

STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy Ignatius

EXECUTIVE DIRECTOR  
Debra A. Howland



TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
www.puc.nh.gov

PUBLIC UTILITIES COMMISSION  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

Memorandum

FROM: Jack Ruderman *JR*

RE: DE 09-194, Office of Energy and Planning, Re-allocation  
Of 2008-2009 StayWarmNH Unused Funds:  
Staff Recommendation

TO: Chairman Thomas B. Getz  
Commissioner Clifton C. Below  
Commissioner Amy L. Ignatius  
Executive Director Debra A. Howland

CC: F. Anne Ross, General Counsel  
Suzanne Amidon, Staff Attorney

DATE: October 19, 2009



---

Summary:

This is a request from the Office of Energy and Planning (OEP) to a) return to the Greenhouse Gas Emissions Reduction Fund unused StayWarmNH funds in the amount of \$160,553.47, and b) to have the Commission make these funds available to the state's Community Action Agencies (CAAs) to purchase winterization kits for low-income New Hampshire residents this winter.

Analysis:

In fall of 2008, the NH Legislature enacted HB 1653, allocating \$1.2 million in future Greenhouse Gas Emissions Reduction Fund (GHGERF) funds to OEP for Governor Lynch's StayWarmNH initiative to reduce winter energy costs for low-income households. (General Funds were allocated to OEP with the understanding that the State would be reimbursed for these funds after New

Hampshire began participating in Regional Greenhouse Gas Initiative (RGGI) carbon allowance auctions, thereby providing funding to the GHGER Fund. Subsequent to the December 2008 RGGI carbon allowance auction, the General Funds were repaid in full with GHGERF monies).

OEP would like to allocate the unused StayWarmNH funds directly to the state's CAAs for use this winter, but OEP no longer has the authority to expend the funds. HB 1653 made clear that the \$1.2 million was allocated for expenditures during FY 2009. FY 2009 ended on June 30, 2009.

“The sum of \$1,200,000 for the fiscal year ending June 30, 2009 is hereby appropriated to the office of energy and planning to accelerate and expand the availability of weatherization services for this upcoming winter.” HB 1653.

As noted in the petition, although new programs and funding opportunities have addressed many energy efficiency measures sought by homeowners, thousands of low-income residents continue to request weatherization and winterization services. These re-allocated funds can help meet some of these needs. The CAAs will be responsible for the budgeting, oversight, procurement, distribution, and overall management of the program.

Consequently, OEP wishes to return the unused funds to the Commission, and asks that the Commission make the funds available to the CAA's. This could be accomplished by the Commission issuing an Order *Nisi* authorizing the re-allocation of the StayWarm Funds to the CAA's.

Presumably, the Commission would then need to execute a sole source contract in the amount of \$160,553.47 with the CAA's, subject to Governor and Council approval.

OEP indicates that time is of the essence if the CAA's are to obtain and distribute new winterization kits this winter.

Recommendation:

Staff recommends that the Commission issue an Order *Nisi* as outlined above.