

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

Order Instituting Rulemaking Concerning Energy  
Efficiency Rolling Portfolios, Policies, Programs,  
Evaluation, and Related Issues.

Rulemaking 13-11-005  
(Filed November 14, 2013)

**PREHEARING CONFERENCE STATEMENT OF THE  
MARIN ENERGY AUTHORITY ON PHASE 1**

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**I. INTRODUCTION**

Pursuant to Rule 7.2 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure and the *Notice of Prehearing Conference and Administrative Law Judge’s Ruling* issued on November 27, 2013, Marin Energy Authority (“MEA”) submits this Prehearing Conference Statement on Phase 1.

MEA is the only operational Community Choice Aggregator (“CCA”) within California. MEA is the joint powers not-for-profit public agency authorized to administer the Marin Clean Energy (“MCE”) CCA program. MEA currently serves customers throughout the City of Richmond and Marin County and provides generation services to approximately 12,400 accounts.

The mission of MEA is to address climate change by reducing energy-related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits. In furtherance of this mission, MEA is the first CCA to elect to administer energy efficiency (“EE”) programs pursuant to California Public Utilities Code §381.1(e)-(f), and the first CCA to apply to administer EE programs pursuant to §381.1(a)-(d).<sup>1</sup>

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<sup>1</sup> MEA’s 2012 election to administer EE programs was approved in Resolution E-4518; MEA’s application to administer EE programs was approved in Decision (D.) 12-11-015.

MEA's Richmond and Marin community-based programs place high emphasis on co-benefits: workforce training and development, asset building, and integration with other local programs. MEA has developed integrated demand side management offerings that include rate design, on-bill financing, and comprehensive program services under one roof.

## **II. CATEGORIZATION OF THE PROCEEDING**

MEA has no objection to the categorization of this proceeding as Ratesetting.

## **III. PROPOSED SCHEDULE**

MEA has no objection to the proposed schedule of the proceeding. MEA is extremely encouraged that the Commission has chosen to address fundamental issues and the policy underpinnings of various EE programs and the procedure in which they are considered by the Commission. MEA agrees that the Rolling Portfolio concept will simplify the process for administrators, such as CCAs, and build in flexibility to encourage innovative programming. MEA also acknowledges that grappling with these fundamental issues and restructuring the portfolio cycle will take time, and finds the proposed schedule for this proceeding reasonable.

## **IV. ADMINISTRATOR FILINGS FOR 2015 PORTFOLIO FUNDING**

### **A. Form of Administrator Filings**

MEA recommends that due to the expedited nature and limited scope of the administrator filings for 2015 portfolio funding, such filing should take the form of an Advice Letter, rather than the form of an Application.

### **B. Post-2014 Energy Efficiency Goals**

Such Administrator Advice Letter should address the post-2014 EE goals, which are currently being developed in the instant proceeding. A determination on the post-2014 goals is not anticipated until after December 27, 2013. What goals are set will have significant impacts

on the administrator filings for 2015 portfolio funding. As MEA has a smaller – and therefore less diverse – portfolio than other administrators, potential changes in the goals could have a significant impact on MEA’s portfolio and, as a result, in MEA’s Advice Letter for 2015 portfolio funding. MEA requests that the Commission allow for some flexibility to incorporate the post 2014 EE goals within the administrator filings for 2015 portfolio funding.

### **C. Title 24 Issues**

Furthermore, the 2015 portfolio funding administrator filing should address Title 24. Title 24 (2013) is slated to come into effect in January of 2014 and the changes – particularly in the non-residential building code – could have a chilling effect on MEA’s small commercial programs depending on when Title 24 is implemented and how Title 24 is treated for purposes of the 2015 program. Title 24 is an outstanding issue with the potential to significantly impact the MEA EE programs, as well as all other EE programs. The California Energy Commission is considering at the December 13, 2013 Business Meeting whether or not to delay the implementation of the 2013 standards by six months. With the uncertainty of the implementation timing, it is difficult to anticipate the impacts that the Title 24 changes will have on the ability of the MEA to attain 2015 program goals, and on subsequent EE programs.

Due to these outstanding issues, MEA encourages an approach that allows for some flexibility for program administrators to react to the potentially significant changes brought about by the outcome of the 2014 energy efficiency goals ruling and the delay in Title 24 standards implementation.

**D. Other Stakeholders**

**1. Local Government Sustainable Energy Coalition, San Francisco Bay Regional Energy Network (“REN”), and the Southern California REN**

MEA joins in the requests of the Local Government Parties, The Utility Reform Network (“TURN”), and the National Association of Energy Service Companies and request that “the Commission use the current Transition Period as it might be extended to pilot programs that use the existing condition of buildings as the base case, rather than the current code.”<sup>2</sup> MEA, as a local government entity, agrees that “incentives must remain available for projects that bring a building from existing conditions up to or beyond current code, not just for the incremental additional savings achieved from exceeding code.”<sup>3</sup>

**2. The Utility Reform Network (“TURN”)**

MEA supports TURN’s recommendation that the February 15, 2014 workshop occurs before the administrator filings are due, as opposed to after. Any modifications that result from the workshop will then be included within the process that the Commission has already set forth.

**3. The Greenlining Institute (“Greenlining”) and the California Construction Industry Management Cooperation Trust (“the Trust”)**

MEA supports the recommendation of Greenlining and the Trust to include workforce education and training issues in the Scoping Ruling for Phase II. MEA also supports their recommendations for encouraging informal collaboration among stakeholders, including non-profit and community stakeholders that do not have the resources to participate in the Commission’s processes. MEA expects that this process would also include voices of the communities who are considering or in the early stages of implementing their own CCAs.

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<sup>2</sup> Prehearing Conference Statement of Government Parties at 2.

<sup>3</sup> *Id.*

4. ***Natural Resources Defense Council (“NRDC”)***

NRDC proposes that modifications are made to Peer Review Group (“PRG”) as a whole, and also specifically how CCAs and RENs interact with the PRG process. As a local government entity, MEA inherently incorporates stakeholder review and transparency into program solicitations, and therefore does not feel that a PRG would necessarily have the same role for our programs.

However, MEA is open to participating in a PRG tailored to CCAs and RENs that establishes a more formal framework for managing this stakeholder process, as long as such process leverages rather than conflicts with existing Brown Act and other local government laws and regulations on transparency. In addition, MEA recommends that the modification of the PRG is better examined in Phase 2 of this proceeding, given the small scale of program changes contemplated between 2013 – 2014 and 2015 efficiency portfolios.

V. **CONCLUSION**

MEA thanks the Commission, Commissioner Ferron, and Administrative Law Judge Edmister for their attention to this Prehearing Conference Statement on Phase 1.

Respectfully submitted,

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