

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



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Order Instituting Rulemaking to Examine the
Commission's Energy Efficiency Risk/Reward
Incentive Mechanism.

R.09-01-019
(Issued January 29, 2009)

**COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY ON THE
PROPOSED DECISION MODIFYING REQUIREMENTS FOR
VERIFICATION OF UTILITY INCREMENTAL MEASURE COSTS**

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March 29, 2010

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Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) files the following comments on Administrative Law Judge Pulsifer's Proposed Decision (PD) Modifying Requirements for Verification of Utility Incremental Measure Costs, issued on March 9, 2010. PG&E supports the PD's desire to maintain the original schedule for issuance of the Verification Report. However, as PG&E stated in its Comments on the true-up schedule,¹ updating the Incremental Measure Costs (IMCs) using the 2008 DEER Update (version 2.05) assumptions should take no additional time since Energy Division (ED) is presumably applying the 2008 DEER Update assumptions in its Draft Verification Report. Attached are PG&E's proposed changes to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs.

¹ Comments of PG&E on the Administrative Law Judge Ruling Soliciting Comments on Schedule Impacts, January 8, 2010, p. 2.

I. THE PD IS CORRECT IN KEEPING THE SCHEDULE AS ADOPTED TO ENSURE A TIMELY DECISION

PG&E supports the current schedule for concluding the 2006-2008 Energy Efficiency True-up process, and appreciates the balance that the PD strikes in ensuring robust verification while maintaining a reasonable schedule for completing the final true-up claim review.

II. THE COMMISSION SHOULD REQUIRE ENERGY DIVISION TO APPLY THE UPDATED INCREMENTAL MEASURE COST DATA FROM THE 2008 DEER UPDATE TO THE DEEMED MEASURES IN THE 2010 TRUE-UP ANALYSIS, WHICH WILL NOT TAKE ANY ADDITIONAL TIME, SINCE THE VERIFICATION REPORT SHOULD ALREADY HAVE INCORPORATED THE 2008 DEER UPDATE

For PG&E's 2006-2008 portfolio, 75 percent of the avoided cost benefits come from deemed measures (measures with predetermined savings goals and costs), for which updated IMCs are included in the 2008 DEER Update. The PD assumes that updating the IMCs for deemed measures would take a month to complete.² However, that assumption does not seem justified in light of the fact that the 2008 DEER Update, version 2.05, includes updated IMCs for deemed measures, and ED should be applying the 2008 DEER Update in its Draft Verification Report.

The PD provides four factors in concluding that no update of IMCs for deemed measures should be pursued. PG&E responds to each factor below:

1) The extra effort and expense that Energy Division staff, utility staff, and Energy Division consultants would expend on such a quick fix for 2006-2008 could be better directed to a more comprehensive and sensibly planned study and audit of measure costs for the 2010-2012 performance cycle. On a prospective basis, improved tracking systems can enable the utilities to gather and provide accurate measure cost data.

Response: In light of ED's stated intent to use the "best available data" for its verification efforts, it should be assumed that ED already updated the IMCs for deemed measures by applying those updates contained in the 2008 DEER. If ED has not done so, ED appears to have applied the "best available data" approach inconsistently. Since the

² Mimeo, pp. 6-7.

IMC update for deemed measures was included in the 2008 DEER Update (version 2.05) for 2009 – 2011 planning, this is the “best available data” for updating the IMCs for the 2010 True-Up Claim.

2) The Energy Division and its consultants are in the final stages of completing a monumental amount of work evaluating the 2006-2008 program cycle savings. Consistent with our expectations, the Energy Division made difficult decisions about priorities for the 2006-2008 true up, including not evaluating some programs; not evaluating Incremental Measure Costs; and reducing the rigor of evaluation on lower priority programs, measures, and parameters.

Response: PG&E is not asking ED to evaluate IMCs at this point, but rather just to incorporate the best available data that are the IMCs in the 2008 DEER Update.

3) The highest uncertainty for incremental measure costs lies in the custom measures, which staff would not be able to address with only an additional month.

Response: PG&E agrees that updating the customized measures would not be a good use of resources, since that task cannot be completed in a matter of months. However, updating the IMCs for deemed measures using the 2008 DEER Update data should take no additional time, and would provide a more accurate result, especially since 75 percent of PG&E’s savings come from deemed measures.

4) Finally, an additional month would not provide enough time for the Energy Division to convene stakeholder meetings, and thus the outcome of such an IMC update would not benefit from transparency and collaboration that this Commission has demanded of the Energy Division, the utilities, and the energy efficiency proceedings.

Response: Although PG&E does not believe that the 2008 DEER Update has been adequately vetted with stakeholders, ED maintains that it has.³ As such, the incorporation of IMCs from the 2008 DEER Update into the Verification Report would not require additional vetting.

³ Workshop to Discuss Draft Verification Report, September 16, 2009, Zenaida Conway, Energy Division, pp. 127-128.

III. CONCLUSION

PG&E appreciates the PD's effort to balance the need for a timely decision in this proceeding with the need for robust verification of energy savings. However, the PD's refusal to require any updates to the IMCs is based on an erroneous assumption that such updates would take over one month to complete. Given that the 2008 DEER Update contains updated IMCs for deemed measures, PG&E suggests that the IMCs for deemed measures be updated consistent with the 2008 DEER Update. This update should add no additional time to the established schedule for issuing the Draft Verification Report.

Respectfully submitted,

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PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERING
PARAGRAPHS

FINDINGS OF FACT:

6. If the requirement for verification of all utility IMC data is retained, the existing true-up schedule would need to be extended to accommodate additional time to complete the expanded workload scope.

NEW FOF: The 2008 DEER Update, version 2.05, contains updated IMC data for deemed measures, which should already be incorporated into the Draft Verification Report.

NEW FOF: The 2008 DEER Update does not contain updated IMC data for custom measures.

~~8. Extending the schedule by one additional month would not provide enough time for the Energy Division to convene stakeholder meetings, and thus the outcome of such an IMC update would not benefit from transparency and collaboration that this Commission has demanded of the Energy Division, the utilities, and the energy efficiency proceedings.~~

9. A modification to D.09-12-045 to remove the IMC verification requirement for custom measures would allow the existing schedule to be preserved, with provision for a final Commission decision on the 2006-2008 earnings true up by year-end 2010.

12. A modification to D.09-12-045 to remove the IMC verification requirement for custom measures would preserve existing requirements for a rigorous and extensive verification of the utilities' energy efficiency claims.

CONCLUSIONS OF LAW

NEW COL: While the incorporation of existing IMC data for deemed measures should require no schedule change, verifying IMC data for custom measures would be very difficult, and require more than three months delay in the schedule.

ORDERING PARAGRAPH:

1. Decision 09-12-045 is hereby modified as follows: Ordering Paragraph 6 of Decision 09-12-045, which states that Energy Division shall complete an independent verification of the utilities' self-reported incremental measure costs in conjunction with the scheduled final 2010 true-up of Risk/Reward Incentive Mechanism earnings for the 2006-2008 cycle, is ~~deleted~~ modified to require the incorporation of existing incremental measure costs for deemed measures, but not for custom measures.

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