

From: Kelly Foley  
Sent: 5/20/2014 2:09:34 PM  
To: [Redacted]; [Redacted]; Miller, Karen  
(karen.miller@cpuc.ca.gov)  
Dietz, Sidney (/O=PG&E/OU=Corporate/cn=Recipients/cn=SBD4); [Redacted]  
Cc: [Redacted]; Dawn Weisz  
(dweisz@mcecleanenergy.org) (dweisz@mcecleanenergy.org); Justin Kudo  
(jkudo@mcecleanenergy.org) (jkudo@mcecleanenergy.org); Christensen, Robin M  
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=RMHQ); Brown, Carol A.  
(carol.brown@cpuc.ca.gov); DeVine, Kyle (kyle.devine@cpuc.ca.gov); Hill, Juanita  
(juanita.hill@cpuc.ca.gov); Klaiber, Steven (Steven.Klaiber@cpuc.ca.gov); Jamie  
Tuckey (jtuckey@mcecleanenergy.org) (jtuckey@mcecleanenergy.org); Jonna  
Ramey (jramey@sonomacleanpower.org); Geof Syphers  
(gsyphers@sonomacleanpower.org); McMahon, Loreen  
(loreen.mcmahon@cpuc.ca.gov); Kaur, Ravneet (Ravneet.Kaur@cpuc.ca.gov)  
Bcc:  
Subject: RE: Joint Rate Comparison Mailer - SCP and PG&E

Hi Karen,

Thank you for the prompt and clear response. First, SCP fully acknowledges that we changed course very late in the process and apologize for the impact this has caused. Nevertheless, while we will voluntarily agree to report GHG as originally agreed last month, please note the following:

1) We strongly disagree that your Option 2 would be appropriate in nearly all future circumstances. We understand that in this particular instance that, where we agreed to report GHG and then changed our position very close to the Joint Rate Comparison Mailer (Mailer) due dates, Option 2 may appear to be an appropriate remedy. Nevertheless, per our memo submitted to you on April 30, 2014, we continue to assert the positions stated therein – i.e. absent agreement by the incumbent utility and the CCA, if the Code of Conduct does not specifically require inclusion of certain data the PAO cannot compel reporting.

2) We are deeply concerned that, in general, the Mailer contains mismatched data sets – i.e. 2012 GHG, 2013 Power Content Label, 2014 Rates. In SCP's specific case, we are being asked to report 100% forecasted 2014 data for the GHG emissions and for the Power Content Label. Thus, not only are the data coming from different

years, in SCP's case the years do not even match PG&E's years. Furthermore, SCP just began serving our first tranche of customers May 1, with a subsequent tranche expected prior to the end of 2014. Due to lower than expected opt out rates, our first tranche has a considerable net open procurement position that we are currently negotiating, but that is far from certain. Because of this, we literally have to guess at what that procurement might ultimately be. For the second tranche, we have not even begun negotiations, making this an even bigger guessing process. Limiting reporting to the use of historic data would clearly solve this problem.

3) Based on information that became available to us in late April and that we have been researching over the last month, we have become aware of issues regarding the reporting mechanisms for unbundled RECs used to zero out unspecified system power GHG emissions. Unfortunately, one month is, by a long stretch, insufficient time to fully understand these issues and to sort out the impact they may have on the larger issue of GHG reporting standards.

4) The combined impact of the data reliability problem described in #2 and the lack of clear guidance on using unbundled RECs to zero out unspecified system power GHG emissions described in #3 continue to lead us to believe that making no GHG statement, as opposed to reporting an opaque, confusing and very-low-confidence-forecast GHG emissions factor, is the best option. As stated earlier, however, with these concerns acknowledged, we defer to the Commission's sense of urgency in this instance and report to the best of our abilities.

We would appreciate a more in depth meeting with Carol Brown, you and any other Commission staff you deem appropriate to further discuss our concerns. Tomorrow is not possible as urgent anti-CCA legislation is being heard in Sacramento at that time, but a meeting at a later date would be much appreciated.

In the meanwhile, we will finalize our draft final Mailer for submission to PG&E and you today.

Best,

Kelly Foley | Sonoma Clean Power

Regulatory Director and Legal Counsel

[www.SonomaCleanPower.org](http://www.SonomaCleanPower.org)

Direct: (707) 486-5411 | Customer Service: 1 (855) 202-2139

**From:** Miller, Karen [mailto:karen.miller@cpuc.ca.gov]

**Sent:** Monday, May 19, 2014 4:26 PM

**To:** Kelly Foley; [Redacted]

**Cc:** [Redacted] Dietz, Sidney; Justin Kudo (jkudo@mcecleanenergy.org); Dawn Weisz (dweisz@mcecleanenergy.org); Jamie Tuckey (jtuckey@mcecleanenergy.org); DeVine, Kyle; Hill, Juanita; Klaiber, Steven; Geof Syphers; Christensen, Robin M; Jonna Ramey; Brown, Carol A.; McMahon, Loreen; Kaur, Ravneet

**Subject:** RE: Joint Rate Comparison Mailer - SCP and PG&E

Dear Ms. Foley,

I am responding regarding the Joint Rate Comparison Mailer that is supposed to be mailed soon, as a joint document between Sonoma Clean Power (SCP), Marin Clean Energy (MCE) and Pacific Gas and Electric (PG&E). Previously, SCP, MCE and PG&E had, after lengthy discussion, agreed to include emissions data in in the CO<sub>2</sub> emissions chart in that mailer. On Friday, May 16<sup>th</sup>, you indicated on behalf of SCP, that SCP had decided not to include their emissions data for this year's mailer. As you know, all companies participating in the joint mailer must agree to the contents of the mailer. In deciding to not include SCP's emissions data, you are holding up the necessary printing and mailing of the joint mailer.

