# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO	DOCKETING ON
In the Matter of The Kroger Company ) and Ohio Power Company for )	· ***
Approval of A Special Arrangement ) Case No. 09-2208-EL-EEC  Agreement with a Mercantile Customer )	

## JOINT APPLICATION FOR APPROVAL OF A SPECIAL ARRANGEMENT BETWEEN OHIO POWER COMPANY WITH THE KROGER COMPANY

Applicants, Ohio Power Company (Company), and The Kroger Company, (Customer) (collectively, "Applicants"), submit this application for Commission approval of the special arrangement described in this Joint Application and the attachment. The Customer has agreed to filing by its affirmation in Attachment 1 (Self Direct Project Overview/Commitment).

Amended Substitute Senate Bill 221 sets forth in R.C. 4928.66 energy efficiency/peak demand reduction (EE/PDR) benchmarks that electric distribution utilities shall be required to meet or exceed. The statute allows utilities to include EE/PDR resources committed by mercantile customers for integration into the utilities programs to be counted toward compliance with a utility's EE/PDR benchmarks. The statute also enables the Commission to approve special arrangements for mercantile customers that commit EE/PDR resources to be counted toward compliance with EE/PDR benchmarks.

The Company is an electric distribution utility as defined in R. C. 4928.01(A). The Customer is a Mercantile customer as defined in R.C. 4928.01(A)(19). The Customer implemented the EE/PDR projects included in this Joint Application after January 1, 2006. In its application to the Company, the Customer has agreed to commit the EE/PDR resources

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identified in this application to the Company's compliance toward the EE/PDR benchmarks in SB 221.

The Company has reviewed the details associated with the project(s) submitted in this application and based upon a thorough review of the available records believe that the project(s) included in this Joint Application satisfy the requirements in R.C. 4928.66 and also further the State of Ohio's policy goals of reducing energy costs and usage. Attachment 1 (Self Direct Project Overview/Commitment) to this Joint Application includes a project overview that outlines the project, customer size, project installation date, kWh reduction, peak KW demand reduction, total project cost, incentive total, the eligible self direct incentive, and the exemption period from the rider. Attachment 1 (Self Direct Project Overview/Commitment) also provides the signature of the Customer indicating the validity and acceptance of the information, the Customer's support of this Joint Application, and the Customer's intent to participate in the program. The Applicants attest to the fact that the program in this Joint Application complies with the presumption that the mercantile projects are part of a demand response, energy efficiency, or peak demand reduction program to the extent the project either provides for early retirement of functioning equipment which is not yet fully depreciated, or achieves reductions in energy use and peak demand that exceed the reductions that would have occurred had the customer used standard new equipment, to the extent standard is defined by current code or statute.

Applicants agree that approval by the Commission of the Joint Application will result in an arrangement that: 1) addresses coordination requirements between the electric utility and the mercantile customer with regard to voluntary reductions in load by the mercantile customer, which are not part of an electric utility program, including specific communication procedures, if necessary 2) grants permission to the electric utility and Commission staff to measure and verify

savings and/or peak-demand reductions resulting from customer-sited projects and resources, and 3) identifies all consequences of noncompliance by the customer with the terms of the commitment. Attachment 2 (blank Self Direct Program Project Application including Rules & Requirements) is a blank application form identical to the application signed by the Customer that reflects the "Rules and Requirements" agreed to by the Customer without disclosing potential Customer-specific confidential information that would be revealed in a final executed version of the application.

The Customer has provided the Company documentation necessary to calculate energy savings and peak demand reductions. The Company uses methodologies, protocols and/or practices that conform to the general principles of the International Performance Measurement Verification Protocol (IPMVP) in order to justify the energy savings and/or demand reductions.

The Applicants recognize that this Joint Application is filed at a time when the final version of the applicable rules governing the program are not yet effective. This filing attempts to the extent practical to implement the adopted rules ordered by the Commission in 08-888 even though they are not final and effective. As contemplated in the statute, the Company has been seeking mercantile customers, in the absence of final rules, to commit resources consistent with the framework set forth in R.C. 4928.66. Approval of this agreement as proposed under these rules would not serve as precedent for future agreements reached after the final and effective rules. The Commission recognized the need to be flexible in its October 15, 2009, Entry on Rehearing in 08-888-EL-ORD with respect to historical programs implemented prior to the adoption of official rules. At such time as new rules are developed and implemented future filings involving the Company will properly reflect those changes.

