

Decision 03-12-016 December 4, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SIERRA PACIFIC POWER COMPANY (U903), for an Order Approving Its 2004 Low Income Energy Efficiency Plan and Budget.

Application 03-07-002
(Filed July 1, 2003)

In the Matter of the Application of Southern California Water Company (U 133 E) Regarding Low Income Assistance Programs for its Bear Valley Electric Service Customers for Program Year 2004.

Application 03-07-003
(Filed July 1, 2003)

In the Matter of the Application of PACIFICORP for Approval of Post-2002 Low-Income Energy Efficiency Program Funding.

Application 03-07-014
(Filed July 3, 2003)

In the Matter of the Application of Southwest Gas Corporation for Approval of Program Year 2004 Low-Income Energy Efficiency Program Budgets. (U 905 G)

Application 03-07-017
(Filed July 1, 2003)

In the Matter of the Amended Application of Avista Corporation dba Avista Utilities for Approval of Program Year 2004 Low Income Energy Efficiency (LIEE) Program Budget.

Application 03-07-019
(Filed July 1, 2003)

FINAL OPINION: 2004 LOW-INCOME ENERGY EFFICIENCY (LIEE) PROGRAMS FOR SMALL AND MULTI-JURISDICTIONAL UTILITIES AND PLANNING PROCESS FOR 2005 LOW-INCOME ASSISTANCE

Application of Alpine Natural Gas Company
Operating Company No. 1 LLC in Compliance
with Decision 03-03-007 (PY 2004 Low Income
Energy Efficiency Plan).

Application 03-07-025
(Filed July 10, 2003)

Order Instituting Rulemaking on the
Commission's Proposed Policies and Programs
Governing Low-Income Assistance Programs.

Rulemaking 01-08-027
(Filed August 13, 2001)

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1. Introduction and Summary¹

By Decision (D.) 01-05-033, we adopted a rapid deployment strategy for utility low-income energy efficiency and rate discount programs, referred to as the Low-Income Energy Efficiency (LIEE) and California Alternate Rates for Energy (CARE) programs, respectively. In that decision, we augmented the utility budgets for LIEE and CARE utilizing the funding appropriated by the Legislature via Senate Bill X1 5, referred to as “SBX5” in this decision.² Among other things, SBX5 provides a one-time increase to the LIEE program of \$20 million and another \$50 million for appliance replacement and other energy efficiency measures. By D.01-05-033, we allocated \$25 million of the SBX5 appliance replacement funds to further supplement LIEE budgets during the energy crisis. In addition, SBX5 provides a one-time appropriation to supplement the funding collected in rates for CARE discounts and outreach efforts.

In D.01-05-033, we set aside \$5 million of the additional LIEE funding provided via SBX5 to be allocated all or in part to the small and multi-jurisdictional electric and gas utilities under the Commission’s jurisdiction for rapid deployment activities. These are: Alpine Natural Gas Company (Alpine), Avista Utilities (Avista), Bear Valley Electric Service Company (Bear Valley or BVEC),³ Mountain Utilities, PacifiCorp, Sierra Pacific Power Company (Sierra Pacific), Southwest Gas Company (Southwest Gas or SWG) and West Coast Gas

¹ Attachment 1 presents a list of abbreviations and acronyms used in this decision.

² SBX5 was passed by the Legislature on April 5, 2001 during the First Extraordinary Session (Stats. 2001, Ch. 7), and signed by the Governor on April 11, 2001.

³ Bear Valley is operated by Southern California Water Company.

Company (West Coast Gas or WCG). We refer to the small and multi-jurisdictional utilities throughout this decision as “the SMJUs.”

By D.01-05-033, we directed Energy Division to develop recommendations concerning the allocation of the \$5 million in LIEE funding set-aside for the SMJUs as well as for the SBX5 supplemental CARE funds. In D.01-08-065 and D.02-08-051 we adopted rapid deployment program plans and budgets for the SMJUs and allocated SBX5 funds to these utilities, with the exception of Mountain Utilities. We found that Mountain Utilities should not be required to initiate CARE or LIEE programs at this time, given the unique resort nature of its service territory, housing stock and customer base.

By D.03-03-007, we revised CARE penetration targets and funding levels for the SMJUs’ post-2002 LIEE and CARE programs, after receiving further recommendations from Energy Division and parties’ comments on those recommendations. In that decision, we determined that West Coast Gas should implement a simple LIEE referral program that would refer customers to local sources of information and assistance on energy conservation services. We found this approach more appropriate than requiring West Coast Gas to offer LIEE services directly to its customers, given the fact that all of the residences in its service territory (the former Mather Air Force Base) are new, single-family homes constructed to meet the current Title 24 energy efficiency standards, and all gas appliances meet Title 20 standards.⁴

⁴ Title 24 of the California Code of Regulations (CCR), also known as the California Building Code, contains energy efficiency standards for new construction (California Energy Code). Title 20 of the CCR contains energy efficiency standards for appliances.

In D.03-03-007, we adopted CARE budgets and program plans for program year (PY) 2003 and PY 2004, but limited our determinations regarding LIEE program activities and funding levels to PY 2003. We were not able to evaluate program plans and funding beyond that year, given the relatively new status of some of the SMJUs' LIEE programs and the lack of sufficient information on future program plans and rate impacts. Therefore, we directed Alpine, Avista, PacifiCorp, Southwest Gas and Sierra Pacific to file applications for PY 2004 LIEE program plans and budgets by July 1, 2003. We also directed Energy Division to hold workshops on these applications, and to submit a workshop report with recommendations for our consideration.

The table below presents the total authorized LIEE funding levels for program year (PY) 2004, by utility and funding source, along with Energy Division's recommended targets for treated and weatherized homes.

Utility	PY 2004 Authorized			PY 2004 Targets	
	SBX5	Ratepayer	Total	T	W
Alpine	\$0	\$25,000	\$25,000	20	20
Avista	\$98,800	\$81,980	\$180,780	80	80
PacifiCorp	\$89,950	\$111,185	\$201,135	98	98
Sierra	\$200,000	\$100,000	\$300,000	250	145
Bear Valley	\$414,885	\$0	\$414,885	410	82
SWG	\$0	\$936,560	\$936,560	586	415
Total	\$803,635	\$1,254,725	\$2,058,360	1,444	840

Note: T= "Treated" residences that receive LIEE measures or energy education services.

W= "Weatherized" residences, the subset of treated homes that receive weatherization measures (*e.g.*, insulation, caulking)

As discussed in Energy Division's report, the performance targets for treated and weatherized homes are based on experience to date in implementing LIEE programs, which for most of the SMJUs is very limited. Therefore, while we expect Alpine, Avista, PacifiCorp, Sierra Pacific and Southwest Gas to strive to meet or exceed their 2004 performance targets, we do not establish them today as firm performance requirements. We are as concerned with program

comprehensiveness at this juncture of program development, as we are with the rate at which homes are treated.

Accordingly, we remind these utilities that eligible low-income customers are to receive all feasible measures offered under the LIEE program. They are also on notice that their performance in implementing the program during 2004 is subject to financial and management auditing by Energy Division, per D.03-03-007. We will continue to monitor program performance and adjust annual targets and funding levels, as appropriate, in future planning cycles.

