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

In the Matter of the Application of  
Pacific Gas and Electric Company for  
Approval of its Electric Vehicle  
Infrastructure and Education Program  
(U 39-E).

Application 15-02-009  
(Filed February 9, 2015)

**OPENING BRIEF OF VOTE SOLAR**

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**OPENING BRIEF OF VOTE SOLAR**

Pursuant to Rule 13.11 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), and in compliance with Administrative Law Judge (ALJ) Darwin Farrar’s Ruling setting the schedule for opening briefs on June 17, 2016, Vote Solar hereby files its Opening Brief of the above-captioned proceeding.

**I. INTRODUCTION, BACKGROUND AND PROCEDURAL HISTORY**

Vote Solar’s mission is to foster economic opportunity, promote energy security and fight climate change by making solar a mainstream energy resource. We work at the state level all across the country to support the policies and programs needed to repower our grid with sunshine. Vote Solar joined this proceeding, along with similar proceedings for San Diego Gas and Electric Company (SDG&E) (A.14-04-014) and Southern California Edison (SCE) (A.14-10-014), because all three utility applications promised an opportunity to responsibly plan for the integration of electric vehicles (EVs) into the grid by, among other things, facilitating fair market competition among charging service providers and planning for scalable infrastructure that would not only allow for the absorption of related load, but allow the grid to leverage electric vehicles as a tool for balancing and integrating distributed, renewable generation.

On February 9, 2015, PG&E filed its EV Infrastructure and Education Program Application (A.15-02-009), which among other things would “support integration of increased

intermittent renewable energy on the State's electric power grid, ultimately enabling PG&E to use EV load for system-wide benefit.”<sup>1</sup> The Application called for PG&E to deploy, own and maintain approximately 25,000 Level 2 (L2) charging stations and 100 DC Fast Chargers (DCFC),<sup>2</sup> targeted at public facilities, workplaces and multi-unit dwellings (MUDs).<sup>3</sup> Ten percent of the charging stations would be located in disadvantaged communities.<sup>4</sup> PG&E also proposed to offer education and outreach materials,<sup>5</sup> as well as time-variant pricing for the EVs.<sup>6</sup> The proposed program budget of approximately \$654 million included roughly \$551 million for capital and approximately \$103 million for operating expenses<sup>7</sup> and represented, by PG&E's estimates, approximately 25 percent of the market for EV charging stations needed by 2020.<sup>8</sup>

On June 16, 2015, the ALJ issued a ruling requesting comments on phasing PG&E's proposed EV Program. Parties filed comments on July 2 and 3, 2015 and reply comments on July 10, 2015. Vote Solar was one of many Parties to file comments in support of a formal phasing of the proposed program.

On September 4, 2015, the Joint Assigned Commissioner and ALJ issued a Scoping Memo and Ruling (Ruling), which stated:

We will not consider the EV Program as proposed by PG&E because it does not allow for adequate review and evaluation to determine whether its costs are just and reasonable, whether it results in ratepayer benefits, and whether potential anticompetitive impacts are adequately prevented and/or mitigated.<sup>9</sup>

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<sup>1</sup> Exhibit 02, PG&E – Aaron Johnson, p. 1-5, lines 18–20.

<sup>2</sup> Id, p. 1-3, lines 5-6.

<sup>3</sup> Id, p. 1-3, lines 7-8.

<sup>4</sup> Id, p. 1-3, line 9.

<sup>5</sup> Id, p. 1-3, lines 11-12.

<sup>6</sup> Id, p. 1-3, line 13.

<sup>7</sup> Id, p. 1-11, Table 1-1.

<sup>8</sup> Id, p. 1-2, lines 23-24 and p. 1-3, lines 1-3.

<sup>9</sup> Joint Assigned Commissioners and Administrative Law Judges' Scoping Memo and Ruling, A.15-02-009, September 4, 2015, p. 4.

