BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Protocols for the)
Measurement and Verification of Energy) Case No. 09-512-GE-UNC
Efficiency and Peak Demand Reduction)
Measures.)

MOTION FOR LEAVE TO SUBMIT A PROPOSAL TO THE PUBLIC UTILITIES COMMISSION OF OHIO FOR ITS TECHNICAL REFERENCE MANUAL MADE BY PEOPLE WORKING COOPERATIVELY, INC.

NOW COMES People Working Cooperatively, Inc. ("PWC") and respectfully requests that the Public Utilities Commission of Ohio ("Commission") grant its motion to participate in and to submit its proposal into the record of this proceeding regarding the determination, evaluation, measurement and verification of energy efficiency measures resulting from programs and actions taken by the energy utilities in Ohio and the development of the related Technical Reference Manual ("TRM"). PWC makes this motion pursuant to Ohio Administrative Code Rules 4901-1-11 and 4901-1-12.

PWC makes a proposal that will allow for the counting, under S.B. 221, of existing additional energy efficiencies that are the result of energy utility[1] program funding that generates additional non-utility funding, as explained in the attached comments, and result in the encouragement of organizations such as PWC to leverage their energy efficiency program funding to enhance energy efficiency results that, heretofore in this proceeding, have not been considered or, at this point in the Commission's proceeding, counted toward energy efficiency

[1] The use of the term "energy utility" in this motion is meant generally to include CRES providers and competitive gas service providers, unless the use of the term otherwise does not include these entitites as clearly implicit in the context.

performance requirements. The proposed approach is consistent with the public policy both mandating and encouraging increased energy services' energy efficiencies as set forth in S.B. 221 and as generally set forth in Ohio Revised Code Section 4928.02 and 4929.02. No other party has yet made such a proposal, which PWC contends is highly relevant to this proceeding and of great importance to PWC and its low-income residential energy consumer clients.

Following is a Memorandum in Support.

Respectfully submitted by

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MEMORANDUM IN SUPPORT

PWC has been a private, non-profit provider of weatherization and energy efficiency services for low-income residential customers of Duke Energy-Ohio and its predecessor companies (together referred to herein as "DE-Ohio"). It has been a recipient of DE-Ohio funding for over 24 years. It has been a regular intervenor in the DE-Ohio rate, rate stabilization, and electric security plan proceedings for over ten years and has been recognized by the Commission as an advocate for the low-income residential consumer in DE-Ohio's service territory.

In framing the goal of the instant proceeding, the Commission stated in its Entry initiating this proceeding:

> (5) The Commission must be in a position to be able to determine, with reasonable certainty, the energy savings and demand reductions attributable to the energy efficiency programs undertaken by gas and electric utilities, including mercantile customers, in order (a) to verify each electric utility's achievement of energy and peak-demand reduction requirements, pursuant to Section 4928.66(B), Revised Code; (b) to consider exempting mercantile customers from cost recovery mechanisms pursuant to Section 4928.66(A)(2)(c), Revised Code; and (c) to review cost recovery mechanisms for energy efficiency and/or peak-demand reduction programs implemented by the electric or gas utilities.
>
> . . .[2]

As the Entry goes on, the Commission sets forth the measurement and verification tasks to be identified for inclusion in the TRM. The Commission

[2] Entry, *In the Matter of Protocols for the Measurement and Verification of Energy Efficiency and Peak Demand Reduction Measures*, Case No. 09-512-GE-UNC, at 2-3 (June 24, 2009).

noted the likely evolution of the TRM as "measures and protocols are added, refined, and updated over time," indicating that "part of the development of the TRM will be the establishment of transparent and participatory procedures to populate the TRM with predetermined values for additional measures or updated values, as well as updated protocols and assumptions, on an ongoing basis."[3] The Commission stated that "it is appropriate to allow interested parties to participate in the development of the TRM," and went on to say, in relevant part, that the "consideration of policies and protocols in a single proceeding...will increase the likelihood that relevant and available information will be before the Commission in its decision-making process, and will ensure that energy savings and demand reduction values are determined in a complete, transparent, and consistent manner, with proper balance between the certainty of the values and the cost required to achieve such certainty."[4]

PWC's contribution is consistent with the Commission's goals as stated in its Entry. Up to this point, the Commission has provided the structure for this proceeding, setting forth specific issues that it wished interested parties to address. Given the Commission's October 15, 2009 Finding and Order in this proceeding and given the stated goals of the Commission, as quoted above, PWC asks that the Commission consider its proposal at this time. PWC is an interested party that implements energy efficiency programs that are funded primarily by energy utility dollars, as explained more fully in its attached comments.