As discussed in this decision, Southwest Gas will need to increase ratepayer collections by \$436,560 to fund PY 2004 LIEE program activities, since its allocation of SBX5 funding has been depleted. Southwest Gas should book actual LIEE expenditures into the LIEE one-way balancing account, as authorized in D.03-03-007. Southwest Gas is directed to file an Advice Letter to establish a PY 2004 LIEE surcharge that will collect the authorized funding level for PY 2004, based on the 2004 test year forecast adopted by the Commission in Application (A.) 02-02-012.

Alpine will also need to increase ratepayer collections to fund the new LIEE program authorized by today's decision. Per Energy Division's recommendation, Alpine will contract directly with the third party that delivers Pacific Gas and Electric Company's Energy Partners program, at a total program cost of no more than \$25,000 for PY 2004. Alpine is directed to file a supplement to Advice Letter 6 that includes a final contract for the provision of LIEE services and establishes a one-way LIEE balancing account.

The PY 2005 planning process for both CARE and LIEE programs will begin in the coming months. Accordingly, we direct Alpine, Avista, PacifiCorp, Sierra Pacific and Southwest Gas to file applications for approval of their PY 2005

CARE and LIEE program plans, budgets and associated increases in ratepayer collections needed to fund their proposals, no later than July 1, 2004. We also direct West Coast Gas to file its application for its PY 2005 CARE program at the same time, and include updated information on whether its housing stock continues to meet Title 20 and Title 24 energy efficiency requirements. Consistent with the approach we have taken in the past, Energy Division shall hold public workshops on the applications and develop recommendations for our consideration.

2. Procedural Background

The SMJUs filed applications for approval of their PY 2004 LIEE program plans, budgets and associated increases in ratepayer collections needed to fund their proposal in July 2003. The Office of Ratepayer Advocates (ORA) filed written responses to each of these applications, identifying specific issues to be explored during the Energy Division workshop process. However, ORA did not protest the applications or file any further comments in this proceeding.

On July 30, 2003, Assigned Commissioner Wood issued a ruling consolidating the applications into a single proceeding. In that ruling, Commissioner Wood also established a schedule for comments on the Energy Division's workshop report, pursuant to the process set forth in D.03-03-007.

On July 29, 2003, Energy Division held a public workshop in San Francisco to discuss the utilities' proposals. Avista, Sierra Pacific, Bear Valley, Southwest Gas, Alpine and ORA attended the workshop. Energy Division communicated separately with PacifiCorp after the workshop on issues specific to their application.

Energy Division filed and served its workshop report on September 8, 2003. Bear Valley, Sierra Pacific and Southwest Gas filed comments. Energy Division issued two updates to its workshop report, one on October 9 and the other on October 20, 2003. The updates provided clarifications and corrections in response to the SMJUs' comments and questions by the assigned Administrative Law Judge (ALJ). They also reflect corrected information on ratepayer collections and a revised budget provided by PacifiCorp on October 17, 2003. Our discussion below of Energy Division's recommendations is based on the updated workshop report.

3. SMJU Proposals and Energy Division Recommendations

In the following sections, we briefly describe the SMJUs' proposals for LIEE program plans, funding levels and ratemaking treatment, along with Energy Division recommendations.

Attachment 2 presents the level of SBX5 funds allocated to each SMJU for their LIEE programs per D.01-08-065, projected program expenditures for 2003, the SMJUs' budget proposals for PY 2004 and Energy Division's recommendations. These tables indicate the levels of SBX5 and ratepayer funding associated with each budget proposal.

The funding levels discussed below cover LIEE program and administrative costs. Program budgets are broken down into weatherization, energy efficiency measures ("measures") and energy efficiency education ("education") subcategories, which include the costs of labor, materials and contractor overhead associated with program delivery. Administrative budgets include outreach and inspection costs, as well as utility overhead expenses. (*See Attachment 2.*)

In discussing the SMJUs' program plans, we use the term "treated homes" to refer to residences that receive LIEE measures or energy education services, and the subset of those treated homes that receive weatherization measures as

“weatherized homes.” Weatherization measures are those that affect the building envelope (*e.g.*, insulation, weatherstripping, caulking) or reduce energy/heat losses from piping and appliances (*e.g.*, water heater blankets and pipe wrap). The tables in Attachment 2 also present the number of homes treated (“T”) and weatherized (“W”) for 2002, 2003 and proposed for 2004, by utility.

3.1 Alpine

Alpine provides natural gas service to approximately 700 customers in Calaveras County. These customers receive electric services from Pacific Gas and Electric Company (PG&E). A high percentage of retirees and two-income families make up Alpine’s customer base, which is why Alpine serves a much smaller LIEE eligible population than other rural counties. Alpine estimates that no more than 20 homes are eligible for the LIEE program. Given the very small number of eligible customers and Alpine’s limited resources, in D.03-03-007 the Commission authorized Alpine to conduct its LIEE program through a referral arrangement with PG&E or any other organization that could provide LIEE services to its low-income customers.

In its application, Alpine states that it has been negotiating with PG&E to develop a referral arrangement under PG&E’s Energy Partners program. However, to date it has been unable to finalize an inter-utility agreement. Alpine projects that program implementation will cost \$25,000, including legal costs, over a 12-month period.

Alpine was not allocated SBX5 funds for its LIEE program because it did not have an established LIEE program and had recommended only a referral service at that time. Pursuant to D.03-03-007, Alpine was to submit a plan via an advice letter filing fully describing the proposed referral arrangement with PG&E and a proposed funding and ratemaking approach. Section 11 of SBX5 requires

that the SBX5 funds appropriated by this bill needed to be encumbered by March 31, 2002. Consequently there aren't any SBX5 funds available to allocate to Alpine. Therefore, the full cost of Alpine's LIEE referral program will be funded through rate increases. As soon as the agreement with PG&E was to be finalized, Alpine intended to amend its tariff in a separately filed advice letter, to reflect the necessary additional costs of the program.

During the workshop process, Energy Division obtained additional information from Alpine and PG&E concerning the nature of the obstacles to finalizing an inter-utility agreement. Energy Division also learned that Richard Heath and Associates (RHA), which contracts with PG&E to implement the Energy Partners program, is willing to work directly with Alpine to administer the LIEE program required by the Commission in D.03-03-007.

Energy Division recommends that Alpine contract directly with RHA (and any successor administrators of PG&E's LIEE program) to implement a LIEE program in its service territory, rather than continue to pursue an inter-utility agreement with PG&E. Energy Division recommends that Alpine file an advice letter to establish its LIEE surcharge rate, and include a copy of its contract with RHA and a cost breakdown into the administrative and program categories shown in Energy Division's workshop report. To ensure that Alpine does not overspend, Energy Division recommends that the contract include language stating that LIEE expenditures will not exceed the Commission authorized LIEE budget, which Energy Division recommends be established at \$25,000 for PY 2004.