The Ruling instead directed PG&E to file a supplement to their Application, to include a phased approach, starting with ten percent of the total proposed charging stations (up to 2,510 stations), to be deployed over a 24-month period.<sup>10</sup> The Ruling also required PG&E to include in the supplement a transition plan that provides 18 months of data for the Commission to evaluate, and which identifies steps to minimize market uncertainty and discontinuity.<sup>11</sup> Finally, the Commission required PG&E to respond to a series of questions about the program, including questions about how the proposed program meets the balancing test established in D.11-07-029 and described in D.14-12-079.<sup>12</sup>

On October 12, 2015, PG&E served supplemental testimony that included a “Compliant Proposal” as well as an “Enhanced Proposal.” The Compliant Proposal followed the requirements from the September 4<sup>th</sup> Ruling, except that the DCFC portion of the Compliant Proposal only reduced the number of DCFC stations to 50 percent of the original proposal instead of the ten percent required by the September 4<sup>th</sup> Ruling.<sup>13</sup> These stations would be deployed over a 24-month period as required by the Ruling.<sup>14</sup> The unsolicited and non-compliant “Enhanced Proposal” requested approval for PG&E to deploy, own and maintain up to 7,530 charging stations over 36 months, which includes all 100 of the originally proposed DCFC stations.<sup>15</sup>

On November 30, 2015, Parties served opening testimony, followed by rebuttal testimony on December 21, 2015. Evidentiary hearings were originally scheduled to begin on February 8, 2016. However, shortly before hearings were set to begin, PG&E requested a postponement of the hearing so they could pursue settlement negotiations with some of the Parties.

PG&E’s settlement negotiations, however, included only a subset of the Parties who had filed testimony. On March 11, 2016, PG&E held an all-party settlement conference to explain

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<sup>10</sup> Id, p. 15.

<sup>11</sup> Id, p. 15.

<sup>12</sup> Id, pp. 8 and 15.

<sup>13</sup> Exhibit 03, PG&E – Jana R. Corey, p. 4, Lines 21-26.

<sup>14</sup> Id.

<sup>15</sup> Id, p. 10, Lines 15-17.

the settlement and solicit support from Parties who had not participated in negotiations. On March 21, 2016, PG&E submitted a Joint Motion for Adoption of a Settlement, which still did not have the support of a large number of Parties, including Vote Solar. The settlement that PG&E submitted was essentially a revision to its non-compliant “Enhanced Proposal”, but which did not adequately address the concerns that Vote Solar and many of the Non-Settling Parties.

On April 1, 2016, the Office of Ratepayer Advocates (ORA), The Utility Reform Network (TURN), Electric Vehicle Charging Association (EVCA), The Technology Network (TechNet), Joint Minority Parties (JMP), ChargePoint, and Vote Solar, filed a Response opposing the Joint Motion for Adoption of a Settlement (Response). By order of the ALJ, on April 12, Parties opposed to the PG&E settlement filed comments identifying issues of fact to be addressed in hearings, and PG&E and its supporters filed a joint response answering a number of questions about the Settlement Agreement. Evidentiary hearings were held the week of April 25, 2016.

## **II. BURDEN OF PROOF AND LEGAL STANDARDS**

PG&E bears the burden of proving that it is entitled to the relief sought in this proceeding, as well as establishing the reasonableness of all aspects of its application. PG&E has the burden of affirmatively establishing that its proposal meets all of the requirements established in Public Utilities Code sections 740.3, 740.8 and the Commission’s “balancing test.”

