

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

Application of Southern California Edison  
Company (U338E) for Approval of its 2009-  
2011 Energy Efficiency Program Plans and  
Associated Public Goods Charge (PGC) and  
Procurement Funding Requests.

And Related Matters

Application 08-07-021  
(Filed July 21, 2008)

Application 08-07-022  
Application 08-07-023  
Application 08-07-031  
(Filed July 21, 2008)

**OPENING COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 M)  
ON PROPOSED DECISION AND ALTERNATE PROPOSED DECISION  
ADDRESSING PETITION FOR MODIFICATION OF DECISION 09-09-047**

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December 6, 2010

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**I. INTRODUCTION**

Pursuant to Article 14 of the California Public Utilities Commission’s Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) hereby submits its Opening Comments on the Proposed Decision of Administrative Law Judge (ALJ) Gamson (PD) and the Alternate Proposed Decision of Commissioner Grueneich (APD) addressing the Petition for Modification of Decision 09-09-047 (Petition) filed jointly by PG&E, Southern California Edison Company (SCE), Southern California Gas Company (SoCalGas), and San Diego Gas & Electric Company (SDG&E) (collectively, the Joint IOUs).

**II. EXECUTIVE SUMMARY**

As described in the “Background” section of the PD and APD, the Joint IOUs requested specific modifications to Decision 09-09-047 (the Decision) related to (1) ambiguity around *ex ante* assumptions; (2) IOU benchmarking requirements to exclusively promote the Energy Star Portfolio Manager (ESPM) tool; (3) co-branding requirements for the new statewide brand; (4)

Prescriptive Whole House Retrofit Program (PWHRP) and Whole House Performance Program (WHPP) requirements; (5) reporting for limited statement program variations among IOUs; (6) sponsorships for energy efficiency events or activities that directly promote programs or partnerships; (7) applicability of the mandated \$1000 performance bonus for the California Advanced Homes Program (CAHP); (8) the specific collaboration intended for energy efficiency activities and its relation to the State Action Doctrine. (PD/APD, pp. 2-3; *see also* Petition, pp. 2-3.) Of these issues, by far the most important for PG&E is the first: removing the ambiguity around *ex ante* assumptions related to Database for Energy Efficient Resources (DEER), non-DEER deemed workpapers, and customized products. (Petition, pp. 3-10.)

For DEER assumptions, both the PD and APD grant the Joint IOUs' request to freeze *ex ante* values based on 2008 DEER version 2.05. (PD/APD, p. 1.) PG&E appreciates the PD and APD's resolution of this issue.

For non-DEER workpapers, the APD grants the Joint IOUs' request "to freeze the *ex ante* values in non-DEER high impact measure workpapers submitted to date for the duration of the program cycle" (APD, p. 1), while the PD rejects the Joint IOUs' request and adopts "the Energy Division process for approval of non-DEER workpapers and customized projects" and provides a "formal process to finalize all non-DEER *ex ante* values." (PD, p. 1.) This appears to be the only issue on which the PD and APD differ.

PG&E strongly favors the APD over the PD. As the Joint IOUs stated in their Petition: "Fixed goals and assumptions are crucial to provide a stable energy efficiency process and to enable the Joint IOUs to effectively manage their portfolios." (Petition, p. 3.) The Commission agreed with the Joint IOUs on this point in Decision 09-09-047 when it stated: "Measure *ex ante* values established for use in planning and reporting accomplishments for 2010-2012 should be

frozen, based upon the best available information at the time the 2010-2012 activity is starting.” (D.09-09-047, p. 356, Conclusion of Law 26, quoted in Petition, p. 3.)

For customized projects, both the APD and the PD recognize “the concerns raised by the IOUs, EnerNOC and NAESCO regarding the potential burdens on customers of the Energy Division’s proposed process” and confirm that it is not the Commission’s “intent or interest to unduly burden customers, to cause unnecessary delay, or to add additional duties to Energy Division.” (APD, p. 19; PD, p. 20.) Yet despite these statements, both the APD and PD adopt the Energy Division’s customized process by summarily concluding: “We do not believe that Energy Division’s proposal will result in such problems.” (*Id.*)

PG&E strongly opposes the PD and APD on this issue. The process proposed by the Energy Division is so burdensome that it represents a threat to the IOUs’ customized programs and would require modifications to PG&E’s tracking database systems without addressing the resources or funding for such an effort. The Energy Division’s process will burden the IOUs’ customers, cause needless delays, and add additional duties to the Energy Division. If adopted, the Energy Division’s process may cause some IOUs to suspend their customized program offerings altogether. Such an outcome is contrary to the state’s interest in promoting energy savings, demand reductions, and innovative measures and comprehensive approaches that support the California Long Term Energy Efficiency Strategic Plan. For these reasons, PG&E strongly urges the Commission to adopt the revisions to the Energy Division’s customized process attached to the Joint IOUs’ Comments on the PD and APD.