If the Joint Application is approved by the Commission, the Customer will have the option to either: (1) take a one-time reduced incentive payment on the condition of continuing

payment of the EE/PDR Rider, or (2) take advantage of an exemption from the EE/PDR Rider for a defined period. It is important to note that a stipulation was filed on November 12, 2009 in 09-1090-EL-POR dealing with the Company's EE/PDR Portfolio plan. The Signatory Parties¹ to the Stipulation support the Company's two options for the Self Direct Program to solicit commitments of previously-installed EE/PDR resources. (See Paragraph XII.3 of the 09-1090 Stipulation.)

"Option 1" provides mercantile customers the opportunity to receive a reduced incentive payment that is equivalent to the estimated payment of a portion of the customer's EE/PDR rider cost obligation due to the requirement that the customer continues to pay the EE/PDR rider cost for the projected period of time that the customer would otherwise be exempt from the EE/PDR Rider. Option 1 is an incentive payment of 75% of the calculated incentive amount under the Prescriptive and Custom Programs and requires the Customer to continue paying the EE/PDR rider. Because the Customer stays in the EE/PDR rider; i.e., keeps paying it, this incentive is simply an advance of a portion of those payments. The reduced incentive and requirement to continue paying the EE/PDR rider provides rate payers a benefit of lower overall program costs reflected in the EE/PDR rider because the Customer continues paying the EE/PDR rider rather than exempting from it as in Option 2. Whereas, a strict exemption approach would spread the overall program costs over fewer customers. The Customer continues to pay the EE/PDR rider for the period of exemption time calculated in Option 2. The 25% reduction over a new project incentive is reasonable because the customer has already made the EE/PDR investment. By remaining in the EE/PDR rider, the customer benefits by also remaining eligible for future

Ohio Consumers' Counsel, Ohio Environmental Council, Sierra Club, Natural Resources Defense Council, Ohio Poverty Law Center (the previous groups are collectively referred to as the Ohio Consumer and Environmental Advocates), Ohio Energy Group, Ohio Hospital Association, the Ohio Manufacturers' Association, the Ohio Partners for Affordable Energy, Columbus Southern Power Company, and the Ohio Power Company

incentives and can utilize Option 1 incentives to provide additional funding for future EE/PDR investments. "Option 1" is for customers who have completed some EE/PDR projects but want to use the advanced payment to help support new EE/PDR investments. Option 1 also requires participating customers to continue paying the EE/PDR rider allowing the customer to continue participation in EE/PDR programs offered by the Companies.

If the customer has no new energy efficiency projects to complete, the customer may be better served by Option 2 because the Option 1 incentive payment is typically less than the net present value of the projected EE/PDR rider costs over the exemption period calculated in Option 2. The customer may be better served taking Option 1 if they use the incentive payment to supplement Prescriptive or Custom program incentive dollars to help fund new energy efficiency projects. Option 1 encourages greater future energy efficiency investments from mercantile customers at a lower cost to rate payers.

Option 2 provides mercantile customers the opportunity to be exempt from the EE/PDR rider for the period of time that their committed energy savings are equal to the Company's mandated benchmark requirement percentages of energy savings based on the customer's 2006-2008 average annual energy usage baseline. If Option 2 is selected, the Customer is not entitled to participate in any of the Company's EE/PDR programs during the calculated period of exemption. In order to extend the Customer's exemption period, the Customer has to commit additional EE/PDR resources by application for approval by the PUCO. Option 2 is for customers who have installed all cost effective energy efficiency projects and plan no further projects in the exemption period. The Company seeks approval of both Option 1 and Option 2 as part of the Commission's overall approval of this application.

As shown in Attachment 1 (Self Direct Project Overview/Commitment), the Customer must comply with any Commission requirement to provide an annual report on the energy savings and electric utility peak-demand.

