



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Order Instituting Rulemaking Regarding Policies
and Protocols for Demand Response Load Impact
Estimates, Cost-Effectiveness Methodologies,
Megawatt Goals and Alignment with California
Independent System Operator Market Design
Protocols

Rulemaking 07-01-041
(Filed January 25, 2007)

REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E)
AND COMMENTS ON WORKSHOP REPORT

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**REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) AND
COMMENTS ON WORKSHOP REPORT**

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AND COMMENTS ON WORKSHOP REPORT**

I.

INTRODUCTION

Pursuant to the December 29, 2009 Administrative Law Judge's Ruling (Ruling) Memorializing Schedule Modifications in the Direct Participation Phase of Rulemaking 07-01-041, Southern California Edison Company (SCE) respectfully submits its reply comments and comments on the Workshop Report filed January 8, 2010 in this proceeding. Concurrent with these comments, SCE will file a separate brief on the jurisdictional issues identified in the Ruling.

II.

DISCUSSION

In its December 4, 2009 opening comments in this proceeding, SCE advocated the need for sufficient time and an interactive process to identify and address all of the issues involved in properly implementing direct bidding of demand response (DR) into the California Independent

System Operator's (CAISO's) markets. SCE expressed concern that an initial round of comments and a workshop would not be adequate for a fully developed record from which to proceed to a decision in this proceeding. Having recently completed the workshops, SCE remains concerned that additional time and workshops are needed before the California Public Utility Commission (Commission) can authorize full, direct participation of DR in the CAISO's markets.

The workshops revealed the complexity of the issues, and the lack of consensus among the parties in a number of key areas. To ensure the success of directly participating DR in the CAISO markets, the parties should be focused on getting the rules and requirements right, rather than on rushing to get them done. That said, SCE believes it can support some direct participation in CAISO's Proxy Demand Resource (PDR) product in 2010 as part of a pilot. Authorizing a pilot in 2010 would enable CAISO and SCE to work together on the feasibility of bidding small aggregated load into PDR, while allowing for sufficient time in this proceeding for the parties to continue focusing on the rules and requirements for full implementation of DR direct participation in 2011.

SCE discusses these issues in more detail below.

A. PDR Business Processes Must be Agreed to so that DRP Communications and Settlements Can Occur

As illustrated in the workshop report, facilitating direct participation of DR in the CAISO requires addressing the operational and communication needs of the various stakeholders, including customers, load serving entities (LSEs), electric service providers (ESPs), demand response providers (DRPs), utility distribution companies (UDCs), CAISO and the Commission. To make the PDR wholesale market product operational from a retail perspective, the rules and requirements for LSEs and DRPs must be set by the Commission. For example, according to

CAISO's Draft PDR proposal,¹ the DRP must register a PDR resource with the CAISO and the resource must be "approved" by the CAISO, LSE and UDC. Therefore, the investor-owned utility (IOU) LSEs will require rules for approving or rejecting a PDR registration that are fair and transparent to customers and DRPs. Another significant issue relates to the logistics of communicating the meter reads between the LSE, CAISO and DRP in order to calculate both baselines and PDR performance. Other issues to be addressed include:

- DRP registration with the Commission;
- Customer inquiries to the LSE or UDC regarding DRPs;
- LSE and UDC involvement in DRP customer enrollment, selection, switching and termination (possibly utilizing a demand response service request);
- Any UDC or LSE role in DRP customer billing and payments;
- Possible Electronic Data Interchange (EDI) requirements for DRPs to communicate with the LSE and UDC;
- LSE and UDC roles in the event of the DRP ceases operations; and
- LSE and UDC role when a DRP customer switches DRPs.²

These business processes and supporting systems will take time to develop and implement and cannot get started until the major issues such as the LSE undercollection issue (discussed below) are resolved.

