

**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)**

**PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS
ON THE PROPOSED DECISION ON EVALUATION, MEASUREMENT, AND
VERIFICATION OF CALIFORNIA UTILITY
ENERGY EFFICIENCY PROGRAMS**

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October 18, 2010

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I. INTRODUCTION

Pursuant to California Public Utilities Commission (CPUC or Commission) Rule of Practice and Procedure 14.3, Pacific Gas and Electric Company (PG&E) comments on the September 28, 2010 Proposed Decision on Evaluation, Measurement, and Verification of California Energy Efficiency Programs (PD).

PG&E supports the Commission’s efforts to examine the Evaluation, Measurement and Verification (EM&V) framework for Energy Efficiency (EE) programs to ensure that effective and reliable methodologies are in place to further California’s ambitious energy and climate change objectives. In particular, PG&E supports the Commission’s stated objective of this EM&V review — “to prepare for the 2013-2015 energy efficiency program cycle by updating our energy efficiency EM&V and ensuring effective EM&V of resource objectives and progress in achieving the goals of the strategic plan.”^{1/} To ensure consistency with this stated objective, the Commission should adopt the following revisions to the PD:

^{1/} PD at p. 26.

- The EM&V plan should be issued in time for the Investor-Owned Utilities (IOUs) to incorporate the findings of the EM&V plan into their planning for the 2013-2015 cycle, as opposed to concurrently with the submission of program applications.
- The PD should order the Commission’s Policy and Planning Division (PPD) to hold workshops to address issues related to cost-effectiveness and energy efficiency potential, coordination of the EM&V plan with the Risk-Reward Incentive Mechanism (RRIM) proceeding [R.09-01-019]; setting the goals for the 2013-2015 EE program cycle, and other technical and procedural evaluation issues, as discussed in the parties’ comments in this proceeding. In particular, PPD should hold a preliminary procedural workshop within 30 days of the final decision in this proceeding in order to ensure that the Commission and interested parties have appropriate resources and are able to stay on track for key milestones and decisions.

In addition, the Commission should revise the PD to address technical errors and outstanding issues related to aspects of the proposed EM&V review including the following:

- Applying experimental design methodologies to evaluate the Whole House Program may be a flawed approach as establishing a proper control group may not be achievable. The Commission should direct the parties to explore its potential application in the workshop addressing the scalability of experimental design rather than order Energy Division staff to report out to parties through the workshop series the status of its application.
- The Commission should order that any customer usage data provided by the IOUs to Energy Division to support the Total Energy Consumption Pilot shall be accorded the full procedural protections of Public Utilities Code Section 583 and General Order 66-C, and that such data shall not be released to third parties without prior notice to, and consent of, the IOUs and execution of a Non-Disclosure Agreement (NDA) that adequately addresses the confidential and proprietary nature of such data.
- The PD’s proposed new method of assigning EE attribution is flawed as it does not further the stated purpose of resource planning through an understanding of total market gross load impacts.

II. COMMENTS ON THE PROPOSED DECISION

A. THE EM&V PLAN SHOULD BE ISSUED PRIOR TO SUBMISSION OF THE 2013-2015 ENERGY EFFICIENCY PROGRAM APPLICATIONS.

The Commission should revise Ordering Paragraph (OP) 11 of the PD regarding the timing of Energy Division’s issuance of the EM&V plan to be consistent with the EM&V review’s stated objective of “prepar[ing] for the 2013-2015 energy efficiency program

cycle.” The PD currently calls for issuance of the plan at the same time the IOUs submit their applications for the 2013-2015 EE program cycle.^{2/} To further the stated objective of the EM&V review, the Commission should order Energy Division to serve the EM&V plan in time for the IOUs to incorporate its findings into their planning for the 2013-2015 program cycle, as opposed to after the portfolios have already been designed and the applications have been submitted.^{3/} This will allow for more efficient planning of the portfolios and prevent the need for multiple submissions of the IOUs’ program applications. As such, OP 11 of the PD should be revised as follows^{4/}:

~~11.~~ 12. Energy Division shall serve the 2013-2015 Energy Efficiency Plan ~~at the same time~~ no later than 3 months prior to the time set by the Commission for the IOUs to file their 2013-2015 portfolio applications.

