

<p style="text-align: center;">SUMMARY OF MAJOR CHANGES TO DOD 7000.14-R, VOLUME 12, CHAPTER 12 “IDENTIFICATION, RETENTION, AND USE OF ENERGY AND WATER CONSERVATION SAVINGS”</p> <p style="text-align: center;">All changes are denoted in blue font</p> <p style="text-align: center;">Substantive revisions are denoted by a ★ preceding the section, paragraph, table or figure that includes the revision.</p> <p style="text-align: center;">Hyperlinks are denoted by <u>underlined, bold, italic font</u></p>		
PARA	EXPLANATION OF CHANGE/REVISION	PURPOSE
120201	Clarified definition of “energy savings performance contracts.”	Update
120201	Clarified the government’s payment obligation to the energy service company and explained that any additional savings [after the contract ends] from energy savings performance contracts are transferred to an extended availability account.	Update
120202	Clarified that “energy cost savings” are tracked annually.	Update
120205 1206	Clarified that the appropriation amounts equal to the energy cost savings realized by the Department and transferred to the extended availability of funds account shall remain available for obligation until expended.	Update
120301.B 120702 1208	Added that transfers to extended availability accounts may be made by authorized Service-specific methods other than the SF 1151, to acknowledge other potentially acceptable methods (such as Army GFEBS).	Add
1205	Deleted paragraph 120502, as it is no longer applicable. DUSD(I&E) is responsible for annual energy reporting to Congress (done each January in the Annual Energy Management Report). Energy Savings Performance Contracts are included and there is currently no separate ESPC reporting requirement for DoD Components.	Delete
120601	Revised paragraph 120601 to accurately reflect allowable use of energy cost savings per 10 U.S.C. 2912.	Update
1207	Deleted paragraph 120703, “Cancellation of Appropriation,” since funds in the “extended availability of funds account” remain available until expended.	Delete
Multiple	Revised for clarity and readability. Added and updated hyperlinks and references where necessary.	Update

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CHAPTER 12

IDENTIFICATION, RETENTION, AND USE OF ENERGY AND WATER
CONSERVATION SAVINGS1201 OVERVIEW

120101. Purpose. This chapter prescribes financial management policy and procedures for the identification, retention, and use of energy and water cost savings as detailed in Title 10, United States Code (U.S.C.), Chapter 169, Section 2866 and Chapter 173, Sections 2912, 2913, 2914, 2915, and 2916.

120102. General. The Congress has enacted several measures pertaining to Energy Security within the Department of Defense (DoD). [10 U.S.C. 2866](#) provides for receipt and use of incentives and water cost savings from utilities for water conservation. [10 U.S.C. 2912](#) concerns availability and use of energy cost savings, [10 U.S.C. 2913](#) concerns energy savings contracts and activities, [10 U.S.C. 2914](#) concerns energy conservation construction projects, [10 U.S.C. 2915](#) concerns new construction and use of renewable forms of energy and energy efficient products, and [10 U.S.C. 2916](#) concerns sale of electricity from alternate energy and cogeneration production facilities.

120103. Statutory Provision Summaries

A. [10 U.S.C. 2866](#) provides that funds attributable to water cost savings realized under the provisions of that section shall be used as prescribed in [subparagraphs 120103.B. 1 and 2 of this chapter](#), provide that such use under [120103.B.1](#) is for water conservation activities. Neither [10 U.S.C. 2866](#) nor any provision in the Department's appropriations acts, however, provide for the extended availability of such funds. Accordingly, such funds are available only for the period for which they were originally appropriated.

B. [10 U.S.C. 2912](#) provides that an amount of funds appropriated to DoD for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts pursuant to [10 U.S.C. 2913](#), shall remain available for obligation until expended, without additional authorization or appropriation. The amount that remains available for obligation shall be used as follows:

1. One-half of the amount shall be used for the implementation of additional energy conservation measures at buildings, facilities, or installations of the DoD, or related to vehicles and equipment of the DoD, which are designated, in accordance with regulations prescribed by the Secretary of Defense, by the head of the department, agency, or instrumentality that realized the savings; and

2. One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for (A) improvements to existing military family housing units; (B) any unspecified minor construction project that will enhance the quality of life of personnel; or (C) any morale, welfare, or recreation (MWR) facility or service.

