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

Order Instituting Rulemaking to Examine the
Commission's Post-2008 Energy Efficiency
Policies, Programs, Evaluation, Measurement,
and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

**COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 M) TO PROPOSED
DECISION ADOPTING LIGHTING CHAPTER OF ENERGY EFFICIENCY STRATEGIC PLAN**

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I. INTRODUCTION

Pursuant to California Public Utilities Commission Rules of Practice and Procedure 14 et. seq., Pacific Gas and Electric Company (PG&E) hereby submits the following comments to the August 24, 2010, proposed *Decision Adopting Lighting Chapter Of Energy Efficiency Strategic Plan* (PD). PG&E appreciates the opportunity to submit these comments and looks forward to continued engagement with the CPUC and stakeholders to achieve greater energy efficiency in California.

II. COMMENTS AND PROPOSED REVISIONS TO THE PD

In these comments, PG&E requests that the Commission revise the PD as follows:¹

A. The PD and the Lighting Chapter Should be Revised to Include the Scope and Effective Dates of the Respective State and Federal Standards for Basic CFLs

Finding of Fact (FoF) 5 references the implementation of state and federal standards for basic CFLs. The FoF is not accurate as it fails to acknowledge the effective dates of those respective standards. Specifically, the PD itself should explicitly acknowledge the state legislation (Huffman Bill AB 1109) full

¹ Proposed revisions to Findings of Fact, Conclusions of Law and Ordering Paragraphs are provided in Appendix A to these comments. PG&E also proposes revisions to the body of the Proposed Decision and Lighting Chapters, which are discussed in the text of these comments (see Section B [p.4], Section C [p.5], Section F [p.7], Section G [p.8], Section I [p.9] all proposing revisions to the Lighting Plan and/or the test of the PD).

implementation date of 2018, and the 2020 effective date of the referenced federal legislation (Energy Independence and Security Act).

In addition, FoF 5 should clarify that its application is limited to basic (not higher efficiency, advanced) CFLs. The PD should acknowledge that there may be CFLs that are actually of higher efficiency than the legislation that may be appropriate for utility rebates.

Therefore, FoF 5 should be revised as follows:

“Due to new state and federal lighting standards beginning in 2018 and 2020 (respectively), utility programs promoting CFLs of lower or equal efficiency to the standards will provide little incremental benefit after the standards take effect.”²

Acknowledging the scope and the effective dates of the standards is critical to determining their potential impact on Energy Efficiency programs. As reflected in the proposed revisions to FoF 5, In the paper “Market Transformation and Resource Acquisition: Challenges and Opportunities in California’s Residential Efficiency Lighting Programs,” the Natural Resources Defense Council (NRDC) states that:

The 2007 Energy Independence and Security Act (EISA) lighting efficiency standards will provide substantial savings when fully implemented in 2020.... However, various stakeholders and regulatory bodies have misinterpreted what EISA will actually require. For example, passage of the law does not mean that the lighting market will automatically be “transformed” when the standards begin to go into effect in 2012, since the standards are only fully phased in by 2020. Furthermore, EISA does not ban incandescent bulbs or require compact fluorescent bulbs to be used. Rather, between 2012 and 2014, the EISA standard phases in a requirement that bulbs use 25-30% less power. In 2020 the law requires roughly CFL-level efficiency (but not the use of CFLs specifically). Between 2012 and 2020 CFLs (which are 75-80% more efficient than the main stream incandescent bulbs) will continue to provide low-cost and above-code savings.³

As stated in the report, there are significant and cost-effective energy savings still available for CFLs. The report concludes “[w]hile some advocates argue that now is the time to remove support for CFLs, the evidence indicates that doing so would leave significant highly cost-effective savings opportunities on the table.”⁴

² Proposed additional language appears underlined for each proposed modification referenced in these comments unless otherwise noted. Excerpted text is shown in ~~strike through~~.

³ Page 8.

⁴ Page 12.

For these reasons, FoF 5 should be revised as proposed to include the effective dates of the referenced standards, as well as clarification regarding their application only to basic CFLs.