In its March 15, 2010, *Response To Administrative Law Judge’s Ruling Setting Prehearing Conference* (PG&E Prehearing Conference Proposal), PG&E proposed a schedule for the EM&V review to support planning and implementation of the 2013-2015 EE Portfolio Applications. That proposed schedule contemplated IOU submission of their 2013-2015 program applications in December of 2011.^{5/} Based on that schedule, Energy Division should serve the EE EM&V Plan no later than September 1, 2011.

PG&E updates the 2013-2015 EE portfolio planning schedule that it submitted on

^{2/} PD at OP 11 (“Energy Division shall serve the 2013-2015 energy Efficiency Plan at the same time IOUs file their 2013-2015 portfolio application”).

^{3/} This is consistent with PG&E’s prehearing proposal where it recommended that the EM&V review be completed and all issues resolved in time to incorporate findings into planning the 2013-2015 portfolio. *See Pacific Gas And Electric Company’s (U 39 M) Response To Administrative Law Judge’s Ruling Setting Prehearing Conference*, p.5, filed March 15, 2010 (“PG&E Prehearing Conference Proposal”); *see also Comments Of San Diego Gas & Electric Company (U 902 M) And Southern California Gas Company (U 904 G) Regarding Administrative Law Judge’s Ruling Setting Prehearing Conference*, p. 4.

^{4/} Note that OP 11 has become Proposed OP 12 due to the proposed addition of an additional ordering paragraph, discussed in Section II. B.

^{5/} PG&E Prehearing Conference Proposal, p. 5.

March 15, 2010 to reflect the time interval from the portfolio implementation date in addition to the hard dates previously proposed. [Note: based on this schedule the cost effectiveness decision is already overdue.]

PG&E'S PROPOSED SCHEDULE FOR 2013-2015 EE PORTFOLIO		
	Date relative to Program Implementation Date (T)	Date Assuming January 1, 2013 Implementation
Cost-Effectiveness Decision	T minus 30 months	July 2010
Goals Decision	T minus 25 months	December 2010
Update California Long-Term Strategic Plan	T minus 22 months	March 2011
RRIM Finalized in Concurrent, Separate Proceeding	T minus 21 months	April 2011
EM&V Policies and Procedures Decision (EM&V Plan)	T minus 18 months	July 2011
Utility Develops EE Programs for Filing	T minus 14 to 17 months	Aug – Nov 2011
IOU Application Filed	T minus 13 months	December 2011
EE Program Final Decision	T minus 6 months	July 2012
EE Program Implementation Preparation	T minus 3 months	Oct-Dec 2012
EE Program Implementation Start	T	January 1, 2013

B. THE PROPOSED DECISION SHOULD ORDER WORKSHOPS ON OTHER RELEVANT EM&V PLANNING ISSUES ALREADY IDENTIFIED IN PARTIES' COMMENTS.

The PD states that “[c]omments and workshops in this proceeding may not have identified all relevant EM&V issues that need to be addressed in preparing the 2013-2015 EM&V Energy Efficiency Plan.”^{6/} Therefore the Commission has authorized the PPD to use the workshop series to address such issues.^{7/} In particular, Conclusion of Law No. 8 states that “[i]t is reasonable for PPD to utilize the EM&V workshop series ordered herein to identify and address issues which require further stakeholder consideration.”

^{6/} PD, Conclusion of Law 6.

^{7/} PD, Conclusion of Law 8.

PG&E strongly supports the Commission’s decision to “[p]rovide a forum for the airing of additional EM&V issues as necessary.”^{8/} In their respective comments, parties have, in fact, already identified certain, specific, additional EM&V issues, relevant to planning their 2013-2015 EE programs and application, which are not addressed in the PD. In addition to the general authority the Commission grants the PPD to identify and address further relevant issues, the Commission should order that the PPD hold workshops on the issues that have already been identified by stakeholders as critical to planning their 2013-2015 EE portfolios.