The Company will adjust the energy savings and demand reduction effects from this joint application during its applicable baseline period by excluding such effects from the baselines by increasing its applicable baseline for energy savings and baseline for peak demand reductions by the amount of corresponding Customer's energy savings and peak demand reductions, recognizing that savings may have diminishing effects over time as technology evolves or equipment degrades.

For these reasons, the Applicants request that the Commission approve the Joint Application applying the Customer's energy and demand resources to the Company's energy and demand target/benchmarks as identified in SB 221 and approve the Company to either pay the one-time incentive payment or exempt the Customer from the EE/PDR rider as outlined above. Upon approval, the agreement will be implemented and the Company will reflect the cost recovery as part of the EE/PDR Rider.

Respectfully submitted,

Steven T. Nourse

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Email: stnourse@aep.com

misatterwhite@aep.com

**Counsel for Ohio Power Company** 



# **Self Direct Project Overview & Commitment**

Project Name:	The Kroger Co.
Project Number:	763
Date Received	11/23/2009
Project Installation Date	8/1/2008
kWh Reduction:	60091 kWh
Peak KW Demand Reduction:	7kW
Total Project Cost	\$11030.46
Preliminary/Unadjusted Incentive	\$5030.7333
Calculation	
Option 1 - Self Direct Incentive (75%)	\$3773.05
Option 2 - Rider Exemption Expires	38 Months
Simple Payback	5 Years

## **Project Overview:**

The Self Direct Custom/Prescriptive project that The Kroger Company # 926 has completed and applied is as follows:

83 ECM Motors

The documentation that was included with the application proved that the energy measures applied for were purchased and installed.

By signing this document, the Mercantile customer affirms its intention to commit and integrate the above listed demand reduction, response, and/or energy efficiency resources into the utility's demand reduction, demand response, and energy efficiency programs. By signing, the Mercantile customer also agrees to serve as a joint applicant in any filings necessary to secure approval of this arrangement by the Public Utilities Commission of Ohio, and comply with any information and compliance reporting requirements imposed by rule or as part of that approval.

Ohio Power Company	The Kroger Co.		
Ву:	Ву:		
Title: Manager	Title:		
Date:	Date:		

AEP OHIO

A unit of American Flectric Power

# Self-Direct Program Project Application

### Application Instructions

- Complete the application form for each installation account number.
- Complete the appropriate Self-Direct Program Excel spreadsheet fully describing each measure
  replaced and installed along with project costs, existing and new equipment inventories/operation
  descriptions, baseline and new usage measurements or detailed calculations, total energy and demand
  savings, and other specified information. It shall be the customer's responsibility to provide all
  necessary documentation, calculations, and energy impact and summer peak demand saving
  verification in order to justify the project for incentives. Select the appropriate spreadsheet based on
  the project:
  - The Self-Direct Custom Spreadsheet for lighting improvements not covered in the Lighting Program and for any other energy efficiency installation.
  - The Self-Direct Lighting Spreadsheet for lighting conversions and installations covered in the Lighting Program.
- Complete the Self-Direct Program project description and include all required documentation including detailed customer-approved invoices, proof of purchase, receipts, technical specifications, studies/proposals, etc. Please submit up to five photos of the new equipment and the removed equipment (if available).
- NOTE: Sending inadequate invoice documentation, incomplete/incorrect forms, or incomplete backup
  information, including detailed energy and summer peak demand calculations, will delay review of the
  application. Contact AEP Ohio if you require additional assistance in completing the application.
- Submit all information to AEP Ohio. All completed submissions become the property of AEP Ohio.
   Make a copy of all documents for your records.

**FORM SUBMITTAL:** Please note all Rules and Requirements.

Emailed submissions with attachments are preferred.

Return the signed, completed form and all required detailed documentation to:

Email:

gridSMARTohio@kema.com

Mail:

**AEP Ohio** 

6031 East Main Street, Suite 190

Columbus, OH 43213

Fax:

877-607-0740

Questions:

877-607-0739

Visit **gridSMARTohio.com** for more information on the Self-Direct Program and other energy efficiency incentive programs offered by AEP Ohio.

