

D13A13
Maryland Energy Administration

Operating Budget Data

(\$ in Thousands)

	FY 02-04				FY 04-05	
	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>Change</u>	<u>FY 05</u>	<u>Change</u>
Operations	\$1,631	\$1,563	\$1,654	\$22	\$1,746	\$93
Contractual Services	739	1,725	577	-161	911	334
Grants	73	69	43	-30	48	6
Contingent & Back of Bill Reductions	0	0	0	0	-7	-7
Adjusted Grand Total	\$2,443	\$3,357	\$2,273	-\$169	\$2,699	\$425
General Funds	406	397	386	-20	396	10
Contingent & Back of Bill Reductions	0	0	0	0	-1	-1
Adjusted General Funds	\$406	\$397	\$386	-\$20	\$394	\$8
Special Funds	873	856	1,027	154	1,340	313
Contingent & Back of Bill Reductions	0	0	0	0	-2	-2
Adjusted Special Funds	\$873	\$856	\$1,027	\$154	\$1,338	\$312
Federal Funds	1,080	2,021	761	-319	866	105
Contingent & Back of Bill Reductions	0	0	0	0	-4	-4
Adjusted Federal Funds	\$1,080	\$2,021	\$761	-\$319	\$863	\$101
Reimbursable Funds	84	84	99	16	103	4
Adjusted Grand Total	\$2,443	\$3,357	\$2,273	-\$169	\$2,699	\$425
Annual % Change		37.4%	-32.3%		18.7%	

- The Maryland Energy Administration (MEA) has participated in cost containment for the past two years: \$23,426 in fiscal 2003 and \$24,816 in fiscal 2004. MEA's communications, rent, and contractual service budgets have felt the brunt of these reductions.
- MEA's fiscal 2005 budget allowance provides an 18.7%, or \$425,142 increase over fiscal 2004. General funds increase by 2.1%, special funds by 30.4%, federal funds by 13.3%, and reimbursable funds by 4.0%.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Regular Positions	20.0	20.0	20.0	0.0	20.0	0.0
Contractual FTEs	1.0	1.3	2.0	1.0	0.0	-2.0
Total Personnel	21.0	21.3	22.0	1.0	20.0	-2.0

Vacancy Data: Regular Positions

Turnover Expectancy	0.50	2.50%
Positions Vacant as of 12/31/03	0.00	0.00%

- Fiscal 2003 and 2004 cost containment actions did not impact MEA positions.
- MEA's regular positions remain level at 20 in the fiscal 2005 allowance. However, two contractual positions are lost; one contractual assumed a vacated regular position.
- MEA's fiscal 2005 allowance assumes 2.5% turnover. Currently, no positions are vacant.

Analysis in Brief

Issues

Streamlining State Energy Efficiency Programs: While numerous State agencies administer State energy efficiency programs, these agencies do not appear to be coordinating their efforts, leading to a lack of policy consistency, potential duplication, and fragmented service. **The Department of Legislative Services (DLS) recommends that MEA discuss the necessary resources and new authority it would need to be “re-energized” as recommended in its recent report to the committees. Secondly, MEA should respond to the three recommendations in the Commission on the Structure and Efficiency of State Government’s report and discuss whether the administration intends to move forward with these recommendations.**

Pepco-Conectiv Merger Settlement Funds: As part of the settlement terms associated with the merger of the utility companies Pepco and Conectiv, MEA received \$1.0 million in one-time funding. **DLS recommends that MEA brief the committees on the potential impacts of this aggressive energy efficiency promotion effort, and its efforts to secure ongoing funding.**

Recommended Actions

1. Concur with Governor’s allowance.

Updates

Wind Turbine Decommissioning: The results and recommendations of an October 2003 report on the decommissioning of wind turbines in Maryland are summarized.

Efficiency Vermont: A Model for Maryland?: Vermont’s Energy Investment Corporation, a private nonprofit organization, contracts with the state Public Service Board to provide services aimed at improving energy efficiency. This award-winning model may merit consideration in Maryland.