3.2 Avista

Avista provides natural gas service to approximately 17,000 residential customers in its South Lake Tahoe service territory. Avista implements its natural gas LIEE program through Project Go, a community-based provider under the

Department of Community Services and Development (DCSD) low-income energy assistance program, and also in partnership with South Tahoe Housing Authority. During 2002, Avista began leveraging with Sierra Pacific to provide electric energy efficiency measures to its customers.⁵

Avista treated and weatherized 67 homes in 2002, and proposes a LIEE target of 75 treated and weatherized homes for 2003. In its application, Avista states that the program is moving closer to a set point for LIEE services, due to the City of South Lake Tahoe's housing rehabilitation program, as well as construction and growth restrictions in the area. Avista proposes an annual budget of \$170,722 for its PY 2004 program. Of that amount, \$98,800 would be funded out of SBX5 appropriations and \$71,922 would be funded by ratepayers.

Avista's request for PY 2004 is approximately \$10,000 less than Avista expects to spend in 2003 to treat 75 homes, and approximately \$27,000 less than the PY 2003 authorized budget to treat 80 homes. Energy Division recommends that Avista strive to reach a target of 80 homes per year, and retain ratepayer funding at the current authorized level of \$81,980, for a total budget of \$180,780.

3.3 Sierra Pacific

Sierra Pacific provides electric service to approximately 39,000 residential customers located primarily in the western portion of the Lake Tahoe basin. Southwest Gas and Avista provide natural gas service within Sierra Pacific's service territory. Most of Sierra Pacific's customers are located in elevations greater than 6,000, and the largest population center is in the City of South Lake Tahoe. Approximately half of the residential homes served by Sierra Pacific are vacation homes or rentals.

⁵ The electric measures are funded by Sierra Pacific.

Like Avista, Sierra Pacific relies on Project Go to reach eligible customers, determine their needs and install the appropriate LIEE measures. Sierra Pacific funds electric measures and Avista funds natural gas measures. In addition to general outreach to identify low-income and disabled customers, Sierra Pacific specifically targets housing complexes for qualified low-income seniors. Program services include weatherization (*e.g.*, caulking and weatherstripping), energy efficient lighting fixtures, efficient refrigerators and upgraded storm windows. In addition, Sierra Pacific has budgeted SBX5 funding for a renewable energy heat pump pilot program that was authorized in D.01-08-065.

In 2002, Sierra Pacific treated 235 homes (129 of those were also weatherized), compared with the target of 175 for that year. For 2003 and 2004, Sierra Pacific estimates that it will be able to treat 250 homes each year, and install weatherization measures in 145 of them. Sierra Pacific requests a total PY 2004 budget of \$300,000, of which \$200,000 would be funded with SBX5 monies. Ratepayers would continue to fund the program at the current authorized level of \$100,000. Energy Division concurs with Sierra Pacific's proposal.

3.4 PacifiCorp

PacifiCorp is a multi-jurisdictional electric utility that provides electric service to retail customers in the states of California, Idaho, Oregon, Utah, Washington and Wyoming. PacifiCorp serves approximately 33,000 residential customers in a four county area near the northern California border. PacifiCorp's weatherization program has been in effect since 1986, and PacifiCorp has treated approximately 1,660 homes in California since its inception. Program services are made available to single-family, multi-family and mobile home residences through partnerships with non-profit agencies, such as the Del Norte County Senior Center in Crescent City. PacifiCorp provides its qualified low-income residential electric

customers with measures that include insulation and replacement windows (for dwellings with electric heating), compact fluorescent bulbs, efficient showerheads and efficient refrigerators, among others.

PacifiCorp states that the rural and diverse nature of its service territory makes it difficult to treat and weatherize a large number of homes under the program. In 2002, PacifiCorp treated and weatherized 30 homes, and did not spend any SBX5 funds that year. For 2003, PacifiCorp reports that it completed 46 homes during the first half of the year, and plans to complete an additional 44 homes by year-end.

PacifiCorp anticipates reaching an additional 98 homes in 2004, at an expenditure level that is slightly more than 2003 levels. PacifiCorp proposes to fund its PY 2004 efforts by using all of its current ratepayer collections (\$111,185), based on current sales, and the remainder of its SBX5 allocation (\$89,950). Energy Division concurs with PacifiCorp's performance targets and overall budget level for PY 2004, but recommends a shift in funding of \$1,000 from general administration to energy efficiency education. PacifiCorp does not currently offer any energy efficiency education under the LIEE program, and does not propose to initiate such a program during PY 2004.

3.5 Bear Valley

Bear Valley provides electric service to approximately 7,000 active, full-time residents in the Big Bear area, and began developing its LIEE program during 2002 at the direction of the Commission. Bear Valley contracts with the County of San Bernadino Community Services Department and RHA to identify eligible customers, assess their energy efficiency needs, and install LIEE measures. In coordination with Southwest Gas (the natural gas provider within Bear Valley's service territory), Bear Valley provides a comprehensive program to eligible

customers, including compact florescent lamps, interior light fixtures, electric water heater insulation and pipe wrap, low flow showerheads, faucet aerators, efficient refrigerators, water heater and furnace replacement and weatherization measures (*e.g.*, insulation, weatherstripping, caulking).

Since the program began in early 2002, Bear Valley has provided LIEE services to a total of 200 customers. With its LIEE program now more established, Bear Valley anticipates treating 336 homes in 2003, 67 of which may require weatherization. In 2004, Bear Valley estimates that it will treat 410 homes, of which 82 are expected to require weatherization. Bear Valley's LIEE program is funded entirely from SBX5 appropriations at this time, and Bear Valley anticipates spending \$414,885 in 2004. Energy Division concurs with Bear Valley's program goals. Having worked with Bear Valley to resolve budget estimation issues, Energy Division also finds Bear Valley's proposed PY 2004 expenditure levels to be reasonable.

3.6 Southwest Gas

Southwest Gas serves approximately 125,000 residential customers in California, 107,000 of which reside in San Bernardino County. That county has among the lowest per capita incomes in the state. Southwest Gas reports that about 30,000 of its customers have gross income levels at or below the CARE and LIEE eligible income guidelines and approximately 35% of the housing stock in San Bernardino is suitable for repairs. The utility contracts with community-based organizations to perform LIEE program services, and offers attic and duct insulation, caulking, weatherstripping, thresholds, water heater blankets, storm window, low-flow showerheads and furnace replacements under the program. Southwest Gas coordinates with the electric utilities (Sierra Pacific, Southern California Edison Company (SCE) and Bear Valley) to leverage with their

programs in overlapping service territories. In addition to its weatherization program, Southwest Gas conducts a general education program on conservation and energy efficiency and offers school programs and informative presentations to governmental agencies, community service organizations, homeowners associations, trade associations and others.

In 2002, Southwest Gas treated 940 homes (of those, Southwest Gas weatherized 678), substantially exceeding the target for that year. In 2003, Southwest Gas also expects to exceed the target for that year (1,242 treated homes) by treating an estimated 1,479 homes, of which 1,104 are expected to receive weatherization measures. By the end of 2003, Southwest Gas expects to have expended all of its available SBX5 funds.

