



THE BRETON LAW GROUP

James R. Gogan

Direct Dial: (902) 563-5920

E-Mail: jim@bretonlawgroup.com

File No. 41736-71

November 22, 2018

Nova Scotia Utility & Review Board

PO Box 1692, Unit "M"

Halifax, Nova Scotia B3J 3S3

Attention: Doreen Friis, Regulatory Affairs Officer / Clerk

Dear Ms. Friis:

**Re: M08888 - EfficiencyOne – Application for Approval for the Use of Measure Level Non-Energy Benefits within the Context of Cost Effectiveness Testing
Regulatory Process**

On September 19, 2018, EfficiencyOne filed an Application for Approval for the Use of Measure Level Non-Energy Benefits within the context of cost effectiveness testing. On October 1, 2018, the Board issued a Hearing Order establishing a regulatory process and reserving January 9 through 11, 2019 for a hearing. On October 24, 2018, Intervenor filed Information Requests, and EfficiencyOne filed responses to Information Requests on November 14, 2018. Intervenor evidence is to be filed on November 28, 2018.

EfficiencyOne acknowledges and appreciates the high level of engagement of all parties, both in the prior consultations and in the course of this Application before the Board. Having now responded to the Information Requests of the Intervenor, and after careful consideration of the upcoming regulatory proceedings scheduled for 2019, EfficiencyOne is requesting that further regulatory proceedings in this Application be deferred on the following basis:

- **Technical Review**— based on the issues raised during the IR process, Efficiency One believes the outcome of this matter would be best served through a focused reconsideration of this matter before the DSMAG. Given the volume of material now on the record, EfficiencyOne believes a narrowed list of issues can be developed and considered by the DSMAG in a technical session which may ultimately result in either a consensus position on the Application generally or a more focused issues list upon return to the Board in the reconvened regulatory proceeding.
- **No Impact on 2020-2022 DSM Plan Development** – EfficiencyOne is now fully engaged in the DSM plan modelling for the period 2020–2022. While initially EfficiencyOne felt it necessary to have a determination on the proposed amendments to the cost effectiveness testing formula in

advance of its 2020 – 2022 Plan filing, the detailed Plan modelling to date indicates that the issue of Non-Energy Benefit (NEB) inclusion in the cost effectiveness test screening will not impact the 2020-2022 DSM Plan development.

- **Reduction of Regulatory Burden** – EfficiencyOne appreciates that this Application has placed additional regulatory burden on all parties at a time when the regulatory calendar has a number of DSM focused initiatives including the multiyear 2020–2022 DSM Plan Application as well as the DSM Potential Study. With regard to the latter EfficiencyOne would note that it has received significant stakeholder input on the scoping of this study, all of which is under current consideration. Deferral of this matter, for further consideration by the DSMAG in the fall of 2019, will serve to lessen the burden on stakeholders during the first half of 2019.

EfficiencyOne intends to resume this regulatory review process, and submits the following timeframe for the Board’s consideration:

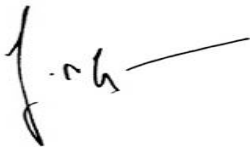
- EfficiencyOne to develop a focused issues list in consultation with stakeholders - Q3 2019;
- NEB technical sessions with stakeholders and technical consultants – Q3/Q4 2019;
- EfficiencyOne scoping of issues to be returned to the Board - Q4;
- EfficiencyOne to file required updates to the NEB Application and request to Board to resume regulatory process - December 31, 2019

EfficiencyOne maintains its commitment to updating the current form of cost effectiveness testing to better serve the development and review of future DSM Plans.

EfficiencyOne respectfully requests deferral of the regulatory process associated with this Application, in accordance with the timelines proposed herein.

I would be pleased to respond to any questions or concerns the Board may have in relation to this request.

THE BRETON LAW GROUP



James R. Gogan

cc. Stephen MacDonald, EfficiencyOne
Gina Thompson, EfficiencyOne
Bruce C. Outhouse, Q.C.
M08888 Participants