

July 4, 2024

EfficiencyOne
230 Brownlow Avenue, Suite 300
Dartmouth, NS B3B 0G5
Attention: Gina Thompson

Re: M11647 – EfficiencyOne – Behavioural Program Update

Dear Ms. Thompson:

On April 8, 2024, EfficiencyOne (EOne) filed its Behavioural Program Update (Update) with the Nova Scotia Utility and Review Board (NSUARB, Board) regarding EOne's collaborative efforts with Nova Scotia Power (NS Power, Company) and stakeholders on energy efficiency programs under its Board approved 2023 – 2025 DSM Plan (M10473). The Update included a written agreement between EOne and NS Power regarding the Company's Customer Energy Management (CEM) platform and Evaluation, Measurement and Verification (EM&V) reporting, provided as Schedule A – "EfficiencyOne/NS Power - Behavioural Program Operating Agreement". EOne's Update also included a Schedule B – "Summary of NSP's Current Responsibilities for EM&V Under M10460", which specified CEM EM&V measurement metrics EOne proposed to take over from NS Power.

By letter on May 14, 2024, the Board provided the following regarding EOne's Update:

The Board will give an opportunity to all Interested Parties to provide Information Requests to EOne by May 29, 2024, and EOne is to provide its responses by June 19, 2024. Parties may submit comments no later than Thursday, July 4, 2024, with any reply comment from EOne due no later than Thursday, July 18, 2024.¹

Information requests (IRs) were provided to EOne from the Small Business Advocate (SBA) and the NSUARB. NSUARB IR-5 provided the following preamble, pointing out an apparent conflict between Schedule A and Schedule B of EOne's submission:

Schedule A item 7 indicates that EOne was to provide an update to the Board in February 2024. As well as 7(b) indicates a request would be

¹ NSUARB Letter, M11647 – EfficiencyOne – Behavioural Program Update, May 14, 2024, page 2.

submitted to the Board from NS Power seeking approval to be relieved of its obligation to conduct an EM&V for the CEM and that EOne will assume all EM&V responsibility for the CEM. This section conflicts with the information provided in Schedule B Summary of NSP's Current Responsibilities for EM&V Under M10460.²

NSUARB IR-5 went on to request EOne complete a table specifying which CEM EM&V measurement metrics would become NS Power or EOne's responsibility.

In response, EOne confirmed its understanding that future CEM EM&V reporting would be carried-out consistent with Schedule B to its Update: EOne would be responsible for the Load Impact measurement metric, and NS Power would retain EM&V reporting responsibility for the remaining measurement metrics. EOne also provided the following clarification:

...Through the subsequent development of the Agreement, the Parties further refined the specific Evaluation, Measurement and Verification (EM&V) responsibilities based upon scope of E1 responsibilities through "My Recommendations" and the Home Energy reports, and NS Powers' level of access provided to E1 to the existing Bidgely platform. This refinement of EM&V responsibilities is reflected in Schedule B to the Agreement.

With respect to the February filing date referenced in paragraph 7 of the Agreement, it was agreed between E1 and NS Power that it would be preferable to conclude all material aspects of the Operational Agreement prior to filing this Application with the NSUARB. The Agreement was concluded in April, 2024.³

This letter is NS Power's comment on EOne's Update pursuant to the Board's letter of May 14, 2024. It deals with just one issue: the respective CEM EM&V measurement metric responsibilities of EOne and the Company.

NS Power submits that Schedule "A" - EfficiencyOne/NS Power - Behavioural Program Operating Agreement", unmodified by the language in EOne's Update letter and Schedule B to the letter, represent the terms upon which consensus has been reached between the parties. To clarify, Schedule B is not "Schedule B to the Agreement"; rather, it is Schedule

² NSUARB IR-5, AN APPLICATION by EFFICIENCYONE (EOne) for approval of a Supply Agreement – Behavioural Program Update, M11647, May 29, 2024.

³ E1 Response to NSUARB IR-5, AN APPLICATION by EFFICIENCYONE (EOne) for approval of a Supply Agreement – Behavioural Program Update, M11647, June 19, 2024, page 3 of 3, lines 4 – 14.

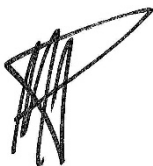
B to EOne's April 8, 2024 Behavioural Program Update. Schedule A establishes that all CEM EM&V responsibilities and reporting is to be taken over by EOne, which provides in part as follows:

This amendment, if approved, would relieve NS Power from its obligation to conduct its own evaluation under its CEM, place responsibility for all CEM evaluations and verifications with EfficiencyOne under its existing EM&V process;⁴

This is inconsistent with EOne's Update letter and Schedule B to that letter. The Company agrees that "the agreement reached between EOne and NS Power (the "Parties"), and attached as Schedule "A", meets the needs of both Parties respecting current and planned programs, accords with each Party's legal and regulatory requirements, and ultimately serves the best interests of ratepayers", as noted in EOne's Update. Schedule A, and transition of all CEM EM&V responsibilities to EOne established therein, represents an equitable arrangement given NS Power's agreement to share in the use of its CEM platform and the reasonable attribution of applicable CEM savings to EOne subject to NSUARB review and direction.

NS Power provided a draft of this letter to and discussed the issues herein with EOne, in advance of its submission to the Board. NS Power and EOne have agreed to further discussions in the near future, with the objective of aligning respective positions in a timely manner and reaching agreement on the ownership of CEM EM&V items.

Yours truly,

A handwritten signature in black ink, appearing to be 'Mark Peachey', written over a horizontal line.

Mark Peachey
Manager, Regulatory System Planning & Innovation

⁴ E1 Letter, RE: EfficiencyOne - Behavioural Program Update - M10473, Schedule A, April 8, 2024, page 3.