

**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)

**REPLY 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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I. INTRODUCTION

Pursuant to Article 14 of the Commission's Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) hereby submits its Reply Comments on the Proposed Decision (PD) and Alternate Proposed Decision (APD) on the Petition for Modification filed jointly by PG&E, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company (collectively, the Joint IOUs).¹

II. THE COMMISSION SHOULD REJECT DRA/TURN'S ARGUMENTS REGARDING THE APD'S TREATMENT OF EX ANTE VALUES AND ADOPTION OF THE IOUS WORKPAPERS.

The only difference between the PD and the APD is that, 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," while the PD rejects the request and adopts "the Energy Division process for approval of non-DEER workpapers and customized projects." (APD/PD, p. 1.) All of the IOUs and NAESCO support the APD that adopts the non-DEER workpapers; DRA/TURN object to the APD on several grounds.

First, DRA/TURN argue that the APD errs in finding that the IOUs' non-DEER high-impact measure workpapers "provide the best combination of available information and finality."² DRA/TURN

¹ Opening Comments on the PD and APD were filed by the PG&E; California Building Performance Contractors Association (CBPCA); County of Los Angeles, Division of Ratepayer Advocates and The Utility Reform Network (DRA/TURN); EnerNoc, Inc. and Global Energy Partners, LLC (EnerNoc); National Association of Energy Service Companies (NAESCO); and Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company (SCE/SoCalGas/SDG&E).

² DRA/TURN Opening Comments, p. 4, quoting APD, p. 18, COL 3 (internal quotation marks omitted).

allege: “The program cycle started in 2010, so it is reasonable to assume that to the extent available, the 2006-2008 evaluation, measurement and verification (EM&V) process...would be used in calculating the *ex ante* values for use in planning and reporting 2010-2012 accomplishments.” DRA/TURN’s version of the facts is inaccurate.

While it is true that the EE program cycle started in 2010, the necessary planning began even before the Portfolio Planning Decision 07-10-032 was issued in October 2007. The 2006-2008 EM&V evaluation by Energy Division process was not completed until late Spring 2010, after PG&E had submitted the vast majority of its workpapers for the 2010-2012 program cycle. Moreover, the EM&V process was contentious and the policies applied to evaluate performance and the resulting values were subject to differences of interpretation. Therefore, even if the EM&V process had been completed in time for PG&E to incorporate the results into its workpapers – which was not the case – it is not clear that PG&E could have done so without creating further controversy and delay. Thus, as the APD concludes, PG&E’s workpapers “provide the best combination of available information and finality.”

Second, DRA/TURN allege that the APD “would reward the Utilities for failing to comply with clear Commission directives”³ and that the Commission “expected that the Utilities would submit revised workpapers correcting the errors identified in D.09-09-047 and the subsequent November 9, 2009 Ruling.”⁴ DRA/TURN also allege that the IOUs’ “failure to follow clear Commission guidance was a substantial contributor to the delay and, it seems, the cause of the so-called ‘stalemate’ that led to the filing of the PFM.”⁵ DRA/TURN’s version of the factual chronology is once again inaccurate and not constructive.

PG&E revised several of its workpapers and submitted them for Energy Division review via the Basecamp website. PG&E repeatedly followed up with Energy Division about the status of the workpapers and was informed in August 2010 and again in October 2010 that they should “hold off on any request for review of workpapers” and that the Energy Division “will let the utilities know as soon as [they] are ready.”⁶ Indeed, it was not until November 15, 2010, that Energy Division indicated that the IOUs could begin submitting new or revised workpapers. The Joint IOUs worked cooperatively with

³ DRA/TURN Opening Comments, p. 6.

⁴ DRA/TURN Opening Comments, pp. 6-7.

⁵ DRA/TURN Opening Comments, p. 8.

⁶ Emails from Energy Division to PG&E, dated Aug. 31, 2010 and Oct. 1, 2010.

Energy Division to resolve their differences regarding the submitted workpapers. It was only after months of failing to reach resolution, and with the Energy Division’s encouragement, that the Joint IOUs filed the Petition.

Third, DRA/TURN take issue with the APD’s statement that “the Utilities submitted their required workpapers by the March 31, 2010 deadline,” noting that “PG&E submitted additional workpapers April 6, and SDG&E/SCG submitted late workpapers as well. SCE continued to submit workpapers after the deadline.”⁷ DRA/TURN further take issue with the APD’s statement that the “IOUs have presented the only set of complete and final *ex ante* values for non-DEER high impact measures on the record,” noting that the workpapers “are not in the record” and were merely provided “in response to a data request and are available on ‘Basecamp.’”⁸ DRA/TURN seem to be grasping at straws for reasons to object to the APD.

