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

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

U 39 M

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

**JOINT INVESTOR OWNED UTILITIES' (U 39 M)
RESPONSE TO THE DIVISION OF RATEPAYER
ADVOCATES' COMMENTS ON JULY 16, 2010
SUPPORTING DATA FOR THE JOINT IOU SCENARIO**

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August 2, 2010

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I Introduction

In accordance with the Administrative Law Judge's (ALJ's) July 22, 2010, ruling, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) (collectively known as the "Joint IOUs") respond to the comments filed by the Division of Ratepayer Advocates (DRA) on July 26, 2010. DRA filed comments in response to the Joint IOUs' submission of data underlying the Joint Utility Scenario dated July 16, 2010.¹

¹ On July 23, 2010, both The Utility Reform Network (TURN) and Women's Energy Matters (WEM) filed "Reply Comments" purporting to address the parties' statements of remaining disputed issues. Neither of these comments was authorized pursuant to the June 8, 2010, Ruling of Assigned Administrative Law Judge Pulsifer as TURN and WEM claim. Neither addresses the data supporting the Joint IOU scenario at issue here. As such, the IOUs do not address the substance of these comments herein with one exception.

It is worth noting that, not only do WEM's comments fail to address relevant data issues, its comments are largely unsupported and off-topic, primarily addressing Community Choice Aggregation issues and GRC issues, neither of which are at issue in this proceeding. In the little space WEM devotes to addressing the actual evaluation effort, WEM ignores all the evidence and comments submitted by parties in this proceeding and simply concludes that none of the parties' legitimate comments about the shortcomings of the evaluation effort have any merit. WEM even states that it "declined the opportunity to closely review the scenarios." (WEM Comments at p. 3) WEM's comments are unauthorized, unsupported, and inflammatory and do not constitute a substantial contribution to this proceeding.

The Joint IOUs continue to believe the Joint Utility Scenario represents the most appropriate and reasonable assessment of the 2006-2008 energy efficiency program cycle and urge the Commission to rely upon it for a timely disposition of the final 2010 true-up claim.

II Decision 09-12-045 requires a 12% shared-savings rate be used for the final claim, contrary to DRA's comments

In its comments, DRA presents a lengthy but misguided discussion arguing that each of the IOUs should have different shared savings rates based on their accomplishments, using a significant level of *ex post* updates, against the savings goals.² However, DRA continues to refuse to recognize the fact that the shared savings rate for the 2010 final true-up claim has already been decided by the Commission. Not only has the Commission already decided that the IOUs should earn at the 12 percent shared savings rate (with ratepayers entitled to the remaining 88 percent), the Commission has fully presented the rationale behind the use of the 12 percent shared savings rate.

In Decision (D.) 09-12-045, the Commission acknowledged that the DEER updates differed from the *ex ante* assumptions used to set the 2006-2008 goals. Therefore, to ensure that program goals are aligned with the measurement of utility accomplishments, the Commission stated that the Minimum Performance Standard (MPS) threshold will be determined using the *ex ante* values used to set the goals, as opposed to the updated assumptions included in the Energy Division Evaluation Report data, that DRA is now re-arguing should apply. The Commission rightfully found it appropriate to “adjust the shared savings rate to 12% based on the use of the utilities’ proposed *ex ante* assumptions in comparing the utilities’ results with the Commission goals.”³ The Commission made clear that the rationale for applying the 12% shared savings rate was equally applicable to the 2010 final true-up, stating:

² DRA Comments, pp. 3-4.

³ D.09-12-045, mimeo, p. 3

Comparing utility results that reflect updated estimates and assumptions with Commission goals that do not reflect those same updates and assumptions appears to be an apples to oranges comparison. Since the Commission has not revisited and reset the goals to reflect updated information and assumptions, it is reasonable, **for purposes of both this interim claim and the 2010 final true-up**, to compare those goals with results that reflect the same underlying assumptions used in establishing those goals.⁴

DRA's arguments for use of other shared savings rates are inappropriate and inconsistent with the Commission's decision and policy rationale presented within that decision. Thus, DRA's position is without merit and a 12 percent shared-savings rate should be applied, consistent with Commission policy in this case.

III Following DRA's logic that the updated GHG value of \$30 per tonne should not apply because it was released after the program cycle ended, no other "updated" values, including those in the Energy Division's Final Evaluation Report, should be applied.

