

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

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternative Rates for Energy and Programs and Budget (U 39 M).	Application 08-05-022 (Filed May 15)
Application of San Diego Gas & Electric Company (U 902 M) for Approval of Low-Income Assistance Programs for Program Years 2009-2011.	Application 08-05-024 (Filed May 15)
Application of Southern California Gas Company (U 904 G) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009-2011.	Application 08-05-025 (Filed May 15)
Application of Southern California Edison Company (U 388-E) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009, 2010, and 2011.	Application 08-05-026 (Filed May 15)

**NOTICE OF *EX PARTE* COMMUNICATION**

Pursuant to Rules 8.3 and 8.5 of the Commission's Rules of Practice and Procedure, The Association of California Community and Energy Services (ACCES), the East Los Angeles Community Union (TELACU), and the Maravilla Foundation (Joint Parties), hereby give notice of the following *ex parte* communication. The communication was verbal and took place on Thursday, October 7, 2010 from approximately 3:30 p.m. to 4:30 p.m. at the offices of California Public Utilities Commission. The meeting was requested by Sempra Utilities.

Present at the meeting were:

Kelly Hymes, Advisor to Commissioner Grueneich

Rick Hobbs, Sempra Utilities

Pedro Villegas, Sempra Utilities

Kathy Wickware, Sempra Utilities  
Joy Yamagata, Sempra Utilities

James Hodges, Joint Parties  
Michael Lizarraga, TELACU  
Richard Villasenor, ACCES

Ron Garcia, Reliable Energy  
Allan Rago, Quality Conservation Services, Inc

Participating by phone was Melissa W. Kasnitz, Disability Rights Advocates

In the meeting the Joint Parties and Sempra representatives expressed their concerns about the recent Proposed Decision. These concerns are summarized in the attached handouts.

Copies of this Notice may be obtained by contacting James Hodges @ (916) 451-7011 or [hodgesjl@surewest.net](mailto:hodgesjl@surewest.net).

Respectfully submitted,

October 11, 2010



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The Maravilla Foundation

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## **DisabRA's Position on Petition to Modify Decison**

### **D.08-11-031: Ordering Paragraph 31**

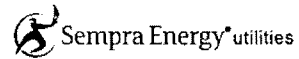
31. We will allow IOUs to count customers they enroll in LIEE as a result of leveraging with CBOs that serve the disabled community, or with the DDTP, toward the 15% annual disabled enrollment goal. IOUs may also count customers who voluntarily self-identify as disabled or whom the IOUs enroll from the Medical Baseline program, but should not ask customers whether they are disabled. Rather, the IOUs may count as disabled persons who voluntarily describe themselves as having a disability, persons who have an observed disability such as a mobility, vision or hearing disability, and persons who use TTY/TDD or request accessible formats of written materials (*i.e.*, large print and/or Braille).

#### **Key Concerns for DisabRA**

- DisabRA strongly supports the 15% enrollment goal of D.08-11-031.
- DisabRA believes that it is inappropriate to put customers on the spot by asking them if they have a disability in a situation where they feel compelled to provide an immediate response.
- DisabRA believes that many people with disabilities will chose to self-identify if they understand that they may obtain a benefit through such self-identification, and if they have the opportunity to consider whether they believe it is preferable to self-identify rather than remain silent.

#### **Recommendation**

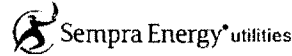
- Sempra worked diligently with DisabRA to develop methods of inviting customers to self-identify as disabled without creating situations where they feel compelled to respond if they prefer to maintain privacy. We believe that an appropriate balance is created by clarifying that it is inappropriate to inquire about disability status during direct communications in any format, but it is acceptable to provide an opportunity for customers to self-identify (labeled as voluntary) in the context of requests for information that a customer can consider at his or her own speed.
- By clarifying that a utility may invite customers to self-identify as disabled if they so choose, and specifying how this can be done in an appropriate manner, the Commission can provide the utility with a tool to meet the 15% enrollment goal; this would also enhance the utility's ability to track disabled customers for other customer services and protections.



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Petition to Modify  
D.08-11-031  
Low Income Energy Efficiency

October 7, 2010



# #1 Natural Gas Appliance Testing (NGAT) Memorandum Accounts

•LIEE D.08-11-031 significantly increased # of homes to be NGAT-treated and costs beyond TY2008 GRC # of homes to be NGAT-treated and authorized funding in D.08-07-046. This increase could not have been foreseen by the Settling Parties in the GRC decision.

