
Frequently Asked Questions (FAQs) regarding the Ch. 608 Energy Policy and the Reporting Template for LEA Electricity Data

Background: The Interagency Commission (IAC), working with the Maryland Energy Administration (MEA) and the Maryland Department of the Environment (MDE), developed a standardized template for LEAs to report energy consumption, generation, and analysis in compliance with Chapter 608 (2021) and Maryland Code, Education Article § 5-312.1. This report is due to the IAC on June 30, 2023. Some questions that have been received from Maryland LEAs and responses are included here. Any additional questions should be directed to Melissa.Wilfong@Maryland.gov.

I. LEA Energy Policy vs. Energy Data Report to IAC

A. Are these two different documents?

Yes, Chapter 608 requires that each LEA adopt and publish an energy policy by July 1, 2022. That policy must provide for the monitoring and reporting of the amount of electricity from renewable energy sources, the percentage of LEA's annual electricity from renewable sources. It must also include values for the LEA's current and historical electricity use by source and square foot. To facilitate compilation of this information, the IAC has created a template for reporting energy data use with a due date of June 30, 2023.

B. Does the policy need to have "Energy" in its title or does "Sustainability" cover the requirement?

An energy policy is different from a Sustainability plan, however if the minimum requirements for the energy policy are met with a Sustainability plan, then that will be acceptable. Ensure that the title and URL are identified on the self-certification so we know what document the LEA is using to comply with Ch. 608 requirements.

C. Are we required to publish the energy data to our website or not? Isn't it just the energy policy?

The energy policy needs to be published on the website, contain specified information about energy use, and include current and historical data on the school district's energy use by square foot. The energy data that is submitted to the IAC using the reporting template does not need to be published to the LEA website. The IAC intends to analyze this data, use it to make informed decisions, and share as needed, which may include posting to the IAC website.

D. Is there any issue with caveoting energy policy items with "where cost allowable"?

Absolutely not! However, we encourage LEAs to use the policy to require that the fiscal analysis be based on total cost of ownership, and not just upfront expenses. Consider using the energy policy to reinforce or supplement current DGS requirements.



E. How many years of historical data on the school district's energy use should be included in the policy?

Five years of historical data (SY16-17, SY17-18, SY18-19, SY19-20, SY20-21, and current (SY21-22) kW-hr/sf-yr for the entire district should be included. The current year value may need to be described as “trending towards” due to the timing of the policy update. Providing five years will also show pre-COVID trends.

If LEA did not previously track data, they may have difficulties accessing five years of data from their provider, in which case three years is acceptable with explanation.

F. Do you have a model or template that we could use? For example, from one of the LEAs that has done this well.

We have reviewed a few drafts from LEAs that fit this category, however, because they have not been approved by their respective Board of Education yet, it would not be appropriate to share. Instead, the IAC, MEA, and MDE created a Policy Template document (available on the IAC website) that contains an outline, best practices, suggestions, and examples that can be copied into your policy. It is distributed as a word doc to be used as an optional starting place. <https://iac.mdschoolconstruction.org/wp-content/uploads/2022/03/ENERGY-POLICY-TEMPLATE.docx>

II. Timing and Schedules

A. Will LEAs be expected to report these metrics annually?

Ch. 608 specified that LEAs are to update their energy policies every three years, beginning 7/1/22. Energy policies must provide for the monitoring and reporting of electricity. It is our interpretation that each LEA should monitor and be prepared to report their data, but at this time we are only outlining one-time IAC reporting (6/30/22). However, this may change in subsequent years and therefore we recommend your policy include language sufficiently flexible to accommodate future amendments. For example, “LEA Board of Education will adopt and maintain procedures in accordance with known energy codes, standards, laws, regulations, and guidelines.”

B. The reporting template requests data to be reported for State fiscal year, however MD RPS requirements are reported on a calendar year basis. Can LEA use calendar year?

Reporting should align with monthly power bills, so we understand that the start and end days will vary by up to 15 days from 7/1, however we do not want to see calendar year used. The reason fiscal year was selected is because it allows each LEA to correlate their annual Comprehensive Maintenance Plan with the energy data to aid them in making informed decisions in both the energy policies and the maintenance plans.

