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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the Commission's own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California's greenhouse gas emissions reduction goals.

R.09-08-009

**RESPONSES OF THE DEPARTMENT OF FOOD AND
AGRICULTURE
TO QUESTIONS PRESENTED BY
THE ADMINISTRATIVE LAW JUDGE RULING**

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**I.
INTRODUCTION**

California Department of Food and Agriculture, Division of Measurement Standards CDFA-DMS respectfully submits the following comments on the "Utility Role in Supporting Plug-in Electric Vehicle Charging" Issues Paper and responds to the specific questions posed for parties. CDFA-DMS commends the CPUC's efforts in capturing the substantive issues regarding the utility role in supporting plug-in electric vehicle ("PEV") charging, metering arrangements, and boundary issues. Overall, CDFA-DMS finds that the Issues Paper comprehensively surveys the important issues surrounding the utility role in supporting PEV charging. CDFA-DMS is in accord with Commission staff's near-term recommendations, and finds that the recommendation for the establishment of installation notification protocol should receive the highest priority for implementation. CDFA-DMS supports the near-term recommendations regarding use of a single meter arrangement, but recommends further exploration of alternative longer term metering solutions. CDFA-DMS notes that before long term options such as submetering are adopted there should be careful consideration of key factors such as utility resources and protocols necessary to support the option, reasonable availability to all customers, the potential need for statewide standards and billing systems support, the incremental cost of that support (e.g., for subtractive billing) and the cost allocation, and the simplicity of the option. It will be important to explore emerging PEV metering, PEV charging technology (stationary and non-stationary), and PEV2 charging transaction-processing technologies to help emerging products enter the market quickly in a manner that does not impose new risks to customers or shifts costs and risks. CDFA-DMS provides comments and recommendations in Part II below on specific to questions presented by the Administrative Law Judge Ruling.

II.
COMMENTS ON THE ADMINISTRATIVE LAW JUDGE RULING

Issue 2. Submetering Protocol

b. What other agencies need to lead or be involved in this (submetering protocol) process?

We believe that the California Department of Food and Agriculture, Division of Measurement Standards (CDFA DMS) must be involved in the development of submetering protocol. CDFA DMS has the legal mandate under the Business and Professions Code, Division 5 to approve, test for accuracy and seal as accurate all weighing, measuring and counting devices used in a commercial manner (to buy, sell, or charge for a service) in California's marketplace. Additionally, CDFA DMS has the responsibility to regulate and oversee the content of price advertising signs for motor vehicle fuels to prevent false, misleading, or deceptive advertising.

It is entirely probable that as PEV charging stations are built or added to existing "service stations", that some measuring device will be used to charge the customer for the electricity used to recharge their vehicle. This would be a commercial transaction and CDFA DMS would have authority over the approval for use and testing for accuracy of that measuring device.

c. What are the key issues to be addressed in a submetering protocol?

The key issues from the standpoint of CDFA DMS are the approval of the electricity measuring device for commercial use, the testing for accuracy of the measuring device use to charge fees to charge a PEV in a non-CPUC over sighted installation, and the advertising of the price of the "fuel" that must be posted to inform the consumer of the cost for charging their PEV.

Dated September 20, 2010.

Respectfully submitted,

By /s/ *David R. Lazier*

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CERTIFICATE OF SERVICE

Pursuant to the Commission's Rules, I hereby certify that I have this day served a copy of the foregoing **COMMENTS OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DIVISION OF MEASUREMENT STANDARDS ON ADMINISTRATIVE LAW JUDGE'S RULING** on all parties of record in **R.09-08-009** by electronic mail.

Dated at Sacramento, California, this 18th day of November, 2010.

/s/ David R. Lazier

David R. Lazier

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, DIVISION OF MEASUREMENT STANDARDS

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