

T&E COMMITTEE #3
April 28, 2010

Worksession

MEMORANDUM

April 26, 2010

TO: Transportation, Infrastructure, Energy & Environment (T&E) Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Worksession: FY11 Operating Budget: Non-Departmental Account (NDA) – Climate Change Implementation**

Council Staff supports the County Executive recommendations with one change: Add increments of \$100,000 and \$200,000 on the Reconciliation List to continue a modified Clean Energy Rewards program.

The Executive's recommendation for the Climate Change Implementation Non-Departmental Account is attached on ©1.

FY11 Budget Overview

Table 1 below presents the FY10 Approved expenditures for the NDA. For FY11, the County Executive is recommending no funding in the NDA.

**Table 1:
Climate Change Implementation NDA Expenditures**

Item	Approved FY10	CE FY11
Clean Energy Rewards Program	518,000	-
Implementation of Sustainability Working Group Recommendations	50,000	-
Tank Cleaning and Filter Costs to Ready Fleet for B-20 Fuel	24,000	-
Consumer Protection Energy Consultant Assistance to work with MD/Fed Govt	30,000	-
Implementation of Telecommuting Action Plan	34,760	-
Totals	656,760	-

The status and Executive recommendation for each item are discussed in more detail later in this memorandum.

Background

The Climate Change Implementation NDA was created to address requirements included in a number of climate protection-related bills approved two years ago including:

- Bill 29-07, Environmental Sustainability – Climate Protection – Motor Vehicles rates
- Bill 30-07, Buildings – Energy Efficiency
- Bill 32-07, Environmental Sustainability – Climate Protection Plan
- Bill 35-07, Consumer Protection – Energy and Environmental Advocacy

The County's greenhouse gas reduction goals were codified in Bill 32-07 as an 80% reduction in greenhouse gas emissions (from the FY05 baseline year) by 2050 with an interim goal of stopping the increase in emissions by 2010 and 10 percent reductions every 5 years through 2050. The overall goal of an 80% reduction by 2050 is consistent with the State of Maryland's and the Metropolitan Washington Council of Government's goals, as well as the Cool Counties Initiative sponsored by the National Association of Counties, which includes participation from hundreds of jurisdictions across the country.

The Climate Change Implementation NDA was approved in FY09 with funding that was identified through increases approved in fuel/energy taxes that raised approximately \$11.1 million in additional revenue. Most of the new revenue generated was identified as being needed to temper increases in property tax rates. However, a portion of the increased revenue was assumed to offset the costs of the NDA for FY09. In FY10, the Council approved the continuation of funding of a number of elements in the NDA. *NOTE: Although the NDA was originally linked to the energy tax increase in FY09, the NDA is in fact funded with general fund revenues and there is no direct financial connection between the NDA and the energy tax.*

Discussion

Clean Energy Rewards Program

This program, which was first funded entirely in the DEP budget, had the dollars associated with the rewards for this program moved to the Climate Change Implementation NDA in FY09. The administrative costs for this program remained in the DEP General Fund budget. The FY10 Approved budget assumes \$518,000 for rewards. Currently there are about 6,400 residential and 290 commercial participants. There are also 13 solar PV participants. From the program's inception in January 2007 through the second quarter of FY10, DEP estimates that approximately 160,000 megawatts of clean energy have been purchased through the program.

DEP has had to close the program to new participants periodically since the program's inception as a result of increased participation maxing out the annual reward budget. The program is currently closed for the remainder of FY10. One reason for the increase in participation rates has been

the fact that clean power (even without the clean energy reward) can now be purchased at rates competitive to or in some cases lower than the standard offer service provided by PEPCO and other energy providers in the area.

The Executive is recommending no funding for the rewards program in FY11 (including removal of administrative costs in the DEP budget) for two reasons:

- The County's fiscal situation: The rewards are supported out of general fund dollars and the County's General Fund budget is facing unprecedented difficult fiscal conditions right now.
- Prices for clean energy are now competitive and/or cheaper than standard offer service. The issue of closing the gap in the price for clean energy versus brown power is moot (at least for now).

While it is impossible to debate the first point regarding the fiscal crisis the County faces, the second point raises more complex issues. Some of these issues were raised in correspondence and public hearing testimony (attached on ©2-7).

