

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 REPLY COMMENTS OF JOINT DR PARTIES
(ENERNOC, INC., COMVERGE, INC., AND JOHNSON CONTROLS, INC.) ON
PROPOSED DECISION ON DR PROGRAM IMPROVEMENTS AND BRIDGE FUNDING**

Mona Tierney-Lloyd
Senior Director, Regulatory Affairs
EnerNOC, Inc.
P. O. Box 378
Cayucos, CA 93430
Telephone: 805-995-1618
Facsimile: 805-995-1678
Email: mtierney-lloyd@enernoc.com

Timothy J. Goeben
Region and Financial Director
Building Efficiency
Johnson Controls, Inc.
901 Campisi Way, Suite 260
Campbell, CA 95008
Telephone: 414-238-4004
Facsimile: 866-858-0478
Email: Timothy.J.Goeben@jci.com

Colin Meehan
Director, Regulatory and Market Strategy
Comverge, Inc.
96 Chicon Street
Austin, TX 78702
Telephone: 512-537-2169
Facsimile: (973) 695-1880
Email: cmeehan@comverge.com

Sara Steck Myers
Attorney at Law
122-28th Avenue
San Francisco, CA 94121
Telephone: (415) 387-1904
Facsimile: (415) 387-4708
Email: ssmyers@att.net

May 12, 2014

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 REPLY COMMENTS OF JOINT DR PARTIES
(ENERNOC, INC., COMVERGE, INC., AND JOHNSON CONTROLS, INC.) ON
PROPOSED DECISION ON DR PROGRAM IMPROVEMENTS AND BRIDGE FUNDING**

EnerNOC, Inc., Johnson Controls, Inc., and Comverge, Inc. ("Joint DR Parties") respectfully submit these Joint Reply Comments on the Proposed Decision Approving Demand Response Program Improvements and 2015-2016 Bridge Funding Budget ("Proposed Decision"). The Proposed Decision was mailed in Rulemaking (R.) 13-09-011 on April 15, 2014. These Joint Reply Comments are timely filed and served pursuant to Article 14 of the Commission's Rules of Practice and Procedure and the instructions accompanying the Proposed Decision.

**I.
DACC/AREM'S RECOMMENDATION FOR A REQUEST FOR PROPOSALS
(RFP) IF AMP CONTRACTS ARE NOT RENEGOTIATED AND EXTENDED
IS REASONABLE AND SHOULD BE INCLUDED IN THE FINAL DECISION.**

The Joint DR Parties' Opening Comments fully support the Proposed Decision's direction for Southern California Edison Company (SCE) to enter into "good faith" negotiations with the aggregators to extend SCE's Aggregator Managed Portfolio (AMP) contracts through 2016 and consider modifications to these AMP contracts similar to those adopted by the Commission in D.14-02-033 for Pacific Gas and Electric Company's (PG&E's) AMP Contracts.¹ Joint DR Parties requested a further modification to ensure timely review and approval of the renegotiated contracts. Specifically, Joint DR Parties asked that the Proposed

¹ Proposed Decision, at p. 48.

Decision be modified to allow SCE to submit the re-negotiated AMP contracts by Advice Letter where the modifications are consistent with applicable Commission decisions and do not change the cost-effectiveness of the contracts.²

In their Opening Comments, the Direct Access Customer Coalition and Alliance for Retail Energy Markets (DACC/AReM) requested a further modification to preserve the valuable DR resources represented by the AMP contracts in the event that neither renegotiation of the SCE contracts nor extension of the existing AMP contracts (SCE and Pacific Gas and Electric Company (PG&E)) occurs.³ Because renegotiation and contract extensions are “not a certainty,” DACC/AReM asks that the Proposed Decision be modified to “require that the IOUs conduct a fast-track request for proposals (‘RFP’) that would allow all DR Providers to submit bids to provide service under AMP-like contracts.”⁴

The Joint DR Parties agree with DACC/AReM that it is critical to preserve the valuable resources represented by the AMP contracts and to ensure there is no gap in the level of DR resources that are anticipated for the 2015-2016 time period. In order to achieve this continuity and to reflect the Joint DR Parties’ Opening Comments, it is reasonable for the Commission to modify the Proposed Decision (1) to allow SCE to submit the re-negotiated AMP contracts by Advice Letter where the modifications are consistent with applicable Commission decisions and do not change the cost-effectiveness of the contracts, as recommended by the Joint DR Parties, and (2) to allow the IOUs to conduct a fast-track RFP in the event that they are unable to reach agreement with aggregators on the existing AMP contracts, as recommended by DACC/AReM.

² Joint DR Parties Opening Comments, at p. 2.

³ DACC/AReM Opening Comments, at p. 3.

⁴ Id.

II. CONCLUSION

As stated in their Opening Comments, the Joint DR Parties strongly support the Proposed Decision's approval of the utilities' 2015-2016 DR Program Budgets and the program improvements recommended for SCE's AMP program. The Joint DR Parties do, however, ask that the two minor modifications identified in the Joint DR Parties' Opening Comments and the modification requested by DACC/AReM described above be part of the Commission's Final Decision on DR Program Improvements and 2015-2016 Bridge Funding. .

May 12, 2014

Respectfully submitted,

/s/ SARA STECK MYERS
Sara Steck Myers
On Behalf of Joint DR Parties

122 – 28th Avenue
San Francisco, CA 94121
Telephone: (415) 387-1904
Facsimile: (415) 387-4708
Email: ssmyers@att.net

Mona Tierney-Lloyd
Senior Director, Regulatory Affairs
EnerNOC, Inc.
P. O. Box 378
Cayucos, CA 93430
Telephone: 805-995-1618
Facsimile: 805-995-1678
Email: mtierney-lloyd@enernoc.com

Timothy J. Goeben
Region and Financial Director
Building Efficiency
Johnson Controls, Inc.
901 Campisi Way, Suite 260
Campbell, CA 95008
Telephone: 414-238-4004
Facsimile: 866-858-0478
Email: Timothy.J.Goeben@jci.com

Colin Meehan
Comverge, Inc.
76 Chicon Street
Austin, EX 78702
Telephone: 512-537-2169
Facsimile: (973) 695-1880
Email: cmeehan@comverge.com