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Air Force Civil Engineer Center collaborates with Defense Logistics Agency-Energy to award a Utility Energy Service Contract

By Sarah McNair

AFIMSC Public Affairs

The Air Force Civil Engineer Center (AFCEC) Energy Directorate (CN) collaborated with the Defense Logistics Agency – Energy (DLA-Energy), to award a \$861,214 a direct funded Utility Energy Service Contract (UESC) to Joint Base McGuire Dix Lakehurst (JBMDL) AFB, New Jersey. This is the first time the DLA-Energy contracting group worked with AFCEC to approve a UESC award.

Direct funded projects are facilitated through the local utilities rather than through an energy service company (ESCO). The UESC was awarded to New Jersey Natural Gas (NJNG) on Aug. 26, 2019.

"The JBMDL UESC demonstrates one of the useful aspects of a UESC allowing for full direct funding of the entire requirement, thus avoiding long-term finance charges and fees associated with obtaining funding through a third party," said Dr Joe Davis, AFCEC's energy engineer and project manager who assisted with the UESC award.

A pre-construction kick-off meeting was held on Sept. 10, 2019. The construction and completion are projected to be relatively expeditious. The project will promote the use of energy technologies, acquire energy conservation services, reduce energy and/or associated utility costs and reduce energy and water related operations and maintenance (O&M) costs through heating decentralization. This




The High Bay Warehouse on Joint Base McGuire-Dix-Lakehurst, is one of the buildings receiving energy upgrades. (U.S. Air Force photos)

energy conservation measure (ECM) will provide JBMDL with an annual energy cost savings of 1,373,000,000 British thermal units (Btu), which will cover the cost of the UESC improvements.

The objective of the UESC is to correct issues with an aged steam generation plant and six buildings at the installation, totaling 25,856 square feet. Under the

scope of the project an administrative facility, high bay shop, high bay warehouse, calibration lab, piping and electrical shop and high bay garage will undergo removal of existing steam systems and condensation piping, unit heaters and controls in all locations. Exterior piping will be removed and capped and any asbestos containing material (ACM) will be abated as required. The utility will then furnish and install 17 new natural gas unit heaters, split-system heat pumps with interior evaporators and new insulation where needed.

UESCs are another tool installations can utilize to support mission assurance through energy assurance and continue to support the Warfighter. AFCEC Energy has collaborated with contracting groups to help develop UESCs. Installations interested in pursuing a UESC can reach out to AFCEC through the Reachback Center at (888) 232-3721 or AFCEC.RBC@us.af.mil. 

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- ULFSC can fight for O&M dollars
- Meet the ULFSC team
- DOE and SAF/IEE recognize FEMP Award winners



The Utility Law Field Support Center can fight for Operations and Maintenance dollars

By Capt. Robert J. Friedman
Utility Litigation Attorney

TYNDALL AIR FORCE BASE, Fla. — It goes without saying, Air Force dollars are an important resource towards mission accomplishment and the Utility Law Field Support Center (ULFSC) is ensuring those dollars are spent reasonably, when it comes to utilities, to ensure Warfighters are equipped to fly, fight and win.

Budgeting for energy and other utilities is an essential expense to ensure Airmen have the power they need to carry out their missions. However, because utilities are paid from a base's Operations and Maintenance account (O&M), spending large amounts of money on utilities can take away assets from other missions. That is where the ULFSC comes in.

The ULFSC is a joint team with attorneys and paralegals from the Air Force Legal Operations Agency, Environmental Law and Litigation Division (AFLOA/JACE) and the Air Force Installation and Mission Support Center Legal Office (AFIMSC/JA), embedded at Air Force Civil Engineer Center (AFCEC) East, Tyndall Air Force Base, Florida.

"We have a great partnership between AFCEC and our team that's going to continue for a long time," said new ULFSC Chief, Maj. Scott Kirk. "The litigation and contracting expertise that has been combined here has resulted in staggering savings for base O&M budgets, as well as improvement of the fundamental infrastructure that supports the Air Force mission."

