

Mailed 7/24/98

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Energy Efficiency, Low-Income Assistance, Renewable Energy and Research Development and Demonstration.

FILED
PUBLIC UTILITIES COMMISSION
JULY 23, 1998
SAN FRANCISCO OFFICE
RULEMAKING 98-07-037

ORIGINAL

ORDER INSTITUTING RULEMAKING

In our electric industry restructuring proceeding, Rulemaking (R.) 94-04-031 and Investigation (I.) 94-04-032, we have been addressing, among many other issues, policy and implementation issues related to the administration of public purpose programs, i.e., energy efficiency, low-income assistance, renewable energy and research, development and demonstration, pursuant to Public Utilities Code §§ 381, 382 and 383.

With regard to renewable energy and research, development and demonstration, we have addressed initial funding levels and issues related to the transfer of funds to the California Energy Commission. In the area of energy efficiency and low-income assistance programs, we have established our policy rules and procedures for a transition to independent administration of those programs, and have authorized the issuance of a competitive solicitation for energy efficiency administrators. We have also established policies and program budgets to govern the utilities in their implementation of energy efficiency and low-income assistance programs during the transition to independent

administration. Our consideration of these issues has gone beyond the framework of electric industry restructuring to extend to the gas utilities as well.¹

The examination of public policy programs in a restructured electric industry was one of many aspects of electric restructuring that we initiated in 1994. Now, four years later, that proceeding has accomplished most of its intended work and we desire to close that docket as soon as practicable. We note that Senate Bill (SB) 960 clearly intended that proceedings be completed in 18 months. Consistent with that intent, we plan to transfer remaining electric restructuring issues into new proceedings that fall under the SB 960 Rules and Procedures.²

Accordingly, we institute today's rulemaking to serve as the procedural forum for our consideration of remaining implementation issues related to public policy programs. These include: oversight and evaluation of interim administrators' program performance and spending, development of updated transition milestones and schedules for energy efficiency and low-income assistance programs, development of a competitive solicitation for low-income program administrators and the implementation of a gas surcharge for public purpose programs. With regard to renewable energy and research, development and demonstration, we have left open the issue of increasing authorized funding levels at a later date. (See D.97-02-014 and D.97-11-022.) The Commission may also consider that issue in this proceeding.

¹ See Decision (D.) 97-02-014, as modified by D.97-02-026; D.97-04-044; D.97-05-041; D.97-06-108; D.97-09-117; D.97-11-022; D.98-02-040; D.98-04-063; D.98-05-018 and D.98-07-036. See also D.97-12-103 in Application (A.) 97-10-001 et al. and Resolution E-3515.

² See Article 2.5 of the Commission's Rules of Practice and Procedure.

After today, any items we have directed to be filed in R.94-04-031/I.94-04-032 related to public purpose programs should instead be filed in this docket. Our prior determinations concerning the use of the Advice Letter process or other procedural vehicles (e.g., Assigned Commissioner Ruling) will continue to apply unless we direct otherwise.

Service List

The Special Public Purpose service list in R.94-04-031/I.94-04-032 (see Attachment 1) will become the service list in this proceeding. Pursuant to Rule 2.3(g), the assigned Administrative Law Judge may subsequently revise this list to delete inactive parties.

SB 960

We preliminarily determine the category of this proceeding to be quasi-legislative, and preliminarily find that evidentiary hearings will not be needed. In this proceeding, we will continue to develop policies and procedures to govern the transition to independent administration of energy efficiency and low-income assistance programs, and address other policy and implementation issues that may arise with regard to public purpose programs. However, we do not intend to exceed the 18-month target set forth in SB 960.

Commissioner Neepser and Administrative Law Judge Meg Gottstein are assigned to this proceeding.

Prehearing Conference

A prehearing conference will be held at 10:00 a.m., on September 15, 1998, at the Commission Courtroom, State Building, 505 Van Ness Avenue, San Francisco, California. If a party is already listed in Attachment 1, they do not have to appear to remain on the service list.

Interested parties should file prehearing conference statements with the Commission Docket Office no later than September 8, 1998 and serve those

statements on the Special Public Purpose service list in R.94-04-031/I.94-04-032. Copies should also be served on the assigned Commissioner that day. All parties filing comments should bring 30 extra copies to the prehearing conference.

Prehearing conference statements should include a list of remaining transition issues for energy efficiency and low income assistance programs. Per D.98-07-036, the California Board for Energy Efficiency and the Low-Income Governing Board will file and serve proposed revisions to the transition plan and milestones for each Board on August 17, 1998. (See D.98-07-036, Ordering Paragraph 6.) Parties may respond to those filings in their prehearing conference statements.

IT IS ORDERED that:

1. A rulemaking is instituted to establish policies and procedures for continuing the transition to independent administration of energy efficiency and low-income assistance programs and to address other policy and implementation issues related to public purposes programs.
2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and Southern California Gas Company are respondents.
3. A prehearing conference will be held at 10:00 a.m., on September 15, 1998, at the Commission Courtroom, State Building, 505 Van Ness Avenue, San Francisco, California. Interested parties should file prehearing conference statements with the Commission Docket Office no later than September 8, 1998 and serve those statements on the Special Public Purpose service list in R.94-04-031/I.94-04-032. Copies should also be served on the assigned Commissioner that day. All parties filing comments should bring 30 extra copies to the prehearing conference.

R.98-07-037 ALJ/MEG/sid

4. We preliminarily determine that this is a quasi-legislative proceeding and that evidentiary hearings will not be required.

5. The Executive Director shall cause a copy of this order to be immediately served on all respondents and on the Special Public Purpose service list in

R.94-04-031/I.94-04-032.

This order is effective today.

Dated July 23, 1998, at San Francisco, California.

RICHARD A. BILAS

President

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JESSIE J. KNIGHT, JR.

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