



**EFFICIENCY MAINE TRUST  
PROGRAM OPPORTUNITY NOTICE**

**DEMAND MANAGEMENT PROGRAM –  
DEMAND RESPONSE INITIATIVE**

PON EM-014-2023

Updated 2.23.23

**Opening: March 1, 2023**

**Closing: The Earlier of September 15, 2023 or Until Available Funds Are Committed**

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**APPENDIX A: CURTAILMENT SERVICE PROVIDER AGREEMENT**

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## Section 1: PON INFORMATION AND INSTRUCTIONS

### 1.1 Purpose of This Application Request

Through this competitive Program Opportunity Notice (PON), the Efficiency Maine Trust (the Trust) is seeking applications from eligible Curtailment Service Providers (CSPs) for portfolios of curtailable load. The Trust will refer to this as the Demand Management Program Demand Response Initiative Program Opportunity Notice (DMP DRI PON). Projects awarded through this PON will be supported with funds from the Trust's Electric Efficiency Procurement Fund.

### 1.2 Program Description

The Trust is seeking applications from CSPs for portfolios of curtailable customer load to participate in its Demand Response Initiative (DRI) summer capacity period demand response program. Incentive awards are set at \$35 per curtailed kW and will be issued following an evaluation period during the fall of 2023.

For incentive award consideration, applicants must submit a timely and complete application that satisfies the criteria and requirements set forth in this PON.

### 1.3 Contact Person

The Trust encourages any applicant who has interest in or questions around this PON to contact the Trust. The Trust's designated contact for this PON is as follows:

**Jack Riordan, Strategic Initiatives Manager**

Efficiency Maine Trust  
168 Capitol Street, Suite 1  
Augusta, ME 04330-6856  
jack.riordan@efficiencymaine.com  
(207) 213-4147

### 1.4 Program Term and Schedule

The Trust will accept applications to PON EM-014-2023 starting on March 1, 2023 and closing upon the full commitment of available funds or September 15, 2023, whichever first occurs. The Trust will review these applications periodically and make awards to applicants who meet the criteria within this PON, as funding allows. This PON will be broken into several distinct process stages:

Date	Stage
March 1 – March 30	CSP pre-enrollment period <sup>1</sup>
April 3	Customer portfolio enrollment period opens <sup>2</sup>
June 1 – September 30	Summer capacity season
October 1 – December 1	Settlement period

### 1.5 Efficiency Maine Trust Rules

Notwithstanding anything to the contrary in this PON, all applications submitted in response to this PON, and any incentive award and Curtailment Service Provider Agreement resulting from this PON, shall be subject to all applicable rules and regulations of the Efficiency Maine Trust. See *State of Maine Rules Chapters for Independent Agencies*, 95-648 Efficiency Maine Trust.

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<sup>1</sup> Rolling CSP enrollment is available throughout the PON term and is not bound to the pre-enrollment period.

<sup>2</sup> Customer portfolio enrollment period will run through September 15 or until the program budget is fully encumbered.

## Section 2: CURTAILMENT SERVICE PROVIDER ELIGIBILITY

### 2.1 CSP Eligibility Requirements

The Trust has budgeted roughly \$352,000 to be available for qualifying projects submitted under PON EM-014-2023.

The Trust has a budgeted enrollment target of 14.0MW for the 2023 summer peak capacity season running from June 1, 2023, to September 30, 2023. To be eligible to participate in the Trust's Demand Response Initiative, the Trust requires that a CSP is at least one of the following:

1. Previously approved to participate in the Trust's Demand Response Initiative;
2. an approved CSP in National Grid's Connected Solutions program in Massachusetts; or,
3. approved to participate in the ISO-NE Active Demand Capacity Response (ADCR) program.

Aggregators who do not meet at least one of the above criteria may apply to the Trust for eligibility, which the Trust will determine at its sole discretion. **All CSPs**, regardless of previous approval status, must fulfill the application requirements in [Section 4.1](#) below.

### 2.2 Customer Eligibility

Electricity customers receiving service at transmission and sub-transmission (T&ST) voltage levels are not eligible to participate in the Trust's Demand Management Program Pursuant to Title 35-A MRSA §10110 (6). This information can be found on the customer's energy bill. More information on these rate classes can be found here for [CMP](#) and [Versant](#).

## Section 3: PORTFOLIO ELIGIBILITY CRITERIA

### 3.1 Program Design

This PON serves to approve CSPs and enter them into a marketplace through which they are granted demand response allocations to be filled with curtailable customer load.

