
Department of Economic & Housing Development

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DOE Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget,
New Executive Office Building,
Room 10102, 725 17th Street, NW.,
Washington, DC 20503

Dear Sirs:

As per the official Notice inviting public comment posted within the Federal Register: January 21, 2010 (Volume 75, Number 13)] regarding the Department of Energy's proposed emergency collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. I am writing to provide comment, as requested:

- (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

I am writing as the Sustainability Officer for the City of Newark, New Jersey, where one of my primary responsibilities is implementation of the City's EECBG award. In my prior position, I served as an environmental scientist in the position of Brownfields Grants Manager for the US E.P.A for a decade. In that position, I provided implementation oversight, technical assistance, and ensured programmatic and financial compliance for millions of dollars of federal funding. Hence, I very much appreciate the DOE seeking to design mechanisms to ensure successful deployment of federal dollars. However, I do not believe that the proposed changes in reporting would be an effective mechanism to ensure successful deployment. In fact, it could be irresponsible in some regard, as due to the reasons described below, the additional reporting burden could actually undermine effective implementation.

Undue Burden

Monthly reporting for entities receiving over \$2 million would be unduly onerous on staff time, and detract from implementation efforts. To comply with such requirements, it would be necessary to divert EECBG dollars to reporting rather than the intent of the funding – realizing actual energy efficiency improvements that creates jobs and leads to long term savings.

We entered into our EECBG agreement with a range of activities and calculated administrative expenses based on quarterly reporting. Monthly reporting could pose a significant change, and could greatly affect our scope of work. Given the administrative expense cap, it is unclear that we, or other grantees have sufficient funds to comply with the proposed changes. While it might be argued that programmatic dollars can be justified as an expense for compliance with the proposed reporting changes; again, I believe this would serve to limit that actual impact and effectiveness of EECBG.

I do not believe that there is sufficient history with this program to justify a change to monthly reporting. I would also like to request whether there is precedent for monthly reporting among other community grant programs, and if so, at what budget amount?

I would like to suggest that if DOE feels it necessary to move some grantees to monthly reporting, it should be only 'high risk' recipients and recipients of awards over \$10 million, and that there be a petition mechanism to allow Quarterly Reporting even in those cases so as not to undermine implementation and effective deployment of funds to meet the appropriation's objective.

I would imagine that DOE program budget, staff and contractual expenses would increase exponentially simply to track monthly reports. If I may suggest, the expense necessary for tracking monthly reporting could be more effectively spent on providing practical technical assistance. For instance, the following would be imminently useful: customized technical assistance; development of standardized tool to track carbon reduction; a portal where grantees can share approaches and RFPs so that we can learn from one another rather than recreate the wheel; and, deploying DOE staff via Inter-Personal Act agreements to provide on the ground technical assistance which would support local governments and provide DOE with grounded knowledge and experience in crafting and deploying programs and the necessary ability to design effective mechanisms to promote energy efficiency.

Reporting

Reporting in PAGE is already incredibly onerous. Approximately 14 hours of staff time was dedicated to reporting on our first quarter activities, and we have elements we have not even initiated yet. Most cities do not have dedicated 'energy' staff, and the responsibility is being subsumed into existing departments. Most cities are facing severe budget crunches and are lacking adequate staff for essential municipal business, for example, Newark has instituted monthly furlough days. Dedicating over a day a month rather than per quarter (whether municipal staff or contractual) would severely undermine staff availability to actually implement our EECBG activities.

It seems that at each quarter we would have to report twice: the monthly and the Quarterly; e.g. as provided in the example on April 20th and then again on April 30th. That is ludicrous, there is no justification provided as to why such redundancy would be necessary; and again, this would place an undue burden upon funding recipients.

At the very least, the overlap/redundancies between PAGE and OMB reporting should be automated to be synchronized so as to avoid discrepancies.

Some comments on the reporting criteria:

Jobs: The jobs calculator DOE had previously suggested be used seems to be relayed in the proposed changes as a requirement. It is not a sensitive tool and would be better applied as guidance only; hence my suggestion is to allow grantees to provide alternate calculations with back-up detail.

Carbon Reduction: This is where standardization is imperative. It is critical that DOE issue guidance and that ensure standardized calculations are used for conversion of energy savings into carbon reduction. This is necessary to compare and contrast approaches and evaluate efficacy. In addition, without standardized carbon calculations, any 'accomplishments' summary would be overly easy to refute, and will undermine the impact of EECBG and the intent of the appropriation.

Suggestion for an optional reporting measure tracking payback period: Ideally, certain energy efficiency measures would eventually be displayed along with investment cost and payback period so as to help justify further energy efficiency investments. This could also serve to provide useful information that can help motivate the market at large to make investments in efficiency and clean energy. Perhaps this is already being tracked elsewhere, or could be done via DOE research arms extracting case studies from EECBG. (Note this is suggested as optional because it was not part of the original scope of the RFP and the resulting agreements).

Comment on Clean Energy Policy metrics: Note that these metrics are largely applicable at the state level, leaving municipalities the opportunity only to report under the 'other' category.

Comment on Building Code & Standards: In some states, such as NJ, cities cannot promulgate code beyond the State requirements, so all of the metrics in this category are not applicable to localities. Please consider adding a metric that tracks 'green building policy for capital construction,' and 'green building incentives for private development.'

Suggestion for 'transportation' metric. Multi-modal streets are critical to realizing healthy low carbon communities. Transportation metrics should include "bike lanes installed."

Suggestion for an optional reporting criteria on 'challenges' and 'information needs' to inform and ground DOE's technical assistance.

I will now briefly summarize my comments in direct response to the questions posed.

Regarding item (a) 'Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility': For the reasons outlined above, I do not believe that transitioning to monthly reporting would have practical utility or be an effective use of EECBG funds; the data collection would not greatly enhance proper or effective performance of DOE or EECBG grantees, but could pose significant burden and expense. For grantees, this reporting expenditure would detract available funds and staff and contractual time and expense from achieving the intent of the funding - actual energy improvements that lead to long term savings.

In regard to item (b) 'the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used': I did not see an actual estimate of the burden provided. However, I have provided information and comments regarding the burden; please reference text under 'Undue Burden' sub-header and under 'Reporting' outlined above.

In summary, monthly reporting would be an undue burden on EECBG recipients which could require a significant readjustment of budget. In order to comply, funds might need to be detracted from implementation and dedicated instead to reporting, thus undermining the impact of the program and ability to meet the appropriation's objective of implementing energy efficiency measures that creates jobs today and leads to long term savings.

In addition, tracking monthly reporting could be an unjustified DOE office expenditure – the program simply does not have the sufficient history to justify the Agency's expenditure that would be necessary to track monthly reporting nor to justify posing such a burden on grantees.

In regard to item(c) 'ways to enhance the quality, utility, and clarity of the information to be collected': Please see comments and suggestions detailed above under the sub-headers 'Reporting,' and 'Reporting Criteria.'

(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Please see comments above under the subheader 'Reporting.'

Thank you so much for the opportunity to comment. While my comments are critical, please know that these comments are provided in a spirit of collaboration and support. The unprecedented EECBG program is to be applauded! EECBG funding is not only helping localities pursue cost savings, it is rightly positioning local governments as leaders in implementing locally appropriate strategies to realize community wide benefits and advance a low carbon future.

If you have any questions, do not hesitate to contact me via email to albucherc@ci.newark.nj.us or via telephone 973 733-6575. Thank you.

Sincerely,



Chelsea Albucher
Sustainability Officer

Department of Energy
February 3, 2010
Page 5

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Margaret Gallos, NJ Board of Public Utilities