With respect to the remaining issues, PG&E generally supports the PD and APD, with some modifications described herein. Both the PD and APD defer resolution of certain issues to a future decision. PG&E appreciates both ALJ Gamson’s and Commissioner Grueneich’s timely

consideration and resolution of the Joint IOUs' Petition and respectfully requests that a decision on the remaining issues be issued as expeditiously as possible.

### **III. EX ANTE VALUES**

#### **A. PG&E Has No Objection To The PD And APD's Resolution Regarding DEER Values.**

In the Petition, the Joint IOUs requested that the Commission “modify the Decision to adopt DEER 2008 version 2.05, with corrections for significant errors that were mutually agreed upon by the Energy Division and the Joint IOUs.” (Petition, p. 5.) The Joint IOUs identified three specific changes to DEER 2008 version 2.05.

As described in the PD and APD, the Division of Ratepayer Advocates (DRA) and The Utility Reform Network (TURN) “would not limit updates to 2008 DEER version 2.05 solely to mutually agreed upon errors, but would allow Energy Division to consult with the utilities to ‘develop a process by which new measures are added to the frozen measure database’ along with correcting mutually agreed upon errors.” (PD/APD, p. 7.) For its part, Energy Division “does not now support making the changes [the] Joint Utilities recommend in their Petition...but instead recommends simply freezing 2008 DEER version 2.05 in its current state.” (PD/APD, pp. 8-9.)

Both the PD and APD freeze *ex ante* values as they exist in 2008 DEER version 2.05 and deny the Joint Utilities' request to make three specific changes thereto. (PD/APD, pp. 1, 7-9.) The PD and APD explain: “while there is no doubt that the current DEER values are imperfect, there is a need to move on so as to provide certainty to utilities and their customers.” (PD/APD, p. 9.) PG&E has no objection to the PD and APD's resolution of this issue.

**B. PG&E Supports The APD’s Resolution Of The Non-DEER Values And Opposes The PD On This Issue, As It Is The Only Outcome Supported By The Law, The Record, And The Public Interest.**

In the Petition, the Joint IOUs requested that the Commission “clarify that the non-DEER workpapers that have been submitted, for which Energy Division has not concluded its review,” would be frozen and dealt with in a specific manner. (Petition, pp. 5-6.) In addition, the Joint IOUs requested that the Commission “clarify the process for new workpapers the Joint IOUs have submitted post-March 31 for which no response has been received, as well as for new workpapers that will be submitted on a going forward basis.” (Petition, pp. 6-7.) The APD approves the Joint IOUs’ requests. (APD, p. 14.)

PG&E supports the APD’s resolution of the non-DEER values as the only outcome supported by the law, the record, and the public interest. Specifically, as the APD recognizes, the Commission made a commitment in Decision 09-09-047 “to freeze non-DEER *ex ante* values.” (APD, p. 15; *see also* APD, p. 14, *quoting from* D.09-09-047, Conclusion of Law 26.) While both DRA/TURN and the PD rely heavily on the Commission’s language in Decision 09-09-047 about using “the best available information” (PD, p. 15), that language cannot be used to undermine the preceding clause, which states that the *ex ante* values “should be frozen.” It is an oxymoron and contrary to the plain language of Decision 09-09-047 for “frozen” values to be continually shifting. Both DRA/TURN and the PD also give short shrift to the Commission’s directive that the “best available information” should be “at the time the 2010-2012 activity is starting,” which again stresses the importance of finality.

The APD’s resolution of the non-DEER workpapers is also supported by the record. As the APD states: “Surveying the record we find only one complete and final set of *ex ante* values available for adoption by this decision: the IOU workpapers submitted to Energy Division to date.” (APD, p. 15.) While the Energy Division’s suggested changes to the IOUs’ workpapers

are also in the record, the APD correctly points out that “many of those changes could only be identified through still further process and review, extending the already extensive delay.”

(APD, p. 15.)

