# D13A13 Maryland Energy Administration

# Operating Budget Data

(\$ in Thousands)

	FY 06 <u>Actual</u>	FY 07 Working	FY 08 Allowance	FY 07-08 Change	% Change Prior Year
General Fund	\$461	\$1,899	\$1,676	-\$223	-11.8%
Special Fund	830	1,912	1,610	-301	-15.8%
Federal Fund	1,154	844	1,135	291	34.5%
Reimbursable Fund	<u>92</u>	<u>106</u>	<u>109</u>	<u>3</u>	<u>2.9%</u>
<b>Total Funds</b>	\$2,538	\$4,760	\$4,530	-\$231	-4.8%

- The Maryland Energy Administration's (MEA) fiscal 2008 budget allowance includes a \$245,000 federal fund deficiency for the Propane Grant Program and the Mid-Atlantic Home Performance Collaboration Program.
- MEA's fiscal 2008 budget allowance decreases \$231,000, or 4.8% from fiscal 2007. This decrease is due to decreases of \$300,000 in general funds for the Solar Energy Grant Program and of \$300,000 in special funds for the Energy Overcharge Restitution Fund (EORF) projects. These decreases are partially offset by a \$400,000 increase in the federal fund appropriation in anticipation of grants usually brought in via budget amendment in the upcoming year.
- Adjusting for the one-time health insurance cost savings, MEA's budget decreases by \$174,818, or 3.7%.

## Personnel Data

	FY 06	FY 07	FY 08	FY 07-08
	<u>Actual</u>	Working	<u>Allowance</u>	<u>Change</u>
Regular Positions	18.00	18.00	18.00	0.00
Contractual FTEs	<u>1.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Personnel	<b>19.00</b>	<b>18.00</b>	<b>18.00</b>	<b>0.00</b>
Vacancy Data: Regular Positions Turnover, Excluding New Positions Positions Vacant as of 12/31/06		0.36 2.00	2.00% 11.10%	

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

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- MEA's regular positions remain level at 18 in the fiscal 2008 allowance.
- The title and duration of the two regular position vacancies are as follows: administrator III (7 to 12 months) and administrator I (13 to 18 months). MEA has been unable to hire someone for the administrator I position, which would be titled State Building Energy Efficiency coordinator. MEA cites financial constraints for the length of the administrator I position vacancy and reports that it is attempting to fill it.

## Analysis in Brief

#### **Issues**

Energy Overcharge Restitution Fund Dwindling: MEA reports that EORF's future balance is dependent on how and when Project Heat-up funds are allocated to the Department of Human Resources and the Department of Housing and Community Development for energy bill assistance. However, a larger question is how MEA will cover operating and programmatic costs when the EORF is inevitably depleted, which appears to depend largely on the rate of MEA's special fund program encumbrances. When the EORF is finally depleted, which could be as early as fiscal 2010 based on an estimated \$1.5 million fund balance at the end of fiscal 2008, MEA reports that general funds will be required. The Department of Legislative Services (DLS) recommends that MEA brief the committees on how it plans to address necessary operating expenses, program costs, loan recapitalizations, and federal fund project grant matches when the EORF is empty.

Relatively Little New Information from Energy Performance Contract Report: Fiscal 2007 budget bill language required MEA, the Department of General Services (DGS), and the Department of Budget and Management to submit a report on the findings and recommendations from an Energy Performance Contracting (EPC) report. In addition, the budget language required the three agencies to outline how management and implementation of the State's EPC program may be adjusted in response to the report's recommendations. MEA and DGS indicate that the recommendations made in the report were not supported by an adequate amount of data to provide a useful comparison between the states. Therefore, MEA and DGS maintain that the report was not as useful in terms of offering advice for improving Maryland's EPC program. DLS recommends that MEA and DGS coordinate on providing the following information about each EPC project that has been initiated in order to understand more about the status of the EPC program:

- initiation date;
- energy conservation measure summary;
- contract negotiation length;
- contract terms;

- expected savings for each year; and
- actual savings for each year.