C. [10 U.S.C. 2913](#) provides that the Secretary of Defense shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of DoD as well as the private sector. The Secretary [may](#) provide for the direct negotiation (by departments, agencies, and instrumentalities of DoD) of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

D. [10 U.S.C. 2914](#) provides that the Secretary of Defense may carry out a military construction project for energy conservation, which has not been previously authorized, using funds appropriated or otherwise made available for that purpose. When a decision is made to carry out a project under this section, the Secretary of Defense shall notify, in writing, the appropriate Congressional committees of the decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium.

E. [10 U.S.C. 2915](#) provides [that](#) the Secretary of Defense shall encourage the use of energy systems using solar energy or other renewable forms of energy as a source of energy for military construction projects (including military family housing projects), [and ensure, to the maximum extent practicable, the use of energy efficiency products in new construction.](#) The Secretary concerned shall require [that](#) the design of all new facilities (including family housing) shall include consideration of energy systems using solar energy or other renewable forms of energy, [and require such energy systems be installed if shown to be](#) cost effective. Additionally, the Secretary of a military department may grant exceptions [to](#) otherwise applicable square foot and cost per square foot limitations.

F. [10 U.S.C. 2916](#) provides [that](#) the Secretary of a military department may sell, contract to sell, or authorize [the sale by](#) a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy shall be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978 ([16 U.S.C. 2601](#) et seq.). [\(Revenues from the sale of electricity shall be deposited and utilized in accordance with section 1204 of this chapter.\)](#)

1202 DEFINITIONS. The following definitions apply with respect to the identification, retention, and use of energy conservation cost savings:

★ 120201. Energy Savings Performance Contracts. An Energy Savings Performance Contract (ESPC) is a contract between the Federal government and an energy service company (ESCO) that allows agencies to accomplish energy projects for their facilities without up-front capital costs and without Congressional appropriations to pay for the improvements. The ESCO designs, implements, and arranges financing for an energy savings project that meets the Federal agency's needs. The ESCO guarantees that the improvements will generate savings sufficient to pay for the project over the term of the contract (up to 25 years). If the energy conservation measures installed by the ESCO do not deliver the guaranteed energy savings, the agency pays only an amount equal to the verified, not guaranteed, savings for that period. The ESCO must immediately determine the reasons for the under achieved energy savings during that period. If it is determined that the ESCO-installed and maintained equipment and controls malfunctioned, then the ESCO must immediately correct the malfunction. If it is determined that the ESCO-installed and government-maintained equipment and controls malfunctioned, the government may be required to pay the guaranteed savings to the ESCO for that period. After the contract ends, any additional cost savings accrue to the agency. The additional savings are transferred to an extended availability account, in accordance with section 1203 of this chapter for use as indicated in subparagraph 120103.B. An ESPC is an alternative financing tool to reduce energy use, modernize aging equipment, reduce maintenance costs, and deploy energy efficiency and renewable energy technologies. See DoD Instruction 4170.11 for further discussion on ESPC.

★ 120202. Energy Cost Savings. Energy cost savings, for the purposes of 10 U.S.C. 2912, are savings realized as the result of a reduction in the cost of energy as measured against budget documentation, which is determined by metering (if available) or by other methodology, such as professionally acceptable engineering models and estimates, as determined appropriate by the Component Head. Component Head or designee may define the types of energy commodities to be included in their programs (water is not included as a commodity for this purpose, per subparagraph 120103.A). Energy cost savings could refer to funding remaining after an energy bill is paid or to additional unobligated funding made available in an amount equivalent to avoided cost from energy not consumed during the previous fiscal year.

120203. Extended Availability of Funds. Except as stated in subparagraph 120103.A, pursuant to 10 U.S.C. 2912, savings realized by DoD and transferred to an extended availability account, including financial benefits, remain available for obligation until expended in accordance with subparagraph 120103.B, without additional authorization or appropriation.