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Maryland Energy Administration

Operating Budget Analysis

Program Description

The Maryland Energy Administration (MEA) is an independent unit of State government created, in part, to promote the conservation and efficient use of energy, and to evaluate and coordinate energy related policies and activities among State and local agencies. MEA's enabling legislation is found in §§9-2001 et seq. of the State Government Article of the Maryland Code. MEA also manages federal energy conservation programs, coordinates the State's participation in interstate energy activities, advises the Governor on energy emergency issues, and maintains energy emergency preparedness.

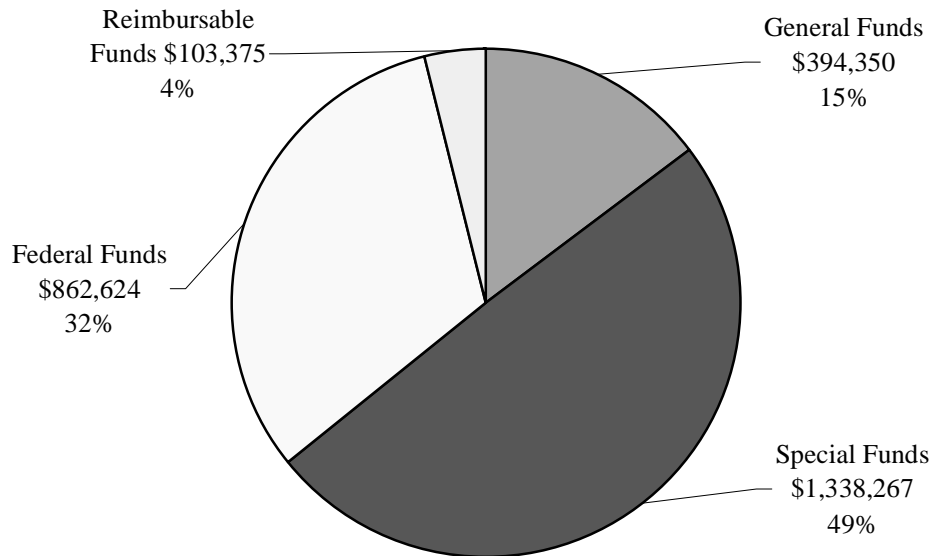
MEA is tasked with numerous statutory duties, including coordinating with the Department of General Services (DGS) to implement the most economical and efficient alternatives in the design, construction and renovation of State facilities. Other statutory duties include the management of the Community Energy Loan and solar schools programs and the administration of the Energy Overcharge Restitution Fund. MEA is also responsible for creating and implementing contingency plans for mitigating the impact of any severe shortage of fuel resources and running a petroleum set-aside program in the event of an energy emergency.

As illustrated in **Exhibit 1**, MEA receives over 80% of its operating revenues from special and federal funds. Approximately 68% of MEA's special fund revenues come from Energy Overcharge Restitution Funds. These funds are federal court settlement monies from oil and gas producers who have violated federal regulations. Other MEA special funds come from a utility surcharge on electric bills. MEA receives federal funding for implementing energy conservation programs and monitoring the State's heating fuel prices and supplies.

MEA's four primary goals are to:

- increase energy efficiency and reduce the cost of State government;
- provide resources and assistance to individuals, businesses, local governments, and nonprofit organizations concerning the use of renewable energy, clean energy technologies, and energy efficiency;
- support the use of alternative fuels and the development of advanced transportation technologies; and
- ensure a reliable energy supply throughout Maryland.

Exhibit 1
Maryland Energy Administration
Fiscal 2005 Projected Revenue Sources



Source: Fiscal 2005 Budget Books

Performance Analysis: Managing for Results

Former Governor Parris Glendening announced the “Sustaining Maryland’s Future with Clean Power, Green Buildings, and Energy Efficiency” Executive Order (Executive Order 01.01.2001.02) in March 2001. Among other things, this executive order requires the State to reduce energy consumption by 10% by 2005 and 15% by 2010 relative to 2000 (baseline). MEA advises that the State is on track for meeting the goals set by the executive order. However, MEA currently lacks the data necessary to prove this. Two years ago, MEA transferred its energy and utility collection services to DGS with the understanding that electronic submissions from the State’s three major utilities would facilitate the data collection process. DGS was not able to collect the data. Without this information, MEA was not able to fulfill its responsibility to track energy conservation and efficiency targets. MEA advises that the management of the energy-use database is moving back under its control. **The Department of Legislative Services (DLS) recommends that MEA brief the committee on the status of the State’s energy-use database and the anticipated availability of State facility energy use performance data.**

