

**BEFORE THE  
MISSISSIPPI PUBLIC SERVICE COMMISSION  
JACKSON, MISSISSIPPI**

**MISSISSIPPI PUBLIC SERVICE COMMISSION**

**DOCKET NO. 2010-AD-2**

**IN RE:        PROPOSAL OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION  
                 TO POSSIBLY AMEND CERTAIN RULES AND REGULATIONS  
                 GOVERNING PUBLIC UTILITY SERVICE**

**FINAL ORDER ADOPTING RULE**

COMES NOW, the Mississippi Public Service Commission (“Commission”) and issues this Final Order, adding a new rule, Rule 29, to the Public Utilities Rules of Practice and Procedure (“Rules”) related to Conservation and Energy Efficiency Programs. Pursuant to the Mississippi Public Utility Act (the “Act”),<sup>1</sup> the Commission hereby adopts the attached Rule. A copy of the rule change is attached to this Order in a red-lined format and a complete copy of the Rules are available for review in the Office of the Executive Secretary at the Woolfolk State Office Building, Suite 201-A, 501 N. West Street, Jackson, Mississippi, 39201.

On January 15, 2010, the Commission issued an Order Establishing Docket in this matter. Notice was published according to applicable law and was filed with the Secretary of State in accordance with the Mississippi Administrative Procedures Act, Miss. Code Ann. §§25-43-1.101 *et seq.* Numerous parties have intervened and filed comments in this docket. A Public Hearing on the matter was held on November 15, 2012. The Commission also accepted comments during a public in hearing held on June 4, 2013. Having considered the Comments filed and the

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<sup>1</sup> Miss. Code Ann. §§77-3-1 *et seq.* (2013)

testimony presented at the hearing, the Commission finds that the attached version of Rule 29 should be adopted as the Commission's final rule.

When it adopted the Act, the legislature sought “[t]o promote adequate, reliable and economical utility service” and to “avoid[] wasteful, uneconomic and inefficient uses of energy.”<sup>2</sup> It required all public utilities to “furnish adequate, *efficient* and reasonable service.”<sup>3</sup> To further these objectives, the legislature entrusted the power to regulate Mississippi's public utilities to this Commission,<sup>4</sup> and empowered it to adopt all reasonable rules and regulations that it finds necessary to implement the Act's various provisions.<sup>5</sup> Rule 29 was developed exactly with these objectives in mind. Its purpose is to promote the *efficient* use of electricity and natural gas by implementing energy efficiency programs and standards in Mississippi. It does not set the price at which utilities must provide their services to their customers,<sup>6</sup> and as such, is not a “rate” as defined in the Act.<sup>7</sup> For example, the Rule does not establish a rate for the sale and/or distribution of electricity or gas.

The Commission requests the assistance of the Mississippi Public Utility Staff in establishing recommended energy savings targets for use in Comprehensive Portfolio Plans as referenced in Section 106 of the Rule.

IT IS, THEREFORE, ORDERED, that the attached Rule 29 is hereby adopted. The amendments are within the scope of the original Notice of Proposed Rule adoption, and therefore, provide fair warning as to the contents. This Rule shall be included in the next bound

<sup>2</sup> Miss. Code Ann. § 77-3-2(c), (d) (2013).

<sup>3</sup> § 77-3-33(2) (2013) (emphasis added).

<sup>4</sup> § 77-3-2(2).

<sup>5</sup> § 77-3-45.

<sup>6</sup> The Rule allows rate regulated utilities the option to recover potential costs of implementation through a separate rider. If a utility chooses to recover energy efficiency program costs through a rider, it must file an Energy Efficiency Cost Rate (“EECR”) for Commission review and approval. The Rule allows but does not require utilities to recover energy efficiency costs through a rider.

<sup>7</sup> See Miss. Code Ann. § 77-3-3(e) (2013).

publication of the Public Utilities Rules of Practice and Procedure and numbered sequentially in accordance with the requirements of the Administrative Procedures Act.

The Executive Secretary is directed to transmit a copy of this Final Order to the Secretary of State's Office in accordance with the Mississippi Administrative Procedures Act, Miss. Code Ann. §§25-43-1.101 *et seq.* The Executive Secretary is also directed to transmit a copy of this Final Order to all intervenors and any other parties of interest identified as well as publish the same according to applicable law.

IT IS FURTHER ORDERED, that all electric and gas utilities must file an Annual Report addressing performance of all approved energy efficiency programs every year by May 1<sup>st</sup>. Covered utilities are required to keep records on all approved energy efficiency programs in sufficient detail to permit a thorough audit and evaluation of all program cost and program performance. Such records are subject to inspection by the Commission at all times.<sup>8</sup> As with all Commission-administered statutes, rules and regulations, compliance with Rule 29 is a continuing burden placed on all covered utilities, and as such, a continuing matter of inquiry before the Commission.

IT IS FURTHER ORDERED, that this Order shall become effective upon issuance and shall be deemed issued on the day it is served upon the intervening parties of record by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

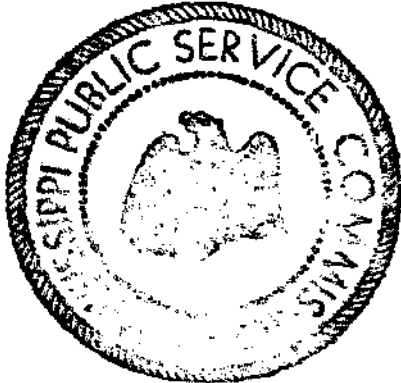
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<sup>8</sup> While the Rule itself explicitly grants the Commission the power to inspect all records of energy efficiency programs, the Act expressly grants the Commission access to and the right to inspect all utility accounts, records, memoranda and property. Miss. Code Ann. § 77-3-79 (2013).

Commissioner Leonard Bentz voted Aye; Commissioner Brandon Presley voted Aye

Commissioner Lynn Posey voted Aye.

Dated, this the 11<sup>th</sup> day of July 2013.



