

ORDER NO. 87609

IN THE MATTER OF THE MERGER OF
 EXELON CORPORATION AND
 CONSTELLATION ENERGY GROUP, INC.

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BEFORE THE
 PUBLIC SERVICE
 COMMISSION
 OF MARYLAND

 CASE NO. 9271

Issued: June 15, 2016

To: Parties of Record and Interested Persons

In Order No. 85636, issued on June 4, 2013, the Public Service Commission of Maryland (“Commission”) approved a semi-annual disbursement schedule for fiscal year 2014 pertaining to the distribution of funds from the Customer Investment Fund (“CIF”).¹ In that order, the Commission noted that “[t]he disbursement schedule for fiscal years 2015 and 2016 will be authorized through a separate Commission order to be issued at a later date.”² On June 16, 2014, the Commission issued Order No. 86399, which established the semi-annual disbursement schedule for fiscal year 2015; the second semi-

¹ The CIF refers to a \$113.5 million fund designed to provide customers of Baltimore Gas and Electric Company (“BGE”) with energy efficiency, conservation, and limited-income energy assistance programs. The CIF was funded by contributions from Exelon Corporation and it was created as a condition of approval of the Exelon – Constellation merger, which was approved by the Commission on February 17, 2012 in Order No. 84698. On November 8, 2012 in Order No. 85187, the Commission approved 16 CIF programs totaling over \$112 million. At this time, the remainder of the CIF has been reserved for administrative costs, including program evaluation and fund management.

² Order No. 85636 (June 4, 2013) at 2, note 5. Because of the revised disbursement schedules for the second semi-annual periods of fiscal years 2015 and 2016 established in Order No. 86787 (Dec. 23, 2014) and Order No. 87306 (Dec. 22, 2015), respectively, a complete disbursement of all funds awarded initially in Order No. 85187 (Nov. 8, 2012) did not occur in fiscal year 2016 as envisioned originally. Therefore, the disbursement schedule for the first semi-annual period of fiscal year 2017 is addressed herein; the second semi-annual disbursement schedule for fiscal year 2017 will be authorized through a separate Commission order to be issued at a later date.

annual disbursement of funds for fiscal year 2015 was modified by Order No. 86787, issued on December 29, 2014. On June 10, 2015, the Commission issued Order No. 87015, which established the semi-annual disbursement schedule for fiscal year 2016; the second semi-annual disbursement of funds for fiscal year 2016 was modified by Order No. 87306, issued on December 22, 2015. This Order addresses the CIF disbursement schedule for the first semi-annual period of fiscal year 2017.

Disbursement Schedule

Disbursements for fiscal year 2017 will be made twice, with the first semi-annual disbursement occurring in accordance with Table 1, attached to this Order. The first distribution shall take place in the first quarter of fiscal year 2017. The Commission notes that its prior orders directed CIF recipients to file an annual report no later than 90 days after the close of the respective fiscal years, documenting exactly how recipients spent their CIF awards for the year and reporting program benefits, costs, and other applicable metrics.³ This same directive is extended herein with respect to annual reports documenting CIF expenditures made during fiscal year 2016. Following submission by the CIF recipients of fiscal year 2016 annual reports, Staff will review the CIF recipients' annual filings and report the results to the Commission.

IT IS, THEREFORE, this 15th day of June in the year Two Thousand Sixteen, by the Public Service Commission of Maryland,

ORDERED: (1) That disbursement of funds will begin in the first quarter of fiscal year 2017 and be distributed for the first semi-annual period in the amounts

³ Order No. 85636 at 5; Order No. 86399 at 2; Order No. 87015 at 2.

specified in Table 1; and

(2) That CIF recipients shall file an annual report with the Commission no later than 90 days after the close of fiscal year 2016 regarding their expenditure of CIF funds, as well as information pertaining to program benefits, costs, and other applicable metrics as directed by Staff.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary

Table 1: Fiscal Year 2017 First Semi-Annual CIF Disbursement Schedule⁴

Party	Program Name	FY17 Q1/Q2 Disbursement
MEA	Next Generation EE Gains for the Industrial Sector	\$ 304,295.00
Baltimore City	Baltimore Energy Challenge	\$ 390,384.00
	Case Management	\$ 531,436.00
	Energy Assistance	\$ 252,300.00
	Energy Efficiency	\$ 800,544.00
	Energy Efficiency Plus	\$ 2,297,145.50
	Pooled EM&V for CM; EA; EE; and EE+ Programs	\$102,289.17
	Retrofits & Upgrades	\$ 643,110.00
	Urban Heat Island Mitigation	\$ 37,973.00
	CHAI	Energy Home Improvement Loan Fund
		\$5,692,976.67

⁴ Order No. 85187 announced the CIF recipients and provided initial guidance on program oversight and disbursements. Staff has subsequently filed comments and recommendations pertaining to the ongoing disbursement of these funds, including recommendations for withholding or revising scheduled disbursements based on program performance to-date. *See, e.g.* ML#145262 (Feb. 1, 2013); ML#161436 (Dec. 10, 2014); ML#178041 (Nov. 18, 2015). The first semi-annual disbursement schedule for fiscal year 2017, detailed in Table 1, authorizes partial disbursements of remaining award balances for the specified recipients and programs only, stemming from prior Commission-authorized and revised disbursements, as well as Staff recommendations regarding program performance to-date. This is consistent with Order No. 85187, which found that the Commission retained jurisdiction over the expenditure of the CIF funds, specifically stating in part that “[t]o the extent a fund recipient spends money that has not been authorized, or it mismanages Customer Investment Funds, the Commission may exercise its continuing jurisdiction over the expenditure of these funds to require repayment.” Order No. 85187 at 24.