BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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12-11-07
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Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies	R.06-04-009

MOTION OF THE JOINT PARTIES FOR AN INVENTORY OF ALL UTILITY RATEPAYER FUNDED PROGRAMS AND ALL GHG REDUCTION PROGRAMS FOR THE ELECTRICITY AND NATURAL GAS SECTORS

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December 11, 2007

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I. INTRODUCTION AND SUMMARY

The Energy Producers and Users Coalition (EPUC)[1], the Indicated Producers (IP)[2], the Western States Petroleum Association (WSPA), the California Large Energy Consumers Association (CLECA), and the California Manufacturers and Technology Association (CMTA) and The Utility Reform Network (TURN),(collectively, Joint Parties) submit this motion.[3] The Joint Parties ask the California Public Utilities Commission (Commission) to order a

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[1] EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: Aera Energy LLC, BP West Coast Products LLC, Chevron U.S.A. Inc., ConocoPhillips Company, ExxonMobil Power and Gas Services Inc., Shell Oil Products US, THUMS Long Beach Company, Occidental Elk Hills, Inc., and Valero Refining Company – California.

[2] The Indicated Producers is an ad hoc coalition which includes, for purposes of this motion, Aera Energy LLC, BP Energy Company, BP America Inc. (including Atlantic Richfield Company), ConocoPhillips Company, Chevron U.S.A. Inc., and Occidental Energy Marketing Inc.

[3] This motion is submitted pursuant to Rule 11.1 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure. This motion is being filed in R.06-04-009, A.07-08-031, and R.07-09-008. The term "GHG Reduction" is used in this context to refer to all programs and costs that are additional to the basic and essential tasks of generating or purchasing, or both, electricity or natural gas, safely and reliably delivering those commodities to utility customers, and collecting revenues from such customers.

multi-utility inventory of "GHG Reduction Programs"[4] and funding levels in place or currently under consideration. Natural gas and electricity rates today reflect the costs of a wide array of programs that are in addition to the functional costs associated with serving utility customers. Ratepayers fund a wide variety of these "public purpose" and ancillary programs through ever-increasing rates and rate surcharges.[5] The policy makers' determination that these programs serve legitimate purposes is not in question here. The Commission should be vigilant, however, against the risk of harm from too much of a good thing. These programs, authorized over time, could have accumulated into a substantial increase far above the legitimate cost of serving utility customers, without any evaluation of the cumulative impact on rates and customers. There is also a substantial risk that funding such programs in a piecemeal fashion, without clear coordination, creates overlap or unnecessary expenditures. Achieving a more comprehensive view and, hopefully, greater coordination of these programs should assist the Commission's efforts to maximize the benefits gained from rate-funded programs and minimize the cost burden on California's regulated utility customers.

New proposals for increases in ratepayer funding, both in the Joint Climate Action Initiative (JCAI) and the California Institute for Climate Solutions (CICS), are now pending. As Commissioner Bohn said in the JCAI prehearing conference, "*we are doing a lot of things these days. We have a lot of initiatives*

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[4] The term "GHG Reduction Program" is used in this Motion to refer to all programs and costs incurred by the utilities that either are directly aimed to reduce greenhouse gas (GHG) emissions or have the effect of reducing GHG emissions.

[5] For example, the CSI budget reaches into the billions. *See, generally,* D.06-01-024 (adopting a $3.2 billion incentive program for CSI).

that deal with money, and that is a good thing except that the ratepayers are the ones who are paying, and it causes me some concern."[6]

To better inform the Commission's consideration of these and future funding requests, a complete inventory of GHG Reduction Programs would be extremely valuable. Participation by other state agencies and non-jurisdictional utilities would enhance the Commission's inquiry, particularly in the effort to compile a complete list of all GHG reduction efforts. This inventory should be done now, as the Commission considers the adoption of new GHG reduction efforts for the electricity and natural gas sectors.[7] Without this information, the Commission will be forced to make a determination on the value of new programs without knowing the total impact of all such programs on ratepayers, or whether the amounts collected are being spent as efficiently as practicable. That would not be good public policy.

II. PROCEDURAL BACKGROUND

This Commission has before it at least three major proceedings that address GHG and climate change issues. R.06-04-009 is the Commission's response to the legislature's adoption of Assembly Bill 32. In this rulemaking, the Commission has undertaken efforts to develop recommendations to the California Air Resource Board (CARB) for electric sector GHG regulations; phase 2 will consider natural gas issues. In addition to making a determination regarding point of regulation (an issue which is still pending), the Commission

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[6] A.07-08-031 PHC Tr., at 1 (Comr. Bohn)(Oct. 29, 2007).