Grant Caps to Be Revisited in Legislation: Grant caps are believed to be a factor in MEA's ability to disburse Solar Energy Grant Program funds for photovoltaic and solar water heating systems. For instance, two neighboring jurisdictions (Delaware and the District of Columbia) have 50% grant caps for their solar energy programs. House Bill 74 and Senate Bill 187 have been introduced in the 2007 session to increase MEA's Solar Energy Grant Program caps. DLS recommends that MEA comment on the fiscal impact of the proposed legislation and the impact of potentially changing the grant caps.

#### **Recommended Actions**

		<b>Funds</b>	<b>Positions</b>
1.	Delete funding for an administrator I position (056323) that has been vacant longer than a year.	\$ 46,601	1.0
2.	Reduce the funding for the Solar Energy Grant Program based on fiscal 2007 grant disbursal progress.	700,000	
	<b>Total Reductions</b>	\$ 746,601	1.0



# D13A13 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 Section 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 State Agency Loan programs and the administration of the Energy Overcharge Restitution Fund (EORF). 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.

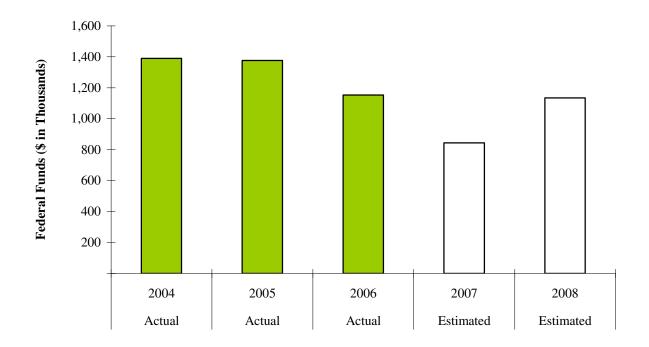
#### **Performance Analysis: Managing for Results**

MEA's three primary goals are to:

- increase energy efficiency and reduce the cost of State government;
- fulfill a role as a federally funded State Energy Office by providing resources and assistance to individuals, businesses, local governments, and nonprofit organizations for the use of renewable energy and energy efficiency; and
- support the use of alternative fuels and the development of advanced transportation technologies.

MEA's second goal is assumed to have become more difficult to achieve as a result of the decline in its federal funding. Exhibit 1 shows that MEA's federal funding has decreased. The Department of Legislative Services (DLS) recommends that MEA comment on its ability to meet its federally funded State Energy Office role in light of decreasing federal funds.

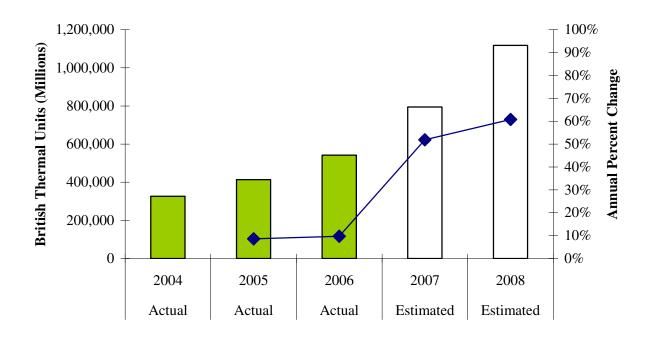
Exhibit 1 Federal Funds in MEA's Budget Fiscal 2004-2008



Source: Governor's Budget Books, Fiscal 2007-2008

However, projects completed since fiscal 2000 are still achieving an increasing amount of annual energy savings, as shown for fiscal 2004 onward in **Exhibit 2**. The majority of the annual change in the fiscal 2007 and 2008 estimated energy savings are associated with the Rebuild America program. **DLS recommends that MEA describe the Rebuild America program and why the program is expected to achieve significantly higher annual energy savings in fiscal 2007 and 2008.** 

Exhibit 2
Annual Energy Savings from Projects Completed Since Fiscal 2000
Excluding State Facilities
Fiscal 2004-2008



- Annual Energy Savings from Projects Completed Since Fiscal 2000 (Excluding State Facilities Million BTUs)
- → Annual Change for Rebuild America Savings as a Percent of Change in Total Annual Savings

Source: Governor's Budget Books, Fiscal 2007-2008

#### **Fiscal 2007 Actions**

#### **Proposed Deficiency**

DLS required that the Executive Branch submit budget amendments as deficiency appropriations in fiscal 2007. The Governor submitted a deficiency appropriation for the fiscal 2007 operating budget which would increase MEA's federal fund appropriation by \$245,000. The federal funds would provide for contractual services in the Propane Grant Program and the Mid-Atlantic Home Performance Collaboration Program. The fund sources are as follows:

- \$145,000 from State Energy Program Special Projects; and
- \$100,000 from Energy Efficiency and Renewable Energy Information Dissemination, Outreach, Training and Technical Analysis Assistance.

