

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine the
Commission's Post-2008 Energy Efficiency
Policies, Programs, Evaluation, Measurement,
and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 M)
TO ASSIGNED COMMISSIONER'S RULING**

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July 23, 2010

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In accordance with the July 2, 2010 *Assigned Commissioner's Ruling (ACR)* Pacific Gas and Electric Company (PG&E) submits the following reply comments.

I. INTRODUCTION

PG&E notes that virtually every party to this proceeding has commented that the questions posed by the Commission in the May 21, 2010 *Assigned Commissioner Ruling and Scoping Memo, Phase I* (May 21 ACR) and in the current ACR should not be resolved through the parties' written comments alone. While parties have made recommendations that clearly merit closer consideration, parties have also generally acknowledged that without the participation of industry experts, relevant agencies and stakeholders, they lack the subject matter expertise necessary to make definitive recommendations on many of these topics. While useful, the parties' comments are akin to brainstorming with respect to many of the questions posed in the ACRs. To allow the parties and the Commission to educate themselves further and reach an informed resolution on the issues presented, the parties have almost uniformly recommended involvement of industry experts and stakeholders to provide their insight and expertise through the workshop process. PG&E again voices its agreement

with the other parties on this point and urges the Commission not to attempt to resolve such important issues based solely on submission of the parties' written comments.

II. RESPONSES TO QUESTIONS IN THE ACR

Question 4.1: EM&V Objectives

A. *Several parties suggest adding a reference to the Strategic Plan's goal of market transformation to the Commission's adopted EM&V objectives. In particular, DRA proposes adding the following phrase to the "Market Assessment" objective adopted in D.09-09-047: "The goal of market assessment is to identify a common set of Market Transformation definitions based on CPUC assigned market indicators, which will allow the Commission to determine when market transformation has occurred for a program." Do parties support the addition of this phrase to the Market Assessment objective?*

B. *Do parties support SCE's suggestion that the Market Assessment objective be expanded to specify that the purpose of Market Assessment is to assist the Commission in "[m]onitoring and guiding progress on meeting the goals of the Strategic Plan; and guiding updates to the Strategic Plan by providing new information about what market changes are most feasible and cost-effective"?*

C. *Can the suggestions in questions 1 and 2 above be reconciled and, if so, how?*

Reply: PG&E notes that several parties opposed addition of the specific language proposed by DRA. SCE and TURN each proposed alternatives to DRA's language. DRA actually proposes revisions to its own language, noting that different stakeholders may have different understandings regarding what market transformation means, and stating that its current language is based on a "tipping point" theory. Like DRA, NRDC also notes that there is no clear definition of market transformation among the parties and recommends that before adopting any specific language, the "Commission, utilities, and stakeholders first determine a common definition of market transformation and how market transformation relates to energy efficiency program planning, implementation and evaluation."¹ PG&E submits that it is not appropriate to adopt any one of these specific proposals until the parties and stakeholders have first had the opportunity to engage in a dialogue about exactly what we are trying to accomplish with such a change to the EM&V objectives, the best way to achieve that

¹ *Comments of the Natural Resourced Defense Council (NRDC) on Assigned Commissioner's Ruling Related to Post-2012 EM&V* (NRDC Comments), filed July 16, 2010, p.3.

objective, and how such a change would be implemented. Proposals for inclusion of specific language in the EM&V objectives are premature and should be adopted only after being fully vetted by stakeholders in a workshop setting.

DRA suggests that an increased emphasis on market transformation is needed as the IOUs have failed to put sufficient effort into achieving long-term savings. Specifically, DRA states:

The utilities' continued reliance on short-term savings that erode quickly and will be too costly to recover, coupled with their resistance to commit to long term savings from the BBEES demonstrates their inability to manage market transformation strategies.²

PG&E rejects this characterization as unsubstantiated rhetoric, which does nothing but detract from the legitimate goals of this proceeding. First, comments such as this one directly contradict the Commission's own finding made in approving the IOUs' programs that "[t]he majority of the proposed utility programs are well-designed and among the best in the country if not the world."³ In designing and implementing these Commission-approved programs, several factors compelled the IOUs to make tough compromises to balance the amount of short-term savings their programs must provide to meet Commission requirements, with their desire to pursue additional long-term savings.