## **III. STATUS OF PROPOSALS**

On October 12, 2015, PG&E filed a Supplement to their original Application from February 9, 2015. The Supplement contained a Compliant Proposal, which adhered to the Commission’s requirement to limit program size to ten percent of the total amount proposed in the original Application,<sup>16</sup> with the exception that PG&E only reduced the number of DCFC

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<sup>16</sup> Exhibit 03, PG&E – Jana R. Corey, p. 4, lines 21-24.

charging stations by 50 percent instead of ten percent.<sup>17</sup> The Supplement also contained an Enhanced Proposal, which included up to 7,530 L2 charging stations and 100 DCFC charging stations<sup>18</sup> and extended for three years instead of two.<sup>19</sup>

However, on March 21, 2016, PG&E filed a motion to approve a Settlement Agreement, although the agreement was not signed by a significant number of Parties, including Vote Solar. PG&E seeks approval of this so-called Settlement Agreement, which is a modified version of their unsolicited and non-compliant Enhanced Proposal. Vote Solar, and all of the Non-Settling Parties contend the Settlement Agreement does not adequately correct deficiencies each Party pointed out in earlier written testimony. The Non-Settling Parties have developed an Alternative Proposal, which is outlined in Section IV, below. The Non-Settling Parties recommend the Commission adopt this Alternative Proposal instead of PG&E's original Application, Compliant Proposal, Enhanced Proposal, or Settlement Agreement.

#### **IV. SUMMARY OF RECOMMENDATIONS**

As mentioned in Section III, Vote Solar has joined with a number of Non-Settling Parties, including ORA, TURN, JMP, Chargepoint, EVCA, TechNet, and Green Power Institute (GPI) in proposing an Alternative Proposal, outlined below:

- PG&E's Phase 1 program should comply with the September 4, 2015 Joint Assigned Commissioner and Administrative Law Judges' Scoping Memo and Ruling.
- The program should focus on the underserved customer segments of MUDs and disadvantaged communities.
- The total budget should not exceed \$87.4 million (cost of PG&E's Compliant Proposal), with costs recovered via a one-way balancing account. Any cost

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<sup>17</sup> Id, lines 24-26.

<sup>18</sup> Id, p. 10, lines 15-16.

<sup>19</sup> Id, lines 16-17.

savings may be used by PG&E for additional deployment consistent with these recommendations and, if relevant, for continued deployment during the transition period.

- PG&E should be authorized to install 2,500 Level 2 EV charging stations, which may include up to 5,000 ports, utilizing dual port charging technology when possible.
- PG&E may install up to 10 DCFC stations.
- The Phase 1 program will target a minimum of 50% of L2 charging stations deployed in MUDs.
- PG&E will establish an open and unconstrained process for site hosts to choose equipment and network services. At all sites, the site host will be PG&E's customer of record.
- The site host may determine the rate structure and amount charged to drivers for EV charging services, subject to the obligation to implement a load management plan reflecting best practices.
- At all sites PG&E may ratebase utility-side infrastructure (make-ready) up to but not including the Electric Vehicle Service Equipment (EVSE).
- If the Commission deems utility ownership of EVSE is necessary, then it should be limited to the underserved markets of MUDs and low-income communities.
- Site hosts should make a meaningful contribution to the project as a condition of participation.
- The program should be overseen by a Program Advisory Council that includes representatives from local and state government (including Energy Division), industry, labor and other stakeholder participants, ratepayer and environmental advocates, and representatives of disadvantaged communities.

- If the Commission has failed to release a Phase 2 decision before the close of Phase 1, PG&E may file an advice letter to extend Phase 1 by a period of up to one year, with funding limited to the allocated \$87.4 million Phase 1 budget.
- Disadvantaged communities shall be defined as the top quartile of Disadvantaged Communities identified by CalEnviroScreen 2.0 on a PG&E service territory basis. For locations within eligible disadvantaged communities, a full waiver of customer contribution to costs shall be provided only to MUDs.
- PG&E's site selection criteria will coordinate with and leverage PG&E's Distribution Resources Plan (DRP) and related programs, including PG&E's DRP Integration Capacity Analysis (ICA), for integrating distributed energy resources, including EVs, onto PG&E's grid at optimal locations and to maximize grid benefits. By ensuring that site hosts have the discretion to control EV charging at the site and to integrate EV charging with other forms of on-site Distributed Energy Resources (DER) and energy management systems, PG&E's Phase 1 program will help minimize infrastructure costs, enable site hosts to provide necessary grid services and maximize net benefits for all customers in compliance with Public Utilities Code Section 769.

