

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



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Application of Southern California Edison Company (U 338-E) for Approval of Demand Response Programs, Goals and Budgets for 2009- 2011.

**Application 08-06-001
(Filed June 2, 2008)**

Application of San Diego Gas & Electric Company (U 902 M) for Approval of Demand Response Programs and Budgets for Years 2009 through 2011.

**Application 08-06-002
(Filed June 2, 2008)**

Application of Pacific Gas and Electric Company for Approval of 2009-2011 Demand Response Programs and Budgets (U 39 E)

**Application 08-06-003
(Filed June 2, 2008)**

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E) REPLY TO
COMMENTS OF THE DIVISION OF RATEPAYER ADVOCATES**

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

Application of Southern California Edison Company (U 338-E) for Approval of Demand Response Programs, Goals and Budgets for 2009- 2011.	Application 08-06-001 (Filed June 2, 2008)
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Application of Pacific Gas and Electric Company for Approval of 2009-2011 Demand Response Programs and Budgets (U 39-E)	Application 08-06-003 (Filed June 2, 2008)

**PACIFIC GAS AND ELECTRIC COMPANY’S (U 39 E) REPLY TO
COMMENTS OF THE DIVISION OF RATEPAYER ADVOCATES**

Pursuant to Rule 16.4 (g) of the Commission’s Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) replies to the comments of the Division of Ratepayer Advocates (DRA) dated May 28, 2010 regarding PG&E’s Petition for Modification of Decision 09-08-027 (Petition). PG&E received permission to file these reply comments from Administrative Law Judge Charlotte TerKeurst by e-mail dated June 2, 2010. PG&E’s reply is timely as it is filed within 10 days of the last day of filing responses to PG&E’s petition, which was May 28, 2010.

DRA agrees with the following requests in PG&E’s Petition: (1) PG&E’s proposed amendment to the Energy Connect agreement; and (2) PG&E’s request to modify D.09-08-027 by moving the Capacity Bidding Program from Category Two - Price Responsive Programs to Category Three - DR Service Provider Programs. PG&E appreciates DRA’s support of these two requests and does not address these issues further in this reply.

DRA's response objects to: (1) PG&E's request for authority to hold an aggregator managed portfolio (AMP) competitive solicitation in 2011 to replace the expiring AMP agreements with cost-effective demand response (DR) resources that can be bid into the CAISO market; and (2) PG&E's proposed amendment with EnerNOC, to the extent it would increase the amount of DR in the EnerNOC agreement. As PG&E discusses below, DRA's objection to these two requests should be disregarded as inconsistent with state policy objectives to increase the amount of cost-effective DR in the investor-owned utilities' (IOUs') electric portfolios.

I. DISCUSSION

A. The Decision Should Be Revised To Allow PG&E To Hold A Competitive Solicitation To Replace Expiring Aggregator Contracts.

DRA opposes PG&E's request to hold a new competitive solicitation to replace expiring AMP agreements on two primary grounds. First, DRA argues that the Commission should deny PG&E's request to hold a competitive solicitation because it "should not allow PG&E to monopolize the role of a DRP for itself."^{1/} Second DRA believes that the rules for DR aggregators' direct participation in the CAISO market are not sufficiently established to allow those intending to develop Proxy Demand Resources to hold a solicitation at this time, and therefore PG&E should not be able to conduct the solicitation it is proposing.^{2/} As PG&E discusses below, DRA's concerns are insufficient to deny PG&E's request for the solicitation.

First, PG&E is not attempting, by holding a second competitive solicitation, to monopolize the role of a DR provider, as DRA suggests. If PG&E holds a competitive solicitation, DR aggregators are free to choose whether to participate. In the *Response of*

^{1/} DRA Comments, p. 9.

^{2/} *Id.*, p. 9.

Demand Response Aggregators In Support of Pacific Gas and Electric Company's Petition For Modification, filed in this proceeding on May 26, 2010, four DR service providers supported PG&E's request to hold a new competitive solicitation and indicated that new long-term agreements "will provide aggregators with the requisite certainty needed to commit resources to the California market."^{3/} The DR aggregators also agree that, absent the solicitation, there will be "significantly less DR in the market when the existing AMP contracts expire in 2011."^{4/} The solicitation will not limit the number of choices for DR providers or their intended customers, since entities can decline to participate if they prefer to sell directly to the CAISO market. Instead, a solicitation for DR products would provide additional choices and payments structures and would increase the amount of available cost-effective DR, consistent with the Energy Action Plan Loading Order.

Second, the status of the phase four of the DR Order Instituting Rulemaking regarding aggregators' direct participation in the CAISO market should not be an impediment to holding a new competitive solicitation at the end of this year. As noted in the *Response of Demand Response Aggregators In Support of Pacific Gas and Electric Company's Petition For Modification*, filed in this proceeding on May 26, 2010, four DR service providers noted that new AMP agreements would provide them the certainty to commit to the California markets. The DR Phase 4 decision was issued on June 3, 2010 and does not inhibit how the new AMP agreements would be structured.^{5/}

B. The Commission Should Approve The EnerNOC Amendment.

DRA does not dispute PG&E's assertions in its Petition and in the accompanying

^{3/} Joint Response, p. 7.

^{4/} *Id.*, p. 9.

^{5/} *Decision on Phase Four Direct Participation Issues*, D.10-06-002 (June 3, 2010).