In the prehearing proposals, parties identified important issues that should be included within the comprehensive EM&V review, and resolved before planning the 2013-2015 portfolios.^{9/} These include:

- Cost effectiveness issues - Examination of the current cost-effectiveness framework and avoided cost assumptions to be used in determining the amount of available cost-effective EE potential.
- Goals - Setting attainable goals for the 2013-15 EE program cycle in coordination with program cycle planning.
- RRIM - Coordination with the concurrent RRIM proceeding to establish and finalize a RRIM for the 2013-15 EE program cycle. The RRIM structure impacts portfolio operation and implementation, as well as the appropriate approach to EM&V to ensure a sufficient precision to satisfy the needs of program administrators and other interested parties. The lack of an established RRIM prior to program and EM&V planning greatly increases the likelihood of contention and conflict over subsequent EM&V results and may require costly, sub-optimal mid-course alterations to EM&V plans.

^{8/} PD at p. 40.

^{9/} PG&E Prehearing Conference Proposal, pp. 4-5. *See also Comments Of San Diego Gas & Electric Company (U 902 M) And Southern California Gas Company (U 904 G) Regarding Administrative Law Judge’s Ruling Setting Prehearing Conference*, p. 4; *Southern California Edison Company’s Proposal (U 338-E) In Response To Administrative Law Judge’s Ruling Setting Prehearing Conference*, p. 4.

- Technical and Procedural Aspects of Impact Evaluations - Through the workshop series, the Commission should adopt a technical protocol for final measurement and evaluation of EE programs that, at a minimum, should provide for application of uniform evaluation methodologies, concrete timelines and milestones, protocols for provision of supporting data, sufficient time for comprehensive analysis of findings, and a mutually agreed upon dispute resolution procedure. The Commission should also assemble a technical team, comprised of representatives from Energy Division, the IOUs and industry experts, to review impact evaluations (or any other applicable evaluation format) to make final determinations as to the amount of savings achieved pursuant to the established protocol.

The PD focuses mainly on exploring potentially new methodologies for evaluation (i.e., the scalability of experimental design, and the Total Energy Consumption Pilot).

However, it does not address many technical and procedural issues related to more traditional aspects of EM&V and impact evaluations that may remain as part of the evaluation of the overall success of EE programs in the next cycle. Consistent with the Commission's directive to provide a forum for airing additional EM&V issues as necessary, the Commission should order that the PPD hold workshops addressing those issues and should amend the PD to include the following, additional Ordering Paragraph:

11. To support planning of the 2013-2015 EE Portfolio Applications, the PPD shall hold workshops within the EM&V workshop series addressing issues identified in parties' Responses To Administrative Law Judge's Ruling Setting Prehearing Conference, including:

- Examination of the current cost-effectiveness framework and avoided cost assumptions to be used in determining the amount of available cost-effective EE potential;
- Setting attainable goals for the 2013-15 EE program cycle;
- Coordination with the concurrent RRIM proceeding to establish and finalize a RRIM for the 2013-15 EE program cycle;
- Technical measurement and evaluation protocols and methodologies, and other administrative procedures for performing, presenting, and reviewing impact consistent with improving portfolio performance in cycle evaluations.

C. THE PD SHOULD CLARIFY THAT STAKEHOLDERS SHOULD EXPLORE WHETHER APPLICATION OF EXPERIMENTAL DESIGN METHODOLOGY TO EVALUATION OF THE WHOLE HOUSE PROGRAM IS MORE ACCURATE THAN COLLECTION OF SITE-SPECIFIC DATA.

The PD directs Energy Division “to assess how Experimental Design can be used for the EM&V of California’s Whole House Retrofit Program, including the Prescriptive Whole House Program, as suggested by TURN.”^{10/} The PD further directs Energy Division to provide updates regarding “its application of Experimental Design to the Whole House Retrofit Program.”^{11/} This is inconsistent with the Commission’s recognition of the challenges in effectively applying experimental design and the Commission’s directive that the approach warrants further exploration.

Consistent with that directive, through the workshop series, the Commission should explore the general scalability of experimental design prior to its application beyond comparative usage programs as approved in D.10-04-029. PG&E questions the feasibility of the use of experimental design for the Whole House Retrofit Program. Further, given that PG&E is already proposing to collect site-specific data to determine the savings, experimental design for Whole House would be a less accurate measure for the savings than actual site collection. These issues are appropriate for further exploration through the workshop series. The discussion on page 35 of the PD should be modified as follows:^{12/}

In D.10-04-029 we directed Energy Division to develop a protocol to measure and count savings from comparative usage programs using the Experimental Design methodologies found in the EM&V Protocols. That directive is being implemented through the Joint Energy Division/IOU Evaluation Plan for 2010-2012, which includes a review of best practices in this

^{10/} PD at p. 35.