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Exhibit 2 presents data on a handful of performance measurements that reflect MEA's core programs. The data provided in this chart indicate the following trends:

- unknown actual and estimated energy savings in State facilities since fiscal 2002;
- 164% average annual increase in annual energy savings from non-State projects completed since fiscal 2000; and
- 6.2% projected average annual increase in registered alternative fuel vehicles between fiscal 2003 and 2005.

Exhibit 2
Program Measurement Data
Maryland Energy Administration
Fiscal 2001 – 2005

	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Actual</u> <u>2003</u>	<u>Est.</u> <u>2004</u>	<u>Est.</u> <u>2005</u>	<u>Ann.</u> <u>Chg.</u> <u>01-03</u>	<u>Ann.</u> <u>Chg.</u> <u>03-05</u>
Estimated total energy savings in State facilities compared to a 2000 baseline (million British Thermal Units (BTUs))	n/a	300,000	n/a	n/a	n/a	n/a	n/a
Number of technical training events held	4	1	15	35	25	93.6%	29.1%
Annual energy savings from energy projects completed since fiscal 2000, excluding State facilities (million BTUs)	33,532	126,178	233,438	383,000	490,000	163.8%	44.9%
# of alternative fuel vehicles registered in the State	n/a	5,930	6,216	6,681	7,013	n/a	6.2%

Source: Governor's Budget Books, fiscal 2004 and 2005

Fiscal 2004 Actions

Impact of Cost Containment

MEA was required to reduce general fund operational expenses by \$24,816 for cost containment in fiscal 2004. This represents a 6% reduction in MEA's fiscal 2004 general fund legislative appropriation. To achieve this target, MEA implemented general fund reductions in communications (\$816) and information technology services (\$24,000). In addition, MEA lost one contractual position as part of efforts to comply with statewide position cap requirements.

Governor's Proposed Budget

As shown in **Exhibit 3**, MEA's fiscal 2005 budget allowance provides a \$425,142, or 18.7% increase over fiscal 2004. General, special, federal, and reimbursable funds all increase. MEA's anticipated \$311,595, or 30.4% increase in special funds is due to additional funding from the Energy Overcharge Restitution Fund Balance, which is comprised of funds received from oil overcharge cases heard in federal court. These special funds will be dedicated to a number of energy efficiency projects. Federal funds increase by \$101,290, or 13.3% due to additional State Energy Conservation Program funds from the U.S. Department of Energy.

Impact of Cost Containment

The fiscal 2005 allowance reflects the elimination of \$6,960 (subobject 0172), the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in budget reconciliation legislation.

Exhibit 3
Governor's Proposed Budget
Maryland Energy Administration
(\$ in Thousands)

	<u>FY 03</u> <u>Actual</u>	<u>FY 04</u> <u>Approp.</u>	<u>FY 05</u> <u>Allowance</u>	<u>FY 04-05</u> <u>Change</u>	<u>FY 04-05</u> <u>% Change</u>
General Funds	\$397	\$386	\$396	\$10	2.5%
Contingent & Back of Bill Reductions	0	0	-1	-1	
Adjusted General Funds	\$397	\$386	\$394	\$8	2.1%
Special Funds	\$856	\$1,027	\$1,340	\$313	30.5%
Contingent & Back of Bill Reductions	0	0	-2	-2	
Adjusted Special Funds	\$856	\$1,027	\$1,338	\$312	30.4%
Federal Funds	\$2,021	\$761	\$866	\$105	13.8%
Contingent & Back of Bill Reductions	0	0	-4	-4	
Adjusted Federal Funds	\$2,021	\$761	\$863	\$101	13.3%
Reimbursable Funds	\$84	\$99	\$103	\$4	4.0%
Adjusted Grand Total	\$3,357	\$2,273	\$2,699	\$425	18.7%

Where It Goes:

Personnel Expenses

Increments and other compensation	\$101
Employee and retiree health insurance	23
Other fringe benefit adjustments	17

Other Changes

Home Energy Rating System program	-63
Motor vehicles	-18
Energy Overcharge Restitution Fund projects	334
Other	31

Total **\$425**

Note: Numbers may not sum to total due to rounding.

