

January 8, 2020

CLEAN ENERGY ADVISORY BOARD ANNUAL REPORT



Photo: GRID Alternatives Mid-Atlantic

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Contents

Executive Summary.....	3
Annual Report.....	3
Mission Statement	4
Current Board Members.....	5

Appendices

A: Enabling Legislation (HB 2741 - 2019)

B: Clean Energy Advisory Board Members (Affiliation, Title, Appointment)

Executive Summary

In 2019 the Virginia General Assembly passed HB 2741 establishing the Clean Energy Advisory Board (the “Board”) as an advisory board in the executive branch of the state government. The stated purpose of the Board is to establish a pilot program (“Program”) for disbursing loans or rebates for the installation of solar energy infrastructure in low-income and moderate-income households through the “Low-to-Moderate Income Solar Loan and Rebate Fund” (the “Fund”). The enabling legislation requires the Board to prepare and submit to the Governor and the General Assembly an annual report for publication as a report document, which shall include an executive summary of the interim activity and work of the Board.

The Board held its first meeting in Richmond, Virginia on Tuesday, December 3, 2019 and elected officers.

Annual Report

Upon receipt of the respective Board appointments from the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules, Virginia Department of Mines, Minerals and Energy (DMME) staff reached out in Fall 2019 to welcome Board members and coordinate scheduling an inaugural meeting. Convened in Richmond on December 3, 2019, the first meeting took place from 10:00 am to 3:30 pm and featured presentations from federal, state, utility and non-profit trade association representatives with expertise in clean energy programs serving low-to-moderate income (LMI) households from 10:00 am to noon, followed by the Board meeting from 1:00 pm to 3:30 pm. A full roster of Board member names and affiliations is provided in Appendix B.

HB 2741 chief patron Delegate Lashrecse Aird welcomed the Board and a group of 50 representatives of stakeholder organizations, and emphasized the opportunities and benefits of ensuring that access to clean energy is available for low-to-moderate income households. As a newly-formed state Board, members received required Conflict of Interest and Freedom of Information Act training in closed session. The Board established leadership by electing Hannah Coman as Chair and William Greenleaf as Vice Chair. The Board noted that two nonlegislative

citizen vacancies still exist: one for a member appointed by the Senate Committee on Rules, and the second for a member appointed by the Speaker of the House.

The Board agreed to meet every two months beginning in February of 2020, and create subcommittees that will meet on alternate months. Staff from DMME will assist in coordinating future meetings of the Board, and provide research and program development support.

The next Board meeting is scheduled for February 12, 2020, from 1:00 pm to 4:00 pm. At the February meeting the Board will discuss the formation of subcommittees, potential sources of public and private capital for the Fund, and the Board's objectives and workplan for the upcoming year. As a quarterly Board meeting schedule is established for 2020, the meeting dates, times and locations will be published to encourage public participation.

Additional information regarding the clean energy-related presentations from December 3, 2019 as well as the draft minutes from the meeting is available on the DMME website.¹

Mission Statement

The Board has adopted the following mission statement:

The Clean Energy Advisory Board (the Board) is established as an advisory board in the executive branch of state government. The Board, with the approval of the Director of the Department of Mines, Minerals and Energy, shall develop and establish a Low-to-Moderate Income Solar Loan and Rebate Pilot Program (the Program) and rules for the loan or rebate application process. The Program shall disburse loans or rebates for the installation of solar energy infrastructure from a Low-to-Moderate Income Solar Loan and Rebate Fund (the Fund). In carrying out its duties, the Board shall consider the Energy Objectives of the Commonwealth described in § 67-101 of the Code of Virginia. All actions and recommendations of the Board shall be for the purpose of expanding access to cost-effective clean energy for low- and moderate-income Virginians throughout the Commonwealth, including citizens living in both single- and multi-family housing facilities and in rural or economically disadvantaged communities.

¹ Clean Energy Advisory Board, Va. Dept of Mines, Minerals and Energy,
<https://dmme.virginia.gov/de/CleanEnergyAdvisoryBoard2019.shtml>.

Current Board Members (2019 - 2022)

- Katharine Bond
- Marcus Harris
- Toni Ostrowski
- Faith Harris
- Gary Wood
- KC Bleile
- Samuel Towell
- Janaka Casper
- William Greenleaf
- Hannah Coman
- William Reisinger
- Susan Kruse
- John Warren (*ex officio*)

Appendix A: Assembly Bill 2741 (2019)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 554

An Act to amend the Code of Virginia by adding in Title 45.1 a chapter numbered 27, consisting of sections numbered 45.1-395 through 45.1-400, relating to Clean Energy Advisory Board; fund; solar installation loan or rebate; report; sunset.

[H 2741]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 45.1 a chapter numbered 27, consisting of sections numbered 45.1-395 through 45.1-400, as follows:

CHAPTER 27.

