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CA Public Utilities Commission
Energy Division
Attention: Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

Re: Protest of Marin Clean Energy to Joint Served Advice Letters of SCE (2993-E), PG&E (4343-E), and SDG&E (2566-E)

Dear Energy Division:

On January 21, 2014, the Investor Owned Utilities ("IOUs") jointly served the advice letter ("Advice Letter") entitled *Southern California Edison Company, San Diego Gas & Electric Company, and Pacific Gas and Electric Company Request to Implement a Plug -In Electric Vehicle Sub - Metering Pilot in Compliance with Decision 13 -11-002*. Marin Clean Energy ("MCE") protests this Advice Letter, because the proposal would violate prior Commission precedent and State law by prohibiting customers of Community Choice Aggregation ("CCA") from participating. As presented, the proposal would violate segments of state law implemented by Assembly Bill 117 (2002) and Senate Bill 790 (2011), as well as running contradictory of the Commission intent for the competitively-neutral use of Electric Program Investment Charge ("EPIC") funds as described in Decision 12-05-037.

MCE recommends that Energy Division instruct the IOUs not exclude CCA customers from the proposed Electric Vehicle ("EV") Sub-Metering Pilot to avoid contradicting existing law and policy.

The Advice Letter Violates AB 117

Pursuant to AB 117 the IOUs are obligated to serve as Meter Data Management Agents ("MDMA") to CCAs.¹ The Advice Letter states that "all residential and commercial customers may participate except streetlight customers and customers taking Direct Access, Community Choice Aggregation, and Community Aggregation service." (Emphasis Added at 3.) The IOUs have no authority to refuse to providing the necessary metering services necessary for CCA customers to participate in this pilot.

The Advice Letter state s that including CCA customers would be "administratively burdensome" and "may add little value". (at 3.) These arguments are speculative at best and certainly do not permit the violating of the IOUs' obligations to serve as MDMA's for CCAs and their customers. While a footnote on the same page states that the Pacific Gas and Electric Company (" PG&E") "is willing to consider allowing changes

¹ See California Public Utilities Code Section 366.2 (c) (9).

necessary to permit CCA customers to participate in this pilot,” such changes should be implemented by PG&E from the beginning of the pilot. This is particularly true as sub-metering will be a key component of the widespread deployment of EVs. PG&E’s arguments regarding the need for revisions to Rule 23 are unfounded. Rule 23 already provides broad authority regarding metering which covers this type of sub-metering pilot.

The Advice Letter Violates SB 790

Statute resulting from the enactment of SB 790 directs the Commission to “incorporate rules that the commission finds necessary or convenient in order to facilitate the development of community choice aggregation programs, to foster fair competition, and to protect against cross-subsidization paid by ratepayers.”² The exclusion of CCA customers from the EV pilot would create an anti-competitive penalty for CCA customers because the IOU could offer rates and programs to EV customers that a CCA could not. Furthermore, by prohibiting CCA customers from participating in a program that they are helping to fund, by way of EPIC funds, would create an instance of cross-subsidization. For both these reasons the Advice Letter does not comply with state law introduced by SB 790.

The Advice Letter Violates the Competitively Neutral Implementation of EPIC Funds, as Required by D.12-05-037

Denying CCA customers the opportunity to participate in the sub-metering pilot would be contradictory to current Commission policy and intent regarding how EPIC funds must be applied in a competitively neutral manner. The IOUs propose to leverage EPIC funding, collected from all ratepayers, to partially fund their EV pilot proposals. PG&E seeks \$2.5 million of EPIC funds to support its approximated \$4.4 million of estimated pilot program costs. Similarly, Southern California Edison (“SCE”) seeks \$3.2 million of its estimated \$4.3 million of program costs from EPIC funds and San Diego Gas & Electric Company (“SDG&E”) seeks to recover 100% of its pilot costs from EPIC funds.³

D.12-05-037, which established purposes and governance for EPIC funds and programs, prohibits the IOUs from applying EPIC funds towards generation-only projects.⁴ This prohibition is based upon the logic that all ratepayers, including CCA customers, contribute to the EPIC funds, thus all ratepayers, not a sub-segment of ratepayers, should benefit from EPIC funded projects and programs. If EPIC funds were applicable to generation-only projects under the administration of the IOUs, these projects could be structured so that only IOU bundled customers would benefit from the project. While the proposed EV sub-metering pilot is not a ‘generation-only’ project, it presents the same opportunity for the IOUs to leverage EPIC funds in an anti-competitive manner by excluding CCA customers, and other unbundled customers, from participating in the project. As a consequence, only bundled customers benefit from this pilot even though the funds are collected from all distribution customers, including CCA customers.

Therefore, if the Commission grants the IOUs’ requests to leverage EPIC funds to support these EV sub-metering pilots, the Commission should prohibit the IOUs from excluding CCA customers from participating in this program.

² See California Public Utilities Code Section 707 (a) (4) (A).

³ See Attachment B: Preliminary Pilot Program Budget for each IOU.

⁴ See D.12-05-037 Conclusion of Law 13 and Ordering Paragraph 13.

The Commission Should Deny Joint Advice Letters 2993-E, 4343-E, and 2566-E

For the reasons presented above, MCE requests that the Commission deny the jointly served Advice Letters and direct the IOUs to include CCA customers within any future amendments to their plug-in electric vehicle sub-metering pilot proposals.

Respectfully Submitted,

/s/ Jeremy Waen

Jeremy Waen
Regulatory Analyst
Marin Clean Energy

CC:

Service List R.09-08-009.

Service List R.13-11-007.

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