#### **Governor's Proposed Budget**

As shown in **Exhibit 3**, MEA's fiscal 2008 budget allowance decreases 4.8%, or \$230,748 from the fiscal 2007 working appropriation. Personnel costs are flat due to one-time health insurance cost savings which offset the increase in increments and employee retirement contributions.

The overall decrease in the fiscal 2008 allowance is primarily due to \$300,000 decreases for both the Energy Overcharge Restitution Fund projects and the Solar Energy Grant Program. Other decreases include a lower statewide cost allocation rate charged to federal grants processing and the end of an Energy Star Outreach and Marketing campaign for lighting, appliances, and homes. A \$400,000 increase is due to federal funds which would normally be brought in by budget amendment in October 2007. Other increases in the allowance include funds for information technology hardware and software and for escalation of MEA's leased space service contract.

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

How Much It Grows:	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>		
2007 Working Appropriation	\$1,899	\$1,912	\$844	\$106	\$4,760		
2008 Governor's Allowance	008 Governor's Allowance <u>1,676</u> <u>1,610</u> <u>1,135</u> <u>109</u>						
Amount Change	-\$223	-\$301	\$291	\$3	-\$231		
Percent Change	-11.8%	-15.8%	34.5%	2.9%	-4.8%		
Where It Goes:							
Personnel Expenses							
Increments and other compe	nsation			•••••	\$30		
Employee retirement contrib	Employee retirement contributions.						
Other fringe benefit adjustm	Other fringe benefit adjustments						
Health insurance costs decli	Health insurance costs decline due to one-time savings						
Turnover adjustments	Turnover adjustments						
Other Changes							
Increase in federal funds in	anticipation of fa	all 2007 alloca	tion	•••••	400		
New Network and upgraded	Citrix servers, s	oftware updat	es, and two pri	nters	10		
New landlord cleaning and t	rash removal fee	e for services a	and lease increa	ase	8		
Reduced funding for Energy	Overcharge Re	stitution Fund	projects		-300		
Solar Energy/Geothermal gr	Solar Energy/Geothermal grant program reduced to reflect realistic disbursal						
Lower statewide cost allocate	Lower statewide cost allocation rate charged to federal grants for processing						
End of Energy Star Outreach	End of Energy Star Outreach and Marketing for lighting, appliances, and homes						
Other adjustments				•••••	-4		
Total					-\$231		
					•		

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

#### Issues

#### 1. Energy Overcharge Restitution Fund Dwindling

A fiscal 2006 budget deficiency appropriation to the Dedicated Purpose Fund is to be used by the Department of Human Resources (DHR) for energy assistance programs and by the Department of Housing and Community Development (DHCD) for weatherization programs. The fund sources for the appropriation were the general fund (\$6.0 million) and MEA's Energy Overcharge Restitution Fund (\$4.9 million).

The EORF consists of federal court settlement monies from oil and gas producers who have violated federal regulations. As of December 31, 2006, the EORF funds balance was \$3.2 million. This fund balance takes into account \$2.0 million budgeted by MEA in fiscal 2007, \$1.6 million remaining of the \$4.9 million fiscal 2006 deficiency appropriation that is budgeted for energy assistance programs in DHR and DHCD, and \$0.6 million in outstanding encumbrances from prior fiscal years. No additional settlement funds are expected to be deposited into the EORF in the future.

