



FILED
03-20-09
03:06 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of the 2009-11 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget (U39M).

Application 08-05-022
(Filed May 15, 2008)

And Related Matters.

Application 08-05-024
Application 08-05-025
Application 08-05-026

JOINT ASSIGNED COMMISSIONER’S AND ADMINISTRATIVE LAW JUDGE’S RULING CONCERNING CLARIFICATION OF D.08-11-030 (MODIFIED 3 MEASURE MINIMUM RULE AND BUDGET AUGMENTATION FOR ONE-E-APP PILOT PROJECT)

This Joint Ruling by the assigned Commissioner and the assigned Administrative Law Judge (ALJ) is issued to seek comment on (1) potential clarification of the so called “3 Measure Minimum rule” as modified by Decision (D.) 08-11-031 and (2) augmentation of the One-E-App Pilot Project budget.

**MODIFIED
3 MEASURE MINIMUM RULE**

In D.08-11-031, the Commission adopted Ordering Paragraph (OP) 47:

We eliminate the 3 Measure Minimum Rule (which prohibits IOUs from installing measures in a home that does not require at least three measures) in favor of a rule that allows IOUs to install one or two measures in a home, as long as the measures achieve energy

savings of at least either 125 kWh/annually or 25 therms/annually. **Attachment G to this decision specifies, based on the data the IOUs provided with their applications, which measures qualify.** [Emphasis added.]

This Ordering Paragraph in the decision on changes to the 3 Measure Minimum Rule uses the term “measures.” In contrast, the referenced Attachment G to the decision sets forth a table that is presented in terms of measure groups to show which “measure groups” meet the energy savings threshold of 125 kWh/annually or 25 therms/annually. Thus, some parties interpret the directives set forth in D.08-11-031 to mean 3 “individual measures” while others interpret it to mean 3 “measure groups.”

To eliminate this confusion, we set forth below, based on input from the Energy Division, proposed clarification of D.08-11-031 on the newly modified 3 Measure Minimum rule and the corresponding energy savings threshold that the modified rule refers to individual measures and not measure groups. We seek comment on the proposed clarification. Following public comment, our intent is to issue a proposed decision on this matter soon thereafter for adoption by the full Commission, to provide the appropriate clarification and modification to D.08-11-031. The proposed modifications to the D.08-11-031 are as follows:

1. The revised OP 47 will read as follows:

We modify the 3 Measure Minimum rule (which prohibits IOUs from installing measures in a home that does not require at least three measures) in favor of a rule that allows IOUs to install one or two measures in a home, as long as the measures achieve energy savings of at least either 125 kWh/annually or 25 therms/annually. ~~Attachment G to this decision specifies, based on the data the IOUs provided with their applications, which measures qualify.~~

2. Attachment G to D.08-11-031 will be eliminated.

3. A new OP will be added to the modified decision and will read as follows:

In complying with OP 47 and calculating energy savings associated with each of the measures, the utilities are directed to obtain energy savings information on individual measures from the 2005 Impact Evaluation (2005 IE). If energy savings information on a particular measure is not available from the 2005 IE, the utilities are directed to obtain the energy savings information on individual measure from the DEER database. If energy savings information on a particular measure is not available from the 2005 IE and DEER database, the utilities are directed to obtain the energy savings information on individual measures from the 2002 Impact Evaluation.

4. Other sections of D.08-11-031 related to OP 47 will be revised to reflect the clarifications set forth in this modified decision.

BUDGET AUGMENTATION FOR ONE-E-APP PILOT PROJECT

In D.08-11-31, the Commission adopted a pilot project (One-E-App Pilot Project) and allocated funding for said project, as follows:

We adopt a One-E-App pilot to be carried out in two counties in PG&E's territory and allocate \$167,000 to cover the One-E-App portion of the pilot. We add this to the PG&E's CARE budget. (OP 98.)

Since the issuance of D.08-11-031, an oversight in the One-E-App Pilot Project budget has been discovered. The budget of \$167,000 originally allocated by the Commission to cover the costs incurred by The Center to Promote Health Care Access (The Center) for this pilot does not cover the needed maintenance costs incurred by The Center for the 1-year-life of the One-E-App Pilot Project.

To correct this oversight, we propose to modify D.08-11-031 to increase the One-E-App Pilot Project budget to include maintenance costs for the 1-year-life of the pilot. We seek comment on the proposed modification to D.08-11-031.

Following public comment, our intent is to issue a proposed decision on this matter soon thereafter for adoption by the full Commission, to provide the appropriate augmentation to the One-E-App Pilot Project budget. The proposed modifications to D.08-11-031 are as follow:

1. The revised OP 98 will read as follows:

We adopt a One-E-App pilot to be carried out in two counties in PG&E's territory and allocate \$____,000 to cover 'The Center to Promote Health Care Access' (The Center) portion of the pilot. This allocation includes \$____,000 **to cover the One-E-App Pilot Project maintenance costs incurred by The Center.** We add this to the PG&E CARE budget.

2. Other sections of D.08-11-031 related to OP 98, including Attachment M, will be revised to reflect the increased One-E-App Pilot Project budget, being authorized in the modified decision.

For the reasons set forth above, **IT IS RULED** that Parties shall file written comments on the foregoing proposed modifications to Decision (D.) 08-11-031 by no later than April 1,, 2009 and said comments shall include discussions of the following:

1. Whether the Parties believe the proposed modifications to D.08-11-031 provides the necessary clarifications to the Parties regarding the aforementioned two issues.
2. Whether the 3 Measure Minimum Rule as modified in D.08-11-031 requires any other **clarification** other than the measure versus measure group issue as expressly addressed above (e.g., whether in applying the modified 3 Measure Minimum rule, the energy savings threshold applies to households not programs, and whether the households that are ineligible for LIEE treatment will or will not be included in calculations with regard to the Commission's

programmatic initiative of serving 25% of the eligible and willing LIEE population in the 2009 – 2011 budget cycle).

3. What is the reasonable amount of maintenance costs for to cover costs incurred by The Center for the One-E-App Pilot Project maintenance, including categories of tasks and breakdown of costs associated therewith.

Dated March 20, 2009, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich
Assigned Commissioner

/s/ KIMBERLY H. KIM

Kimberly H. Kim
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated March 20, 2009, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid