portfolio requirements. Over the past several years spending on energy efficiency programs has risen substantially, both as a response to rapid growth in electricity demand and as Nevada Power and Sierra Pacific Power have attempted to maximize the contribution of energy efficiency to portfolio requirements as those requirements grow.

All prudently incurred costs associated with energy efficiency programs are recoverable pursuant to the Nevada Administrative Code 704.9523. A utility may seek to recover any costs associated with approved programs for conservation and DSM, including labor, overhead, materials, incentives paid to customer, advertising, and program monitoring and evaluation.

Mechanically, the Nevada mechanism works as follows for those approved programs not already included in a utility's rate base:

- The utility tracks all program costs monthly in a separate account.
- A carrying cost equal to 1/12 of the utility's annual allowed rate of return is applied to the balance in the account.
- At the time of the next rate case, the balance in the account (including program costs and carrying costs) is cleared from the tracking account and moved into the utility's rate base.
- The commission sets an appropriate amortization period for the account balance based on its determination of the life of the investment.
- The utility applies a rate of return to the unamortized balances equal to the authorized rate of return plus 5 percent (for example a 10.0 percent return becomes 10.5 percent).

Nevada's current cost recovery/incentive structure has been in place since 2001. However, with the recent rapid rise in utility energy efficiency program spending, concerns also have arisen with respect to the structure of the mechanism and its effect on the utilities' investment incentives. These concerns prompted the Nevada Public Service Commission to open an investigatory docket in late 2006. In its Revised Order in Docket Nos. 06-0651 and 07-07010 on January 30, 2007, the commission wrote that:

Table 4-4. Pros and Cons of Capitalization and Amortization

Table 4-4. Pros and Cons of Capitalization and Amortization
Pros
• Places energy efficiency investments on more of an equal footing with supply-side investment with respect to cost recovery • Capitalization can help make up for the decline in utility generation and transmission and distribution assets expected to occur, as energy efficiency defers the need for new supply-side investment. • As part of this equalization, enables the utility to earn a financial return on efficiency investments. • Smoothes the rate impacts of large swings in annual energy efficiency spending.
Cons
• Treats what is arguably an expense as a capital item. • Creates a regulatory asset that can grow substantially over time; because this asset is not tangible or owned by utility, it tends to be viewed as more risky by the financial community. • Delays full recovery and boosts recovery risk. • To the extent that the return on the energy efficiency program investment is intended to provide a financial incentive for the utility, this incentive is not tied to program performance. • Raises the total dollar cost of the efficiency programs.

[We] believe that appropriate incentives for utility DSM programs are necessary. The exact nature and form of incentives that should be offered for such programs involve a number of factors, including the regulatory and statutory environment. The current incentives for DSM were implemented in 2001 when the companies had few, if any, incentives to implement DSM programs. The enactment of A.B. 3 changed both the regulatory and statutory context. Utilities now have incentives to implement DSM to meet portions of their respective renewable portfolio standard requirements. Nevada Power Company's expenditures will increase almost four times compared to pre A.B. 3 during this action plan. Given these changes, it is now time to reexamine the mandatory package of incentives provided to DSM programs. This includes the types and categories of costs eligible for expense treatment, as well as prescribed incentives. The commission therefore directs its secretary to open an investigation and rulemaking into the appropriateness of DSM cost recovery mechanisms and incentives.

In early 2007, the commission asked all interested parties to comment on four specific issues, as identified below:

- What are the public policy objectives of an incentive structure? i.e., Should only the most cost-effective programs be incented? Should only the most strategic programs be incented?
- Does the current incentive structure provide the appropriate incentives to fulfill each public policy objective?
- Are there alternative incentive structures that the commission should consider? If so, what are these incentives and how would each further the goals identified above?
- How should the current incentive structure be redesigned? i.e., what expenses should be included in the incentive mechanism? What should be the basis for determining incentives?

Commission staff have argued that the underlying rationale for utility energy efficiency investments is found in the integrated resource planning process. Staff noted that utilities should be inclined to pursue those programs that contribute to the least-cost resource mix. The addition of the resource portfolio requirement and the ability to meet up to 25 percent of that requirement provides further incentive to pursue energy efficiency investment. At the same time, staff argued that the current cost recovery mechanism, with the addition of the five percentage point rate of return bonus, provided no incentive for effective program performance and in fact, simply encouraged additional spending with no consideration for the implementation outcome—an argument echoed by the Attorney General's Bureau of Consumer Protection. Staff recommended that the ideal solution is to tie incentives to program performance and to share program net benefits with ratepayers.

Nevada Power Company and Sierra Pacific Power Company have endorsed the existing mechanism as providing appropriate incentives to fulfill the public policy objective of achieving a net benefit for customers while providing a stable and motivating incentive for the utility. According to the companies, the current incentive scheme with the bonus rate of return recognizes the increased risks associated with DSM investments compared to the supply-side investments, and they argue that changing the existing incentive structure will create uncertainty and therefore, increase the perceived risk associated with energy efficiency investments. They further argue that the integrated resource plan review process ensures that program budgets are given detailed review.

4.4 Notes

1. Depreciation of capital equipment is, however, treated as an expense.
2. An "opt-out" allows a customer, typically a large customer, to elect to not participate in a utility program and to avoid paying associated program costs. Some states do not allow opt-outs, but will allow large customers to spend the monies that otherwise would be collected from them by utilities for efficiency projects in their own facilities. This often is called "self-direction."
3. Wisconsin investor-owned utilities use "escrow accounting" as a form of a balancing account. Should the Public Service

Commission authorize a utility to incur specific program costs during a period between rate cases, these costs are recorded in an escrow account. Carrying charges are applied to the balance. The balance of the escrow account is cleared into the revenue requirement at the time of the next rate case (typically every two years).

4. As discussed elsewhere in this paper, addressing recovery of program costs as a separate matter apart from all other utility cost changes could be considered single-issue ratemaking which can be prohibited.

5. Order No. 67744, *In the Matter of the Application of the Arizona Public Service Company for a Hearing to Determine the Fair Value of the Utility Property of the Company for Ratemaking Purposes, to Fix a Just and Reasonable Rate of Return Thereon, to Approve Rate Schedules Designed to Develop such Return, and for Approval of Purchased Power Contract*, Docket No. E-01345-A-03-0437, accessed at <www.azcc.gov/divisions/utilities/electric/APS-FinalOrder.pdf>.

6. Iowa Code 2001: Section 476.6, accessed at <www.legis.state.ia.us/IACODE/2001/476/6.html>.

7. 199 Iowa Administrative Code Chapter 35, accessed at <www.legis.state.ia.us/Rules/Current/iac/199iac/19935/19935.pdf>.

8. Florida Administrative Code Rule 25-17.015(1), accessed at <www.flrules.org/gateway/RuleNo.asp?ID=25-17.015>.

9. Some have argued that capitalization and amortization of energy efficiency program costs provides an incentive to utilities to invest in energy efficiency without regard to the performance of the programs. See the Nevada case study below for a broader treatment of this issue.

10. From a narrow theoretical perspective, there should be no significant financial difference between expensing and capitalization. The return on capital is intended to compensate a utility for the cost of money used to fund an activity. For investor-owned utilities, this compensation includes payment to equity investors. However, if program expenses are immediately expensed—that is, if the utility can immediately recover each dollar it expends on a program—the utility does not need to "advance" capital to fund the programs, and therefore, there is no cost incurred by the utility.

11. This Report uses the generic term "capitalization" as opposed to "ratebasing," since, in some states, energy efficiency program costs technically are not included in a utility's rate base but are treated in a similar fashion via capitalization.

12. The following states either have used in the past or continue to use some form of capitalization of energy efficiency costs: Oregon, Idaho, Washington, Montana, Texas, Wisconsin, Nevada, Oklahoma, Connecticut, Maine, Massachusetts, Vermont, and Iowa. With the exception of Nevada, most of these states are no longer using capitalization, though it remains an option. See Reid, M. (1988). *Ratebasing of Utility Conservation and Load Management Programs. The Alliance to Save Energy.*

13. Puget Power is now known as Puget Sound Energy.

14. "Rate of return" is used in this context to refer to the rate applied to an unamortized balance that is used to represent the cost of money to the utility. In the case of investor-owned utilities, this rate is usually a weighted average of the interest rate on debt and the allowed return on equity.

5: Lost Margin Recovery

This chapter provides a practical overview of alternative mechanisms to address the recovery of lost margins and presents their pros and cons. Detailed case studies are provided for each mechanism.

5.1 Overview

Chapter 2 of the Action Plan provides a concise explanation of the throughput incentive and a summary of options to mitigate the incentive. This incentive has been identified by many as the primary barrier to aggressive utility investment in energy efficiency. Policy expectations that utilities aggressively pursue the implementation of energy efficiency programs create a conflict of interest for utilities in that they cannot fulfill their obligations to their shareholders while simultaneously encouraging energy efficiency efforts of their customers, which will reduce their sales and margins in the presence of the throughput incentive.

Any approach aiming to eliminate, or at least neutralize, the impact of the throughput incentive on effective implementation of energy efficiency programs must address the issue of lost margins due to successful energy efficiency programs. Two major cost recovery approaches have been tried since the 1980s with this objective in mind; *decoupling* and *lost revenue* recovery.[1] A third approach, known generically as *straight fixed-variable* (SFV) ratemaking, conceptually provides a solution to the problem by allocating most or all fixed costs to a fixed (non-volumetric) charge. Under such a rate design, reductions in the volume of sales do not affect recovery of fixed costs. While conceptually appealing, this approach carries with it complex implementation issues associated with the transition from a structure that recovers fixed costs via volumetric charges to a SFV structure. It also can reduce the financial incentive for end-users to pursue energy efficiency investments by reducing the value that consumers realize by reducing the volume of consumption—an issue more likely to impact electricity consumers than gas customers, since commodity cost represents a larger share of a consumer's total gas bill. While it has seen application in the natural gas industry, SFV ratemaking is uncommon in the electric industry (see American Gas Association, 2007).

5.2 Decoupling

The term "decoupling" is used generically to represent a variety of methods for severing the link between revenue recovery and sales. These methods vary widely in scope, and it is rare that a mechanism fully decouples sales and revenues. Some approaches provide for limited true-ups in attempts to ensure that utilities continue to bear the risks for sales changes unrelated to energy efficiency programs. Some focus on preserving recovery of lost margins. This focus recognizes that a sales reduction will be accompanied by some cost reduction, and therefore, the total revenue requirement will be lower. Truing up total revenue would, in such cases, boost utility earnings.

In recent years, decoupling has re-emerged as an approach to address the margin recovery issue facing utilities implementing substantial energy efficiency program investments. Decoupling can be defined generally as a separation of revenues and profits from the volume of energy sold and, in theory, makes a utility indifferent to sales fluctuations. Mechanically, decoupling trues-up revenues via a price adjustment when actual sales are different than the projected or test year levels.

Decoupling mechanisms appear under various names including the following listed by the National Regulatory Research Institute (Costello, 2006): Conservation Margin Tracker; Conservation-Enabling Tariff; Conservation Tariff; Conservation Rider; Conservation and Usage Adjustment

(CUA) Tariff; Conservation Tracker Allowance; Incentive Equalizer; Delivery Margin Normalization; Usage per Customer Tracker; Fixed Cost Recovery Mechanism; and Customer Utilization Tracker. Although often cited as a solution to the throughput issue raised by energy efficiency programs, decoupling is also a mechanism that often is generally suggested as a way to smooth earnings in the face of sales volatility. Natural gas utilities have been among the strongest advocates of decoupling because of its ability to moderate the impacts of abnormal weather and declining usage per customer, in addition to its ability to mitigate the under-recovery of fixed costs caused by energy efficiency programs (see American Gas Association, 2006a).

A decoupling mechanism will sometimes include a balancing account in order to ensure the exact collection of the revenue requirement, although this approach typically is used only if there is an extended period between rate adjustments. If revenues collected deviate from allowed revenues, the difference is collected from or returned to customers through periodic adjustments or reconciliation mechanisms. If a successful energy efficiency program reduces sales, there will not be any loss in revenue resulting from these energy efficiency programs. If sales turn out to be higher than the projected, the excess revenue is returned to the ratepayer.

There are two major forms of revenue decoupling—those linked to total revenue and those focused on revenue per customer: the revenue a utility is allowed to earn is capped in the former, and the revenue per customer is capped in the latter. The primary advantage of a revenue-per-customer model is that it recognizes the link between a utility's revenue requirement and its number of customers. For example, if a decoupling mechanism caps total revenue, and if the utility experiences a net increase in customers, all else being equal, the allowed level of revenue will fall short of the cost of serving the additional customers, leading to a drop in earnings. A revenue-per-customer mechanism allows total revenue to grow (or fall) as the number of customers and associated costs rise (fall).

Table 5-1 shows a simple example (constructed similarly to the example in Eto et al., 1994) illustrating the basic decoupling mechanism with a balancing account.

For year 1, the revenue requirement of $100 is authorized through the general rate case. Given projected sales of 1,000 therms, the price is determined to be 10

Table 5-1. Illustration of Revenue Decoupling

		A	B	C (A÷B)	D	E (D÷B)	F	G (E×F)	H (G–A)	I (D–G)
	Year	Revenue Requirements	Expected Sales (Therms)	Price Set in the Rate Case (Therms)	Allowed to Collect	Actual Price ($/Therm)	Actual Sales (Therms)	Actual Revenue	Changes Between Revenue Requirement and Actual Revenue	Balance Account
Rate Case 1	1	$100.00	1,000	0.100	$100.00	0.100	1,100	$110.00	$10.00	-$10.00
	2	$100.00	1,000	0.100	$90.00	0.090	990	$89.10	-$10.90	$0.90
Rate Case 2	3	$111.10	1,010	0.110	$112.00	0.111	1,010	$112.00	$0.90	$0.00

cents/therm. If actual sales are 1,100 therms, then at the rate of 0.1 $/therm, the actual realized revenue is $110. The utility places the $10 difference between the actual revenue and the allowed revenue in a balancing account. The next year, the utility needs to collect only $90 to reach the $100 authorized revenue and the price per therm is set at 9 cents. If the sales were indeed 1,000 therms, the utility would make $90, and with the $10 in the balancing account, it would exactly meet the authorized revenue. However, in this example, the sales are 990 therms, and utility revenue is $89.10 at 9 cents/therm. The utility needs to collect 90 cents from the ratepayers.