CLEAN ENERGY ADVISORY BOARD.

§ 45.1-395. Clean Energy Advisory Board; purpose.

The Clean Energy Advisory Board (the Board) is established as an advisory board in the executive branch of state government. The purpose of the Board is to establish a pilot program for disbursing loans or rebates for the installation of solar energy infrastructure in low-income and moderate-income households.

§ 45.1-396. Membership; terms; quorum; meetings.

The Board shall have a total membership of 15 members that shall consist of 14 nonlegislative citizen members and one ex officio member. Nonlegislative citizen members shall be appointed as follows:

1. Four nonlegislative citizen members to be appointed by the Speaker of the House of Delegates upon consideration of the recommendations of the Board of Directors of the Maryland-DC-Delaware-Virginia Solar Energy Industries Association (the MDV-SEIA Board) and the Governor's Advisory Council on Environmental Justice (the Council), one of whom shall be a designee of the Virginia Housing Development Authority, created pursuant to the provisions of Chapter 1.2 (§ 36-55.24 et seq.) of Title 36; one of whom shall be a rooftop solar energy professional or employer or representative of rooftop solar energy professionals; one of whom shall be a current or former member of the Council; and one of whom shall be a member or representative of the Virginia, Maryland and Delaware Association of Electric Cooperatives (VMDAEC);

2. Three nonlegislative citizen members to be appointed by the Senate Committee on Rules upon consideration of the recommendations of the MDV-SEIA Board, one of whom shall be a solar energy professional or employer or representative of solar energy professionals, one of whom shall work for or with a Virginia-based investor-owned electric utility company, and one of whom shall be a member or representative of VMDAEC; and
3. Seven nonlegislative citizen members to be appointed by the Governor upon consideration of the recommendations of the MDV-SEIA Board and the Council and subject to confirmation by the General Assembly, one of whom shall be an attorney who is licensed to practice in the Commonwealth and maintains a legal practice in renewable energy law and transactions, one of whom shall be an attorney who is licensed to practice in the Commonwealth and specializes in tax law and energy transactions, one of whom shall be an attorney with the Division of Consumer Counsel created pursuant to the provisions of § 2.2-517, one of whom shall be an employee of a community development financial institution who specializes in impact investing, one of whom shall be a member of a Virginia environmental organization, and two of whom shall be designees of the Department of Housing and Community Development, created pursuant to the provisions of Chapter 8 (§ 36-131 et seq.) of Title 36.

The Director or his designee shall serve ex officio with voting privileges and shall assist in convening the meetings of the Board.

Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. The ex officio member of the Board shall serve a term coincident with his term of office. Nonlegislative citizen members shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

The Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.

§ 45.1-397. Powers and duties of the Board; report.

The Board shall have the following powers and duties:

1. To advise the Director on the management of the Low-to-Moderate Income Solar Loan and Rebate Fund (the Fund) pursuant to the provisions of § 45.1-398;
2. To develop, establish, and operate, with the approval of the Director, a Low-to-Moderate Income Solar Loan and Rebate Pilot Program (the Program) pursuant to the provisions of § 45.1-399;
3. To advise the Director on the possibility of working with a community development financial institution or other financial institutions to further the purposes of the Program;

4. To advise the Director on the distribution of moneys in the Fund in the form of loans or rebates pursuant to the provisions of § 45.1-399; and
5. To submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 45.1-398. Low-to-Moderate Income Solar Loan and Rebate Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Low-to-Moderate Income Solar Loan and Rebate Fund (the Fund). The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of extending loans or paying rebates to electric customers who complete solar installations or energy efficiency improvements pursuant to the provisions of § 45.1-399.

Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 45.1-399. Low-to-Moderate Income Solar Loan and Rebate Pilot Program.

A. The Board, with the approval of the Director, shall develop and establish a Low-to-Moderate Income Solar Loan and Rebate Pilot Program (the Program) and rules for the loan or rebate application process. The Program shall be open to any Virginia resident whose household income is at or below 80 percent of the state median income or regional median income, whichever is greater.

The Program shall allow only one loan per residence, irrespective of the ownership of the solar energy system that is installed. Such loan shall be available only for a solar installation or energy efficiency improvements pursuant to the provisions of Chapter 1.2 (§ 36-55.24 et seq.) of Title 36.

B. The Board shall accept an application only from the installer of the solar installation or the agent of the customer. Each application shall include (i) 12 months of the customer's utility bills prior to installation of the solar energy system and an agreement

to provide 12 months of utility bills to the Board following the installation; (ii) the customer's permission for the Director to (a) create a customer profile for the customer if he becomes an eligible loan or rebate customer, (b) aggregate the data provided by such eligible loan or rebate customers, and (c) use such aggregate data for the purpose of lowering energy costs and implementing effective programs; (iii) evidence of the completion of a home performance audit, conducted by a qualified local weatherization service provider, before and after installation of energy efficiency services such as lighting or insulation improvements, attic tents, weatherization, air sealing of openings in the building envelope, sealing of ducts, or thermostat upgrades, to demonstrate that such energy efficiency services were completed and resulted in a reduction in consumption of at least 12 percent; and (iv) an affidavit attesting to the receipt of a public benefit at the time the solar energy system is to be installed.

