

City of Keene
New Hampshire

ENERGY & CLIMATE COMMITTEE
MEETING MINUTES

Wednesday, February 3, 2021

8:00 AM

Remote Meeting via Zoom

Members Present:

Peter Hansel, Chair
Cary Gaunt, Vice Chair
Ken Dooley
Jake Pipp
Terry Clark, Councilor
Paul Roth
Zach Luse
Andrew Dey
Clair Oursler, Alternate

Staff Present:

Rhett Lamb, ACM/Community
Development Director
Mari Brunner, Planner

Members Not Present:

Chair Hansel called the meeting to order at 8:00 AM.

1) Roll Call

Chair Hansel read a prepared statement explaining how Emergency Order #12, issued by the Governor of the State of New Hampshire, pursuant to Executive Order #2020-04, gives authority for public meetings to be held remotely and shared information about how members of the public can listen and share comments. He then read aloud the Zoom virtual meeting platform rules and roll call was conducted. Chair Hansel welcomed new alternate member Mr. Oursler and prospective member Denise Thomas.

2) Approval of January 6, 2021 Meeting Minutes

Councilor Clark moved to accept the January 6, 2021 meeting minutes, Mr. Roth seconded and the motion was passed by unanimous vote.

3) Adopted Sustainable Energy Plan

Ms. Brunner announced that the Sustainable Energy Plan was adopted by City Council on January 21 by unanimous vote. She said members can visit the City of Keene Energy page and the Energy and Climate page as well as www.KeeneEnergyPlan.com.

Ms. Brunner said that at the January 13 PLD meeting, City staff were asked to remove any reference to a mandatory Home Energy Labeling and Benchmarking program and rewrite that the program is entirely voluntary. Ms. Gaunt asked what the process would be if they learn in a year or two that the voluntary program is not working. Ms. Brunner replied it would not require changes to the Plan, however, it is a decision that would be made at the City Council level and they would also have to do a significant amount of outreach and education to the community about the programs, which could be the advantage of starting with a voluntary program. Chair Hansel agreed that the ECC does not have authority to mandate anything, however, they can petition the City Council in the future to change the Home Energy Labeling and Benchmarking program to mandatory. He congratulated the committee and City staff for their work on the Plan.

4) Committee Retreat to discuss Energy Plan Implementation

Chair Hansel stated that their committee retreat will take place on February 16 from 3-5 PM and they will discuss next steps on implementation of the Sustainable Energy Plan by 2030. He said the goals and objectives are laid out in the Plan but they will review each step and discuss ways to roll them out. Ms. Brunner said she is looking for a facilitator for the retreat, however, they have had some challenges finding someone for this year. She said she will plan to facilitate as staff if they cannot find someone and welcomed member ideas for a facilitator. Chair Hansel asked if they would have a minute-taker and Ms. Brunner said she will try to find one and if not, she will record the meeting and takes notes herself. Ms. Brunner stated that she also invited Mr. Jude Nuru, who will become a member of ECC tomorrow, so he will be on the attendee list as well.

5) Community Power Update

Chair Hansel stated that the Good Energy-Standard Power consultant plan was submitted to City staff, however, the plan has not yet been made available to the Community Power Committee or the public. It will be available on Friday for their review as well as the public's. Ms. Brunner noted that there were two community sessions held with about 26 people in attendance for the afternoon session, and 6 to 7 people in the evening session. She said that there were a number of good questions that came out of the afternoon session and a recording of that meeting is also available. Ms. Brunner said that the document reads more like a legal document so the City Attorney spoke to some of the language and some revisions were recommended to make the document more easily understandable. She said the City received the newest version last night so that version will be shared with the Community Power Committee and the public.

Chair Hansel stated that the plan will be made public for comments from February 5 to March 5. He said the next Community Power Committee meeting is March 5 and there will be a public hearing on March 30. Ms. Brunner added that they will accept public comments after March 5, but they wanted to give the consultants time to analyze the data and prepare for the public hearings on March 30.