Suppose that the revenue requirement is reset to $111.10 at the projected sales level of 1,010 therms. The utility needs to collect the balance in the balancing account and its authorized revenue of $111.10, a total of $112. At the projected sales level of 1,010, the price needs to be set at 11.1 cents per therm to recover $112. Suppose that the utility's sales are actually equal to the projected sales of 1,010. The utility recovers exactly $112 and there is a zero balance left in the balancing account.

Under the revenue-per-customer cap approach, the actual revenues collected *per customer* are compared to the authorized revenues *per customer,* and the balancing account maintains the over- or under-earnings. A simple example of the revenue cap-per-customer approach is illustrated in Table 5-2.

In this example, the revenue per customer to be collected is fixed or capped. Assuming monthly adjustments, actual revenues collected per customer are compared

Performance-Based Ratemaking and Decoupling

Performance-Based Ratemaking (PBR) is an alternative to traditional return on rate base regulation that attempts to forego frequent rate cases by allowing rates or revenues to fluctuate as a function of specified utility performance against a set of benchmarks. One form of PBR embodies a revenue cap mechanism that functions very much like a decoupling, wherein price is allowed to fluctuate as a way to true-up actual revenues to allowed revenues. The revenue-cap PBR mechanism can be more complex, incorporating a variety of specific adjustments to both price and revenue. In most cases, if a utility operates under revenue-cap PBR, sales and revenues are decoupled for purposes of energy efficiency investment, although specific adjustments may be required to allow prices to be adjusted for changes in actual program costs as well as changes in margins.

Table 5-2. Illustration of Revenue per Customer Decoupling

A		Revenue requirements ($)	100
B		Expected sales (therms)	1,000
C	(A÷B)	Price set in the rate case ($/therm)	0.1
D		Number of customers	100
E	(A÷D)	Allowed revenue per customer ($/therm)	1
F		Actual sales (therms)	950
G	(C×F)	Actual revenue ($)	95
H		Actual number of customers	101
I		Allowed revenue ($)	101
J	(I–G)	Revenue adjustment ($)	6

to the allowed revenue per customer for that month. The difference is recorded in a balancing account and reconciled periodically. In this case, because of customer growth, the utility is allowed to collect $6 more than the initial revenue requirement.

Revenue decoupling has been a part of gas ratemaking for over two decades, with revenue cap-per-customer the more commonly encountered approach.[2] Interest has increased over the past several years due to increased customer conservation in response to high gas prices and utility-funded energy efficiency initiatives. In addition, natural gas usage per household has declined more than 20 percent since the 1980s and is projected to continue to decline in the future in many jurisdictions (Costello, 2006). In such cases, decoupling provides an automatic adjustment mechanism that allows the utility to be revenue neutral and can help defer otherwise needed rate cases.

Early experience with decoupling, as recounted in Chapter 2 of the Action Plan, provides important lessons.[3] In 1991, the Maine PUC adopted a revenue decoupling mechanism in the form of revenue-per-customer cap for Central Maine Power (CMP) on a three-year trial basis. The utility's allowed revenue was determined through a rate case and adjusted annually in accordance with changes in the number of customers. CMP was allowed to file a rate case at any time to adjust its authorized revenues. With the economic downturn Maine experienced around the time the mechanism was in place, sales dipped significantly leading to a large unrecovered balance ($52 million by the end of 1992) that needed to be charged to the ratepayers. In fact, the portion of the energy efficiency-related drop in the sales was very small. Nevertheless, the program in its entirety was terminated in 1993.

Currently, a number of jurisdictions are investigating the advantages and disadvantages of decoupling, including Arizona, Colorado, Delaware, the District of Columbia, Delaware, Hawaii, Kentucky, Maryland, Michigan, New Hampshire, New Mexico, Pennsylvania, Tennessee, and Virginia. Sixteen states have adopted either gas or electric decoupling programs for at least one utility. Arkansas, New York, Utah, Oregon, Washington, Idaho, and Minnesota are among the states recently adopting decoupling programs.[4]

Table 5-3 suggests the possible pros and cons of decoupling. The specific nature of the decoupling mechanism and, in particular, the nature of adjustments for factors such as weather and economic growth, will determine the extent to which the link between sales and profits is affected.

5.2.1 Case Study: Idaho's Fixed Cost Recovery Pilot Program

The mechanism adopted in Idaho to address the impacts of efficiency program-induced changes in sales should not be viewed as decoupling in the broadest sense of that term. While it contains a number of the elements found in decoupling plans, it is focused specifically on recovery of lost fixed-cost revenues. The Idaho Public Utilities Commission initiated Case No. IPC-04-15 in August 2004, to investigate financial disincentives to investment in energy efficiency by Idaho Power Company. A series of workshops was conducted, and a written report was filed with the commission in early 2005. The report pointed to two action items:

1. The development of a true-up simulation to track what might have occurred if a decoupling or true-up mechanism had been implemented for Idaho Power at the time of the last general rate case.
2. The filing of a pilot energy efficiency program that would incorporate both performance incentives and fixed-cost recovery.

During the investigation, the parties agreed that there were disincentives preventing higher energy efficiency investment by Idaho Power, but no agreement was reached on whether or not the return of lost fixed-cost revenues would result in removing the disincentives. The parties agreed to conduct a simulation of the proposed mechanism, the results of which indicated that lost fixed-cost revenues, in fact, produced barriers to energy efficiency investments and, therefore, a three-year pilot mechanism to allow recovery of fixed-cost revenue losses should be approved.

Table 5-3. Pros and Cons of Revenue Decoupling

Pros
• Revenue decoupling weakens the link between sales and margin recovery of a utility, reducing utility reluctance to promote energy efficiency, including building codes, appliance standards, and other efficiency policies.
• Through decoupling, the utility's revenues are stabilized and shielded from fluctuations in sales. Some have argued that this, in turn, might lower its cost of capital.[5] (For a discussion of this issue, see Hansen, 2007, and Delaware PSC, 2007). The degree of stabilization is a function of adjustments made for weather, economic growth, and other factors (some mechanisms do not adjust revenues for weather or economic growth-induced changes in sales).[6]
• Decoupling does not require an energy efficiency program measurement and evaluation process to determine the level of under-recovery of fixed costs.[7]
• Decoupling has a low administrative cost relative to specific lost revenue recovery mechanisms.
• Decoupling reduces the need for frequent rate cases and corresponding regulatory costs.
Cons
• Rates (and in the case of gas utilities, non-gas customer rates) can be more volatile between rate cases, although annual caps can be instituted.
• Where carrying charges are applied to balancing accounts, the accruals can grow quickly.
• The need for frequent balancing or true-up requires regulatory resources; may be a lesser commitment than required for frequent rate cases.

Idaho Power filed an application with the Idaho Public Utilities Commission in January of 2006, and requested authority to implement a fixed cost adjustment (FCA) decoupling or true-up mechanism for its residential and small General Service customers. The commission staff, the NW Energy Coalition, and Idaho Power negotiated a settlement agreement, and the commission approved a Joint Motion for Approval of Stipulation in December 2006.

The commission issued Order No. 30267 (Idaho PUC, 2007) approving the FCA as a three-year pilot program, noting that either staff or Idaho Power can request discontinuance of the pilot. Program implementation began on January 1, 2007, and will last through December 31, 2009, plus any carryover. The first rate adjustment will occur June 1, 2008, and subsequent rate adjustments will occur on June 1 of each year during the term of the pilot.

The proposed FCA is applicable to residential service and small General Service customers because, as the company noted, these two classes present the most fixed-cost exposure for the company. The FCA is designed to provide symmetric rate adjustment (up or down) when fixed-cost recovery per customer varies above or below a commission-established level. While this approach fits the conventional description of a decoupling mechanism, Idaho Power noted that a more accurate description of the mechanism is a "true-up." The fixed-cost portion of the revenue requirement would be established for residential and small General Service customers at the time of a general rate case. Thereafter, the FCA would provide the mechanism to true-up the collection of fixed costs per customer to recover the difference between the fixed costs actually recovered through rates and the fixed costs authorized for recovery in the company's most recent general rate case. The FCA mechanism incorporates a 3 percent

SMK-ER4-65

cap on annual increases, with carryover of unrecovered deferred costs to subsequent years.

The actual number of customers in the adjustment year for each customer class to which the mechanism applies is multiplied by the assumed fixed cost per customer, which is determined by dividing the total fixed costs by the total number of customers from the last general rate case. This allowed fixed-cost recovery amount is compared with the amount of fixed costs actually recovered by the Idaho Power. The actual fixed-cost recovery is determined by multiplying the weather-normalized sales for each class by the fixed-cost per kilowatt-hour rate also determined in the general rate case. The difference between the allowed and the actual fixed-cost recovered amounts is the fixed-cost adjustment for each class.

For customer billing purposes only, the commission-approved FCA adjustment is combined with the conservation program funding charge.

While recognizing the potential value of the true-up mechanism, parties have taken a cautious approach that allows the company and the commission to gain experience in implementing, monitoring, and evaluating the program. And, since the program is a pilot, program corrections or cessation will take place if it is found unsuccessful or if unintended consequences develop. From the commission's perspective, the company must demonstrate an "enhanced commitment" to energy efficiency investment resulting from implementation of the FCA, including making efficiency and load management programs widely available, supporting building code improvement activity, pursuing appliance standards, and expanding of DSM programs.

Despite the approval of the pilot, the commission staff raised a number of the technical issues related to the relationship between energy efficiency program implementation and the application of the true-up mechanism. Given that the success of the mechanism is being determined in part by how it affects the company's investment in energy efficiency, several issues were raised regarding how that commitment was to be measured and, specifically, how evidence of that commitment could be distinguished from factors affecting sales per customer unrelated to the company's energy efficiency efforts. The commission noted that FCA will require close monitoring, and the development of proper metrics to evaluate the company's performance remains an issue.

5.2.2 Case Study: New Jersey Gas Decoupling

A relatively novel decoupling mechanism has recently been approved in New Jersey. In late 2005, New Jersey Natural Gas (NJNG) and South Jersey Gas (SJG) jointly filed proposals with the New Jersey Board of Public Utilities to implement a CUA clause in a five-year pilot program. The CUA was proposed as a way to *"[s]eparate the companies' margin recoveries from throughput and to adjust margin recoveries for variances in customer usage, enabling the companies to aggressively promote conservation and energy efficiency by their customers"* (New Jersey BPU, 2006).

The companies, the New Jersey Utility Board Staff, and the Department of the Public Advocate reached a settlement agreement that was approved by the New Jersey Commission in October 2006. Through the settlement, the proposed CUA was modified and implemented on a three-year pilot basis and renamed as the Conservation Incentive Program (CIP). The CIP replaced the Weather Normalization Clause, which helped cover weather-related fluctuations. The CIP is an incentive-based program that:

- Requires the companies to implement shareholder-funded conservation programs designed to aid customers in reducing their costs of natural gas and to reduce each utility's peak winter and design day system demand.
- Requires the companies to reduce gas supply related costs.
- Allows the companies to recover from customers certain non-weather margin revenue losses limited to the level of gas supply cost savings achieved.

The companies are required to make annual CIP filings, based on seven months of actual data and five months of projected data, with a June 1 filing date. The filings are to document actual results, perform the required

SMK-ER4-66

CIP collection test, and propose the new CIP rate. Any variances from the annual filings will be trued up in the subsequent year. The board has reserved the right to review any aspect of the companies' programs, including, but not limited to, the sufficiency of program funding.

The CIP tariffs include ROE limitations on recoveries from customers for both the weather and non-weather-related components. In the case of South Jersey Gas, the ROE was set at the level of the company's most recent general rate case. The ROE for New Jersey Natural Gas was set at 10.5 percent (compared to its most recently authorized rate of 11.5 percent).

The most significant element of the CIP tariff is its requirement that, as a condition for decoupling, the utilities must reduce gas supply costs—the so-called Basic Gas Supply Service (BGSS) savings—such that consumers see no net change in costs.

The methodology employed to calculate the non-weather-related CIP surcharge, if any, is delineated in paragraph 33(a) of the stipulation. If the non-weather-related CIP recovery is less than or equal to the level of available gas cost savings, the amount will be eligible for recovery through the CIP tariffs. Any portion of the non-weather CIP value that exceeds the available gas cost savings will not be recovered in the current period, will be deferred up to three years, and will be subject to an eligibility test in the subsequent period. Deferred CIP surcharges may be recovered in a future period to the extent that available gas cost savings are available to offset the deferred amount. If the pilot is terminated after the initial period, any remaining deferred CIP surcharges will not be recovered. The value of any BGSS savings during one year in excess of the non-weather CIP value cannot be carried forward for use in future year calculations.

NJNG will provide $2 million for program costs and SJG will provide $400,000 for each year of the pilot program, all of which will come from shareholders. The companies are required to provide the full cost of the programs, even if the program costs exceed the budgeted levels.

In approving the stipulation, the commission concluded with the following:

> With the CIP and the possible recovery of non-weather-related margin losses, the utilities have represented that they will actively promote conservation and energy efficiency by their customers through programs funded by their shareholders. The programs are not to replicate existing CEP programs and are to include, among other things, customized customer communications and outreach built upon the utilities' relationships with their customers. While not replicating existing CEP programs, the CIP programs include initiatives that promote customers' use of CEP programs through consistent messaging with the CEP programs. At the same time, by limiting non-weather-related CIP recovery by gas supply cost reductions, in addition to an earnings cap, the CIP gives recognition to the nexus between reductions in long-term usage and reductions in gas supply capacity requirements. By limiting any non-weather CIP recovery to offsetting gas supply cost reductions, the CIP does not just provide the utilities with a mechanism for rate recovery but ensures that the CIP results in an appropriate, concomitant reduction in gas supply costs borne by customers. In this way, customers taking BGSS will not incur any overall net rate increases arising from non-weather related load losses.
>
> (New Jersey BPU, 2006)

New Jersey Resources (NJR) recently reported its experience with the CIP. NJNG, NJR's largest subsidiary, realized 6.6 percent increase in its first-quarter earnings over last year due primarily to the impact of the recently approved CIP. The company states in a recent press release that:

> [Our] conservation Incentive Program has performed as intended, and has resulted in lower gas costs for customers and improved financial results for our shareowners. This innovative program is another example of working in partnership with our regulators to help all our stakeholders.
>
> For the three months ended December 31, 2006, NJR earned $28.1 million, or $1.01 per basic share,

SMK-ER4-67

compared with $34 3 million, or $1.24 per basic share, last year. The decrease in earnings was due primarily to lower earnings at NJR's unregulated wholesale energy services subsidiary, NJR Energy Services (NJRES), partially offset by improved results at NJNG. NJNG earned $19.9 million in the quarter, compared with $18.7 million last year. The increase in earnings was due to the impact of the CIP and continued customer growth. Gross margin at NJNG included $11.3 million accrued for future collection from customers under the CIP.