To maintain 2003 funding levels into 2004, Southwest Gas would need to raise rates to recover an additional \$1.5 million. Southwest Gas proposes to increase ratepayer funding from \$500,000 to \$936,560 to continue LIEE activities into 2004, which represents approximately one-half the current expenditure level with SBX5 funding. Accordingly, Southwest Gas proposes PY 2004 program targets that are commensurately lower than PY 2003 targets: 586 homes treated and 415 homes would be weatherized. Energy Division concurs with Southwest Gas' proposal, but indicates that there was some difficulty in comparing costs appropriately. Energy Division recommends that Southwest Gas track and report both education workshops and client education expenses under the Education category in the future.

Southwest Gas requests that it be permitted to submit three-year LIEE budget requests, commencing with PY 2005. Energy Division recommends that the LIEE program plans and budgets for all the SMJUs be subject to annual reviews, at least for the foreseeable future.

4. Discussion

Once again, we commend Energy Division staff for its work on SMJU low-income assistance programs, and for the comprehensive presentation provided in the Workshop Report. We note that Energy Division addressed many of the comments submitted in response to the September workshop report in its October 9 and 20, 2003 updates.

We particularly appreciate Energy Division's efforts in crafting a workable solution for Alpine, namely, to use PG&E's Energy Partners contractor directly rather than to continue efforts to negotiate a inter-utility referral contract with PG&E. At the same time, we are disappointed that PG&E and Alpine could not reach agreement on contract terms that included some form of cost certainty (*e.g.*, a cost cap) for the small number of homes involved. While we realize that there are always two sides to every situation involving contract negotiations, we would have expected PG&E and its legal team to be more responsive in negotiating with Alpine, to ensure that the low-income ratepayers that take electric service from PG&E also have access to the comprehensive weatherization services and complementary (natural gas) energy efficiency measures that Alpine now offers. As we have stated in the past, a concerted effort on the part of the larger investor-owned utilities (IOUs) is needed to reach all eligible low-income customers, including those residing within rural areas of IOU electric or natural gas service territories. We put PG&E on notice that we will not tolerate any obstructionist behavior in its LIEE contract negotiations with SMJUs or other entities, and will consider taking punitive actions if it exhibits such behavior.

Per Energy Division's recommendation, we authorize Alpine to directly contract with RHA to administer its LIEE program. We also agree with Energy Division that Alpine should be authorized a budget based on the

maximum estimate of eligible homes (20), so that Alpine has the funding flexibility to deploy its new LIEE program as rapidly as possible. Based on the budget estimates presented in this proceeding, we authorize a PY 2004 LIEE funding level of \$25,000. This amount represents a cap on Alpine's PY 2004 program expenditures, including administrative and legal costs. Actual expenditures will be booked to the one-way LIEE balancing account and audited by Energy Division per D.03-03-007.⁶

We note that Alpine filed Advice Letter 6 on May 7, 2003, in response to Ordering Paragraph 2(a) of D.03-03-007. However, Alpine's advice letter is incomplete, since Alpine could not at that time specify the terms of a referral arrangement with PG&E, or present a final budget and proposed tariff changes. Accordingly, Alpine is directed to file a supplement to Advice Letter 6 within 30 days from the effective date of this decision. The supplement shall include a copy of the final contract with RHA for the provision of PY 2004 LIEE services and establish a one-way LIEE balancing account. We direct Alpine to work closely with Energy Division in developing this filing, in order to ensure consistency with the LIEE one-way balancing accounts being established for the other SMJUs.

Per Energy Division's recommendations, Alpine's final contract with RHA shall include language that caps contractor expenditures. Alpine shall also provide a final PY 2004 budget, not to exceed \$25,000, broken down into the expenditure categories shown in Energy Division's report. As discussed in this decision, Alpine will need to establish a surcharge to fund its new LIEE program. In its advice letter filing, Alpine should calculate the surcharge level needed to

⁶ See D.03-03-007, pp. 44-45.

recover its proposed PY 2004 budget, based on a Commission-adopted sales forecast.

In the case of Southwest Gas, we find that the pace of implementation proposed by Southwest Gas (and supported by Energy Division) for PY 2004 strikes a reasonable balance between rate impacts and program goals, particularly given the demographics of Southwest Gas' customers. To attempt to maintain the current pace of program deployment made possible through SBX5 appropriations with ratepayer funding would result in an unacceptably large rate impact for Southwest Gas' predominately low-income customer base. Our decision to pull back on rapid deployment funding levels for Southwest Gas in 2004 is specific to these circumstances. While these circumstances may be shared by other SMJUs as their SBX5 funding is depleted, we will review future ratepayer funding for LIEE programs on a case-by-case basis.

In the near term, however, Avista, Bear Valley, Sierra Pacific and PacifiCorp will not need to increase rates to maintain LIEE rapid deployment, since their allocation of SBX5 funding appears to be sufficient through PY 2004. (*See* attached Table 1.) In our view, Energy Division's proposals for these utilities reflect reasonable adjustments to the funding levels and program targets we adopted for 2003. These adjustments take into account each SMJU's actual program experience during 2002-2003 as well as currently available funding for PY 2004 LIEE activities, from both SBX5 appropriations and authorized rates.

We also concur with Energy Division's recommendation that PacifiCorp initiate an LIEE education program without further delay. In D.03-03-007 we adopted Energy Division's recommendation that \$9,891 be authorized for this purpose. At the same time, we afforded the SMJUs flexibility in shifting program funding among the program categories of "Weatherization," "Energy Efficiency

Measures” and “Energy Efficiency Education,” in recognition that the selection of LIEE measures and services in the field could not be accurately predicted and reflected in these budget categories.⁷ However, this degree of flexibility was not intended to give PacifiCorp the option of not initiating an education program at all.

Accordingly, we direct PacifiCorp to initiate an education program during PY 2004, using a minimum of \$1,000 from SBX5 funds budgeted for this coming year. PacifiCorp should also augment funding for the PY 2004 education program using carryovers resulting from prior year LIEE program under-expenditures. PacifiCorp’s October 17, 2003 updated budget information indicates that carryovers will be available for this purpose. No later than January 30, 2004, PacifiCorp shall file an estimate of SBX5 and non- SBX5 expenditures and available carryovers for the LIEE program, as of January 1, 2004. Using some or all of this available funding, PacifiCorp shall develop a program plan to offer an LIEE energy efficiency education program in PY 2004. In doing so, PacifiCorp should consult closely with Energy Division in order to draw from the many years of experience of the large utilities and other SMJUs.