B. The PD’s Discussion of the Rationale for the Phase-out of CFLs is Inaccurate

The PD’s discussion of the rationale for the phase-out of CFLs is flawed as it ignores state and federal standards as the primary driver of the legislation—instead referencing generalizations regarding decay and budget availability (pp @ p.7). Similarly, FoF 7 (which concludes the PD’s discussion of this rationale) is inaccurate and should be deleted. The proposed FoF 7 reads: “The phase-out of utility incentives is important because savings from one-time IOU CFL purchases decay over time and phasing out CFL subsidies makes room for other, more effective high-efficiency lighting products.”

The FoF concludes that the basic CFL incentives should be phased out because one-time IOU CFL purchases decay over time. This reasoning is flawed and does not support the conclusion presented in the FoF. In short, the same could be said for virtually any energy efficiency measure. All energy efficiency purchases (not just CFLs) are one-time events and each measure decays or dies over time. There is no basis for applying this general principle, which is applicable to all energy efficiency measures, to support a proposed phase out of incentives for one particular measure only. For this reason, the rationale provided in FoF 7 is faulty and does not support the factual finding.

In addition, FoF 7 ignores that the driver and reason behind the phase-out of utility incentives for basic CFLs is the upcoming legislation that will become effective in 2018. This is already addressed in FoF 5 and FoF 6, as well as in the Lighting Chapter. While it is true that phasing out incentives for one technology (basic CFLs) would naturally create room for incentives for other technologies, this is not a primary reason for the phase-out of incentives as a general rule. The justification provided in FoF 7 for a proposed CFL phase out is incorrect.

Finally, the reference to more ‘effective’ products in FoF 7 is unclear. The criteria that determine whether one measure is more “effective” than another are not well-defined. This ambiguity is heightened by the fact that basic CFLs are more effective in terms of cost and market acceptance than other high-efficiency lighting products. There may also be some basic or advanced CFLs that are also more effective in terms of increased energy savings than newer high-efficiency, lighting products.

For these reasons, FoF 7 is not accurate, is unnecessary and should be deleted .The discussion on page 7 of the PD that corresponds to the same issues addressed in FoF 7 should also be removed.

C. The PD’s Incorporation of Contrary and Duplicative Language Regarding the Phase-out of CFLs Should be Corrected

Finding of Fact 8 is inaccurate and should be corrected. FoF 8 proposes to retain discussion of the phase-out of utility incentives (mentioned as the “two exceptions” in FoF 8) for basic CFLs in the Residential (Strategy 4-4) and Commercial (Strategy 3-3) chapters of the Strategic Plan in order “to avoid redundancy and potential conflict.” This statement is not accurate as the PD now proposes including a discussion of these issues in the Lighting Chapter. Therefore, to avoid redundancy and potential conflict with the language included in the Lighting Chapter, the language referring to the phase-out of utility incentives for basic CFLs should be removed from the Residential and Commercial chapters of the Strategic Plan—not retained. FoF 8 should read “[i]n order to avoid redundancy and potential conflict between the existing lighting strategies and goals and the new strategies and goals in the Chapter, it is necessary to delete the existing lighting sections in Chapters 2 and 3 of the Plan. ~~with two exceptions.~~”

In addition, the proposed Lighting Chapter (Attachment A to the PD) improperly transcribed the CFL phase-out timeline from the existing Residential and Commercial chapters in the Strategic Plan. The Lighting Chapter states that the phase-out of CFLs will be ‘Complete’ in 2016-2020 while the Residential and Commercial chapters said that the strategy would be ‘Ongoing’ during that same time period. The Lighting Chapter should be revised to be consistent with the ‘Ongoing’ language since the legislation will not be fully enacted until 2020 and the IOUs may be doing work (whether it be working with retailers or providing rebates to harder-to-reach customers to ensure initial compliance) during the 2016-2020 period to prepare for the standards becoming effective. The discussion on page 7 of the PD referring to this same issue should also be revised accordingly.