Issues

1. Streamlining State Energy Efficiency Programs

MEA's Recommendations

The fiscal 2004 DLS budget analysis of MEA noted that numerous State agencies administer programs that seek to improve energy efficiency within State government, and it did not appear that these agencies were coordinating their efforts, leading to a lack of policy consistency, potential duplication, and fragmented service. As a result of this observation, MEA, DGS, the Maryland Department of Transportation, Department of Budget and Management, Department of Natural Resources (DNR), and State Department of Education developed a report that summarized State energy efficiency programs and associated funding and staffing levels; described existing State energy efficiency policy and program coordination efforts; and made recommendations for improving and streamlining energy efficiency efforts related to State-owned facilities as well as private structures.

In this report, MEA explains that it was created to make a substantial reduction in State energy use and to serve as the lead facilitator and coordinator for Executive Branch energy efficiency progress. Furthermore, MEA states that "...no agency program, however, is duplicative or interchangeable with MEA's duties and responsibilities nor are MEA's activities duplicative or interchangeable with other programs." In spite of this assertion, later in the report MEA says that "...given the fact that in many respects, MEA functions and resources are shared with DNR's Power Plant Research Program and with DGS, examples of program fragmentation and duplication already exists." These statements contradict one another, and thus illustrate the confusion surrounding State energy efficiency roles and responsibilities.

In response to the committees request for recommendations for improving and streamlining energy efficiency efforts related to State-owned facilities as well as private structures, MEA recommended that the energy office remain directly accountable to the Governor, and not submerged within a larger bureaucracy. Furthermore, MEA responded as follows:

"...the State should enhance MEA by remaking it into a cohesive energy office with the resources and authority to reenergize the Energy Performance Contracting and the State Agency Loan Programs...Once this enhanced Energy Office is created through reassembling personnel and resources from MEA, DNR, and DGS, it can continue to function under the direction of the Governor's Office or be incorporated into a State Cabinet Department."

Mandel Commission Recommendations

The Commission on the Structure and Efficiency of State Government's (The Mandel Commission) December 2003 report criticizes MEA's organizational structure and responsibilities and makes the following process-oriented recommendations:

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- Study the appropriate placement of MEA's programs, including placing programs in DGS, the Maryland Department of Planning, the Department of Housing and Community Development, and DNR.
- Revise the statewide energy policy and align MEA's activities to support this revised policy.
- Study MEA's funding sources to maximize the ability to leverage federal funds.

Clearly, significant uncertainty exists about the best way to align personnel, programs, and resources dedicated to the State's energy efficiency efforts. However, there appears to be broad agreement that a more efficient alignment of programs and funds is needed.

DLS recommends that MEA discuss the necessary resources and new authority it would need to be "re-energized" as recommended in its recent report to the committees. Secondly, MEA should respond to the three recommendations in the Commission on the Structure and Efficiency of State Government's report and discuss whether the administration intends to move forward with these recommendations.

2. Pepco-Conectiv Merger Settlement Funds

As part of the settlement terms associated with the merger of the utility companies Pepco and Conectiv, MEA received \$1.0 million in one-time funding. MEA will bring these funds into its fiscal 2004 working appropriation via budget amendment. This private-sector funding is to be used for two residential energy efficiency pilot programs. The programs, approved by the Public Service Commission in July 2003, will provide education to (a) consumers on purchasing energy efficient products that meet the U.S. Environmental Protection Agency's "Energy Star" label; and (b) heating and air conditioning contractors on the proper sizing and installation of energy efficient heating, ventilation, and air conditioning (HVAC) equipment.