[Signature]  
Leonard Bentz, Chairman

[Signature]  
Lynn Posey, Vice- Chairman

[Signature]  
Brandon Presley, Commissioner

Attest: True Copy

[Signature]

Brian U. Ray  
Executive Secretary

Effective this the 11<sup>th</sup> day of July 2013.

## Chapter 29 CONSERVATION AND ENERGY EFFICIENCY PROGRAMS

### Rule 29

#### 100 Purpose

The Commission has developed these rules to implement energy efficiency programs and standards in Mississippi. The rules apply both to electric and natural gas service providers subject to the jurisdiction of the Mississippi Public Service Commission. The rules define "Quick Start" to encourage the early implementation of energy efficiency programs and to provide experience on which Mississippi's service providers and the Commission can build Comprehensive Portfolios—long-term energy efficiency programs. The rules also define the elements of Comprehensive Portfolios.

#### 101 Definitions

1. Administrator — The entity, which may be the service provider, responsible for creating and managing an energy efficiency program or portfolio.
2. Best Practice — An approach that experience indicates is more effective at delivering a particular outcome (*e.g.*, program design, implementation efficiency, cost effectiveness, EM&V) than other approaches. For the purpose of this rule, Best Practices are energy efficiency programs, measures, EM&V, and deemed savings successfully implemented in other jurisdictions and adapted for any economic, social, or demographic characteristics unique to Mississippi. Best Practices are identified by the National Action Plan for Energy Efficiency (NAPEE), by similar national organizations, and by utilities with significant long-term energy efficiency experience.
3. Comprehensive Portfolio — A collection of energy efficiency programs that, when taken together, provide appropriate organizational resources including financial, technical, outreach, marketing, service provider infrastructure, training, and education support sufficient to achieve widespread implementation of all types of significant cost-effective energy-efficiency improvements in all categories of retail customers.
4. Cost-effective — A standard used to describe a net-beneficial result for programs to be implemented, determined through a process that includes a review of relevant cost-benefit tests. A Cost-effective program would be one that can provide aggregate ratepayer benefits for a majority of utility customers.
5. Deemed Savings — Pre-determined, validated estimates of energy and/or demand savings attributable to particular energy efficiency measures, based upon engineering calculations, baseline studies, reasonable assumptions and/or experience. Deemed savings values must be revised periodically to reflect new technologies; new federal; state or local policies and codes; and additional experience.
6. Energy Efficiency — Reducing the rate at which energy is used by equipment and/or processes while maintaining or improving the customer's existing level of comfort and end-use functionality. Such reductions may be achieved by substituting more advanced technology or by reorganizing the process to reduce waste heat, reduce waste cooling, or improve the thermal properties of a building. Energy efficiency also includes the reduction of energy through behavior-based programs that may reduce capacity but have little to no associated energy savings such as load control and dynamic pricing (time-of-use, critical peak pricing, peak times rebates, etc.), typically known as demand response.
7. Energy Efficiency Savings — Energy (kWh, therms) and/or capacity (kW) savings

determined by comparing measured energy use before and after implementation of an energy efficiency measure or by reference to a set of Deemed Savings approved by the Commission.

8. Evaluation, Measurement, and Verification (EM&V) — Studies and activities performed to estimate savings and other effects from energy efficiency programs and measures.
9. Measure — The equipment, materials and/or practices that, when put into use at a customer site, result in a measurable and verifiable reduction in either purchased energy consumption; measured energy or peak demand; or both.
10. Portfolio — The entire group of programs offered by an Administrator.
11. Program — A particular energy efficiency service or set of services directed to a particular population.
12. Program Year — The year in which programs are administered and delivered. For the purposes of planning and reporting, a Program Year shall be considered a calendar year, January 1 through December 31.
13. Quick Start — A portfolio of energy efficiency programs selected from programs that have been widely implemented in other jurisdictions and can provide aggregate ratepayer benefits to a majority of utility customers. These programs can be implemented more quickly in Mississippi because they are already well-defined, have well-established track records, and require fewer showings to the Commission.

## **102 Administration and Implementation of Energy Efficiency Programs**

### **1. Filing for Commission Approvals**

- a. Quick Start Plans — Each electric and natural gas utility serving more than 25,000 customers (meters) and subject to the jurisdiction of the Commission shall file with the Commission for its approval a Quick Start Plan for energy efficiency programs for its service territory. These Plans shall be filed not later than six (6) months following the order adopting this Rule. Utilities serving 25,000 customers (meters) or fewer are exempt from filing Quick Start Plans.
- b. Comprehensive Portfolio Plans — By the later of 36 months from the date of the Commission's order approving its Quick Start Plan or nine (9) months following the Commission's approval of the specific numerical energy savings targets for programs in Comprehensive Portfolio Plans, each electric and gas utility shall file a Comprehensive Portfolio Plan of energy efficiency programs. Utilities serving 25,000 or fewer customers (meters) are not exempt from this filing and shall submit descriptions of energy efficiency programs that are economically feasible to implement for their organization's size.
- c. Approval — A program, portfolio, or plan filed under these rules shall not be implemented until a Commission order is issued expressly approving the program, portfolio, or plan. The Commission shall establish a procedural schedule for the review of each program, portfolio, or plan filing.

### **2. Waivers**

Exemptions from these rules may be granted by the Commission in accordance with the Commission's Rules of Practice and Procedure. Nothing in these rules shall preclude the Commission from modifying these rules on its own initiative or in response to a party's motion and after notice and hearing.

## 103 Quick Start Plan Filing Requirements

1. Service providers shall propose general program designs, specific programs, and specific measures and may propose programs and/or measures in any combination. The objective of Quick Start shall be: a) the development of increased utility program capabilities and infrastructure; b) the expansion of energy efficiency expertise throughout Mississippi; c) the identification of locally successful (and unsuccessful) energy efficiency program delivery strategies; and d) the initial delivery of energy savings benefits to a sizable cross section of utility customers.

