



MARGARET WOOD HASSAN  
GOVERNOR

**STATE OF NEW HAMPSHIRE**  
**OFFICE OF ENERGY AND PLANNING**  
107 Pleasant Street, Johnson Hall  
Concord, NH 03301-3834  
Telephone: (603) 271-2155  
Fax: (603) 271-2615



www.nh.gov/oep

FEB 06 2013

February 6, 2013

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

1. The Office of Energy and Planning (OEP) requests authorization to enter into a Memorandum of Agreement with the NH Department of Environmental Services (NHDES, Vendor # 177894), Concord, NH in the amount of \$85,000.00, to support work under a federal grant to evaluate options for use of an Energy Efficiency Resource Standard (EERS) or other mechanisms to increase the deployment of energy efficiency in New Hampshire, effective upon Governor and Council approval through September 29, 2013. 100% Federal Funds.

Funding is available in the following account, State Energy Programs, with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified. Funding for FY 2014 is contingent upon continuing appropriation and availability of funds.

	<u>FY 2013</u>	<u>FY 2014</u>
01-02-02-024010-65100000	\$57,000	\$28,000
Cls 102-500731 Contracts for Program Services		

2. Authorize NHDES to accept and expend \$57,000 in pass thru federal funds from the Office of Energy and Planning for purposes of funding the work conducted under the Memorandum of Agreement described above, effective upon Governor and Council approval through September 29, 2013.

Funding is to be budgeted as follows:

**OEP Clean Cities  
03-44-44-443010  
FY 2013**

<b>Class</b>	<b>Budget Category</b>	<b>Current Budget</b>	<b>Requested Action</b>	<b>Revised Budget</b>
<b>Income</b>				
001-408137	Transfer From Other Agency	(\$29,216)	-0-	(\$29,216)
009-40xxxx	Other Income	-0-	(\$57,000)	(\$57,000)
	<b>TOTAL</b>	(\$29,216)	(\$57,000)	(\$86,216)
<b>Expenditures</b>				
020-500200	Current Expense	\$500	\$0	\$500
028-500292	Transfers to General Services	\$3,244	\$0	\$3,244
040-500800	Indirect Costs	\$1,604	\$1,862	\$3,466
042-500620	Additional Fringe Benefits	\$1,391	\$1,507	\$2,898
050-500109	Personal Service Temp.	\$0	\$22,663	\$22,663
059-500117	Temp Full Time	\$12,192	\$0	\$12,192
060-500601	Benefits	\$9,785	\$10,968	\$20,753
080-500712	Out-of-State Travel	\$500	\$0	\$500
102-500731	Contracts for Program Services	\$0	\$20,000	\$20,000
	<b>TOTAL</b>	\$29,216	\$57,000	\$86,216

**EXPLANATION**

The intent of this Agreement is to provide funding for NHDES to work with its long-standing partner OEP in coordinating and supporting work under a federal grant to evaluate options for, and make recommendations regarding, the use of an EERS or other mechanisms to increase New Hampshire's ability to realize the benefits of increasing energy efficiency. NHDES joins OEP as part of a collaborative team which gained broad statewide support and is defined in OEP's successful grant application to the U.S. Department of Energy (DOE), which awarded this competitive grant under the State Energy Program (Comp SEP).

NHDES will support the work of this grant by assisting with stakeholder outreach and by providing technical and policy analysis in Budget Periods 1 and 2. Funding for the second period (July 1, 2013 through September 29, 2013) of this two-period grant is contingent upon successful completion of the first period. DOE funding of Budget Period 2 is expected, and this is reflected in this Agreement's end date of September 29, 2013. Budget Period 2 funds shall be distributed to NHDES only after DOE has approved Budget Period 1. NHDES is providing a 10% match of in-kind staff services.

NHDES is requesting authorization to accept and expend \$57,000 in Pass thru federal funds from OEP for FY 2013, and to budget those funds as follows:

Classes 040, 042, 060 (Indirect Costs, Additional Fringe Benefits, and Benefits) - Increases in each class respectively, are necessary since there are additional personnel costs and these classes are based on a percentage of personnel costs.