^{11/} *Id.* Please note, however, that the Commission did not order this in a specific ordering paragraph.

^{12/} PD at p. 35 (internal references omitted).

area and the development of a protocol and method for application to behavior based programs. We now direct the Energy Division to prioritize these activities such that the 2013-2015 Energy Efficiency EM&V Plan can benefit from the results. We further direct the Energy Division to assess ~~how~~ whether Experimental Design can be used for the EM&V of California's Whole House Retrofit Program, including the Prescriptive Whole House Program, as suggested by TURN.

Energy Division shall provide stakeholders with regular updates on its review of Experimental Design best practices, its development of a protocol and method for application to behavior based programs, and ~~it's~~ the potential feasibility of application of applying Experimental Design to the Whole House Retrofit Program. These updates should be delivered through the EM&V workshop series. Where practical, the 2013-2015 Energy Efficiency EM&V Plan should rely on Experimental Design to determine program ex post savings.

D. THE COMMISSION SHOULD AMEND ITS ORDER REGARDING IOUS' PRODUCTION OF USAGE DATA TO ENERGY DIVISION TO PROVIDE THAT SUCH DATA SHALL BE ACCORDED THE FULL PROCEDURAL PROTECTIONS OF PU CODE SECTION 583 AND GENERAL ORDER 66-C.

While PG&E supports the EM&V of California's Total Energy Consumption Pilot and EE programs through the provision of usage data, PG&E also is obligated to protect the privacy of its customers and limit the distribution of customer data. PG&E urges the PD to specifically limit the terms of use of data provided to ED (as described on page 33 of the PD) so as to prohibit the public release of such data. The PD should reiterate that the ED is required under Public Utilities Code Section 583 and General Order 66-C to keep such data confidential, and that such data shall not be released to third parties without prior notice to, and consent of, the IOUs and execution of a NDA that adequately addresses the confidential and proprietary nature of such data. Accordingly, PG&E requests that OP 4 should be amended as follows:

4. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall

cooperate fully with Energy Division’s efforts to expedite the Total Energy Consumption Pilot and shall timely provide any energy usage data Energy Division deems necessary. Given the confidential nature of such data, Energy Division shall accord such data the full procedural protections of Public Utilities Code Section 583 and General Order 66-C, and shall not release such data to third parties without prior notice to, and consent of, the IOUs. In addition, prior to any release of such data to a third party, including a contractor for the Energy Division, such third party shall execute a Non-Disclosure Agreement (NDA) that adequately addresses the confidential and proprietary nature of such data.

E. THE COMMISSION’S FOCUS ON ATTRIBUTION DOES NOT FURTHER ITS RESOURCE PLANNING GOAL.

The Commission states that it must consider total market gross load impacts in resource planning efforts.^{13/} PG&E agrees with the goals of coordination and collaboration among other entities who deliver energy efficiency savings. However, in the PD, the Commission does not focus on the relevant subject of attaining its stated resource planning goals—the accurate measurement of total market gross load impacts among these entities. Rather, the Commission rolls out a new proposed method for parsing out attribution of energy savings among these entities—a much more contentious topic, not directly related to its stated resource planning goals. This approach to achieving resource planning goals is flawed and should be revised in the PD.

Determining who is responsible for achieving savings is not directly relevant to the stated resource planning goal. In addition, the Commission’s approach is likely to be even more contentious than the current approach to attribution and inconsistent with its recent directives for inter-agency collaboration and cooperation. Although not entirely clear in the PD, the Commission seemingly proposes to “back-in” to the savings attributable to IOU programs through measuring the accomplishments of other agencies and attributing the

^{13/} PD at p. 39; Conclusion of Law 5.

remainder of energy savings (in a Total Consumption Model) to the IOU programs. This will cause at least as much uncertainty in results as net-to-gross studies. Further it does little to address the inherent limitations of the EM&V process the Commission acknowledges exist or its acknowledgment that Commission policy requires that attribution is applied as effectively as possible.^{14/} Under such a proposal, the CPUC will run into many issues where agencies and the IOUs cooperate and/or where the IOUs could do a significant amount of driving behind the efficiency actions but other agencies are needed to make the final decisions and approvals, as is the case with codes and standards and rising baselines in manufacturing of technologies such as televisions.