Quick Start Plans shall include energy efficiency programs designed to cover the partial year remaining from the date of the Commission's order approving the Plan plus two successive full Program Years. Quick Start Plans may also include additional programs to be implemented in the first and/or second full Program Year. Quick Start Plans shall include energy efficiency programs that address all customer classes.

### **2. Energy Efficiency Programs in Quick Start**

Energy efficiency programs should be capable of being implemented within six (6) months of Plan approval.

All Quick Start programs shall be based on technologies which are commercially available. As appropriate, Quick Start programs shall be coordinated with and not duplicate related programs funded through other sources.

Programs filed by natural gas and electric utilities shall comply with the standards and rules regarding promotional practices as set forth by Commission Order in Docket 1994-UA-115.

Quick Start budgets shall be targeted to programs that have been demonstrated to provide energy and/or demand reductions for the applicable program time periods rather than to a larger number of smaller programs with minimal impacts.

Utilities shall file energy efficiency programs developing individual programs, but are not limited to, from the following general list of categories:

- a. Customer Education* — This would include the education of customers on energy efficiency and conservation. It should, to the greatest extent possible, be a consistent statewide group of messages. It should include education of builders and equipment installers. The messages should encourage the efficient use of electricity and gas. The messages should increase awareness of opportunities to use electricity and natural gas more efficiently. This category of programs would apply to all customer classes.
- b. Energy Audits and Evaluations Leading to Savings* — This would include home and commercial energy audits and audits of commercial and industrial processes and equipment. The audits and evaluations would produce recommendations for opportunities to implement site-specific efficiency and conservation measures. Programs would be designed for audits to

lead to savings results and could include cost-effective and economically justified customer incentives to encourage the implementation of site-specific measures. A training component to increase the number and quality of auditors may be needed. This category of programs would apply to all customer classes.

- c. Inspection and Tune Up of Heating and Air Conditioning Systems, or Retrofit of Heating, Ventilation and Air Conditioning Systems* — This would be applicable to residential, commercial, and industrial systems. This category of programs would apply to all customer classes.
- d. Lighting* — Improved lighting for residential, commercial, and industrial customers. This category of programs would apply to all customer classes.
- e. Appliances* — Programs that offer rebates or other incentives on high-efficiency appliance and work with upstream trade allies to increase the sales of these products through the distribution chain. This category of programs most often applies to residential and small commercial customers.
- f. Increased Deployment of Demand Response Programs* — Such programs already exist in Mississippi. This would look for additional opportunities to offer demand response programs including interruptible service, curtailment service, off-peak service, etc. In the near term, this category of programs would apply to commercial and industrial customer classes but may eventually extend to residential customers.
- g. Weatherization and Whole-Home Retrofits* — A residential weatherization or comprehensive retrofit program that would be based solely on efficiency criteria using established home assessment protocols and often targeting least efficient homes first. This category of programs would apply to the residential customer class.
- h. New Homes Program* — These residential programs provide incentives to builders who achieve a percentage of energy savings against a prescribed standard.
- i. Small Business, Commercial and Industrial Prescriptive Incentive Programs* — These programs offer a fixed-dollar incentive for multiple defined prescriptive measures (i.e., lighting, HVAC replacements, occupancy sensors, motors, etc.).
- j. Small Business, Commercial and Industrial Custom Incentive Programs* — In these programs, the Administrator works with the customer to develop site-specific energy efficiency measures, and the incentive is based both on the amount of energy saved and the total cost of the energy efficiency measures.



- k. *Small Business, Commercial and Industrial Retro-Commissioning* — Existing buildings are comprehensively assessed and "tuned up" to optimize energy efficiency in their operations.

### **3. Quick Start Plan Portfolio Description**

Each Quick Start Plan filing shall address the following portfolio elements:

- a. Demonstration that the portfolio of Quick Start programs serves all customer classes;
- b. A Quick Start budget; and
- c. Any additional supporting information the Administrator may propose.

Quick Start Plan filings may include a cost recovery proposal to be collected in an energy efficiency rider (see Section 106).

Although estimates of program costs must be included in proposals, Quick Start programs are exempt from the requirement to provide cost-effectiveness showings under the cost-benefit tests of Section 105. Estimated energy and demand savings and an EM&V program shall be included for all Quick Start programs except a statewide education program.

### **4. Quick Start Plan Individual Program Descriptions**

Each program in the Quick Start Plan should include the following general information:

- a. A general description of the program and the services to be provided;
- b. The target customer population addressed by the program;
- c. The specific program objectives;
- d. The identification of the specific EM&V procedures that will be implemented to determine whether the program has achieved its stated objectives;
- e. Anticipated implementation barriers and how they will be addressed;
- f. Any proposed customer incentives;
- g. Program's timeframe if the program term is limited;
- h. A plan for addressing over-subscription to the program and avoiding disruptive stop-start funding cycles;
- i. Estimated energy and peak demand savings and the basis for these savings estimates, which may use Deemed Savings;
- j. Estimated program costs and its proportion of the Quick Start budget; and
- k. Any additional information or analyses the service provider may propose.

## **104 Comprehensive Portfolio Plan Filing Requirements**

1. Service providers shall propose general program designs, specific programs, and specific measures and may propose programs and/or measures in any combination. All programs (design, implementation, EM&V, etc.) shall be guided by Best Practices. As appropriate, Comprehensive Portfolio programs should be coordinated with and not duplicate related programs funded through other sources.

The All Comprehensive Portfolio Plans shall include energy efficiency programs that address all customer classes. Plans shall cover at least one year and may cover up to three years.

Except for pilot or trial programs, Comprehensive Portfolio budgets should be applied to programs of sufficient scale to provide meaningful energy and/or demand reductions for the applicable program time periods instead of to a larger number of smaller programs with minimal impacts. Except for pilot or trial programs, technologies supporting energy efficiency programs should be commercially available. Program cost allocations should follow cost-causation principles — there shall be no cross subsidization between customer classes.

### **2. Comprehensive Portfolio Description and Support**

Program plans shall be consistent with and reflect the effects of all energy efficiency programs in the electric utilities resource plans or natural gas utilities procurement plans.