D. The PD Should Acknowledge That Compliance with the 2010-12 and Currently-Approved Portfolios is Still Expected

Ordering Paragraph (OP) 1 states the strategies in the Lighting Plan shall be incorporated into energy efficiency planning and implementation starting in 2011. The PD should acknowledge that the

Commission has adopted the IOU's 2010-2012 Energy Efficiency Portfolio budgets and program plans through D. 09-09-047 and subsequent compliance advice letters. Implementing this new Lighting Chapter should be consistent with that approval. Changes in the program design and objectives mid-cycle that conflict with these program plans may result in customer confusion, require additional budget requests and/or reevaluations of cost-effectiveness or savings, and should be avoided. Accordingly, OP 1 should be revised as follows: "The Lighting Chapter of the California Long-Term Energy Efficiency Strategic Plan, which is Attachment A to this decision, is adopted and its strategies shall be incorporated into energy efficiency program planning and implementation starting in 2011 consistent with the budget and activities approved in D.09-09-047 and the IOU's subsequently approved compliance advice letters."

E. The PD Should Allow for a Public Review Process of Action Plans Before They are Finalized

In Ordering Paragraph 3, the PD states that Energy Division will facilitate "the champions network offline." PG&E requests that Energy Division first actively solicit a group of champions and then determine whether all relevant stakeholder groups are represented. Once the champions have produced a draft Action Plan or product, they should circulate the draft to parties on the service list and solicit written comments. PG&E requests this public review process to allow parties who were not designated champions to provide their expertise and raise any concerns in order to develop the most consensus-based and successful plan. Once written comments are received, the champions group would then reassemble, respond to any comments, and collectively finalize the Action Plan. No Action Plan should be finalized until it has been vetted by interested parties to the proceeding. The IOUs request that OP 3 be revised to allow for this public comment process as follows: "The Commission's Energy Division shall serve as a central organizing point by hosting the energy efficiency web portal, facilitating the champions network offline and allowing for a written comment process by interested parties, and tracking progress towards milestones in the Lighting Chapter."

F. The PD Should Not Rely on Property Assessed Clean Energy (PACE) bonds if the Federal Government Will Not Be Funding Them

On page 4 of the PD, the CPUC states that it declines to remove language on PACE and AB 811 type financial incentives as these incentives are essential, and that “immediate action” is necessary to take advantage of opportunities. The IOUs agree that these financial incentives are essential and that the IOUs should take immediate action to leverage them. However, the PD acknowledges the uncertainty of these incentives given that the Federal Housing Finance Agency (FHFA) financial support has been withdrawn from AB 811 and PACE programs, and Fannie Mae and Freddie Mac do not currently recognize the priority lien such programs’ loans place on homes that participate. The IOUs agree that removing the language may be premature. However, given the current uncertainty regarding the availability of this funding, it is appropriate to revise the near-term event of Strategy 1-3 to state: “To the extent the state and/or federal government offers financial support, target statewide participation in AB 811-authorized in AB 811-authorized financing mechanisms (such as Property Assessed Clean Energy [PACE] bonds). (added text in italics)

The Strategic Plan should not adopt goals that are potentially unrealistic due to the unavailability of this funding. By including this conditional language, the Plan will provide more accurate context to this goal, which will correctly acknowledge that federal backing may or may not come through for such plans until after the chapter update is complete.

G. The Lighting Chapter Should be Revised to Recognize that a Systems-Based Approach May Not be Economically Feasible or Attractive to All Customers

The proposed Lighting Chapter states that “(f)uture efforts in lighting, including ratepayer funded programs, should focus on systems-based opportunities that achieve savings beyond standards.” Systems-based approaches are beyond the financial reach of most customers in robust economic times and even more so in the state’s current financial condition. Further, it may not be financially feasible for the IOUs to incent systems-based retrofits broadly without significant rate increases. Systems-based approaches also ignore the way that most consumers make lighting purchasing decisions – they buy replacement bulbs when existing bulbs stop working. As a result, incenting high efficiency lamps provides the IOUs with an