Class 050 Personal Services - The funds in class 50 will not be used for new positions. These funds are available in support of expanded or new program activities not previously budgeted.

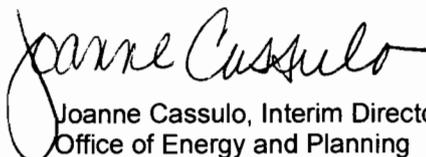
These funds will be used to supplant funding of the following positions, which are currently budgeted:

Position #	Title	Budget 03-44-44-443010	Funding mix	Amount
42223	Administrator III	9000-010	100% Federal	\$16,000
13053	APCE IV	5035-010	100% Other	\$6,663

Class 102 Contracts for Program Services – This class is added to pay for contract work to conduct research, collect information, or conduct technical analysis in support of the project.

In the event that the Federal Funds become no longer available, General Funds will not be requested to support this program.

Sincerely,

  
Joanne Cassulo, Interim Director,  
Office of Energy and Planning

  
Thomas S. Burack, Commissioner  
NH Department of Environmental Services

**MEMORANDUM OF AGREEMENT  
BETWEEN  
OFFICE OF ENERGY AND PLANNING  
AND  
NH DEPARTMENT OF ENVIRONMENTAL SERVICES,  
AIR RESOURCES DIVISION**

**Subject:** Funding for the NH Department of Environmental Services (NHDES) for work conducted relative to the Office of Energy and Planning's (OEP) US Department of Energy (DOE) grant to evaluate options for, and make recommendations regarding, the use of an Energy Efficiency Resource Standard (EERS) or other mechanisms to increase New Hampshire's ability to realize the benefits of increasing energy efficiency.

This Memorandum of Agreement (Agreement) outlines the general responsibilities of NHDES and OEP relative to support for the EERS project described above.

The project period is upon approval by the Governor and Executive Council and subsequent written notice to proceed from OEP, through September 29, 2013.

For the purposes of this Agreement, NHDES and OEP agree to cooperate as follows:

**NHDES** agrees:

- A. to assign responsible staff to participate in this initiative
- B. to oversee, implement and ensure satisfactory completion of the elements in the WORK PROGRAM; and
- C. to meet with OEP, as needed, to coordinate work activities.

The **OEP** agrees:

- A. to provide NHDES with funding as described under PROJECT COSTS;
- B. to assign an OEP staff person to serve as a liaison with NHDES;
- C. to meet with NHDES as needed, to coordinate work activities;
- D. Submit all required reports and respond to all inquiries regarding the program by the federal Department of Energy, and other agencies as required; and
- E. Provide payment within 30 days of receipt of an invoice that meets state and federal standards for completeness and allowable costs.

## **WORK PROGRAM**

- I. **TITLE:** Evaluation of Options for Use of an Energy Efficiency Resource Standard (EERS) or Other Mechanisms to Increase the Deployment of Energy Efficiency in New Hampshire.
- II. **STUDY AREA:** State of New Hampshire
- III. **OBJECTIVES:** To assist OEP with coordination of work under the Competitive State Energy Program (SEP) grant (DOE award # DE-EE0005463, CFDA #81.119), assist with gathering stakeholder input, and to provide technical and policy analysis in support of the grant objectives.
- IV. **WORK TASKS:** In order to ensure the requirements of the Competitive SEP grant are met, NHDES agrees to:
  1. Coordinate with Vermont Energy Investment Corporation (VEIC) to:
    - 1) Review work plans and schedules to ensure completion of the required work by the project deadline;
    - 2) Facilitate and manage the stakeholder processes outlined in Section 3, Stakeholder Collaboration, of OEP's Competitive SEP program proposal;
    - 3) Gather input from stakeholders on assessing an EERS and associated policy mechanisms; and
    - 4) To ensure timely delivery of a report to OEP regarding the economic impacts of establishing an energy efficiency goal for the state and the potential mechanisms for establishing such a goal.
  2. Conduct technical analysis and review of the VEIC reports and other information obtained during the stakeholder process.
  3. Prepare memoranda, as necessary, relative to the analyses and reviews in task IV, 2 above.
  4. Ensure meeting discussions and outcomes relative to the grant are documented and made available to OEP and stakeholders.
- V. **PROJECT COSTS:** The total amount of this Agreement is up to \$85,000: up to \$57,000 in Budget Period 1 (G&C approval through June 30, 2013) and up to \$28,000 in Budget Period 2 ( July 1, 2013 – September 29, 2013).
  1. Project funds will be used, other than as described below, to support DES staff involved in the work tasks outlined above.
  2. DES will provide in-kind non-federal cost share in the amount of \$10,000 towards the performance of these tasks.