- The Maryland Energy Star Program was launched on January 12, 2004, through a comprehensive radio and newspaper consumer education campaign featuring Governor Robert Ehrlich. This effort involves three consumer education marketing phases focused on building efficient new homes and Energy Star cooling, lighting, and appliance systems. Also, an Energy Stars Partners Initiative will be developed to design and implement a cooperative advertising strategy. MEA has contracted with Prince George's Community College through its Center for Business and Industry Training to implement this program.
- The Maryland Energy Advantage HVAC program will focus on training and marketing in Montgomery and Prince George's counties, as well as portions of the Eastern Shore. This program is in the development phase with the proposed implementation contractor, Montgomery Community College.

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MEA intends to leverage additional funds to continue these efforts beyond fiscal 2004 through the Energy Stars Partners Initiative cooperative advertising component. MEA is discussing possible funding opportunities with Maryland utilities as well as federal agencies.

DLS recommends that MEA brief the committees on the potential impacts of this aggressive energy efficiency promotion effort, and its efforts to secure ongoing funding beyond fiscal 2004.

Recommended Actions

1. Concur with Governor's allowance.

Updates

1. Wind Turbine Decommissioning

In response to recent proposals to develop commercial wind farms in western Maryland, the budget committees requested that MEA and the Public Service Commission (PSC) submit a report describing the regulations and procedures currently in place to ensure that wind turbines are deconstructed when they become inoperable; the roles the agencies play in the development and decommissioning of wind turbines; and recommendations for ensuring that responsibility for decommissioning inoperable wind turbines does not default to the taxpayers. The results and recommendations contained in this joint report are summarized below.

Decommissioning – PSC is required to issue Certificates of Public Convenience and Necessity (CPCN), which include decommissioning requirements, to entities interested in constructing wind projects. For the two proposed sites in Maryland, developers accepted the proposed decommissioning conditions as part of a comprehensive settlement plan ultimately approved by PSC.

Roles – MEA reviews proposed projects and makes recommendations in concert with other reviewing agencies who participate in CPCN cases before PSC. MEA also plays a separate statutory role to encourage and promote the development of responsibly sited wind generating facilities in Maryland. PSC is the regulatory body that has approval authority over such facilities. PSC ensures that facilities are operated with appropriate safeguards to protect the State’s environment and natural resources, and are not detrimental to the public’s interest. There is some uncertainty with regard to whether PSC has jurisdiction over all wind generation facilities, since the Public Utility Companies Article (Section 7-207.1) exempts some generating stations if the electricity generated is sold only on the wholesale market through an interconnection agreement with a local electric company.

Recommendations – The report recommends that PSC consider amending Section 7-207.1 to clarify the scope of the exemption from the CPCN process; reviewing its authority to levy civil penalties to determine if there is a need to establish a contingency fund to cover for any failure to comply with one of its decommissioning conditions; and preparing regulations to address decommissioning requirements for all new generation facilities including those being proposed for wind generation.

2. Efficiency Vermont: A Model for Maryland?

Until recently, Vermont's electric utilities offered a range of energy efficiency services to their customers. These different and often unconnected programs caused confusion among customers and product vendors, limited some customers' access to service, and increased the cost of delivering energy efficiency. After careful consideration, the Vermont Public Service Board, Department of Public Service, all of the state's 22 electric utilities, and consumer and environmental groups agreed to develop a consistent, comprehensive, and integrated delivery system. “Efficiency Vermont” was developed as a result of this effort, and it may be a model that merits consideration in Maryland.

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Efficiency Vermont is Vermont's new energy efficiency utility – the first of its kind in the United States. It is funded by an "energy efficiency charge" that appears on most consumers' electric bills. Efficiency Vermont operates independently from the state's electric utilities and offers energy-saving programs, technical advice, and financial incentives throughout Vermont. It consolidates and enhances most of the programs previously offered by the state's electric utilities and provides a more streamlined and coordinated approach to energy efficiency. It is also expected to increase participation in these programs by those who want to reduce their electric bills by improving their energy efficiency.

