

Proposed Policy for Version 3.0: LIEEAC Facilitator Independence
Submitted By: ComEd

Question 1: Proposed Policy and Rationale

Briefly describe the policy proposed to be included in Policy Manual Version 3.0, including rationale for why this policy is necessary in Illinois.

Questions to consider:

- 1. Why does this policy require inclusion in Policy Manual Version 3.0?*
- 2. What unresolved policy issue(s) will be resolved by inclusion in the Policy Manual Version 3.0?*

Please be as specific as you can. If you have specific policy language to propose at this time, please include in this template. It is not a requirement to draft policy language in the proposal template. If draft policy language is not included here, you may be assigned to draft proposed policy language for review by the Subcommittee at a future meeting.

The proposal is to develop protocols to ensure that Low Income EE Accountability Committee (LIEEAC) Facilitator independence is maintained. This is necessary, because in ComEd's Revised Plan 6 Stipulation it agreed to work with the SAG Policy Manual subcommittee and LIEEAC to do so, as a part of the the Policy Manual Version 3.0 discussions.

Question 2: Utility Impact

Describe whether the proposed policy impacts Illinois gas utilities, electric utilities, or both.

It definitely impacts the electric utilities. It is my understanding the gas utilities are revisiting their role in the LIEEAC.

Question 3: Background Research

Provide any background research completed in preparing this template, including source references and links, as applicable.

Questions to consider:

- 1. Are you aware of other jurisdictions or utilities that address this policy issue?*
- 2. Have any national or regional energy efficiency organizations addressed this policy topic? If so, please provide reports and any other relevant sources.*

N/A

Optional Question 4: Commission Decision

Has the Illinois Commerce Commission previously addressed this policy or issue? If so, please provide language and specific citations, including the ICC docket number.

Yes, the ICC approved this directive was approved as a part of ComEd's Revised Plan 6 Stipulation, in ICC Docket 21-0155, along with interim LIEEAC Facilitator independence protocols:

- 1) ComEd 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. 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. In addition, ComEd will submit any fully executed contract and scope of work with the independent LIEEAC Facilitator as a compliance filing in ICC Docket No. 19-0983, the Policy Manual Version 2.0 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.
- 2) ComEd will include language in the independent LIEEAC Facilitator contract that provides that the Commission has the right to direct ComEd 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 party 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 party is encouraged to raise the concern with the LIEEAC Statewide Leadership Committee or Regional Subcommittee Leadership, as appropriate, and 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 with ComEd will automatically terminate upon a Commission finding that the contract should be terminated, after issuance of notice and hearing and an opportunity for ComEd, the LIEEAC Facilitator, and other 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.
- 4) In the event that a notice of termination or notice of default of the contract is issued, the issuer of the notice shall contemporaneously provide a copy of such notice to the Commission in ICC Docket No. 19-0983.

Optional Question 5: Statutory Consistency

Have you reviewed your proposed policy against applicable Illinois law? Are there any possible conflicts? If so, please explain and provide statutory citation(s).

Yes, we have reviewed, and we believe statute supports this policy. See relevant language from PUA Section 8-103B(c) below:

If a facilitator is used, they shall be fair and responsive to the needs of all stakeholders involved in the committee.

Optional Question 6: Additional Information

Provide additional information, as needed, to assist with understanding the proposed policy issue and your request to include it in the Policy Manual Version 3.0. For example, have any memos been drafted to the SAG related to this policy proposal?

N/A