MEA reports that EORF's future balance is dependent on how and when Project Heat-up funds are allocated to DHR and DHCD for energy bill assistance. However, a larger question is how MEA will cover operating and programmatic costs when the EORF is inevitably depleted, which appears to depend largely on the rate of MEA's special fund program encumbrances. When the EORF is finally depleted, which could be as early as fiscal 2010 based on an estimated \$1.5 million fund balance at the end of fiscal 2008, MEA reports that general funds will be required to support the following:

- Rent, utilities, and other operating expenses (the recent loss of \$160,000 in federal funds and any future federal fund decrease would exacerbate this situation);
- Energy Awareness; Renewable, Sustainable, Innovative; and Transportation Efficiency programs (total of \$1.2 million budgeted for fiscal 2008);
- Energy Efficiency and Economic Development Loan Program recapitalization in fiscal 2009 (\$500,000) and fiscal 2010 through 2012 (\$300,000 per year); and
- Federal fund project grant matches.

DLS recommends that MEA brief the committees on how it plans to address necessary operating expenses, program costs, loan recapitalizations, and federal fund project grant matches when the EORF is empty.

# 2. Relatively Little New Information from Energy Performance Contract Report

Fiscal 2007 budget bill language required MEA, DGS, and the Department of Budget and Management (DBM) to submit a report on the findings and recommendations from an Energy Performance Contracting (EPC) report. In addition, the budget language required the three agencies to outline how management and implementation of the State's EPC program may be adjusted in response to the report's recommendations. MEA and DGS indicate that the recommendations made in the report were not supported by an adequate amount of data to provide a useful comparison between the states. Therefore, MEA and DGS maintain that the report was not as useful in terms of offering advice for improving Maryland's EPC program.

The report made the following recommendations to which MEA and DGS responded:

#### **Report Recommendation**

**Procurement:** Expand Maryland's qualified ESCO pool.

**Financing:** Allow progress payments during the construction process.

**Contract Term:** Amend Maryland EPC law to increase contract terms from 15 to 20 years.

**Contract Execution:** Establish contract review and approval timelines.

**Contract Monitoring:** Reduce EPC management fees.

**Protection Against Savings Shortfall:** Reduce savings securitization costs by allowing written corporate guarantees.

**Program Support Services:** Conduct workshops and training for agencies to encourage EPC use.

#### **MEA and DGS Responses**

**Procurement:** ESCO pool is limited to expedite the EPC process and to use the best qualified ESCOs.

*Financing:* EPC could be adjusted to implement this recommendation.

Contract Term: State law authorizes a 15-year contract term; however, other funding mechanisms might be used for long-term projects such as renewable and centralized power plants.

**Contract Execution:** Specific timelines are already defined in the EPC Indefinite Delivery Contract; agency and ESCO delays are common in the report's comparison states.

**Contract Monitoring:** State oversight is essential in order to assure the quality of projects.

**Protection Against Savings Shortfall:** State has not ruled out the use of a corporate guarantee; however, the State will not jeopardize project financial security.

**Program Support Services:** Plans are being made to increase education of State and local governments; a U.S. Department of Energy grant has helped in the last two years.

Overall, the stance of MEA and DGS appears to be that the report does not make significant suggestions for EPC program improvement. The report's recommendations for the procurement process, contract monitoring, and protection against savings shortfall are all constrained by the State's appropriate interest in project quality and savings guarantees. Contract terms cannot realistically be amended within the EPC program because of State law; however, MEA and DGS do acknowledge that other funding mechanisms could be explored. Contract execution appears to be an area of improvement, but it is difficult to tell with whom (MEA/DGS, agency, ESCO) the responsibility of increased efficiency lies.

The financing recommendation did provide some insight into how the EPC program might be modified, and the program support services recommendation reiterates the ongoing need for education. The State Treasurer's Office has been contacted and has determined that the State would benefit through a process called escrow financing or progress payments, whereby payments are made to ESCO's during construction. By making these progress payments, according to the report, a cost avoidance of \$200,000 on a \$5 million project can be achieved; similar estimates of \$600,000 in savings on a \$12.5 million project were provided by DGS. In terms of program support services, education of State and local governments appears to be important considering that Maryland only has 1.4 projects per project year according to the report. However, Maryland does have three Request for Proposals issued, which reflects future program activity.