C. The Board shall review each application submitted to it on a first-come, first-served basis and shall recommend to the Director the approval or denial of each such application within 30 days of receipt. If the Director approves an application, he shall hold a reservation of funds for as long as 180 days for final loan or rebate claim and disbursement.

D. A customer whose application is approved may install an energy system that is interconnected pursuant to the provisions of § 56-594 or any section in Title 56 that addresses net energy metering provisions for electric cooperative service territories.

E. All of the work of installing the energy system shall be completed by a licensed contractor that (i) possesses an Alternative Energy System (AES) Contracting specialty as defined by the Board for Contractors pursuant to the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1; (ii) possesses certification for solar installation from the North American Board of Certified Energy Practitioners, Solar Energy International, Roof Integrated Solar Energy, or a similar installer certification program; (iii) possesses a rating of "A" or higher from the local Better Business Bureau; and (iv) has installed a minimum of 150 net-metered residential solar systems in Virginia. If the work of installing the solar energy system requires electrical work, it shall be completed by an electrical contractor licensed by the Virginia Department of Professional and Occupational Regulation. All photovoltaic panels, inverters, and other electrical apparatus used in the solar energy system shall be tested and certified by a federal Occupational Safety and Health Administration Nationally Recognized Testing Laboratory such as UL, LLC and installed in compliance with manufacturer specifications and all applicable building and electrical codes.

F. The customer or the installer, acting on behalf of the customer, shall submit any loan or rebate claim within 90 days of completion of the installation of the solar energy system, with completion deemed to have occurred once the solar energy system's bi-directional meter or net meter, or the respective utility's revenue grade meter, has been installed and the system has been electrified. Each rebate claim shall include, at a minimum, a date of system electrification and a time-stamped and date-stamped

verification of (i) bi-directional net meter delivery or (ii) the operation of a compatible programmed smart meter capable of tracking net metering activity.

G. The Director shall review and approve or deny a loan or rebate claim within 60 days of receipt and shall provide a written explanation of each denial to the respective claimant. The Director shall disburse from the Low-to-Moderate Income Solar Loan and Rebate Fund created pursuant to § 45.1-398 the loan or rebate for each approved claim within 60 days of its receipt of the claim and according to the order in which its respective application was approved. Any rebate or grant shall be in the amount of no more than \$2 per DC watt for up to six kilowatts of solar capacity installed. The customer may use a rebate in addition to any federal tax credits or state incentives or enhancements earned for the same solar installation.

§ 45.1-400. Sunset.

This chapter shall expire on July 1, 2022.

Appendix B: Clean Energy Advisory Board Members

First Name	Last Name	Affiliation	Title	Appointment
Katharine	Bond	Dominion Energy	Vice President, Public Policy and State Affairs	Senate
Marcus	Harris	Old Dominion Electric Cooperative (ODEC)	President and CEO	Senate
TBA		<i>Hold for Solar energy industry professional</i>		Senate
Toni	Ostrowski	Virginia Housing Development Authority	Managing Director of Homeownership	Speaker of the House
Faith	Harris	Virginia Union University	Assistant Professor of Theology; Director, Edosomwan Center for Faith, Leadership, and Public Life	Speaker of the House
Gary	Wood	Central Virginia Electric Cooperative	President and CEO	Speaker of the House
TBA		<i>Hold for Solar energy industry professional</i>		Speaker of the House
KC	Bleile	Viridian <i>*Designee of the Department of Housing and Community Development</i>	Executive Director	Governor
Samuel	Towell	Office of the Attorney General, Division of Consumer Counsel	Deputy Attorney General	Governor

First Name	Last Name	Affiliation	Title	Appointment
Janaka	Casper	Community Housing Partners <i>*Designee of the Department of Housing and Community Development</i>	Chief Executive Officer	Governor
William	Greenleaf	Virginia Community Capital <i>*Employee of a Community Development Financial Institution - Impact Investing</i>	Clean Energy Loan Officer	Governor
Hannah	Coman	Southern Environmental Law Center	Attorney	Governor
William	Reisinger	ReisingerGooch, PLC <i>*Licensed Attorney - Renewable Energy Law and Transactions</i>	Attorney	Governor
Susan	Kruse	Charlottesville Climate Collaborative (C3)	Executive Director	Governor
John	Warren	Virginia Department of Mines, Minerals and Energy (DMME)	Director	<i>Ex-officio with voting privileges</i>