B. LSE Undercollection Should be Resolved Before Full Implementation of Direct Bidding is Authorized

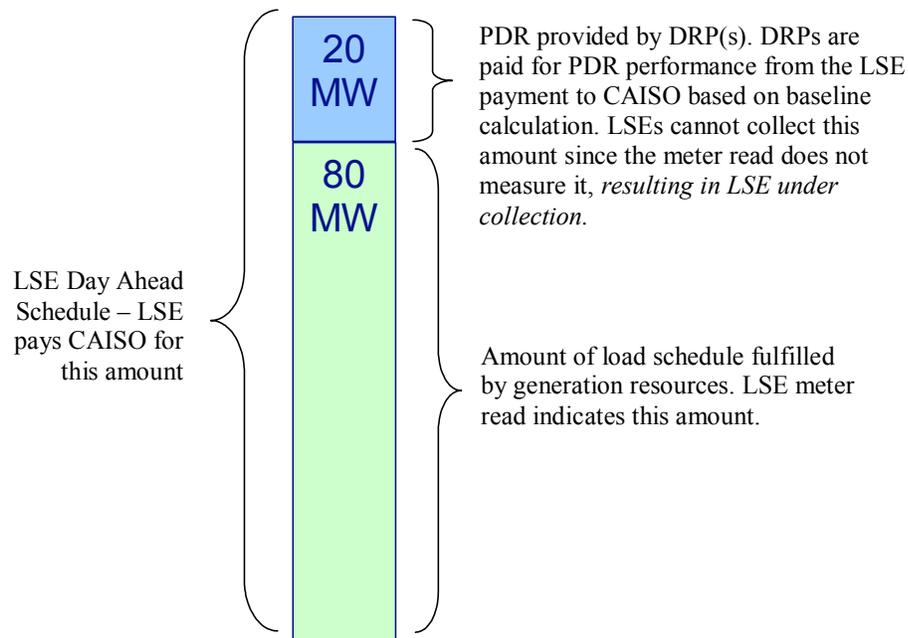
Under the CAISO PDR proposal, the LSE load schedule is submitted to CAISO and CAISO fulfills the load schedules with both generation and demand response resources. The LSE load schedule is adjusted based on the amount of PDR supplied by a DRP in order to avoid

¹ CAISO Draft Final Proposal for the Design of Proxy Demand Resource (PDR), Revised on August 28, 2009 <http://www.caiso.com/241d/241da56c5950.pdf>.

² See SCE's December 4, 2009 opening comments at p. 11 for other issues.

uninstructed energy payments to the LSE for procuring more than it used. However, the LSE must still pay the CAISO for its full load schedule amount while the LSE can only collect on the amount indicated by the meter read, resulting in an LSE undercollection, as shown in Figure II-1 below.

Figure II-1



At the workshop, parties presented various methods for settling the DRP’s participation in PDR. Four options were discussed (as summarized below); no consensus was reached. Having further considered the options since the workshop, SCE believes the standard contract or tariff, summarized in subsection 2 below, is the preferred approach, and looks forward to working with the Commission and stakeholders to refine it.

1. Customer pays LSE based on what their usage would have been

This option was presented by SCE as a potential solution. This option may be the most correct from an economic standpoint as the customer is purchasing load from the LSE and selling that load as demand response to the DRP. However, SCE realizes that

this solution would likely result in the customer seeing a “charge” on their bill for the load they curtailed, which may be as a source of customer confusion and a disincentive to participate in DR.

2. LSE and DRP develop a standard contract and/or tariff for compensating the LSE for its undercollection

Most of the discussion at the workshops was centered on this option. SCE believes this option can work, to the extent parties can agree on the appropriate method for calculating the energy price to compensate the LSE for the scheduled load. Suggestions at the workshop included the published day-ahead market energy price for the default load aggregation point (D-LAP), and the imbedded retail energy rate. Both of these options may raise potential issues. For example, if the D-LAP price is chosen, there may be insufficient motivation for third parties to enter this market because their compensation would amount to the difference between the D-LAP price and the S-LAP price. If the imbedded retail rate is used, this may require ESPs to pass their confidential retail rates to third party DRPs. SCE looks forward to further exploring these issues with parties.

3. LSE recovers the undercollection amount along with other energy procurement costs from all its ratepayers

This option was briefly mentioned at the workshop and is, in fact, the method used today in the non-participating load environment. However, it is not clear to SCE whether this option would work for ESPs.

4. The cost of the demand response is included in market “uplift” allowing the CAISO to pay the LSE for uninstructed deviation as well as pay the DRP for the load drop

Under this approach, the wholesale product and all imbalances or settlements are dealt with in that market rather than pushed off to retail jurisdiction. This benefit is paid for by all users allowing the CAISO to pay the LSE for uninstructed deviation and pay the DRP for the demand response. As SCE understood from the workshop, CAISO is not in favor of this option. That is, because CAISO claims it would result in double payment and that most stakeholders to the CAISO’s process agreed that the payment of this undercollection should be resolved between the LSE and DRP. While not necessarily agreeing with CAISO’s claims, SCE does not oppose CAISO’s recommendation to not consider uplift as an option.

In SCE’s view, the LSE undercollection issue must be resolved before direct participation in PDR is authorized outside of pilot operations. Some parties at the workshop advocated that LSEs should be allowed to bid their procurement customers into PDR before this undercollection issue is resolved. While there would be no LSE undercollection in this scenario (because the LSE is acting as a DRP only for its procurement customers), SCE believes that allowing only LSEs to operate as DRPs before other third-party DRPs are allowed to participate could result in an actual or a perceived unfair competitive advantage for the LSEs. As such, we urge the Commission to allow for direct participation in PDR outside of pilot operations *only after* the LSE undercollection issues has been resolved.