	TY 2008 GRC # of Homes to be NGAT Treated Annually D.08-07-046	TY 2008 GRC Annual Funding D.08-07-046	LIEE # of Homes to be NGAT Treated Annually D.08-11-031	Percentage Increase in # of Homes to be Treated Annually	Estimated Annual NGAT costs
SDG&E	8400	\$ 300,000	15,288	82%	\$ 535,000
SoCalGas	45,000	\$ 1,592,500	120,083	164%	\$ 4,200,000

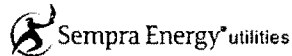
- The Joint Utilities requested that the Commission:
  - (1) Find that GRC funding in D.08-07-046 is insufficient to meet a more than doubling of NGAT requirements in D.08-11-031, and
  - (2) Establish memorandum accounts to **track** these unanticipated costs to litigate recovery **in its 2012 GRC.**

\* The GRC settling parties are DRA (SDG&E) and DRA/TURN (SoCalGas).

## #1 The PD Misstates the Request for NGAT Memorandum Accounts

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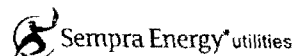
- The Joint Utilities do not re-argue, as misstated in the PD, previous decisions concluding that “despite the close ties between NGAT and LIEE, NGAT is not an appropriate expenditure for LIEE funds and we refuse [the utility’s] request.” PD, p.3-4.
- The Joint Utilities accept that NGAT is “a basic utility service” whose “funding shall be from general rates and not the LIEE program.” D.08-11-031, OP 65
- The Joint Utilities are not requested, as alleged in the PD, NGAT funding in LIEE D.08-11-031.
- Rather, the Joint Utilities are requesting a memo account to pursue an unanticipated *more than doubling* of NGAT treated homes by the CPUC per D.08-11-031 **in GRC funding**. A memo account is need to **pursue recovery in “general rates”** of these unexpected costs.



## #2 Disabled Customer Outreach and Self-Identification

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- LIEE D.08-11-031 requires IOUs to increase disabled household enrollments in 2009-2011 to 15% of new LIEE enrollments annually.
- D.08-11-031 states that utilities “should not ask customers if they are disabled, but instead allow customers with disabilities to voluntarily self-identify.” OP 31
- Per DisabRA’s, intent of OP31 is to prevent IOUs from asking customers if they are disabled during a direct communication where a customer may feel pressured to make an uncomfortable or potentially embarrassing revelation.
- OP 31 has inadvertently stymied utility outreach to disabled customers that do not always self-identify or are not always obvious.
- SCG/SDGE proposes and DisabRA supports instead to place an optional and voluntary question on written customer communications that allows disabled customers to self-identify.

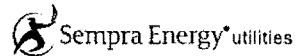


## #2 The PD Fails to Best Serve the Interests of Disabled Ratepayers

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- The PD denies the requested relief:
  - “We do not need to specify each and every method and/or question that may be employed... to secure such information” PD, p.5
  - The request is “untimely” and “should wait till the imminent next set of LIEE budget applications” PD, p.5.
- SoCalGas/SDG&E will not meet its goal of reaching 15% penetration of LIEE with customers self-identifying as disabled without this relief.
- Observation of a disability is not an accurate nor reliable measure to account for this 15% goal.
- The PD would deliberately and unnecessarily deny the Joint Utilities an important tool to provide LIEE services to greater numbers of disabled ratepayers for at least a full year, a full third of the program cycle.*

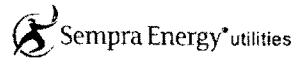




## #3 Customized Audits and Rewards

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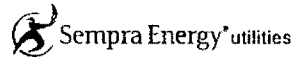
- Customized audits/rewards are intended to promote individual measures that deliver the highest savings potential and to reward customers for continuing energy savings based on customer energy usage.
- Originally, Energy Division provided guidance on customized audits/rewards, which was filed by SoCalGas/SDG&E prior to the CPUC's shift of direction toward "whole house".
- D.08-11-031 instead directed IOUs to pursue a "whole house approach" that installs all feasible measures. The "whole house approach" is inconsistent with promoting selective individual measures under the customized audit and rewards model.
- SCG/SDGE propose elimination of the LIEE customer audits/rewards program component.
- SCG/SDGE instead propose to use audits/rewards funds to provide additional customers with additional measures (weather stripping, caulking, etc) captured by the "all feasible approach" but that were previously excluded from the selective customized audits/rewards approach.