#### Pre-Approval

Prior to the allocation period, CSPs can opt to be pre-approved between March 1, 2023 through 5pm EST March 31, 2023. Pre-approval will allow CSPs to be eligible for an enrollment allocation at the earliest opportunity within the customer enrollment period. CSPs are not required to be pre-approved within this timeframe but risk missing the open customer enrollment period window should all funds be encumbered prior to their approval. Rolling CSP approval will be allowed throughout the course of this PON until September 15 or until all available funds are encumbered.

#### Allocations

CSPs will be permitted to apply for demand response allocations over the course of the program enrollment period. The enrollment period begins on April 3, 2023 and will run through the duration of the summer capacity period as program budget availability allows. CSPs will aggregate curtailable customer load into a portfolio for each demand response allocation, providing a spreadsheet (Appendix E) tracking customer information.

Upon a CSP's approval to participate in the program, CSPs will contact (via email) the individual named in [Section 1.3](#) to request a demand response allocation of up to 2MW. These allocations will then be "bid" into the Trust's program by transferring a completed Appendix E to the individual named in

[Section 1.3](#) via a secure file transfer site.<sup>3</sup> This transfer of customer information constitutes a fulfillment of a demand response allocation and an agreement to the terms of this PON.

A CSP is entitled to apply for as many successive demand response allocations as are available during the enrollment period, adhering to the following protocol:

1. CSPs will compile and submit a completed Appendix E of customers which meet the eligibility criteria outlined in [Section 3.1](#) that will not exceed the value, in MW, of their allocation;
  - a. In some instances, CSPs will be allowed to bid a portfolio which exceeds their allocation with the Trust's express pre-approval.
2. A CSP must fill a demand response allocation prior to applying for additional allocations;
3. Prior to applying for an additional allocation, a CSP is subject to a one-week "cool down" period from the day of submitting a portfolio

For example: a CSP submits an Appendix E cataloging the customer information for the CSP's first 2MW allocation to the Trust at 3pm Monday, April 3, 2023. This CSP would not be eligible for an additional allocation until 12am Monday, April 10, 2023.

4. A CSP may not "stack" allocations in a way that would allow a single entity to apply with a portfolio exceeding a singular allocation or the 2MW limit; and,
5. Unfulfilled allocations will expire one-month from award with any unused balance being returned to the available pool for reallocation to bidding CSPs.

CSPs who have participated in the previous year's Demand Response Initiative's summer capacity season will be granted an initial allocation equivalent to their total portfolio performance from the previous season. Following this initial allocation, the above rules will be applied.

For example: Jack's Curtailment Service (JCS) had been enrolled in the 2022 summer capacity period for a total of 5MW of demand reduction through the Efficiency Maine Demand Response Initiative. Following the settlement period, JCS was compensated for 4MW of delivered demand reductions. On April 3<sup>rd</sup>, the first business day of the month, JCS is granted a 4MW allocation. After they file their first allocation portfolio, and following the cool down period, they would be eligible for the standard 2MW allocation.

## **Events**

Efficiency Maine, through its partnership with VirtualPeaker, will be responsible for providing notice of days forecasted to have peak grid conditions to the approved CSPs participating in the Trust's program via email to a pre-identified point of contact. It should be noted that VirtualPeaker will **not** provide a specific hour range for when curtailment should occur and will instead defer to CSPs for a customer specific curtailment window. This signal will serve as the basis for the Trust's baseline assessment and settlement analysis. It is the sole responsibility of the CSPs to make the final decision to dispatch and provide notice to enrolled customers. CSPs are permitted to call events beyond those requested by the Trust at their discretion. The intent of this program is to decrease electricity use during the ISO-NE peak.

Program participants must be notified at least a day ahead of an event, no later than 3pm the day before an event is called. The point of contact named in [Section 1.3](#) must also be notified by email, in

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<sup>3</sup> A secure file transfer site will be provided to a CSP following their approval to participate in this PON.

parallel to impacted participants, of an event. The Trust will permit CSPs to move the event window, typically within the defined ISO-NE Summer Peak Hours, to maximize the overlap of curtailment and peak. However, once a demand response event has been called, it cannot be fully rescinded.

### **Incentives**

The Trust will provide an incentive award equal to \$35 per kW of validated reduction in grid-supplied energy when ISO-NE is expected to be at its peak. The Trust will not issue incentives to CSPs that, over the course of the summer capacity period, do not call an event coincident with at least one of the top three ISO-NE peak days. The dates of the top three ISO-NE days will be provided to the CSPs on October 2, 2023.

Following an evaluation period in early fall, the Trust will make payments to CSPs for all verified, curtailed load. It is the responsibility of the CSPs to distribute incentives to their customers. Incentives will be calculated as an average of total curtailment performance over the top three ISO-NE summer capacity period days.