# AEP OHIO

A unit of American Electric Power

# Self-Direct Program Project Application

THIS INCENTIVE APPLICATION FORM IS VALID THROUGH DECEMBER 31, 2010.			Project ID provided by AEP Ohio PROJECT ID:					
Account Qualification	? (Check one or both if	applicable)				_		<u> </u>
□ 700,000 kWh per	year 🗆 National	Account o	r Multiple Fa	cilities (	under the sar	ne nam	ne in Ohi	o)
SECTION 11 CUSTOMER				74.				
Company Name					Contract Dat	e of Acc	eptance	
Mailing Address				_	Contact E-ma	ail*		
City				State			Zip Code	e
Contact Name (print)			Phone			Fax		-
Taxpayer ID # of Recipient (if	not a Corporation or Tax	Exempt)	Tax Status: (may receive	e 1099)	☐ Corporation ☐ Individual		INC, PC, o	etc.) 🛛 Tax Exempt
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Tax Status:  Corporation (Incl. INC, PC, etc.) Tax Exempt (may receive 1099) Individual Other  Total Annual kWh Claimed kW Demand Reduction Claimed								
SECTION SERIOR SEPTEM	NE DROVE RON-(Where	anno antora						on P. S. Harrison Control
Job Site Name Project Contact Name								
Job Site Address (physical loca	tion)			Pi	roject Contact T	elephor	ie	
City		State	Zip Code	Pi	roject Contact E	mail		· · · · · · · · · · · · · · · · · · ·
Job Site Account Number (if different than Job Site)			)					
Construction Type:   New Construction Type:	onstruction   Existing B	ilding 🗀 Ma	jor Renovation				•	
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Contractor Contact Name		Contac	t Telephone		Co	ontact E	mail	
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Option #1	☐ Incentive Payment Incentive		tive Calculation: \$					
Option #2	#2 AEP Oh		AEP Ohio	f of Months Exempted: months (calculation provided by LEP Ohio)				
By signing here, I acknowledge Rules and Requirements of this							ee with a	nd understand the
Customer Signature						Date		

<sup>\*</sup> By providing your e-mail address, you are granting AEP Ohio permission to send further e-mails regarding our programs and services.

Attachment 2- Self Direct Program Project
Application Blank including Rules and Requirements
Page 3 of 5

# Self-Direct Program Retrospective Projects / Rules and Requirements

Columbus Southern Power Company and Ohio Power Company are collectively known as AEP Ohio ("AEP Ohio"). AEP Ohio provides energy-efficiency incentives for the purchase and installation of qualifying cost-effective equipment in the customer's facility (the customer's "Commitment of Resources") under the Rules and Requirements provided in this incentive application and subject to regulatory approvals.

#### **Customer Qualifications**

The Self-Direct Program (the "Program") applies to customers served at AEP Ohio's retail electric rates who meet the minimum energy usage requirements of 700,000 kWh per year or who are part of a hatbonal account involving multiple facilities in one or more states. This application defines the Date of Acceptance.

