

## Clean Heat Standard Technical Advisory Group

### December 11, 2023, Meeting Minutes

#### Attendees

- Members of the Technical Advisory Group present
  - Melissa Bailey, Vermont Department of Public Service
  - Jared Ulmer, Vermont Department of Health
  - Brian Woods, Vermont Agency of Natural Resources
  - Matt Cota, Meadow Hill Consulting
  - Luce Hillman, University of Vermont
  - Ken Jones
  - Michelle Keller, Fraktalas Energy
  - Casey Lamont, Burlington Electric Department
  - Emily Levin, Northeast States Coordinated Air Use Management
  - Emily Roscoe, Efficiency Vermont
  - Floyd Vergara, Clean Fuels Alliance America
  - Rick Weston
  - Patrick Wood, Ag Methane Advisors
- Participating Vermont Public Utility Commission staff
  - Erin Hicks-Tibbles
  - Tom Knauer
  - Deirdre Morris
  - Tracy Myers
  - Dominic Gatti
- Participating Members of the public
  - Ben Plotzker, Efficiency Vermont – supporting Emily Roscoe
  - Ben Cartwright, NV5 – consultant supporting the Department of Public Service’s potential study
  - Annette Smith
  - John Brabant
  - Thomas Weiss

Meeting commenced at 1:04 pm ET

- Welcome and introductions
  - Commission staff emphasized the importance of the Technical Advisory Group and reiterated that while Commission staff is running this meeting, it is the group’s meeting.
  - Individuals on the TAG and some members of the public introduced themselves (*see Attendees section above*).
- Reviewing agenda
  - Commission staff mentioned the materials that were posted ahead of the meeting, and provided a brief overview of the preplanned agenda.
  - A number of changes were made to the agenda by group members:

- Moving the discussion of the election of officers for the Technical Advisory Group to after the conversation about the sequence of statutory tasks – Commission staff, hearing no objections to the suggestion made by Emily Levin, rearranged the order of the agenda items (1:29 pm).
    - Adding a subpoint to the review of draft procedures to talk about non-member participation in meetings.
    - Adding a subpoint to the review of draft procedures to discuss decision-making points and mechanisms for the Technical Advisory Group.
    - Adding a subpoint to the review of draft procedures to discuss digesting public comments, administrative support, and the possibility of subcommittees.
  - Group members inquired and got clarification about:
    - Update on the Commission hiring the consultants required by Act 18; Commission staff shared that they are in the contracting process for both the technical consultant and the public engagement facilitator.
    - If Commission staff was taking notes on the meeting; Commission staff took notes.
    - The role of the Commission in Technical Advisory Group meetings; Commission staff said they anticipated the Technical Advisory Group to be independent and, at an arm’s length to provide expert advice, criticism, and technical input. Staff said they only plan to provide administrative support.
    - The role of the Technical Advisory Group in determining what constitutes an Early Action Credit; Commission staff outlined the current course of public comments on the topic, the then-forthcoming Order addressing the topic, and the potential interaction between the Technical Advisory Group, the technical consultant, and the Commission in making a final determination on awarding Early Action Credits if the Clean Heat Standard is enacted.
- Review key milestones in the PUC’s work
  - Commission staff walked through the milestones and deadlines that are enumerated in statute and were listed in the preparatory materials for this meeting.
  - Group members inquired into what early deliverables the Technical Advisory Group may need to provide input on. Commission staff explained that the fuel dealer registration form and potential funding streams report are going through a public process. The Commission is interested in feedback from the Technical Advisory Group on how to contact fuel dealers regarding the registration form.
  - Group members discussed the availability of a definition of fuel dealers, and how the statutory definition of “fuel dealer” and “obligated party” would inform the registration effort.
- Review of draft procedures
  - Commission staff gave an overview of the process to date that went into the development of the draft procedures for the Technical Advisory Group and

explained how public comments had been incorporated into the most recent draft, including a more explicit inclusion of the relevant open meeting law. Staff solicited feedback on the draft procedures from group members to inform the final version of the procedures. Group members shared their perspectives:

- Confirmed that Technical Advisory Group members from state agencies were voting members.
- Multiple members said that mapping out the tasks required of the group would be helpful in determining a longer-term schedule of work. They believe it would be useful to set and publish a schedule of work to maximize useful input from the group and the public.
- Members expressed interest in more details about the technical consultant and the relationship between the consultant and the advisory group; Commission staff said that the [Request for Proposals issued by the Commission](#) included major milestones and expectations. The Commission will share more information after it completes the contracting process.
- Group members discussed the idea of having an independent meeting facilitator for the Technical Advisory Group.
  - Some agreed that having one would be useful to fairly balance discussion of nuanced or contentious issues while keeping the group focused. They also felt that acting as Chair of the group might make it more difficult to participate in group discussions.
  - Others were less inclined towards hiring a facilitator and expressed concern that finding one would delay substantive work the group needs to tackle.
  - Commission staff indicated they are investigating the possibility of having such a position and inquired what level of expertise in clean heat-related subjects they would want the facilitator to have.
  - Some group members felt that a facilitator would not need to be closely familiar with clean heat-related issues as they would primarily help the group with administrative tasks. Some members agreed that a neutral, administrative facilitator would also help prevent the Chair from unduly influencing the conversations had by the advisory group. There was agreement that the potential facilitator would not have to be an expert on clean heat subjects but should be able to understand and focus comments made by members of the group.
- Members asked if Commission staff intended for references to the Technical Advisory Group's interaction with the technical consultant in the draft procedures to apply individually or collectively. Commission staff replied that they anticipated the group would act collectively, either through a liaison or by interacting with the consultant at group meetings.

Other members expressed the expectation that the consultant would attend most, if not all, of the Technical Advisory Group meetings.

- Members who were not appointed as representatives of named organizations asked if language in Section 3(e) of the draft procedures was meant to allow them to invite outside experts to contribute to group meetings and expressed a desire to be able to do so. Commission staff indicated that they did not read that section to disallow individual group members from bringing experts not affiliated with a named organization to contribute to the advisory group.
- Group members agreed that they needed to make a decision on how to collectively make decisions. The group discussed the pros and cons of using Robert's Rules of Order, the simple majority threshold contemplated in the draft procedures, and the interim applicability of any decision-making processes pending the possible hiring of a meeting facilitator.
  - Ken Jones moved to direct the Commission to provide a report on the advantages and disadvantages of hiring a facilitator, seconded by Luce Hillman (12:18 pm). After further discussion among the group, the motion was amended to recommend that the Commission look into hiring a facilitator and report back to the group on the pros, cons, and timeline. Amended motion adopted by voice vote (observed by raising of hands) (2:23 pm).
  - Ken Jones moved to request the Commission explore and recommend a framework for how the Technical Advisory Group should arrive at decision points and collectively make decisions, seconded by Matt Cota (2:27 pm). Following a discussion that contemplated a minority report accompanying Technical Advisory Group decisions and what actions a procedure might apply to, the group unanimously adopted the motion (2:36 pm).
  - Noting that the group had defaulted to using a basic version of Robert's Rules of Order, Luce Hillman moved that the group use Robert's Rules until the group has a potential Chair or facilitator, seconded by Emily Levin (2:37 pm). After a brief conversation regarding the ability of Commission staff to temporarily act as parliamentarians and the confirmation of Dominic Gatti's willingness to fill that role at this meeting, the group adopted the motion by voice vote (observed by raising of hands) (2:38 pm).
- Review of group's statutory role in the potential Clean Heat Standard
  - Commission staff provided an overview of the role of the Technical Advisory Group and its stated responsibilities.
  - Members clarified that the primary responsibility for developing lifecycle emissions analysis rests with the technical consultant, but the Technical Advisory Group will review their methodology and provide input on their analysis.