Original Intent: Councilmember Leventhal, who was the primary sponsor of the legislation creating this program, had originally sought to exempt clean energy purchases from the County's energy tax. However, because of how the energy tax is structured (it is charged to energy providers who then pass the cost on to all ratepayers) this exemption concept was not feasible. The Clean Energy Rewards program was created as an alternative approach. If one considers the original rationale that the program is intended to be an offset to the County's Energy tax, the specific price comparison between clean and brown energy would not be relevant.

Energy Tax Funding: Secondly, as mentioned earlier in this memorandum, the energy tax was increased several years ago in part to provide room in the County budget for climate-related initiatives such as clean energy rewards. While there was no direct financial or budgetary link established, since the Energy Tax was never reduced, conceptually the dollars intended to fund this and other climate change initiatives are still being collected.

Impact of Reward Program: A third point arguing in favor of the reward program is that even with the price of clean power being competitive with standard offer service, the program appears to push more people to switch into the program than would otherwise do so. Washington Gas Energy Services (WGES) (an advocate for the program) provided the following information in support of this point to Council Staff:

“Over the past two and a half years, we have conducted numerous direct mail campaigns specifically aimed at signing up customers for 50% or 100% wind power in Montgomery County and other utility service territories across the state and in Delaware at the same time. We have found that twice as many customers in Montgomery County signed up for our offers than in the other utility service territories where the CER rebate was not available. Similarly, over this same time period, whenever the CER program was unavailable, the results of our marketing efforts were half of what they had previously been in Montgomery County when the

rebate was available. This is true even last fall when the pricing for our 50% and 100% wind power offers were quite competitive compared to Pepco's SOS price."

The financial incentive (while relatively small per participant) combined with the marketing surrounding this incentive, appear to be a major part of the reason people switch. If the incentive and marketing effort are curtailed, then clean energy purchases may slow, even in a favorable market environment. *DEP staff have indicated that DEP intends to continue to encourage County residents to switch to clean energy through various education and outreach efforts.*

Favorable Cost Per Ton of GGE Reduced: The cost per ton of greenhouse gas emissions reduced (\$10.68 per ton for the .5 cent rebate and \$20.16 per ton for the 1.0 cent rebate) is relatively low compared to many other strategies.

Mend It Don't End It: WGES submitted testimony to the Council to modify, rather than discontinue, the program (see letter on ©2). WGES' suggestions for modifying the program include:

- Ending all recurring credits on June 30, 2010.
- Providing a one-time reward to residential customers only for switching to 100% green power during FY11. (No reward is recommended for commercial customers.)
- Setting the annual reward budget for FY11 (and future years) at whatever level could be afforded, with 1,645 customers being added per each \$100,000 in rewards budgeted.

This modified program would provide an even better cost per ton of GGE reduced (down to \$6.39 per ton). The non-recurring nature of the reward would also greatly reduce the likelihood that the program would have to be repeatedly suspended due to lack of funds to cover increased participation.

Council Staff believes the revised program has merit, especially if one assumes WGES' marketing experience, both with the program here and without the program in other jurisdictions is a valid indicator of the reward's impact. Another key assumption is that customers would not switch back out of green power once their 1 or 2 year contract term was up.

Ultimately, the availability of general fund dollars for this program and many other valuable County programs is very much in doubt for FY11. However, given the potential cost-effective environmental benefit of this program, Council Staff suggests that a revised rewards program at funding levels of \$100,000 to \$200,000 be put on the reconciliation list. *NOTE: If approved, changes in the Executive Regulation implementing this program will be needed. DEP staff do not believe any change in County law is necessary. DEP has indicated that it could manage the modified program with resources already recommended in the FY11 DEP budget.*

Sustainability Working Group Funding

The Sustainability Working Group (SWG) was established as part of Bill 32-07 (Environmental Sustainability – Climate Protection Plan) adopted in April 2008. The group consists of 26 members (15 representing various County departments and agencies and 10 public members) with different backgrounds and expertise. DEP provides staff support to the SWG.