120204. Cost Effectiveness. An energy system using solar energy or other renewable forms of energy is considered cost effective if the cost difference between that energy system and an energy system not using renewable energy sources can be recovered over the expected life of the facility.

★ 120205. Extended Availability of Funds Account. This is an account established for each appropriation to which identified energy cost savings and unobligated balances resulting from such energy cost savings, or a portion thereof, are transferred. The balances in this account remain available for obligation until expended. The military department realizing the savings shall retain, until expended, an equivalent amount of funding in the extended year account, using appropriately established financial management accounting codes to separate the funding (50 percent of the savings amount for the military department and 50 percent for the installation) to ensure use in accordance with subparagraph 120103.B of this chapter.

120206. Component Head or Designee. The Secretary of a military department or the Director of a defense agency or an individual designated to act for the Secretary of a military department or the Director of a defense agency for the purposes of executing the duties, functions, and responsibilities set forth in this chapter. When a provision is applicable only to the military departments, reference is made to the Secretary concerned, or designee.

1203 ENERGY SAVINGS AND INCENTIVES RECEIVED FROM UTILITIES

120301. Extended Availability from Energy Savings. Energy savings amounts having an extended availability shall be transferred to extended availability accounts for execution.

A. An extended availability account **must** be established for each appropriation for which energy cost savings have been identified and for which a period of extended availability is to be established.

B. Transfers to extended availability accounts shall be made by an SF 1151, “Nonexpenditure Transfer Authorization,” or other authorized Service-specific method that incorporates all SF 1151 requirements (see Vol. 14, Chap. 1, subparagraph 010206.B.6, of this regulation). Reprogramming actions will not be required in the case of such transfers.

C. Accounting, appropriate controls, and oversight for amounts in extended availability accounts shall be established at the level that use the accounts; this will be at the installation, military department, defense agency and/or OSD level.

120302. Financial Incentives. Financial incentives received from gas or electric utilities under 10 U.S.C. 2913 are not considered energy cost savings. These incentives are credited to the installation’s Operation and Maintenance (O&M) account and remain available for the same purposes and the same period as the O&M appropriation. Such incentives are refunds or rebates received as a check and deposited in the O&M account; they are not credits to the utility bill. By nature of the account, the funds will expire at the end of the fiscal year in which they are deposited.

1204 REVENUES FROM THE SALE OF ELECTRICITY

120401. Sale of Electricity. Proceeds from sales of electricity from alternate energy and cogeneration production facilities under [10 U.S.C. 2916](#) must be credited to the appropriation account currently available to the military department concerned for the supply of electrical energy. The Secretary concerned or designee determines the accounts to which such proceeds shall be credited. (See Treasury's Federal Account Symbols and Titles: [The FAST Book](#) for current accounts.)

120402. Use of Proceeds from the Sale of Electricity. Subject to the availability of appropriations for this purpose, proceeds credited may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under [10 U.S.C. 2911\(b\)](#), including minor military construction projects authorized under [10 U.S.C. 2805](#) which are designed to increase energy conservation.

120403. Congressional Notification. Before carrying out an [unspecified minor](#) military construction project described in paragraph 120402 using proceeds from sales under [paragraph 120401](#), the Secretary concerned shall notify [the appropriate committees](#) of Congress in writing of the project, [including](#) the project justification and the estimated project cost. The project may [then](#) be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to [10 U.S.C. 480](#).

1205 BUDGETING FOR ENERGY COST SAVINGS. The portion of the guaranteed savings due [to](#) the contractor for payment under ESPCs [must](#) be included in each military department's utility requirements submitted [in](#) budget requests for the length of the ESPCs entered into by that military department. The entire amount of guaranteed savings provided in ESPCs (including amounts for contract payments and amounts to be retained by installations) must be included in total utility requirements submitted as part of budget requests for the first five years of ESPCs. The total of the amounts requested [must not](#) exceed those that would have been requested in the absence of ESPCs. The Secretary concerned, or designee, [must](#) specify the procedures for identification of such amounts by installations, facilities, or operating locations at which ESPCs for that military department are in existence.