The ULFSC is the sole Air Force utility litigation team, bearing two primary responsibilities. First, it is responsible for representing all of the Federal Executive Agencies (FEA) at state regulated utility commission hearings across the United States. In addition, the ULFSC provides full spectrum legal support to Air Force commanders, legal offices and energy managers for utility contracts and energy resiliency projects.

"I'm excited to be part of such a dynamic team," said Kirk. "Energy costs and energy resiliency are critical factors in ensuring the mission is accomplished and the ULFSC is one of

the leaders when it comes to ensuring the utilities servicing our bases are not unnecessarily taking away O&M dollars from the mission."

Over the past three years, the ULFSC has appeared across the country in 52 cases before state utility commissions, where they successfully prevented over \$5.3 billion in unnecessary charges from being applied to utility bills.

"We want to pay our fair share of the energy costs, and what our team brings to the fight is the litigation skills to battle against utilities and ensure state commissions adjudicate fair and reasonable rates for FEA and the ratepayers," said Thomas "Drew" Jernigan, AFIMSC utility litigation attorney. "With such a small dedicated team, we're able to routinely partner with similar situated large power ratepayers and form advantageous coalitions that leverage our collective ability to resist paying more than our fair share."

An example of the ULFSC's success can be seen in a complex, multi-party settlement the ULFSC recently negotiated with Oklahoma Gas and Electric, the electric utility provider for Tinker and Vance AFBs. Originally, the utility wanted to increase the Air Force's bills by over \$1 million. However, after several rounds of negotiation, they not only agreed not to raise the bases' rates, they also agreed to reevaluate the value of power Vance AFB provided to them. In the end, Capt. Rob Friedman and Lt. Col. Colclasure, both AFLOA attorneys and the ULFSC team helped secure a nine-party stipulated settlement, providing an avoided cost savings of \$625,000 combined to the bases annually.

"Our efforts in the courtroom are felt throughout government in agencies beyond the Air Force, said Capt. Friedman, utility litigation attorney. "We've represented NASA, NSA, Navy, Army, DOE, and Homeland Security interests in some of our more recent cases and achieved great results for all of them."

Additionally, in pending litigation in Ohio, the ULFSC achieved another notable result. Vectren Energy Delivery of Ohio, Inc., servicing Wright-Patterson

AFB, filed a rate case with the state regulatory commission seeking a 21% annual gas distribution rate increase. After extensive discovery, briefing, expert witness examination and advocacy, Capt. Friedman and the ULFSC team helped orchestrate a 12-party power deal resulting in avoided cost savings of \$156,000 annually for Wright-Patterson AFB.

"These substantial cases [Oklahoma and Ohio] are some of the earliest litigations that I delved into when I arrived to the ULFSC just after the hurricane evacuation. It is gratifying to be involved with such impactful cases and achieve such notable cost savings, which directly impact mission-capabilities," said Capt. Friedman.

When the team is not in the courtroom, the ULFSC is working hard to assist bases with a full array of utility issues. From solar arrays being installed for housing on Luke AFB to determining how to provide water to off-base tenants at Vance AFB, the ULFSC is helping Contracting Squadron (CONS) and Judge Advocate (JA) offices around the Air Force to navigate the complex and often unfamiliar world of regulated utilities.

"Energy security, cost and resiliency are at the forefront for the proper utilization of limited Air Force and DoD resources," said TSgt. Arnold Braxton, ULFSC paralegal. "Every utility bill that is lowered and cost avoided means commanders and leaders have more money to accomplish the mission."

That is certainly the case for the mission at Davis Monthan AFB, Ariz. The ULFSC helped the base resolve a dispute with the local waste water provider, which dated back to 2011, for what was estimated to be over \$3 million in unpaid fees. The ULFSC, along with the base civil engineer (CE) and JA, sat down with local leaders and negotiated a resolution that not only protected the base O&M, but also set forth an operating scheme that will prevent similar disputes in the future.

The ULFSC team currently consists of six team members: two active duty

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RESILIENCY

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Judge Advocate Officers (JAGs), one reserve JAG, one civilian attorney and two paralegals.