The SWG was charged with a number of tasks as noted in the Bill. Its key task was the development of a Climate Protection Plan which was formally transmitted to the County Executive and the County Council on January 15, 2009. A required annual update was transmitted to the Council on February 18. The T&E Committee discussed the update on March 25.

The Executive recommends zeroing out the \$50,000 in the NDA for implementation of the Sustainability Working Group's recommendations. Many of the Working Group's recommendations are moving forward with separate funding sources in different department and agency budgets. DEP also intends to continue to support the Working Group's efforts with existing DEP staff resources and volunteers (many of whom participated in the development of the Working Group's recommendations).

Council Staff supports the proposed cut with the assumption that the coordination and review work necessary to keep the Sustainability Working Group's efforts going can be provided by DEP staff and volunteers.

Tank Cleaning and Filter Costs to Ready Fleet for B-20 Fuel

Bill 29-07, "Environmental Sustainability – Climate Protection – Motor Vehicles rate" also included requirements that County diesel-fueled vehicles utilize B-20 (20% Biodiesel, 80% petrodiesel). In order to convert to this level of Biodiesel blend, fuel tanks need to be cleaned. Vehicles receiving B-20 also need to have more frequent filter replacements the first year of utilization.

The Department of General Services (DGS) has discussed with the Committee, on a number of occasions, some operational issues it has experienced with its prior use of B5 fuel. Last year, DGS noted that it had experienced algae growth in its tanks utilizing Biodiesel and that this issue caused some problems with the bus fleet schedule. As a result, DGS suspended its use of Biodiesel and began purchasing low-sulfur diesel while it worked to resolve these Biodiesel issues. The Committee encouraged DGS to contact other jurisdictions that are successfully using Biodiesel to help identify solutions.

Fleet Management was accepted into a University of Rhode Island pilot project on biodiesel fuels. Below is a summary of the pilot project to date as provided by DGS staff.

The pilot program started in August 2009 and has been ongoing. Fleet currently has 2 sites that are being used as part of this pilot. At EMOC DFMS purchased a 1,000 gallon above ground fuel tank and filled it with B20. DFMS is currently fueling 5 buses with B20 and monitoring their performance compared to vehicles that operate ULSD and buses that operated using B5 one year earlier. Additionally, at Poolesville DFMS is running a B5 blend of biodiesel that in future months we will be increasing to a B10 blend. The goal at the Poolesville site is to attempt to identify the optimal blend of biodiesel based on vehicle performance and emissions.

Telecommuting Action Plan

Bill 29-07, "Environmental Sustainability – Climate Protection – Motor Vehicles rate" included requirements to establish a telecommuting action plan with numerical targets for County employee participation.

The FY10 budget includes \$34,760 for a part-time position in the Office of Human Resources (OHR) to manage this effort. Because of current fiscal conditions, the position was never filled and no dollars are recommended in this NDA for this effort for FY11.

OHR is currently focusing on completing a pilot test and evaluation of the 4-10 workweek. It is also working with CountyStat to evaluate this and other alternate work schedules, including telecommuting.

During last year's budget review, Council Staff expressed concerns about OHR's small scale but very expensive (per participant) telecommuting pilot program. The Council ultimately approved the part-time position but not the equipment costs assumed in the pilot effort. Council Staff still believes that what is most needed is a decision by the County Executive to challenge departments to achieve certain telecommuting goals rather than a new position in OHR and expensive equipment. Departments need to be encouraged to meet these goals and then measure in the future to see how well various flexible work arrangements have worked out for that department's employees.

Consumer Protection Energy Consultant

In FY09, the Council added \$50,000 to provide consultant assistance in the Office of Consumer Protection so that the Office can effectively advocate for issues of concern to Montgomery County residents with regard to State and Federal energy regulations (consistent with the intent of Bill 35-07, Consumer Protection – Energy and Environmental Advocacy). This amount was adjusted downward to \$30,000 in FY10.

For FY11, the County Executive recommends bumping the dollars back up to \$50,000 and moving the expenditures back to the Office of Consumer Protection, since under his budget recommendations, all other NDA expenditures are zeroed out.

Given the many substantive issues being deliberated at both the State and Federal levels, this continued assistance is sorely needed. Council Staff supports the additional dollars. Council Staff also supports moving the FY11 recommended dollars to the Office of Consumer Protection.