In its comments, DRA argues that the \$30 per tonne GHG value adopted in D.10-04-029 should not be utilized in the Joint Utility Scenario because "What the Utilities fail to note is that D.10-04-026 [correct citation is to D.10-04-029] was issued April 8, 2010, more than a year after the 2006-2008 program cycle ended and should not be applied to that cycle."⁵ This is an interesting and revealing statement by DRA as the Evaluation Report results containing updated energy savings values were also released more than a year after the 2006-2008 program cycle ended. To be consistent with DRA's statement that new information such as the increase in the GHG adder should not be applied because of its release after the program cycle, none of the *ex post* or updated results from the Energy Division's Final Evaluation Report issued July 9, 2010, (which is three months after the Decision on which DRA relies) should be applied to the utility's incentive claim. Doing otherwise would be inconsistent with DRA's position that information released after the cycle should not be used.

⁴ *Id.*, at p.68 (emphasis added).

⁵ DRA Comments, at p. 4.

DRA also notes the GHG adjusting factor is different for each utility. Differences among IOU adjusting factors are natural. Each IOU has a unique set of characteristics it deals with in its territory. For example, the IOUs operate in different climate zones: hot days in the Central Valley impact PG&E's savings for HVAC measures more than the exact same program SDG&E runs in San Diego. The IOUs also have different measure mixes, different types of energy they provide (electricity and/or gas), a different set of avoided costs and a different set of load shapes to measure 2006-08 accomplishments. All of these factors contribute to why the IOUs have different GHG adjusting factors.

The Joint IOUs have long argued that the values used in portfolio planning (*ex ante* values) should be used in the determination of utility earnings and performance against goal.⁶ However, for the purposes of a timely resolution of the 2006-2008 true-up claim, the Joint IOUs, pursuant to the ACR's direction,⁷ have presented a reasonable scenario that includes acceptance of much of the Energy Division's Final Evaluation Report. These values include updated energy savings values, load shapes, and verified installations, among other changes, despite the Joint IOUs' continued disagreement with the basis for many of those values. DRA is correct that the Joint IOUs are proposing inclusion of the updated GHG value, but DRA fails to recognize that the Joint IOUs are also accepting inclusion of a significant number of values released in the Energy Division's Evaluation Report, which were released well after the end of the 2006-2008 program cycle and well after the release of the GHG adder that DRA contests.

DRA's inconsistent proposals demonstrate how its policies are determined to produce the lowest energy efficiency savings, benefits, and earnings associated with IOU-administered energy efficiency programs. In contrast, the Joint IOUs have been consistent in presenting a sound policy basis for each of the provisions underlying the Joint Utility Scenario.⁸ For the ease

⁶ See Joint IOU comments filed throughout R.09-01-019.

⁷ Assigned Commissioner's Ruling on Process for True-Up of Incentive Earnings, April 8, 2010, p. 6-7: "[T]he Commission can consider alternative approaches in calculating the final incentive amounts in addition to Energy Division's report, along with other relevant evidence, as part of the record within this proceeding."

⁸ See comments filed April 20, 2010 and May 18, 2010, among others in R.09-01-019.

of Commission consideration, the Joint IOUs summarize the 2010 true-up earnings claims on record, including the scenario presented by DRA in its July 26, 2010, comments, corrected for use of the proper shared savings rate of 12 percent:

REMAINING EARNINGS FOR TRUE-UP

	Utility-Reported Amount ("Ex Ante") presented mid-2009	Joint Utility Scenario presented May 18, 2010	DRA Scenario (including removal of updated GHG value) with CPUC- Authorized Shared- Savings Rate
PG&E	\$169,143,883	\$62,563,456	\$40,610,622
SCE	\$104,504,140	\$39,926,014	\$31,718,890
SDG&E	\$28,366,881	\$4,291,917	\$3,284,932
SoCalGas	\$19,392,026	\$5,552,213	\$4,710,693

Respectfully Submitted,

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By: _____ /s/
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Dated: August 2, 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.

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 August 2, 2010, I served a true copy of:

**JOINT INVESTOR OWNED UTILITIES' (U 39 M)
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ADVOCATES' COMMENTS ON JULY 16, 2010
SUPPORTING DATA FOR THE JOINT IOU
SCENARIO**

By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **R.09-01-019** with an email address.

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 **R.09-01-019** 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 August 2, 2010.

/s/
ANNABEL STRIPLIN

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