**Illinois Energy Efficiency Policy Manual Version 2.1 Excerpt**

Edits to TRM Administrator Role Policy Language – 12/14/2022 Policy Manual Subcommittee Meeting

**Section 7: Evaluation Policies**

**7.1 Technical Reference Manual**

1. IL-TRM Schedule: The Illinois Statewide Technical Reference Manual (IL-TRM) shall be applied consistent with Commission orders and the IL-TRM Policy document approved by the Commission.[[1]](#footnote-1) To provide precision that reflects the activities needed for future actual IL-TRM values to be used in a given Program Year, the following IL-TRM schedule will be followed:
	* April 1: IL-TRM Technical Advisory Committee (TAC) informs independent Evaluators and SAG which Measures are high or medium priority Measures, for which work papers need to be prepared.
	* May 15: Proposed updates to existing Measure work papers to clarify terms or approaches to be submitted to the IL-TRM Administrator.
	* May 15: Proposed work papers for new Measures to be submitted to the IL-TRM Administrator.
	* October 1: Submission of final IL-TRM values.
2. IL-TRM Administrator Independence: Program Administrators shall implement the following IL-TRM Administrator independence protocols:

	* 1. Program Administrators shall submit the finalized but not yet executed contract with the independent IL-TRM Administrator to the Commission by letter to the Executive Director for each Plan. Commission Staff will submit a report to the Commission containing its assessment of the contract and/or scope of work and describing its recommendations for Commission action, if any. In addition, a Program Administrator will submit any fully executed contract and scope of work with the independent IL-TRM Administrator as a compliance filing in the Policy Manual Version 2.0 approval docket within fourteen (14) days of execution. Such compliance filing will be treated primarily as public with only minimal redaction of information that is confidential (e.g., wage rates).
		2. Program Administrators will include language in the independent IL-TRM Administrator contract that provides that the Commission has the right to direct Program Administrators to terminate the IL-TRM Administrator contract if the Commission determines the IL-TRM Administrator is not acting independently, or is unable or unwilling to independently administer the Illinois Statewide Technical Reference Manual for Energy Efficiency.
		3. If a party has reason to believe that the IL-TRM Administrator is not acting independently, that party is encouraged to raise a concern with the ILTRM Administrator and the SAG Steering Committee. In the event that the concern cannot be resolved through such conversations, the party may file a petition with the Commission requesting that the Commission order the Program Administrators to terminate the contract. The IL-TRM Administrator contract with Program Administrators will automatically terminate upon a Commission finding that the contract should be terminated, after issuance of notice and hearing and an opportunity for the Program Administrators, the IL-TRM Administrator, and other interested parties to be heard, including through Commission resolution of any filed applications for rehearing. All due process rights guaranteed by the Public Utilities Act and the Commission’s rules shall apply.
		4. In the event that Program Administrators or the IL-TRM Administrator issues a notice of termination or notice of default of the contract, the issuer of the notice shall contemporaneously provide a copy of such notice to the Commission.
		5. Program Administrators shall include requirements in contracts for provisions in this Policy Manual and in the IL-TRM Policy Document that describe IL-TRM Administrator obligations.
3. **IL-TRM Administrator Role:**

As described in more detail in the IL-TRM Policy Document, the IL-TRM Administrator is an independent entity who has primary responsibilities to manage updates to the TRM document, present TRM Updates to the SAG and the TAC, coordinate with the SAG, serve as an independent technical resource, serve as an independent facilitator to support consensus building and—if desired by the SAG—manage a publicly accessible TRM website that contains TRM-related documents such as references, recommendations, responses, and versions of the TRM. As part of the IL-TRM Administrator’s management responsibilities, to the extent the IL-TRM Administrator has a reasonable basis to determine that a TAC participant (that is not a Program Administrator or an entity acting on the Program Administrator’s behalf) has a financial conflict of interest, becomes disruptive, and/or is hindering complete and frank discussions, the IL-TRM Administrator may manage and limit participation in discussions as appropriate.

To the extent a consensus among Program Administrators and non-financially interested stakeholders and the ICC Staff cannot be reached regarding issues related to specific IL-TRM updates, the IL-TRM Administrator shall have the authority to use its best judgment to propose a resolution of the issue and include such in the updated IL-TRM that gets submitted to the ICC for approval. For transparency and informational purposes, the TRM administrator will notify non-financially interested parties of such disputes as soon as they are known, and the ICC Staff will document such disputes and include a link to a “Comparison Exhibit of Non-Consensus IL-TRM Update Issues” developed by the IL-TRM Administrator in the Staff Report submitted to the Commission. The “Comparison Exhibit of Non-Consensus IL-TRM Update Issues” will document, with input from the parties, the various parties’ positions concerning a non-consensus IL-TRM update as well as the IL-TRM Administrator’s rationale for its decision to resolve the issue.

If Program Administrators and non-financially interested stakeholders and the ICC Staff reach consensus regarding an appropriate assumption related to specific IL-TRM updates, that consensus shall be deemed for the upcoming Program Year and included in the updated IL-TRM that gets submitted to the ICC for approval, even if it is different from the TRM Administrator’s recommendation. If the consensus reached by Program Administrators, non-financially interested stakeholders, and ICC Staff is different from the TRM Administrator’s recommendation, for transparency and informational purposes, the TRM administrator will notify non-financially interested parties of such disputes as soon as they are known, and the ICC Staff will document such disputes and include a link to a “Comparison Exhibit of Consensus and TRM Administrator IL-TRM Update Issues” developed by the IL-TRM Administrator in the Staff Report submitted to the Commission. The “Comparison Exhibit of Consensus and TRM Administrator IL-TRM Update Issues” will document, with input from the parties, the consensus reached by Program Administrators, non-financially interested stakeholders, and ICC Staff as well as the IL-TRM Administrator’s rationale for its non-consensus recommendation.

Nothing in this language shall preclude Program Administrators and stakeholders from challenging the IL-TRM Administrator’s proposed resolution by petitioning the Commission. Until the Commission resolves the petition, the Commission approved IL-TRM value shall be the default pending the issuance of a Commission Order. The applicable date for the Commission-resolved value will be the latter of January 1 of the year the IL-TRM was designed to go into effect, or the first day of the next month following the Commission order. In the petition, the filing party should note all Program Administrators affected by the IL-TRM dispute, and request that the Commission join each affected Program Administrator to the docket.

1. See Policy Document for the Illinois Statewide Technical Reference Manual for Energy Efficiency. The most current IL-TRM Policy Document is posted on the Illinois Commerce Commission website: https://www.icc.illinois.gov/programs/illinois-statewide-technical-reference-manual-for-energy-efficiency [↑](#footnote-ref-1)