Attachments

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Board of Investment Trustees

The mission of the Board of Investment Trustees is to manage prudent investment programs for the members of the Employee Retirement Plans and the Retiree Health Benefits Trust and their beneficiaries. Expenditures associated with this program are funded from the Employees' Retirement System (ERS), Retirement Savings Plan (RSP), Retiree Health Benefit Trust (RHBT), and the General Fund on behalf of the Montgomery County Deferred Compensation Plan (DCP) trust funds and are, therefore, not appropriated here. The Board of Investment Trustees manages the assets of the ERS and RHBT through its investment managers in accordance with the Board's asset allocation strategy and investment guidelines. The Board also administers the investment programs for the RSP and DCP. The Board consists of 13 trustees including the Directors of Human Resources, Finance, Management and Budget, and the Council Staff; one member recommended by each employee organization; one active employee not represented by an employee organization; one retired employee; two members of the public recommended by the County Council; and two members of the general public.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	0	0.0
FY11 CE Recommended	0	0.0

Boards, Committees, and Commissions

There are approximately 75 boards, committees, and commissions, created by law or resolution, which serve the County for a variety of purposes. These funds provide for the reimbursement of certain expenses incurred by eligible members of boards, committees, or commissions while on official business and/or for expenses related to the establishment of any new boards, committees, or commissions.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	27,000	0.0
FY11 CE Recommended	27,000	0.0

Charter Review Commission

Section 509 of the County Charter requires that a Charter Review Commission be appointed by the County Council every four years, within six months after the Council assumes office, for the purpose of studying the Charter. The Commission shall report at least once to the Council on the Commission's activities within one year after appointment. Commission reports shall be submitted no later than May 1 of every even-numbered year. The reports shall contain recommendations concerning proposed Charter amendments, if any. This NDA provides for the expenses of the Commission.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	1,000	0.0
FY11 CE Recommended	1,000	0.0

Climate Change Implementation

This NDA provides funding to implement the initiatives the Council adopted in Bills 29-07, Environmental Sustainability - Climate Protection - Motor Vehicles; 30-07, Buildings - Energy Efficiency; 32-07, Environmental Sustainability - Climate Protection Plan; and 35-07, Consumer Protection - Energy and Environmental Advocacy; and to fund the Clean Energy Rewards program established in County Code 18A-11.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	656,760	0.5
Enhance: Advocacy and Assistance by the Office of Consumer Protection Regarding Energy and Environmental Matters Before Federal and State Agencies	20,000	0.0
Eliminate: Tank Preparation for B-20 Fuel	-24,000	0.0
Eliminate: Part-Time Human Resources Specialist III for Coordinating Telecommuters	-34,760	-0.5
Eliminate: Funding for Implementation of Sustainability Working Group Recommendations	-50,000	0.0
Shift: Climate Change Advocacy and Assistance to the Office of Consumer Protection	-50,000	0.0
Eliminate: Clean Energy Rewards Program	-518,000	0.0
FY11 CE Recommended	0	0.0

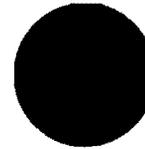


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March 26, 2009

Nancy Floreen
President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

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RECEIVED
MONTGOMERY COUNTY
COUNCIL

Re: Clean Energy Rewards Program

Dear President Floreen:

As participating suppliers in Montgomery County's successful Clean Energy Rewards Program (CER), we are writing to request that the County Council modify CER as proposed below, rather than eliminate it from the County's FY2010 budget as has been proposed.

As you know, CER was initiated in 2007 as a result of Executive Regulation 2-06 and Chapter 18A, Section 11. CER has established the County as a climate change leader in the region. In fact, in the last three years that the program has been in place, CER has helped avoid more than 100,000 tons of CO₂ emissions. CER has doubled the number of customers who purchase renewable energy, with 6,500 households and small businesses currently participating in the program.