C. Dual Participation Should be Considered Only After the DRPs Have Experience with Bidding Resources into PDR

In comments filed prior to the workshop, several parties raised issues with the concept of dual participation (*i.e.*, one DR resource bidding into the CAISO markets through more than one

DRP). For example, in reference to the newly adopted dual participation rules in D.09-08-027, CAISO stated that “[it] remains unclear as to what this means when the CPUC draws a distinction between a resource providing “energy” and a resource providing “capacity.”³ In comments filed by the California Large Energy Consumers Association (CLECA), it notes “that there are some fundamental remaining issues, related both to participation in multiple DR programs and to joint participation in DR and dynamic pricing that need to be addressed conceptually before specific tariffs and rules are considered.”⁴ The CAISO commented further that “the concept of dual participation in the context of providing energy and *resource adequacy* (emphasis added) capacity is a non-sequitur.”⁵

SCE in its opening comments explained the complexities around dual participation in the context of direct participation in the CAISO markets.⁶ The workshop discussions highlighted those complexities, and, as noted in the workshop report, “little consensus regarding issues with critical policy decisions required” was reached.⁷ As such, SCE continues to recommend (as it did in its opening comments) that dual participation in the CAISO markets should only be considered after the DRPs have sufficient experience with bidding DR into PDR without the added complexity of a dual participation option.

³ See Comments of the California Independent System Operator to Assigned Commissioner and Administrative Law Judge’s Ruling Establishing Direct Participation Phase and Requesting Comment Re: Direct Participation of Retail Demand Response in CAISO Electricity Markets, p.3.

⁴ See Comments of the California Large Energy Consumers Association on the ACR Amending Scoping Memo, Establishing a Direct Participation Phase of This Proceeding, and Requesting Comment on Direct Participation of Retail Demand Response in CAISO Electricity Markets, p. 3.

⁵ See Comments of the California Independent System Operator to Assigned Commissioner and Administrative Law Judge’s Ruling Establishing Direct Participation Phase and Requesting Comment Re: Direct Participation of Retail Demand Response in CAISO Electricity Markets, p.4.

⁶ See SCE’s December 4, 2009 opening comments, pp. 5-11.

⁷ See Compliance Filing of Southern California Edison Company (U 338-E) – Report on Direct Participation Phase Workshops.

D. Modifying SCE's PLP Pilot to Test PDR Participation is the Best Course for Ensuring Some PDR Participation in 2010

As mentioned during the workshop, to enable some PDR participation in 2010, SCE can modify its existing Participating Load Pilot (PLP), which is a three-year pilot 2009-2011 program cycle, funded in D.08-12-038 and D.09-08-027, to a 2010 PDR Pilot. When SCE originally proposed the PLP in September 2008, the PDR product was in the early draft stage, and Participating Load was the focus of DR participation in MRTU. Having completed the initial year of the PLP, SCE believes the PDR product is better suited to small and medium aggregated DR resources. Modifying SCE's PLP would provide an opportunity for SCE to work with CAISO on operation of the new PDR wholesale market product in 2010, while allowing the parties in this phase to continue to work toward rules and requirements for full implementation in 2011.

SCE would welcome the opportunity to file an advice letter seeking Commission authorization to modify its PLP into a Summer 2010 PDR pilot, which will build upon the many lessons learned during the 2009 PLP.⁸

E. The Proposed Decision in February 2010 Should Direct SCE to Modify its PLP Pilot to Test for PDR Participation in 2010 and Should Adopt a Process Toward Full Implementation of PDR in 2011

For the reasons discussed above, SCE recommends that the proposed decision in February 2010 should focus on enabling direct participation in PDR on a pilot basis in Summer 2010, and adopting a process for addressing the outstanding issues for full implementation of PDR in Summer 2011. To that end, SCE recommends that the proposed decision:

- (i) Direct SCE to file an advice letter as early as practicable, seeking authorization to modify its PLP to into a Summer 2010 PDR pilot. The advice letter could include a

budget for the 2010 PDR pilot and a request to shift funds from the existing authorized PLP pilot funds.

- (ii) Order additional workshops and/or a working group process and a schedule for resolving the outstanding issues in time for full implementation of PDR by Summer 2011. For example, the proposed decision could direct the IOUs to submit a straw proposal of the rules and requirements under which an IOU must approve the participation of PDR resource, which the parties could comment on and workshop, with the ultimate goal of reaching consensus in most (if not all areas) and minimizing the issues that must be resolved through regulatory litigation.

III.

CONCLUSION

SCE appreciates the opportunity to file these comments.

Respectfully submitted,

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Continued from the previous page

⁸ See generally SCE's PLP report, submitted to the Director of Energy Division on December 30, 2009 and served on parties to A.08-06-001 *et al.*; available at www.sce.com/regulatory.

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of REPLY COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) AND COMMENTS ON WORKSHOP REPORT on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **22nd day of January, 2010**, at Rosemead, California.

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