Weather in the first fiscal quarter was 18.3 percent warmer than normal and 18.2 percent warmer than last year. "Normal" weather is based on 20-year average temperatures. As with the weather normalization clause which preceded it, the impact of weather is significantly offset by the recently approved CIP, which is designed to smooth out year-to-year fluctuations on both gross margin and customers' bills that may result from changing weather and usage patterns. Included in the CIP accrual was $8 million associated with the warmer-than-normal weather and $3.3 million associated with non-weather factors. However, customers will realize annual savings of $10.6 million in fixed cost reductions and commodity cost savings of approximately $15 million through the first fiscal quarter.

(NJR, 2007)

5.2.3 Case Study: Baltimore Gas and Electric

Baltimore Gas and Electric (BGE) has had a form of a revenue-per-customer decoupling mechanism in place since 1998 for its natural gas business. The Maryland PSC allowed BGE to implement a monthly adjustment mechanism that accounts for the effect of abnormal weather patterns on sales.

Commission Order 80460 describes Rider 8[8] as follows:

> Rider 8 is a tariff provision that serves as a "weather/number of customers adjustment clause." That is, when the weather is warmer, Rider 8 will increase BGE's revenues because gas demand is lower than normal. However, when the weather is colder than normal and gas demand is high, Rider 8 decreases BGE's revenues.
>
> (Maryland PSC, 2005)

The mechanism is implemented through the Tariff Rider 8 or Monthly Rate Adjustment. The following explains the mechanism.

- The delivery price for residential service and for general service is adjusted to reflect test year base rate revenues established in the latest base rate proceeding, after adjustment to recognize the change in the number of customers from the test year level.
- The change in revenues associated with the customer charge is the change in number of customers multiplied by the customer charge for the rate schedule.
- The change in revenues associated with throughput is the test year average use per customer multiplied by the net number of customers added since the like-month during the test year, and multiplying that product by the delivery price for the rate schedule.
- The change in revenues associated with customer charge and throughput is added to test year revenue to restate test year revenues for the month to include the revised values.
- Actual revenues collected for the month are compared to the restated test year revenues and any difference is divided by estimated sales for the second succeeding month to obtain the adjustment to the applicable delivery price.
- Any difference between actual and estimated sales is reconciled in the determination of the adjustment for a future month.

5.2.4 Case Study: Questar Gas Conservation Enabling Tariff

On December 16, 2005, Questar Gas, the Division of Public Utilities, and Utah Clean Energy (UCE) filed an application seeking approval of a three-year (pilot) Conservation Enabling Tariff (CET) and DSM Pilot Program. On September 13, 2006, Questar Gas, the Division, UCE, and the committee filed the Settlement Stipulation. The settlement was approved by the commission in October 2006 (Utah PSC, 2006). The approval of the settlement put in place the CET (Questar Gas, n.d., Section 2.11, pages 2–17), which represents the authorized revenue-per-customer amount Questar is allowed to collect from General Service customer classes.

Questar's allowed revenue for a given month is equal to the allowed distribution non-gas (DNG) revenue per customer for that month multiplied by the actual number of customers. The difference between the actual billed General Services DNG revenue[9] and the allowed revenue for that month is the monthly accrual for that month. The formula to calculate the monthly accrual is shown below.

> allowed revenue (for each month) =
>
> allowed revenue per customer for that month × actual general services customers
>
> monthly accrual = allowed revenue – actual general services DNG revenue

The accrual could be positive or negative.

For illustrative purposes, Table 5-4 shows the currently allowed DNG revenue per customer for each month of 2007.

Table 5-4. Questar Gas DNG Revenue per Customer per Month

Month	DNG Revenue per Customer
January	$42.45
February	$34.03
March	$26.42
April	$20.34
May	$13.28
June	$10.25
July	$10.03
August	$9.44
September	$10.83
October	$15.48
November	$26.47
December	$36.51

Source: Questar Gas, n.d.

For the purpose of keeping track of over- or under-recovery amounts on a monthly basis, the CET Deferred Account (Account 191.9) was established. At least twice a year, Questar will file with the commission a request for approval for the amortization of the amount accumulated in this account subject to the above formula. The amortization will be over a year, and the impacted customer class volumetric DNG rates will be adjusted by a uniform percentage increase or decrease. The balance in the account is subject to 6 percent annual interest rate or carrying charge applied monthly (0.5 percent each month).

The settlement states that there would be a 1-year review of the CET mechanism, and a technical workshop would be held in April 2007 commencing the 1-year evaluation process. The parties submitted testimony either supporting the continuation of the current CET mechanism beyond its first year of implementation, offering modifications or alternatives, or supporting discontinuation of the mechanism on June 1, 2007.

In testimony[10] filed by Questar supporting the continuation of the CET, the company stated the following benefits of the mechanism:

- CET allows Questar to collect the commission-allowed DNG revenue. During the first year before energy efficiency programs were in place, usage per customer increased, and over $1.7 million was credited back to customers.
- CET allows Questar to aggressively promote energy efficiency, and in 2007 the company launched six energy efficiency programs with a budget of about $7 million.
- CET aligns the interests of Questar and regulators for the benefit of customers.

Questar believes that the CET has been working as expected during its first year of implementation. The Utah Committee of Consumer Services filed testimony[11] on June 1, 2007, urging the discontinuation of the CET. The primary reason driving this recommendation is the alleged sales risk shift to consumers with little or no offsetting benefits for ratepayers assuming those risks.

As of the writing of this white paper, the proceeding is still in process and the commission is expected to reach a decision by October of 2007.

5.3 Lost Revenue Recovery Mechanisms

Lost revenue recovery mechanisms[12] are designed to recover lost margins that result as sales fall below test year levels due to the success of energy efficiency programs. They differ from decoupling mechanisms in that they do not attempt to decouple revenues from sales, but rather try to isolate the amount of under-recovery of margin revenues due to the programs. Simply put, the margin loss resulting from reductions in sales through the implementation of a successful energy efficiency program is calculated as the product of program-induced sales reductions and the amount of margin allocated per therm or kilowatt-hour in a utility's most recent rate case. In this sense, the shortfall in revenue recovery is treated as a cost to be recovered.

Although the disincentive to invest in successful efficiency programs might be removed, lost revenue recovery mechanisms do not remove a utility's disincentive to promote/support other energy saving policies, such as building codes and appliance standards, or their incentive to see sales increase generally, since the utility still earns more profit with additional sales.

One of the most important characteristics of a lost revenue recovery mechanism is that actual savings achieved from a successful energy efficiency program must be estimated correctly. Overestimates of savings will enable a utility to over-collect, and underestimates lead to under-collection of revenue. Unfortunately, reliance on evaluation creates two complications:

- While at its most rigorous, program evaluation produces a statistically valid estimate of actual savings. Rigorous evaluation can be expensive and, in any case, will not always be recognized as such by all parties.
- Because evaluation can only occur after an action has occurred, a process built on evaluation is one with potentially significant lags built in. It is possible to conduct rolling or real-time evaluations, albeit at considerable cost. In its least defensible applications, such mechanisms are applied with little or no independent evaluation and verification.

Despite these issues, several states have implemented lost revenue recovery mechanisms in lieu of decoupling as a way to address this barrier. For example, in January 2007, the Indiana Utility Regulatory Commission granted Vectren South's application for approval of a DSM lost margin adjustment factor for electric service.[13] Order Nos. 39201 and 40322 accepted the utility's request for a lost margin tracking mechanism. Recovery is done on a customer class and cost causation basis. Vectren South's total demand-side-related lost margin to be recovered through rates during the period February to April 2007 was $577,591.[14]

Perceived advantages and disadvantages of the lost revenue recovery mechanism are summarized in Table 5-5.

5.3.1 Case Study: Kentucky Comprehensive Cost Recovery Mechanism[15]

Kentucky currently allows lost revenue recovery for both electric and gas DSM programs as part of a comprehensive hybrid cost recovery mechanism. Under Kentucky Revised Statute 278.190, Kentucky's Public Service Commission determines the reasonableness of DSM plans that include components for program cost recovery, lost revenue recovery, and utility incentives for cost-effectiveness. The cost recovery mechanism can be reviewed as part of a rate proceeding, or as part of a separate, limited proceeding.

The DSM Cost Recovery Mechanism currently in effect for Louisville Gas and Electric Company (LG&E) is composed of factors for DSM program cost recovery (DCR), DSM revenue from lost sales (DRLS), DSM incentive (DSMI), and DSM balance adjustment (DBA). The monthly amount computed under each of the rate schedules to which this DSM Cost Recovery Mechanism applies is adjusted by the DSM Cost Recovery Component (DSMRC) at a rate per kilowatt-hour of monthly consumption in accordance with the following formula:

SMK-ER4-70

Table 5-5. Pros and Cons of Lost Revenue Recovery Mechanisms

Pros

- Removes disincentive to energy efficiency investment in approved programs caused by under-recovery of allowed revenues.
- May be more acceptable to parties uncomfortable with decoupling.

Cons

- Does not remove the throughput incentive to increase sales.
- Does not remove the disincentive to support other energy saving policies.
- Can be complex to implement given the need for precise evaluation, and will increase regulatory costs if it is closely monitored.
- Proper recovery (no over- or under-recovery) depends on precise evaluation of program savings

DSMRC = DCR + DRLS + DSMI + DBA

The DCR includes all expected costs approved by the commission for each 12-month period for DSM programs, including costs for planning, developing, implementing, monitoring, and evaluating DSM programs. Only those customer classes to which the programs are offered are subject to the DCR. The cost of approved programs is divided by the expected kilowatt-hour sales for the next 12-month period to determine the DCR for a given rate class.

- For each upcoming 12-month period, the estimated reduction in customer usage (in kilowatt-hours) as determined for the approved programs shall be multiplied by the nonvariable revenue requirement per kilowatt-hour for purposes of determining the lost revenue to be recovered hereunder from each customer class.
- The nonvariable revenue requirement for the Residential and General Service customer class is defined as the weighted average price per kilowatt-hour of expected billings under the energy charges contained in the rate RS, VFD, RPM, and General Services rate schedules in the upcoming 12-month period, after deducting the variable costs included in such energy charges.
- The nonvariable revenue requirement for each of the customer classes that are billed under demand and energy rates (rates STOD, LC, LC-TOD, LP, and LP TOD) is defined as the weighted average price per kilowatt-hour represented by the composite of the expected billings under the respective demand and energy charges in the upcoming 12-month period, after deducting the variable costs included in the energy charges.
- The lost revenues for each customer class shall then be divided by the estimated class sales (in kilowatt-hour) for the upcoming 12-month period to determine the applicable DRLS surcharge.
- Recovery of revenue from lost sales calculated for a 12-month period shall be included in the DRLS for 36 months or until implementation of new rates pursuant to a general rate case, whichever comes first.
- Revenues from lost sales will be assigned for recovery purposes to the rate classes whose programs resulted in the lost sales.
- Revenues collected under the mechanism are based on engineering estimates of energy savings, expected program participation and estimated sales for the upcoming 12-month period. At the end of each such period, any difference between the lost revenues actually collected hereunder, and the lost revenues determined after any revisions of the engineering estimates and actual program participation are accounted for, shall be reconciled in future billings under the DBA component.

DSMI is calculated by multiplying the net resource savings expected from the approved programs expected to be installed during the next 12-month period by 15 percent, not to exceed 5 percent of program expenditures. Net resource savings are equal to program benefits minus utility program costs and participant costs. Program benefits are calculated based on the present value of LG&E's avoided costs over the expected program life and includes capacity and energy savings.

The DBA is calculated for each calendar year and is used to reconcile the difference between the amount of revenues actually billed through the DCR, DRLS, DSMI, and previous application of the DBA. The balance adjustment (BA) amounts include interest applied to the bill amount calculated as the average of the "3-month commercial paper rate" for the immediately preceding 12-month period. The total of the BA amounts is divided by the expected kilowatt-hour sales to determine the DBA for each rate class. DBA amounts are assigned to the rate classes with under- or over-recoveries of DSM amounts.

The levels of the various DSM cost recovery components effective April 3, 2007, for LG&E's residential customers are shown in the Table 5-6.

Table 5-6. Louisville Gas and Electric Company DSM Cost Recovery Rates

DSM cost recovery component (DCR)	0.085 ¢/kilowatt-hour
DSM revenues from lost sales (DRLS)	0.005 ¢/kilowatt-hour
DSM incentive (DSMI)	0.004 ¢/kilowatt-hour
DSM balance adjustment (DBA)	(0.010)¢/kilowatt-hour
DSMRC rates	0.084 ¢/kilowatt-hour

Source: LG&E, 2004.

5.4 Alternative Rate Structures

The lost margin issue arises because some or all of a utility's current fixed costs are recovered through volumetric charges. The most straightforward resolution to the issue is to design and implement rate structures that allocate a larger share of fixed costs to customer fixed charges. SFV rate structures allocate all current fixed costs to a per customer charge that does not vary with consumption. Alternatives to the SFV design employ a consumption block structure, which allocates costs across several blocks of commodity consumption and typically places most or all of the fixed costs within the initial block. This block is designed such that most customers will always consume more than this amount and, therefore, fixed costs will be recovered regardless of the level of sales in higher blocks (American Gas Association, 2006b). This produces a declining block rate structure.

Such a rate design provides significant earnings stability for the utility in the short run, making it indifferent from a net revenue perspective to the customer's usage at any time. In this way, these alternative rate structures are similar to revenue decoupling; a utility has neither a disincentive to promote energy efficiency nor an incentive to promote increased sales. SFV and similar rate designs also are viewed by some as adhering more closely to a theoretically correct approach to cost allocation that sees fixed costs as a function of the number of customers or the level of customer demand.

This approach is most commonly discussed in the context of natural gas distribution companies, where fixed costs represent the costs to build out and maintain a distribution system. These costs tend to vary more as a function of the number of customers than of system throughput (American Gas Association, 2006c).[16] These alternative rate designs are more problematic when applied to integrated electric utilities, because fixed costs are in some cases related to the volume of electricity consumed. For example, the need for baseload capacity is driven by the level of energy consumption as much or more than by the level of peak demand. Practically, it is more difficult to allocate all fixed costs to a fixed customer charge, simply because such costs can be very

SMK-ER4-72

Table 5-7. Pros and Cons of Alternative Rate Structures

Pros
• Removes the utility's incentive to promote increased sales.
• May align better with principles of cost-causation.
Cons
• May not align with cost causation principles for integrated utilities, especially in the long run.
• Can create issues of income equity.
• Movement to a SFV design can significantly reduce customer incentives to reduce consumption by lowering variable charges (applies more to electric than gas utilities).

high, and allocation to a fixed charge would impose serious ability-to-pay issues on lower income customers. Nevertheless, improvements in rate structures that better align energy charges with the marginal costs of energy will help reduce the throughput disincentive.

Given the overarching objective of capturing the net economic and environmental benefits of energy efficiency investments, SFV designs can significantly reduce a customer's incentive to undertake efficiency improvements because of the associated reduction in variable charges.

5.5 Notes

1. Also known as lost revenue or lost margin recovery.
2. The National Action Plan for Energy Efficiency.
3. Also see Chapter 6, "Utility Planning and Incentive Structures," in the *EPA Clean Energy-Environment Guide to Action*
4. The Idaho Public Utilities Commission adopted a three-year decoupling pilot in March 2007, and in April 2007, the New York Public Service Commission ordered electric and natural gas utilities to file decoupling plans within the context of ongoing and new rate cases. The Minnesota legislature recently (spring 2007) enacted legislation authorizing decoupling. List of states is taken from the Natural Resources Defense Council's map of *Gas and Electric Decoupling in the US, June 2007.*
5. The design of the decoupling mechanism can address risk-shifting through the nature of the adjustments that are included. Some states have explicitly not included weather-related fluctuations in the decoupling mechanism (the utility continues to bear weather risk). In addition, recognizing that utility shareholder risk decreases with decoupling, some decoupling plans include provisions for capturing some of the risk reduction benefits for consumers. For example, PEPCO proposed (and subsequently withdrew a proposal for a 0.25 percent reduction in its ROE to reflect lower risk. The issue is under consideration by the Delaware Commission in a generic decoupling proceeding. The Oregon Public Utilities Commission reduced the threshold above which Cascade Natural Gas must share earnings from baseline ROE plus 300 basis points, to baseline ROE plus 175 basis points.
6. The impact of decoupling in eliminating the throughput incentives is lessened as the scope of the decoupling mechanism shrinks
7. Note, however, that as the various determinants of sales, such as weather and economic activity, are excluded from the mechanism, the need for complex adjustment and evaluation methods increases. In any case, an evaluation process should nevertheless be part of the broader energy efficiency investment process.
8. <www.bge.com/vcmfiles/BGE/Files/Rates%20and%20Tariffs/Gas%20Service%2 Tariff/Brdr_3.doc>.
9. Customers' bills include a real-time, customer-specific Weather Normalization Adjustment (see Section 2.08 of Questar Gas, n.d.) to eliminate the impact of warmer or colder than normal weather on the DNG portion of the bill.
10. Direct Testimony of Barrie L. McKay to Support the Continuation of the Conservation Enabling Tariff for Questar Gas Company, Docket No. 05-057-T01, June 1, 2007, accessed at <www.psc.utah.gov/gas/05docs/05057T01/535586-1-07DitTestBarrieMcKay.doc>.
11. Direct Testimony of David E. Dismukes, Ph.D., on Behalf of the Utah Committee of Consumer Services, Docket No. 05-057-T01, June 1, 2007, accessed at <www.psc.utah.gov/gas/05docs/05057101/6-1-0753584DirTestDavidDismukesPh.D.doc>.

SMK-ER4-73

12. Also known as lost revenue or lost margin recovery mechanisms

13. Order issued in Cause No. 39453 DSM 59 on January 31, 2007, accessed at <www.in.gov/iurc/portal/Modules/Ecms/Cases/Docketed_Cases/ViewDocumentaspx?DocID=0900b631800c5033>.

14. Energy efficiency traditionally has been defined as an overall reduction in energy use due to use of more efficiency equipment and practices, while load management, as a subset of demand response has been defined as reductions or shifts in demand with minor declines and sometimes increases in energy use.

15. This description quotes extensively from LG&E, 2004.

16. Even in a gas distribution system, fixed costs do vary partly as a function of individual customer demand. The SFV rate used by Atlanta Gas Light, for example, estimates the fixed charge as a function of the maximum daily demand for gas imposed by each premise.

6: Performance Incentives

This chapter provides a practical overview of alternative performance incentive mechanisms and presents their pros and cons. Detailed case studies are provided for each mechanism.

6.1 Overview

The final financial effect is represented by incentives provided to utility shareholders for the performance of a utility's energy efficiency programs. Even if regulatory policy enables recovery of program costs and addresses the issue of lost margins, at best, two major disincentives to promotion of energy efficiency are removed. Financially, demand- and supply-side investments are still not equivalent, as the supply-side investment will generate greater earnings. However, the availability of performance incentives can establish financial equivalence and creates a clear utility financial interest in the success of efficiency programs.

Three major types of performance mechanisms have been most prevalent:

- Performance target incentives
- Shared savings incentives
- Rate of return incentives

Table 6-1 illustrates the various forms of performance incentives in effect today.

Table 6-1. Examples of Utility Performance Incentive Mechanisms

State	Type of Utility Performance Incentive Mechanism	Details
AZ	Shared savings	Share of net economic benefits up to 10 percent of total DSM spending.
CT	Performance target Savings and other programs goals	Management fee of 1 to 8 percent of program costs (before tax) for meeting or exceeding predetermined targets. One percent incentive is given to meet at least 70 percent of the target, 5 percent for meeting the target, and 8 percent for 130 percent of the target.
GA	Shared savings	15 percent of the net benefits of the Power Credit Single Family Home program.
HI	Shared savings	Hawaiian Electric must meet four energy efficiency targets to be eligible for incentives calculated based on net system benefits up to 5 percent.

Table 6-1. Examples of Utility Performance Incentive Mechanisms (continued)

State	Type of Utility Performance Incentive Mechanism	Details
IN	Shared savings/rate of return (utility-specific)	Southern Indiana Gas and Electric Company may earn up to 2 percent added ROE on its DSM investments if performance targets are met with one percent penalty otherwise.
KS	Rate of return incentives	2 percent additional ROE for energy efficiency investments possible.
MA	Performance target Multi-factor performance targets, savings, value, and performance	5 percent of program costs are given to the distribution utilities if savings targets are met on a program-by-program basis.
MN	Shared savings Energy savings goal	Specific share of net benefits based on cost-effectiveness test is given back to the utilities. At 150 percent of savings target, 30 percent of the conservation expenditure budget can be earned.
MT	Rate of return incentives	2 percent added ROE on capitalized demand response programs possible.
NV	Rate of return incentives	5 percent additional ROE for energy efficiency investments.
NH	Shared savings Savings and cost- effectiveness goals	Performance incentive of up to 8 to 12 percent of total program budgets for meeting cost-effectiveness and savings goals.
RI	Performance targets Savings and cost- effectiveness goals	Five performance-based metrics and savings targets by sector. Incentives from at least 60 percent of savings target up to 125 percent.
SC	N/A	Utility-specific incentives for DSM programs allowed.

Notes: For AZ, CT, MA, MN, NV, NH, and RI, see Kushler, York, and Witte, 2006.

For IN, KS, and SC, see Michigan PUC, 2003.

For HI, see Hawaii PUC, 2007. Note that in a prior order the Hawaii Commission eliminated specific shareholder incentives and fixed-cost recovery. However, in the instant case, the commission was persuaded to provide a shared savings incentive.

Vermont uses an efficiency utility, Efficiency Vermont, to administer energy efficiency programs. While not a utility in a conventional sense, Efficiency Vermont is eligible to receive performance incentives.

SMK-ER4-76

6.2 Performance Targets

Mechanisms that allow utilities to capture some portion of net benefits typically include savings performance targets. Incentives are not paid unless a utility achieves some minimum fraction of proposed savings, and incentives are capped at some level above projected savings.[1] Several states have designed multi-objective performance mechanisms Utilities in Connecticut, for example, are eligible for "performance management fees" tied to performance goals such as lifetime energy savings, demand savings, and other measures. Incentives are available for a range of outcomes from 70 to 130 percent of pre-determined goals. A utility is not entitled to the management fee unless it achieves at least 70 percent of the targets. After 130 percent of the goals have been reached, no added incentive is provided. Over the incentive-eligible range of 70 to 130 percent, the utilities can earn 2 to 8 percent of total energy efficiency program expenditures.

6.2.1 Case Study: Massachusetts

The Massachusetts Department of Telecommunications and Energy Order in Docket 98-100 (February 2000)[2] allows for performance-based performance incentives where a distribution company achieves its "design" performance level (i.e., the energy efficiency program performance level that the distribution company expects to achieve). The performance tiers are defined as follows:

1. The design performance level represents the level of performance that the distribution utility expects to achieve from the implementation of the energy efficiency programs included in its proposed plan. The design performance level is expressed in terms of levels of savings in energy, commodity, and capacity, and in other measures of performance as appropriate.

2. The threshold performance level (the minimum level that must be achieved for a utility to be eligible for an incentive) represents 75 percent of the utility's design performance level.

3. The exemplary performance level represents 125 percent of the utility's design performance level.

For the distribution utilities that achieve their design performance levels, the after-tax performance incentive is calculated as the product of:[3]

1. The average yield of the 3-month United States Treasury bill calculated as the arithmetic average of the yields of the 3-month United States Treasury bills issued during the most recent 12-month period, or as the arithmetic average of the 3-month United States Treasury bill's 12-month high and 12-month low, and

2. The direct program implementation costs.

A distribution utility calculates its after-tax performance incentive as the product of:

1. The percentage of the design performance level achieved, and

2. The design performance incentive level, provided that the utility will earn no incentive if its actual performance is below its threshold performance level, and will earn no more than its exemplary performance level incentive even if its actual performance is beyond its exemplary performance level.

In May 2007, the Massachusetts Department of Public Utilities issued an order approving NSTAR Electric's Energy Efficiency Plan for calendar year 2006, filed with the department in April 2006.[4] NSTAR Electric's utility performance incentive proposal contains performance categories based on savings, value, and performance determinants and allocates specific weights to each category. For its residential programs, NSTAR Electric allocates the weights for its savings, value, and performance determinants as follows: 45 percent, 35 percent, and 20 percent, respectively. For its low-income programs, the weights are 30 percent, 10 percent, and 60 percent, respectively. And for its commercial and industrial programs, NSTAR sets the weights at 45 percent, 35 percent, and 20 percent, respectively.[5]

NSTAR proposed an incentive rate equal to 5 percent (after tax) of net benefits, as opposed to the pre-approved

SMK-ER4-77

3-Month Treasury rate, and also requested that the exemplary performance level be set at 110 percent of design level for 2006 rather than the 125 percent threshold set by the department. The department accepted both changes. With regard to the latter, the department noted that the precision of performance measurements had improved to the point that performance could be forecast more accurately. Based on these parameters, the company estimated its annual incentive would be $2.4 million.[6]

6.3 Shared Savings

With a shared savings mechanism, utilities share the net benefits resulting from successful implementation of energy efficiency programs with ratepayers. Implicitly, net benefits are tied to the utility's avoided costs, as these costs determine the level of economic benefit achieved. Therefore, the potential upside to a utility from use of a shared savings mechanism will be greater in jurisdictions with higher avoided costs.[7] Key elements in fashioning a shared savings mechanism include:

- The degree of sharing (the percentage of net benefits retained by a utility).
- The amount to be shared (maximum dollar amount of the incentive irrespective of the sharing percentage).
- The extent to which there are penalties for failing to reach performance targets.
- The manner in which avoided costs are determined for purposes of calculating net benefits.
- The threshold values above which the sharing will begin.

6.3.1 Case Study: Minnesota

Minnesota Statute § 216B.241[8] requires Minnesota's energy utilities to invest in energy conservation improvement programs (CIP) authorized by the Minnesota Department of Commerce. Utilities are allowed to recover their costs annually. Part of the CIP cost recovery is achieved through a conservation cost recovery charge (CCRC). If a utility's CIP costs differ from the amount recovered through the CCRC, the utility can adjust its rates annually through the conservation cost recovery adjustment (CCRA). Utilities record CIP costs in a "tracker" account. The Minnesota Public Utilities Commission reviews these accounts before the utilities are authorized to make adjustments to their rates. The statute also authorizes the commission to provide an incentive rate of return, a shared savings incentive, and lost margin/fixed cost recovery.

The legislation describes the requirements of an incentive plan as follows:

> Subd. 6c. Incentive plan for energy conservation improvement
>
> (a) The commission may order public utilities to develop and submit for commission approval incentive plans that describe the method of recovery and accounting for utility conservation expenditures and savings In developing the incentive plans the commission shall ensure the effective involvement of interested parties
>
> (b) In approving incentive plans, the commission shall consider:
>
> (1) Whether the plan is likely to increase utility investment in cost-effective energy conservation.
>
> (2) Whether the plan is compatible with the interest of utility ratepayers and other interested parties
>
> (3) Whether the plan links the incentive to the utility's performance in achieving cost-effective conservation.
>
> (4) Whether the plan is in conflict with other provisions of this chapter.

As explained in the Order Approving DSM Financial Incentive Plans under Docket E, G-999/CI-98-1759,[9] issued in April 2000, Minnesota Public Utilities Commission convened a round table in December 1998 to assess gas and electric DSM efforts *"to identify other DSM programs and methodologies that effectively conserve energy, to revaluate the need for gas and electric DSM financial incentives and make recommendations for elimination or redesign."*

SNK-ER4-18

In November 1999, a joint proposal for a shared savings DSM financial incentive plan was filed with the commission. In the same month, each of the utilities filed their proposed DSMI plans for 1999 and beyond.

The jointly proposed DSM financial incentive plan, which formed the basis for individual utility plans, was intended to replace the then current incentive plans. A primary characteristic of the proposed plan was the method for determining a utility's target energy savings used to calculate incentives. Each utility was subject to the same following formula in determining the energy savings goal:

(approved energy savings goal ÷ approved budget) × statutory minimum spending level

where the statutory spending requirement is 1 percent for electric IOUs (Xcel at 2 percent) and 0.5 percent for gas utilities.