CER is critically important to helping customers get past the inertia of switching to renewable energy. A recent survey of Maryland voters revealed that more than half of Maryland customers are unaware they can shop for an electricity provider. CER is a critical tool in helping educate consumers about their right to shop, and more importantly, that they can choose to "go green" by purchasing clean, renewable electricity. The CER program has motivated the County's "green leaning" residents to make the switch to renewable energy. The next wave of customers will need more encouragement to make the switch. The County cannot count on the price of electricity to remain low. Electricity prices fluctuate and as the price of energy begins to increase, the premiums for renewable energy will make "going green" more expensive and unattractive to customers.

Rather than eliminate the program, we propose that the County Council modify CER to increase program effectiveness and ensure sustainability. The modifications proposed will significantly reduce the CER rebate budget for FY2010, enable the county to reach more new customers each year with less money, reduce the cost per ton of carbon emissions reduction from \$10.68 per ton of CO₂ emissions avoided to less than \$6.50 per ton, and focus the program on initiating new tons of carbon emissions reduction every year.

Proposed Program Changes

To ensure that CER reaches as many new customers as possible, encourages maximum environmental stewardship from County residents, and provides credits where they are needed most, we propose that the following structural changes be made to the CER program:

1. Eliminate credits to commercial customers - Commercial customers are becoming much more aware of their options to choose and many are opting to “go green” for corporate image purposes
2. Eliminate credits for current residential CER participants on June 30, 2010
3. Make CER a **one-year rebate** available only to **residential customers converting to 100% renewable energy**
 - CER currently allows residential customers remain in the program indefinitely.
 - Experience shows that once a residential customer switches to wind power, they tend to remain a wind power customer.
 - Roughly 97% of customers will continue to purchase renewable power.
4. Reduce the CER rebate budget from the FY09 level of approximately \$550,000, to one of the funding levels below:

Projected CER Results at Various Funding Levels

Budget Level	Number of Customers	Tons of CO ₂ Emissions Avoided per Year	Cost per Ton CO ₂
\$100,000	1,645	15,660	\$6.39
\$150,000	2,468	23,490	\$6.39
\$200,000	3,290	31,320	\$6.39

With these proposed program changes and with the revised and much lower funding levels to choose from, the Council can ensure that Montgomery County remains a climate change leader in this region even in economically challenging times. A scaled back version of the CER program should be funded as originally intended: using a portion of the Montgomery County Energy Tax – which is proposed to increase by 40%. We encourage the Council to demonstrate to County residents that you are putting their energy tax dollars to work to clean up the environment and positively impact climate change.

Please feel free to contact any of us if you have any questions or require additional information.

Sincerely,



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Roger Berliner
Marc Elrich
Valerie Ervin
Mike Knapp
George Leventhal
Nancy Navarro
Duchy Trachtenberg

Montgomery County Clean Energy Rewards

- **CER was initiated in 2007** as a result of Executive Regulation 2-06 and Chapter 18A, Section 11.
- **Montgomery County's CER program establishes the County as a climate change leader in the region**
 - The Metropolitan Washington Council of Governments' (MWCOG) Regional Climate and Energy Action Work Plan that was unanimously adopted by the Climate, Energy, and Environmental Policy Committee (CEEPC) highlights *CER as a program to be repeated in the region by other counties.*
- **The program is simple for consumers to understand and easy to join**
 - Sign up for 50% or 100% renewable energy, receive a credit of \$0.005 per kWh of renewable energy on your electricity bill
 - Simplicity of program has led to its success
- **6,500 households and small businesses are currently participating**
 - CER has doubled the number of customers who purchase renewable energy
 - Approximately half of WGES' customers buying 50% or 100% wind participate in CER
- **Participating suppliers include:** WGES, Clean Currents, Wind Current, and Sterling Planet
- **More than 100,000 tons of CO₂ emissions have been avoided over the three-year life of the program (2007 – 2009)**
 - In 2009, there were nearly 6 times more CO₂ tons avoided than in the first year of the program (2007), due to the popularity of the program, the active work of the suppliers, County administrative cost efficiency improvements, and improvements to the program.
- **Montgomery County's cost per ton of CO₂ emissions avoidance has been reduced from \$21.76/ton in 2007 to just \$10.68/ton in 2009**
 - Cost reduction due to program success in enticing more customers to participate, as well as program criteria and administration efficiency improvements.
- **CER's public-private partnership with renewable energy suppliers saves the County money:** CER's public-private partnership for program implementation allows the County to leverage the ability of their certified supplier partners to educate County residents about the program and the benefits of purchasing renewable resources.
 - CER provides consumers with **independent validation of renewable suppliers and their renewable products, increasing their comfort** with switching.