opportunity to encourage a large segment of customers to make meaningful efficiency improvements in a way that would not be possible if only systems-based approaches are offered. Thus, instead of discouraging “widget swap-out strategies”, the CPUC should continue to encourage those strategies because they are aligned with how customers make lighting buying decisions. At the point of purchase when a customer only wants a minimal cost replacement, the IOUs would be able to encourage the customer to make the efficient purchase over the inefficient one. The CPUC should allow the IOUs to make energy efficiency accessible to all of its customers through both “widget swap-out strategies” for most customers and “systems-based” approaches for those customers who have the resources and interest to swap out their entire lighting systems. Page 5 of the Strategic Lighting Plan should be revised accordingly.

H. The Lighting Plan Should be Revised to be Consistent with the Commission’s EM&V Process and Protocols

The IOUs share the CPUC’s commitment to rigorously evaluate the performance of energy efficiency programs. The draft lighting chapter of the strategic plan asserts that CPUC will, “(i)nitiate post-occupancy evaluation of 5% of permitted and/or incentivized lighting installations.” Given the large number of CFL and other lighting technologies that are incented through the energy efficiency programs, PG&E recommends developing evaluation plans on a technology-by-technology basis. Evaluation of 5% of installations will not constitute a sufficient sample size to gain statistically valid insight into products that are widely implemented. This would also avoid the significant data collection access issues and costs.

I. Proposed Revisions Regarding Codes and Standards Advocacy and Lighting Online Pattern Books

Strategy 1-3 of the Lighting Chapter states that stakeholders should “[a]dvocate to raise percentage above T24 (including lighting) required to receive funding from the California Solar Initiative (CSI) to 30%. The IOUs and CEC continually advocate raising the bar for codes and standards. However, before any advocacy begins, the CPUC should perform analysis of the costs/benefits and feasibility of advocating the 30% and determine if that level provides the reasonable breaking point between costs and benefits. Thus, Strategy 1-3 should be revised to state “Analyze and, if appropriate, advocate to...”

Strategy 2-1 states that online pattern books for market segments that represent at least 60% of the total lighting use should be developed. Prior to making this commitment, the champions should investigate the costs/benefits of web-based pattern books. Accordingly, Strategy 2-1 should be revised to state “Develop, if appropriate, online pattern books...”

III. CONCLUSION

For the aforementioned reasons, PG&E respectfully requests that the Commission amend and revise the proposed decision and proposed Lighting Chapter in accordance with these comments and with the proposed revisions in Appendix A hereto.

Respectfully submitted,

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APPENDIX A

Proposed Revisions to Findings of Fact, Conclusions of Law, Ordering Paragraphs

Finding	Proposed Revision
FoF 5	“Due to new state and federal lighting standards <u>beginning in 2018 and 2020 (respectively)</u> , utility programs promoting CFLs <u>of lower or equal efficiency to the standards</u> will provide little incremental benefit <u>after the standards take effect.</u> ”
FoF 7	[DELETED]
FoF 8	In order to avoid redundancy and potential conflict between the existing lighting strategies and goals and the new strategies and goals in the Chapter, it is necessary to delete the existing lighting sections in Chapters 2 and 3 of the Plan. with two exceptions. ”
OP 1	“The Lighting Chapter of the California Long-Term Energy Efficiency Strategic Plan, which is Attachment A to this decision, is adopted and its strategies shall be incorporated into energy efficiency program planning and implementation starting in 2011 <u>consistent with the budget and activities approved in D.09-09-047 and the IOU’s subsequently approved compliance advice letters.</u> ”
OP 3	“The Commission’s Energy Division shall serve as a central organizing point by hosting the energy efficiency web portal, facilitating the champions network offline <u>and allowing for a written comment process by interested parties,</u> and tracking progress towards milestones in the Lighting Chapter.”

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On September 13, 2010, I served a true copy of:

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PROPOSED DECISION ADOPTING LIGHTING CHAPTER OF ENERGY
EFFICIENCY STRATEGIC PLAN**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **R09.11.014** with an email address.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **R09.11.014** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on September 13, 2010.

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