



## “3N Meeting”

111(d) Energy Efficiency Compliance Pathways:  
Implementing energy efficiency programs and policies associated with state plans under Section 111(d)  
of the Clean Air Act

*(Continental breakfast available starting at 7:30 a.m.)*

**8:00 – 8:30 a.m.**

### **Welcome and Introduction**

Following brief introductions, the presenters will review the meeting agenda and discuss the meeting objectives and intended outcomes.

Presenters:

- David Terry, Executive Director, National Association of State Energy Officials (NASEO)
- Bill Becker, Executive Director, National Association of Clean Air Agencies (NACAA)
- Charles Gray, Executive Director, National Association of Regulatory Utility Commissioners (NARUC)

Meeting Objectives:

1. Provide a review of the EPA's ideas from the Clean Power Plan technical support documents regarding energy efficiency as a compliance mechanism.
2. Provide an opportunity for 3N group members to review and comment upon NASEO facilitated case studies in four areas:
  - a) residential energy efficiency overseen by state PUCs;
  - b) combined heat and power/industrial energy efficiency;
  - c) energy savings performance contracting; and
  - d) building energy codes.
3. Evaluate the potential for support of these case studies for submission to EPA. Identify strengths and weaknesses of each case study and remaining issues that need to be resolved for air regulators, utility commissioners, and state energy officials to be comfortable including these strategies in their compliance approach.
4. Surface remaining questions, issues, or barriers states are facing to embracing energy efficiency as a compliance strategy.

**8:30 – 9:15 a.m.**

**EPA Explanation of State Plan Considerations Technical Support Document**

Many of the issues related to state compliance plans and integrating energy efficiency as a compliance option are outlined in the EPA’s State Plan Considerations Technical Support Document (TSD). This session will include a presentation on the key features of the TSD, followed by discussion and questions from the state agency representatives.

Presenters:

- Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation, U.S. EPA
- Joe Goffman, Associate Assistant Administrator and Senior Counsel, Office of Air and Radiation, U.S. EPA
- Sarah Dunham, Director, Office of Atmospheric Programs, U.S. EPA

Q&A with Attendees

**9:15 – 10:15 a.m.**

**Energy Efficiency Programs: Opportunities and Challenges**

In the draft 111(d) rule, EPA creates a path for states to use energy efficiency for compliance. Among the energy efficiency options discussed by EPA, ratepayer-funded energy efficiency programs—typically created through energy efficiency resource standards (EERS) and overseen by Public Utility Commissions (PUCs)—received significant attention. While there is a clearer path for these programs to be approved by EPA than the path for other types of energy efficiency programs, several questions and potential barriers still remain. Representatives from the three associations will discuss their perspectives on opportunities and challenges states face to include energy efficiency programs in their compliance plans.

Moderator

- The Hon. Phil Jones, Commissioner, Washington Utilities and Transportation Commission

Presenters:

- The Hon. Jim Gardner, Vice Chairman, Kentucky Public Service Commission
- Nancy Seidman, Massachusetts Department of Environmental Protection
- Andy Ginsburg, Oregon Department of Energy

**10:15 – 10:30 a.m.**

**Break**

**10:30 a.m. – 12:00 p.m.**

**Case Study #1: Residential Energy Efficiency Programs Overseen by Public Utility Commissions**

Residential energy efficiency programs, including whole-house retrofits or programs that target specific technologies (e.g., lighting, heating/cooling equipment), are common elements of ratepayer-funded

efficiency portfolios typically overseen by public utility commission (PUCs). This session will describe a potential compliance pathway for these programs to be included in state 111(d) plans. The speakers will also describe considerations for residential energy efficiency programs implemented through consumer-owned utilities.

Moderator

- Andrew McCallister, California Energy Commission

Presenters:

- Pat Stanton, Conservation Services Group
- Peter Narog, Manager, DSM Policy & Strategy, Xcel Energy

Respondents:

- Dave Klemp, Montana Department of Environmental Quality
- Lewis Mills, Missouri Department of Economic Development
- The Hon. Phil Jones, Commissioner, Washington Utilities and Transportation Commission
- J.R. Kelly, Florida Office of the Public Counsel

Q&A with Attendees

**12:00 – 1:30 p.m.**

**Working Lunch - Case Study #2: Combined Heat and Power in Industrial/Manufacturing Facilities and Other Commercial/Industrial Programs**

Combined heat and power (CHP), also called cogeneration, can play several roles in compliance approaches, including serving as sources of distributed generation and demand-side energy efficiency. Studies on CHP have found significant potential for expanding CHP across the country, especially in the Southeast and Great Lakes region. This session will explore state options for including CHP and other commercial/industrial energy efficiency programs in state 111(d) compliance plans.

Moderator

- The Hon. Nick Wagner, Iowa Utilities Board

Presenters:

- Jennifer Kefer, David Gardiner & Associates
- Bruce Hedman, Institute for Industrial Productivity
- David Wooley, Wooley Energy and Environment

Respondents:

- Vince Hellwig, Michigan Department of Environmental Quality
- Hon. Joshua Epel, Chairman, Colorado Public Utilities Commission
- Janet Streff, Minnesota Department of Commerce

Q&A with Attendees

**1:30 – 3:15 p.m.**

**Case Study #3: Energy Savings Performance Contracting Programs**

Energy savings performance contracting (ESPC) is roughly a \$6 billion dollar market. Some states have investments of several hundred million dollars annually in ESPC projects in state buildings, municipal buildings, K-12 schools, hospitals, and universities. This presentation will discuss a strategy developed by a coalition of energy service companies (ESCOs) for how states could utilize energy savings performance contracting projects in their 111(d) compliance plans.

Moderator:

- Janet Streff, Minnesota Department of Commerce

Presenters:

- Ashley Patterson, Ameresco
- Christopher Hessler, AJW

Respondents:

- John Davies, Kentucky Department of Energy Development and Independence
- David Thornton, Minnesota Pollution Control Agency
- Hon. Joshua Epel, Chairman, Colorado Public Utilities Commission

Q&A with Attendees

**3:15 – 3:30 p.m.**

**Break**

**3:30 – 4:30 p.m.**

**Case Study #4: Building Energy Codes: Increased Compliance and New State Adoption**

Building energy codes have been used for several decades to help homeowners and businesses save money on energy bills and reduce energy consumption. While the draft EPA rule references the potential energy savings and greenhouse gas reductions that can be achieved by building energy codes, questions remain regarding how states could include building energy codes as a part of their state compliance plan. This session will explore potential state options and highlight remaining issues that need to be addressed.

Moderator

- Mark Glick, Hawaii Energy Office

Presenters:

- Sara Hayes, American Council for an Energy-Efficient Economy
- Bill Prindle, ICF

Respondents:

- Dub Taylor, Texas State Energy Conservation Office
- The Hon. Nick Wagner, Commissioner, Iowa Utilities Board
- Craig Segall, California Air Resources Board

Q&A with Attendees

**4:30 – 5:00 p.m.**

**To Do List, Next Steps, and Adjourn**

The 3N leaders will close the meeting and discuss potential next steps for continued 3N collaboration.

Moderators:

- Jeff Genzer, NASEO Counsel
- David Terry, Executive Director, National Association of State Energy Officials (NASEO)
- Bill Becker, Executive Director, National Association of Clean Air Agencies (NACAA)
- Charles Gray, Executive Director, National Association of Regulatory Utility Commissioners (NARUC)

Questions for attendees to consider:

- What additional guidance will be necessary from EPA to make energy efficiency work?
- What other “compliance pathway case studies” are needed?