Consistent with our determinations in D.03-03-007, PacifiCorp shall apply its LIEE education budget towards low-income energy education and outreach as an integral component of its LIEE program. General energy efficiency education activities are only to be funded out of (non-low income) energy efficiency program budgets. However, as we clarified in D.03-03-007, LIEE program funds may be

⁷ See D.03-03-007, pp. 37-38 and our adopted funding levels in Ordering Paragraph 4.

used to support specific LIEE program education or outreach at general energy efficiency education events, as appropriate.⁸

With respect to Southwest Gas' request for a three-year budget review for the program, we find Energy Division's arguments against this approach to be persuasive. Energy Division will be conducting financial and management audits of the SMJUs PY 2003 and PY 2004 LIEE programs, pursuant to D.03-03-007. These audits will (1) review expenditures for reasonableness, (2) examine whether the SMJUs are booking incremental costs to the program, and (3) inspect program management and "best practices" among the SMJUs as a guide to future program plans. We agree with Energy Division that a three-year budget process at this juncture could impede our ability to implement and monitor any changes to the LIEE program resulting from the audit. Moreover, we are in the process of standardizing the SMJUs' accounting and reporting requirements. As Energy Division points out, we may need to review the SMJUs' program submittals more frequently than every three years to ensure that their systems are tracking program information consistent with our adopted requirements. Therefore, at least until we can consider the results of Energy Division's PY 2003 and PY 2004 audits, we will retain the annual review process we have implemented to date.

Energy Division makes several additional recommendations in its report that are consistent with prior Commission directions, and we adopt them. Specifically, the SMJUs should:

- Provide all feasible measures to program participants;
- Track and report LIEE administrative and program costs separately;

⁸ D.03-03-007, Ordering Paragraph 2(c).

- Track and report all LIEE education activities (including education workshops and client education activities) under the Education program budget category;
- Charge only incremental administrative costs to the LIEE program;
- Charge only overhead associated with labor to the LIEE program;⁹
- Spend no more than 10% of authorized administrative costs on mass media;
- Spend no more than 12.5% of authorized SBX5 funding on administrative costs, as outlined under the terms of the utilities' contracts with the Commission;
- Apply any remaining SBX5 funds in 2003 towards PY 2004 budgets;
- Apply the full amount of non-SBX5 funds authorized for LIEE (as reflected in authorized rates) towards the program;
- Use non-SBX5 funds to only fund electric measures, if the SMJU is an all-electric utility (*i.e.*, Sierra Pacific and PacifiCorp); and
- Use non-SBX5 funds to only fund gas measures, if the SMJU is an all-natural gas utility (*i.e.*, Avista and Southwest Gas.)

However, we find Energy Division's recommendation that "the SMJUs track and record costs as discussed in the Accounting and Reporting Requirements

⁹ This recommendation is consistent with our directions for the CARE program in D.89-09-044, pp. 17-18: "We find that labor overheads should be included as an incremental cost because they are a part of contractual package of employee compensation which is incurred at an hourly rate. Non-labor overheads should not be so included because they have not been shown to be a mandatory incremental expense."

Workshop Report”¹⁰ to be premature, since it has only very recently been submitted, and we have not had sufficient time to review Energy Division’s recommendations and comments by the parties. We intend to issue a decision on Energy Division’s recommendations and parties’ comments as soon as practicable in R.01-08-027, or its successor proceeding. We expect the SMJUs to comply with our final determinations on accounting and reporting requirements, beginning in PY2004.

With regard to specific measures offered by the SMJUs for PY 2004, we note that they are consistent with recent recommendations of the Standardization Project Team (also hereafter referred to as “the Team”). The purpose of the Standardization Project is to develop consistent policies and procedures for the LIEE programs of PG&E, San Diego Gas & Electric Company, Southern California Edison Company and Southern California Gas Company, collectively referred to as “the large utilities.”¹¹ At the Commission’s direction, the Team has reviewed all measures currently offered by the large utilities, including the new measures offered under rapid deployment.¹² Based on cost-effectiveness considerations, the Team has recommended that certain measures no longer be offered under the large utilities’ LIEE program. These include high efficiency water heaters, whole house fans, setback thermostats (except where required by code in conjunction

¹⁰ Errata to the Energy Division’s Workshop Report, October 9, 2003, p. 2.

¹¹ The Team is comprised of the large utilities and project consultants, with coordination assistance from Energy Division.

¹² See Low-Income Energy Efficiency Program Measure Cost Effectiveness Study Final Report, June 2, 2003, filed in R.01-08-027.

with furnace repair or replacement), duct testing and sealing, hard-wired compact fluorescent lamp porch lights for multi-family and mobile homes, among others.

Energy Division reports that the Team recommendations were discussed during the July workshop. At that workshop, the SMJUs stated that they do not plan to continue any LIEE measures dropped as a result of the Standardization Project Team's report.¹³ We are currently considering the Team's recommendations by separate decision in R.01-08-027, and we expect to issue a final decision by year-end.¹⁴ For PY 2004, the SMJUs should cease offering any of the LIEE measures that we direct be discontinued for the large utilities in our final decision.

In D.03-03-007, we noted that some SMJUs (for example, Sierra Pacific) were offering energy efficient microwave ovens under the LIEE program in 2002 and 2003. Because the large utilities do not offer this measure, it was not included in the Standardization Project Team's cost-effectiveness study. Therefore, we directed Sierra Pacific and any other SMJU that continues to offer this measure to submit a joint analysis of the savings to LIEE program participants and costs to non-participating customers by November 3, 2003. However, Energy Division reports that none of the SMJUs will be offering energy efficient microwave ovens under their PY2004 program plans. Therefore, it appears that this issue is now moot.

With regard to ratemaking treatment, we note that only Southwest Gas will have depleted its SBX5 funding during the coming year, and is therefore the only

¹³ Errata to the Energy Division's Workshop Report, October 9, 2003, p. 2.

¹⁴ The Draft Decision of Administrative Law Judge Gottstein on this matter was issued for comment on October 10, 2003.

SMJU besides Alpine that will require a rate increase to fund its LIEE program for PY 2004. The issue of Southwest Gas' 2004 sales forecast is currently before the Commission in A.02-02-012, with a final decision anticipated by year-end.¹⁵

Consistent with our directions concerning PY 2004 CARE ratepayer collections in D.03-03-007, Southwest Gas should submit an advice letter with a proposed surcharge to recover today's LIEE authorized amounts, calculated on the forecasted 2004 base margin sales established in A.02-02-012.¹⁶ Accordingly, we direct Southwest Gas to file an Advice Letter within 30 days from the effective date of a final Commission's decision on its test year 2004 sales forecast. In its filing, Southwest Gas shall present (1) a LIEE surcharge that will collect today's authorized LIEE funding level for PY 2004 and (2) a CARE surcharge that will collect the authorized PY 2004 CARE funding levels adopted in D.03-03-007, both based on the Commission-adopted 2004 sales forecast in A.02-02-012.

As directed in D.03-03-007, the LIEE balancing account is a one-way mechanism, capped at the amount of each utility's adopted budget. In other words, LIEE surcharge collections are not to exceed the Commission's adopted budget for a program year. Per D.03-03-007, any under-expenditures in a given program year are to be carried over to augment the next year's LIEE program

¹⁵ The proposed decision of Administrative Law Judge DeBerry on this and other Southwest Gas general rate case matters was issued for comment on October 14, 2003 in A.02-02-012.

¹⁶ *See* D.03-03-007, pp. 38-39. As directed in that decision, the surcharge to recover the authorized ratepayer funding for PY 2003 CARE and LIEE programs will be calculated as part of Southwest Gas' pending general rate case, A.02-02-012.

budget.¹⁷ Southwest Gas' advice letter filing for a PY 2004 LIEE surcharge should be consistent with these established policies.