And finally, the APD’s resolution of the non-DEER workpapers is the most consistent with the public interest. As stated therein: “The Commission seeks to rely on the most up-to-date *ex ante* assumptions based on the best available information; however, that ideal must be balanced by the need to implement programs in a timely manner and, most importantly, enable the timely participation of ratepayers who stand to benefit from these programs.” (APD, p. 14.) The extensive delay in Energy Division’s review and approval of the IOUs’ workpapers has created a sense of uncertainty that “not only affects the IOUs’ ability to effectively manage their portfolios, but also affects the customer experience for IOU customers by creating a frustrating and confusing process.” (APD, p. 15, quoting Joint Utilities’ Reply Comments, p. 10, internal quotations omitted.) As the APD succinctly states: “This is unacceptable.” (APD, p. 15.)

**C. PG&E Opposes The PD’s Continued Deferral Of The Non-DEER Values.**

The PD recognizes that “the guiding principle from D.09-09-047 is the use of best available information, so long as this is consistent with finality and certainty.” (PD, p. 15, emphasis added.) Despite this recognition, however, the PD requires the utilities “to incorporate the revisions recommended by the Energy Division,” which will include the following additional steps:

- “Joint Utilities shall file a Motion in R.09-11-014 within 30 days of the date of this decision asking to incorporate such revisions.”
- “The ALJ and/or assigned Commissioner in R.09-11-014 shall issue a Ruling

adopting frozen ex ante values for non-DEER HIM measures in the ‘No Approval at this time’ category.”

- In those cases where the utilities “do not agree to Energy Division recommendations,” the Commission “will allow the assigned ALJ or Assigned Commissioner in R.09-11-014 to issue a Ruling approving final non-DEER HIM workpapers,” although the PD states that “Energy Division and the utilities should attempt to work out any differences before any Ruling is issued.” (PD, p. 16.)

Of the 34 non-DEER HIM workpapers that PG&E submitted to the Energy Division, only 2 were approved and the remaining 32 were not.<sup>1</sup> Aside from the Joint Utilities Motion, which is subject to a 30-day deadline, none of the other elements of the PD’s proposed process, as outlined above, have any deadlines or even timeframes for action. Therefore, for the 37 non-DEER HIM workpapers that remain unapproved, there is no guarantee that the *ex ante* values will be approved anytime in the near future. If the IOUs disagree with Energy Division’s recommendations, it is likely that, under the PD’s proposed process, a final resolution of the non-DEER HIM workpapers will not be reached for several months – nearly halfway through the 2010-2012 period. Such an outcome is in direct conflict with Decision 09-09-047’s directive that “ex ante values established for use in planning and reporting accomplishments for 2010-2012 should be frozen, based upon the best available information at the time the 2010-2012 activity is starting.” (D.09-09-047, p. 356, Conclusion of Law 26, emphasis added.)

As also explained in PG&E’s November 12 Reply Comments, the IOUs currently have no recourse when the Energy Division fails to meet the prescribed deadlines or when the IOUs and Energy Division are unable to resolve their differences. PG&E appreciates that the PD at

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<sup>1</sup> In PG&E’s Reply Comments to the ALJ Ruling, PG&E erroneously stated that it had filed 38 workpapers, of which only 1 was approved and 37 were conditionally approved subject to numerous conditions. (PG&E Reply Comments, p. 5.) In fact, PG&E filed 34 workpapers and received only 2 approvals.



least gives the IOUs the right to raise their concerns to the assigned ALJ or Commissioner and to ask for a Ruling to resolve their differences.

**D. PG&E Opposes The PD and APD’s Adoption Of The Energy Division’s Proposed Custom Measure And Project Review Process.**

In their Petition, the Joint IOUs requested that the Commission adopt a customized project approach that “strikes an appropriate balance between the Energy Division’s oversight role and the Commission’s intent to reduce the regulatory administrative burden on the Joint IOUs and ensure a predictable process.” (Petition, p. 10.) These projects bundle multiple technologies to achieve substantial energy efficiency improvements that represent a significant percentage of the IOUs’ portfolio energy savings.

