

# SENATE . . . . . No. 2403

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Senate, Thursday, June 30, 2016 -- Text of amendment (61) (offered by Senator Eldridge) to the Ways and Means amendment (Senate, No. 2372) to the House Bill to promote energy diversity.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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1 by inserting at the end thereof the following section:-

2 SECTION XX. Chapter 25A of the General Laws is hereby amended by adding after  
3 section 11I the following new sections:

4 Section 11J. (a) For the purposes of section 11J, the following terms shall have  
5 the following meanings:

6 “Fuel oil industry” or “oil heat industry”, persons in the production,  
7 transportation, or sale of oil heat fuel; and persons engaged in the manufacture or distribution of  
8 oil heat fuel utilization equipment; provided that “fuel oil industry” or “oil heat industry” shall  
9 not include ultimate consumers of oil heat fuel.

10 “No. 1 distillate”, fuel oil classified as No. 1 distillate by the American Society  
11 for Testing and Materials (ASTM).

12 “No. 2 dyed distillate”, fuel oil classified as No. 2 distillate by the American  
13 Society for Testing and Materials (ASTM) that is indelibly dyed in accordance with regulations

14 prescribed by the Secretary of the Treasury under section 4082(a) (2) of the Internal Revenue  
15 Code of 1986.

16 “Cost Effective”, with respect to an energy efficiency program, means that the  
17 program meets a cost-benefit test, which requires that the net present value of economic benefits  
18 over the life of the program or measure, including avoided supply and delivery costs and  
19 deferred or avoided investments, environmental benefits and avoided environmental costs,  
20 avoided operation and maintenance costs and other appropriate energy and non-energy benefits  
21 as determined by the department, is greater than the net present value of the costs over the life of  
22 the program.

23 “Energy Efficiency Advisory Council”, the energy efficiency advisory council  
24 established pursuant to section 22 of chapter 25 of the general laws.

25 “Oil heat fuel”, No.1 distillate and No.2 dyed distillate that is used as a fuel for  
26 residential or commercial space or hot water heating.

27 “Program administrator”, an electric distribution company or municipal  
28 aggregator with an energy plan certified by the department of public utilities.

29 “Retail marketer”, a person engaged primarily in the sale of oil heat fuel to  
30 ultimate consumers.

31 “Wholesale distributor”, a person or business entity that produces No. 1 distillate  
32 or No. 2 dyed distillate; imports No. 1 distillate or No. 2 dyed distillate; blends No. 1 distillate or  
33 No. 2 dyed distillate with biodiesel or biofuels; or transports No. 1 distillate or No. 2 dyed

34 distillate across state boundaries or among local marketing areas; and sells the products to retail  
35 home or commercial heating oil companies for resale.

36 (b) (1) Beginning, June 1, 2016, the department shall require a systems benefit  
37 assessment of two and one-half cents (\$.025) per gallon be placed on all gallons of oil heat fuel  
38 sold for residential or commercial use in Massachusetts in order to establish oil heat energy  
39 efficiency programs. The assessment shall be collected at the point of sale of oil heat fuel by a  
40 wholesale distributor to a person other than a wholesale distributor, including a sale made  
41 pursuant to an exchange. A wholesale distributor shall be responsible for payment of the  
42 assessment to the department on a quarterly basis, and shall provide to the department  
43 certification of the volume of fuel sold. No. 1 distillate and No. 2 dyed distillate fuel sold for  
44 uses other than as oil heat fuel are excluded from the assessment. Distillate fuel used by vessels,  
45 railroad, utilities, farmers and the military are exempt from the assessment.

46 (2) Such funds shall be disbursed by the commissioner of energy resources to the  
47 program administrators and expended by the program administrators pursuant to this section, and  
48 subject to the approval of the energy efficiency advisory council, for the sole purpose of  
49 designing, marketing and providing cost-effective energy efficiency programs for residential and  
50 commercial customers who utilize oil heat fuel for space heat or domestic hot water heating.

51 At least 20 percent of the funds collected shall be spent on comprehensive low-  
52 income residential oil heat energy efficiency and education programs. The commissioner shall  
53 designate that these programs be implemented through the low income weatherization and fuel  
54 assistance program network administered by the department of housing and community  
55 development.

56 (c) (1) The energy efficiency advisory council shall advise the department on all  
57 aspects of oil energy efficiency funds and programs in the commonwealth. Actions of the council  
58 pertaining to disbursement of the oil heat efficiency funds and programs shall require a majority  
59 vote.

60 The energy efficiency advisory council shall establish a target budget designed  
61 to ramp-up over time to capture cost-effective energy efficiency for heating oil, and a  
62 corresponding annual assessment designed to recover enough money to fund the programs.

63 (2) The program administrators shall incorporate oil heat energy efficiency  
64 programs into their energy efficiency investment plans developed pursuant to section 21 of  
65 chapter 25. The department may allow for transitional, one year plans in order to achieve  
66 consistency with section 21 of chapter 25.

67 (3) Programs shall be designed to treat all energy use in a building in a  
68 comprehensive and coordinated fashion across the state with maximum use of common program  
69 designs, integrated programs, and a common pool of energy efficiency vendors and contractors  
70 who can treat all energy use in a building comprehensively.

71 The financial incentives used in said programs may be a combination of low or  
72 zero interest loans or direct rebates and other financial incentives. Incentives for oil heating  
73 system replacements under this section shall be used for efficient new oil heating systems.

74 (4) The energy efficiency advisory council shall solicit input from the oil heat  
75 industry, consumer groups, and low income advocacy groups regarding the implementation of  
76 this section and delivery of all program services.

77 (5) From time to time, the program administrators shall undertake, or cause to be  
78 undertaken, an assessment of cost effective oil heat energy efficiency resource potential in the  
79 commonwealth.

80 (6) The energy efficiency advisory council, in collaboration with the program  
81 administrator, shall prepare an annual report for submission to the joint committee on  
82 telecommunications, utilities, and energy and the public through the department of energy  
83 resources that includes, but is not limited to: a description of the amount and use of proceeds  
84 from the oil heat systems benefit assessment; a description of the energy efficiency programs  
85 funded through such proceeds; the demonstration of consumer savings, cost-effectiveness, and  
86 the lifetime and annual energy savings achieved by the energy efficiency programs funded; and  
87 the lifetime and annual greenhouse gas emissions benefits achieved by energy efficiency  
88 programs funded.