In sum, we adopt the funding levels and program targets for PY 2004 LIEE presented in Table 2. As discussed in Energy Division's report, the performance targets are based on the utility's experience to date in implementing LIEE programs, which is very limited for most of the SMJUs. Therefore, while we expect Alpine, Avista, Bear Valley, PacifiCorp, Sierra Pacific and Southwest Gas to strive to meet or exceed their 2004 performance targets, we do not establish them today as firm performance requirements. Particularly during the early stages of program development, comprehensiveness of treatment should be as large a focus as the rate at which homes are treated.

Accordingly, we remind these utilities that eligible low-income customers are to receive all feasible measures offered under the LIEE program. They are also on notice that their performance in implementing the program during 2004 is subject to financial and management auditing by Energy Division, per D.03-03-007.

As discussed in this decision, LIEE program expenditures and accomplishments will be reviewed again next year, so that we can make any adjustments in LIEE budgets, performance targets and surcharge levels for PY 2005 and beyond, as appropriate. Also, per D.03-03-007, we will need to consider PY 2005 CARE program plans in the coming months.¹⁸ Thus, we direct Alpine, Avista, Bear Valley, PacifiCorp, Sierra Pacific and Southwest Gas to file applications by July 1, 2004 for approval of their PY 2005 LIEE and CARE program plans, budgets and associated increases in ratepayer collections needed to fund

¹⁷ D.03-03-007, p. 40.

their proposals. We also direct West Coast Gas to file an application for its PY 2005 CARE program by July 1, 2004, and include updated information on whether its housing stock continues to meet Title 20 and Title 24 energy efficiency requirements.

In their applications, the utilities should document achievements and expenditures to date in each program, including CARE penetration rates, estimate the remaining need for low-income assistance services within their service territories, and develop program plans and associated budgets that will address that need in a reasonable timeframe. As in the past, Energy Division will hold public workshops on the applications and file a Workshop Report with recommendations for our consideration.

The evaluation of low-income assistance programs for the SMJUs beyond 2004 should continue to take place in a forum that consolidates the policy and programmatic issues related to those programs. Consistent with prior rulings, we will require that all requests concerning the low-income programs of the SMJUs be submitted by the utility in separate applications served on the appearances and state service list in R.01-08-027, or its successor proceeding.

5. Comments on Draft Decision.

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Section 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed by Southwest Gas and Avista on November 21 and 24, respectively. No reply comments were filed.

Southwest Gas and Avista support the resolution of issues in the draft decision. However, Southwest Gas suggests that the decision also permit cost

¹⁸ D.03-03-007. *See* Ordering Paragraph 7.

recovery for any unanticipated, incremental expenditures associated with the SMJU reporting and accounting requirements being considered by the Commission in R.01-08-027. We find Southwest Gas' request to be premature. In R.01-08-027, we are in the early stages of considering Energy Division's recommendations and parties' comments, including those of Southwest Gas. We will not prejudge the outcome by establishing a blanket ratemaking treatment in today's decision, as Southwest suggests. Avista notes in its comments that there may be uncertainty with respect to the availability of SBX5 funds for PY2004 and beyond, in light of the administration change at the Governor level. Today's decision on PY2004 program funding and program targets presupposes the availability of the levels of SBX5 funding shown in Table 1. With the exception of Alpine and Southwest Gas, the utilities will be relying on a certain amount of SBX5 funding to proceed with their PY2004 program plans at today's authorized rate levels. If all or part of remaining SBX5 funding is rescinded, then Avista and other utilities affected may file emergency applications to modify program targets and budgets, raise rates, or a combination of both in order to continue their LIEE programs at a reasonable level of effort to serve their low-income customers. We have added an ordering paragraph to the draft decision to provide for this contingency.

6. Assignment

Carl W. Wood is the Assigned Commissioner, and Meg Gottstein is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. PG&E and Alpine have not been able to reach agreement on contract terms for a referral program that includes some form of cost certainty, *e.g.*, a cost cap.

2. Alpine is able to directly contract with PG&E's Energy Partners' contractor to provide LIEE services to the small number of homes involved, and establish a cap on contractor costs. Based on the estimates presented on the record, a budget cap of \$25,000 for the maximum estimate of eligible homes (20), including Alpine's administrative and legal costs, is reasonable.

3. Alpine's pending Advice Letter 6 lacks a final budget, a final contract with RHA, a one-way LIEE balancing account and tariff changes.

4. Energy Division's proposals for Avista, Bear Valley, Sierra Pacific and PacifiCorp take into account each SMJU's actual program experience during 2002-2003 as well as currently available funding for PY 2004 LIEE activities, from both SBX5 appropriations and authorized rates. Based on these considerations, Energy Division makes reasonable adjustments to the funding levels and program targets the Commission adopted for 2003.

5. Southwest Gas will have depleted its SBX5 funding allocations for LIEE by the end of 2003. Maintaining the current pace of program deployment during 2004 with ratepayer funding would result in an unacceptably large rate impact for Southwest Gas' predominately low-income customer base.

6. Future ratepayer funding for LIEE programs involves case-by-case consideration. In the case of Southwest Gas, the pace of LIEE implementation for PY 2004 proposed by the utility strikes a reasonable balance between rate impacts and program goals, particularly given the demographics of Southwest Gas' customers.

7. Energy Division's recommendations regarding performance targets for PY 2004 are based on the utility's experience to date in implementing LIEE programs, which is very limited for most of the SMJUs.

8. Particularly during the early stages of program development, comprehensiveness of treatment should be as large a focus as the rate at which homes are treated.

9. The fund shifting flexibility we afforded the utilities in D.03-03-007 was not intended to give PacifiCorp the option of not initiating any LIEE energy efficiency education program at all during 2003.

10. PacifiCorp's October 17, 2003 updated budget information indicates that it will have carryovers resulting from prior year LIEE program under-expenditures. As directed in D.03-03-007, these funds are to be used to augment the next year's LIEE budget.

11. Implementing a three-year budget process at this juncture could impede the Commission's ability to implement and monitor any changes to the LIEE program resulting from the audit.

12. The Commission may need to review the SMJUs' program submittals more frequently than every three years to ensure that their systems are tracking program information consistent with adopted reporting and accounting requirements.

13. Energy Division's additional recommendations are consistent with prior Commission directions. However, Energy Division's recommendation that the SMJUs track and record costs as presented in its Reporting and Requirements Workshop Report is premature, for the reasons discussed in this decision.

14. The specific measures that will be offered by the SMJUs for PY 2004 are consistent with recent recommendations by the Standardization Project Team on what measures the large utilities should discontinue, but a final Commission decision on this matter has not been issued.

15. The need for an analysis of energy efficient microwaves, as required by D.03-03-007 appears moot, as none of the SMJUs plan to offer microwave ovens under their PY 2004 program plans.

16. Rate case proceedings, or other general proceedings, do not provide a forum that consolidates the policy and programmatic issues related to low-income assistance programs.

