



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-62
RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Energy and Water Savings Performance
Contracts, Monitoring Use and Reduction
CITE STATUTORY AUTHORITY: 18B-1-6

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 7, 2018

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 62
ENERGY AND WATER SAVINGS PERFORMANCE CONTRACTS, MONITORING USE AND
REDUCTION

§133-62-1. General.

1.1. Scope. -- This rule establishes guidelines and procedures that will establish a recommended standardized Energy Savings Performance Contract process (ESPCCP) through which all West Virginia regional public colleges and universities reduce energy use and water consumption.

1.2. Authority. West Virginia Code §18B-1-6(c)(3).

1.3. Filing Date. -- August 7, 2018.

1.4. Effective Date. -- September 7, 2018.

§133-62-2. Purpose.

2.1. The primary purposes of this rule are to:

2.1.a. Encourage individual campuses and the West Virginia Higher Education Policy Commission (Commission) to examine all opportunities for reduction in overall energy use;

2.1.b. Ensure that institutions have the basic knowledge necessary to accurately monitor energy usage;

2.1.c. Encourage institutions follow recommended procedures for selecting qualified firms and/or professional services from the Commission's list of pre-qualified vendors for Guaranteed Energy Savings Projects;

2.1.d. Provide coordination as requested to assist institutions in the selection, planning and/or financing of Guaranteed Energy Savings Projects; and

2.1.e. Provide energy savings best practices, training, and resources for institutions.

§133-62-3. Guidelines.

3.1. The following will guide the further development and coordination of Guaranteed Energy Savings Projects and/or energy use reduction measures on campus;

3.1.a. It is recommended that all institutions, at a minimum, have completed the EnergyStar Portfolio Manager for all campus structures to establish a baseline score for each building regarding energy usage. Additionally, all institutions should establish the Energy Use Intensity (EUI) number for each campus structure. Once the Portfolio Manager and the EUI inventory are completed, the data should be submitted to the Office of Finance and Facilities.

3.1.b. Once the Portfolio Manager and EUI numbers are established, all institutions are encouraged to have an energy use monitoring plan in place that addresses, but is not limited to the following: prioritization of energy reduction measures beginning with the most critical structure, immediate measures that can be implemented to reduce excessive energy usage, and/or consideration of engaging with an energy services company (ESCO) and/or professional engineering services for Guaranteed Energy Savings Projects from the Commission's list.

3.1.c. All institutions are encouraged to continually monitor the utility usage and at a minimum, annually review their energy plans. The president of each institution shall submit a copy of the Energy Management Plan to the Chancellor annually by June 30. A written summary of any revisions to the energy plan is to accompany the document submitted to the Chancellor. The governing boards shall provide all data relating to the plan to the Commission that the Commission requests.

3.1.d. While the Energy Management Plan is a stand-alone document, there should be consideration given to coordination with the Campus Development Plan, especially where there is overlap regarding deferred maintenance.

3.1.e. Within the Energy Management Plan, consideration should be given to include faculty, staff, and students on opportunities available to reduce energy usage on an individual level.

3.1.f. All institutions are encouraged to either appoint an Energy Management Coordinator or develop and maintain an Energy Management Committee. The purpose of this individual or committee is to monitor and review best practices regarding energy savings opportunities. The Energy Management Committee should consist of, but is not limited to, campus leadership, facilities, students, staff and faculty. Any community members interested should be encouraged to participate as well. Either the Energy Management Coordinator or an appointee from the Energy Management Committee will be the point of contact to the Director of Facilities and Sustainability in the Higher Education central office for such matters of support, training and sharing of information for any matters regarding energy savings opportunities.

3.1.g. The Commission, through the Director of Facilities and Sustainability, will actively provide training and resources associated with energy management, EnergyStar Portfolio Manager, energy use calculation and any other methods that can assist and support energy use best practices.