

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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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.

Rulemaking 09-08-009
(Filed August 20, 2009)

**OFFICE OF RATEPAYER ADVOCATES' COMMENTS ON THE
PROPOSED DECISION MODIFYING THE REQUIREMENTS FOR THE
DEVELOPMENT OF PLUG-IN ELECTRIC VEHICLE
SUBMETERING PROTOCOL**

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I. INTRODUCTION

In accordance with Rule 14.3 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, the Office of Ratepayer Advocates (ORA) submits these opening comments on Commissioner Peterman's proposed *Decision Modifying the Requirements for the Development of Plug-In Electric Vehicle Submetering Protocol*, in the above-noticed docket. Commissioner Peterman issued the proposed decision (PD) on October 1, 2013; thus, DRA timely submits filing.

ORA supports Commissioner Peterman's PD, and offers a few suggested modifications to further strengthen the final decision. ORA's comments below identify several factual, legal and technical errors in the PD and makes specific changes to improve the implementation of the submetering pilots adopted in the PD.

I. DISCUSSION

A. The Number Of Submetering Participants Allotted To Each Utility Should Be Allocated Fairly To Each Customer Category.

The PD allots 500 submetering participants to each utility to be provided to each customer category which comprises of single family, multi-dueling residential units, as

well as commercial customers for each phase—Phase 1 for individual customers, and Phase 2 for multi-dwelling customers.¹ However, the PD does not specify the method of allocation for the 500 submetered loads between customer categories of single family, multifamily, and commercial customers. This lack of specific allocation methodology could inadvertently result in a disproportionate number of customers in a category signing up for the submetering pilot programs. If the majority of the 500 participants are taken by one customer category, it would clearly prevent many customers in other categories from signing up for the program.

ORA proposes the 500 submetering participants granted to each utility be shared among single family, multifamily, and commercial customer to avoid precluding some customers from the pilot program. A reasonable method would be to allocate each utilities' 500 submetering participants by the ratio of existing customers by customer category within the individual Investor Owned Utility's (IOU's) service territory, based upon the utilities' respective most recent general rate case.

B. The IOUs Should Inform Potential Customers About The Availability Of Submetering Pilots As Well As Their Potential Costs And Benefits.

The PD does not include instructions on how to inform potential customers of the availability of this program as well as choices, any potential costs, and associated benefits of pilot programs as described in the PD.²

The PD should include information on how a customer should be notified of such pilot program. The customers who agree to be part of the pilot program should also be given a choice to keep and/or possibly take over the ownership of the submeter after the pilot program ends as an incentive to participate in the pilot program.

¹ PD, p. 24.

² PD, p. 2.

C. The PD should Keep the Spending on Pilot Programs Within the EPIC Budget for Each Utility If the EPIC PD is adopted.

Ordering Paragraph 6 of the PD directs the utilities to either adopt the Electric Program Investment Charge (“EPIC”) program as a funding source for the utilities’ submetering pilots or establish a memorandum account to track expenditures.³

ORA supports using the EPIC program to fund submetering pilots so long as the pilots comply with the criteria set forth in the EPIC decisions⁴ used to evaluate prospective investment proposals. However, Commission must remedy several legal and technical errors that exist before adopting proposed Ordering Paragraph 6.

The PD potentially commits legal error in directing the IOUs to submit a petition to modify to establish a memorandum account to track expenditures. PG&E’s⁵ and SCE’s⁶ proposed EPIC investment plans incorporated submetering proposals, which ORA did not oppose.⁷ SDG&E’s EPIC investment plan did not include a submetering proposal. The Commission would need to reopen the record and allow SDG&E to submit an amended EPIC investment plan, with the limited purpose of including a submetering proposal. If this is the case, SDG&E would need to eliminate or reduce the costs of existing EPIC proposals to stay within its allotted funding cap.