Before directing significant resources to implementing a new attribution methodology, the Commission should first order the PPD to use the workshop series to determine whether the attribution question needs to be addressed to support the Commission's stated resource planning goals and if so, how best to study that question.

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^{14/} PD at pp. 29-30; FOF 6; Conclusion of Law 2.

APPENDIX A

PROPOSED REVISIONS TO FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDERING PARAGRAPHS, AND DISCUSSION IN THE PD

PD REFERENCE	PROPOSED REFERENCE	PROPOSED REVISION TO TEXT
Ordering Paragraph 4	Proposed Ordering Paragraph 4	<p>4. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall cooperate fully with Energy Division’s efforts to expedite the Total Energy Consumption Pilot and shall timely provide any energy usage data Energy Division deems necessary. <u>Given the confidential nature of such data, Energy Division shall accord such data the full procedural protections of Public Utilities Code Section 583 and General Order 66-C, and shall not release such data to third parties without prior notice to, and consent of, the IOUs. In addition, prior to any release of such data to a third party, including a contractor for the Energy Division, such third party shall execute a Non-Disclosure Agreement (NDA) that adequately addresses the confidential and proprietary nature of such data.</u></p>
----- (addition to PD)	Proposed Ordering Paragraph 11	<p>11. To support planning of the 2013-2015 Energy Efficiency Portfolio Applications, the PPD shall hold <u>workshops within the EM&V workshop series addressing issues identified in parties’ Responses To Administrative Law Judge’s Ruling Setting Prehearing Conference, including:</u></p> <p><u>Examination of the current cost-effectiveness framework and avoided cost assumptions to be used in determining the amount of available cost-effective energy efficiency potential;</u></p> <p><u>Setting attainable goals for the 2013-15 Energy Efficiency program cycle;</u></p> <p><u>Coordination with the concurrent RRIM proceeding to establish and finalize a RRIM for the 2013-15 Energy Efficiency program cycle;</u></p> <p><u>Technical measurement and evaluation protocols and methodologies, and other administrative procedures for performing, presenting, and reviewing impact evaluations.</u></p> <p><u>The PPD should hold a preliminary procedural workshop</u></p>

PD REFERENCE	PROPOSED REFERENCE	PROPOSED REVISION TO TEXT
		<u>within 30 days of the final decision in this proceeding in order to ensure that the Commission and interested parties have appropriate resources and are able to stay on track for key milestones and decisions.</u>
Ordering Paragraph 11	Proposed Ordering Paragraph 12	12. Energy Division shall serve the 2013-2015 energy Efficiency Plan at the same time <u>no later than 3 months prior to the time set by the Commission for the IOUs to file</u> their 2013-2015 portfolio application.
Discussion – PD p. 35	Proposed Discussion – PD p.35	<p>In D.10-04-029 we directed Energy Division to develop a protocol to measure and count savings from comparative usage programs using the Experimental Design methodologies found in the EM&V Protocols. That directive is being implemented through the Joint Energy Division/IOU Evaluation Plan for 2010-2012, which includes a review of best practices in this area and the development of a protocol and method for application to behavior based programs. We now direct the Energy Division to prioritize these activities such that the 2013-2015 Energy Efficiency EM&V Plan can benefit from the results. We further direct the Energy Division to assess how whether Experimental Design can be used for the EM&V of California’s Whole House Retrofit Program, including the Prescriptive Whole House Program, as suggested by TURN.</p> <p>Energy Division shall provide stakeholders with regular updates on its review of Experimental Design best practices, its development of a protocol and method for application to behavior based programs, and it’s the <u>potential feasibility of application of applying</u> Experimental Design to the Whole House Retrofit Program. These updates should be delivered through the EM&V workshop series. Where practical, the 2013-2015 Energy Efficiency EM&V Plan should rely on Experimental Design to determine program ex post savings.</p>

CERTIFICATE OF SERVICE

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 Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, California 94105.

On **October 18, 2010**, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS
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by electronic mail, or (for those parties without valid electronic mail addresses) by placing it 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:

All parties on the official service list for R. 09-11-014/

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

Executed on **October 18, 2010**.

/s/
Rene Anita Thomas

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
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Last Updated: October 15, 2010

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