PWC has a real and substantial interest in this proceeding as a provider of energy efficiency services that are funded in large part by energy utility dollars.

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[3] *Id.*, at 4, para. (8).
[4] Id., at 4-5, para. (9)

PWC believes that what it proposes should be part of the TRM and that its proposal further enhances the TRM. Should the Commission consider PWC's proposal favorably, PWC believes that there will be proper recognition of energy efficiency benefits not currently recognized but resulting from energy utility funding, expanded funding available from energy utilities for entities similarly-situated to PWC, and even greater energy efficiency benefits for the low-income residential energy consumers and the concomitant benefits to them and to their communities of having such homeowners being able to stay in their homes and pay their energy bills without resort to programs such as Percentage of Income Payment Plan ("PIPP").

PWC's participation in this quasi-legislative proceeding will not prejudice any other commenting party to this proceeding, will not unduly prolong or delay the proceeding, is not duplicative of any other parties' participation, and will contribute to the fuller development of the facts in support of the TRM.

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CERTIFICATE OF SERVICE

I hereby certify that the attached Motion for Leave to Submit Comments, with the comments of People Working Cooperatively, Inc. attached, has been served by first-class mail, postage prepaid to the following parties of record in Case No. 09-512-GE-UNC on this 15th day of January, 2010.

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Protocols for the Measurement and Verification of Energy Efficiency and Peak Demand Reduction Measures.	))))	Case No. 09-512-GE-UNC

PROPOSAL OF PEOPLE WORKING COOPERATIVELY, INC. FOR CONSIDERATION IN DEVELOPING THE TECHNICAL REFERENCE MANUAL

Now comes People Working Cooperatively, Inc. ("PWC"), and submits these comments to the Public Utilities Commission of Ohio ("Commission"), requesting that the Commission consider its proposal favorably to: (1) give effect to the public policy stated in and behind SB 221; (2) encourage utilities and others to expand their funding of energy efficiency measures by permitting utilities to partner with PWC and other like organizations to leverage utility funding to obtain incremental funds to invest in energy efficiency and achieve benefits that the utility may use to meet any applicable energy efficiency mandate; and (3) encourage expanded installation of energy efficiency measures through the incremental leveraged funds, as described further below. To understand PWC's proposal, understanding its business model is important and demonstrates how programs such as PWC's can provide extra energy efficiency benefits.

I. Background: PWC's history, services and leveraged funding

PWC is an Ohio, not-for-profit organization whose mission is to perform essential critical repairs for homes of low-income residential consumers to make them habitable and affordable for low-income customers residing primarily in the service territory of Duke Energy Ohio's and its predecessor companies (referred to in these comments as "DE-Ohio"). PWC performs home repair services using a "whole house" approach. Generally, this means that PWC takes a comprehensive look at what the homes and homeowners need to remain safely in their homes.[1] PWC's cost effective approach includes services such as roof replacements/repairs, installation of insulation, and services for plumbing, heating, cooling and other energy systems, as well as providing ramps and bathroom modifications. Last year PWC completed approximately 11,000 services in southwest Ohio.

An ancillary but important part of PWC's mission involves energy efficiency. It is easier for low-income customers to stay in their homes and stay off programs like the Percentage of Income Payment Plan ("PIPP"), if their energy costs remain low. Because energy efficiency is a vital part of PWC's mission, PWC has partnered with DE-Ohio, receiving funding for both gas and electric programs, to develop and implement energy saving measures in the homes of its low-income clients. PWC has been an active participant in DE-Ohio's Duke Energy Community Partnership ("DECP") collaborative since its inception.