## #3 The PD Deliberately Denies Optimal Use of Funds for Additional LIEE Measures to Additional Customers

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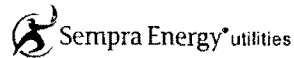
- The PD provides no concrete reason for denial of this request, other than stating that “We do not find this request persuasive,” that the utilities “have some discretion to seek fund shifting,” and that the request is untimely. PD, p.7
- The PD completely fails to address the need to resolve a clear contradiction in Commission policy whose correction as requested in the PFM would shift program funds to productive use that benefits LIEE customers.*
- Utility “discretion” is insufficient authority to eliminate a contradictory program, as requested by the utilities.
- The PD could just as easily granted a simple and productive remedy to a policy contradiction that would instead authorize the provision of more services to more LIEE customers. *LIEE customers are not at all well-served by this PD.*



## #4 Adding Omitted Measures and Furnace Clean/Tune

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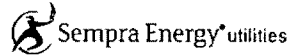
- 4A. SCG/SDG&E inadvertently omitted measures (i.e. furnace clean and tune, attic insulation and air sealing measures) for certain climate zones and dwelling types from their LIEE/CARE applications, although they met the 0.25 cost-effectiveness threshold or addressed customer health, comfort and safety issues.
- 4A. SCG suspended these LIEE offerings in early 2010. SDG&E continued limited offering for purposes of customer health, comfort, and safety.
- 4B. SCG/SDG&E believe that Furnace Clean/Tune should be added to LIEE under the same customer health & safety rationale and cost-effectiveness treatment as other customer quality-of-life measures that fail the LIEE cost-effectiveness test.
- 4B. *Many SoCalGas customers will not qualify for Furnace Clean/Tune if the measure is left as part of Furnace Repair and Replacement. They will then fail the three measure minimum rule. These homes will be bypassed. This is a safety issue.*
- SCG/SDG&E request the: (1) inclusion of the inadvertently omitted measures to LIEE offerings, and (2) inclusion of the Furnace Clean/Tune program to LIEE offerings.



## #4 The PD Will Turn LIEE Customers Away

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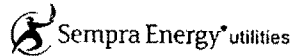
- The PD refuses the request to add inadvertently omitted measures as “inefficient” and “untimely”.
- The PD will needlessly turn away LIEE customers seeking these measures for at least a full year, a full third of the program cycle, before these measures can potentially be added back to authorized measures beginning in 2012.*
- SoCalGas will NOT meet its 2009-2011 LIEE goal without this relief. Many homes will be bypassed.



## #5 Correcting Furnace Repair & Replacement Aggregation

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- D.09-06-026 allows installation of one or two measures if the measure or measures combined achieve energy savings of 25 therms annually, per Attachment G to D.08-11-031.
- Under D.08-11-031 in Attachment G, furnace repair/replacement and furnace clean/tune energy savings are aggregated into a single measure - Furnaces. No savings were attributed to each measure individually. Resulting in furnaces appearing to meet the requirements of a stand alone measure (25 therms/unit).
- If disaggregated, furnace repair/replacement and furnace clean and tune would each show a savings per unit of approximately 2 therms (SCG) and 1 therm (SDG&E).
- SCG/SDGE request replacing the Revised Attachment in G D.09-06-026 with the newly revised attachments to reflect the disaggregation of furnace repair/replacement measures and savings from furnace clean/tune measures and savings.



## #5 The PD Fails to Provide LIEE Service Equally to Customers

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- The PD refuses to grant the requested relief based on a difference in terminology among the utilities between “furnace clean and tune” and “furnace repair and replacement”.
- The reality for customers is keeping the measure bundled presents the opportunity for customers to not qualify for ANY treatment if they do not qualify for the larger “furnace repair and replacement measure.”

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the Commission's Rules of Practice and Procedure, that I have this day served a true copy of the "Notice of *Ex Parte* Communication" of The Association of California Community and Energy Services, The East Los Angeles Community Union, and the Maravilla Foundation

[X] By first class U.S. mail, postage prepaid, to the Administrative Law Judge assigned to this proceeding, to the Assigned Commissioner, and to all parties listed with no e-mail address on the official service list referred to below.

AND

[X] By Electronic Mail – serving the enclosed via e-mail transmission to each person the application lists as being authorized to receive service and to those on the consolidated service list of A08-05-022, A08-05-024, A08-05-025, and A08-05-026.

Dated at Sacramento, California this 11<sup>th</sup> day of October, 2010.



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California Public  
Utilities Commission

CPUC Home

## CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

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**PROCEEDING: A0805022 - PG&E - FOR APPROVAL**  
**FILER: PACIFIC GAS AND ELECTRIC COMPANY**  
**LIST NAME: LIST**  
**LAST CHANGED: OCTOBER 8, 2010**

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