- Group members discussed the difference between lifecycle analysis and the greenhouse gas inventory. It was brought up that the Vermont Agency of Natural Resources is currently under contract for work related to the greenhouse gas inventory and is engaged in other work in this area. It was noted that the Commission, with the advice of the group, needs to establish how the lifecycles of different clean heat measures relate to the sector reductions required by the [Global Warming Solutions Act](#). The group discussed that an iterative approach may be necessary among the Technical Advisory group, the technical consultant, the Agency for Natural Resources, and the Commission in figuring out these complicated relationships. Further conversation considered the viability of a Vermont-specific [GREET \(greenhouse gas, regulated emissions, and energy use in transportation model\)](#), the difference between lifecycle calculations and a greenhouse gas inventory, and recent revisions to the [Vermont Pathways Report](#).
- Group discussion on the sequence of statutory tasks
  - Commission staff referred to the list of statutory tasks identified by the Commission and asked the group what the best sequence of tasks might be.
  - Group members asked if the Commission had a recommendation; Commission staff responded that they don't want to be overbearing on the group, but suggested ownership methodologies may be ripe given the robust public record on the topic.
  - Group members expressed that a more clearly defined plan of work and status on different items from the Commission would be helpful in identifying where the Technical Advisory Group could interject. Group members asked for clarification on how the group's work would be incorporated into the Commission's decision-making, and if the Technical Advisory Group is expected to provide input on the first checkback report; Commission staff replied that they do not expect much input from the group on the checkback report, and that they hear the group requesting an expected timeline from the Commission on all of the topics that will be covered and where advisory group input would be most useful.
  - Commission staff observed that it did not seem like the exact sequencing of tasks was ripe for the meeting. Some members agreed and said they were interested in going through the list of tasks and identifying what prerequisite information would be needed to come to a conclusion on a topic at the next meeting. The group discussed how potential deviation from the current greenhouse gas inventory would put other decisions the group has to make into flux. Group members felt there are a lot of process questions that will need to be answered at the next Technical Advisory Group meeting, and the group will have to get started on substantive questions. Members expressed interest in a presentation from the Agency of Natural Resources on their lifecycle analysis work.
  - Group members expressed interest in receiving a digest of the public comments made through [ePUC](#). Commission staff explained the new [Clean Heat Standard website](#), [ePUC and CHS topic tags](#), and their practice of providing an overview of comments made in Orders responding to such comments.

- Members identified the topic of credit ownership as a policy question rather than a technical question, but Commission staff pointed out that Act 18 explicitly requires the Commission to consult with the Technical Advisory Group on ownership methodology. Members asked Commission staff about how they envision consulting the group on questions like this, to which staff replied that there will be multiple ways the Commission will solicit input from the Technical Advisory Group, but often the Commission will get public comment on a matter and construct a straw proposal for the advisory groups to provide input on.
- Group members acknowledged that the procedures document doesn't capture the entire scope of what the Technical Advisory Group will do and requested a separate document that comprehensively covers what is expected of the group.
- Discuss election of Chair, Vice Chair, and Secretary
  - The group recognized that the group would need identified leaders soon, but no one was ready to step into such a position yet. The group discussed a desire to identify at least an interim Chair at the next meeting.
  - Melissa Bailey moved that the group requests the Commission develop the agenda for and facilitate the next group meeting, seconded by Patrick Wood (3:30 pm). A roll call vote was held and the motion was adopted by a vote of 10-3 (3:32 pm).
  - Commission staff said they would facilitate the next meeting and lean on items discussed in this meeting to populate the next agenda. Members of the group were also invited to suggest additional topics for the meeting.
- Upcoming CHS events
  - This item was not discussed due to time constraints.
- Schedule next meeting
  - The group expressed a desire to have Commission staff send another DoodlePoll to find a time to meet in January.
- Opportunity for Public Comment
  - Annette Smith – Vermonters for Clean Environment
    - Hears and understands the want for a facilitator, but has seen that the Vermont Climate Council uses a facilitator and it has created an odd environment that is not friendly for robust conversation. A Chair structure where someone has to take ownership may result in a better process and output. Believes that group should elect a Chair as soon as possible, and thinks it shouldn't be Rick Weston or Ken Jones because of their former organizations' involvement in the development and passage of Act 18. Suggests Melissa Bailey should be Chair, and thinks the Chair should be a distinct role different than a purely administrative role.
    - Audio-recorded meeting and can be contacted for a recording and [vce@vce.org](mailto:vce@vce.org).
  - John Brabant – Vermonters for a Clean Environment
    - Recalled that Commission staff said they weren't recording the meeting but that the Technical Advisory Group gets to choose their own procedure,

so suggests that the group should decide to record their meetings. Argued that it would be better for absent group members, in line with other Commission proceedings that are transcribed by a court reporter, useful for people who have to come late or leave early, and if a facilitator was hired they could use it. Noted that the Legislature has been making recordings for their work for more than 35 years. Doesn't believe it is appropriate for the group to rely on a member of the public to record the meeting.

- Thomas Weiss
  - Appreciated the informative meeting. Would appreciate a schedule that spells out when parties will be asked to provide input.
  - Notes that the statute authorizing the Technical Advisory Group calls for ten areas of expertise that the members are supposed to represent. Would appreciate it if the Commission could list what areas of expertise each group member fulfills in addition to their name and organizational affiliation.
- Adjourn 3:43 pm