#### Terms and Conditions

- THIS INCENTIVE APPLICATION FORM IS VALID FOR SUBMITTAL BY SELF-DIRECT CUSTOMERS UNTIL DECEMBER 31, 2010. AEP Ohlo Incentive programs may be changed or cancelled at any time without notice. The Customer and its contractor are solely responsible for contacting AEP Ohlo to ask whether or not the program is still in effect and to verify program parameters.
- Customer agrees to commit all energy and demand resources identified in this
  application to AEP Ohio's energy and demand target / benchmarks as identified in
  Senate Bill 221.
- Incentive payments are available while program funding lasts.
- To ensure maximum program participation, AEP Ohio reserves the right to limit funding on a per project basis.
- · Pre-approval by AEP Ohio is required.
- Incentive items must be installed on the AEP Ohlo electric account listed on the application.
- The incentive payment shall be:
  - 75% of the calculated incentive under the Business Lighting or Custom Program, whichever is applicable to this project.
- In lieu of a one-time incentive payment, the customer may elect to seek an exemption from the Energy Efficiency / Peak Demand Reduction (EE/PDR) Rider for the associated electric account(s) for a defined period of time as stated on this Application. For this exemption, and as defined in the table below, the incentive payment amount is compared to the estimated net present value (NPV) of the customer's estimated EE/PDR rider obligation, as calculated by AEP Ohio. If exemption is elected, the customer is not eligible for other programs offered by AEP Ohio during the period of exemption. Unless additional resources are committed, the customer will, after the specified number of months on this Application, be subject to the EE/PDR Rider.
- If an incentive is elected, the customer remains in the EE/PDR rider for the period of time that an exemption would have been in effect and may also participate in other AEP Ohio programs.
- All equipment must be new; used or rebuilt equipment is <u>not</u> eligible for an incentive.
- Eligible measures must produce <u>verifiable</u> and <u>persistent</u> energy and/or demand reduction, for a period of no less than five (5) years from the date of installation, through an increase in efficiency or through the use of load-shifting technologies.
   Measurement and verification may be required.
- Ineligible measures:
  - Rely solely on changes in customer behavior and require no capital investment, or merely terminate existing processes, facilities and/or operations.
  - Are required by state or federal law, building or other codes, or are standard industry practices.
  - 3. Involve fuel switching, plug loads, or generate electricity.
  - Are easily reverted / removed or are installed entirely for reasons other than improving energy efficiency.
  - Include other conditions to be determined by AEP Ohio.
- Projects submitted for retrospective claims must be installed and operating between January 1, 2006 and the Date of Acceptance Into the Self-Direct Program. Incentive levels, as shown in the table below, are based on the calendar year of installation / operation. Customer shall provide proof of equipment installation / operation start-up.
- All applications are subject to AEP Ohlo, its contractor(s) / agent(s), and the Public
  Utility Commission of Ohio (PUCO) review and approval prior to any incentives paid or
  exemption from the EE/PDR Rider under this program.

Incentive Levels (for retrospective projects completed since January 1, 2006)	75% of the calculated incentive payment under the current Business Lighting or Custom Programs, whichever is applicable.
Min / Max payback w/o incentive applied	1 year Min / 7 Year Max

- Customer is allowed and encouraged to consider using all or a portion of the incentive payment, as received from AEP Ohio under this program, to help fund other customer-initiated energy efficiency and demand reduction projects in the future. Future projects can also qualify for incentives under the Business Lighting or Custom program.
- A signed final application with documentation verifying installation of the project including, but not limited to, equipment, invoices, approvals, and other related information must be submitted to AEP Ohio prior to application approval.
- The summer peak period is defined as weekday peak-demand hours (7:00 AM to 9:00 PM, May through September).
- Customers are encouraged to submit projects that warrant special treatment (i.e., non-typical projects) to be considered on a case-by-case basis by AEP Ohio.
- AEP Ohio reserves the right to randomly inspect customer facility(ies) for installation
  of materials listed on this incentive application and will need access to survey the
  installed project. Customer understands and agrees that Program installations may
  also be subject to inspections by the PUCO or their designee, and photographs of
  installation may be required. All documentation and verification is subject to strict
  confrientiality.
- If the inspection finds that customer did not comply with program rules and requirements, any incentive received under this Program must be returned to AEP Onio including interest. Exemption from the rider will be voided as well. In addition, AEP Ohio reserves the right to withhold payment or exemption for projects that do not meet reasonable industry standards as determined by AEP Ohio.
- AEP Ohio reserves the right to refuse payment and participation if the customer or contractor violates program rules and procedures. AEP Ohio is not liable for incentives promised to customers as a result of program misrepresentation.
- The customer understands and agrees that all other terms and conditions, as specified in the application, including all attachments and exhibits attached to this application, which will serve as a contract for the customer's commitment of energy and demand resources to AEP Ohlo, shall apply.
- AEP Ohio reserves the right to request additional backup information, supporting detail, calculations, manufacturer specification sheets or any other information prior to any incentive payment.
- Equipment could have been installed in retrofit, replacement, or new construction applications and must meet reasonable industry standards. All equipment / measures must meet minimum cost effectiveness requirements as defined or determined by AEP Obio. Customer must also provide evidence of measure life.
- · AEP Ohio will issue any approved incentives in the form of checks.
- Customer can not apply for incentives for future projects and elect after the fact to apply for exemption under this program.
- · All documentation and verification is subject to strict confidentiality.
- All completed submissions become the property of AEP Ohio.