The utilities were required to show that their expenditures resulted in net ratepayer benefits (utility program costs netted against avoided supply-side costs). The net benefits of achieving the specific percentage of energy savings goals were calculated by determining the utilities' avoided costs resulting from their actual CIP achievement, then subtracting the CIP costs. A portion of these benefits was given to the shareholders as an incentive. The size of the incentive depended on the percentage of the net benefits achieved. This percentage increased as the percentage of the goal reached increased. At 90 percent of the goal, the utility received no incentive. At 91 percent of the goal, a small percentage of its net benefits were given to the utility. Net benefits, as mentioned, depended on the utility's avoided costs, which varied from utility to utility. In order to treat all utilities equally, the percentage values were calculated such that at 150 percent of the goals, the utility's incentive was capped at 30 percent of its statutory spending requirement.

In the April 7, 2000 order, the commission found that the plan was likely to increase investment in cost-effective energy conservation. The incentive grew for each incremental block of energy savings. No significant incentive was provided unless a utility met or exceeded its expected energy savings at minimum spending requirements.[10] The mechanism was designed such that if a utility's program was not cost-effective (i.e., there were no net benefits), no incentives were paid. As the cost-effectiveness increased, net benefits and incentives increased accordingly.

The utilities make compliance filings on February 1 of each year to demonstrate the application of the incentive mechanism to a utility's budget and energy savings target.

The 2007 compliance filing[11] of Northern States Power Company (NSP), a wholly owned subsidiary of Xcel Energy, offers useful insight into application of the electric and gas incentive mechanism, in this case incorporating goals and budgets approved in November 2006. Table 6-2 shows the basic calculation of net benefits, and Table 6-3 shows the incentive amount earned by NSP at different levels of program savings.

6.3.2 Case Study: Hawaiian Electric Company (HECO)

In Order No. 23258, the Hawaii Public Utilities Commission approved HECO's proposed energy efficiency incentive mechanism. The order sets four energy efficiency goals that HECO must meet before being entitled to any incentive based on net system benefits (less program costs). Only positive incentives are allowed; in other words, once HECO meets and exceeds the energy efficiency goals, it is entitled to the incentive, but if it cannot achieve the goal, no penalties will apply.

The order details the approach as follows:

> The DSM Utility Incentive Mechanism will be calculated based on net system benefits (less program costs), limited to no more than the utility earnings opportunities foregone by implementing DSM programs in lieu of supply-side rate based investments, capped at $4 million, subject to the following performance requirements and incentive schedule. As indicated in section III E.I.c., supra, the commission is not requiring negative incentives. In order to encourage high achievement, HECO must meet or exceed the megawatt-hour and megawatt Energy Efficiency goals for both the

SMK-ER4-79

Table 6-2. Northern States Power Net Benefit Calculation

2007 Inputs	Electric	Gas
Approved CIP energy (kWh/MCF)	238,213,749	729,086
Approved CIP budget ($)	45,504,799	5,239,557
Minimum spending[a] ($)	42,147,472	3,718,065
Energy savings @ 100% of goal[b] (kWh/MCF)	220,638,428	517,370
Estimated net benefits[c] ($)	180,402,782	65,813,455
Net benefits @ 100% of goal[d] ($)	167,092,732	46,702,175

(a) Statutory requirement. Electric: 2 percent of gross operating revenue. Gas: 0.5 percent.

(b) Energy savings at 100 percent of goal: (Minimum Spending × Goal Energy Savings) ÷ Goal Spending.

(c) Estimated net benefits are calculated from the approved cost-benefit analysis in the 2007/2008/2009 CIP Triennial Plan. For electric, estimated net benefits are equal to the sum of each program's total avoided costs minus spending. For gas, the estimated net benefit is equal to total gas CIP revenue requirements test NPV for 2007 as first and only year.

(d) Net benefits at 100 percent of goal = (Minimum Spending × Goal Net Benefits) ÷ Goal Spending.

Table 6-3. Northern States Power 2007 Electric Incentive Calculation

Electric	Kilowatt-Hour	Percent of Base	Estimated Benefits Achieved	Estimated Incentive
90% of goal	198,574,585	0.00%	150,383,459	0
100% of goal	220,638,428	0.8408%	167,092,732	1,404,916
110% of goal	242,702,270	1.6816%	183,802,005	3,090,815
120% of goal	264,766,113	2.5224%	200,511,278	5,057,697
130% of goal	286,829,956	3.3632%	217,220,552	7,305,562
140% of goal	308,893,799	4.2040%	233,929,825	9,834,410
150% of goal	330,957,641	5.0448%	250,639,098	12,644,241

Source: Xcel Energy, 2006.

commercial and industrial sector, and the residential sector, established in section III.A., supra, for HECO to be eligible for a DSM utility incentive. If HECO fails to meet one or more of its four Energy Efficiency goals, see supra section III.A.8 , HECO will not be eligible to receive a DSM utility incentive. Upon a determination that HECO is eligible for a DSM utility incentive, the next step will be to calculate the percentage by which HECO's actual performance meets or exceeds each of its Energy Efficiency goals. Then, these four percentages will be averaged to determine HECO's "Averaged Actual Performance Above Goals "

(Hawaii PUC, 2007)

The incentive allowed HECO (as a percentage of net benefits) is a function of the extent to which the company exceeds its savings goals, as illustrated by Table 6-4.

The commission also provided the following example to illustrate how the mechanism works.

Assume that HECO's 2007 actual total gross commercial and industrial energy savings is 100,893 megawatt-hours, HECO's 2007 actual total gross residential energy savings is 50,553 megawatt-hours, HECO's 2007 actual total gross commercial and industrial demand savings is 13.416 megawatts, and HECO's 2007 actual total gross residential energy savings is 14.016 megawatts.

(Hawaii PUC, 2007)

6.3.3 Case Study: The California Utilities

In September 2007, CPUC adopted a far-reaching utility performance incentives plan that creates both the potential for significant additions to utility earnings for superior performance, and significant penalties for inadequate performance.

Under the plan, shareholder incentives are tied to utilities' independently verified achievement of CPUC-established savings goals for each three-year program cycle *and* to the level of verified net benefits. Savings goals

Table 6-4. Hawaiian Electric Company Shared Savings Incentive Structure

Averaged Actual Performance Above Goals	DSM Utility Incentive (% of Net System Benefits)
Meets goal	1%
Exceeds goal by 2.5%	2%
Exceeds goal by 5%	3%
Exceeds goal by 7.5%	4%
Exceeds goal by 10.0% or more	5%

Source: Hawaii PUC, 2007.

have been established for kilowatt-hours, kilowatts, and therms. To be eligible for an incentive, utilities must achieve at least 80 percent of each applicable savings goal.[12] If utilities achieve 85 percent and up to 100 percent of the simple average of all applicable goals, shareholders will receive a reward of 9 percent of verified net benefits.[13] Achievement of over 100 percent or more of the goal will yield a performance payment of 12 percent of verified net benefits, with a statewide cap of $450 million over each three-year program cycle. Failure to achieve at least 65 percent of goal will result in performance penalties. Penalties are calculated as the greater of a charge per unit (kilowatt-hour, kilowatt, or therm) for shortfalls at or below 65 percent of goal, or a dollar-for-dollar payback to ratepayers of any negative net benefits. Total penalties also are capped statewide at $500 million. A performance dead-band of between 65 percent and 85 percent of goal produces no performance reward or penalty. Figure 6-1 and Table 6-6 illustrate the incentive structure.

For example, if utilities achieve the threshold 85 percent of goal for the current 2006-2008 program period, and total verified net benefits equal the estimated value of $1.9 billion on a statewide basis, the utilities would

SMK-ER4-81

Table 6-5. Illustration of HECO Shared Savings Calculation

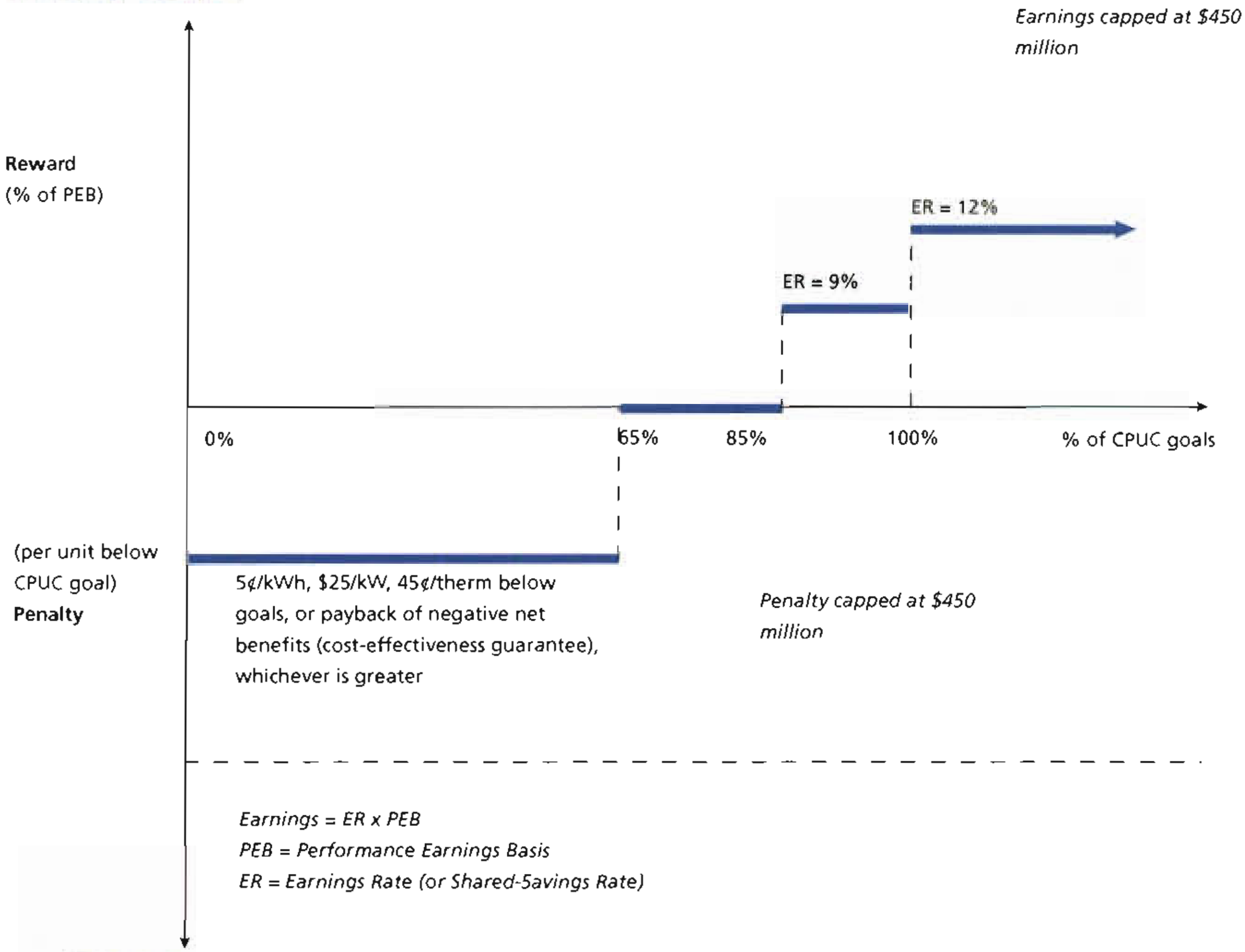
Energy Efficiency Energy Savings (MWh)	2007 Goal (MWh)	2007 Actual Performance (MWh)	Energy Efficiency Goal Met?	*Actual Performance Above 2007 Goal (%)*
Commercial and industrial				
Total gross energy savings	91,549	100,893	10.21%	Yes
Residential				
Total gross energy savings	50,553	50,553	Yes	0%
Commercial and industrial				
Total gross demand savings	13.041	13.416	Yes	*2.88%*
Residential				
Total gross demand savings	13.336	14.016	Yes	*5.10%*
Averaged actual performance above goals	4.55%			
DSM utility incentive (% of net system benefits)	2%			

Source: Hawaii PUC, 2007.

receive 9 percent of that amount, or $175 million. If the utilities each met 100 percent of the savings goals, and the estimated verified net benefit of $2.7 billion is realized, the earnings bonus would equal $323 million.

Rewards or penalties may be collected in three installments for each three-year program cycle. Two interim reward claims or penalty assessments will be made based on estimated performance and net benefits. The third payment—a "true-up claim"—will be made after the program cycle is complete and savings and net benefits have been independently verified. Thirty percent of each interim reward payment is withheld to cover potential errors in estimated earnings calculations. Verified savings will be based on independent measurement and evaluation studies managed by CPUC.

Figure 6-1. California Performance Incentive Mechanism Earnings/ Penalty Curve



Source: CPUC, 2007.

CPUC also adjusted the basic cost-effectiveness calculations for purposes of determining net benefits. The estimated value of the performance incentives must be treated as a cost in the net benefit calculation, both during the program planning process to determine the overall cost-effectiveness of the utilities' energy efficiency portfolios, and when the value of net benefits is calculated for purposes of reward determinations subsequent to program implementation.

The commission devoted a significant portion of its order to the fundamental issues surrounding utility performance incentives—whether and why a utility should earn rewards for what are essential expenditures of ratepayer funds; the basis for determining the magnitude of the shareholder rewards; and the relationship between relative reward levels and performance. CPUC ultimately concluded that incentives were appropriate and necessary to achieve the ambitious energy efficiency goals the utilities had been given. The rewards at high levels of goal attainment were set to be generally reflective of earnings from supply-side investments foregone due to implementation of the energy efficiency programs.

Table 6-6. Ratepayer and Shareholder Benefits Under California's Shareholder Incentive Mechanism (Based on 2006–2008 Program Cycle Estimates)

Verified Savings % of Goals	Total Verified Net Benefits	Shareholder Earnings		Ratepayers' Savings
125%	$2,919	$450	cap	$3,469
120%	$3,673	$441		$3,232
115%	$3,427	$411		$3,016
110%	$3,181	$382		$2,799
105%	$2,935	$352		$2,583
100%	$2,689	$323		$2,366
95%	$2,443	$220		$2,223
90%	$2,197	$198		$1,999
85%	$1,951	$176		$1,775
80%	$1,705	$0		$1,705
75%	$1,459	$0		$1,459
70%	$1,213	$0		$1,213
65%	$967	($144)		$1,111
60%	$721	($168)		$889
55%	$475	($199)		$674
50%	$228	($239)		$467
45%	($18)	($276)		$258
40%	($264)	($378)		$114
35%	($510)	($450)	cap	($60)

Source: CPUC, 2007.