While there may be minor differences among some of the Non-Settling Parties on some of the above recommendations and principles, there is significant alignment and agreement on all major aspects of the proposal. Although Vote Solar may not have provided comments or testimony on all of the above-mentioned issues, we are nonetheless supportive of the Alternative Proposal. Vote Solar offers additional recommendations to the Alternative Proposal to strengthen the load management requirements and coordination with the DRP, which we detail below.

In following sections, Vote Solar expands on our primary concerns, which we brought up in comments and testimony. Specifically, Vote Solar identified three main issues with PG&E's proposals: 1) deficiencies in the Vehicle-Grid Integration (VGI) aspects of the program; 2)

inadequate coordination with other forms of Distributed Energy Resources (DERs) as part of PG&E's Distribution Resources Plan (DRP); and 3) ongoing concerns about the unfair competitive advantage the program creates for PG&E.<sup>20</sup>

In addition to the above-mentioned recommendations, Vote Solar also recommends the Commission require PG&E to develop and file a plan, within three months of a final decision, for how specifically it will use the ICA results to not only coordinate with the DRP, but also utilize EV charging funded under this pilot program to achieve the objectives of Public Utilities Code Section 769 and specifically ensure the program will maximize net benefits to all customers.

Vote Solar also recommends EV drivers not be required to take service under existing Time-of-Use (TOU) rates as PG&E proposes, but rather allow site hosts to determine rates to charge EV drivers. Site hosts should, as PG&E recommends, be required to develop load management plans. Vote Solar recommends that that these load management plans be reflective of the locational needs as informed by PG&E's ICA, regardless of the location of the site relative to identified critical DRP locations.

Finally, Vote Solar recommends that PG&E engage with stakeholders in an open and transparent process, perhaps via the Program Advisory Council, to evaluate existing demand response and load management programs and develop future EV grid support capabilities, again consistent with the DRP and Public Utilities Code Section 769.

## **V. PHASE 1 PROGRAM ELEMENTS AND ISSUES**

### **A. PROGRAM SCOPE, DURATION AND COST**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

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<sup>20</sup> Exhibit 181, Vote Solar – Jim Baak, p. 1, Lines 26-30.

## **B. UTILITY OWNERSHIP**

Vote Solar contended in its written testimony, and still contends, that PG&E's insistence on utility ownership creates an unfair competitive advantage.<sup>21</sup> In our written testimony, we stated that EVSE suppliers who are not selected by PG&E would not benefit from PG&E's financing and installation of EV infrastructure under this program.<sup>22</sup> We contend that approving the Settlement Agreement would give PG&E an unfair advantage by allowing it to cherry-pick the most profitable charging opportunities within its region, all while being backed by ratepayer recovery options that are not available to private competitors. This set up is contrary to *Clean Energy Fuels Corp. v. California Public Utilities Commission* (2014) 227 Cal. App. 4th 641 and Public Utilities Code § 740.3. The Settlement Agreement does not "ensure that the [Applicant] do[es] not unfairly compete with nonutility enterprises . . . ." (Pub. Util. Code, § 740.3, subd. (c).)

Vote Solar therefore joins and supports the Non-Settling Parties' recommendation to reduce the overall Phase I programs size and allow PG&E to ratebase all infrastructure costs up to, but not including the EVSE to mitigate competitiveness concerns.

## **C. COSTS V. RATEPAYER BENEFITS**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

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<sup>21</sup> Id, p. 14, Lines 21-29, and p. 15, Lines 1-3.

<sup>22</sup> Id.