Programs filed by natural gas and electric utilities shall comply with the standards and rules regarding promotional practices as set forth by Commission Order in Docket 1994-UA-115.

Each Comprehensive Portfolio Plan filing shall address the following portfolio-level elements:

- a. Demonstration that the scope of the Comprehensive Portfolio Plan serves all customer classes;
- b. A showing of providing aggregate ratepayer benefits to the majority of ratepayers;
- c. Cost-benefit analysis (see Section 105) listing total costs and benefits, including expected savings goals for the portfolio;
- d. A Comprehensive Portfolio budget; and
- e. Any additional supporting information the utility may propose.

Comprehensive Portfolio Plan filings may include a cost recovery proposal to be collected in an energy efficiency rider (see Section 106).

### **3. Comprehensive Portfolio Plan Individual Program Description Requirements**

Program designs should reflect Best Practices. The proposed programs may continue to include, but are not limited to, those in Quick Start. For program implementation, a focus should be placed on local and diverse equipment and service providers to the extent these are available and competitively priced.

- a. For the Comprehensive Portfolio and each program a utility shall describe, in qualitative and quantitative terms, how its proposal will further or accomplish any or all of the following objectives or benefits that are reasonably applicable to the utility's proposal.

- i. Energy savings directly attributable to program activities;
- ii. Long-term and permanent changes in behavior, attitudes, awareness, and knowledge about energy savings and use of energy efficient technologies in order to achieve energy savings;
- iii. Electric peak demand reduction;
- iv. Energy cost savings and cost-effectiveness;
- v. Reliability enhancements;
- vi. Energy security benefits;
- vii. Environmental benefits;
- viii. Job creation and economic development/competitiveness benefits for Mississippi;
- ix. Increases in system-wide capacity;
- x. Improvement in energy affordability for all customers; and
- xi. Efficient program implementation.

Should the utility determine that its proposal does not address one or more of the listed objectives or benefits, the utility shall briefly explain why not.

**b. Each program in the Comprehensive Portfolio should include the following information:**

- i. A general description of the program and the services to be provided;
- ii. The target customer population addressed by the program;
- iii. The specific program objectives;
- iv. Targets for customer participation and energy use reductions;
- v. The identification of the specific EM&V procedures that will be implemented to determine whether the program has achieved its stated objectives. The EM&V plan should appropriately balance the need to assess and improve program performance with EM&V costs. All EM&V plans should use industry accepted protocol approved by the Commission. Portfolio EM&V cost targets should be no more than five percent of total portfolio costs although EM&V costs for some individual programs may be higher;
- vi. Anticipated implementation barriers and how they will be addressed;
- vii. Any proposed customer incentives;
- viii. Program's timeframe if the program term is limited;
- ix. A plan for addressing over-subscription to the program and avoiding disruptive stop-

- start funding cycles;
- x. The prescribed cost-benefit analyses (see Section 105);
  - xi. Estimated energy and peak demand savings and the basis for these savings estimate, which may include Deemed Savings if approved by the Commission;
  - xii. Any additional information or analyses the service provider may propose.

#### **4. Uniformity of Programs**

Programs addressing both electric and gas customers in the same service territory shall be coordinated to the extent reasonable.

##### **a. Customer Incentives**

Programs may include financial and other incentives to encourage customers to make energy efficient investments if the incentives are cost justified and are a component of a program that can provide aggregate ratepayer benefits to the majority of utility customers.

Incentives may include information, technical assistance, leasing programs, product giveaways and direct financial inducements. Financial inducements may include but are not limited to rebates, discounted products and services, and low-rate financing.

All customer incentives shall be considered in the cost-benefit testing of programs. Costs of customer incentives shall be considered a direct program cost.

Incentives shall not be any higher than necessary to overcome the customer barriers to invest in the measure and should be reduced or eliminated as the measure becomes more of a standard practice.

b. Statewide Programs The Commission, after notice and hearing, may direct utilities to offer uniform statewide energy efficiency and conservation programs if it determines such standardization is the most cost-effective result and in the public interest. Utilities may request approval to offer statewide or region-wide programs for which public messages, commercial terms and conditions, and customer reception are best served by such an approach.

c. Pilot Programs - The Commission may approve pilot energy efficiency programs. A pilot program design is distinct from Quick Start and other program designs in that it shall include explicit questions that the pilot will address, explicit EM&V designed to address pilot questions, estimates of program costs and savings, and a provisional cost-benefit evaluation. Pilot Programs shall be of limited duration until reassessment after a predetermined period. Pilot programs shall have characteristics from among the following:

- i. Addressing a new end use, and
- ii. Applying a new technology or a new delivery method.

All programs which are not classified as a pilot nor Quick Start program must comply with all plan filing

requirements of this Section 104.

All costs for Pilot, Quick Start, and other programs shall be considered eligible for cost recovery.

**105 Cost-Benefit Tests**

Cost-benefit assessments for all energy efficiency programs shall be evaluated using the Total Resource Cost (TRC), the Program Administrator Cost (PAC) (also known as the Utility Cost Test (UCT)), the Participant (PCT), and the Rate Impact Measure (RIM) tests as defined in the California Standard Practices Manual: Economic Analysis of Demand Side Programs and Projects, July, 2002, ("Manual") and submitted to the Commission. The inputs for these tests shall be based as much as practicable on data local to Mississippi. The costs of program design; implementation; delivery; customer incentives; customer education and marketing; measurement of benefits; and administration are recognized parts of energy efficiency program costs that should be included in cost-benefit calculations. Cost-benefit results shall be presented for both an individual program and portfolio basis, but no one test shall be used to deem a program or portfolio as lacking cost-effectiveness.

A utility shall use an evaluation period of either ten years (a natural gas utility may use an evaluation period of fifteen years) or the actual lives for each measure in a program to evaluate a program or portfolio.

Utilities may submit additional economic analyses information in support of a proposed program or portfolio.