DLS recommends that MEA and DGS coordinate on providing the following information about each EPC project that has been initiated in order to understand more about the status of the EPC program:

- initiation date;
- energy conservation measure summary;
- contract negotiation length;
- contract terms;
- expected savings for each year; and
- actual savings for each year.

## 3. Grant Caps to Be Revisited in Legislation

Grant caps are believed to be a factor in MEA's ability to disburse Solar Energy Grant Program funds for photovoltaic and solar water heating systems. For instance, two neighboring jurisdictions (Delaware and the District of Columbia) have 50% grant caps for their solar energy

programs. House Bill 74 and Senate Bill 187 have been introduced in the 2007 session to increase MEA's Solar Energy Grant Program caps as shown in **Exhibit 4**.

# **Exhibit 4 Solar Energy Grant Program Information**

Solar Energy Grant <u>Component</u>	Existing Cap	House Bill <u>Proposed Cap</u>	Senate Bill <u>Proposed Cap</u>
Residential photovoltaic	Lesser of \$3,000, or 20% of the total cost	Lesser of \$20,000, or 50% of the total cost	Lesser of \$6,000, or 30% of the total cost
Commercial photovoltaic	Lesser of \$5,000, or 20% of the total cost	Lesser of \$60,000, or 50% of the total cost	Lesser of \$10,000, or 30% of the total cost
Solar water heating	Lesser of \$2,000, or 20% of the total cost	Lesser of \$3,500, or 50% of the total cost	
Solar water heating – residential			Lesser of \$3,000, or 30% of the total cost
Solar water heating – commercial			Lesser of \$10,000, or 30% of the total cost

Source: Annotated Code of Maryland 2004 and 2006, Article - State Government, § 9-2007; House Bill 74, 2007

Session; Senate Bill 187, 2007 Session

Increasing grant caps hinges on the philosophy of whether the Solar Energy Grant Program should disburse a relatively large number of small grants or a relatively small number of large grants. MEA's experience with disbursal of \$1.5 million in solar energy grants in fiscal 2007 (approximately \$180,000 in solar and \$20,000 in geothermal grants as of January 16, 2007), indicates that grant caps may be a problem. **DLS recommends that MEA comment on the fiscal impact of the proposed legislation and the impact of potentially changing the grant caps.** 

# Recommended Actions

		Amount Reduction		Position <u>Reduction</u>
1.	Delete funding for an administrator I position (056323) that has been vacant longer than a year. This reduction still leaves the Maryland Energy Administration with a vacant position that has been vacant less than a year.	\$ 46,601	FF	1.0
2.	Reduce by \$700,000 funding for the Solar Energy Grant Program because halfway through fiscal 2007 (January 16, 2007) only \$177,096 had been disbursed in solar energy grants and approximately \$20,000 in geothermal grants. At this rate, approximately \$400,000 will be disbursed in total in fiscal 2007 and approximately \$1.1 million would be reverted. The \$700,000 reduction still leaves the program with \$500,000 in general fund appropriation, which would be a 25% increase over the fiscal 2007 estimate of grants disbursed.	700,000	GF	
	<b>Total Reductions</b>	\$ 746,601		1.0
	<b>Total General Fund Reductions</b>	\$ 700,000		
	<b>Total Federal Fund Reductions</b>	\$ 46,601		

# Current and Prior Year Budgets

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

	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2006		<del></del>			
Legislative Appropriation	\$452	\$1,977	\$836	\$92	\$3,357
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	9	0	719	0	728
Reversions and Cancellations	0	-1,147	-401	0	-1,548
Actual Expenditures	<b>\$461</b>	\$830	\$1,154	\$92	\$2,537
Fiscal 2007					
Legislative Appropriation	\$1,894	\$1,909	\$844	\$106	\$4,753
Budget Amendments	6	3	0	0	9
Working Appropriation	<b>\$1,900</b>	\$1,912	\$844	<b>\$106</b>	\$4,762
Note: Numbers may no	ot sum to total due	e to rounding.			

#### **Fiscal 2006**

The general fund appropriation increased by \$9,313. The increase was due to reallocation of the health insurance appropriation (\$5,005) as authorized in the fiscal 2006 budget bill (Budget Amendment 197-06) and to allocation of the cost-of-living adjustment (COLA) general fund appropriation (\$4,308) as authorized in the fiscal 2006 budget bill (Budget Amendment 004-06).