SMK-ER4-84

Finally, the structure of what the commission termed the "earnings curve," showing the relationship between goal achievement and reward and penalty levels, was fashioned to achieve a reasonable balance between opportunity for reward and risk for penalty. And although potential penalties are significant, even in cases in which programs deliver a net benefit (but fail to meet goal), CPUC found that utilities have sufficient ability to manage these risks, such that penalties can reasonably be associated with nonperformance as opposed to uncontrollable circumstances. This last point has been contested. Utilities are subject to substantial evaluation risk in the final true-up claim. An evaluator's finding that per-unit measure savings or net-to-gross ratios[14] were significantly lower than those estimated ex ante (thus significantly lowering system net benefits) could result in utilities having to refund interim performance payments, which are based on estimates of net benefits. While utilities have some control over net-to-gross ratios through program design, there is considerable debate over the reliability of net-to-gross calculations, and even if utilities attempt to monitor the level of free ridership in a program, the final findings of an independent evaluator are unpredictable.

6.4 Enhanced Rate of Return

Under the bonus rate of return mechanism, utilities are allowed an increased return on investment for energy efficiency investments or offered a bonus return on total equity investment for superior performance. A number of states allowed an increased rate of return on energy efficiency–related investments starting in the 1980s. In fact, the majority of the states that allowed or required ratebasing or capitalization also allowed an increased rate of return for such investments. For example, Washington and Montana allowed an additional 2 percent return for energy efficiency investments, while Wisconsin adopted a mechanism where each additional 125 MW of capacity saved with energy efficiency yielded an additional 1 percent ROE. Connecticut authorized a 1 to 5 percent additional return (Reid, 1988).

Although a bonus rate of return remains an option "on the books" in a number of states, it is seldom used, largely because capitalization of efficiency investments has fallen from favor. The most often-cited current example of a bonus return mechanism, and the only one applied to a utility with significant efficiency spending, is found in Nevada. The Nevada approach, described earlier, allows a bonus rate of return for DSM that is 5 percent higher than authorized rates of return for supply investments. The earlier discussion cited the concerns raised by some that this mechanism does not provide an incentive for superior performance.

6.5 Pros and Cons of Utility Performance Incentive Mechanisms

Shared savings and performance target incentive mechanisms are similar, in that both tie an incentive to achievement of some target level of performance. The two differ in the specific nature of the target and the base upon which the incentive is calculated. The application of each mechanism will differ based on regulators' decisions regarding the specific performance target levels; the relative share of incentive base available as an incentive; the maximum amount of the incentive; and whether performance penalties can be imposed (as opposed to simply failing to earn a performance incentive). Whether an incentive mechanism is implemented will depend on how regulators balance the value of the mechanism in incenting exemplary performance against the cost to ratepayers and arguments that customers should not have to pay for a utility that simply complies with statutory or regulatory mandates. A bonus rate of return mechanism also can include performance measures (those applied in the late 1980s and early 1990s often did), but may not, as in the Nevada example. Table 6-7 summarizes the major pros and cons of performance incentive mechanisms as a whole.

Table 6-7. Pros and Cons of Utility Performance Incentive Mechanisms

Pros
• Provide positive incentives for utility investment in energy efficiency programs. • Policy-makers can influence the types of program investments and the manner in which they are implemented through the design of specific performance features.
Cons
• Typically requires post-implementation evaluation, which entails the same issues as cited with respect to fixed-cost recovery mechanisms. • Mechanisms without performance targets can reward utilities simply for spending, as opposed to realizing savings. • Mechanisms without penalty provisions send mixed signals regarding the importance of performance. • Incentives will raise the total program costs borne by customers and reduce the net benefit that they otherwise would capture.

6.6 Notes

1. Performance targets can include metrics beyond energy and demand savings; installations of eligible equipment or market share achieved for certain products such as those bearing the ENERGY STAR™ label.

2. *Department of Telecommunications and Energy on Its Own Motion to Establish Methods and Procedures to Evaluate and Approve Energy Efficiency Programs, Pursuant to G.L. c. 25, § 19 and c. 25A, § 11G*, found at, <www.mass.gov/Eoca/docs/dte/electric/98-100/finalguidelinesorder.pdf>.

3. The following is quoted from Investigation by the Department of Telecommunications and Energy on its own motion to establish methods and procedures to evaluate and approve energy efficiency programs, pursuant to G.L. c. 25, § 19 and c. 25A, § 11G, found at <www.mass.gov/Eoca/docs/dte/electric/98-100/finalguidelinesorder.pdf>.

4. *Final Order in D.T.E./D.P.U Docket 06-45, Petition of Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company, d/b/a NSTAR Electric, Pursuant to G.L. c. 25, § 19 and G.L. c. 25A, § 11G, for Approval of Its 2006 Energy Efficiency Plan*, Found at <www.mass.gov/Eoca/docs/dte/electric/06-45/5807dpuorder.pdf>.

5. Ibid, page 9.

6. Ibid, page 10.

7. Avoided costs are the costs that would otherwise be incurred by a utility to serve the load that is avoided due to an energy efficiency program. Historically, these costs were determined administratively according to specified procedures approved by regulators. This is still the predominant approach, although some jurisdictions now use wholesale market costs to represent avoided costs. This Report will not address the derivation of these costs in detail, but note that the level of avoided costs is extremely important in determining energy efficiency program cost-effectiveness and can be the subject of substantial debate.

8. Minnesota Statute 216B.241, 2006, found at <www.revisor.leg.state.mn.us/bin/getpub.php?type=s&year=current&num=216B.241>.

9. *Order Approving Demand-Side Management Financial Incentive Plans*, Docket No. E,G-999/CI-98-1759, April 7, 2000, accessed at <https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=822257>.

10. Ibid, page 16.

11. *Xcel Energy Compliance Filing 2007 Electric and Gas CIP Incentive Mechanisms*, Docket E,G-999/CI-98-1759, February 1, 2007, accessed at <https://www.edockets.state.mn.us/EFiling/ShowFile.do?DocNumber=3761385>.

12. PG&E and SDG&E must meet therm, kilowatt-hour, and kilowatt goals; SCE must meet kilowatt-hour and kilowatt goals; and Southern California Gas faces only a therm goal.

13. Southern California Gas need only meet the 80 percent minimum therm savings threshold to be eligible for an incentive.

14. The net-to-gross ratio is a measurement of program free ridership. Free riders are program participants who would have taken the program's intended action, even in the absence of the program.

SMK-ER4-66

7: Emerging Models

This chapter examines two new models currently being explored to address the basic financial effects associated with utility energy efficiency investment. The first model has been proposed as an alternative comprehensive cost recovery and performance incentive mechanism. The second represents a fundamentally different approach to funding energy efficiency within a utility resource planning and procurement framework.

7.1 Introduction

Although the details of the policies and mechanisms described above for addressing the three financial effects continue to evolve in jurisdictions across the country, the basic classes of mechanisms have been understood, applied, and debated for more than two decades. Most jurisdictions currently considering policies to remove financial disincentives to utility investment in energy efficiency are considering one or more of the mechanisms described earlier. However, new models that do not fit easily within the traditional classes of mechanisms are now being considered.

7.2 Duke Energy's Proposed Save-a-Watt Model

The persistent and sometimes acrimonious nature of the debate over the proper approach to removing disincentives, combined with a sense that the energy efficiency investment environment is on the threshold of fundamental change, has led some to search for a new way to address the investment disincentive. Although no approach has yet been adopted, an intriguing proposal has emerged from Duke Energy in an energy efficiency proceeding in North Carolina.[1] Duke's energy efficiency investment plan includes an energy efficiency rider that encapsulates program cost recovery, recovery of lost margins, and shareholder incentives into one conceptually simple mechanism keyed to the utility's avoided cost. The approach is an attempt to improve upon previous methods with a more streamlined and comprehensive mechanism.

The energy efficiency rider supporting Duke's proposal is based on the notion that if energy efficiency is to be viewed from the utility's perspective as equivalent to a supply resource, the utility should be compensated for its investment in energy efficiency by an amount roughly equal to what it would otherwise spend to build the new capacity that is to be avoided. Thus, the Duke proposal would authorize the company "to recover the amortization of and a return on 90% of the costs avoided by producing save-a-watts" (Duke Energy, 2007, p. 2). There is no explicit program cost recovery mechanism, no lost margin recovery mechanism and no shareholder incentive mechanism—all such costs and incentives would be recovered under the 90 percent of avoided cost plan. According to Duke, this structure creates an explicit incentive to design and deliver programs efficiently, as doing so will minimize the program costs and maximize the financial incentive received by the company. This mechanism would apply to the full Duke demand-side portfolio, including demand-response programs.

The Duke proposal includes one element that is often not addressed explicitly in other cost recovery and incentive mechanisms, but has significant implications. A number of states have, for a variety of reasons, excluded demand response from incentive mechanisms. This becomes an issue insofar as demand response programs

SMK-ER4-87

typically cost considerably less on a per-kilowatt basis than energy efficiency, and thus could yield substantial margins for the company under a cost recovery and incentive mechanism that pays on the basis of avoided cost. Currently available information on the proposal does not provide a basis for evaluating how significant an issue this might be (e.g., what portion of the total portfolio's impacts is due to demand response programs contained therein).

The proposed rider is to be implemented with a balancing mechanism, including annual adjustments for changes in avoided costs going forward, and to ensure that the company is compensated only for actual energy and capacity savings as determined by ex post evaluation. However, the rider is set initially based on the company's estimate of savings, and the company acknowledges that meaningful evaluation cannot occur until implementation has been underway for some time. For example, at least one year's worth of program data is required to enable valid samples to be drawn. Drawing the samples, performing data collection, and conducting analysis and report preparation can then take another six months or more. Duke's filing suggests that true-up results may lag by about three years (Duke Energy, 2007, note 4, p. 12).

The basic mechanics of the energy efficiency rider are as follows. The calculations are performed by customer class, consistent with many recovery mechanisms that, for equity reasons, allocate costs to the classes that benefit directly from the investments. The nomenclature for the class allocation has been omitted here for simplicity.

$$EEA = (AC + BA) \div sales$$

Where:

EEA = Energy efficiency adjustment, expressed in $/kWh

AC = Avoided cost revenue requirement

BA = Balance adjustment (true-up amount)

$$AC = (ACC + ACE) \times 0.90$$

Where:

ACC = Avoided capacity cost revenue requirement

AEC = Avoided energy cost revenue requirement

$$ACC = DC + (ROE \times ACI) \text{ summed over each vintage year, measure/program}$$

Where:

ACI = Present value of the sum of annual avoided capacity cost (AACT), less depreciation

DC = Depreciation of the avoided cost investment

ROE = Weighted return on equity/1-effective tax rate

$$AACT = PD_{kw} \times AAC_{\$/kW/year} \text{ (for each vintage year)}$$

Where:

PD = Projected demand impacts for each measure/program by vintage year

AAC = Annual avoided costs per year, including avoided transmission costs

$$ACE = DE + (ROE \times AEI)$$

Where:

DE = Depreciation of the avoided energy investment

AEI = Present value of the sum of annual avoided energy costs (AAET), less accumulated depreciation

$$AAET = PE_{kWh} \times AEC_{\$/kWh/year} \text{ (for each vintage year)}$$

Where:

PE = Projected energy impacts by measure/program by year

AEC = Annual energy avoided costs, calculated as the difference between system energy costs with and without the portfolio of energy efficiency programs.

The mechanism's adjustment factor (BA from the first equation) addresses the true-up and is calculated as follows:

$$BA = AREP - RREP$$

Where:

AREP = Actual revenues from the evaluation period collected by the mechanism (90 percent of avoided cost)

RREP = Revenue requirements for the energy efficiency programs for the same period

All variables apply to and all calculations are performed over the "evaluation period" which is the time period to which the evaluation results apply.

$$AREP = EE \times AKWH \times RREP$$

Where:

EE = The rider charge expressed in cents/kWh

AKWH = Actual sales for the evaluation period by class

$$RREP = 90\% \times [(ACC \times (AD/PD)] + [AEC \times (AE/PE)]$$

Where:

ACC = Avoided capacity revenue requirement for the evaluation period

AD = Actual demand reduction for the period based on evaluation results

PD = Projected demand reduction for the same period

AEC = Avoided energy revenue requirement for the period

AE = Actual energy reduction for the period based on evaluation results

PE = Projected energy reduction for the period.

SMK-ER4-89

If evaluated savings (in kilowatt-hours and kilowatts) equal planned savings over the relevant period, then there is no adjustment.

Avoided costs are administratively determined in accordance with North Carolina rules, where avoided costs (both capacity and energy) are calculated based on the peaker methodology and are approved by the North Carolina Utilities Commission on a biannual basis (personal communication with Raiford Smith, Duke Energy, May 25, 2007).

It is important to emphasize that Duke's energy efficiency rider has only recently been filed as of this writing, and the regulatory review has only just begun. The proposal clearly represents an innovation in thinking regarding elimination of financial disincentives for utilities, and it has intuitive appeal for its conceptual simplicity. The Save-a-Watt rider *does* represent a distinct departure from cost recovery and shareholder incentives convention. In its attempt to address the range of financial effects described above in a single mechanism, the rider requires a number of detailed calculations, and estimating the amount of money to be recovered is complicated.

7.3 ISO New England's Market-Based Approach to Energy Efficiency Procurement

The development of organized wholesale markets that allow participation from providers of load reduction creates both an alternative source of funding for energy efficiency projects and a source of revenue that potentially could be used to provide financial incentives for energy efficiency performance.

ISO New England, New England's electricity system operator and wholesale market administrator, is implementing a new capacity market, known as the forward capacity market (FCM). The FCM will, for the first time, permit all demand resources to participate in the wholesale capacity market on a comparable basis with traditional generation resources. Demand resources, as defined by ISO New England's market rules, include energy efficiency, load management, real-time demand response, and distributed generation. An annual forward capacity auction would be held to procure capacity three years in advance of delivery. This three-year window provides developers with sufficient time to construct/complete auction-clearing projects and to reduce the risk of developing new capacity. All capacity providers receive payments during the annual commitment period based upon a single clearing price set in the forward capacity auction. In return, the providers commit to providing capacity for the duration of the commitment period by producing power (if a generator) or by reducing demand (if a demand resource) during specific performance hours (typically peak load hours and shortage hours—hours in which reserves needed for reliable system operation are being depleted) (Yoshimura, 2007, pp. 1–2).