#### Disclaimers

#### AEP Ohio:

- Does not endorse any particular manufacturer, product or system design by offering these incentives.
- Will not be responsible for any tax liability imposed on the customer as a result of the payment of incentives. AEP Ohio will report incentives greater than \$as income on IRS form 1099. Such incentives shall be taxable unless Customer 600 meets acceptable tax exemption criteria. Customers are encouraged to consult with their tax advisors about the taxability of any incentive payments.
- Does not expressly or implicitly warrant the performance of installed equipment (contact your contractor for detailed equipment warrantles).
- Is not responsible for the proper disposal/recycling of any waste generated as a result
  of this project.
- Is not liable for any damage caused by the operation or malfunction of the installed equipment.
- Does not guarantee that a specific level of energy or cost savings will result from the implementation of energy conservation measures or the use of products funded under this program.

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Exemption from the EE/PDR rider is determined by comparing the value of the one-time incentive payment with the estimated net present value (NPV) of the EE/PDR rider payments, as calculated by AEP Ohio, for the customer's associated electric account. This NPV is defined as the customer's financial contribution to AEP Ohio's efforts to reach EE/PDR targets. Exemption term will be rounded to the nearest month.

Attachment 2- Self Direct Program Project
Application Blank including Rules and Requirements
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Self-Direct Program

# Retrospective Project Description: Project \_\_\_\_\_ of \_

Project Descriptive Name	Project In-service Date
Affected Electric Account Number(s)	
Claimed Project Baseline (AEP Ohio will make the final dete	ermination of applicable baseline):
Retrofit (the project was an elective retrofit and the equ	uipment was still operable)
Replacement (the project was a replacement of eq	uipment at or near the end of its useful life)
New (the project was an addition of new equipment in	an existing facility or new construction)
Describe the project including detail of energy savings equip	oment. Attach additional sheets if needed.
Describe the removed equipment and operating strategy. Pla Attach additional sheets if needed.	ease provide up to five photos of the equipment, if available.
Describe the installed equipment and operating strategy. Ple sheets if needed.	ease provide up to five photos of the equipment. Attach additional
Describe your calculation method for energy savings. Attach	additional sheets if needed.
n addition to electrical energy and/or demand reduction, other	er benefits of proposed project include:
Conserves other utilities (gas, water, etc.)	Meets environmental regulations
Improves process flow	Reduces labor
Improves product quality	Saves energy
Increases production capacity Other	Uses fewer raw materials

## **Project Technical Specifications**

(This sheet provides an example of required data collection. The Self-Direct spreadsheet provides additional guidance and streamlines the process for collecting, documenting and reporting this information to AEP Ohio, and it follows the format of this sheet. Please provide as much detail as possible on the Self-Direct spreadsheet to expedite review and processing of the requested incentive).

Please complete the Self-Direct spreadsheet for each measure installed and provide supporting documentation including engineering or equipment supplier studies, customer-approved invoices, purchase orders, detailed calculations of baseline and energy and peak summer demand savings. A detailed proposal and complete package will expedite review of application. This information is required by AEP Ohio and/or its consultants for project analysis.

	EQUIPMENT REMOVED OR LOWER	INSTALLED EQUIPMENT OR HIGHER
	EFFICIENCY OPTION	EFFICIENCY OPTION
Equipment type	<u> </u>	
Manufacturer of equipment		
Model number(s)		
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Date of Removal / In-Service Date	· · · · · · · · · · · · · · · · · · ·	
Age of equipment at removal		
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of removal or installation		
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Incremental Cost = Installed Option		
Total Cost - Removed Equipment or		
Lower Efficiency Option Total Cost		

<sup>\*</sup> Determination of peak demand reduction (kW) from non-HVAC equipment: For non-HVAC measures, calculate the average kW reduction over the period from 7 a.m. to 9 p.m., weekdays, from May 1 through September 30. The preferred calculation method will estimate hourly kW demands over the peak demand period, and average the results. However, if measures do not vary significantly during those hours, a less rigorous estimation process may be applied if approved in advance by the program.

<sup>\*</sup> Determination of peak demand reduction (kW) within HVAC systems: Calculate the maximum HVAC peak demand reduction that occurs between 7 a.m. to 9 p.m. on a weekday from May 1 through September 30.