The IOUs submitted their required workpapers by the March 31, 2010, deadline, but also submitted additional workpapers after that date. The fact that the IOUs submitted more recent workpapers reflects their ongoing willingness to participate in the Energy Division’s review process and to submit workpapers reflecting more recent information. Moreover, DRA/TURN’s reliance on “the record” in this case is misguided. In Decision 09-09-047, the Commission set forth a process for the IOUs to submit workpapers for the Energy Division’s review, and the vehicle that Energy Division and the IOUs chose for submission and review was the “Basecamp” website. There is no need to formally enter the “Basecamp” workpapers into the record in order for the Commission to find – as the APD properly does – that the workpaper review process has substantial shortcomings and that a timely and reasoned solution needs to be adopted immediately.

Fourth, DRA/TURN argue that “Energy Division’s analysis shows that using the more appropriate *ex ante* figures, the portfolios may not be cost effective.”⁹ In support, DRA/TURN provide a table showing Total Resource Cost benefit to cost ratios for the IOUs based on a number of input data types. Suffice it to say that DRA/TURN’s arguments demonstrate the very subjectivity and controversy that PG&E described above with respect to the 2006-2008 EM&V results. The IOUs and other

⁷ DRA/TURN Opening Comments, p. 9.

⁸ DRA/TURN Opening Comments, p. 9.

⁹ DRA/TURN Opening Comments, p. 10.

stakeholders could debate the relative merits of these data inputs for months or even years. Such continuing debate is counterproductive and a drain on the cost-effectiveness of the IOUs' energy efficiency portfolios. It is time to end this delay and to move on, which is the result that the APD would accomplish.

III. THE COMMISSION SHOULD ADDRESS CONCERNS REGARDING THE NEGATIVE IMPACT ON CUSTOMERS AND OTHER STAKEHOLDERS OF THE PD AND APD'S ADOPTION OF THE ENERGY DIVISION'S PROPOSED CUSTOM MEASURE AND PROJECT REVIEW PROCESS.

Both the APD and PD adopt the Energy Division's proposed process for custom measures and projects, despite significant opposition by the IOUs as well as other stakeholders. PG&E, SCE/SoCalGas/SDG&E, EnerNoc, and NAESCO strongly oppose the PD and APD on this issue. As all of these parties argue, the Energy Division's proposed process is simply so burdensome and, in some instances, impossible to comply with, thereby challenging the value of offering customized measures. 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. No other party filed comments on this issue.

The importance of custom measures to the portfolio is illustrated in the comments to this proceeding and in the comments filed December 6, 2010, in Rulemaking 09-01-019 to ALJ Pulsifer's PD on RRIM Reforms for the 2010-2012 Energy Efficiency Portfolio.¹⁰ Custom measures play a significant role in the IOUs' energy efficiency portfolios, and the Energy Division's revised review process represents a significant threat to their ongoing viability. For these reasons, PG&E strongly urges the Commission to adopt the revisions to the Energy Division's customized process attached as Appendix A to SCE/SoCalGas/SDG&E's Comments on the PD and APD.

IV. OTHER ISSUES

On the co-branding issue, DRA/TURN propose that IOUs send a letter to the Energy Division director with a copy to the DRA director verifying that EE funds were not used every time that the IOUs' marketing materials promoting energy efficiency exclude the Engage 360 brand. PG&E opposes this

¹⁰ See PG&E's RRIM Comments, p. 6 (customized projects are a core part of the energy savings portfolio approved by the CPUC when it adopted the 2010-2012 portfolio in D.09-09-047); SDG&E/SoCalGas' RRIM Comments, pp. 5-6 (noting that customer savings should comprise 42% of SoCalGas' therm savings and 16% of SDG&E's kilowatt-hour savings and have been among the most cost effective measures in the arsenal of energy efficiency measures); SCE's RRIM Comments, p. 6; NRDC's RRIM Comments, p. 3, fn. 3.

proposal. The development and use of the Statewide Engage 360 co-brand is funded exclusively through energy efficiency portfolio funds authorized by the Commission. It is beyond the scope of this proceeding to impose an administrative procedure for IOUs to report on integrated marketing efforts funded through other programs or sources. DRA/TURN fail to provide any basis for their proposal, which would add a substantial administrative burden for no apparent benefit. In addition, as the CBPCA suggest, the Commission may need to address the best ways to integrate competing branding with the California Energy Commission regarding Energy Upgrade California, as well as work with stakeholders to coordinate other statewide marketing and outreach efforts that are currently underway.

On the Whole House issue, both the County of Los Angeles and CBPCA echo the arguments made by PG&E and the SCE/SoCalGas/SDG&E to lower incentive levels for the Advanced Program. Again, no other party filed any comments on this issue. PG&E urges the Commission to revisit their resolution of this issue.

V. CONCLUSION

Wherefore, for the reasons stated in PG&E's Opening Comments and reiterated above, PG&E requests that the Commission adopt the APD with the modifications shown in Appendix A to SCE/SoCalGas/SDG&E's Opening Comments on the PD and APD.

Respectfully Submitted,

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THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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Total number of addressees: 334

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Total number of addressees: 334

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