This system creates two revenue pathways. First, non-utility providers of demand reduction, such as energy service companies, municipalities, and retail customers (perhaps through aggregators), could receive a stream of revenues that could help finance incremental energy efficiency projects. Second, utilities in the region could bid the demand reduction associated with energy efficiency programs that they are implementing. The revenues received by utilities from winning bids could be handled in a variety of ways depending on the policy of their state regulators. Traditionally, any revenues earned from these programs would be credited against the utilities' jurisdictional revenue requirement. This approach assumes the programs were funded by ratepayers and therefore, that the benefits from these programs should accrue to ratepayers. However, several alternatives exist to this approach:[2]

- Allow revenues earned from winning bids to be retained by the utilities as financial incentives. Rather than having ratepayers directly fund a performance incentive program, as is typically done, state regulators could allow utilities to retain some or all of the funds received from the capacity auction as a reward

SMK-ER4-90

for performance and inducement to implement effective programs that reduce system peak load.

- Require that some or all of the revenues earned be applied to the expansion of existing programs or development of new programs.
- Require that the jurisdictional costs of energy efficiency programs be offset by revenues earned from the auction, resulting in a rate decrease for jurisdictional customers.

The ISO New England forward capacity auction is in its very early stages. The initial "show-of-interest" solicitation produced almost 2,500 MW of additional demand reduction potential, of which almost half was in the form of some type of energy efficiency. About 80 percent of the capacity was proposed by non-utility entities (Yoshimura, 2007, p. 4).

While this model represents a new source of revenue to fund energy efficiency investments, it also presents a novel way to capture value from energy efficiency programs by virtue of their ability to reduce wholesale power costs. Increasing the supply of capacity that is bid into the auction, particularly from lower-cost energy efficiency, would likely result in a lower market clearing price for capacity resources, which would lower overall regional capacity costs.

However, whether this model becomes a significant source of revenue to support utility energy efficiency programs is not yet known at this time. Successful implementation of an FCM that allows energy efficiency resources to participate requires that the control area responsible for resource adequacy develop rigorous and complex rules to ensure that the impacts of energy efficiency programs on capability responsibility are real and are not double-counted. Additionally, using a regional capacity market to fund energy efficiency results in all consumers of electricity within the region paying for energy efficiency programs implemented in the region. Accordingly, policy-makers in the region must be prepared for the potential shifting of energy efficiency program cost recovery from jurisdictional ratepayers to all ratepayers in the region. State regulatory policy with respect to the treatment of revenues earned in wholesale markets may or may not provide an incentive for utilities to increase the amount of energy efficiency in response to these markets. Finally, the model works only where there are organized wholesale markets that include a capacity market. Currently, much of the country operates without a capacity market.

7.4 Notes

1. The information in this chapter is drawn largely from the Application of Duke Energy Carolinas, LLC for Approval of Save-a-Watt Approach, Energy Efficiency Rider and Portfolio of Energy Efficiency Programs.
2. Note that these alternatives are not mutually exclusive.

8: Final Thoughts—Getting Started

This final chapter provides seven lessons for policy makers to consider as they begin the process of better aligning utility incentives with investment in energy efficiency.

8.1 Lessons for Policy-Makers

The previous four chapters described a variety of options for addressing the barriers to efficiency investment through program cost recovery, lost margin recovery and performance incentive mechanisms. Chapter 2 underscored the principle that it is the combined effect of cost and incentive recovery that matters in the elimination of financial disincentives. There is no single optimal solution for every utility and jurisdiction. Context matters very much, and it is less important that a jurisdiction address each financial effect than that it crafts a solution that leaves utility earnings at least at pre–energy efficiency program implementation levels and perhaps higher.

The history of utility energy efficiency investment is rich with examples of how regulatory commissions and the governing bodies of publicly and cooperatively owned utilities have explored their cost recovery policy options. As these options are reconsidered and reconfigured in light of the trend toward higher utility investment in energy efficiency, this experience yields several lessons with respect to process.

1. **Set cost recovery and incentive policy based on the direction of the market's evolution.** No policy-maker sets a course by looking over his or her shoulder. Nevertheless, there is a natural tendency to project onto the future what seems most comfortable today. The rapid development of technology, the likely integration of energy efficiency and demand response, the continuing evolution of utility industry structure, the likelihood of broader action on climate change, and a wide range of other uncertainties argue for cost recovery and incentive policies that can work with intended effect under a variety of possible futures.

2. **Apply cost recovery mechanisms and utility performance incentives in a broad policy context.** The policies that affect utility investment in energy efficiency are many and varied, and each will control, to some extent, the nature of financial incentives and disincentives that a utility faces. Policies that could impact the design of cost recovery and incentive mechanisms include those having to do with rate design (PBR, dynamic pricing, SFV designs, etc.); non-CO_2 environmental controls such as NO_X cap-and-trade initiatives; broader clean energy and distributed energy development; and the development of more liquid wholesale markets for load reduction programs.

3. **Test prospective policies.** Cost recovery and incentive discussions have tended toward the conceptual. What is appropriate to award and allow? Is it the utilities' responsibility to invest in energy efficiency, and do they need to be rewarded for doing so? Should revenues be decoupled from sales? All questions are appropriate and yet at the end of the day, the answers tell policy-makers very little about how a mechanism will impact rates and earnings. This answer can only come from running the numbers—test driving the policy—and not simply under the standard business-as-usual scenario. Business is never "as usual," and a sustainable, durable policy requires that it generate acceptable outcomes under unusual circumstances. Complex mechanisms that have many moving parts cannot easily be understood absent simulation of the mechanisms under a wide range of conditions. This is particularly true of mechanisms that rely on projections of avoided costs, prices, or program impacts.

SMK-ER4-93

4. **Policy rules must be clear.** Earlier chapters of this Report described the relationship between perceived financial risk and utility disincentives to invest in energy efficiency. This risk is mitigated in part by having cost recovery and incentive mechanisms in place, but the effectiveness of these mechanisms depends very much on the rules governing their application. For example, review and approval of energy efficiency program budgets by regulators prior to implementation provides utilities with greater assurance of subsequent cost recovery. Alternatively, spelling out what is considered prudent in terms of planning and investment can help allay concerns over post-implementation disallowances. Similarly, the criteria/methods to be applied when reviewing costs, recovery of lost margins, and claimed incentives should be as specific as possible, recognizing the need to preserve regulatory flexibility. Where possible, the values of key cost recovery and incentive variables, such as avoided costs, should be determined in other appropriate proceedings, rather than argued in cost recovery dockets. Although this clear separation of issues will not always be possible, the principal focus of cost recovery proceedings should be on (1) whether a utility adhered to an approved plan and, if not, whether it was prudent in diverging, and (2) whether costs and incentives proposed for recovery are properly calculated.

5. **Collaboration has value.** Like every issue involving utility costs of service, recovering the costs associated with program implementation, recovering lost margins/fixed costs, and providing performance incentives will involve determinations of who should pay how much. These decisions invariably will draw active participation from a variety of stakeholders Key among these are utilities, consumer advocates, environmental groups, energy efficiency proponents, and representatives of large energy consumers. Fashioning a cost recovery and incentives policy will be challenging. The most successful and sustainable cost recovery and incentive policies are those that (1) were based on a consultative process that includes broad agreement on the general aims of the energy efficiency investment policy, and (2) are based on legislative enactment of clear regulatory authority to implement the policy.

6. **Flexibility is essential.** Most of the states that have had significant efficiency investment and cost recovery policies in place for more than a few years have found compelling reasons to modify these policies at some point. Rather than indicating policy inconsistency, these changes most often reflect an institutional capacity to acknowledge either weaknesses in existing approaches or broader contextual changes that render prior approaches ineffective. Minnesota developed and subsequently abandoned a lost margin recovery mechanism after finding that its costs were too high, but the state replaced the mechanism with a utility performance incentive policy that appears to be effective in addressing barriers to investment. California adopted, abandoned, and is now set to again adopt performance incentive mechanisms as it responds to broader changes in energy market structure and the role of utilities in promoting efficiency. Nevada adopted a bonus rate of return for utility efficiency investments and is now reconsidering that policy in the context of the state's aggressive resource portfolio standard. Policy stability is desirable, and changes that suggest significant impacts on earnings or prices can be particularly challenging, but it is the stability of impact rather than adherence to a particular model that is important in addressing financial disincentives to invest.

7. **Culture matters.** One important test of a cost recovery and incentives policy is its impact on corporate culture. A policy providing cost recovery is an essential first step in removing financial disincentives associated with energy efficiency investment, but it will not change a utility's core business model. Earnings are still created by investing in supply-side assets and selling more energy. Cost recovery, plus a policy enabling recovery of lost margins might make a utility indifferent to selling or saving a kilowatt-hour or therm, but still will not make the business case for aggressive pursuit of energy efficiency. A full comple-

ment of cost recovery, lost margin recovery, and performance incentive mechanisms can change this model, and likely will be needed to secure sustainable funding for energy efficiency at levels necessary to fundamentally change resource mix.

As utility spending on energy efficiency programs rises to historic levels, attention increasingly falls on the policies in place to recover program costs, recover potential lost margins, and provide performance incentives. These policies take on even greater importance if utilities are expected to go beyond current spending mandates and adopt investment in customer energy efficiency as a fundamental element of their business strategy. The financial implications of utility energy efficiency spending can be significant, and failure to address them ensures that at best, utilities will comply with policies requiring their involvement in energy efficiency, and at worst, it could lead to ineffective programs and lost opportunities.

This paper has outlined the financial implications surrounding utility funding for energy efficiency and the mechanisms available for addressing them, with the intent of supporting policies that align utility financial incentives with investment in cost-effective energy efficiency. The variety of policy options is testament to the creativity of state policy-makers and utilities, but as pressure for higher efficiency spending levels increases, the volume of the debate surrounding these options also increases. To a great extent, the debates revolve around the basic tenets of utility regulation. Some efficiency cost recovery, margin recovery, and performance incentive mechanisms imply changes in the approach to utility regulation and ratemaking.

Building the consensus necessary to support significant increases in utility administration of energy efficiency will require that these tenants be revisited. If state and federal policy-makers conclude that utilities should play an increasingly aggressive role in promoting energy efficiency, adaptations to these tenants to accommodate this role will need to be explored. An important first step may be building a common understanding around the financial implications of utility spending for efficiency, including development of a consistent cost accounting framework and terminology.

Appendix A: National Action Plan for Energy Efficiency Leadership Group

Co-Chairs

Marsha Smith
Commissioner, Idaho Public Utilities Commission
President, National Association of Regulatory Utility Commissioners

James E. Rogers
Chairman, President, and C.E.O.
Duke Energy

Leadership Group

Barry Abramson
Senior Vice President
Servidyne Systems, LLC

Tracy Babbidge
Director, Air Planning
Connecticut Department of Environmental Protection

Angela S. Beehler
Director of Energy Regulation
Wal-Mart Stores, Inc.

Jeff Bladen
General Manager, Market Strategy
PJM Interconnection

Sheila Boeckman
Manager of Business Operations and Development
Waverly Light and Power

Bruce Braine
Vice President, Strategic Policy Analysis
American Electric Power

Cheryl Buley
Commissioner
New York State Public Service Commission

Jeff Burks
Director of Environmental Sustainability
PNM Resources

Kateri Callahan
President
Alliance to Save Energy

Jorge Carrasco
Superintendent
Seattle City Light

Lonnie Carter
President and C.E.O.
Santee Cooper

Gary Connett
Manager of Resource Planning and Member Services
Great River Energy

Larry Downes
Chairman and C.E.O.
New Jersey Natural Gas (New Jersey Resources Corporation)

Roger Duncan
Deputy General Manager, Distributed Energy Services
Austin Energy

Angelo Esposito
Senior Vice President, Energy Services and Technology
New York Power Authority

Jeanne Fox
President
New Jersey Board of Public Utilities

Anne George
Commissioner
Connecticut Department of Public Utility Control

Dian Grueneich
Commissioner
California Public Utilities Commission

Blair Hamilton
Policy Director
Vermont Energy Investment Corporation

Leonard Haynes
Executive Vice President, Supply Technologies, Renewables, and Demand Side Planning
Southern Company

Mary Healey
Consumer Counsel for the State of Connecticut
Connecticut Consumer Counsel

Joe Hoagland
Vice President, Energy Efficiency and Demand Response
Tennessee Valley Authority

Sandy Hochstetter
Vice President, Strategic Affairs
Arkansas Electric Cooperative Corporation

Helen Howes
Vice President, Environment, Health and Safety
Exelon

Bruce Johnson
Director, Energy Management
Keyspan

Mary Kenkel
Consultant, Alliance One
Duke Energy

Ruth Kiselewich
Director, Conservation Programs
Baltimore Gas and Electric

Rick Leuthauser
Manager of Energy Efficiency
MidAmerican Energy Company

Harris McDowell
Senator
Delaware General Assembly

Mark McGahey
Manager
Tristate Generation and Transmission Association, Inc.

Ed Melendreras
Vice President, Sales and Marketing
Entergy Corporation

Janine Migden-Ostrander
Consumers' Counsel
Office of the Ohio Consumers' Counsel

Michael Moehn
Vice President, Corporate Planning
Ameren Services

Fred Moore
Director Manufacturing & Technology, Energy
The Dow Chemical Company

Richard Morgan
Commissioner
District of Columbia Public Service Commission

Brock Nicholson
Deputy Director
Division of Air Quality
North Carolina Air Office

Pat Oshie
Commissioner
Washington Utilities and Transportation Commission

Douglas Petitt
Vice President,
Government Affairs
Vectren Corporation

Bill Prindle
Deputy Director
American Council for an Energy-Efficient Economy

Phyllis Reha
Commissioner
Minnesota Public Utilities Commission

Roland Risser
Director, Customer Energy Efficiency
Pacific Gas and Electric

Gene Rodrigues
Director, Energy Efficiency
Southern California Edison

Art Rosenfeld
Commissioner
California Energy Commission

Gina Rye
Energy Manager
Food Lion

Jan Schori
General Manager
Sacramento Municipal Utility District

Ted Schultz
Vice President,
Energy Efficiency
Duke Energy

Larry Shirley
Division Director
North Carolina Energy Office

Tim Stout
Vice President, Energy Efficiency
National Grid

Deb Sundin
Director, Business Product Marketing
Xcel Energy

Paul Suskie
Chairman
Arkansas Public Service Commission

Dub Taylor
Director
Texas State Energy Conservation Office

Paul von Paumgartten
Director, Energy and Environmental Affairs
Johnson Controls

Brenna Walraven
Executive Director, National Property Management
USAA Realty Company

Devra Wang
Director, California Energy Program
Natural Resources Defense Council

J. Mack Wathen
Vice President, Regulatory Affairs
Pepco Holdings, Inc.

Mike Weedall
Vice President, Energy Efficiency
Bonneville Power Administration

Zac Yanez
Program Manager
Puget Sound

Henry Yoshimura
Manager, Demand Response
ISO New England Inc.