Conclusions of Law

1. Alpine should be authorized to contract with RHA to provide LIEE services to a maximum of 20 homes for PY 2004, subject to a cap on contractor costs and an overall cap of \$25,000 for Alpine's expenses, including administrative and legal costs.

2. Alpine's pending Advice Letter 6 should be supplemented to include a final budget, a final contract with RHA, a one-way LIEE balancing account and tariff changes.

3. Southwest Gas should be authorized to reduce overall expenditure levels on LIEE for PY 2004, for the reasons discussed in this decision. This will still require increasing ratepayer collections by \$436,560.

4. Energy Division's recommendations regarding PY 2004 LIEE program plans, budgets and other matters should be adopted, with the exception of the requirement that the utilities track and record costs based on Energy Division's Accounting and Reporting Requirements Workshop Report. We should address accounting and reporting requirements in a future decision, after we have had an opportunity to review the report and consider parties' comments.

5. For PY 2004 and until further order by the Commission, the SMJUs should cease offering any of the LIEE measures that the Commission directs in R.01-08-027 be dropped from the large utilities' LIEE program plans.

6. As discussed in this decision, PacifiCorp should initiate an education program during PY 2004 using a minimum of \$1,000 from SBX5 funds budgeted for this coming year, and put carryover funding from prior year LIEE program under-expenditures towards this effort.

7. The PY 2005 planning process for LIEE should be coordinated with our review of PY 2005 CARE program plans, as directed in this decision.

8. All requests related to the SMJUs' low-income assistance programs and the evaluation of those programs for PY2005 and beyond should continue to take place outside of general rate cases, or other general proceedings, as discussed in this decision.

9. Until further notice, LIEE program plans and budgets for Alpine, Avista, Bear Valley, PacifiCorp, Sierra Pacific and Southwest Gas should be reviewed on an annual basis. Each of these utilities should file applications for approval of PY 2005 program plans and budgets no later than July 1, 2004, as discussed in this decision.

10. In order to facilitate the implementation of PY 2004 programs as expeditiously as possible, this order should be effective today.

11. Because all issues raised by the applications have been addressed, A.03-07-002 *et al.* should be closed.

12. Rulemaking 98-07-037 shall remain open until further Commission order.

FINAL ORDER

IT IS ORDERED that:

1. The program performance targets and budgets for Low-Income Energy Efficiency (LIEE) programs set forth in Table 2 are adopted for Alpine Natural Gas Company (Alpine), Avista Utilities (Avista), Bear Valley Electric Service

(Bear Valley), PacifiCorp, Sierra Pacific Power Company (Sierra Pacific) and Southwest Gas Company (Southwest Gas or SWG), collectively referred to as “the utilities.” Table 2 presents performance targets for treated (“T”) and weatherized (“W”) homes. Table 2 presents the sources of funding for LIEE budgets, that is, Senate Bill X1 5 appropriations (“SBX5”) and ratepayer collections (“non-SBX5”). Today’s adopted performance targets, program plans and budgets shall be in effect for program year (PY) 2004 and until further order by the Commission.

2. The utilities shall also:

- Provide all feasible measures to program participants;
- Track and report LIEE administrative and program costs separately;
- Track and report all LIEE education activities (including education workshops and client education activities) under the Education program budget category;
- Charge only incremental administrative costs to the LIEE program;
- Charge only overhead associated with labor to the LIEE program;
- Spend no more than 10% of authorized administrative costs on mass media;
- Spend no more than 12.5% of authorized SBX5 funding on administrative costs, as outlined under the terms of the utilities’ contracts with the Commission;
- Apply any remaining SBX5 funds in 2003 towards PY 2004 budgets;
- Apply the full amount of non-SBX5 funds authorized for LIEE (as reflected in authorized rates) towards the program;
- Use non-SBX5 funds to only fund electric measures, if the utility is an all-electric utility (*i.e.*, Sierra Pacific and PacifiCorp);

- Use non-SBX5 funds to only fund gas measures, if the utility is an all-natural gas utility (*i.e.*, Avista and Southwest Gas.); and
- Cease offering LIEE program measures that the Commission determines in R.01-08-027 should be dropped from the large utilities' programs.

3. As discussed in this decision, should all or part of remaining SBX5 funding be rescinded, then the utilities may file emergency applications to modify today's adopted program targets and budgets, raise rates, or a combination of both in order to continue their LIEE programs at a reasonable level of effort to serve their low-income customers in PY2004.

4. Within 30 days from the effective date of this decision, Alpine shall file a supplement to Advice Letter 6. The supplement shall include a copy of the final contract with Richard Heath and Associates (RHA) for the provision of PY 2004 LIEE services and establish a one-way LIEE balancing account. Alpine shall work closely with Energy Division in developing this filing, in order to ensure consistency with the LIEE one-way balancing accounts being established for the other utilities. Alpine's final contract with RHA shall include language that caps contractor expenditures. Alpine shall also provide a final PY 2004 budget, not to exceed \$25,000, broken down into the expenditure categories shown in Energy Division's report. As discussed in this decision, Alpine will need to establish a surcharge to fund its new LIEE program. In its advice letter filing, Alpine shall calculate the surcharge level needed to recover its proposed PY 2004 budget, not to exceed \$25,000, using a Commission-adopted sales forecast. This order is effective today.

5. As discussed in this decision, PacifiCorp shall initiate an LIEE education program without delay, using a minimum of \$1,000 from SBX5 funds budgeted for PY 2004. PacifiCorp shall also augment funding for the PY 2004 education

program using some or all of the carryovers resulting from prior year LIEE program under-expenditures. No later than January 30, 2004, PacifiCorp shall file an estimate of SBX5 and non-SBX5 expenditures and available carryovers for the LIEE program, as of January 1, 2004. In consultation with Energy Division, PacifiCorp shall develop a program plan to implement its LIEE energy efficiency education program during PY 2004.

6. As discussed in this decision, Southwest Gas is authorized to increase rates by \$436,560 to fund PY 2004 LIEE programs, for a total of \$936,560 in ratepayer collections. Southwest Gas shall file an Advice Letter within 30 days from the effective date of a final Commission's decision on its test year 2004 sales forecast. In its filing, Southwest Gas shall present: (1) a LIEE surcharge that will collect today's authorized LIEE funding level for PY 2004 and (2) a California Alternate Rates for Energy (CARE) surcharge that will collect the authorized PY 2004 CARE funding levels adopted in Decision 03-03-007, both based on the Commission-adopted 2004 sales forecast in Application 02-02-012. Southwest Gas' request for a PY 2004 LIEE surcharge shall reflect the Commission requirements that expenditures be capped at the amount of the authorized budget and that any under-expenditures in a given program year be carried over to augment the next year's LIEE program budget.