Both the APD and the PD expressly recognize “the concerns raised by the IOUs, EnerNOC and NAESCO regarding the potential burdens on customers of the Energy Division’s proposed process” and confirm that it is not the Commission’s “intent or interest to unduly burden customers, to cause unnecessary delay, or to add additional duties to Energy Division.” (APD, p. 19; PD, p. 20.) Specifically, the IOUs, EnerNOC, and NAESCO described in detail the burdens on customers and the IOUs associated with the Energy Division’s proposed process.<sup>2</sup> Without any record support or explanation, however, both the APD and PD adopt the Energy Division’s customized process by summarily concluding: “We do not believe that Energy Division’s proposal will result in such problems.” (*Id.*) The PD and APD’s findings are not supported by substantial evidence in light of the whole record and are therefore unlawful.<sup>3</sup>

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<sup>2</sup> See, e.g., *Petition for Modification of D.09-09-047*, p. 8; *Comments of EnerNoc, Inc., on Attachments to the ALJ’s Ruling of October 29, 2010* (filed Nov. 5, 2010), pp. 3-8; *SCE’s, PG&E’s, SDG&E’s and SoCal Gas’ Comments on ALJ Gamson’s Rulings Seeking Comment* (filed Nov. 5, 2010), pp. 5-10; *Reply Comments of NAESCO on the Comments of Various Parties on the ALJ’s Ruling Seeking Comments* (filed Nov. 12, 2010), pp. 4-5; see also *Southern California Edison, San Diego Gas and Electric Company and Southern California Gas Company’s Comments on the PD and APD*, filed concurrently with these PG&E comments.

<sup>3</sup> See Pub. Util. Code §1757(a)(4) (a Commission decision is subject to appellate review if the “findings in the decision of the commission are not supported by substantial evidence in light of the whole record.”).

In addition to being unsupported by substantial evidence, the PD and APD's adoption of the Energy Division's process is contrary to the public interest. As described by the IOUs,<sup>4</sup> some aspects of the Energy Division's process are not only burdensome, they are impossible to comply with at this time, including modifications to tracking database systems for which funding is not authorized. Thus, the Energy Division's process would very likely result in the IOUs being out of compliance with the Commission's requirements until the necessary technical and process changes can be implemented. PG&E takes its compliance obligations very seriously, and it strongly opposes any new requirement that would put it immediately and indefinitely out of compliance.

The Energy Division's process will burden the IOUs' customers, cause needless delays, and add additional duties to the Energy Division – all outcomes that the PD and APD expressly state that they do not want to occur. Adoption of the Energy Division's process may cause some IOUs to suspend their customized program offerings altogether. Such an outcome is clearly contrary to the state's and public's interest in promoting energy savings and demand reductions, as well as innovative measures and comprehensive approaches to support the California Long Term Energy Efficiency Strategic Plan.

Both the PD and APD provide that the Energy Division's process will be subject to ongoing assessment as it is implemented and that the "assigned ALJ and/or Commissioner in R.09-11-014 may issue a Ruling to revise the trigger levels upward or otherwise limit any undue burden on customers, utilities and staff from Energy Division review of non-DEER customized projects." (PD, p. 20; APD, p. 19.) While the PD and APD may have included these "off-ramps" to mitigate the IOUs' concerns, they are simply inadequate. Pursuant to the PD and

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<sup>4</sup> See, e.g., *SCE's, PG&E's, SDG&E's and SoCal Gas' Comments on ALJ Gamson's Rulings Seeking Comment* (filed Nov. 5, 2010), pp. 5-10.

APD, the Energy Division's process becomes effective immediately, so the harm caused by the process is also immediate. Waiting for the Energy Division to re-assess its process or the ALJ to issue a further Ruling will not undo the harm caused by adoption of the Energy Division's process in the first place.

For these reasons, PG&E strongly opposes the PD and APD on the customized process issue and urges the Commission to adopt the revisions to the Energy Division process jointly proposed by the IOUs, including PG&E, and appended to the Opening Comments of SCE, SDG&E, and SoCalGas being filed concurrently with these comments.

#### **IV. OTHER ISSUES**

##### **A. PG&E Requests Modification Regarding The Timing Of The Co-Branding Requirement.**

The Joint IOUs requested that the Commission “grant the IOUs flexibility to approve any co-branded material prior to its publication.” (Petition, p. 17.) In addition, the Joint IOUs identified “several exceptions to the co-branding requirement where only an IOU logo should be used” and proposed that “co-branding with IOU brands begin in conjunction with the launch of the mass media phase of the ME&O campaign and after awareness of the new Statewide Brand is established.” (Petition, p. 18.)

