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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Concerning
Energy Efficiency Rolling Portfolios,
Policies, Programs, Evaluation, and Related
Issues.

Rulemaking 13-11-005
(Filed November 14, 2013)

**ASSIGNED COMMISSIONER'S AND ADMINISTRATIVE LAW JUDGE'S
JOINT RULING RE PHASE II PREHEARING CONFERENCE STATEMENTS**

The Commission divided Rulemaking (R.) 13-11-005 into three phases. Phase I ensured that 2015 funding is in place while we resolve "Rolling Portfolio" implementation issues. With the conclusion of Phase I in Decision (D.) 14-10-046 (as amended by D.15-01-002), we turn now to Phase II. We have separately noticed a Phase II prehearing conference (PHC) for January 28, 2015.

Rulemaking (R.) 13-11-005 preliminarily scoped Phase II to address "how we will put 'Rolling Portfolios' in place for 2016 and beyond."¹ Our current thinking is that in the first half of 2015, we should focus on deciding what we must in order for Program Administrators (PAs) to revise 2016 portfolios, with this serving as a trial for how we will review and revise rolling portfolios going forward. As part of this effort, we will consider changes to direct in 2016 portfolios to better align them with the Governor's goal of "doubling the

¹ R.13-11-005 at 5.

efficiency of existing buildings” by 2030.² As a practical matter, this means figuring out and deciding by mid-2015 the “critical path” items for changes to 2016 portfolios, regardless of those items’ previous designation as part of Phase II or Phase III.

PHC statements will help us to determine what these critical path issues are. Any party may file a PHC statement. Filers should limit their PHC statements to addressing the following questions:

1. What are the issues we need to resolve, and by when and in what order, so that PAs can submit proposed revisions to portfolios in time for us to review and dispose of them by the end of 2015?
 - a. We note that R.13-11-005 identifies “Particular Considerations for the New Review Process.”³ Parties should use this portion of R.13-11-005 as a starting point in responding to this question.
 - b. Is it possible to fully address “rolling portfolio” implementation issues in the timeframe we are contemplating? If not, what subset of such issues can/should be deferred, and for how long?
2. What procedural steps should we take to resolve “critical path” issues in the first half of 2015? Workshops? Hearings? White papers followed by comments? Legal Briefs? Other/additional? We invite parties to propose procedural schedules in their PHC statements.

² From the Governor’s January 5, 2015 inaugural address:
<http://gov.ca.gov/news.php?id=18828>

³ R.13-11-005, at 11 (Section 3.2.2.2). The considerations are: (1) updating goals and potential studies, and targets; (2) streamlining and standardizing administrator and implementer reporting requirements and administrator budget categories; (3) *Ex ante* estimate integration; (4) *Ex post* EM&V integration with “Rolling Portfolios;” (5) Revisions to the ESPI mechanism to reflect “Rolling Portfolios;” (6) Adapting CCA and REN polities to reflect “Rolling Portfolios;” and (7) Identifying and addressing any safety issues.

3. What progress have parties made on a “joint proposal or party proposals for a ‘Rolling Portfolio’ filing and review process?”⁴
4. How are we to handle ongoing “business as usual” decision making while this proceeding is pending?
5. How are we going to coordinate this proceeding with R.14-10-003?⁵

A large number of parties are participating in this proceeding. To keep PHC statements manageable, we restrict the length of PHC statements as follows:

- For a single party, 10 pages (excluding caption and signature block; including attachments).
- For two or more parties, 15 pages (same caveats as above).

A closing note to parties: please avoid buzzwords in your PHC statements. PHC statements should provide specifics, not generalities, in addressing the issues we enumerated above.

IT IS RULED that:

1. Any person may file a prehearing conference statement with the California Public Utility Commission’s Docket Office on or before **January 26, 2015**, subject to the following page limits:
 - a. For a single party, 10 pages (**excluding** caption and signature block; **including** attachments); and

⁴ R.13-11-005, at 10. *See also* Assigned Commissioner’s January 22, 2014 Ruling (“Parties have been and are engaged in a collaborative effort to develop the joint proposal that R.13-11-005 requested []. I want to encourage parties to continue this collaborative effort informally during Phase I, as time permits.”)

⁵ Order Instituting Rulemaking to Create a Consistent Regulatory Framework for the Guidance, Planning, and Evaluation of Integrated Demand Side Resource Programs.

b. For two or more parties, 15 pages (**excluding** captions and signature block, **including** attachments).

Dated January 13, 2015, at San Francisco, California.

/s/ CARLA J. PETERMAN

Carla J. Peterman
Assigned Commissioner

/s/ TODD O. EDMISTER

Todd O. Edmister
Administrative Law Judge