



August 15, 2012

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Re: Protest of Marin Energy Authority to PG&E Advice Letter 3268-G-A/3972-E-A

Dear Energy Division:

On July 26, 2012, Pacific Gas and Electric Company (PG&E) submitted Advice Letter 3268-G-A/3972-E-A (the PG&E Advice Letter), alongside advice letters from Southern California Edison, Southern California Gas Company, and San Diego Gas and Electric (together, the Joint IOU Advice Letters) to jointly seek approval for the implementation of a Multifamily Energy Upgrade California (EUC) Pilot within the 2010-2012 Energy Efficiency Portfolio. The supplemental information contained in PG&E Advice Letter supersedes the earlier joint filing on December 22, 2011 from these four parties in compliance with Decision D.09-09-047 Ordering Paragraph Number 21 and related modifications in D.10-12-054.

While Marin Energy Authority (MEA) supports expanding EUC program offerings to the Multifamily sector, MEA has two concerns regarding this AL:

- (i) How will the PG&E Advice Letter be implemented given the transition from the 2010-2012 to 2013-2014 Energy Efficiency (EE) program cycle; and
- (ii) The Regional Energy Networks' (RENs) and Community Choice Aggregators' (CCAs) 2013-2014 EE Program Implementation Plans (PIPs) have already been filed.

1. How Will the PG&E Advice Letter be Implemented Given the Transition from the 2010-2012 to 2013-2014 EE Program Cycle?

One important issue raised by the PG&E Advice Letter is that it pushes implementation of PG&E's Multifamily EUC Pilot into the 2013-14 program cycle, while the relevant Commission's Decisions direct the utilities to develop this program in the 2010-2012 program cycle.

PG&E Advice Letter contains certain revisions relating to the implementation timeline of this program that lead MEA to request for the Commission to clarify whether and how PG&E should implement its proposed Multifamily EUC Pilot program.

Decisions D.09-09-047 and D.10-12-054 provide the original guidance on how the IOUs should implement Multifamily EUC Pilot programs. The relevant passage from these Decisions reads as follows:

“Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall file a program implementation plan for the Prescriptive Whole House Retrofit Program referenced in subsection (a) of this Ordering Paragraph by Advice Letter by December 15, 2009; If Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company determine it feasible to expand this program offering to multifamily customers during the 2010-2012 program cycle, they shall jointly seek approval for this component through an Advice Letter.” (D.10-12-054 at 37.)

The language in the passage above is clearly limited to the 2010-2012 EE program cycle only. In addition, the ‘Subject’ subsection of the Joint IOU Advice Letters in question acknowledges the original 2010-2012 scope when it states:

“**SUBJECT:** Supplement to Southern California Edison, Southern California Gas, San Diego Gas & Electric and Pacific Gas and Electric Company’s request to implement a Multifamily Energy Upgrade California Pilot *within the 2010-2012 Energy Efficiency Portfolio.*” (at 1.) (*Emphasis added.*)

Despite this clear subject heading, numerous changes are made to the implementation timeline in the body of the AL that raise confusion and concern regarding timing and program cycles. Specifically, in the program administration section for PG&E, Attachment A3, references to “2010-2012 EUC” programs, are replaced with “proposed 2013-2014 Energy Efficiency Portfolio WHUP subprogram,” thus shifting the scope to a different EE program cycle, and to a program not defined within the context of the PG&E Advice Letter. (at A-36.) PG&E then goes on to modify the three phases of its proposed plan such that all three phases will now be implemented within the 2013-2014 EE program cycle.

PG&E’s proposed Multifamily EUC Pilot, given the above modifications, clearly does not fit within the 2010-2012 program cycle set forth in D.09-09-047 and D.10-12-054. The Commission must clarify whether and how PG&E should implement its proposed program within this advice letter given the clear language presented in these Decisions.

2. The RENs’ and CCAs’ 2013-2014 EE PIPs Have Already Been Filed.

Concurrent with these efforts to develop IOU Multifamily EUC Pilots, the IOUs, RENs, and CCAs submitted their PIPs for the 2013-2014 EE program cycle. The RENs and CCAs paid careful attention to not creating overlap in these PIPs.

The Commission should consider the likely impacts that the PG&E Advice Letter would have on the ongoing 2013-2014 EE program cycle and decide whether PG&E should be allowed to carry out its “2013-2014 Energy Efficiency Portfolio WHUP subprogram” as it is now proposing.

As part of A.12-07-001 *et al.*, local governments seeking to form RENs, as well as CCAs, submitted Motions and PIPs to the Commission following the guidance set forth in Administrative Law Judge Julie A. Fitch’s Ruling issued on June 20, 2012 in the EE Rulemaking

R.09-11-014.¹ This Ruling makes it clear that these PIPs filed by RENs and CCAs will be evaluated by the Commission based on administrative overlap:

“This will allow concurrent consideration of any CCA proposals alongside utility and local government REN proposals, so that the Commission may evaluate any coordination, overlap, or gap issues that may arise.” (Ruling at 13.)

These 2013-2014 EE PIPs proposed by the RENs and CCAs were designed by the authoring parties in thorough detail to minimize programmatic overlap with the current IOU administered EE programs. For additional programs pending implementation, such as the Multifamily EUC Pilot being readdressed in this AL, these RENs and CCAs used what little information was made available prior to their PIP filing deadline, July 16, 2012. This AL was filed ten days later, July 26, 2012. Both RENs and CCAs recognize the Multifamily segment as a crucial and continually underserved market for EE.


By delaying its Multifamily EUC Pilot implementation to the 2013-2014 program cycle, PG&E’s proposal in this AL would create substantial risk for administrative overlap between this EE program and those already proposed by RENs and CCAs. PG&E should have incorporated its “2013-2014 Energy Efficiency Portfolio WHUP subprogram” within its own PIP for the 2013-2014 program cycle filed on July 2, 2012, but for reasons unknown PG&E chose not to.

MEA supports the development of multifamily EE programs by all parties; however any approval of the PG&E Advice Letter should: (i) ensure that the proposal does not contravene Commission decisions and direction regarding the timing of the proposal and (ii) be tailored to ensure that the already-proposed CCA and REN proposals are not impacted.

For these reasons the Commission should either reject the PG&E Advice Letter, OR evaluate the merits of PG&E’s proposed Multifamily EUC Pilot program concurrently with the other programs being considered for the 2013-2014 program cycle occurring in A.12-07-001 et al.

MEA thanks the Energy Division for their attention to these requests.

Respectfully Submitted,



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Marin Energy Authority

¹ Administrative Law Judge’s Ruling Regarding Procedures for Local Government Regional Energy Network Submissions for 2013-2014 and for Community Choice Aggregators to Administer Energy Efficiency Programs, filed June 20, 2012 in R.09-11-014.

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