

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To
Enhance the Role of Demand Response
in Meeting the State's Resource
Planning Needs and Operational
Requirements.

Rulemaking 13-09-011
(Filed September 19, 2013)

JOINT NOTICE OF EX PARTE COMMUNICATIONS

Pursuant to Rule 8.4 of the Commission's Rules of Practice and Procedure, EnerNOC, Inc. (EnerNOC) and the Center for Energy Efficiency and Renewable Technologies (CEERT) hereby jointly give notice of the following two ex parte communications.

The two communications both occurred on Thursday, March 6, 2014, and involved the same information. The communications were oral and took place at the Commission's offices at 505 Van Ness Avenue, San Francisco, California 94102.

The communications were initiated by Sara Steck Myers, attorney for CEERT, and Mona Tierney-Lloyd, Director, Western Regulatory Affairs, for EnerNOC. The first communication occurred at 11:00 a.m. with Marcelo Poirier and Rachel Peterson, advisors for Commissioner Michel Florio. The second communication occurred at 11:30 a.m. with Carol Brown, Chief of Staff, and Audrey Lee, energy advisor, for Commission President Michael Peevey. Besides those named here, no one else was present at the time of these communications.

Ms. Tierney-Lloyd stated that EnerNOC was an active participant in this proceeding and along with Johnson Controls, Inc., and Comverge, Inc., had jointly filed comments as the Joint DR Parties on the "foundational" question of bifurcation of

Demand Response (DR) programs. According to Ms. Tierney-Lloyd, EnerNOC had reviewed the pending Proposed Decision (PD) of Administrative Law Judge (ALJ) Hymes “Addressing Foundational Issue of the Bifurcation of Demand Response Programs,” which was mailed on February 21, 2014. Ms. Tierney-Lloyd stated that the Joint DR Parties would be filing comments on this PD on March 13 and would be raising concerns, and seeking modifications to the PD. Ms. Tierney-Lloyd stated that EnerNOC’s concerns continue to be that the policy decision and the characterization of programs as either load modifiers or supply-side resources is being made prematurely in advance of examining the factors that either will or will not support integration into the wholesale market. Ms. Tierney-Lloyd noted that a process by which these factors will be examined is necessary. Ms. Tierney-Lloyd also stated that EnerNOC objects to the PD defining DR to include responding to minute-by-minute dispatches, a definition which is not supported by the record in this proceeding. .

Ms. Myers stated that CEERT has also been active on the issue of DR program bifurcation and planned to file comments on the PD. According to Ms. Myers, CEERT’s particular focus continued to be on ensuring that steps taken by the Commission to alter the DR program structure at this point are not being undertaken prematurely without a sufficient basis to do so and do not serve to diminish or dilute the existing base of demand response resources or create unnecessary confusion going forward. Ms. Myers noted that such outcomes are contrary to the Commission’s goal of enhancing the role of DR in meeting the State’s resource planning needs and operational requirements, as intended by this Rulemaking.

To obtain a copy of this notice, please contact:

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March 11, 2014

Respectfully submitted by:

/s/ SARA STECK MYERS
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On Behalf of EnerNOC and CEERT

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