To promote long-term savings, DRA itself notes that it is necessary to develop realistic cost-effectiveness tests. PG&E agrees. The Commission agrees.⁴ In fact, PG&E has continually urged the Commission in this proceeding to first deal with precisely such cost-effectiveness issues, set program goals, coordinate with the incentive proceeding, and only then address the issues now raised in the ACR. In addressing cost-effectiveness issues, the Commission should also revisit the appropriateness of using the Program Administrator Cost test as opposed to the currently-applicable Total Resource Cost (TRC) test for inclusion of efficiency measures. In the same vein, the Commission must adopt

² *Division of Ratepayer Advocates' Comments in Response to the Assigned Commissioner's Ruling Posing Questions in Response to Parties' Comments* (DRA Comments), p. 8.

³ Decision (D.) 09-09-047, p.6 (Sept. 24, 2009).

⁴ "Energy Division should undertake a full analysis of the adopted cost effectiveness tests and their applicability to market transformation programs which shall identify benefits from market transformation programs and which benefits are captured by the current cost effectiveness tests, and recommend alternative cost effectiveness tests for market transformation programs in the report." (D.09-09-047, Conclusion of Law 14).

rules that reduce or eliminate the difference between the discount rate and the expected rate of energy costs, which currently operates as a significant disincentive to the pursuit of long-term savings.

Most importantly, DRA must also recognize that the Commission has reduced the budget for some of the IOUs' most cost-effective measures, while setting an aggressive TRC target of 1.5. This essentially requires that the IOUs balance the amount of long-term savings and short-term savings in their current portfolio, as long-term savings, which are significantly discounted, restrict the IOUs' ability to meet the Commission's TRC target. As such, DRA's comment that the IOUs are unable to manage market transformation strategies is without merit. The IOUs have successfully balanced market transformation strategies in conjunction with energy saving programs that deliver benefits to California in the near-term.

Question 4.2: Macro Consumption Metrics

A. The NRDC supports and encourages exploration of Macro Consumption Metrics as a supplement to, but not replacement of, the current energy and demand saving metrics. Do parties agree with NRDC?

a. If Macro Consumption Metrics cannot replace current impact evaluation practices, do they offer other benefits?

b. The NRDC suggests Macro Consumption Metrics are necessary to “help inform progress towards the state’s objective to limit greenhouse gas emissions.” However, SCE argues that converting existing energy savings metrics to GHG emission reductions is sufficient to accomplish the same goal. Which perspective is most valid?

Reply: The majority of parties recommend that Macro Consumption Metrics should be explored as a supplement to, but not a replacement for other evaluation metrics. PG&E agrees.

B. Do parties agree with PG&E’s suggestion that the inherent limitation of Macro Consumption Metrics is that “factors outside of the energy efficiency arena could skew the perceived effect of the energy efficiency programs themselves?”

a. Is it possible to control for factors like economic activity or electrification of transportation such that the impact of energy efficiency is more evident?

b. Would the availability of certain data strengthen Macro Consumption Metrics? If so, what data, if any, would improve the reliability of econometric evaluations?

C. Would the addition of a Macro Consumption Metric comparable to that suggested by Horowitz, or other approaches, provide more certain measures of the aggregate impact of California's energy efficiency policies than is available through existing EM&V?

D. Would the addition of a Macro Consumption Metric comparable to that suggested by Horowitz, or other approaches, provide evaluation results more quickly than existing EM&V?

Reply: Most parties agree with PG&E's suggestion that the inherent limitation of Macro Consumption Metrics is that "factors outside of the energy efficiency arena could skew the perceived effect of the energy efficiency programs themselves." Parties have advanced different opinions as to whether and how effectively it is possible to control for extraneous factors such that the impact of energy efficiency is more evident. PG&E again recommends that it is appropriate to engage experts in this area to present their opinions on the strengths and limitations of Macro Consumption Metrics, so that the stakeholders and the Commission can make an informed decision as to whether, and how best to develop and implement such metrics. In addition, several parties recommend that such metrics be tested on a pilot basis before making a final determination to adopt and implement them. PG&E agrees with this approach.

Question 4.3: EM&V Beyond California

A. Parties suggest California establish a working group of evaluation practitioners and users to explore best practices for California and facilitate increased collaboration. What form would this working group take?