Results of the tests shall be presented consistent with the descriptions shown in Table 1 or by other means approved by the Commission.

**TABLE 1- Cost-Benefit Tests with Primary and Secondary Means of Expressing Test Results**

Primary	Secondary
<i>Participant Test</i>	
Net present value ("NPV") (all participants)	Discounted payback (years) Benefit-cost ratio ("BCR") Net present value (average participant)
<i>Ratepayer Impact Measure (RIM) Test</i>	
Lifecycle revenue impact per unit of energy (kWh or therm) or demand customer (kW)	Lifecycle revenue impact per unit Annual revenue impact (by year, per kWh, kW, therm, or customer)
Net present value	First-year revenue impact (per kWh, kW, therm, or customer) BCR
<i>Total Resource Cost (TRC) Test</i>	

Net present value	BCR Levelized cost (cents or dollars per unit of energy or demand)
<b><i>Program Administrator Cost (PAQ Test)</i></b>	
Net present value	BCR Levelized cost (cents or dollars per unit of energy or demand)

The Commission will rely on the formulas in the Manual and will assess the cost-benefit test results in the public interests.

### **106 Cost Recovery**

For the purposes of this Section, “energy efficiency program costs” shall be defined as the incremental program costs that are not already included in the then-current utility rates and the lost contribution to fixed cost (“LCFC”) associated with approved energy efficiency programs. “Incremental program cost” includes, among other things, all incremental costs associated with incentives and rebates, marketing and delivery, EM&V, and program administration.

Cost recovery shall include full and timely recovery of incremental program costs and LCFC. The Commission may decide to limit the time period during which utilities may recover LCFC.

To address disincentives for energy efficiency investments, the utilities may propose an approach to earn a return on energy efficiency investments through a shared savings or other performance based incentive mechanism to make these investments more like other investments on which utilities earn a return. Prior to the Comprehensive Portfolio Plan filing deadlines, the Commission intends to establish specific numerical energy savings targets expressed as percentages of energy sales based on the experience of Quick Start and other relevant information.

A utility may request energy efficiency cost recovery through a separate rider. A utility may request that energy efficiency program costs from approved program budgets be included in the rider. A utility may request that cost recovery begin when the energy efficiency program is implemented and offered to customers. Utilities may also propose a mechanism to adjust budgets to deal with oversubscriptions and to avoid stop-start funding.

If a utility is recovering energy efficiency program costs through a rider, the utility shall file, contemporaneous with the Annual Report under Section 107, a re-determined Energy Efficiency Cost Rate (“EECR”). In support of this re-determined rate, the utility shall file a schedule of actual program costs for the reporting period, actual amounts collected under the rider for the reporting period, actual and projected lost contributions to fixed costs and approved program budgets for the current calendar year. In addition, if the utility seeks Commission approval to earn a return on

energy efficiency investments and the utility seeks to recover these costs through the EECR, then the utility shall incorporate these costs into its filing. Any return on investment calculation shall be based on the reporting year. The EECR shall be adjusted to reflect a reconciliation of any over- or under-recovery for the prior year and the approved budget for the current Program Year.

#### **107 Annual Reporting Requirements**

By May 1 annually, each electric and gas utility shall file an Annual Report addressing the performance of all approved energy efficiency programs. The report shall present:

1. The results of the prescribed EM&V measures for the Portfolio and each program;
2. A measure of each program's savings;
3. The amounts spent on each energy efficiency program and the total amounts spent on all programs; and
4. Any recommendations for expansion, reduction, alteration, addition, or elimination of any programs with justifications for the recommendations.

#### **108 Records**

All energy efficiency programs and measures are subject to inspection by the Commission.

All records of energy efficiency programs shall be maintained in sufficient detail to permit a thorough audit and evaluation of all program costs and program performance. This Section 108 does not limit the existing authority of the Mississippi Public Service Commission.

## Chapter 29 CONSERVATION AND ENERGY EFFICIENCY PROGRAMS

### Rule 29

#### 100 Purpose

The Commission has developed these rules to implement energy efficiency programs and standards in Mississippi. The rules apply both to electric and natural gas service providers subject to the jurisdiction of the Mississippi Public Service Commission. The rules define "Quick Start" to encourage the early implementation of energy efficiency programs and to provide experience on which Mississippi's service providers and the Commission can build Comprehensive Portfolios—long-term energy efficiency programs. The rules also define the elements of Comprehensive Portfolios.

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5. Deemed Savings — Pre-determined, validated estimates of energy and/or demand savings attributable to particular energy efficiency measures, based upon engineering calculations, baseline studies, reasonable assumptions and/or experience. Deemed savings values must be revised periodically to reflect new technologies; new federal; state or local policies and codes; and additional experience.
6. Energy Efficiency — Reducing energy input the rate at which energy is used by to equipment and/or processes while maintaining or improving the customer's existing level of comfort and end-use functionality. Reduction in energy input. Such reductions may be achieved by substituting more advanced technology or by reorganizing the process to reduce waste heat, reduce waste cooling, or improve the thermal properties of a building. Energy efficiency also includes the reduction of energy through behavior-based programs that may reduce capacity but have little to no associated energy savings such as load control and dynamic pricing (time-of-use, critical peak pricing, peak times rebates, etc.), typically known as demand response, is a form of energy efficiency.
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determined by comparing measured energy use before and after implementation of an energy efficiency measure or by reference to a set of Deemed Savings approved by the Commission.