Declaration of William Gavelis that the EnerNOC Amendment would provide additional cost-effective DR according to the cost-effectiveness framework DRA previously agreed was appropriate for DR programs.^{6/} Instead, DRA asserts that PG&E should be required to prove and has not proved: (1) a need for the DR product; and (2) that the DR product is not more expensive than short-term resource adequacy (RA) sources. DRA's position is inconsistent with the cost-effectiveness methodology in the framework contained in the *Joint Comments of the California Large Energy Consumers Association, Comverge, Inc., DRA, EnergyConnect, Inc., EnerNoc, Inc., Ice Energy, Inc., PG&E, SDG&E, SCE, and The Utility Reform Network Recommending a Demand Response Cost Effectiveness Evaluation Framework*, filed November 19, 2007 in *Order Instituting Rulemaking*, R.07-01-041 (Consensus Framework).

The Consensus Framework, which DRA now urges the Commission to ignore in ruling on PG&E's Petition, was established for the purpose of measuring the cost effectiveness of DR in the IOUs' 2009-2011 portfolios and in subsequent DR program cycles, until the Commission issues its decision on cost effectiveness methodology in Phase 1 of R.07-01-041.^{7/} The Consensus Framework "represents the most widely supported option available for estimating demand response cost effectiveness" and was relied upon by the Commission in approving DR programs for the IOUs for 2009-2011.^{8/} As DRA correctly notes, the Framework requires the generation capacity cost avoided to be based on the price of the capacity of a new combustion turbine. This requirement is in the Consensus Framework to assure that the Energy Action Plan Loading Order is followed and cost-effective DR resources are built before any new generation resources

^{6/} DRA Comments, pp. 3-7.

^{7/} Framework, p. 1.

^{8/} D.09-08-027, p. 15.

are added. DRA's proposal would violate this policy.

DRA now argues that "short-term" DR should be no more expensive than the market price of short-term capacity products. DRA argues: "[E]ven if there is a need any additional short-term demand response costs must be comparable if not competitive with short-term capacity costs in the market."^{9/} This departure from the Consensus Framework, if approved by the Commission, would set a cap on DR prices that may be insufficient to incent customers or DR aggregators to participate in DR programs. As noted in the Framework: " In general, the annualized and adjusted CT cost will not be adjusted to account for periods in which a region's capacity resources are projected to be greater than the CPUC-adopted planning reserve margin standard. This approach recognizes the position of DR in the state's loading order and the importance of maintaining participation levels in existing DR programs."^{10/} This statement was included in the Consensus Framework to recognize that the IOUs' compliance with the Commission's RA requirements ensures that in the short run, no additional capacity will ever be needed. Therefore, in the short run, there would never be the need for additional new CT capacity or, in DRA's view, DR. Because compliance with the Commission's RA rules ensures that in the short run no additional new capacity will be needed, in the short run the actual market value of generation capacity will be based on existing rather than new capacity. If the cost-effectiveness of DR in the short run is based on the short run market value of capacity, DR resources would never be cost effective in the short run. In that case, the loading order preference for DR would be impossible to implement. For this reason, the Consensus Framework recommended that new CT capacity should

^{9/} DRA Comments, p. 8.

^{10/} Framework, p. 3.

always be used to estimate the value of the generation capacity avoided by new DR resources.

In addition, planning for more DR resources will allow the state, in the long term, to avoid building some new generation capacity. Having more DR in 2011 (i.e. EnerNOC expansion) as well as DR agreements from an AMP solicitation for 2012-2016, will defer procuring or building of new generation or the extension of life of existing generation. This is what the Loading Order is intended to accomplish.

Adding more DR now supports increased DR forecasts in the long term. The 11-year DR forecast prepared under the Load Impact Protocols is used in the long-term procurement plan and RA proceedings. Thus adding more DR now will support deferral of additional PG&E commitments to more MW of new generation in the long term. Moreover, the ability to defer long term commitments to new generation through DR benefits ratepayers as there is more flexibility to adjust the DR pricing and product design to accommodate changing circumstances. This is one of the primary benefits of DR and DRA has ignored this basic value.

DRA's position (regarding both the EnerNOC expansion and the new AMP solicitation), if adopted, would lead to more new power plant capacity being built in the long run, that could have been deferred by DR. Committed and demonstrated DR MW now will defer new generation MW in the long term. Focusing exclusively on short term benefits only will lead to resource plans being "whip sawed" in reaction to short term deficiencies or oversupplies. This would lead to the need to create new resources in a hasty rather than well planned manner. This "start-stop" method of planning is inefficient and is why the CPUC measures cost effectiveness of DR against a long-term avoided cost

and is why the DR has priority over all generation in the loading order. The CPUC should reject DRA's short term approach as inconsistent with Commission directives for DR cost effectiveness evaluations and with state energy policy.

III. CONCLUSION

For all the foregoing reasons, PG&E respectfully requests the Commission to issue a decision, approving the following:

- A) the Fourth Amendment to the EnerNOC agreement;
- B) the Fifth Amendment to the EnergyConnect agreement;
- C) PG&E's request to hold a new DR solicitation in 2010; and
- D) PG&E's request to move the Capacity Bidding Program from category 2 to category 3 in Table 24-2 of the Decision.

Respectfully submitted,

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June 7, 2010

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.

On June 7, 2010, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S REPLY COMMENTS OF THE
DIVISION OF RATEPAYER ADVOCATES – A. 08-06-001, et. al.**

- [XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service lists for A.08-06-001; A. 08-06-002; and A. 08-06-003 with an e-mail 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 lists for A.08-06-001; A. 08-06-002; and A. 08-06-003 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 on this 7th day of June, 2010, at San Francisco, California.

/s/

PAMELA J. DAWSON-SMITH

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