

## Kevin Lucas

---

**From:** Brian Shepter <brian.shepter@mdlobbyist.com>  
**Sent:** Thursday, July 19, 2012 7:09 PM  
**To:** Kevin Lucas  
**Cc:** Devon Dodson  
**Subject:** Follow Up - EmPOWER Maryland 2020 Goals

Dear Mr. Lucas,

Thank you for the excellent presentation on June 29th concerning MEA's assessment of the EmPOWER Maryland 2020 goals. It was very informative. During that meeting, the Administration invited public comments. I would like to submit the following questions for the Administration's consideration as you move forward.

1. Given that we know two entities (EnerNoc and ECS) failed to deliver the demand response that they committed to deliver (citing reasons such as too much competition), should the MD Commission require a measurement and verification system independent of PJM? What can the Commission do to ensure that future DR commitments are "real" and can be relied upon for reliability?
2. Based on discussion currently going on at the EPA ([http://www.pennfuture.org/UserFiles/PDFs/Testimony\\_20120710\\_CS.pdf](http://www.pennfuture.org/UserFiles/PDFs/Testimony_20120710_CS.pdf)) we know that some forms of demand response are merely back-up diesel generators located behind the meter. These generators tend to generate high emissions on the hottest days of the year. Should EmPower MD participants be required to disclose to MD Commission whether the qualifying DR is an actual reduction in load or merely the substitution of a behind the meter diesel generator rather than energy from "in front of the meter" that has to meet different emission criteria and RPS requirements?
3. Should electricity received from behind the meter generation in Maryland be required to comply with the state's RPS?

Thank you for your thoughtful consideration.

Brian

Brian R. Shepter

Attorney at Law

Harris Jones & Malone, LLC

2423 Maryland Avenue, Suite 100

Baltimore, MD 21218

(410) 366-1500 office

(410) 366-1501 fax

(443) 955-3132 cell

[brian.shepter@mdlobbyist.com](mailto:brian.shepter@mdlobbyist.com)

[www.mdlobbyist.com](http://www.mdlobbyist.com)