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## 102 Administration and Implementation of Energy Efficiency Programs

### 1. Filing for Commission Approvals

- a. Quick Start Plans — Each electric and natural gas utility serving more than 25,000 customers (meters) and subject to the jurisdiction of the Commission shall file with the Commission for its approval a Quick Start Plan for energy efficiency programs for its service territory. These Plans shall be filed not later than ~~three (3)~~ six (6) months following the order adopting this Rule. Utilities serving 25,000 customers (meters) or fewer are exempt from filing Quick Start Plans.
- b. Comprehensive Portfolio Plans — ~~By the~~ No later of than 36 months from the date of the Commission's order approving its Quick Start Plan or ~~nine (9) months following the Commission's approval of the specific numerical energy savings targets for programs in Comprehensive Portfolio Plans,~~ each electric and gas utility shall file a Comprehensive Portfolio Plan of energy efficiency programs. Utilities serving 25,000 or fewer customers (meters) are not exempt from this filing and shall submit descriptions of energy efficiency programs that are economically feasible to implement for their organization's size.
- c. Approval — A program, portfolio, or plan filed under these rules shall not be implemented until a Commission order is issued expressly approving the program, portfolio, or plan. The Commission shall establish a procedural schedule for the review of each program, portfolio, or plan filing.

### 2. Waivers

Exemptions from these rules may be granted by the Commission in accordance with the Commission's Rules of Practice and Procedure. Nothing in these rules shall preclude the Commission from modifying these rules on its own initiative or in response to a party's motion and after notice and hearing.

### 103 Quick Start Plan Filing Requirements

1. Service providers shall propose general program designs, specific programs, and specific measures and may propose programs and/or measures in any combination. The objective of Quick Start shall be: a) the development of increased utility program capabilities and infrastructure; b) the expansion of energy efficiency expertise throughout Mississippi; c) the identification of locally successful (and unsuccessful) energy efficiency program delivery strategies; and d) the initial delivery of energy savings benefits to a sizable cross section of utility customers.

Quick Start Plans shall include energy efficiency programs designed to cover the partial year remaining from the date of the Commission's order approving the Plan plus two successive full Program Years. Quick Start Plans may also include additional programs to be implemented in the first and/or second full Program Year. Quick Start Plans shall include energy efficiency programs that address all customer classes.

#### 2. Energy Efficiency Programs in Quick Start

Energy efficiency programs should be capable of being implemented within ~~four months~~ six (6) months of Plan approval.

All Quick Start programs shall be based on technologies that are commercially available. As appropriate, Quick Start programs shall be coordinated with and not duplicate related programs funded through other sources.

Programs filed by natural gas and electric utilities shall comply with the standards and rules regarding promotional practices as set forth by Commission Order in Docket 1994-UA-115.

Quick Start budgets shall be ~~applied-targeted~~ applied to programs of sufficient scale ~~programs that have been demonstrated~~ to provide meaningful energy and/or demand reductions for the applicable program time periods rather than to a larger number of smaller programs with minimal impacts.

Utilities shall file energy efficiency programs developing individual programs, but are not limited to, from the following general list of categories:

- a. *Customer Education*— This would include the education of customers on energy efficiency and conservation. It should, to the greatest extent possible, be a consistent statewide group of messages. It should include education of builders and equipment installers. The messages should encourage the efficient use of electricity and gas. The messages should increase awareness of opportunities to use electricity and natural gas more efficiently. This category of programs would apply to all customer classes.
- b. *Energy Audits and Evaluations Leading to Savings*— This would include home and commercial energy audits and audits of commercial and industrial processes and equipment. The audits and evaluations would produce recommendations for opportunities to implement site-specific efficiency and conservation measures. Programs would be designed for audits to

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lead to savings results and could include cost-effective and economically justified customer incentives to encourage the implementation of site-specific measures. A training component to increase the number and quality of auditors may be needed. This category of programs would apply to all customer classes.

- c. *Inspection and Tune Up of Heating and Air Conditioning Systems, or Retrofit of Heating, Ventilation and Air Conditioning Systems* — This would be applicable to residential, commercial, and industrial systems. This category of programs would apply to all customer classes.
- d. *Lighting* — Improved lighting for residential, commercial, and industrial customers. This category of programs would apply to all customer classes.
- e. *Appliances* — Programs that offer rebates or other incentives on high-efficiency appliance and work with upstream trade allies to increase the sales of these products through the distribution chain. This category of programs most often applies to residential and small commercial customers.
- f. *Increased Deployment of Demand Response Programs* — Such programs already exist in Mississippi. This would look for additional opportunities to offer demand response programs including interruptible service, curtailment service, off-peak service, etc. In the near term, this category of programs would apply to commercial and industrial customer classes but may eventually extend to residential customers.
- g. *Weatherization and Whole-Home Retrofits* — A residential weatherization or comprehensive retrofit program that would be based solely on efficiency criteria using established home assessment protocols and often targeting least efficient homes first. This category of programs would apply to the residential customer class.
- h. *New Homes Program* — These residential programs provide incentives to builders who achieve a percentage of energy savings against a prescribed standard.
- i. *Commercial and Industrial Prescriptive Incentive Programs* — These programs offer a fixed-dollar incentive for multiple defined prescriptive measures (i.e., lighting, HVAC replacements, occupancy sensors, motors, etc.).
- j. *Commercial and Industrial Custom Incentive Programs* — In these programs, the Administrator works with the customer to develop site-specific energy efficiency measures, and the incentive is based both on the amount of energy saved the total cost of the energy efficiency measures.

- k. *Commercial and Industrial Retro-Commissioning* — Existing buildings and comprehensively assessed and "tuned up" to optimize energy efficiency in their operations.

### **3. Quick Start Plan Portfolio Description**

Each Quick Start Plan filing shall address the following portfolio elements:

- a. Demonstration that the portfolio of Quick Start programs serves all customer classes;
- b. A Quick Start budget and cost recovery proposal to be collected in an energy efficiency rider (see Section 106); and
- c. Any additional supporting information the Administrator may propose.

Quick Start Plan filings may include a cost recovery proposal to be collected in an energy efficiency rider (see Section 106).

Although estimates of program costs must be included in proposals, Quick Start programs are exempt from the requirement to provide cost-effectiveness showings under the cost-benefit tests of Section 105. Estimated energy and demand savings and an EM&V program shall be included for all Quick Start programs except a statewide education program.

