time-of-use rates and demand response measures should, of course, be examined by Staff, but perhaps with a lower priority for the opening phase of this proceeding. Other parties are also invited to initiate examinations of these issues. Parties are encouraged to group themselves by interest or issue for the purpose of developing other proposals. In particular, parties should inform me as to which specific issues or group of issues they are interested in pursuing collectively for the purpose of developing proposals. Based upon your stated interests and preferences, I will create some working groups and a process to begin such an examination.

On June 13, 2007, Staff sent parties a list of questions to elicit information from stakeholders, with an expected response date from parties of July 11, 2007. Staff also agreed to circulate to active parties a working table of

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<sup>2</sup> Staff Proposed Workplan and Schedule (distributed June 4, 2007).

contents or outline of its design proposal, which should be presented to parties by June 22, 2007.

Judge's Questions

In addition, with the assistance of Mr. Agresta I will be issuing a list of additional specific questions for some or all parties no later than June 22, 2007, with an expected response date of July 20, 2007. At the least, questions will be directed to the utility parties, the New York Independent System Operator (NYISO), and the New York State Energy Research and Development Authority (NYSERDA) concerning data for forecasting electric and natural gas usage through 2015, to update the baseline calculations necessary to ensure that the efficiency targets are met.

Overview Forum

Parties are invited to propose experts to make brief presentations at an overview forum, held for the purpose of bringing together subject matter experts on the critical issues of end-user energy efficiency design and delivery. The overview forum will be a one-day public event, to be held July 20, 2007 in Albany, with video/web conferencing to and from other locations as available. Parties should send their proposals for speaker/participants and topics to me by June 22, 2007. I am particularly interested in hearing about: (a) methods of creating an inventory of existing building stock, appliances and fixtures so as to identify and target efficiency opportunities; (b) specific energy efficiency programs targeted to existing building stock, appliances and fixtures rather than to new construction; (c) specific energy efficiency programs targeted to participants lacking available capital to invest; (d) market transformation approaches; and (e) analyses as to what entities would be most appropriate and effective in delivering particular types of energy efficiency programs.

Public Involvement

The Staff proposal does not include or contemplate development of a public involvement component. Among my questions to parties will be several concerning the shaping of such a program in anticipation of the importance of customer and community participation in the design, adoption, and implementation of energy efficiency measures.

Low Carbon Procedures

In order to minimize the carbon footprint of this proceeding itself, the following procedures are adopted:

Pursuant to Commission Rule of Procedure §3.5(f), parties must file an original and five copies of any document filed with the Commission. However, pursuant to Rule §3.5(g)(4), parties who agree to be served by electronic means may be served by electronic means; service by electronic means is deemed complete when sent. Parties are on notice that entry of an appearance in this proceeding constitutes consent to be served by electronic means. Any party for whom this is a hardship should inform me to that effect.

In order to facilitate electronic service, Staff is preparing a listserv for use of all parties, which will be made available shortly.

Schedule

June 22, 2007

Parties' proposals for speaker/participants and topics for Overview Forum due

Parties' proposals as to specific issues or groups of issues they are interested in pursuing collectively for the purpose of developing proposals due

Staff's outline issued

Judge's questions to parties issued

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July 13, 2007	Parties' answers to Staff questions
July 18, 2007	Parties' answers to Judge's questions
July 19, 2007	Overview Forum
July 20, 2007	Collaborative meeting for input and discussion
July 31, 2007	Staff draft proposal issued
August 24, 2007	Comments on Staff draft proposal due
September 21, 2007	Staff final proposal issued
September 28, 2007	Technical Conference for input and discussion
October 12, 2007	Comments on Staff final proposal due

A schedule for procedures for the adoption of program design and delivery options following party comments on the Staff final proposal will be developed at a later date. This further process will also address issues regarding research and development; distribution and transmission efficiencies; distributed generation; combined heat and power systems; standards, codes and legislation; time-of-use rates, and demand response measures.

(SIGNED)

ELEANOR STEIN