As an example, a customer enrolls in the DRI through a CSP. Over the course of a summer peak period, events are called that coincide with the top three ISO-NE days. A customer participates in all three events; curtailing 100/200/300kW respectively. The average curtailed kW, in this case 200, is ascertained at which point an incentive is paid to the CSP. The CSP will then distribute incentives to the customers it served, per their agreements.

<b>Event</b>	<b>Performed Curtailment Amount</b>
Event 1	100 kW
Event 2	200 kW
Event 3	300 kW

$$\text{Average Performance} = \frac{100 \text{ kW} + 200 \text{ kW} + 300 \text{ kW}}{3} = 200 \text{ kW}$$

$$200 \text{ kW} \cdot \frac{\$35}{\text{kW}} = \$7,000$$

### **Data Requirements**

The Trust will only provide incentives for verifiable load curtailment. As such, 15-minute interval data is required for all customers participating in the program. The Trust will have access to this data through its existing partnerships with the state's regulated electric utilities. A CSP or end-use customer is entitled to install additional metering, with the Trust's approval, should they desire additional redundancy or data granularity.



The Trust will not provide incentives for customers whose performance cannot be verified through utility AMI interval data (or equivalent revenue grade metering installed via a CSP).

To safeguard against potential inconsistencies with availability of utility interval data, the Trust will pre-screen each enrolled customer's account to ensure that utility data is readily available and accurate. Should a customer not have sufficient utility interval data availability, the CSP can opt to remove that customer from their enrollment portfolio and substitute a different one outside of the normal allocation process defined in [Section 3.1 – Allocations](#).

The Trust will provide CSPs with a tranche of interval data following the first two events called within each portfolio to 1) provide the Trust and CSPs insight into any gaps in customer interval data and 2) CSPs to optimize their portfolio of enrolled customers. CSPs are permitted to install revenue grade metering where utility data is deemed insufficient to identify curtailment activities at any point during the summer capacity season. The Trust will not provide incentives to cover the cost of this equipment.

### **Invoicing**

Invoicing will be conducted at the end of the summer capacity period, following an evaluation of performance data and subsequent settlement discussions. Once a settlement has been agreed upon, the CSP must provide the Trust with a formal invoice outlining the total cost and each customer level payment.

### **Portfolio Baseline Requirements**

Customer performance during the summer curtailment period will be measured against a top 5-of-10 baseline. See Appendix D for an in-depth explanation of the baseline methodology and how it will be used by the Trust to validate claimed savings.

### **3.2 Portfolio Eligibility Requirements**

To be eligible to participate in the Trust's Demand Response Initiative, a customer:

- Must have an account with a Maine electric utility at the site of the proposed project and pay an assessment for the state's energy conservation charge;
- Must have an electrical demand greater than the total demand reduction from the measure proposed at each site and have an interval meter (or equivalent revenue grade metering installed by a CSP) for performance validation; and,
- Must enroll in the program prior to the relevant enrollment deadline.

The following properties or facilities will be excluded from eligibility under the Demand Response Initiative:

- Properties/facilities for which DERs or generation resources including but not limited to photovoltaic, energy storage systems, or combined heat and power are sited behind the same meter as the demand response intervention<sup>4</sup>;

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<sup>4</sup> The Trust may allow emergency generation with proper environmental permits so long as those generators could not run parallel with the grid.

- Properties/facilities that do not have working interval meters (customers and their curtailment service providers, at their expense, may choose to install an interval meter if they currently do not have one);
- Properties/facilities that are not served by a Maine electric utility; and,
- Properties/facilities customers (or properties/facilities) that do not pay into the State’s electric energy efficiency fund.

## Section 4: APPLICATION REQUIREMENTS

### 4.1 CSP Application Requirements

To participate in the Trust’s Demand Management Program, CSPs must first be approved. The applying party must submit all the required documentation, as outlined below, to the PON point of contact from [Section 1.3](#) *prior* to requesting a demand response allocation. The Trust will not grant allocations to parties that have not completed the following application and received pre-approval:

- Attachment 1: Must acknowledge and sign Curtailment Service Provider Agreement (Appendix A), which Agreement will become effective and binding if the CSP is approved and submits an application for a demand response allocation;
- Attachment 2: CSPs must return a signed Efficiency Maine Confidential Information Management Systems (CIMS) Policy (Appendix B);
- Attachment 3: Aggregator must acknowledge and sign Efficiency Maine Service Agreement (Appendix C);
- Attachment 4: Aggregators must supply three references and key personnel resumes;
  - Provide the details of three current clients who are willing to provide a reference for your firm and with whom you have performed a similar scope of services as contained within this procurement document.
  - Also, provide resumes for key proposed staff as well as a listing of all personnel who will be providing the services indicated in this PON and a summary of their qualifications and related experience.
- Attachment 5: Aggregator shall designate in writing an authorized representative and an alternate representative, and include an email address, if applicable, to receive event notices;
- Attachment 6: Aggregators must supply a Certificate of Insurance showing coverage for commercial general liability and automobile liability.