### **4. Quick Start Plan Individual Program Descriptions**

Each program in the Quick Start Plan should include the following general information:

- a. A general description of the program and the services to be provided;
- b. The target customer population addressed by the program;
- c. The specific program objectives;
- d. The identification of the specific EM&V procedures that will be implemented to determine whether the program has achieved its stated objectives;
- e. Anticipated implementation barriers and how they will be addressed;
- f. Any proposed customer incentives;
- g. Program's timeframe if the program term is limited;
- h. A plan for addressing over-subscription to the program and avoiding disruptive stop-start funding cycles;
- i. Estimated energy and peak demand savings and the basis for these savings estimates, which may use Deemed Savings;
- j. Estimated program costs and its proportion of the Quick Start budget; and
- k. Any additional information or analyses the service provider may propose.

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#### 104 Comprehensive Portfolio Plan Filing Requirements

1. Service providers shall propose general program designs, specific programs, and specific measures and may propose programs and/or measures in any combination. All programs (design, implementation, EM&V, etc.) shall be guided by Best Practices. As appropriate, Comprehensive Portfolio programs should be coordinated with and not duplicate related programs funded through other sources.

The All Comprehensive Portfolio Plans shall include energy efficiency programs that address all customer classes. Plans shall cover at least one year and may cover up to three years.

Except for pilot or trial programs, Comprehensive Portfolio budgets should be applied to programs of sufficient scale to provide meaningful energy and/or demand reductions for the applicable program time periods instead of to a larger number of smaller programs with minimal impacts. Except for pilot or trial programs, technologies supporting energy efficiency programs should be commercially available. Program cost allocations should follow cost-causation principles — there shall be no cross subsidization between customer classes.

#### **2. Comprehensive Portfolio Description and Support**

Program plans shall be consistent with and reflect the effects of all energy efficiency programs in the electric utilities resource plans or natural gas utilities procurement plans.

Programs filed by natural gas and electric utilities shall comply with the standards and rules regarding promotional practices as set forth by Commission Order in Docket 1994-UA-115.

Each Comprehensive Portfolio Plan filing shall address the following portfolio-level elements:

- a. Demonstration that the scope of the Comprehensive Portfolio Plan serves all customer classes;
- b. A showing of providing aggregate ratepayer benefits to the majority of ratepayers;
- c. Cost-benefit analysis (see Section 105) listing total costs and benefits, including expected savings goals for the portfolio;
- d. A Comprehensive Portfolio budget and cost recovery proposal to be collected in an energy efficiency rider (see Section 106); and
- e. Any additional supporting information the utility may propose.

Comprehensive Portfolio Plan filings may include a cost recovery proposal to be collected in an energy efficiency rider (see Section 106).

#### **3. Comprehensive Portfolio Plan Individual Program Description Requirements**

Program designs should reflect Best Practices. The proposed programs may continue to include, but are not limited to, those in Quick Start. For program implementation, a focus should be placed on local and diverse equipment and service providers to the extent these are available and competitively priced.

- a. For the Comprehensive Portfolio and each program a utility shall describe, in qualitative and quantitative terms, how its proposal will further or accomplish any or all of the following objectives or benefits that are reasonably applicable to the utility's proposal. Should the utility determine that its

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proposal does not address one or more of the listed objectives or benefits, the utility shall briefly explain why not.

- i Energy savings directly attributable to program activities;
- ii Long-term and permanent changes in behavior, attitudes, awareness, and knowledge about energy savings and use of energy efficient technologies in order to achieve energy savings;
- iii Permanent electric peak demand reduction;
- iv Energy cost savings and cost-effectiveness;
- v Reliability enhancements;
- vi Energy security benefits;
- vii Environmental benefits;
- viii Job creation and economic development/competitiveness benefits for Mississippi;
- ix Increases in system-wide capacity;
- x Improvement in energy affordability for all customers; and
- xi Efficient program implementation.

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Should the utility determine that its proposal does not address one or more of the listed objectives or benefits, the utility shall briefly explain why not.

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b. Each program in the Comprehensive Portfolio should include the following information:

- i. \_\_\_-A general description of the program and the services to be provided;
- ii. \_\_\_-The target customer population addressed by the program;
- iii. \_\_\_-The specific program objectives;
- iv. \_\_\_-Targets for customer participation and energy use reductions;
- v. \_\_\_-The identification of the specific EM&V procedures that will be implemented to determine whether the program has achieved its stated objectives. The EM&V plan should appropriately balance the need to assess and improve program performance with EM&V costs. EM&V approaches should be guided by Best Practices. Portfolio EM&V cost targets should be no more than five percent of total portfolio costs although EM&V costs for some individual programs may be higher;
- vi. \_\_\_-Anticipated implementation barriers and how they will be addressed;
- vii. \_\_\_-Any proposed customer incentives;
- viii. \_\_\_-Program's timeframe if the program term is limited;

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ix.\_ -A plan for addressing over-subscription to the program and avoiding disruptive stop-start funding cycles;

x.\_ -The prescribed cost-benefit analyses (see Section 105);

xi.\_ -Estimated energy and peak demand savings and the basis for these savings estimate, which may include Deemed Savings if approved by the Commission;

xii.\_ -Any additional information or analyses the service provider may propose.

#### **4. Uniformity of Programs**

Programs addressing both electric and gas customers in the same service territory shall be coordinated to the extent reasonable.

##### **a. Customer Incentives**

Programs may include financial and other incentives to encourage customers to make energy efficient investments if the incentives are cost justified and are a component of a program that can provide aggregate ratepayer benefits to the majority of utility customers.

Incentives may include information, technical assistance, leasing programs, product giveaways and direct financial inducements. Financial inducements may include but are not limited to rebates, discounted products and services, and low-rate financing.

All customer incentives shall be considered in the cost-benefit testing of programs. Costs of customer incentives shall be considered a direct program cost.

Incentives shall not be any higher than necessary to overcome the customer barriers to invest in the measure and should be reduced or eliminated as the measure becomes more of a standard practice.