It is assumed that energy mix data will need to be applied to monthly energy consumed and then added together to report total annual consumption, so in the case described, the LEA is simply multiplying a different percent for some months. For example, Sun School's energy bills and energy mix are as follows:

*July 2021: 50,000 kW-hr x 1% solar = 500 kW-hr
August 2021: 50,000 kW-hr x 1% solar = 500 kW-hr
September 2021: 75,000 kW-hr x 1% solar = 750 kW-hr
October 2021: 100,000 kW-hr x 1% solar = 1,000 kW-hr
November 2021: 100,000 kW-hr x 1% solar = 1,000 kW-hr
December 2021: 100,000 kW-hr x 1% solar = 1,000 kW-hr
January 2022: 100,000 kW-hr x 1.5% solar = 1,500 kW-hr
February 2022: 100,000 kW-hr x 1.5% solar = 1,500 kW-hr
March 2022: 100,000 kW-hr x 1.5% solar = 1,500 kW-hr
April 2022: 100,000 kW-hr x 1.5% solar = 1,500 kW-hr
May 2022: 100,000 kW-hr x 1.5% solar = 1,500 kW-hr
June 2022: 75,000 kW-hr x 1.5% solar = 1,125 kW-hr
->>>> TOTAL FROM SOLAR FOR SUN SCHOOL IN FY22 = 13,375 kW-hr*

This process is then repeated for all schools and then the total is reported in line B1.

- C. The Board of Education approval process for a new policy in my LEA requires a minimum of 100 days (3 public readings 30 days apart are required plus time for the policy committee to make change and the board to approve). As such, we don't see how we can meet the 7/1/22 deadline.**

We understand. The self-certification allows for an LEA to show that their energy policy is in process. If LEA submits the self-certification on 7/1/22 showing that they have not met the deadline, but expect to soon, then they can choose to submit an updated self-certification when the energy policy meets the minimum requirements. The IAC intends to be prepared to report self certification results in October of 2022 so any updated self-certifications should be received prior to 10/1/22.

III. Content of the Energy Data Report

A. How do we use the goal year column?

This column is not required. It is available for an LEA to use if they want to show that they intend to change their pattern (total consumption or sources of energy). For example, if an LEA intends to purchase additional solar RECs by 2025, they can show that in the goal year column. Anything shown in the goal year should correlate to the LEA's published energy policy.

B. Are we only to report electricity? What about other fuels like natural gas?

LEAs are only to report electricity data using the reporting template. We encourage LEAs to track fuel consumption as well, and include it in LEA energy policies, but it is not required by Ch. 608.

IV. Using Section 1 in the reporting template

- A. It appears that the fuel mix provided by suppliers is derived from PJM's published fuel mix. Should the renewable energy included in the fuel mix reported by the supplier/PJM be added to the RPS renewables? Would this result in potential double counting?**

In no case should there be double counting. The template was designed to allow an LEA to use Line C to show how they went above and beyond the RPS minimum shown in section B. However, if it is not easy to differentiate between the two, then an LEA may choose to only report using Line B. Attached explanations are encouraged.

- B. Our schools have different RPS requirements due to grandfathered supply contracts. Is the supplier expected to report the unique RPS for each customer group as part of the overall fuel mix?**

Yes, there is no other way to see the LEA's renewable energy consumption.

- C. While the BGE "smart meters" have a history of inaccurate readings, mostly on the natural gas side, is the intent to have LEAs report only billed consumption including estimated invoices and inaccurate readings reported as billed? Are we to indicate meter reading issues?**

The intent is to use billed consumption. Any corrections made by the LEA due to estimated or inaccurate readings can be explained via an attachment to the report.

V. Using Section 2 in the reporting template, including Power Purchase Agreements

- A. Our LEA has a solar array, but the electricity produced is owned by the operator through a Power Purchase Agreement (PPA). How does this get shown on the reporting template?**

We support, encourage, and commend such solutions, however, since the LEA is neither generating nor consuming the renewable energy in an PPA agreement, it would not be shown on the report. The general rule is that if the LEA is retiring a REC or taking credit for the REC, then it should be reported (either section 1C or section 2 as appropriate for the specific situation). If another entity owns the REC (such as in a PPA), then it is not reported.

- B. For line items F and G, should the renewable energy generated from on site resources be included here even if the LEA does not own the associated RECS? Typically the owner/operator retains ownership of the RECS/SRECs in order to offer the buyer (LEA) a lower PPA rate.**

See above. The energy policy is a great place to identify that the LEA engages in PPAs and we would appreciate being informed of the amount of electricity generated on site, however it is not required in the reporting template because the owner is not retaining the REC in a PPA.



VI. Using Section 3 in the reporting template

- A. Do I and J include rental units? Especially rentals where the LEA doesn't pay the utility bills? Additionally, we have one building that is "moth balled" and has little to no consumption - should this location be included in our report while it has very little electric consumption?**

Energy use in buildings that are occupied for educational or administrative purposes – including relocatables – should be included. Rentals where the LEA does not pay the utility bill may be excluded if the data is not obtainable, however we encourage LEAs to include it if possible. Please explain unique situations in comments attached to the report. Moth-balled buildings and facilities being held for future swing-school use should be excluded because they are not occupied.