

Clean Energy Advisory Board

DRAFT Meeting Minutes

July 21, 2020

1:00 – 2:00 p.m.

On the topic of Shared Solar Rulemaking

Meeting of the Clean Energy Advisory Board (“Board”) was called to order at 1:05pm by Chair Hannah Coman. Present were: KC Bleile, Katherine Bond, Janaka Casper, Hannah Coman, Susan Cruse, Toni Ostrowski, Will Reisinger, Sam Towell, John Warren

Not present: Bill Greenleaf

Chair noted that a quorum of Board members were present.

DMME staff present: Larry Corkey, Jordan Burns, Carrie Hearne, Dan Farrell, Barb Simcoe, Mike Skiffington

OAG staff present: Grant Kronenberg

Carrie Hearne read electronic meeting allowances into the record, which established the ability of the CEAB to qualify as an electronic meeting pursuant to state code.

Chair asked for a motion to approved electronic meeting; Reisinger made motion, seconded by Towell.

All Board members present voted Yes. The motion passed.

AGENDA:

Chair Coman initiated discussion of two shared solar bills that were passed in 2020 General Assembly session. Shared solar programs can expand access to solar energy for customers who have constraints in terms of installing rooftop solar systems, such as residents of multi-family housing and renters.

Coman noted that the first, Dominion Energy’s subscription-based shared solar program, would allow customers to purchase a portion of their energy directly from solar installations in Virginia. An important consideration for the State Corporation Commission (SCC) rulemaking will be establishing a minimum bill component (i.e. a customer would not be able to offset 100% of the bill cost). However there are provisions such that low-income participants would not have to pay minimum bill. “Low-income customer” is defined as those making no more than 80% of area (locality) median income per US HUD guidelines.

The second program will be for multi-family housing residents in Dominion Energy and Old Dominion Power service territories. This bill does not have a minimum bill requirement, but SCC is directed to shape the rate structure so that utilities can reasonably recover costs.

Larry Corkey informed the group that comments are due to the SCC on July 24. It is not certain if additional comment periods will be established. DMME has drafted comments as well and will be

submitting them. Carrie Hearne noted that the SCC is directed to create a working group to include organizations representing low-income customers as part of the rule-making process.

Coman asked for feedback from Board members on the draft comments prepared. She suggested that given the tight deadline, drafting comments and providing them for Board review was seen as the most effective way to proceed, rather than trying to write comments by committee.

Coman noted in terms of full disclosure that her employer (Southern Environmental Law Center) will also be submitting comments, which may be different than what the Board may submit.

Bond asked about where any additional Board comments should be submitted. Chair Coman indicated if that substantive changes are needed, or Board cannot reach consensus, comments may not be able to be submitted. Comments may need to be shortened, or generically in support, depending on outcomes of discussion.

Coman noted that an objective for the SCC should be to have a menu of options for low-income customers to qualify (the purpose of the Board's comments is not opining exactly on what SCC should have in the regulations). Ostrowski asked if definition of 80% of area median income is adjusted for household size (apparently it is not). Coman noted there are different ways to define low-income customers. Casper noted that HUD area median income can differ from state's weatherization assistance program (WAP) which is eligible to customers at 60% or below of state median income. Bleile noted there could be some exceptions based on housing funding source that would work (such as HUD vouchers, or Low-Income Housing Tax Credits). Bond asked if WAP eligibility is via income verification or self-attestation; Casper noted that WAP requires income verification. Coman asked Casper if 80% of AMI, OR list of other proxy qualifications (LIHTC, and WAP) would be best approach.

Coman stated the comments reflect that consumers should be provided with full disclosures providing upfront information. A "savings guarantee" should be provided because otherwise customers won't sign up. Towell noted that the Virginia Consumer Protection Act would not apply to these programs; but there can be other forms of consumer protections. Consumers should be able to move their subscriptions if they move within their utility's service territory. For low-income customers, the objective is to not create any additional burdens (fees, etc.)

Coman further noted that the Board and DMME are called out in the statute so should be invited to participate in the SCC's stakeholder process. Another important objective is to allow for a broad definition of "community service organizations" which can enable participation by low-income customers, for example, by doing outreach; corollary to this is having strong regulations and good oversight of organizations that qualify as "subscriber organizations" to ensure that customers are protected.

An important outcome of these proceedings should be to have programs that pass on the savings as a tangible bill benefit to customers. A 2019 HUD memorandum attempted to address this problem but only in California. Casper stated it would be helpful to get a ruling from HUD so that the solar benefits can flow to tenants, without causing rent to rise if resident's utility allowance drops as a result of this program. This would be for HUD Section 8 or very low income customers.

Hearne suggested moving to public comments. No public comments were immediately received.

Board members were asked for other comments. Bleile has provided comments in the documents and offered support for moving the approval process forward; Casper seconded stating he is in support; Ostrowski stated response is well-articulated and appreciates the effort. Cruse appreciates the recognition of needs of low-income customers, and tying in the shared solar program opportunity with the mission of this Board.

Hearne noted there would need to be a motion and vote.

Cruse made a motion; Ostrowski seconded.

Cruse asked if both should be moved forward together and if modification of income qualification language should be determined first.

Coman noted that language should be changed on page 4 (above part B). It was clarified language would be changed to incorporate Casper suggestions on income qualification so that it is broadly-defined (80% or below of area median income, or WAP-eligible).

Cruse again made motion; Bleile seconded to adopt comments on Dominion shared solar program.

A majority of the Board was in favor with the noted changes.

Coman noted that the multifamily program comments are similar in substance. The statute does not call for a stakeholder process, but Coman noted that SCC should be encouraged to wrap the multi-family rule-making process in with the other required stakeholder group.

Coman asked for a motion.

Casper made a motion to approve; Cruse seconded;

A majority of the Board voted to approve and to submit the comments to the SCC by Friday.

Hearne noted that the Board worked effectively to develop and approve these comments.

No public comments were offered or noted.

Coman adjourned the meeting at 2:07 pm.