

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking to Oversee the  
Resource Adequacy Program, Consider  
Program Refinements, and Establish Annual  
Local Procurement Obligations.

R.09-10-032  
(Filed October 29, 2009)

**INITIAL COMMENTS OF ENERNOC, INC.**

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November 9, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the  
Resource Adequacy Program, Consider  
Program Refinements, and Establish Annual  
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**INITIAL COMMENTS OF ENERNOC, INC.**

EnerNOC, Inc., (EnerNOC) respectfully submits its Initial Comments on Order Instituting Rulemaking (R.) 09-10-032. These Initial Comments are filed and served pursuant to R.09-10-032, Ordering Paragraph 5 and Section 6.4. Such Initial Comments are to address “preliminary matters pertaining to the scope, schedule, and administration of the proceeding.”<sup>1</sup> Because EnerNOC’s Initial Comments are filed one business day after the due date for Initial Comments due to the highly constrained time period (2 days) for filing such comments, EnerNOC has also filed this same day a Motion for Leave to Late File its Initial Comments.

**I. ENERNOC’S INTEREST IN R.09-10-032**

EnerNOC, Inc., is a leading developer and provider of clean and intelligent power solutions to the electric industry. EnerNOC has over 3,250 MW of demand response resources under management from its Network Operations Center, or NOC, which functions similarly to a utility control room, and currently provides demand response resources to Pacific Gas & Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas and Electric Company (SDG&E).

EnerNOC has been an active party in multiple Commission proceedings that impact demand response programs, including the predecessor resource adequacy (RA) rulemaking, R.08-01-025. EnerNOC believes that the scope and schedule for this RA rulemaking will have

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<sup>1</sup> R.09-10-032, at p. 1.

a significant impact on demand response resources. In this regard, both R.09-10-032 and Appendix A indicate that the “candidate issues and topics” identified for this proceeding may include “what types of Demand Response programs are counted for RA and how these programs are classified and counted.”<sup>2</sup>

EnerNOC, therefore, has a direct and substantial interest in this, and related issues. Thus, EnerNOC will seek party status in this rulemaking and will request to be added to the service list as a party by e-mail sent to the Commission’s Process Office, in the manner prescribed by Section 6.1 of R.09-10-032.

## **II. ENERNOC POSITION ON PRELIMINARY SCOPING MEMO**

### **A. Categorization**

R.09-10-032 categorizes this rulemaking as “ratesetting.”<sup>3</sup> EnerNOC supports this categorization of R.09-10-032.

### **B. Need for Hearing**

At this point, EnerNOC agrees that the issues identified in Appendix A to R.09-10-032 can be adequately addressed through workshops and comments. However, it is possible that through the workshop process, parties may propose to deal with certain issues through hearings. It is EnerNOC’s preference that, to the greatest extent possible, issues be dealt with through workshops and comments. Evidentiary hearings should be reserved only for consideration of discreet issues identified by parties for which material issues of fact are in dispute, and such requests should be made only after issues can first be considered through the workshop process.

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<sup>2</sup> R.09-10-032, Appendix A, at p. 1; see also, R.09-10-032, at p. 4.

<sup>3</sup> R.09-10-032, at p. 5.

### **C. Schedule**

R.09-10-032 provides the expected schedule for Phase 1 of this proceeding at page. 7. EnerNOC supports the general approach and timeline identified for this schedule.

### **D. Scope: “Candidate Issues and Topics”**

Both R.09-10-032 and Appendix A to the rulemaking identify the issues expected to be considered in the rulemaking, including “RA program refinement topics.”<sup>4</sup> Related to these topics, EnerNOC has two primary areas of interest: the counting of demand response (DR) resources for RA compliance purposes and consideration of the Standard Capacity Product. While these topics are included within the preliminary scope of R.01-10-032, EnerNOC asks that each include consideration of the issues identified below.

#### **1. Counting of DR Resources for RA Compliance**

Of particular interest to EnerNOC is the counting of demand resources toward resource adequacy compliance. Each of the utilities offers several DR programs, and EnerNOC provides demand response services under many of those programs. Therefore, it is of significant interest to EnerNOC that the Commission adopts a policy that recognizes the value of demand response programs by counting those programs toward resource adequacy.

Currently, resource adequacy is counted against the load-serving entity’s (LSE’s) demand requirements, thereby reducing their overall demand requirements. The California Independent System Operator (CAISO) will be submitting a proposal to the Federal Energy Regulatory Commission (FERC) sometime before the end of this year that will permit direct participation of demand response resources into its wholesale markets through Proxy Demand Resource (PDR). PDR will be recognized as a supply-side resource. Therefore, if PDR is adopted, it is possible that some demand response may be counted as a supply-side resource and

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<sup>4</sup> R.09-10-032, at p. 3.

other demand response will be counted as a demand-side resource. Therefore, the Commission may want to clarify how to apply demand response credits for purposes of resource adequacy.

As part of Decision (D.) 09-06-028, issued in the predecessor RA rulemaking (R.08-01-025), the Commission found that the load impact (LI) protocols adopted in D.08-04-050 (R.07-01-041 (DR)) would be the basis for determining how to count demand response resources for resource adequacy purposes. At the time D.09-06-028 was released, the CAISO had not yet fully developed its M&V proposal relative to its PDR proposal. As such, the Commission stated that it would “look forward to an opportunity to evaluate whether such standards, once adopted, would be appropriate for use in the RA program.”<sup>5</sup> Since then, the Commission issued D.09-08-027, as modified by D.09-10-006, in R.08-06-001, which adopted a baseline methodology for calculating demand response performance and the CAISO has adopted a baseline methodology for measuring demand response performance in its markets in its PDR proposal.

Therefore, EnerNOC recommends that, as part of the consideration of how to count demand response resources for purposes of resource adequacy, the Commission should consider whether the LI protocols are superior to a baseline methodology as adopted by the Commission and proposed by the CAISO. As a result, this issue should be included in the scope of R.09-10-032.

## **2. Standard Capacity Product**

Further, since the Standard Capacity Product (SCP) is another area of potential discussion, EnerNOC would also note that SCP does not currently include demand resources in its definition. EnerNOC, therefore, requests that the scope of this topic in R.09-10-032 include consideration of what, if any, plans CAISO has for including DR in this definition in the future, especially if the PDR proposal is adopted.

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<sup>5</sup> D.09-06-028 at Pg. 22.

### 3. Other Issues

As to other “candidate” issues and topics identified in Appendix A to R.09-10-032, EnerNOC does not have any comments relative to those topics at this time. However, EnerNOC does reserve the right to address those topics or supplement its comments either in reply comments or at any subsequent prehearing conference, if one is scheduled.

Respectfully submitted,

November 9, 2009

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For EnerNOC, Inc.

**CERTIFICATE OF SERVICE**

I, Sara Steck Myers, am over the age of 18 years and employed in the City and County of San Francisco. My business address is 122 - 28<sup>th</sup> Avenue, San Francisco, California 94121.

On November 9, 2009, I served the within document **INITIAL COMMENTS OF ENERNOC, INC.**, in R.09-10-032 (RA), with prescribed service on the temporary official service list (R.08-01-025), and with additional delivery by U.S. Mail of hard copies to Assigned Commissioner Peevey and Assigned ALJ Gamson, at San Francisco, California.

Executed on November 9, 2009, at San Francisco, California.

/s/ SARA STECK MYERS

Sara Steck Myers

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