DE-Ohio's experience with PWC provides an excellent and apparently unusual story about the partnering of the regulated electric utility and the

[1] While not directly responsive—although relevant—to the issues raised by the Commission's proceeding, there is growing evidence of the importance of the ability of homeowners who are eligible for PWC's services to remain in their homes. When customers are forced to abandon their homes there is a great cost to the individual and the community. Often homeowners are forced to abandon their homes and move to low-income government subsidized housing, especially when the resident is elderly or handicapped. Helping to bring these low-income homeowners' energy bills under control makes a material contribution to their ability to enjoy and stay in their homes. Alternatively, homeowners may stay in their home but be forced to accept subsidies such as PIPP. It is better for all concerned to maintain the homes and lower their costs to allow homeowners to afford to pay their bills, including utility bills, and stay in their home.

private sector to assist residential customers of the utility (who are low-income and often elderly, handicapped and children) enjoy energy efficiency repairs to their homes. These repairs can reduce their electric bills, prevent payment arrearages and service disconnections, provide them with improved comfort and safety in their homes, prevent their having to abandon their homes, and often prevent their joining the rolls of those on PIPP. There are many other tangible and intangible benefits to the communities where these homes receive weatherization and related services.

To understand more fully the benefit of DE-Ohio's initiative in providing weatherization and energy efficiency dollars in its Ohio service territory, it is important to understand two facts:

1. DE-Ohio provides supervision and oversight of the dollars that it contributes for its authorized projects, setting performance standards and reporting requirements for contractors and evaluating the results of contractor projects, which evaluations are used in awarding dollars for subsequent years; and
2. Direct energy efficiency funding from DE-Ohio has enabled PWC to leverage energy efficiency dollars from other sources, thus expanding the number of homeowners it can serve and the number of services—including energy efficiency services—that it can provide to the low-income residential customers of DE-Ohio.

In this context, "leveraging" means that because PWC receives funding from DE-Ohio directly for energy efficiency programs, other supporters of PWC provide additional funds that allow PWC to expand its services. Sometimes these funds from contributors other than DE-Ohio are designated for a specific purpose such as energy efficiency. Sometime the funds are discretionary. Often the incremental funds would be unavailable to PWC if it could not demonstrate ongoing support through the funding provided by DE-Ohio and approved in various cases by the Commission. PWC has successfully leveraged funding from DE-Ohio and its predecessors in southwestern Ohio for over 24 years. Not only has the amount of funding grown, but also the leveraged dollars have increased consistently over the same period. This is because PWC is clearly a going concern, in business for the long term and committed to benefiting the community.

The combined benefit of the funding from DE-Ohio and leveraged sources allows PWC to provide substantially more energy efficiency benefits than it could provide based upon DE-Ohio's funding alone. PWC, therefore, provides greater benefits for homeowners *and* for PWC's funding providers who want to see their dollars spent well. In short, because PWC has received funding from DE-Ohio, it has also obtained dollars from other sources with similar interests in providing assistance to low-income residential energy customers. It currently receives contributions or funding from more than 40 institutional donors and funding organizations and from thousands of individuals. As a result, PWC can provide more services to more low-income residential customers of DE-Ohio—in large part because of DE-Ohio's energy efficiency funding. If the Commission permits PWC to give DE-Ohio the expanded energy efficiency benefits that result from the leveraged funding PWC receives, there is an incentive for DE-Ohio (and any other electric utility in a similar situation) to expand its funding of these valuable programs creating a classic win/win situation. The additional funding will lead to more energy efficiency and more whole house services for low-income customers. DE-Ohio, and perhaps other utilities, may have another energy efficiency resource to meet statutory mandates and PWC and other providers may gain additional funding for its programs.

PWC has also sought and received contributions of non-energy efficiency dollars to be used, among other ways, for preliminary repairs necessary prior to the effective implementation of energy efficiency measures. For example, often times, the energy efficiency measure of attic insulation cannot be effectively installed unless and until the roof is patched or, in some cases, replaced. By using contributions from other contributors to PWC that are allocated to its home repair program to repair or replace the roof, DE-Ohio leveraged energy efficiency funds can be used for the installation of the insulation, which will now perform since its effectiveness will not be compromised by the leaky roof. This is an example of non-energy efficiency dollars being used to leverage DE-Ohio's energy efficiency dollars to assure and often to enhance the benefit of the DE-Ohio funded energy efficiency measures. This combination of dollars from all funding sources supporting a multitude of critical repair and energy efficiency services that together effect greater home energy efficiency is what PWC calls its "Whole House" effort.