6) Legislative Updates

Ms. Brunner stated that these are all bills that Clean Energy New Hampshire is opposing.

a. HB 315, “Relative to the Aggregation of Electric Customers”

Ms. Brunner said this bill is being dubbed the “Monopoly Power Act” by the Community Power Coalition of New Hampshire. She said the most concerning aspect of this bill is that it would restrict or eliminate access to electric customer data which is needed to run a community power program. She said right now under the law, once the City adopts a plan, the utility is supposed to provide the City with customer electric usage data which is needed to forecast and put together a bid. This law also requires the City to mail a written notification to each retail electric customer using only addresses in the City’s public records and this is not possible as many times the property owners have LLCs in other states or countries. She said this law makes it almost impossible to run a community power program. Ms. Brunner said this bill was introduced by Eversource and they are considering amendments to the problematic aspects of the bill; Eversource will be meeting with the City tomorrow morning to discuss those issues.

Ms. Brunner said HB 315 also restricts municipalities and counties from spending any tax dollars on the program including for incidental costs. This is concerning as City staff are funded by tax dollars and this may prevent staff from spending any time working on the program. She stated that even before the consultant was hired, City staff were heavily involved in development of the program.

Ms. Brunner stated that this bill would also add layers of regulatory review which would delay programs and make it much more costly to launch a program. She said right now, once the plan is adopted through the committee and Council process it undergoes two rounds of review. This bill proposes to add a step for sending the plan to the PUC for review and that is concerning as it can take a very long time. For example, the community power law was passed two years ago and the PUC still has not drafted the rules for the program. It would also add cost to the program as somebody has to participate in the process of reviewing the plan and it prevents tax dollars from being spent on that staff time, making it unclear how they could accomplish that.

Finally, Ms. Brunner stated that HB 315 will place a lot of restrictions on what can be done with these programs as they would only be able to use utility programs for energy efficiency, conservation and demand side management that are highly regulated. For example, they could only work with NH Saves. It also removes the ability to read customer meters and provide customer service, takes away the ability to install smart meters, and takes away the ability to participate in the Community Power Coalition of NH model of municipal/county aggregation in the future.

Chair Hansel stated that the committee will do their best to have their voices heard by the legislative committee that is reviewing this bill. He said a number of members have already signed up to speak against this bill. He suggested that they also spend a bit of time at the retreat discussing the “what ifs” if the bill does pass and how that will impact the community energy program.

Mr. Lamb encouraged members to attend and sign up for the meetings to express opposition to the legislation. He said this is the number one action in the Sustainable Energy Plan for the 9-

year period between now and 2030. He encouraged members to take this bill seriously and express their opposition.

Ms. Brunner noted that it is within the committee's purview to bring this to City Council's attention and they could vote today to move it through the Council approval process.

Mr. Dey asked if the support of this bill is due to the utility wanting to keep power or are there legitimate concerns on their end. He expressed that it is important to understand both sides but he will support the motion on the table in any case. Chair Hansel replied that most of the bills on the table were sponsored by Representative Harrington, and he is unsure what his agenda is, which would be good to know. He agreed with Mr. Dey that Eversource must have a reason behind their sponsorship of this bill and they can hopefully rely on Clean Energy New Hampshire to research that. Mr. Lamb said that the City does not have a separate contract with the lobbyists. However, Eversource will tell them their concerns at the hearing and if it is a legitimate concern, they will come to some compromise but if the changes are approved it will gut the program entirely. Chair Hansel said he suspects that any raise in taxes is of major motivation to Representative Harrington.

Ms. Gaunt moved to ask City Council and the Mayor to take a formal position in opposition to HB 315, Mr. Roth seconded and the motion passed unanimously.

Ms. Gaunt asked Ms. Brunner if alerts can be posted on the website so that members and the public can keep track of the legislative updates. Ms. Brunner agreed that she would provide members with alerts on all of the bills; she added that the Monadnock Sustainability Hub is organizing a regional meeting tomorrow, February 4 at 4:00 PM to discuss how Monadnock communities and organizations can work together to actively oppose HB 315.

b. HB 213 – “Relative to the Elimination of Useful Thermal Energy from Renewable Energy Classes”

Ms. Brunner stated that the main point of HB 213 is to reduce the renewable portfolio standard from 25% in 2025 to 8.8% in 2025. It would go into effect this year. The bill also eliminates useful thermal class 1 and presents an attack on the RPS overall and specifically thermal Renewable Energy Credits (RECs).

