

**CLEAN ENERGY ADVISORY BOARD
Policy and Regulatory Committee**

DRAFT MEETING MINUTES

November 9th, 2021 (Tuesday)

12:00PM – 3:00PM

****Meeting was open to the Public ****

Meeting Recording Found [here](#)
CEAB website hosted at energy.virginia.gov, direct link [here](#)

Roll Call and Introductions

Sam Brumberg, Will Reisinger, Will Cleveland, and Sarah Nerette were present from the Clean Energy Advisory Board's Policy and Regulatory Committee

KC Bleile was absent

Virginia Energy Staff: Carrie Hearne (in-person), Aaron Berryhill (virtual), Larry Corkey (virtual), Mike Skiffington (virtual)

Office of Attorney General: Grant Kronenberg (in-person)

Members of the public also introduced themselves. Representatives from the Clean Energy States Alliance attended the meeting virtually.

Review of Previous Minutes

Will Cleveland moved to approve the previous meeting minutes without amendment and was seconded by Sarah Nerette. The motion passed unanimously.

Committee Discussion

Report from Full Board

The Clean Energy Advisory Board (Board) met in late October. There were no additional comments about the previous Board meeting.

Debrief of IOU Consultations

Positive feedback was given about the consultation and the quality of information that was exchanged during the consultation. There were no additional comments about the Investor-Owned Utility (IOU) Consultations held on Wednesday, November 3rd.

Review of Governor Letter

This would be a letter sent to the Governor's office to support Virginia Energy's budget request for the LMI solar fund and a potential statewide Green Bank. It will inform the Governor's office of the Board's role in administering the LMI solar fund and Virginia Energy's request to fund the program.

In the first paragraph, additions were made to the letter to specifically mention the budget request of Virginia Energy to fund the RFP for the Low to Moderate Income Solar Loan and Rebate Fund.

The second paragraph focuses on the Board's support of a statewide Green Bank. The Committee deleted the portion of the letter dealing with how the Board would interact with a Green Bank. The Committee remains supportive of a Green Bank, but will rely on discussions among the full Board prior to making any decisions. Additional language was added to specifically mention that Green Banks would benefit rural and underserved localities.

The Committee decided to send the letter to Governor Northam's office and not to the General Assembly at this time. The letter may need to be further fleshed out to also be informative for the incoming governor's administration at a later date. The chair of the Clean Energy Advisory Board and the director of Virginia Energy will also receive this letter.

Moved by Will Cleveland and seconded by Sarah Nerette to finalize and send the letter to the Governor later in the month of November under Sam Brumberg's signature. The motion passed unanimously.

Review of Utility MOU

A letter has been drafted to be sent to each IOU which will be reviewed during this meeting. The letter seeks confirmation from the state's IOUs on two separate points of law that are critical to the viability of the LMI Solar Program. These two questions are: 1. Can a customer lease a solar generating facility used for net-metering; and 2. Does any net metering activity require a Certificate of Public Convenience and Necessity (CPCN)?

The Committee removed language regarding agriculture small generator customers from the letter. During the discussion, the Committee discussed inquiring about other types of funding mechanisms for solar customers. Ultimately the Committee agreed that gaining confirmation on the legality of solar leases specifically was of the highest importance. The first question was refined to say: Does any provision in Virginia law limit a customer from leasing a solar generating facility pursuant to § 56-594?

The second question was revised to say: Does any provision of Virginia law require a CPCN for any electrical generating facility used for net metering activity pursuant to § 56-594? The letter mentions that the Board believes the answer to both questions are "No". It also specifies that the Board is seeking confirmation of these answers so that Virginia Energy and the Board can move forward with administering the LMI Solar Program without any legal ambiguity.

The letter will be sent to each IOU operating in Virginia and will be copied to the Board chair and the director of Virginia Energy.

Motioned by Will Reisinger and seconded by Will Cleveland to approve and send the letter as amended to Virginia's IOUs by the end of the month. The motion passed unanimously.

There was a 10 minute break of the meeting at 1:25 pm.

The letters will be sent out by the end of the month following a pre-call with representatives from each IOU. A similar letter will be sent with slight revisions to each of the state's electric cooperatives. Will Cleveland will send this letter to Sam Brumberg focused on the electric cooperatives.

Will Cleveland moved to send a letter to the state's electric cooperatives and seconded by Sarah Nerette. The motion passed unanimously.

Discussion of Muni Involvement/Muni NEM

The Committee agreed after discussion that there was no need to send a similar letter to Municipal Utilities since they are treated differently in State Code. Virginia Energy staff will research net-metering activities occurring in Municipal Utility service territories and report back to the Board.

Green Bank Structure/Recommendations

It did not seem like there was full consensus on the structure of a potential Green Bank and how the Board would interact with it. This topic should be kept more general in the letter for now until further conversations can be held to help achieve more consensus. In the Board's consultation with Bettina Bergoo on Green Banks there was no vote and no consensus was reached about considerations for structuring a statewide Green Bank.

Comment from CESA

No additional questions were raised.

Public Comment

No additional comments were given.

Schedule of Next Meeting

Motion to amend the letter to change the deadline for responding to letters to the IOUs to December 10th was moved by Will Cleveland and seconded by Will Reisinger. The motion passed unanimously.

An additional motion to amend the letter to clarify that the deadline (December 10) is necessary to be noted in the Board's Annual Report to be voted on December 13th was moved by Will Cleveland and seconded by Sarah Nerette. The motion passed unanimously.

The next meeting of the Committee will be December 13 at 10 a.m. in Richmond (Glen Allen).

The meeting was adjourned at 1:59 p.m.