For more information:
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**Washington Gas
Energy Services**

A Washington Gas Affiliated Company

Modify CER – Do Not Eliminate It

- **Montgomery County must maintain its leadership role on climate change** by retaining innovative programs like CER. A scaled back version of the CER program should be funded as originally intended: using a portion of the Montgomery County Energy Tax – which is proposed to increase by 40%.
- **CER is critically important to helping customers get past the inertia of switching to renewable energy**
 - A recent survey of Maryland voters revealed that **more than half of Maryland customers are unaware they can shop for an electricity provider.**
 - The Montgomery County CER program is a **critical tool in helping educate consumers** about their right to shop, and more importantly, that they can choose to “go green” by purchasing clean, renewable electricity.
 - The CER program has motivated the County’s “green leaning” residents to make the switch to renewable energy. The next wave of customers will need more encouragement to make the switch.
 - The County cannot count on the price of electricity to remain low. Electricity prices fluctuate and as the price of energy begins to increase, the premiums for renewable energy will make “going green” more expensive and unattractive to customers.
- **Modify CER to increase program effectiveness and ensure sustainability**
 - Significantly reduce the CER rebate budget (approximately \$550,000 for 2009).
 - Reach more new customers each year with less money.
 - Reduce the cost per ton of carbon emissions reduction from \$10.68 per ton of CO₂ emissions avoided to less than \$6.50 per ton.
 - Focus on initiating new tons of carbon emissions reduction every year.
- **CER Program Changes:**
 - Eliminate credits to commercial customers
 - Eliminate credits for current residential CER participants on June 30, 2010
 - CER becomes a **one-year rebate** available only to **residential customers converting to 100% renewable energy**
- **Projected results at various funding levels**

Budget Level	Number of Customers	Tons of CO ₂ Emissions Avoided per Year	Cost per Ton CO ₂
\$100,000	1,645	15,660	\$6.39
\$150,000	2,468	23,490	\$6.39
\$200,000	3,290	31,320	\$6.39

For more information:
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Testimony before the Montgomery County Council
April 8, 2010

Submitted by:

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Montgomery County has been building an impressive green infrastructure, block by green block, these past several years, but County Executive Ike Leggett's decision to kill one of the County's most successful green programs is a significant step backwards. In his recently announced budget plan, Mr. Leggett has proposed to entirely kill the Clean Energy Rewards Program. This makes no sense, and we need to get the County Council to act to reverse Mr. Leggett's mistake.

The concept of the Clean Energy Rewards program is simple. Montgomery County electricity users get, in effect, a tax credit against the County energy tax if they buy clean energy. When the Program was created, after a bill championed by Council Member George Leventhal passed the County Council, the idea was to use some funds from the County energy tax to fund the program. Clean Currents has been a certified vendor in the program since its inception. It has worked remarkably well. People, businesses, faith institutions and others have bought clean energy for the very first time. Tons of carbon, the main greenhouse gas causing climate change, have been offset. In fact, the program is one of the most cost effective ways the county has been able to reduce or offset carbon emissions. Montgomery County is the only county in the nation with a program like this. It has won national acclaim, deservedly so, for running this program.

Last year, the program cost the County \$550,000. Mr. Leggett is now proposing to raise the energy tax by an additional \$50 million. Some of that tax revenue should go to fund the Clean Energy Rewards Program. The Program was started, thanks to the leadership of Mr. Leventhal and the former County Executive, under the premise that it would be funded by an increase in the Energy Tax. This was back in 2004. Now, if you cut the Program, you must cut the Energy Tax by an equal amount to keep true to the letter and the spirit of the deal.

The Program has helped Clean Currents, a Rockville based green business. It has brought us new customers, and thus helped us create good new green jobs right here in the County. It seems that people in County government spend a lot of time thinking of how they can help create green jobs here. There have been numerous reports, work groups, committees, etc. The answer is really simple. Create new business opportunities for businesses, and we will hire new people.

Please keep Clean Energy Rewards funded.