Chair Hansel stated that Representative Harrington is the primary sponsor of this bill as he is adamant that the energy classes do not include thermal energy and only electrical energy. Chair Hansel said he is not sure if he has support for this bill but members should attend those hearings and let their voices be heard.

c. HB 549 – “Relative to the Energy Efficiency Resource Standard and the System Benefits Charge” and HB 351 – “Relative to the System Benefits Charge”

Ms. Brunner said HB 351 is also sponsored primarily by Representative Harrington. This bill would eliminate PUC oversight of the Systems Benefit Charge (SBC) and limit use of the SBC to energy efficiency for electricity only. Ms. Brunner said it would also override the Energy

Efficiency Resource Standard (EERS) plan which is a three-year process which was just completed and is a very important plan as they required a lot of research and public input. She said both of these bills attack the EERS and the SBC, which is set to take effect last month through NH Saves and was a program agreed to by all parties, including the utilities and consumer advocates. HB 549 also puts the plan in the hands of the legislature and not the regulators which is problematic due to party changes and will introduce a lot of uncertainty into the SBC and EERS.

Chair Hansel stated that Eversource spoke up in opposition to this bill at the hearing. He said he does not know how much support there is for HB 351 but that does not mean it cannot be passed. He stated there were many people who opposed this bill and if members sign up as opposed or in favor the committee members were very interested in those numbers.

d. HB 225 – “Relative to the Calculation of Net Energy Metering Payments or Credits”

Ms. Brunner stated that HB 225 will drop the payout rate from the stable utility default energy rate, or the market rate, to the much lower and variable “locational marginal price (LMP).”

Ms. Brunner showed a slide with instructions on how ECC members and members of the public can share their opinion with the Science, Technology and Energy Committee.

Ms. Gaunt asked if they should consider writing a letter as a committee to the Science, Technology and Energy Committee. Ms. Brunner replied that they can as long as they are clear that they are representing ECC and not the City. Chair Hansel asked if they know the dates of the legislative hearings. Ms. Brunner said that she did not see the hearings on the schedule as of yet but they meet Mondays and Fridays and must give a week’s advance notice. Chair Hansel said they can possibly draft a letter and vote on it at the Retreat. Ms. Gaunt said at Keene State College, they send a letter out via email and ask people to respond and review and gather responses that way. Mr. Lamb stated that it has to be done in a public meeting as a public body as the public must have the opportunity to review and respond. Ms. Brunner said that in the past, the City Council has voted on taking a position on a bill and then gave authority to the Mayor to draft a letter. Mr. Lamb said the committee can authorize the Chair to write a letter on their position. Ms. Brunner noted that they could either have something ready for the 16th or take the approach of the Chair writing the letter instead. She said the Retreat is a public meeting so it would meet the criteria for drafting a letter as a committee. Chair Hansel suggested that he draft a letter for members to discuss at the Retreat and they can vote on it at that time. Councilor Clark suggested that they vote today to authorize the Chair to write a letter to send to the appropriate committee chairs and the legislature. Chair Hansel agreed he would be happy to draft the letter if it is the will of the committee. Ms. Gaunt offered to help Vice Chair draft a letter; she said they could also share the letter with the committee to provide language for members to include in their own individual letters.

Councilor Clark moved to authorize Chair Hansel to write a letter of opposition to the House Bills that were discussed in the meeting and send them to the appropriate committee chairs in the legislature, Ms. Gaunt seconded, and the motion was passed by unanimous vote.

7) Committee Membership

Chair Hansel stated that Mr. Oursler is now an alternate and Mr. Nuru is expected to be approved tomorrow. He said Ms. Denise Thomas is also a prospective member. Chair Hansel said they would have one more vacancy for a regular member and two more alternate seats available. He said if members have any more suggestions for committee membership, they can share those ideas with himself and Ms. Brunner.

8) New Business

No new business was raised by committee members or members of the public.

9) Upcoming Meetings:

- a. ECC Retreat: Tuesday, February 16, 2021, 3:00-5:00 PM
- b. March Meeting: Wednesday, March 3, 2021, 8:00 PM

10) Adjourn

Chair Hansel adjourned the meeting at 9:30 AM.

Respectfully submitted by,
Ayshah Kassamali-Fox, Minute Taker

Reviewed and edited by Mari Brunner, Planner