From: Dietz, Sidney
Sent: 3/14/2013 1:53:51 PM
To: Lakhanpal, Manisha (Manisha.Lakhanpal@cpuc.ca.gov) (Manisha.Lakhanpal@cpuc.ca.gov)
Cc:
Bcc:
Subject: FW: PG&E-MEA-DA Settlement

Should have included the language:

PG&E, Marin Energy Authority (MEA) and AReM:

In their protests to the IOUs' applications, AReM (representing DA electric

service providers (ESPs) and Marin Energy Authority (a CCA) alleged that the applications

provided unfair and inequitable treatment of ESPs and CCAs because the applications would

allow third parties to obtain customer energy usage data without paying a fee, while ESPs and

CCAs requesting the same usage data would be required to pay fees to obtain that same data

under the IOUs' DA and CCA tariffs. In response to these concerns and after further discussions

with AReM and MEA, PG&E has agreed to modify its proposal in this proceeding and its

applicable DA and CCA tariffs to provide consistency as follows:

If the Commission's decision in this proceeding results in customer usage data

being provided to ESPs/Community Choice Aggregators at no cost and that provision of data is

largely analogous to the services provided as part of the IOUs' DA and CCA fee tariffs for Meter

Data Management Agent (MDMA) services, the DA and CCA MDMA fee shall be reset

consistent with the outcome of this proceeding; that is, only the cost of incremental

services, if

any, above and beyond the services provided at no cost under the decision in this proceeding

shall be collected as part of the DA and CCA MDMA fee.

In return for this modification of the PG&E application, AReM and MEA will

support the PG&E application as modified.

PG&E, AReM and MEA do not agree with SCE that this modification to the

applications in this proceeding conflicts with any other Commission order, decision or

proceeding, because the IOUs are permitted to file advice filings to implement changes in tariffs

approved or mandated by the Commission in proceedings such as this one. Alternatively, the

Commission in this proceeding could achieve the same result as proposed by PG&E, AReM and

MEA without requiring modifications to the DA or CCA tariffs, by authorizing the IOUs to

provide the customer energy usage data authorized in this proceeding to ESPs and CCAs without

charge and (for CCAs) without the need for customer authorization to the extent that the

provision of data is largely analogous to the services provided as part of the IOUs' DA and CCA

fee tariffs for Meter Data Management Agent (MDMA) services.

2. SCE and SDG&E:

SCE and SDG&E decline to join PG&E's agreement with AReM and MEA,

which agreement unnecessarily links the outcome of this consolidated proceeding with DA/CCA

issues pending or set for resolution in unrelated proceedings. Specifically, for substantive and

procedural reasons, SCE urges the Commission to focus its decision in this proceeding on one

narrow, undisputed consensus among all parties—that no customers or authorized third parties

should be charged fees for using the ESPI platform to obtain usage data from the IOUs.

Equally importantly, SCE's and SDG&E's declining to join PG&E's

proposal/agreement with AReM and MEA does not give rise to an issue that can or should be

litigated in this proceeding, through evidentiary hearings or otherwise, because neither those fees

nor their reasonableness was within the scope of Ordering Paragraph #5 of D.11-07-056, which

is the basis on which the ESPI applications were filed. (SCE also notes that the reasonableness

of its CCA and DA fees is in fact, currently being litigated in SCE's pending Phase 1 General

Rate Case 2012-2014.)

Substantively, AReM's concern—that imposing no fees on authorized third

parties in the ESPI context discriminates against CCA and DA customers—is meritless. CCA

and DA customers, like any IOU customer, can authorize any registered third party, including

CCAs and DA Energy Service Providers (ESPs) to obtain automated usage data, free of charge,

on the customer's behalf. The ESPI platform is a customer offering, regardless whether the

customer is bundled service, Direct Access, or served by a CCA, and is designed, in part, to

realize the promise of the IOU ratepayers' investment in smart meters. The relevance of CCA

and DA fees to ESPI fees erroneously assumes that the data for which DA customers and CCAs

are charged is the same as ESPI data, which it is not. ESPI data is pulled from the IOUs' backoffice

systems and transmitted one day after the usage is incurred; it is not the same "billing

quality" data that DA and CCA customers receive on a monthly basis for customer billing and

settlement purposes.

Procedurally, it would be improper for the Commission to adopt a finding in *this*

proceeding, applicable to all parties, that is linked to the recently filed settlement between PG&E

and AReM in a wholly unrelated proceeding to which neither SCE nor SDG&E is a party. If

PG&E and AReM wish to settle in that unrelated proceeding about a contingency or outcome in

this one, the settlement terms between them arguably belong there and not here. For example, as

SCE noted above, SCE's cost recovery proposal with respect to CCA and DA-related fees is

currently pending in Phase I of its 2012-2014 General Rate Case. Evidence is now closed in that

case, and the merits of SCE's cost recovery proposal will be examined in light of the record in

that proceeding. To the extent PG&E came to an agreement with AReM and others who are not

parties to the instant proceeding, the terms of their settlement are appropriately reviewed—in

light of the reasonableness of the entire record—in *that* proceeding and should not be thrust

inappropriately into this one.

From: Warner, Christopher (Law)
Sent: Thursday, March 14, 2013 1:49 PM
To: Dietz, Sidney
Subject: PG&E-MEA-DA Settlement

<< File: A.12-03-002 et al. PGE Open ADE_Joint IOU Report.pdf >>