The PD and APD “deny the Joint Utilities’ Petition on this topic on all but one point”; that is, the Commission agrees that there “may be some IOU energy efficiency programs not funded by energy efficiency funds in 2010-2012,” and that “[i]n such cases, the requirements of D.09-09-047 are not binding.” (PD, p. 24; APD, pp. 22-23.) PG&E does not oppose this requirement but notes that neither the PD nor the AD addresses the Joint IOUs’ request to allow a phased approach to co-branding.

The marketing plan developed by DraftFCB for Engage 360 strategically delays the launch of a traditional mass media campaign until the first quarter of 2012, with the intent that the brand be launched through a grassroots movement before transmitting the message through traditional mass media. This will allow brand recognition and understanding of the brand to be established prior to the widespread media launch.<sup>5</sup> Consistent with this plan, PG&E requests that the Commission modify the co-branding requirement to specify that co-branding of Engage 360 with all Energy Efficiency-funded programs would be required starting in the first quarter of 2012 in corresponding timing with the launch of the traditional mass media campaign. PG&E continues to emphasize its support Engage 360 and looks forward to working collaboratively with the Commission to ensure its success.

**B. PG&E Requests That The Commission Adopt The Changes To The Advanced Whole House Goal Proposed In The Joint IOUs' Petition.**

Citing the technical infeasibility of achieving the 20% annual energy savings goal by the end of 2012, the Joint IOUs in its Petition requested that the Commission “change the requirement to reach an average of 20% annual energy savings for the IOUs’ Whole House Programs by the end of the cycle, to an average of 10%,” as well as “a minimum 10% energy savings per treated home/unit for the Performance (Advanced) strategy...in their respective local WHPP.” (Petition, p. 19.) On this latter point – the Performance or Advanced strategy – PG&E requested 15% minimum energy savings. (Petition, p. 19.) In addition, the Joint IOUs requested that the language of Decision 09-09-047 be modified to clarify that the market penetration and energy saving figures represent “an aspirational goal.” (Petition, p. 20.)

DRA/TURN do not oppose the reduction to the savings goal for the Prescriptive Whole House Retrofit Program (PWHRP, also known as the Basic Program), but oppose lowering the

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<sup>5</sup> DraftFCB’s campaign timeline and point of view document describing this approach were attached to the SCE, SDG&E and SoCalGas reply comments to ALJ Gamson’s Ruling, filed November 15, 2010.

goals for the Advanced Home Program. Consistent with DRA/TURN's recommendations, both the PD and APD "adopt the uncontested proposed modifications to the Statewide Whole House Program for the PWHRP," agreeing that the savings goal "may be technically infeasible at this time." (PD, pp. 26-27; APD, pp. 25.) PG&E appreciates the PD and APD's adoption of this request.

Regarding the Advanced Home Program, however, the PD and APD deny the Joint IOUs' request, leaving the goal at 20%. (PD, p. 27; APD, p. 25.) PG&E objects to this denial. Setting the Advanced Program incentive levels at a minimum 10% energy savings target (or 15% for PG&E) provides the smoothest bridge from the Basic Program to the Advanced Program. In addition, a portion of the state's IOUs' customer base does not have any type of air conditioning (central or ductless), which is a prerequisite for participation in the Basic Program. Therefore, by offering the on-ramping to the Advanced Program at 15% for PG&E and 10% for the state's other IOUs, the IOUs can offer a parity of the Basic Program to these distinct customers.

If, notwithstanding the foregoing, the Commission declines to reduce the Advanced Home Program's target, PG&E requests that the Commission correct an error in the Ordering Paragraph related to the Whole House Programs. Specifically, Ordering Paragraph 8 of APD and Ordering Paragraph 9 of the PD currently state that PG&E should be subject to an energy savings target of 15% for Basic and 20% for Advanced, when in fact, PG&E should be subject to the same 10% Basic and 20% Advanced targets as the other IOUs. (As described above, the text of both the PD and APD accurately state that PG&E's offer of a 15% goal was for the Advanced Program, not the Basic Program.) This correction may be accomplished by adding PG&E to the second sentence of the Ordering Paragraphs 8/9 (before "Southern California Edison Company") and deleting the third sentence of the Ordering Paragraphs 8/9.

**C. PG&E Supports The PD and APD on the California Advanced Homes Program.**

The Joint IOUs requested that the Commission clarify that the \$1000 bonus for each home that qualifies for the California Energy Commission's New Solar Home Partnership (NSHP) is to be offered to single-family units only, and that if the Commission adopts a performance bonus for multifamily units, IOUs should have the latitude to offer \$200 or a territory-specific incentive. (Petition, pp. 23-24.) The PD and APD grant both requests. PG&E appreciates the Commission's resolution of this issue.