Through Efficiency Vermont, consumers and businesses can participate in the same seven energy- and money-saving programs. Money-saving programs are offered to homebuilders and buyers, low-income citizens, farmers, and residential, commercial, and industrial customers. The programs help these energy consumers capture the greatest energy-saving opportunities available through the installation and use of efficient construction designs, products, and equipment. For example, businesses can receive incentives to install high efficiency equipment (such as lighting, motors, and HVAC systems) and low-income families can receive assistance to convert from costly electric heat and hot water systems to lower cost alternatives.

Current and Prior Year Budgets

Current and Prior Year Budgets Maryland Energy Administration (\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2003					
Legislative Appropriation	\$478	\$998	\$706	\$87	\$2,269
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	0	0	1,769	0	1,769
Cost Containment	-27	0	0	0	-27
Reversions and Cancellations	-54	-142	-453	-3	-652
Actual Expenditures	\$397	\$856	\$2,021	\$84	\$3,358
Fiscal 2004					
Legislative Appropriation	\$411	\$1,027	\$761	\$99	\$2,298
Cost Containment	-25	0	0	0	-25
Budget Amendments	0	0	0	0	0
Working Appropriation	\$386	\$1,027	\$761	\$99	\$2,273

Note: Numbers may not sum to total due to rounding.

Fiscal 2003

MEA's general funds dedicated to operating functions decreased by \$27,089. This reduction is largely due to cost containment actions under the provisions of Section 7-213(a) of the State Finance and Procurement Article (Budget Amendment No. 165-03).

The major changes in fiscal 2003 were due to budget amendments totaling \$1,768,517 in federal funds, off-set by \$453,453 in federal fund cancellations. The U.S. Department of Energy provided these funds for several purposes, including a railroad locomotive engine idle reduction technology demonstration project and a biomass project at Elk Neck State Park. The federal fund cancellations involved a variety of programs including zero home energy grants, energy code training curriculum and materials, and the Clean Cities alternative fuel vehicle campaign.

Fiscal 2004

MEA's general funds dedicated to operating functions decreased by \$24,816. This reduction is largely due to cost containment actions under the provisions of Section 7-213(a) of the State Finance and Procurement Article (Budget Amendment No. 37-04). A description of these changes is provided earlier in the analysis.

While not reflected in its fiscal 2004 working allowance, MEA plans to submit a \$1.0 million special fund budget amendment to the committees in the near future for the Pepco-Connectiv settlement funds described earlier in this analysis.

**Object/Fund Difference Report
Maryland Energy Administration**

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	20.00	20.00	20.00	0	0%
02 Contractual	1.25	2.00	0	-2.00	-100.0%
Total Positions	21.25	22.00	20.00	-2.00	-9.1%
Objects					
01 Salaries and Wages	\$ 1,272,954	\$ 1,371,507	\$ 1,519,333	\$ 147,826	10.8%
02 Technical & Spec Fees	43,688	67,962	2,200	-65,762	-96.8%
03 Communication	20,565	18,629	22,933	4,304	23.1%
04 Travel	32,352	33,599	35,405	1,806	5.4%
06 Fuel & Utilities	8,818	6,336	12,000	5,664	89.4%
07 Motor Vehicles	21,709	22,695	4,453	-18,242	-80.4%
08 Contractual Services	1,724,720	577,338	910,920	333,582	57.8%
09 Supplies & Materials	13,181	8,300	13,170	4,870	58.7%
10 Equip - Replacement	39,444	4,994	14,650	9,656	193.4%
11 Equip - Additional	1,230	0	1,500	1,500	N/A
12 Grants, Subsidies, Contracts	68,630	42,616	48,207	5,591	13.1%
13 Fixed Charges	109,365	119,498	120,805	1,307	1.1%
Total Objects	\$ 3,356,656	\$ 2,273,474	\$ 2,705,576	\$ 432,102	19.0%
Funds					
01 General Fund	\$ 396,763	\$ 386,063	\$ 395,742	\$ 9,679	2.5%
03 Special Fund	855,560	1,026,672	1,340,007	313,335	30.5%
05 Federal Fund	2,020,573	761,334	866,452	105,118	13.8%
09 Reimbursable Fund	83,760	99,405	103,375	3,970	4.0%
Total Funds	\$ 3,356,656	\$ 2,273,474	\$ 2,705,576	\$ 432,102	19.0%

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.