



THE BRETON LAW GROUP

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File No. 41736-133

June 30, 2020

Nova Scotia Utility & Review Board
PO Box 1692, Unit "M"
Halifax, Nova Scotia
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Attention: Crystal Henwood, Regulatory Affairs Officer / Clerk

Dear Ms. Henwood:

Re: Demand Side Management Advisory Group – Revised Terms of Reference

The Nova Scotia Utility and Review Board (NSUARB) in matter M09096 (2020 – 2022 DSM Plan and Supply Agreement) dated September 16, 2019, directed EfficiencyOne to revise the existing Terms of Reference of the Demand Side Management Advisory Group (DSMAG).

This work was to be undertaken in conjunction with the DSMAG Membership and filed with the NSUARB on or before June 30, 2020.

In compliance with this NSUARB directive, EfficiencyOne has undertaken a full review of the existing DSMAG Terms of Reference. This effort involved a number of direct meetings with DSMAG Members to gather their input with regard to updating the Terms of Reference.

In addition to these various consultations, EfficiencyOne was guided by the Consensus Agreement (Article 7) which provided, *inter alia*:

The existing DSMAG will develop revised terms of reference that will enhance the development of future DSM Plan applications. The revised terms will focus on a collaborative and facilitated process with representation of the UARB, intended to keep stakeholders engaged on key DSM issues and development of future DSM Plans.

- a. Development of a calendar and framework process which will include developing:

 - i. Process/methodology for updating avoided costs;*
 - ii. Timeline for the development and stakeholder consideration of DSM Plan scenarios prior to submission to the UARB;*
 - iii. Adoption of a recommended format for joint filing of DSM applications consistent with existing legislation;*
 - iv. Agreed criteria to determine DSM program affordability; and*
 - v. Information sharing protocols.**
- b. Confirmation that long-term DSM planning levels will be reassessed during each IRP.*
- c. Consideration of whether a process to evaluate the DSM Evaluation Reports and DSM Verification Reports separate from the DSM Resource Plan process is required and if so the nature of that process.*
- d. Discussion on payback periods when setting incentives.*
- e. Other issues as determined by the DSMAG.*

The overarching goal of the revision was to encourage more robust engagement on key DSM issues during the DSMAG meetings. EfficiencyOne believes this goal will be supported through the use of more technical conferences which will ultimately allow for a focused consideration of pending DSM issues. The use of these technical conferences is also intended to streamline the flow of information which will occur during the regularly scheduled DSMAG meetings.

The Terms of Reference also introduce an eighteen (18) month forward looking, rolling calendar, together with structure and timelines for the delivery of advance materials. This is intended to ensure Members will be in a position to attend the DSMAG meetings informed regarding the matters to be discussed.

The Revised Terms of Reference also place specific focus on EfficiencyOne and Nova Scotia Power and their joint commitment to collaborate in a forthright and timely manner by providing their respective positions on DSM matters to the Membership allowing for a full discussion and review of positions.

EfficiencyOne believes these Revised Terms of Reference will achieve the goal of a collaborative and facilitated process and meet the requisite requirements of the Consensus Agreement.

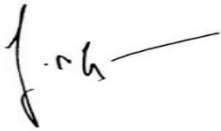
The most recent version of the Revised Terms of Reference was circulated to the full DSMAG Membership on June 24, 2020. That communication requested that any Member having questions or concerns regarding the revised content contact EfficiencyOne to review the matter. EfficiencyOne notes that they have received no objection to the content of the Revised Terms of Reference and have received the explicit support of:

- Kwilmu'kw Maw-klusuaqn Negotiation Office and Assembly of Nova Scotia Mi'kmaw Chiefs;
- Nova Scotia Power;
- Consumer Advocate;
- Small Business Advocate; and
- Industrial Group Representative

EfficiencyOne wishes to thank the DSMAG Members for the considerable input provided throughout this review period. These comments were very helpful in arriving at the current Terms of Reference.

In accordance with the Board's communication of March 20, 2020, relating to its COVID-19 Temporary Administrative Measures, paper copies of this filing will not be provided unless requested by the Board.

THE BRETON LAW GROUP

A handwritten signature in black ink, appearing to read 'J. R. Gogan', with a long horizontal line extending to the right.

James R. Gogan