3. Up to \$20,000 may be utilized by DES to conduct research, collect information, or conduct technical analysis in response to issues raised during the stakeholder process. DES may conduct this work in house, or subcontract the work to the University of New Hampshire or other qualified vendor.
  4. Funding for this project is through a two-period grant in which funding for Budget Period 2 is contingent upon DOE's approval of performance in Budget Period 1. DOE is expected to fund Budget Period 2, and this is reflected in this contract's end date of September 29, 2013. Budget Period 2 funds shall be distributed to DES only after DOE has approved Budget Period 1.
- VI. INVOICING: NHDES will submit detailed invoices and related backup documentation, as well as cost share documentation, within 15 days following the close of each fiscal quarter.
- VII. TERMINATION: Either party may terminate this agreement upon providing written notice to the other, thirty (30) days prior to termination. Upon termination, NHDES will be paid for all work completed prior to termination. However, should continuation of funding for Budget Period 2 be denied by DOE, OEP may terminate this agreement effective immediately. In the case of such termination, all reasonable costs incurred by DES in pursuit of Budget Period 1 activities, and within the budgeted amounts described above, shall be reimbursed by OEP.
- VIII. DURATION: The project duration extends from the date of approval by Governor and Council through September 29, 2013 for program activities, and through December 30, 2013 for cost share reporting, invoicing and program closeout, unless terminated by either party, or extended in writing by subsequent agreement of the parties and acceptance by Governor and Council.

IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.

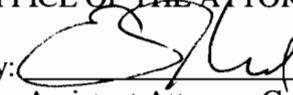
  
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Joanne Cassulo, Interim, Director  
Office of Energy and Planning

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Thomas S. Burack, Commissioner  
NH Department of Environmental Services

1/23/2013  
Date

OFFICE OF THE ATTORNEY GENERAL

By:   
\_\_\_\_\_  
Assistant Attorney General

Date: Jan - 24, 2013

I hereby certify that the foregoing agreement was approved by the Governor and Council of the State of New Hampshire at their meeting on FEB 06 2013.

OFFICE OF THE SECRETARY OF STATE

By: \_\_\_\_\_

**Department of Environmental Services  
Fiscal Situation  
FY 2013  
03-44-44-4430010-59250000**

Total Grant Authorization	\$87,000.00
Less Expenditures through 6/30/12	<u>\$0.00</u>
Remaining Authorization to Budget	\$87,000.00
Less Current FY2013 Budget Authorization	<u>\$29,216.00</u>
Total Available for Budgeting	\$57,784.00
<b>REQUESTED ACTION</b>	<b><u>\$57,000.00</u></b>
Available to Budget at a Later Date	\$784.00

Grant Award	Award Amount	Expenditures to 6/30/12	Balance
G&C# 3 10/3/12	\$30,000.00	\$0.00	\$30,000.00
Current request	<u>\$57,000.00</u>	<u>\$0.00</u>	<u>\$57,000.00</u>
Total	<u>\$87,000.00</u>	<u>\$0.00</u>	<u>\$87,000.00</u>