[7] Critically, performing these inventories can be done contemporaneously with the ongoing and to-be scheduled activities in these proceedings; granting this motion should not risk delay in the proceedings' schedules.

must address allocation of allowances to emit greenhouse gases. Its determination on this important issue could have enormous rate impacts for utility customers. Ultimately, the Commission intends to coordinate its recommendations with CARB's development of its scoping plan which must be adopted by January 1, 2009.

In A.07-08-031, the Sempra utilities have proposed their JCAI to purportedly "harmonize" climate change actions taken in other proceedings and address areas not covered by current or planned proceedings.[8] The Sempra utilities are pursuing the JCAI as "early actions", with the expectation that the Commission and CARB will establish compliance credits for such efforts.[9]

In R.07-09-008 the Commission will consider the creation of the CICS. In general terms, the CICS would centralize GHG emission reduction efforts by providing a data collection center and a place to conduct technical research and demonstration projects. The CICS would also be a forum for the gathering of like minds to consider policy recommendations and an outlet for disseminating information.[10]

The proposed GHG reduction funding for these proceedings is substantial. As R.06-04-009 is developing a regulatory structure, there is no associated "program" budget. The ultimate outcome will, however, have significant cost implications for all concerned, ratepayers and generators alike. JCAI comes with

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[8] JCAI Prepared Direct Testimony, at 1-11.
[9] Id., at III-21-22.
[10] CICS Proposal at 3.

an initial $75 million price tag for a six year period[11], and the proposed initial 10 year budget for the CICS is $600 million.[12] These costs are to be recovered from customers purchasing electricity and natural gas from Commission-regulated utilities.

In considering the various programs and proposals, the Commission must ensure that the existing and proposed ratepayer funded GHG reduction efforts are not duplicated by other state agencies or utilities. The Commission needs clear and complete knowledge of all existing ratepayer funded GHG Reduction Programs for the electricity and natural gas sectors, and it needs this knowledge now.

III. THE COMMISSION SHOULD INVENTORY ALL RATEPAYER FUNDED GHG REDUCTION PROGRAMS FOR THE ELECTRICITY AND NATURAL GAS SECTORS.

California's AB 32 goals are ambitious and need to be accomplished in a relatively short time period. Achieving these goals will require a coordinated effort from all Californians. Rate impact, however, cannot be ignored. The Commission should thus lay a foundation for consideration of GHG reduction programs with a clear understanding of the funding borne by ratepayers today. Moreover, the Commission should be certain that funding requests, such as the CICS and JCAI, belong within utility rates and do not duplicate other programs. Adopting the same or similar research or customer education programs will not result in greater GHG emission reductions. Rather, consumers will be saddled

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[11] The Sempra utilities acknowledged that further funding requests may be forthcoming. *See, e.g.*, JCAI Prepared Direct Testimony, at II-9, VI-13.

[12] The University of Southern California has proposed a $100 million increase to the $600 million CICS budget. *See* USC CICS Opening Comments, at 4.

with higher rates – paying money that might be more wisely spent in other areas (and perhaps not in utility rates at all).

For these reasons, it is critical for the Commission to now conduct an inventory of all ratepayer-funded, GHG Reduction Programs in the electricity and natural gas sectors. While ratepayer groups could seek to discover this information through independent data requests in relevant proceedings, all stakeholders would be best served by a coordinated information request from the Commission.[13] The data request should, at a minimum, seek a full list of:

- √ GHG Reduction Program costs embedded in utility rates;
- √ Taxes, surcharges or public purpose program (PPP) costs related either directly or indirectly to GHG reduction; and
- √ Pending requests to increase rates either directly or indirectly for any GHG Reduction Program costs.

A detailed list of some of the relevant programs and associated information requests is attached to this Motion as Attachment A.

In addition to the investor-owned utility inventory, the Commission should consider seeking cooperation and input from publicly owned utilities, the Energy Commission, the Air Resources Board, the regional Air Quality Management Districts, and other entities addressing GHG reduction efforts to broaden the program inventory.[14] Including information on these entities' GHG reduction

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[13] A request for an inventory was made at the JCAI prehearing conference. A.07-08-031 PHC Tr., at 16 (Kahl/EPUC, WSPA, IP)(Oct. 29, 2007); *see also Id*., at 39-40 (Peleo/DRA)(indicating support).

[14] One party has indicated initial support for the JCAI prehearing conference request for such an inventory. A.07-08-031 PHC Tr., at 22 (Huard/City and County of Los Angeles)(" *putting together the inventory of what is being done already and what is being proposed, would be a singular effort which will allow, I believe, municipalities and counties to participate more actively*.")(Oct. 29, 2007).

programs for the electricity and natural sectors would add to the completeness of the inventory. The Commission must guard against the likelihood that existing ratepayer funded GHG reduction efforts could be duplicated by other state agencies or utilities, or that IOU ratepayers are unduly subsidizing efforts that would more appropriately be funded from other sources. Indeed, there is a real and present risk that such duplication of effort and subsidization are occurring now, given the multiple agencies, proceedings, utilities and programs involved. As noted in the CICS rulemaking, questions regarding how CICS would "*relate to or complement other publicly funded research programs and facilities such as PIER, HELIOS, and the Energy Bioscience Institute"* must be addressed.[15]

The proposed inventory would fully inform the Commission's GHG reduction efforts for the electricity and natural gas sectors and Commission approvals of expenditures of ratepayer funds for this purpose.

