



June 26, 2023

LIEEAC Facilitator Independence

Rebecca McNish | Manager, Strategic Planning & Evaluation (EE)

Background

- ComEd’s Revised Plan 6 Stipulation includes interim Low Income Energy Efficiency Accountability Committee (LIEEAC) Facilitator independence protocols, but there is also an agreement in the Stipulation it agreed to work with the SAG Policy Manual subcommittee and LIEEAC to try to develop permanent protocols, as a part of the Policy Manual Version 3.0 discussions.
 - *“ComEd agrees to work with the SAG Policy Manual subcommittee and the LIEEAC to develop and implement protocols to ensure that LIEEAC Facilitator Independence is maintained as part of Illinois Energy Efficiency Policy Manual (“Policy Manual”) Version 3.0 discussions. Until such time that the Commission approves the Policy Manual LIEEAC Facilitator Independence provisions, ComEd agrees to implement the following LIEEAC Facilitator Independence protocols, which supports the Commission’s oversight role...”*
- These protocols, including Commission approval of the unexecuted contract and right to terminate if Facilitator is not acting independently, are modeled after existing Policy Manual SAG Facilitator, IL-TRM, and Evaluator independence protocols.

Proposal

1. Staff **shall submit the final but not yet executed contract and scope of work with the independent LIEEAC Facilitator to the Commission**, containing its assessment of the contract and scope of work and describing its recommendations to the Commission. Alternatively, if a utility agrees to hold the contract, a utility shall submit the final but not yet executed contract and scope of work with the independent LIEEAC Facilitator to the Commission by letter to the Executive Director, and then Staff will submit a report to the Commission containing its assessment of the contract and scope of work and describing its recommendations to the Commission. Commission Staff will use reasonable efforts to submit its report to the Commission within 5 business days of receiving the finalized but not yet executed contract from the Program Administrator containing its assessment of the contract and/or scope of work and describing its recommendations for Commission action, if any. Absent a Commissioner request for a longer review time, **no later than 15 business days after the submittal of the Staff Report to the Commission, Staff will notify the Program Administrator as to whether it may move forward with contract execution.** In the event a Commissioner requests a longer review time, Staff will notify the Program Administrator that the contract is still under review by the Commission and provide an estimated date the review may be complete by.

In addition, the **utility will submit any fully executed contract and scope of work with the independent LIEEAC Facilitator as a compliance filing in the most current Policy Manual approval proceeding, within fourteen (14) days of execution.** Such compliance filing will be treated as public information, subject to redactions by the Commission of provisions deemed confidential.

Proposal

2. The independent LIEEAC Facilitator contract will provide that the **Commission has the right to terminate (or direct a utility to terminate) the LIEEAC Facilitator contract, if the Commission determines the LIEEAC Facilitator was not abiding by the requirement in Section 8-103B(c)** to be fair and responsive to the needs of all stakeholders involved in the Committee and/or was not acting independently.
3. If a **LIEEAC Committee member** believes that the LIEEAC Facilitator is not acting independently and/or is not being fair and responsive to the needs of all stakeholders involved in the Committee, that member is encouraged to raise the concern with the LIEEAC Statewide Leadership Committee or Regional Subcommittee Leadership, as appropriate, and ICC Staff. In the event that the concern cannot be resolved through such conversations, the **party may file a petition with the Commission requesting that the Commission order ComEd to terminate the contract.** The LIEEAC Facilitator contract will automatically terminate upon a Commission finding that the contract should be terminated, after issuance of notice and hearing and an opportunity for interested parties to be heard, including through Commission resolution of any filed applications for rehearing. All due process rights guaranteed by the PUA and the Commission's rules shall apply.

Effective Date: TBD