Dan Zaweski
Assistant Vice President of Energy Efficiency and Distributed Generation
Long Island Power Authority

Observers

Keith Bissell
Attorney
Gas Technology Institute

Rex Boynton
President
North American Technician Excellence

James W. (Jay) Brew
Counsel
Steel Manufacturers Association

Roger Cooper
Executive Vice President,
Policy and Planning
American Gas Association

Dan Delurey
Executive Director
Demand Response Coordinating Committee

Reid Detchon
Executive Director
Energy Future Coalition

Roger Fragua
Deputy Director
Council of Energy Resource Tribes

Jeff Genzer
General Counsel
National Association of State Energy Officials

Donald Gilligan
President
National Association of Energy Service Companies

Chuck Gray
Executive Director
National Association of Regulatory Utility Commissioners

Steve Hauser
President
GridWise Alliance

William Hederman
Member, IEEE-USA Energy Policy Committee
Institute of Electrical and Electronics Engineers

Marc Hoffman
Executive Director
Consortium for Energy Efficiency

John Holt
Senior Manager of Generation and Fuel
National Rural Electric Cooperative Association

Eric Hsieh
Manager of Government Relations
National Electrical Manufacturers Association

Lisa Jacobson
Executive Director
Business Council for Sustainable Energy

Kate Marks
Energy Program Manager
National Conference of State Legislatures

Joseph Mattingly
Vice President, Secretary and General Counsel
Gas Appliance Manufacturers Association

Kenneth Mentzer
President and C.E.O.
North American Insulation Manufacturers Association

Diane Munns
Executive Director, Retail Energy
Edison Electric Institute

Michelle New
Director, Grants and Research
National Association of State Energy Officials

Ellen Petrill
Director, Public/Private Partnerships
Electric Power Research Institute

Alan Richardson
President and C.E.O.
American Public Power Association

Andrew Spahn
Executive Director
National Council on Electricity Policy

Rick Tempchin
Director, Retail Distribution Policy
Edison Electric Institute

Mark Wolfe
Executive Director
Energy Programs Consortium

Facilitators

U.S. Department of Energy

U.S. Environmental Protection Agency

Appendix

B: Glossary

Decoupling: A mechanism that weakens or eliminates the relationship between sales and revenue (or more narrowly the revenue collected to cover fixed costs) by allowing a utility to adjust rates to recover authorized revenues independent of the level of sales.

Energy efficiency: The use of less energy to provide the same or an improved level of service to the energy consumer in an economically efficient way. "Energy conservation" is a term that has also been used, but it has the connotation of doing without in order to save energy rather than using less energy to perform the same or better function.

Fixed costs: Expenses incurred by the utility that do not change in proportion to the volume of sales within a relevant time period.

Lost margin: The reduction in revenue to cover fixed costs, including earnings or profits in the case of investor-owned utilities. Similar to lost revenue, but concerned only with fixed cost recovery, or with the opportunity costs of lost margins that would have been added to net income or created a cash buffer in excess of that reflected in the last rate case.

Lost revenue adjustment mechanisms: Mechanisms that attempt to estimate the amount of fixed cost or margin revenue that is "lost" as a result of reduced sales. The estimated lost revenue is then recovered through an adjustment to rates.

Performance-based ratemaking: An alternative to traditional return on rate base regulation that attempts to forego frequent rate cases by allowing rates or revenues to fluctuate as a function of specified utility performance against a set of benchmarks.

Program cost recovery: Recovery of the direct costs associated with program administration (including evaluation), implementation, and incentives to program participants.

Shared savings: Mechanisms that give utilities the opportunity to share the net benefits from successful implementation of energy efficiency programs with ratepayers.

Return on equity: Based on an assessment of the financial returns that investors in that utility would expect to receive, an expectation that is influenced by the perceived riskiness of the investment.

Straight fixed-variable: A rate structure that allocates all current fixed costs to a per customer charge that does not vary with consumption.

System benefits charge: A surcharge dictated by statute that is added to ratepayers' bills to pay for energy efficiency programs that may be administered by utilities or other entities.

Throughput incentive: The incentive for utilities to promote sales growth that is created when fixed costs are recovered through volumetric charges. Many have identified the throughput incentive as the primary barrier to aggressive utility investment in energy efficiency.

Appendix **C:** Sources for Policy Status Table

This appendix provides specific sources by state for the status of energy efficiency cost recovery and incentive mechanisms provided in Tables ES-1 and 1-2.

Table C-1. Policy Status Table

States	Sources
Arizona	Arizona Corporation Commission, Decision Nos. 67744 and 69662 in docket E-01345A-05-0816
California	2001 California Public Utilities Code 739.10. D.04-01-048, D.04-03-23, D.04-07-022, D.05-03-023, D.04-05-055, D.05-05-055
Colorado	House Bill 1037 (2007) authorizes cost recovery and performance incentives for both gas and electric utilities
Connecticut	2005 Energy Independence Act, Section 21
District of Columbia	Code 34-3514
Florida	Florida Administrative Code Rule 25-17.015(1)
Hawaii	Docket No. 05-0069, Decision and Order No. 23258
Idaho	Idaho PUC Case numbers IPC-E-04-15 and IPC-E-06-32
Illinois	Illinois Statutes 20-687.606
Indiana	Case-by-case
Iowa	Iowa Code 2001: Section 476.6; 199 Iowa Administrative Code Chapter 35
Kentucky	Kentucky Revised Statute 278.190
Maine	Maine Statue Title 35-A

Table C-1. Policy Status Table (continued)

States	Sources
Massachusetts	D.T.E. 04-11 Order on 8/19/2004
Minnesota	Statutes 2005, 216B.24 1
Montana	Montana Code Annotated 69.8.402
Nevada	Nevada Administrative Code 704.9523
New Hampshire	Order 23-574, 2000. Statues Chapter 374-F:3
New Jersey	N.J.S.A. 46:3-60
New Mexico	New Mexico Statues Chapter 62-17-6
New York	Case 05-M-0900, In the Matter of the System Benefits Charge III, Order Continuing the System Benefits Charge (SBC)
North Carolina	Order on November 3, 2005 Docket G-21 Sub 461
Ohio	Case-by-case
Oregon	Order 02-634
Rhode Island	Rhode Island Code 39-2-1.2
Utah	<www.raponline.org/showpdf.asp?PDF_URL=%22/pubs/irpsurvey/irput2.pdf%22 and Questar Order>
Washington	Case-by-case
Wisconsin	Wisconsin Statute 16.957.4

Appendix

D: Case Study Detail

This appendix provides additional detail on the Iowa and Florida case studies discussed in this Report.

D.1 Iowa

199 Iowa Administrative Code Chapter 35[1] specifies the application of the cost recovery rider.

Energy efficiency cost recovery (ECR) factors, must be calculated separately for each customer or group classification. ECR factors are calculated using the following formula:

$$\text{ECR factor} = ((PAC) + (ADPC \times 12) + (ECE) + A)/ASU$$

where:

- The ECR factor is the recovery amount per unit of sales over the 12-month recovery period.
- PAC is the annual amount of previously approved costs from earlier ECR proceedings, until the previously approved costs are fully recovered.
- ECE is the estimated contemporaneous expenditures to be incurred during the 12-month recovery period.
- "A" is the adjustment factor equal to over-collections or under-collections determined in the annual reconciliation, and for adjustments ordered by the board in prudence reviews.
- ASU is the annual sales units estimated for the 12-month recovery period.
- ADPC is amortized deferred past cost. It is calculated as the levelized monthly payment needed to provide a return of and on the utility's deferred past costs (DPC). ADPC is calculated as:

$$ADPC = DPC\ [r(1+r)n] \div [(1+r)n - 1]$$

where:

- DPC is deferred past costs, including carrying charges that have not previously been approved for recovery, until the deferred past costs are fully recovered.
- n is the length of the utility's plan in months.
- r is the applicable monthly rate of return calculated as:

$$r = (1+R)^{1/12} - 1 \text{ or}$$

$$r = R/12 \text{ if previously approved}$$

- R is the pretax overall rate of return the board held just and reasonable in the utility's most recent general rate case involving the same type of utility service. If the board has not rendered a decision in an applicable rate case for a utility, the average of the weighted average cost rates for each of the capital structure components allowed in general rate cases within the preceding 24 months for Iowa utilities providing the same type of utility service will be used to determine the applicable pretax overall rate of return.

D.2 Florida

The procedure for conservation cost recovery described by Florida Administrative Code Rule 25-17.015(1)[2] includes the following elements:

- Utilities submit an annual final true-up filing showing the actual common costs, individual program costs and revenues, and actual total ECCR revenues for the most recent 12-month historical period from January 1 through December 31 that ends prior to the annual ECCR proceedings. As part of this filing a utility must include:

SMK-ER4-105

- A summary comparison of the actual total costs and revenues reported, to the estimated total costs and revenues previously reported for the same period covered by the filing. The filing shall also include the final over- or under-recovery of total conservation costs for the final true-up period.
  - Eight months of actual and four months of projected common costs, individual program costs, and any revenues collected. Actual costs and revenues should begin January 1, immediately following the period described in paragraph (1)(a). The filing shall also include the estimated/actual over- or under-recovery of total conservation costs for the estimated/actual true-up period.
  - An annual projection filing showing 12 months of projected common costs and program costs for the period beginning January 1, following the annual hearing.
  - An annual petition setting forth proposed ECCR factors to be effective for the 12-month period beginning January 1, following the hearing.
- Within the 90 days that immediately follow the first six months of the reporting period, each utility must report the actual results for that period.
- Each utility must establish separate accounts or sub-accounts for each conservation program for the purposes of recording the costs incurred for that program. Each utility must also establish separate sub-accounts for any revenues derived from specific customer charges associated with specific programs.
- New programs or program modifications must be approved prior to a utility seeking cost recovery. Specifically, any incentives or rebates associated with new or modified programs may not be recovered if paid before approval. However, if a utility incurs prudent implementation costs before a new program or modification has been approved by the commission, a utility may seek recovery of these expenditures.

Advertising expense recovered through ECCR must be directly related to an approved conservation program, shall not mention a competing energy source, and shall not be company image-enhancing.

D.3 Notes

1. 199 Iowa Administrative Code Chapter 35, accessed at <http://www.legis.state.ia.us/Rules/Current/iac/199iac/19935/19935.pdf>.
2. Florida Administrative Code Rule 25-17.015(1), accessed at <http://www.flrules.org/gateway/RuleNo.asp?ID=25-17.015>.

Appendix E: References

E.1 Cited References

American Gas Association (2006a). *Natural Gas Rate Round-Up: Decoupling Mechanisms—July 2006 Update.*

American Gas Association (2006b). *Natural Gas Rate Round-Up: A Periodic Update on Innovative Rate Design, July 2006.*

American Gas Association (2006c). *Natural Gas Rate Round-Up: Innovative Rate Designs for Fixed Cost Recovery, June 2006.*

American Gas Association (2007). *Natural Gas Rate Round-Up: Update on Revenue Decoupling Mechanisms, April 2007.*

Consortium for Energy Efficiency (2006). *U.S. Energy-Efficiency Programs: A $2.6 Billion Industry.* <www.cee1.org/ee-pe/ee-pe-main.php3>

California Public Utilities Commission [CPUC] (2006). *Order Instituting Rulemaking to Examine the Commission's Post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement and Verification, and Related Issues.* Before the Public Utilities Commission of the State of California, San Francisco, California. Rulemaking 06-04-010 (Filed April 13, 2006).

California Public Utilities Commission [CPUC] (2007). *Proposed Decision of Commissioner Grueneich and Administrative Law Judge Gottstein (Mailed 8/9/2007), Before the Public Utilities Commission of the State of California, Order Instituting Rulemaking to Examine the Commission's Post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement and Verification, and Related Issues. Rulemaking 06-04-010 (Filed April 13, 2006), Interim Opinion on Phase 1 Issues: Shareholder Risk/Reward Incentive Mechanism for Energy Efficiency Programs.*

Costello, K. (2006). *Revenue Decoupling for Natural Gas Utilities—Briefing Paper.* National Regulatory Research Institute.

Delaware Public Service Commission [PSC] (2007). *Before the Public Service Commission of the State of Delaware, in the Matter of the Investigation of the Public Service Commission into Revenue Decoupling Mechanisms for Potential Adoption and Implementation by Electric and Natural Gas Utilities Subject to the Jurisdiction of the Public Service Commission.* PSC Regulation Docket No. 59 (Opened March 20, 2007).

Duke Energy (2007). *Application of Duke Energy Carolinas, LLC for Approval of Save-a-Watt Approach, Energy Efficiency Rider and Portfolio of Energy Efficiency Programs.* Docket No. E-7, Sub 831, filed May 7, 2007. <http://ncuc.commerce.state.nc.us/cgi-bin/webview/senddoc.pgm?dispfmt=&itype=Q&authorization=&parm2=TAAAAA72170B&parm3=000126792>

U.S. Energy Information Administration [EIA] (2006). Demand-Side Management Program Direct and Indirect Costs. In *Electric Power Annual.* <www.eia.doe.gov/cneaf/electricity/epa/epat9p7.html>

ELCON (2007). *Revenue Decoupling: A Policy Brief of the Electricity Consumers Resource Council.* p. 8.

Eto, J., S. Stoft, and T. Belden (1994). *The Theory and Practice of Decoupling.* Energy & Environment Division, Lawrence Berkeley Laboratory, University of California–Berkeley.

Florida Public Service Commission [PSC] (2007). Annual Report on Activities Pursuant to the Florida Energy Efficiency Conservation Act.

SMK-ER4-107