**D. CHOICE AND SELECTION OF EVSE AND NETWORK SERVICES;  
SUPPLIER DIVERSITY**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**E. SITE SELECTION CRITERIA; SITE HOST ROLE; AND CUSTOMER  
PAYMENTS**

Vote Solar addresses site selection as it relates to coordination with the DRP in Section I, below. Vote Solar is not providing comments on site host role or customer payments in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**F. LOAD MANAGEMENT; TIME OF USE RATES, PRICING TO EV DRIVERS  
PG&E**

PG&E's original Application and Compliant and Enhanced Proposals provided only vague reference to use of time variant pricing. Further, the Compliant and Enhanced Proposals made no mention of PG&E's iChargeForward demand response pilot that began in July of 2015, roughly three months prior to PG&E's filing of its Supplemental Application. In written testimony, Vote Solar pointed out these deficiencies and recommended PG&E accelerate efforts to create programs that leverage vehicle to grid (VGI) capabilities of EVs.<sup>23</sup>

In the settlement agreement, PG&E stated that EV Service Providers (EVSPs) would be served under existing applicable TOU rates.<sup>24</sup> These rate options include Schedules A-6, A-10, and E-19.<sup>25</sup> Vote Solar has no problem with PG&E serving the site hosts under these tariffs. However, PG&E states that drivers under the TOU Rate-to-

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<sup>23</sup> Id., p 4, lines 20-24.

<sup>24</sup> Exhibit 01, Attachment pp. 9-10.

<sup>25</sup> Id.

Driver option would also be billed under these TOU rate schedules.<sup>26</sup> The time periods for these rates are based on system peak, partial peak and off-peak hours and do not reflect locational differences, nor are they designed to encourage mid-day charging to absorb excess solar generation. They also lack the flexibility to respond to rapidly changing locational grid needs. Vote Solar contends that these TOU rates are not appropriate or effective for maximizing locational benefits and do not facilitate integration of renewable energy, specifically solar energy, and offer very limited flexibility for responding to locational needs or constraints.

Further, Vote Solar supports the Non-Settling Parties' recommendation that the site host should have control over the rates charged to drivers. While EVs can be effective in helping manage the grid, is capability will go unused if the drivers' basic needs for charging their EVs is hindered. Therefore, requiring site hosts to charge drivers using these TOU rates may in fact discourage EV drivers and site hosts from participating in the program.

Vote Solar strongly supports the requirement in the Settlement Agreement that site hosts be required to submit load management plans and allowing site hosts to develop innovative load management tactics, so long as they are consistent with the Guiding Principles.<sup>27</sup> We further recommend that these load management plans be reflective of the locational needs as informed by PG&E's ICA, regardless of the location of the site relative to identified critical DRP locations.

PG&E also says in the Settlement Agreement that they will "aim to leverage existing or planned load management pilots and programs,"<sup>28</sup> including the PG&E/BMW iChargeForward pilot and the Electric Power Research Institute's "Open Vehicle Grid

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<sup>26</sup> Id.

<sup>27</sup> Id, Attachment p. 10.

<sup>28</sup> Id.

Integration Platform.”<sup>29</sup> PG&E further says it will adopt an “Advanced EV Grid Support” program for Phase 2 of the program.<sup>30</sup> This language is simply too vague and noncommittal. Vote Solar recommends that PG&E engage with stakeholders in an open and transparent process, perhaps via the Program Advisory Council, to evaluate these programs and develop future EV grid support capabilities, again consistent with the DRP and Public Utilities Code Section 769.

#### **G. MARKET SEGMENTS**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

#### **H. DISADVANTAGED COMMUNITIES**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

#### **I. COORDINATION WITH DISTRIBUTED RESOURCE PLANS**

As Vote Solar discussed in its written testimony, neither PG&E’s Compliant Proposal nor its Enhanced Proposal included any mention of the DRP, ICA or Locational Net Benefits Analysis (LNBA).<sup>31</sup> Vote Solar offered that, at a minimum, PG&E should include the results of the ICA as one of the criteria for selecting host sites for charging equipment.<sup>32</sup> In the Settlement Agreement, PG&E offered to coordinate and leverage their site selection criteria with the DRP<sup>33</sup> – the minimum effort for DRP coordination. As we testified to in hearings, while this is an improvement over not doing any coordination with the DRP in the Compliant and Enhanced Proposals, it lacks specificity

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<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> Exhibit 181, Vote Solar – Jim Baak, p. 7, Lines 1-5.