IV. CONCLUSION

For all of the foregoing reasons, the Commission should inventory GHG Reduction Programs under its jurisdiction in the electricity and natural sectors

[15] CICS OIR, at 9.

GHG reduction programs. This information is needed now to ensure efficient and effective AB 32 implementation.

Respectfully submitted,

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Signing with the permission of the California Large Energy Consumers Association, the California Manufacturers & Technology Association and The Utility Reform Network

Dated: December 11, 2007

ATTACHMENT A

Investor-Owned Utility Information Request

This information request is intended to be sent to all CPUC-jurisdictional utilities. The purpose of the request is to obtain information on all GHG Reduction Program costs administered by these utilities. The information should also include pending requests to increase or add programs, taxes and charges.

Overview of GHG Reduction Programs

1. List all of the utility GHG Reduction Program costs, including rate elements, taxes and charges, currently authorized for recovery in rates; this list should include, but not be limited to, the following funded programs:
    a. Energy Efficiency Program(s), including incentives costs and front-end loaded costs.
    b. Demand Response Program(s),
    c. Self Generation Incentive Program,
    d. California Solar Initiative,
    e. Low Income Energy Efficiency,
    f. Renewables Portfolio Standard:
        i. RPS payments in excess of the Market Price Referent,
        ii. Costs of non-renewable generation needed to operate when intermittent renewables are not running; these costs would include those of additional CAISO ramping requirements and utility quick start and quick ramping fossil generation that are required to work around wind (in particular) and solar facilities.
    g. Renewables Research, Development and Deployment
    h. Low Emission Vehicle Research, Development and Deployment,
    i. Solar Water Heating
    j. Self-Generation Incentive Program incentives for GHG reducing technologies.
    k. PG&E Climate Protection Tariff
    l. University of California Climate Research Proposal
    m. SDG&E/SoCal Gas Proposed Joint Climate Action Initiative

2. List of utility-specific GHG Reduction Program costs, including rate elements, taxes or charges, for which the utility is currently seeking authorization or increases.

3. For each of the programs, taxes and charges, provide a brief description and include the underlying CPUC or other authorization (if applicable).

Budget, Cycle and Cost Allocation

4. For each of the programs, taxes and charges, provide the authorized budget and indicate the program cycle.

5. For each of the programs, taxes and charges, indicate the cost recovery mechanism.

6. For each of the programs, taxes and charges, indicate for the following customer groups: (i) the current unit costs, (ii) the associated rate schedules, and (iii) the amounts collected over the past ten years. If the program has not been in place for ten years, indicate the amounts collected since the program was authorized.

   Electric customers
   a. Residential customers,
   b. Small Commercial customers ($\leq$20 kW),
   c. Large Commercial customers ($\geq$20 kW),
   d. Industrial customers,
   e. Agricultural customers.

   Gas customers
   f. Core customers,
   g. Noncore customers,
   h. Electric generators.

7. For each of the programs, taxes and charges, provide an estimate of funding through the end of the program's authorized period.

Programs with Greenhouse Gas Reducing Effects

8. Provide a list of specific GHG Reduction Programs recently completed, currently under way or proposed for implementation in the near future to reduce GHG emissions.

   a. Briefly describe the scope of GHG emission reduction program.
   b. Provide the specific goals, objectives or mission of the program.
   c. Indicate expected or required participation from ratepayers, business groups, other state agencies, officials, and/or federal representatives.

d. Indicate if the program has been mandated by the legislature, directed by membership or city, required by the CPUC, or is pursued on a voluntary basis.
e. Provide the status of the program (completed, initial phase, etc.)
f. Provide a brief description of goals already achieved, if applicable.
g. Indicate the program's specific targeted GHG emission reduction, if applicable.
h. Indicate the program's specific targeted customer group or sector, if applicable.
i. Will GHG be directly or indirectly reduced as a result of the program?
j. Indicate program funding source.
k. Provide the program budget, a breakdown of current program costs, if available, and the total amount funded since program inception.
l. Indicate timing for completion of program or end of program funding cycle.
m. Is the program expected to sunset once the specific goals have been met?

CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Motion of the Joint Parties for an Inventory of All Utility Ratepayer Funded Programs and All GHG Reduction Programs for the Electricity and Natural Gas Sectors** in R06-04-009 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated December 11, 2007 at San Francisco, California.

Karen Terranova

Karen Terranova

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