

Excerpt from SAG Process Guidance Document: SAG Financial Conflict of Interest Policy

Financial Conflict of Interest¹

Definitions: A non-financially interested stakeholder participant does not have a financial interest in Illinois utility energy efficiency portfolios, or a financial interest with Illinois utilities. A “financially interested party” means any person or entity, or employee of an entity, that engages in the purchase, sale, marketing or implementation of energy efficiency products, services, programs, pilots or research. A “financially interested party” may also engage in other work with utilities outside of energy efficiency.

Policy: A financial conflict of interest may be present when a SAG participant, in the judgment of the SAG Facilitator, may have a financial stake in a SAG discussion topic and participation by the financially interested party could have adverse consequences, such as hindering complete and frank discussions, or the participant may gain an undue advantage or benefit by participating. SAG participants that may have a financial conflict of interest in specific meetings topics must recuse themselves from participating in those meetings or portions of those meetings for relevant topics. Notwithstanding this restriction, the designated agent(s) of a participating utility shall not be considered to have a financial conflict of interest for purposes of participating in SAG discussions.² Conflicts may change from time to time.

Topics that may present a financial conflict of interest include, but are not limited to, the following:

1. Discussion of proprietary and/or confidential information (e.g., current and prospective program implementers, contractors, and product representatives);
2. Current and past program performance (e.g., current program implementers and contractors);
3. Future bids (e.g., current and prospective program implementers, potential bidders, and contractors);
4. Evaluation performance and proposed changes (e.g., current and prospective independent evaluation contractors);
5. Final consensus to resolve policy issues, including but not limited to final negotiations in the Illinois Energy Efficiency Policy Manual update process; and
6. Final negotiations on portfolio planning for utility Energy Efficiency Plans.

Prior to the discussion of confidential topic(s), SAG participants may be asked by a utility or utilities to sign a non-disclosure, or confidentiality agreement.

¹ The Financial Conflict of Interest “process rule” has been raised for discussion in the Policy Manual Version 3.0 update process, and is anticipated to be resolved in spring 2023. If a change to the existing language is needed, the SAG Process Guidance document will be updated.

² Objections to individual or company participation in a discussion that has been identified by the SAG Facilitator as presenting a financial conflict of interest will be further addressed by interested utility and stakeholder attorneys, on an as-needed basis.