The primary reasons for PWC's effectiveness in its use of DE-Ohio funds include:

- Its use of DE-Ohio funding, with DE-Ohio assent, to leverage dollars from a large base of other contributors/funding sources that PWC has developed over its 33 years in business, sometimes with the help of DE-Ohio, to provide critical home repair services in addition to those authorized under DE-Ohio's program that multiply the benefits of the DE-Ohio funding;

- Its development and implementation of a "Whole House" approach to repairing low-income client homes employing DE-Ohio funds and funding from other sources;
- Its development of a stable, skilled work force to perform these services;
- Its development of a large volunteer workforce;
- The strong business management of PWC.

By way of background, in 2008, PWC provided 10,803 home repairs and provided modifications, energy conservation and maintenance services to 5,567 households employing its 85-person full time employee staff of skilled crew. Volunteer activity accounts for over 20,000 hours of service (almost all of which were at client home sites, many of whom are also skilled tradesmen). During its annual volunteer home repair events, Repair Affair and Prepare Affair, 690 and 2,463 volunteers, respectively, provided services to 83 homeowners and 930 homeowners, respectively. In addition to funding from DE-Ohio, PWC received funding for weatherization and energy efficiency programs from state, county, United Way, private, foundation and corporate sources, among which include DE-Ohio, Ohio Department of Development Ohio Energy Office and Housing Trust Fund, the cities of Cincinnati and Middletown, Ohio and of Covington, Kentucky, Hamilton County, Kentucky Housing Corporation, and the Federal Home Loan Bank. In 2008, thirty percent of PWC's funding came from DE-Ohio.

II. PWC's proposal for capturing additional energy efficiency benefits

The Commission's proposed energy efficiency rules encourage utilities like DE-Ohio to develop partnerships with non-profit organizations like PWC. O.A.C. Rule 4901:1-39-03(D).[2] It is important that the Commission's rules and the Technical Reference Manual ("TRM") being developed in Case No. 09-512-GE-UNC enable utilities and competitive retail electric service providers ("CRES providers") to compensate non-profit organizations like PWC for the energy efficiency or renewable energy benefits, that the non-profit organization produces as part of its mission, receive credit for the energy benefits produced by the non-profit organization and recover the costs associated with the utility's or CRES provider's investment in the non-profit organization. To further this end the TRM should count toward the Total Resource Cost Test ("TRC"): (1) all energy benefits associated with each measure; (2) environmental benefits associated with each measure; and (3) permit measurement and verification of energy efficiency benefits associated with dollars leveraged by the non-profit organizations. Adopting this policy will permit PWC and other similar organizations to advance their primary mission and maximize the energy efficiency benefits they produce during that process.

A. All energy efficiency benefits, whether derived from electric, gas or environmental savings, should count toward a utility's or CRES provider's statutory mandates.

Pursuant to R.C. 4928.64 and R.C. 4928.66, only electric utilities are required to meet energy efficiency mandates. CRES providers must meet

[2] O.A.C. Rule 4901:1-39-03(D), as submitted and resubmitted to the Joint Committee on Agency Rule Review: The electric utility may seek to collaborate or consult with other utilities, regional and municipal government organizations, nonprofit organizations, businesses, and other stakeholders to develop programs meeting the requirements of this chapter.

alternative energy resource requirements, some of which may be energy efficiency. R.C. 4928.64. Gas utilities are encouraged to engage in energy efficiency but have no statutory mandate. PWC produces energy efficiency as part of the services it performs. But the energy efficiency it produces is not tied to a particular type of energy or fuel source. When PWC installs insulation it permits the homeowner to save gas and electricity. The same is true when it installs a high performance furnace with an energy efficient electric motor. Most measures produce benefits associated with electricity, gas and the environment. Regardless of the type of benefits that are produced, the entity that pays for the benefits should get credit for all of the benefits and all of the benefits should count toward the calculation of the TRC test.

