BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget (U 39 M)	A.08-05-022 (Filed May 15, 2008)
Application of San Diego Gas & Electric Company (U 902 M) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009-2011	A.08-05-024 (Filed May 15, 2008)
Application of Southern California Gas Company (U 904 G) for Approval of Low-Income Assistance Program and Budgets for Program Years 2009-2011	A.08-05-025 (Filed May 15, 2008)
Application of Southern California Edison Company (U 338-E) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009, 2010, and 2011	A.08-05-026 (Filed May 15, 2008)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION

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Dated: **October 29, 2009**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

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SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION

Pursuant to Rule 8.3 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, Southern California Edison Company (SCE) hereby gives notice of the *ex parte* communications below.

On Tuesday, October 27, 2009 at 11:00 a.m., SCE representative Michael Hoover, Director, Regulatory Affairs, and Joe Como, Chief Counsel, DRA met with CPUC Commissioner Bohn's Advisor, Robert Kinosian. The meeting took place at the Commission's office building, located at 505 Van Ness Avenue, in San Francisco. The communication was initiated by Mr. Hoover and was oral.

Mr. Hoover discussed SCE's Comments on the Proposed Decision Correcting Errors in Attachment of Decision 08-11-031, SCE's position that the Proposed Decision was incorrect in

concluding that air conditioning in Climate Zone 13 was a new Low Income Energy Efficiency Measure in the 2009-2011 program cycle because Decision 06-12-038 approved the measure for the 2006-2008 program cycle.

Mr. Hoover handed out and also discussed the information in the attachment. To request a copy of this notice, please contact Henry Romero at (626) 302-4124, e-mail address (henry.romero@sce.com).

Respectfully submitted,

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October 29, 2009

ALJ Kim PD DECISION CORRECTING ERRORS IN ATTACHMENT OF DECISION 08-11-031

The PD is based on an incorrect premise that the Commission did not approve central A/Cs in Climate Zone 13 (cz13) for 2007 – 2008.

The Commission approved central A/Cs in cz13 for 2007 – 2008 in D.06-12-038.

The PD would rewrite history by suggesting the measure was not approved.

Reversing course after measures have been delivered (1,000 central A/Cs in cz13 in 2007 and 2008) sets a dangerous precedent, and may lead to significantly increased requests for clarification and direction in areas of various Commission decisions that remotely may be subject to interpretation.

Such requests for clarification will clog the regulatory process and delay achievement of the Commission's goals.

To maintain trust and progress by all parties toward obtaining California's energy related goals, the Commission must provide clear direction and stand behind it.

When changing course, the Commission must clearly state its intent.

The 2007 – 2008 LIEE PD was issued without clear direction on approved measures. SCE then requested and received clear direction in D.06-12-038

SCE's comments on the PD include this excerpt: "The PD Should Be Clarified to Expressly Approve SCE's New LIEE Measures."

> The PD summarizes SCE's proposed new LIEE measures, but fails to explicitly approve them. SCE requests that the PD be clarified to expressly authorize these measures. SCE cannot effectively implement its LIEE program if it does not know what measures it can install. Likewise, if the Commission requires SCE to file a new LIEE "marketing plan" SCE must know exactly what measures to include in the mix. SCE's proposed new LIEE measures include: (1) air conditioning measures (including expanding air conditioning measures to Climate Zone 13); (2) heat pumps; (3) evaporative cooler maintenance; (4) torchiere replacement; and (5) pool pumps." Note: SCE footnoted each measure with more specific information on its request. For air conditioning measures, the footnote reads in part: "SCE proposed to (1) replace inoperable central air conditioning systems; (2) replace inoperable window/wall air conditioning units; (3) expand central air conditioning eligibility to Climate Zone 13; (4) permit renters to receive air conditioning measures; (5) implement a central air conditioner service pilot; and (6) replace central air conditioners with SEER rating of 10 or below or with an age of 10 years or older. …

In response, the PD language was modified and the following language added to D.06-12-038 approving SCE's requested measures.