By adopting the EPIC program to fund the submetering pilots, the final decision must also address the following:

- Each utility budget is capped at specific allocated levels, which the utilities are prohibited from exceeding.⁸ If the utilities seek to include submetering into their plans, or adjust existing proposal amounts, they must do so at the expense of other EPIC investment proposals.

³ PD, OP 6, p. 41.

⁴ D.12-05-037, OP 12, pp. 102-104.

⁵ PG&E EPIC Investment Plan (11/01/12), pp. 85-89.

⁶ SCE EPIC Investment Plan (11/01/12), p. 165.

⁷ A PD was issued on the EPIC investment plans on May 24, 2013, and a modified PD was issued on October 15, 2013.

⁸ D.12-05-037, p. OP 7, p. 101.

- The Commission may not increase the overall EPIC program budget to accommodate the submetering pilots. Senate Bill 96 prohibits the Commission from increasing the EPIC budget beyond the amount authorized in D.12-05-037.²

D. If The EPIC PD Is Not Adopted, The Each Utility Should File An Application For Their Submetering Pilot.

Finally, the PD potentially commits legal error in directing the IOUs to submit a petition to modify to establish a memorandum account to track expenditures. The instant Rulemaking was not an appropriate mechanism for review of submetering pilots, and the utilities only provided general estimates of costs.

If the EPIC program is not adopted by the Commission, the Commission should order the utilities' to file separate applications outlining their respective implementation plans for their submetering pilots. The utilities' applications should also present scoring criteria unique to submetering and also specify that preference will be afforded to proposals that provide alternative funding sources.¹⁰ These proposals are consistent with the processes and guidelines established in the EPIC program; it also provides the Commission with an opportunity to conduct a thorough reasonableness review of the submetering funding proposals.

E. Factual Error on Footnote #59

Footnote # 59 on page 37, refers to ORA's opening comments. The reference errs and should instead refer to the EVSP Coalition comments.

II. CONCLUSION

The Commission should adopt ORA's recommendations above, and in ORA's proposed redlines to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs. Ordering Paragraph #1 states the utilities "shall comply with the October 2013 Energy Division Staff Plug-In Electric Vehicle Submetering Roadmap (Attachment 1)," ORA

² SB 96, SEC 23 (Chapter 356, Statutes of 2013)

¹⁰ D.12-05-037, OP 12, pp. 102-104.

requests its recommendations also be incorporated within the Energy Division Roadmap.

Respectfully submitted,

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ATTACHMENT - REDLINES

PROPOSED Findings of Fact

8. Each utility must support up to 500 eligible submetering participants in each pilot phase. Each enrolled customers will be able to participate in the pilot for at least 12 months. The 500 submetering participants should be allocated the ratio of existing customers by customer category within the individual IOU's service territory, based upon the utilities' respective most recent general rate case.

9. The Single Customer of Record phase will begin enrollment 150 days after this Decision is finalized. The utilities should inform potential customers about the availability of submetering pilots. Customers may enroll to receive submetering service for up to six months or until the enrollment cap is reached.

10. The Multiple Customers of Record phase will begin enrollment on December 1, 2014. The utilities should inform potential customers about the availability of submetering pilots. Customers may enroll to receive submetering service for up to 6 months or until the enrollment cap is reached.

PROPOSED Conclusions of Law

4. A two phase pilot, testing Single Customer of Record submetering and then Multiple Customers of Record submetering, is a reasonable approach for implementing the pilot program. It is reasonable to allocate 500 submetering participants by the ratio of existing customers by customer category within the individual IOU's service territory, based upon the utilities' respective most recent general rate case.

PROPOSED Ordering Paragraph

6. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall jointly file a ~~petition to modify this decision an~~

application to establish a Memorandum Account to track utility costs incurred from planning and implementing the Submetering Pilots and proposes an alternative funding source if the EPIC Investment Plans are not scheduled for Commission consideration within 90 days after the date of this decision. The spending on pilot programs should remain within the EPIC budget for each utility.