"We may be a small force, but we've had a tremendous impact and success defending

the Federal Executive Agencies and Air Force bases and I am very proud to be part of this team," said Ebony Payton, ULFSC paralegal. "By building coalitions inside the courtroom and partnering with other affected parties, our team has stretched their limited resources and achieved astounding results around the country."

The ULFSC regularly serves as a resource and teammate to base civil engineers, installation energy managers and contracting officers in tackling complex utility rate issues. For more information on their services, contact them at (850) 283-6289 or email ULFSC. Tyndall@us.af.mil. 

MEET THE TEAM

Maj. Scott L. Kirk

Major Scott Kirk is the Chief of the Utility Law Field Support Center (ULFSC), Tyndall Air Force Base, Florida.



In this position, he directly supervises the ULFSC attorneys and represents the Air Force and other Federal executive

agencies in litigation before state and local regulatory bodies in matters involving the procurement and rates of electric, gas, water and sewer utilities. He also advises installations and Major Commands on legal issues related to the purchase of renewable energy and development of renewable power projects on Air Force installations.

Thomas A Jernigan

Major Thomas Jernigan, "Drew", currently serves as a Reserve Assistant Staff Judge Advocate for the 325th



Fighter Wing Legal Office at Tyndall Air Force Base, Florida. He assists in the areas of legal assistance, military justice, Article

15's, Discharges, and Courts-Martial. He is currently admitted to practice law before the Supreme Court of Ohio and the United States Court of Appeals for the Armed Forces.

Tech. Sgt. Arnold Braxton

Technical Sergeant Arnold Braxton is the Non-Commissioned Officer in Charge of the Air Force Utility Law Field Support



Center (ULFSC), Tyndall Air Force Base, Florida. In this position, he directly provides litigation support including discovery

management, legal research and preparing and filing motions for the ULFSC attorneys representing Federal Executive Agencies' interests before state utility commissions throughout the United States. He also provides legal support in the areas of utility privatization, energy conservation management and renewable energy projects.

Capt. Robert J. Friedman

Captain Robert J. Friedman is serving on a Voluntary Limited Period of Active Duty (VLPAD) tour as a



Utility Litigation Attorney for the Utility Law Field Support Center (ULFSC), Air Force Civil Engineering Center, Tyndall

AFB, FL. The UFLSC represents the Air Force and the Federal Executive Agencies in the negotiation and litigation of utility rates.

Lt. Col. Christopher L. Colclasure

Lieutenant Colonel Christopher (Chris) Colclasure is the Individual



Mobilized Augmentee to the Chief, Environmental Law and Litigation Division, Civil Law Directorate,

Air Force Legal Operations Agency, Joint Base Andrews, Maryland. In this position, he assists the Division Chief in leading a division of 64 attorneys, paralegals, and support personnel stationed at 12 geographic locations.

Ebony M. Payton

Ebony M. Payton is a paralegal of the Air Force Utility Law Field Support Center (ULFSC), Tyndall Air Force Base, Florida. In



this position, she directly provides litigation support including discovery management, legal research

and preparing and filing motions for the ULFSC attorneys representing Federal Executive Agencies' interests before state utility commissions throughout the United States. She also provides legal support in the areas of utility privatization, energy conservation management and renewable energy projects.

Air Force Wins Five DOE Federal Energy and Water Management Awards

By Leslie Irwin

Air Force Energy, SAF/IEE

WASHINGTON, D.C. — Five Air Force individuals and teams were recognized on Oct. 29 at the Department of Energy's Federal Environmental Management Program (FEMP) Federal Energy and Water Management Awards Ceremony. The awards honor federal employees who developed and implemented exemplary projects or led programs related to improving facility energy and water resilience, reducing cost, increasing efficiency, generating on-site renewable energy and building energy storage across the nation.

"Our Air Force award winners are going above and beyond at

our installations to ensure mission assurance through energy assurance," said the Honorable John Henderson, Assistant Secretary of the Air Force for Installations, Environment, and Energy. "We are extremely proud of our Airmen, Air Force civilians and private sector partners who continue to enable the overall readiness and resilience of our Air Force and nation."