> "We herein authorize the following new LIEE measures for SCE: (1) air conditioning measures; (2) heat pumps; (3) evaporative cooler maintenance; (4) torchiere replacement; (5) pool pumps."
>
> Findings of Fact
> 19. SCE's request for authority to implement new LIEE measures, including air conditioning measures, heat pump replacement, tankless water hearters, evaporative cooler maintenance, torchiere replacement, and pool pump replacement, is reasonable.
>
> Conclusions of Law
> 12. The Commission should authorize SCE's proposed new LIEE measures and allow renters to be eligible for air conditioning and heat pump measures.

ALJ Kim's PD states, "The findings of facts and conclusions of law in D.06-12-038 are general, and the decision does not explicitly list any individual approved measures for any of the climate zones."

This reasoning ignores the sequence of events described above that framed construction of the findings and conclusions. Moreover, this reasoning is not contained within the text of D.06-12-038, where the Commission often vocally expresses its concern or disapproval of specific utility requests. Examples below:

> D.06-12-038 page 48 "We authorize the change in capitation fees in order to assure CBO involvement in outreach and marketing. We also find that SCE's other administrative costs are <u>reasonable with one exception</u>. . . ."
>
> Findings of Fact
>
> 22. SCE provides inadequate justification for spending $80,000 on a study of its cool centers, or for conducting a bill savings study or a process evaluation study.
>
> Conclusions of law
>
> 18. SCE should not spend $80,000 on a study of cool centers at this time or fund a study on bill savings or a process evaluation.

Merits of central A/Cs in CZ13

Several communities in cz13 experience temperatures comparable to cz14 where central A/Cs are an approved measure.

City	Climate Zone	Normal High Temperature					
		May	June	July	August	September	October
Delano / Porterville	13	86º	95º	100º	98º	92º	83º
Hesperia	14	79º	88º	95º	95º	90º	82º
Palmdale	14	82º	92º	98º	97º	91º	81º
Tulare / Visalia	13	81º	89º	94º	92º	87º	79º

City	Climate Zone	Normal Low Temperature					
		May	June	July	August	September	October
Delano / Porterville	13	54º	61º	66º	64º	59º	51º
Hesperia	14	52º	56º	62º	62º	60º	53º
Palmdale	14	52º	60º	66º	65º	60º	50º
Tulare / Visalia	13	54º	60º	65º	64º	60º	52º

City	Climate Zone	Normal Average Temperature					
		May	June	July	August	September	October
Delano / Porterville	13	70º	78º	83º	81º	76º	67º
Hesperia	14	66º	72º	78º	79º	75º	67º
Palmdale	14	67º	76º	82º	81º	76º	65º
Tulare / Visalia	13	68º	75º	79º	78º	73º	66º

The above data were obtained October 7, 2009 from accuweather.com "Typical Weather"

Four of the six hottest counties in California are in cz13.

An efficient replacement central A/C provides resource benefit – although not cost effective in cz13, it addresses health, safety and comfort issues in hot extreme climates.

Public Utilities Code § 2790 directs the Commission in part to taking into fund LIEE programs, "taking into consideration both the cost-effectiveness of the services and the policy of reducing the hardships facing low-income households." The Commission noted this balance on page 85 of D.05-04-052, stating: "Rather, we also considered less quantitative data, and found that we could adopt, retain or reinstate a measure even if it did not adhere strictly to the quantitative cost-effectiveness criteria we established in that decision. When we are considering the health and safety of low-income California electric and gas customers, it is important that we preserve this discretion so as not to impose hardships on these customers."

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 SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION 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 **29th day of October, 2009**, at Rosemead, California.

/s/ HENRY ROMERO _____
Henry Romero
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California Public Utilities Commission

CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

PROCEEDING: A0805022 - PG&E - FOR APPROVAL
FILER: PACIFIC GAS AND ELECTRIC COMPANY
LIST NAME: LIST
LAST CHANGED: OCTOBER 27, 2009

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