- a. What should be the responsibilities of such a group?*
- b. Who should lead the effort?*
- c. What would be the group's relationship with the Commission?*
- d. How should the Commission use the group's recommendations?*

Reply: The majority of parties agree that establishment of a working group to act in an advisory capacity to the Commission on evaluation issues is a key part of facilitating increased collaboration. PG&E and SCE both commented that establishment of this working group should be the

Commission's top priority in this decision as several of the technical and policy issues raised in both the May 21 and current ACRs could be appropriately discussed and resolved through such a working group.

Despite the stated goal of increasing collaboration, TURN recommends that the working group include only representatives from the CEC and ED's staff and consultants—not from the IOUs. PG&E disagrees with this recommendation. PG&E can see no logical reason to exclude the IOUs from an advisory working group—the very point of which is to increase collaboration between implementer and regulator. The strength of the group is that it provides a forum for stakeholders and industry experts, many of which may have differing points of view on issues, to discuss issues, find common ground, and work toward advisory recommendations on ongoing evaluation issues before they become contentious. Excluding the IOUs from such a group makes little sense in PG&E's opinion. In addition, many parties agree that the group should be independent from the Commission run by an independent entity, not Energy Division. PG&E agrees.

Question. 4.4: Experimental Design

A. D.10-04-029 adopted a policy to measure and count savings from “comparative usage programs” using experimental design. OPower suggests that there may be an expanded role for experimental design in California’s energy efficiency evaluation framework. OPower admits that experimental design cannot be used for every energy efficiency initiative, but argues that it should be the preferred initiative when practical.

a. Could and should experimental design be practically applied to energy efficiency initiatives beyond comparative usage programs?

b. Would experimental design be an appropriate methodology to measure the impact of each of the 12 statewide programs approved in D.09-09-047? Please delineate between the subsets of each statewide program as necessary, and indicate which subset would be well served by experimental design.

Reply: The majority of parties commented that while experimental design is appropriate for evaluation of some programs, it is generally not appropriate for use in measuring the 12 statewide programs. PG&E agrees with NRDC's recommendation that the Commission should not modify EM&V study design based on these party comments alone. PG&E agrees that the Commission

should first seek input from evaluation and industry experts before making further determinations that experimental design is or is not appropriate to evaluate particular programs.

Question 4.5: Market Transformation

A. D.09-09-047 directed the Commission’s Energy Division to develop market transformation metrics, a process which is currently underway. Most parties agree that the Commission needs to do more to measure progress in achieving market transformation. Do parties agree with DRA’s suggestion that the Commission should adopt market transformation metrics already developed by the NEEA?

a. Are there available best practices from NEEA that should be adopted by California? Please be specific.

b. What would be the primary challenges in adopting market transformation metrics from NEEA? What strategies could be applied to overcome such challenges?

Reply: The IOUs and NRDC agree that the Commission should not adopt an entire methodology to define and measure market transformation through submission of the parties’ comments alone. These parties urge the Commission to seek input from qualified EM&V consultants, experts, and/or the EM&V working group before coming to resolution on this issue. In addition, both PG&E and SCE have commented that the actual NEEA metrics have not been included in party comments or in the ACR. Parties should have the opportunity to review the precise metrics upon which DRA bases its highly detailed recommendations before the Commission reaches a final decision on this issue.

PG&E has had the opportunity to review the materials DRA attached to its comments, as well as some other general NEEA materials and offers the following initial observations about NEEA and its potential applicability to California. NEEA’s structure does not appear to align precisely with that of California and therefore, wholesale adoption of its market transformation metrics based solely on DRA’s attachment is not appropriate. For example, based on the materials provided by DRA, the governance and decision making processes of NEEA appear to differ from those in California. NEEA is governed by a “representative Board” that includes public and private utilities, state governments,

private interest groups, as well as “oversight by State Utility Commissions.”⁵ As such, the metrics are developed and implemented by what appears to be more like the independent working group discussed in these comments as opposed to a single, regulatory entity such as the CPUC.