<sup>32</sup> Id, p. 10, Lines 14 – 16.

<sup>33</sup> Exhibit 01, p. 13.

and does not go far enough.<sup>34</sup> PG&E failed to state how they will accomplish this coordination, whether or how they intend to share this information with potential site hosts, how they propose using the ICA results to weigh site selection or what potential impact the ICA results will have on the design of load management programs for the specific site. Further, PG&E fails to recognize the potential to leverage other forms of DER, using the ICA and LNBA results, to address specific constraints at proposed EV charging sites and potentially reduce infrastructure costs, as well as to help site hosts and/or EVSE providers develop load management programs to maximize locational net benefits for the circuit or line section where the EVSE connects to the grid.

In the Assigned Commissioner's Ruling on ICA and LNBA Methodologies (ACR) (R.14-08-013), the Commission which stated that PG&E was the only utility to have completed a full dynamic ICA<sup>35</sup> and required both SDG&E and SCE to adopt PG&E's ICA methodologies.<sup>36</sup> PG&E began implementing these advanced sensing and analytic capabilities before the DRP proceeding began which enabled them to model almost their entire grid at the three-phase level, including over 500,000 points (or nodes) across 102,000 line segments for over 3,000 circuits.<sup>37</sup> Given these advanced capabilities, PG&E clearly has the ability to not only identify highly locational grid needs, but also potential solutions. Again, per the ACR, PG&E has the ability to model a variety of DER combinations, including solar, stationary storage, load control, and EVs.<sup>38</sup>

Vote Solar therefore recommends the Commission require PG&E to develop and file a plan, within three months of a final decision, for how specifically it will use the ICA results to not only coordinate with the DRP, but also utilize EV charging funded

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<sup>34</sup> Hearing Transcript, Volume 5, Jim Baak, p. 577, Lines 14-19.

<sup>35</sup> Assigned Commissioner's Ruling (1) Refining Integration Capacity and Locational Net Benefit Analysis Methodologies and Requirements; and (2) Authorizing Demonstration Projects A and B, R.14-08-013, May 2, 2016, Appendix A, p. 3.

<sup>36</sup> Id, for example pp. 6 and 10.

<sup>37</sup> PG&E Electric Distribution Resources Plan, July 1, 2015, pp. 22-23.

<sup>38</sup> Id. Attachment A, p. 11.

under this pilot program to achieve the objectives of Public Utilities Code Section 769 and specifically ensure the program will maximize net benefits to all customers.

**J. EDUCATION AND OUTREACH**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**K. COORDINATION AND COLLABORATION WITH CCA'S**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**L. MONITORING, DATA COLLECTION AND REPORTING**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**M. ADVISORY COUNCIL**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**N. GUIDING PRINCIPLES**

As previously stated, Vote Solar joins and supports the Non-Settling parties' principles outlined in Section IV, above.

**O. COST RECOVERY, COST ALLOCATION, MANAGEMENT AND TRANSITION MECHANISM**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**P. SAFETY**

Vote Solar is not commenting on this issue in these Opening Briefs, but reserves the right to do so in Reply Briefs.

**VI. OTHER ISSUES**

Vote Solar has not identified issues beyond those already discussed, but reserves the right to respond in its Reply Brief.

**VII. CONCLUSION**

For the reasons set forth above and in its comments on the Settlement Agreement, Vote Solar respectfully requests that the Commission adopt the Non-Settling Parties' Alternative Proposal along with Vote Solar's additional program recommendations described herein.

Dated: June 17, 2016

Respectfully submitted,

/s/ Jim Baak \_\_\_\_\_

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