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Subject: Tuesday am call- PFM

All-

Below is an updated list of items the IOUs expect to file as part of their upcoming Petition for Modification, for discussion on tomorrow's 8am conference call.

1. Modify IOU benchmarking requirements.

The Decision should be modified to recognize that:

- IOU benchmarking requirements should align with the California Energy Commission's (CEC) developing regulations, including exclusive promotion of the ENERGY STAR® Portfolio Manager (ESPM) tool currently required by Assembly Bill (AB) 1103 and implementation of a phased in approach targeting larger facilities first.
- Benchmarking is a customer-driven process (i.e., IOUs cannot unilaterally benchmark buildings), and as such, IOUs cannot be held responsible to benchmark all facilities touched by

the Commercial Energy Efficiency Program, Savings by Design, and government buildings and facilities, as currently required in the Decision.

- Benchmarking is a “whole building” activity under ENERGY STAR® Portfolio Manager (ESPM), meaning “carve outs” within buildings, or portions of buildings, by definition cannot be benchmarked under this system.
- Active IOU promotion of benchmarking (as set forth in Appendix B) through training, marketing, and support to customers as well as support of AB 1103 development, automated data transfer, and regular reporting on benchmarking progress constitutes IOU benchmarking compliance.
- The numerical targets for benchmarking commercial and institutional buildings (e.g., 50,000 buildings) are aspirational.
- Data confidentiality standards related to customer benchmarking data must be standardized and clearly defined.

2. Adopt a reporting process for limited statewide program variations between IOUs to allow flexibility for appropriate regional and IOU differences.
3. Clarify that sponsorships for energy efficiency events or activities that directly promote programs or partnerships (as opposed to solely providing company-specific recognition) are considered allowable costs.
4. Clarify that the \$1,000 performance bonus mandated by the Decision for the California Advanced Homes Program (CAHP) applies only to single family units or that a more appropriate incentive be offered for multi-family units.
5. Modify the requirement that the new statewide brand be used alone or in a co-branded capacity such that for statewide brand marketing, the new statewide brand should be used alone; for IOU-specific programs, the IOU brand should be used alone or co-branded with the statewide brand. The Commission should also allow the statewide brand's alignment to the integrated communications plan timeline to be developed by the statewide ME&O implementer. This direction should apply for all programs being funded by EE ratepayer funds.
6. Clarify that each specific collaboration the Commission intends the IOUs undertake for energy efficiency activities is specially addressed by the Commission in order that the IOUs will have the benefit of the State Action Doctrine as a defense against anti-trust claims.
7. Clarify Which Ex Ante Assumptions Are Frozen For The 2010-2012 Program Cycle.

We look forward to further discussion tomorrow.

Thanks,

Alyssa Cherry
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"The reward of a thing well done is to have done it." - Emerson