In addition, wholesale adoption of such metrics would not necessarily establish a common, agreed-upon definition of market transformation, nor would it establish what action is appropriate once a market is deemed transformed. In its comments, DRA discusses the concept of the “tipping point” after which no more subsidies are required in a given market. DRA’s attachments do not explain how to determine when this “tipping point” has been reached. Nor do they support the proposition that when indicators show a market is evolving, no more market intervention is required. In fact, the graphs in DRA’s attachments suggest that intervention in the market continues well after adoption rates begin rising as a result of the evolution of a market.⁶ This is also evident from the fact that despite claiming the CFL market is “transformed,” NEEA continues to perform CFL purchase research for 2010-14.⁷

DRA’s presentation regarding NEEA’s metrics raises some interesting questions, but provides no definitive answers regarding the determination that a market is transformed, how to determine whether additional market intervention is required, or how the NEEA metrics fit within California’s regulatory scheme. These concepts may be worthy of further discussion with evaluation experts and NEEA representatives in a workshop setting, where precisely such issues can be addressed. However, PG&E does not support adoption of metrics that it has not yet had a chance to review in detail, based on submission of these written comments alone.

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⁵ *Division of Ratepayer Advocates’ Comments in Response to the Assigned Commissioner’s Ruling Posing Questions in Response to Parties’ Comments* (DRA Comments), Attachment 1, slide 2.

⁶ See. e.g., DRA Comments, Attachment 1, Slide 19

⁷ *Id.* at Attachment 1, Slide 32

Question 4.6: EM&V Needs and Activities of the CEC

A. D.08-07-047 sets interim energy efficiency savings goals for 2012 through 2020 for electricity and natural gas on a Total Market Gross (TMG) basis. The TMG goals encompass forecasted energy savings from a wide range of energy efficiency activities beyond investor-owned utility (IOU) programs. Can existing EM&V practices adequately determine the impact of energy efficiency initiatives beyond the Commission’s energy efficiency programs (i.e., compliance with codes and standards)? If not, should this capability be added and how?

a. If the Commission’s EM&V should measure energy efficiency initiatives beyond its own programs, how should such activities be coordinated with the CEC?

Reply: Most parties agree that current EM&V processes are not sufficient to determine the impact of energy efficiency initiatives beyond the Commission’s programs. In addition, most parties agree that the Commission should engage the CEC in this discussion. Although not a party to this proceeding, the CEC has submitted comments responding to the questions in the ACR. The Commission should invite CEC representatives to participate in discussion of these issues in a workshop setting.

B. Parties note that EM&V impact evaluations, as well as other parts of the current EM&V framework need to provide support for long-term demand forecasts, such as those prepared by the CEC, and used in the Commission’s long-term procurement planning. Should IOUs be directed, and funded through EM&V, to develop disaggregated demand forecasting models that more directly allow energy efficiency program impacts to be included in long-term forecast models?

a. Are there additional analytical efforts which could be undertaken to better support the integration of projected energy savings into California’s demand forecasts?

Reply: PG&E agrees with each of the parties who recommend that the IOUs be funded to engage with the CEC and participate in its demand forecasting model. PG&E believes this will be the most effective use of ratepayer funds as it leverages the ongoing work undertaken by the CEC and satisfies the goal set forth by the CEC in its comments that “the IOUs are able to contribute meaningfully in quantifying energy efficiency impacts affecting demand analysis prepared during the biennial IEPR process.”⁸

⁸ July 16, 2010 letter from California Energy Commission to Commissioner Grueneich, p.8.

V. CONCLUSION

PG&E appreciates the opportunity to submit these comments. PG&E reiterates its recommendation that prior to adopting specific technical and/or policy-oriented reforms, the Commission (1) hire a contractor to conduct a comprehensive review of EM&V institutions and frameworks; (2) set the structure for the 2013-15 energy efficiency programs including issues of cost-effectiveness, goal setting and coordination with the incentive proceeding, and determine if the Strategic Plan will be updated; and (3) engage a broad coalition of interested stakeholders in a workshop-style process to discuss policy and technical issues and make further recommendations to the Commission in light of the decisions made with respect to the 2013-15 programs.

Respectfully submitted,

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CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On July 23, 2010, I served a true copy of:

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 M)
TO ASSIGNED COMMISSIONER'S RULING**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **R.09-11-014** with an email address.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **R.09-11-014** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on July 23, 2010.

/s/
ANNABEL STRIPLIN

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THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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