## Section 5: AWARD CRITERIA

Successful applications for an incentive award will demonstrate the ability of the CSP (and its portfolio of customers) to meet its claimed grid-supplied energy reductions, as described in this section.

### 5.1 Grid-Supplied Energy Reductions

Demand response interventions must offset on-site consumption of grid-supplied energy during periods when the grid is forecast to be at its peak. Net metering is not permitted behind the meter

where the demand response curtailment is taking place.

All curtailment claims (and subsequent interval data) following the summer capacity period will be subject to verification by an independent firm retained by the Trust to assist in the validation of claimed demand reductions. The Trust reserves the right to request more information and/or to modify applicant claims of kW reductions based on the independent analysis before making a final incentive award.

## **Section 6: SUBMITTAL INSTRUCTIONS**

Applicants are encouraged to contact the Trust as they are developing their projects. To be considered for review, applications must adhere to the following specifications:

### **6.1 Submittal Format**

Applications must include the information requested in Section 4. Submit a completed application with all supporting documentation referencing:

**PON-014-2023  
PROGRAM OPPORTUNITY NOTICE FOR  
DEMAND MANAGEMENT PROGRAM –  
DEMAND RESPONSE INITIATIVE**

Applications must be emailed to the point of contact outlined in [Section 1.3](#).

### **6.2 Accurate and Complete Information**

By submitting an application or proposal, the Applicant is making a representation to the Trust that all information provided in connection with the application or proposal is complete and accurate at the time of submission. The intentional provision of any false or misleading information, or the intentional omission of material information, will result in the application or proposal being deemed ineligible and may result in the Applicant's suspension or debarment from participation in Trust programs.

## **Section 7: INCENTIVE AWARD**

### **7.1 Award Decisions**

Following the evaluation process, award decisions will be made by the Trust and communicated to the applicant in writing via email. Notwithstanding any statement or prior course of conduct to the contrary, no application shall be deemed approved, and no incentive shall be deemed awarded in the absence of a specific written notice of award from the Trust. Awards are conditioned on and subject to the terms and conditions of this PON and the Curtailment Service Provider Agreement.

### **7.2 Measurement and Verification (M&V) Requirements**

All recipients must agree to independent verification of kW reductions. Actual award of an incentive will be conditional on applicant acceptance of these M&V requirements.

### **7.3 Limitations**

This solicitation does not commit the Trust to make an award, to pay any costs incurred in preparing an application or provide oral or written clarification of its contents, or to procure or contract for services or supplies.

The Trust reserves the right to reject any application that in its sole determination does not meet the requirements and specifications of this PON, the Trust's rules, Maine law, or generally accepted business practices, or which contains inaccurate or incomplete information. The Trust may seek clarifications and supplementation of applications as it may deem reasonable.

This PON is a competitive solicitation. The Trust reserves the right to select project applications for award in its discretion, consistent with the Trust's rules, that most fully satisfy the criteria and objectives of this PON. The Trust will award funds for approved applications only if sufficient funding is available in the Demand Management Program budget when the application is reviewed. The Trust may elect not to award all of the available funds through this PON and may issue another PON for the remaining funds. Additionally, the Trust reserves the right to award less than the amount requested by an applicant.

### **7.4 Publicity of Applicant's Participation**

The Trust reserves the right to disclose certain information about the applicant's participation in the program, including, but not necessarily limited to, the applicant's name, the incentive amount, and projected demand reduction. Applicants may seek to have certain energy consumption and business sensitive information treated as confidential pursuant to Title 35-A MRSA §10106.

### **7.5 Reservation of Rights**

The Trust reserves the right to cancel or extend the PON term at any time. The Trust also reserves the right to reject any and all submissions in response to this PON and to waive formalities if doing so is in the best interests of the Trust.

### **7.6 Request for Reconsideration**

An aggrieved person may request a hearing for reconsideration of an award decision by filing a written petition with the Executive Director of the Trust within 14 calendar days of the notification of the contract award. Each petition to reconsider must meet the requirements specified in Efficiency Maine Trust Rule Chapter 1, Contracting Process for Service Providers and Grant Recipients, Section 5(B), which can be found on the Efficiency Maine Trust website in the Policies section of the Library: <http://www.energymaine.com/docs/Chapter-1-Contracting-Process-for-Service-Providers-and-Grant-Recipients.pdf>