I consulted with President Peevey's office about SCPs decision. I was told that SCP has three options:

1. Provide SCP's emission information, with a bullet that states, "forecast only."

2. Have a sentence in place of the emissions information that states, "SCP is refusing to provide this information to their customers."
3. Meet on Wednesday afternoon, May 21<sup>st</sup>, with Carol Brown, Chief of Staff to President Peevey, and Karen Miller, Public Advisor, to discuss why neither of the above two options are workable and what SCP proposes instead.

Please know that PG&E and MCE will be authorized to move forward on their agreed upon joint mailer, which includes their agreed upon emissions table, as of close of business (5:00 pm), May 22<sup>nd</sup>, which is the day that PG&E has indicated is the deadline for sending the joint mailer to the printers. Please inform Carol Brown and Karen Miller as to which of the above three options you wish to pursue by close of business, May 21<sup>st</sup>.

Thank you,

Karen Miller

Public Advisor

Consumer Service and Information Division

California Public Utilities Commission

415-703-2299

**From:** Kelly Foley [<mailto:kfoley@sonomacleanpower.org>]

**Sent:** Friday, May 16, 2014 2:50 PM

**To:** [Redacted]

**Cc:** Miller, Karen; Spence, Matt; Dietz, Sidney; Justin Kudo ([jkudo@mcecleanenergy.org](mailto:jkudo@mcecleanenergy.org)); Dawn Weisz ([dweisz@mcecleanenergy.org](mailto:dweisz@mcecleanenergy.org)); Jamie Tuckey ([jtuckey@mcecleanenergy.org](mailto:jtuckey@mcecleanenergy.org)); DeVine, Kyle; Hill, Juanita; Klaiber, Steven; Geof Syphers; Christensen, Robin M; Jonna Ramey

**Subject:** Re: Joint Rate Comparison Mailer - SCP and PG&E

Karen,

We agree with Elaine's email but want to add that SCP's decision to withdraw inclusion of GHG reporting was not made lightly and is based on:

- 1) as described in our memo, GHG reporting is not required under the code of conduct;
- 2) PGE is backing active legislation that could significantly impact this issue while we believe this belongs at the CPUC in an regular rule making;
- 3) SCP has only forecasted GHG emissions;
- 4) 2 and 3 taken together open the door for serous customer confusion. Thus, pending resolution of these complex issues, which will happen this summer, we believe abstaining from making best guess forecasts using uncertain methodology is in the best interest of ratepayers as well as legally appropriate.

Please note that because MCE and PGE voluntarily agreed to GHG reporting last year and this year AND both have actual GHG data, we have no problem with their decision to report GHG this year. SCP apologizes for initially agreeing to report GHG, but it took us a few weeks to grasp all these moving parts and understand their problematic potential impacts.

Thank you for your continued assistance.

Best,

Kelly

On May 16, 2014, at 12:56 PM, 

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 wrote:

Dear Karen,

PG&E and SCP have been working on the Joint Rate Comparison Mailer and we are in agreement with the content except for the CO<sub>2</sub> emissions chart. A copy of the residential Joint Mailer is attached.

Previously, SCP and MCE had agreed to include the emissions chart for this year's mailer. PG&E was just informed by SCP that they wish to remove the emissions chart from the SCP/PG&E joint mailers.

Decision 12-12-036, which adopted the CCA Code of Conduct, states the Commission's Public Advisor must review and approve the wording of the comparison before it is distributed to the customers and by the final approval shall resolve any disputes about the contents. At this point, we are requesting resolution to this open issue. On April 28, PG&E and SCP (on behalf of SCP and MCE) sent the parties' positions on the inclusion/exclusion of the emissions chart in the mailer.

There is agreement between SCP and PG&E on the number of mailers that will be sent to all customers within SCP's service area. Each customer will receive one of them depending on the rate schedule the customer is on:

- Residential E-1 TOU/RES-1
- Small Commercial A-1 TOU/COM-1 TOU
- Medium Commercial A-10S non-TOU/COM-10A non-TOU

We are trying to finalize the mailer around May 22 so we can get it to the printers for a June mailing. If you have any questions, PG&E and SCP will be available to answer them.

Best regards,

Redacted

Regulatory Case Manager

Pacific Gas and Electric Company

Redacted

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PG&E is committed to protecting our customers' privacy.

To learn more, please visit

<http://www.pge.com/about/company/privacy/customer/>

<SCP-mailers-RES-v3.pdf>