The special fund appropriation decreased by \$1,146,931 due to cancellations of projects and operating costs funded by the Energy Overcharge Restitution Fund.

The federal fund appropriation increased by a net of \$318,144. The following funds were brought in via budget amendment:

- \$180,000 for combined heat and power (CHP) education and outreach projects in the Mid-Atlantic region;
- \$145,998 to establish a Mid-Atlantic Regional CHP Center that promotes CHP technology and provides technical assistance for CHP projects;
- \$100,000 for projects that demonstrate and document successful implementation of propane-powered vehicles;
- \$100,000 for contracts associated with biodiesel education and terminal distribution;
- \$75,000 to promote energy efficient building practices within the public school construction process;
- \$65,301 to purchase technology for buses that reduce idling time and thus reduce air pollution emissions; and
- \$52,500 for grants associated with promoting alternative fuel vehicles, conducting outreach and training on Energy Star labeled products, and developing the wind energy sector in Maryland.

These federal funds were offset by \$400,655 in cancellations in General Administration.

#### **Fiscal 2007**

The general fund appropriation increases by a net of \$5,502. The increase is due to allocation of the \$5,557 COLA general fund appropriation as authorized in the fiscal 2007 budget bill (Budget Amendment 001-07). Funds had been allocated in DBM's budget and were subsequently distributed

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to each agency. The general fund increase was offset by the transfer of \$55 in general funds to DBM for a comprehensive salary study.

The special fund appropriation increases \$2,746 due to allocation of the COLA special fund appropriation as authorized in the fiscal 2007 budget bill (Budget Amendment 011-07).

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

Object/Fund	FY06 <u>Actual</u>	FY07 Working <u>Appropriation</u>	FY08 <u>Allowance</u>	FY07 - FY08 Amount Change	Percent <u>Change</u>
Positions					
01 Regular 02 Contractual	18.00 1.00	18.00 0	18.00 0	0	0% 0.0%
<b>Total Positions</b>	19.00	18.00	18.00	0	0%
Objects					
<ul><li>01 Salaries and Wages</li><li>02 Technical and Spec. Fees</li><li>03 Communication</li></ul>	\$ 1,190,611 4,553 33,493	\$ 1,429,127 0 18,242	\$ 1,431,689 0 20,872	\$ 2,562 0 2,630	0.2% 0.0% 14.4%
<ul> <li>04 Travel</li> <li>06 Fuel and Utilities</li> <li>07 Motor Vehicles</li> <li>08 Contractual Services</li> </ul>	13,251 8,672 1,941 972,887	27,828 10,000 6,173 1,560,170	23,786 13,515 5,788 1,646,723	-4,042 3,515 -385 86,553	-14.5% 35.2% -6.2% 5.5%
<ul> <li>O9 Supplies and Materials</li> <li>10 Equipment – Replacement</li> <li>11 Equipment – Additional</li> <li>12 Grants, Subsidies, and Contributions</li> <li>13 Fixed Charges</li> </ul>	7,443 17,396 3,595 155,642 128,276	7,995 11,537 0 1,564,208 125,100	11,604 14,934 0 1,224,881 135,840	3,609 3,397 0 -339,327 10,740	45.1% 29.4% 0.0% -21.7% 8.6%
Total Objects	\$ 2,537,760	\$ 4,760,380	\$ 4,529,632	-\$ 230,748	-4.8%
Funds					
<ul> <li>General Fund</li> <li>Special Fund</li> <li>Federal Fund</li> <li>Reimbursable Fund</li> </ul>	\$ 461,492 830,451 1,153,647 92,170	\$ 1,899,027 1,911,712 843,772 105,869	\$ 1,675,647 1,610,259 1,134,799 108,927	-\$ 223,380 -301,453 291,027 3,058	-11.8% -15.8% 34.5% 2.9%
Total Funds	\$ 2,537,760	\$ 4,760,380	\$ 4,529,632	-\$ 230,748	-4.8%

Note: The fiscal 2007 appropriation does not include deficiencies, and the fiscal 2008 allowance does not reflect contingent reductions.