Of the nine government agencies winning 28 awards, the Air Force received five across four different categories.

FEMP's Director, Rob Ivester, presented each winner with certificates of achievement with the Deputy Assistant Secretary of the Air Force for Environment, Safety and Infrastructure, Mark Correll, on hand to offer congratulations.

Congratulations to the following Air Force winners:

Career exceptional service award



Robert Bossert
Civil Engineering Technical Services Center, Air National Guard, North Dakota

As Chief of the Air National Guard (ANG) Civil Engineering Technical Services Center, Robert Bossert helped build a comprehensive energy program capable of anticipating and responding to current and future ANG energy and water demands. Between FY 1994 and FY 2018, Mr. Bossert and his team executed 888 separate energy projects valued at more than \$573 million. In FY 2018 alone, program personnel executed 26 energy projects valued at \$24.4 million and performed facility audits at 21 installations covering 7.3 million square feet. His efforts have resulted in a cumulative reduction in ANG energy use intensity of more than 25% since FY 2003 and water intensity of more than 31% since FY 2007.

Contracting awards

Karen Bastian
Keith Carvalho
(DLA Energy)
Nick King
Brian Walsh

Hill Air Force Base, Utah

In FY 2018, the Defense Logistics Agency awarded a \$91.1 million 20-year term energy savings performance contract (ESPC) at Hill Air Force Base (AFB). The comprehensive project spans 262 buildings and 9.1 million square feet. Energy conservation measures, including process improvements, lighting upgrades, steam distribution insulation, compressed air system upgrades, a PV array installation and industrial ventilation air reduction, will reduce overall energy consumption by 9% and energy costs by 13% while increasing the installation's distributed/renewable energy portfolio by 30%.



Jeffery Fanto
Seth Keller
(Energy Systems Group)
John Kitson
Daniel Nocher
Eddie Springle
(Okaloosa Gas District)

Eglin Air Force Base, Florida

Eglin AFB awarded a \$57.8 million ESPC that includes energy conservation and resilience measures, a microgrid, solar arrays and combined heat and power systems capable of producing 121 billion British thermal units (Btu) annually. As part of the ESPC, Eglin also entered into a unique agreement with Okaloosa Gas District, allowing resilience assets to be supported under the terms of the ESPC contract vehicle. Together the projects are estimated to reduce total electrical consumption by approximately 35%, or 50 billion Btu, and will save nearly \$4.4 million annually.

Program awards



**Peter Dufault
Patrick "Shannon" Kelly
Capt Mathew Lehman
CMSgt John Talcott
Maj Jason Villemaire**

Air National Guard, Burlington, Vermont


The policies, strategies and overall management of Vermont Air National Guard's energy program contribute to a culture of optimized performance, resource conservation, environmental protection, waste reduction, cost reduction and enhanced resiliency of infrastructure and operations, all of which enable more effective accomplishment of the ANG mission. The team uses strategies such as integrating energy efficiency into all capital improvement projects and implementing maintenance best practices.

Project awards



**Leslie Brown
Kenneth Domako
Richard Fillman
Cynthia Ralph (DLA)**

Vandenberg Air Force Base, California

Vandenberg AFB partnered with Sun Power to develop and install a state-of-the-art 28.2 megawatt (MW) solar photovoltaic (PV) power system. A 26-year term, firm fixed price power purchase agreement represents the largest single solar power PV array built on Air Force property, where all the energy generated will be used exclusively by the installation. From January 2018 through the end of the fiscal year, the system generated almost 35.5 billion kilowatt-hours of renewable energy, representing 38% of the installation's electrical energy needs. 

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nominate someone
to be profiled in
an upcoming issue,
please contact
us at AFIMSC.
[PA.Workflow@
us.af.mil](mailto:PA.Workflow@us.af.mil).**

CE  DASH

<https://cs2.eis.af.mil/sites/10159/>

**Air Force Civil Engineering
Technical Support Designed
with the Field in Mind**



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