If the Commission clarifies such a policy through the TRM it will permit utilities and CRES providers to invest in PWC, and other similar organizations, permitting PWC to increase the amount of energy efficiency it produces. If only electric benefits count toward passage of the TRC test for electric utilities and CRES providers and only gas benefits count toward passage of the TRC test for gas utilities and competitive gas providers, few measures will pass the TRC test and few such entities will invest in organizations like PWC. Further, if the investing organizations get credit for only the type of energy they produce their incentive to invest in PWC will be limited. All investing entities, utilities, CRES providers, or competitive gas providers should get credit for all of the benefits associated with their investment.

The Commission has published in this proceeding two Appendix Bs associated with its TRM one for electric measures and the other for gas measures. The Commission should explicitly combine the Appendix Bs to clarify that there is one TRM and each entity may take full credit for its energy efficiency investment under any existing or future state or federal mandate. PWC believes that this is already permitted pursuant to R.C. 4928.66 that permits electric utilities and CRES providers to produce energy savings "equivalent" to kWh. Nothing in R.C. 4928.66 requires energy efficiency to explicitly be in kWh. Similarly, gas utilities, which have no mandate under S.B. 221,[3] should get full benefit for their investment in energy efficiency, including electric and environmental benefits. Ultimately, it will be important for each utility to receive appropriate cost recovery through rates for its energy efficiency investment.

B. Measurement and Verification must include benefits associated with direct investment and leveraged investment.

PWC receives funding from many private and government sources. Often, to receive funding from a secondary source, PWC must demonstrate that it has capabilities derived from an original and reliable funding source for a project or project year. Grants from some donors require matching funds from another source that exists and is expected to continue. In this manner PWC has been successful in leveraging its funding to produce significantly more benefits than it would otherwise be able to provide. PWC's partnership with DE-Ohio has been particularly successful in this regard. PWC is currently able to leverage, for the benefit of its low-income clients, almost $3.00 for every $1 it receives from DE-Ohio currently.

There are two important facets that permit PWC to successfully leverage funds. First, the original funding must be flexible so that PWC can use it in a

[3] Acknowledged by the Commission. *See, e.g., In the Matter of Protocols for the Measurement and Verification of Energy Efficiency and Peak Demand Reduction Measures*, Case No. 09-512-GE-UNC, Finding and Order at 6 (October 15, 2009).

manner that leverages the most funding. Second the funding, and the timing of the funding, must be certain so that PWC may form internal budgets and external commitments. In other words PWC must be able to rely upon the funding.

If the funding meets both requirements, PWC can use the funding commitment to leverage additional funding from other sources to maximize the goals of the investor, whether those goals are energy efficiency or something else. Ultimately, the energy utility, CRES provider or competitive gas provider investor should receive credit for the energy efficiency directly achieved by its investment in PWC plus the energy efficiency benefit achieved by PWC through the leveraged funding that but for the original investment would not occur. In addition, as both a public policy matter and a pure economic matter, PWC should continue to enjoy, at a minimum, the robust investment by the energy investor because the match of the utility energy efficiency program with the PWC "Whole House" approach create benefits greater than the sum of the individual parts.[4] Any organization that can demonstrate this to the Commission should share in the economic benefits of energy efficiency and peak demand reductions achieved by this synergy of effort and resources.

This approach will permit PWC to attract and make more efficient use of its funding for its "Whole House" efforts for the benefit of its low-income clients and increase its production of energy efficiency associated with its primary mission.

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[4] See the example described on page 5 regarding the installation of energy efficiency measure of insulation in a low-income client's attic that is compromised if the roof leaks and requires replacement and repair. Absent leverage dollars, PWC can employ DE-Ohio funding only to install the insulation in a client's home. With leveraged dollars, PWC can repair/replace the roof in such home and enhance the benefit of the energy efficiency measure of insulation alone.

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CERTIFICATE OF SERVICE

I hereby certify that the attached Comments of People Working Cooperatively, Inc. attached, has been served by first-class mail, postage prepaid to the following parties of record in Case No. 09-512-GE-UNC on this 15th day of January, 2010.

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