1206 CAPTURING BALANCES AVAILABLE FOR USE RESULTING FROM ENERGY CONSERVATION MEASURES

★ 120601. [When carrying over unobligated balances resulting from energy conservation](#), Installation Commanders or their designees [must](#) ensure energy cost savings amounts carried over [for use beyond](#) the fiscal year for which they were originally appropriated are authorized to be used only for funding initiatives [specified by 10 U.S.C. 2912](#) (see subparagraph 120103.B). Installation Commanders [must](#) also:

A. Ensure that unobligated fund balances available at the end of the normal period of appropriation availability that are the direct result of energy conservation measures are identified based on the most current available consumption data and represent actual unobligated funds [remaining in the appropriation accounts](#).

B. Ensure that the unobligated energy cost savings balances at year-end are carried forward [for use beyond the fiscal year by transferring the funds to the extended availability of funds account](#).

C. Submit to the Component Head or designee proposed energy savings projects for a given fiscal year that are projected to cost more than the amount of funds available to the Commander for that purpose.

D. Implement additional energy conservation initiatives approved by the Component Head, or designee and other projects as specified.

120602. The Component Head or designee shall receive and evaluate savings measures submitted by [Installation Commanders](#), and authorize funding for those other energy savings measures as the Component Head or designee deems appropriate. The Component Head or designee [must](#) also ensure that procedures are established to provide sufficient time to compute the energy cost savings and identify the [savings amounts to be transferred to the extended availability of funds account](#).

1207 ACCOUNTING FOR ENERGY COST SAVINGS

120701. The energy cost savings amounts realized in accordance with [10 U.S.C. 2912](#) remain [as unobligated balances](#) available for obligation at the end of the fiscal year.

★ 120702. [Unobligated balances](#) covered by paragraph 120701 [must be transferred to extended availability accounts on an SF 1151 or other authorized Service-specific method that incorporates all SF 1151 requirements \(see paragraph 120301\)](#). The authority to be cited for the transfer is [10 U.S.C. 2912](#). No further adjustments to the amounts carried forward [are permitted](#) once the balance is established in the extended availability account.

1208 REPORTING REQUIREMENTS. The [standardized Service-specific reporting methods \(e.g., the Army's General Fund Enterprise Business System\)](#) or the following requirements [must](#) be used to report the status of extended availability accounts:

120801. Acct Rpt (M) 1002. [The following](#) special procedures have been established for reporting extended availability obligated and unobligated balances on the Acct Rpt (M) 1002 (Appropriation Status by Fiscal Year Program and Subaccounts):

A. Normal Availability Obligated and Unobligated Balances. Identify and report as [usual](#).

B. Extended Availability Unobligated Balances. Identify, in column f (Cumulative Unobligated Balance), unobligated extended availability amounts resulting from energy cost savings at the end of the normal availability period (e.g., FY 200X/200X+1 or FY 200X/200X+2, +3, and so on) and available unobligated amounts (that is, FY 2006/2007, FY 2006/2008, etc., for the FY 2006 account). The stub entry, column a (Budget Activity) identifies the unobligated extended availability amount as “Extended Availability - Energy Cost Savings.” The amount reported **must** agree with line 9.A.1. of the SF 133 (see [paragraph 120802](#)).

C. Extended Availability Obligated Balances. Identify, in column e, obligations incurred against the extended availability account. The stub entry shall identify those obligations as to the purpose for which the obligations were incurred. The reporting categories for the extended availability accounts **must** be continued for all fiscal years with remaining obligated balances against the extended availability account.

120802. SF 133 (Report on Budget Execution). At the end of the first fiscal year, use line 9.A.1, “Balance Currently Available” on the SF 133, to identify the amount of available unobligated funds that are available for energy savings investments (or other authorized purposes) in the following fiscal year(s).

120803. Acct Rpt (TFM) 2108. Transactions reported on the Acct Rpt (TFM) 2108 (Year-End Closing Statement) **are** treated in the same manner as multi-year appropriations.