**b. Statewide Programs** The Commission, after notice and hearing, may direct utilities to offer uniform statewide energy efficiency and conservation programs if it determines such standardization to be the most cost-effective result and in the public interest. Utilities may request approval to offer statewide or region-wide programs for which public messages, commercial terms and conditions, and customer reception are best served by such an approach.

**c. Pilot Programs** The Commission may approve pilot energy efficiency programs. A pilot program design is distinct from Quick Start and other program designs in that it shall include explicit questions that the pilot will address, explicit EM&V designed to address pilot questions, estimates of program costs and savings, and a provisional cost-benefit evaluation. Pilot Programs shall be of limited duration until reassessment after a predetermined period. Pilot programs shall have characteristics from among the following:

i Addressing a new end use, and

ii Applying a new technology or a new delivery method.

All programs which are not classified as Programs that are neither pilots nor Quick Start programs must comply with all of the plan filing requirements of this Section 104.

All costs for Pilot, Quick Start, and other programs shall be considered eligible for cost recovery.

**105 Cost-Benefit Tests**

Cost-benefit assessments for all energy efficiency programs shall be evaluated using the Total Resource Cost (TRC), the Program Administrator Cost (PAC) (also known as the Utility Cost Test (UCT)), the Participant (PCT), and the Rate Impact Measure (RIM) tests as defined in the California Standard Practices Manual: Economic Analysis of Demand Side Programs and Projects, July, 2002, ("Manual") and submitted to the Commission. The inputs for these tests shall be based as much as practicable on data local to Mississippi. The costs of program design; implementation; delivery; customer incentives; customer education and marketing; measurement of benefits; and administration are recognized parts of energy efficiency program costs that should be included in cost-benefit calculations. Cost-benefit results shall be presented for both an individual program and portfolio basis, but no one test shall be used to deem a program or portfolio as lacking cost-effectiveness.

A utility shall use an evaluation period of either ten years (a natural gas utility may use an evaluation period of fifteen years) or the actual lives for each measure in a program to evaluate a program or portfolio.

Utilities may submit additional economic analyses information in support of a proposed program or portfolio.

Results of the tests shall be presented consistent with the descriptions shown in Table 1 or by other means approved by the Commission.

**TABLE 1- Cost-Benefit Tests  
with Primary and Secondary Means of Expressing Test Results**

Primary	Secondary
<i>Participant Test</i>	
Net present value ("NPV") (all participants)	Discounted payback (years) Benefit-cost ratio ("BCR") Net present value (average participant)
<i>Ratepayer Impact Measure (RIM) Test</i>	
Lifecycle revenue impact per unit of energy (kWh or therm) or demand customer (kW)	Lifecycle revenue impact per unit Annual revenue impact (by year, per kWh, kW, therm, or customer)
Net present value	First-year revenue impact (per kWh, kW, therm, or customer) BCR



<b>Total Resource Cost (TRC) Test</b>	
Net present value	BCR Levelized cost (cents or dollars per unit of energy or demand)
<b>Program Administrator Cost (PAQ) Test</b>	
Net present value	BCR Levelized cost (cents or dollars per unit of energy or demand)

The Commission will rely on the formulas in the Manual and will assess the cost-benefit test results in the public interests.

#### 106 Cost Recovery

For the purposes of this Section, "energy efficiency program costs" shall be defined as the incremental program costs that are not already included in the then-current utility rates and the lost contribution to fixed cost ("LCFC") associated with approved energy efficiency programs. "Incremental program cost" includes, among other things, all incremental costs associated with incentives and rebates, marketing and delivery, FM&V, and program administration.

Cost recovery shall include full and timely recovery of ~~to the incremental program costs and LCFC, which represent the program costs that are not already included in the then-current utility rates and shall include full and timely recovery of program costs and lost contribution to fixed cost.~~ The Commission may decide to limit the time period during which utilities may recover LCFC lost contributions to fixed cost.

To address disincentives for energy efficiency investments, the utilities may propose an approach to earn a return on energy efficiency investments through a shared-savings or performance-incentive mechanism to make these investments more like other investments on which utilities earn a return. Prior to the Comprehensive Portfolio Plan filing deadlines, the Commission intends to establish specific numerical energy savings targets expressed as percentages of energy sales based on the experience of Quick Start and other relevant information.

A utility may request energy efficiency cost recovery through a separate rider. A utility may request that energy efficiency program costs from approved program budgets be included in the rider. A utility may request that cost recovery begin when the energy efficiency program is implemented and offered to customers. Utilities may also propose a mechanism to adjust budgets to deal with oversubscriptions and to avoid stop-start funding.

If a utility is recovering energy efficiency program costs through a rider, the utility shall file,

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contemporaneous with the Annual Report under Section 107, a re-determined Energy Efficiency Cost Rate ("EECR"). In support of this re-determined rate, the utility shall file a schedule of actual program costs for the reporting period, actual amounts collected under the rider for the reporting period, actual and projected lost contributions to fixed costs and approved program budgets for the current calendar year. In addition, if the utility seeks Commission approval to earn a return on energy efficiency investments and the utility seeks to recover these costs through the EECR, the utility shall incorporate these costs into its filing. Any return on investment calculation shall be based on the reporting year. The EECR shall be adjusted to reflect a reconciliation of any over- or under-recovery for the prior year and the approved budget for the current Program Year.

#### **107 Annual Reporting Requirements**

By ~~April~~ May 1 annually, each electric and gas utility shall file an Annual Report addressing the performance of all approved energy efficiency programs. The report shall present:

1. The results of the prescribed EM&V measures for the Portfolio and each program;
2. A measure of each program's savings;
3. The amounts spent on each energy efficiency program and the total amounts spent on all programs; and
4. Any recommendations for expansion, reduction, alteration, addition, or elimination of any programs with justifications for the recommendations.

#### **108 Records**

All energy efficiency programs and measures are subject to inspection by the Commission.

All records of energy efficiency programs shall be maintained in sufficient detail to permit a thorough audit and evaluation of all program costs and program performance. This Section 108 does not limit the existing authority of the Mississippi Public Service Commission.