**D. PG&E Supports The PD and APD on Joint Contracting.**

The Joint IOUs requested that the Commission issue a finding that explicitly authorizes them to engage in certain specific activities which they feel will be necessary to collaboratively implement Commission-ordered energy efficiency statewide programs, as well as a finding that the Commission intends to actively supervise the Joint IOUs in this regard. (Petition, pp. 24-27.) The PD and APD grant this request and contain the requested findings.

**E. PG&E Urges A Timely Decision On The Issues Of Benchmarking, Statewide Reporting Requirements, and Sponsorship Costs.**

The Joint IOUs requested specific modifications to the existing IOU requirement to benchmark all specified facilities. (Petition, pp. 10-16.) They also requested modifications related to the Commission's statewide reporting requirements and issues surrounding sponsorship costs related to energy efficiency programs. (Petition, pp. 20-23.)

The PD and APD state that these issues will be addressed in a forthcoming decision. As stated above, PG&E appreciates the timely and thoughtful consideration that ALJ Gamson and Commissioner Grueneich have given to the Joint IOUs' Petition, and requests that the remaining issues in the Petition be resolved in a similarly timely and thoughtful manner.

**V. CONCLUSION**

Wherefore, for the above-stated reasons, PG&E requests that the Commission adopt the APD with the modifications shown in Attachment A hereto.

Respectfully Submitted,

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MICHAEL R. KLOTZ

By: \_\_\_\_\_ /s/  
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Dated: December 6, 2010

Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY

**Attachment A**  
**PG&E'S RECOMMENDED CHANGES TO THE**  
**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE**  
**ALTERNATE PROPOSED DECISION OF COMMISSIONER GRUENEICH**

**Findings of Fact (additional language shown in underscore)**

7. It is necessary and important to review non-DEER customized projects above a trigger point, but it is equally necessary and important to do so in a timely fashion to comply with Decision 09-09-047's mandate that ex ante values be frozen using the latest and best available information.

8. Energy Division's process for reviewing customized measures and project ex ante values as modified by the Joint IOUs (as shown in the attachment to SCE, SDG&E, and SoCalGas' comments on the PD and APD) will adequately ensure that these *ex ante* values will be frozen in a timely manner as they are made available for Energy Division review by the utilities, and also ensure that those *ex ante* values will be frozen using the latest and best available information.

**Conclusions of Law (additional language shown in underscore; deletion shown in strikethrough)**

4. Energy Division's process for reviewing customized measure and project *ex ante* values should be adopted with the modifications proposed by the Joint IOUs (as shown in the attachment to SCE, SDG&E, and SoCalGas' comments on the PD and APD).

5. The Engage 360 brand should not be required to be used alone or as co-branding for programs which use no energy efficiency funds. In addition, co-branding of Engage 360 with all Energy Efficiency-funded programs should be implemented starting in the first quarter of 2012 in corresponding timing with the launch of the traditional mass media campaign.

6. The Joint Utilities have ~~not~~ supported their request to modify language associated with the Whole House Prescriptive Program with sufficient information to require a modification of D.09-09-047 on this point.



CERTIFICATE OF SERVICE BY U.S. MAIL OR 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 Pacific Gas and Electric Company, Law Department, PO Box 7442, San Francisco, CA 94120.

On the 6<sup>th</sup> day of December 2010, I caused to be served true copies of:

**OPENING COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39  
M) ON PROPOSED DECISION AND ALTERNATE PROPOSED DECISION  
ADDRESSING PETITION FOR MODIFICATION OF DECISION 09-09-047**

on the official service list for **R.09-11-014** by electronic mail for those who have provided an e-mail address and by U.S. mail for those who have not.

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 the 6<sup>th</sup> day of December, 2010.

/s/

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*René Anita Thomas*

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
EMAIL SERVICE LIST**

Last Updated: December 3, 2010

**CPUC DOCKET NO. A0807021; -022; -023; -031**

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**CPUC DOCKET NO. A0807021; -022; -023; -031**

Total number of addressees: 334

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**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST**

Last Updated: December 3, 2010

**CPUC DOCKET NO. A0807021; -022; -023; -031**

Total number of addressees: 334

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**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST**

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**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST**

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