

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on August 18, 2011

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Maureen F. Harris
Robert E. Curry, Jr.
James L. Larocca

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

ORDER APPROVING REVISED DEADLINES
FOR MONTHLY AND ANNUAL REPORTING

(Issued and Effective August 22, 2011)

BY THE COMMISSION:

INTRODUCTION

In this order, the Commission adopts revised deadlines for the filing of monthly scorecard reports, annual program and evaluation reports, and annual Outreach & Education/Marketing (OEM) reports for the Energy Efficiency Portfolio Standard (EEPS) programs. The revisions include: (a) monthly scorecard reports will be required no later than 30 days after the conclusion of the calendar month being reported; (b) annual program and evaluation reports will be required no later than 90 days after the conclusion of the calendar year being reported; and (c) annual reports of each calendar year's OEM program achievements, and updated plans for the remainder of the then current calendar year will be required no later than 90 days after the conclusion of the calendar year being reported.

BACKGROUND

In an order issued January 16, 2009,¹ the Commission approved deadlines for the filing of monthly, quarterly, and annual reports for the EEPS programs. Monthly scorecard reports were required to be filed no later than 14 days after the conclusion of the calendar month being reported. Quarterly program and evaluation reports were required no later than 45 days after the conclusion of the calendar quarter being reported, and annual program and evaluation reports were required no later than 60 days after the conclusion of the calendar year being reported. In addition, the January 16, 2009 order required each Program Administrator to file annual reports of each calendar year's OEM program achievements, as available to date, and updated plans for the coming calendar year, with the third quarter status reports (due November 14th of each year).

Staff proposes revisions to the reporting deadlines for the monthly scorecard reports, the annual program and evaluation reports, and the annual OEM reports. Staff proposes to change the deadline for monthly scorecard reports from 14 days to 30 days after the conclusion of the calendar year being reported, and the deadline for annual program and evaluation reports from 60 days to 90 days after the conclusion of the calendar year being reported. Staff proposes revising the deadline for the OEM report from the same time as the third quarter status report, to no later than 90 days after the conclusion of the calendar year. Staff does not propose any

¹ Case 08-E-1003, et al., Orange and Rockland Utilities, Inc. - "Fast Track" Utility-Administered Electric Energy Efficiency, Order Approving "Fast Track" Utility-Administered Electric Energy Efficiency Programs With Modifications (issued January 16, 2009).

changes to the deadline for quarterly program and evaluation reports.

NOTICE OF PROPOSED RULE MAKING

A Notice of Proposed Rulemaking concerning Staff's proposals was published in the State Register on April 27, 2011 [SAPA 07-M-0548SP37]. The minimum time period for the receipt of public comments pursuant to State Administrative Procedure Act (SAPA) regarding that notice expired on June 13, 2011. The comments received are summarized below.

SUMMARY OF PUBLIC COMMENTS

Comments were submitted by the New York State Energy Research and Development Authority (NYSERDA); Niagara Mohawk Power Corporation, The Brooklyn Union Gas Company and KeySpan Gas East Corporation (collectively National Grid); and New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation (NYSEG/RGE).

All commenters support the proposed revisions. NYSERDA states that the extended deadlines for monthly scorecard reporting and annual program and evaluation reporting is likely to significantly improve the accuracy and comprehensiveness of the data being reported, and the proposed revision to the OEM reporting deadline better aligns this report with annual program and evaluation reporting. National Grid adds that the additional time will allow for an audit of the data, which will reduce the need to file corrected reports. NYSEG/RGE comments that the revised filing dates will provide Program Administrators increased flexibility to compile, review and file reports.

DISCUSSION

We approve the revised deadlines as proposed. The proposed revised deadlines for monthly scorecard reporting and annual program and evaluation reporting will provide additional time for Program Administrators to perform audits of program data for completeness and accuracy. This should result in improved quality of information reported to the public and EEPs stakeholders. Improved accuracy in initial reporting will also result in a reduced need to file corrected reports, saving both Program Administrator and Staff resources. The proposed revision to the reporting deadline for the OEM annual report allows Program Administrators additional time to compile information, and will likely result in a more accurate and comprehensive understanding of the past year's achievements. The proposed revised OEM annual report deadline also aligns it with the proposed deadlines for other annual reporting requirements.

SEQRA FINDINGS

Pursuant to our responsibilities under the State Environmental Quality Review Act (SEQRA), in conjunction with this order we find that the reporting modifications made here are within the overall action previously examined by us in Case 07-M-0548 and will not result in any different environmental impact than that previously examined. In addition, the SEQRA findings of the June 23, 2008 Order in Case 07-M-0548 are incorporated herein by reference and we certify that: (1) the requirements of SEQRA, as implemented by 6 NYCRR part 617, have been met; and (2) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action being undertaken

is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

CONCLUSION

The Commission adopts the revised deadlines for the filing of monthly scorecard reports, annual program and evaluation reports, and annual OEM reports for the EEPS programs, as outlined above.

The Commission orders:

1. Energy Efficiency Portfolio Standard (EEPS) Program Administrators are required to file monthly scorecard reports for each EEPS program no later than 30 days after the conclusion of the calendar month being reported.
2. EEPS Program Administrators are required to file annual program and evaluation reports for each EEPS program no later than 90 days after the conclusion of the calendar year being reported.
3. EEPS Program Administrators are required to file annual reports of each calendar year's Outreach & Education/Marketing program achievements, and updated plans for the remainder of the then current calendar year no later than 90 days after the conclusion of the calendar year being reported.
4. The Secretary, at her sole discretion, may extend the procedural deadlines set forth here.
5. These proceedings are continued.

By the Commission

JACLYN A. BRILLING
Secretary