



ORIGINAL	
N.H.P.U.C. Case No.	DE 10-188
Exhibit No.	#64
Witness	Panel 6 a thriving New England
DO NOT REMOVE FROM FILE	

CLF New Hampshire  
Concord, NH 03301  
P: 603.225.3060  
F: 603.225.3059  
www.clf.org

August 17, 2012

BY HAND AND ELECTRONIC MAIL

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301



Re: Docket DE 10-188  
Comments on Proposals for Use of 2012 RGGI Auction Proceeds

Dear Ms. Howland,

The Conservation Law Foundation (CLF) submits the following comments in response to the proposals for distributing the 2012 Regional Greenhouse Gas Initiative (RGGI) auction proceeds, which were submitted on August 10, 2012 in accordance with the Commission's Supplemental Order of Notice dated July 13, 2012 in the above referenced docket.

In general, the principles that should guide the Commission in deciding the use of RGGI-derived funds are the statutory requirements and purposes of RSA § 125-O:20 *et seq.* currently in effect, and the related regulations that guide implementation of the statute. The proposal submitted by the intervenors and interested parties on August 10, 2012 is entirely consistent with the statute and the underlying policy, and will maximize the effectiveness of such funding in comparison to the utilities' proposal. In addition, because the operative provisions of HB 1490 do not take effect until January 1, 2013, the use of monies collected through auctions in 2012 should not be restricted to the CORE programs.

CLF urges the Commission to distribute *additional* funds collected through remaining auctions in 2012 in accordance with the principles stated in the existing RGGI laws and regulations currently in effect. Section 125-O:23 of the New Hampshire statutes establishes a greenhouse gas emissions reduction fund that "shall be used to support energy efficiency, conservation, and demand response programs to reduce greenhouse gas emissions generated within the state . . . ." RSA § 125-O:23, II (2009). Under the statute, those programs can be administered by private entities or by state and local governments. *Id.*; Puc § 2601.02 (2009).

As currently in effect, the RGGI enabling legislation broadly encourages energy efficiency wherever meaningful and cost-effective energy savings can be realized. RGGI programs support a broad range of energy efficiency projects—not only those targeted towards improving electric efficiency. RSA § 125-O:23, II & VII. The statute requires that at least 10% of the funds be used



to assist low-income residential customers with efficiency projects that reduce “total energy use including heating fuels.” RSA § 125-O:23, III; Puc § 2603.01.

While CLF respects the utilities’ efforts to improve energy efficiency, the joint proposal submitted by the utilities is unduly restrictive. The non-CORE programs take a more flexible approach to improving energy efficiency, which better achieves the statute’s stated policy goal of reducing greenhouse gas emissions within the state.

For these reasons, CLF supports the proposal by the Jordan Institute on behalf of intervenors and interested parties to allocate additional 2012 auction proceeds to existing non-CORE programs. RGGI programs have been vetted by the Commission and have proven to be effective at “reducing greenhouse gas emissions from all fuels,” are “cost-effective,” successful in “promot[ing] market transformation, innovative technology and economic development, and energy cost savings,” consistent with the goals of the RGGI statute. RSA § 125-O:23, VII; *see also* Puc § 2604.03 (describing the criteria by which the Commission will fund proposals for energy-efficiency projects). With high consumer demand for their services, existing non-CORE programs are capable of deploying any resources the Commission allocates to them quickly.

The RGGI program goals are consistent with the purpose of the CORE programs. Recognizing that the CORE programs will receive all RGGI monies in 2013 and beyond under HB 1490, CLF suggests that the CORE programs should incorporate and support existing non-CORE programs, including those previously funded by RGGI monies. These programs will provide further innovation and continue to improve energy efficiency in New Hampshire.

CLF appreciates the opportunity to provide these comments and looks forward to further addressing utility proposals for energy efficiency programs and funding in future dockets.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "N. Jonathan Peress", is written over a light blue horizontal line.

N. Jonathan Peress  
[njperess@clf.org](mailto:njperess@clf.org)

cc: Service List (by electronic mail)