7. As discussed in this decision, future requests concerning the utilities' low-income assistance programs shall be submitted in separate applications, rather than in conjunction with general rate case applications or other general proceedings. Consistent with this approach, Alpine, Avista, Bear Valley, PacifiCorp, Sierra Pacific and Southwest Gas shall file applications by July 1, 2004 for approval of their PY 2005 CARE and LIEE program plans, budgets and associated increases in ratepayer collections needed to fund their proposals. West

Coast Gas shall also file an application for its PY 2005 CARE program by July 1, 2004, and include updated information on whether its housing stock continues to meet Title 20 and Title 24 energy efficiency requirements. In their applications, the utilities shall document achievements and expenditures to date in each program, including updated CARE penetration rates, estimate the remaining need for low-income energy efficiency services within their service territories, and develop CARE and LIEE program plans and associated budgets that will address that need in a reasonable timeframe. Energy Division shall hold public workshops on the applications and file a Workshop Report with recommendations on program plans and funding levels no later than September 5, 2004. Comments are due 20 days thereafter.

8. The Assigned Commissioner may, for good cause, modify the due dates set forth in this decision.

9. Unless otherwise indicated, all filings, applications, advice letters and comments required by this decision shall be filed at the Commission's Docket Office and served electronically to all appearances and the state service list in Rulemaking 01-08-027, or its successor proceeding. Service by U.S mail is optional, except that one hard copy shall be mailed to the assigned Administrative Law Judge. In addition, if there is no electronic mail address available, the electronic mail is returned to the sender, or the recipient informs the sender of an inability to open the document, the sender shall immediately arrange for alternate service (regular U.S mail shall be the default, unless another means is mutually agreed upon). Parties that prefer a hard copy or electronic file in original format in order to prepare analysis and filings in this proceeding may request service in that form as well. The current service list for this proceeding is available on the Commission's web page, www.cpuc.ca.gov.

10. Applications (A.) 03-07-002, A.03-07-003, A.03-07-014, A.03-07-017, A.03-07-019 and A.03-07-025 are closed, and Rulemaking 01-08-027 remains open.

11. Rulemaking 98-07-037 shall remain open until further Commission order.

12. This order is effective today.

Dated December 4, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

TABLE 1
Available SBX5 Funds for PY 2004 and PY2005 (Projected)

Utility	Total SBX 5 Funding Available per D.01-08-065	2002 Actual Expend.	2003 Expected Expend.	Utility Proposed Expend. for PY2004	2004 Energy Division Recs Expend. for PY2004	Available SBX 5 funds End of 2004 based on Utility Proposals	Available SBX 5 funds End of 2004 based on ED Recs
Alpine	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Avista	\$260,925	\$63,325	\$98,800	\$98,800	\$98,800	\$0	\$0
PacifiCorp	\$173,950	\$0	\$84,000	\$84,000	\$84,000	\$5,950	\$5,950
Sierra	\$1,276,620	\$92,670	\$64,728	\$200,000	\$200,000	\$919,222	\$919,222
Bear Valley	\$814,086	\$75,227	\$323,973	\$414,885	\$414,885	\$0	\$0
SWG	\$2,374,419	\$915,609	\$1,458,810	\$0	\$0	\$0	\$0
Total	\$4,900,000	\$1,146,831	\$2,030,311	\$797,685	\$797,685	\$925,172	\$925,172

EOY: End of Year

(END OF TABLE 1)

TABLE 2
Authorized LIEE Program Budget and Targets for PY2004

Utility	Authorized LIEE Program Budget		Remaining SBX5 for PY 2005 ⁽²⁾	PY 2004 Targets	
	PY 2004			T	W
	SBX5	Non-SBX5			
Alpine ⁽¹⁾	\$0	\$25,000	\$0	20	20
Avista			\$0	80	80
Weatherization	\$0	\$29,266			
Measures	\$84,481	\$38,706			
Education	\$0	\$4,800			
PROGRAM TOTAL	\$84,481	\$72,772			
Outreach	\$0	\$2,000			
Inspections	\$1,500	\$1,500			
General	\$12,819	\$5,708			
ADMIN TOTAL	\$14,319	\$9,208			
AVISTA GRAND TOTAL	\$98,800	\$81,980			
PacifiCorp			\$0	98	98
Weatherization	\$11,000	\$13,500			
Measures	\$67,103	\$66,897			
Education	\$1,000	\$0			
PROGRAM TOTAL	\$79,103	\$80,397			
Outreach	\$500	\$185			
Inspections	\$4,000	\$4,000			
General	\$6,347	\$26,603			
ADMIN TOTAL	\$10,847	\$30,788			
PACIFICORP GRAND TOTAL	\$89,950	\$111,185			
Sierra			\$919,222	250	145
Weatherization	\$44,833	\$58,750			
Measures	\$94,834	\$0			
Education	\$44,833	\$28,750			
PROGRAM TOTAL	\$184,500	\$87,500			
Outreach	\$12,500	\$12,500			
Inspections	\$3,000	\$0			

General	\$0	\$0			
ADMIN TOTAL	\$15,500	\$12,500			
SIERRA GRAND TOTAL	\$200,000	\$100,000			
BVES			\$0	410	82
Weatherization	\$4,797	\$0			
Measures	\$346,788	\$0			
Education	\$12,300	\$0			
PROGRAM TOTAL	\$363,885	\$0			
Outreach	\$0	\$0			
Inspections	\$0	\$0			
General	\$51,000	\$0			
ADMIN TOTAL	\$51,000	\$0			
BVES GRAND TOTAL	\$414,885	\$0			
SWG			\$0	586	415
Weatherization	\$0	\$319,360			
Measures	\$0	\$341,160			
Education	\$0	\$39,840			
PROGRAM TOTAL	\$0	\$700,360			
Outreach	\$0	\$20,000			
Inspections	\$0	\$15,000			
General	\$0	\$201,200			
ADMIN TOTAL	\$0	\$236,200			
SWG GRAND TOTAL	\$0	\$936,560			
LIEE TOTAL	\$803,635	\$1,254,725	\$919,222	1,444	840

- (1) Alpine will provide a breakdown of its budget by category in its advice letter filing.
- (2) Remaining PY 2005 SBX5 funds is total SBX5 funds allocated to each utility less actual 2002 and expected 2003 and 2004 SBX5 expenditures.

(END OF TABLE 2)

ATTACHMENT 1

Abbreviations and Acronyms

A.	Application
AL	Advice Letter
ALJ	Administrative Law Judge
Alpine	Alpine Natural Gas Company
Avista	Avista Utilities
Bear Valley or BVEC	Bear Valley Electric Service Company
CARE	California Alternate Rates for Energy
CCR	California Code of Regulations aka California Building Code
D.	Decision
DCSD	Department of Community Services and Development
IOUs	Investor-owned utilities
LIEE	Low-Income Energy Efficiency
ORA	Office of Ratepayer Advocates
PG&E	Pacific Gas and Electric Company
PY	Program Year
R.	Rulemaking
RHA	Richard Heath and Associates
SB	Senate Bill
Sierra Pacific	Sierra Pacific Power Company
SMJUs	Small and multi-jurisdictional utilities
Southwest Gas or SWG	Southwest Gas Company
“T”	Treated
“W”	Weatherized

(END OF ATTACHMENT 1)

ATTACHMENT 2

**Program Targets, SBX5 and Ratepayer (non-SBX5)
Expenditures, Proposed Budgets and Energy Division
Recommendations for PY 2004**

ATTACHMENT 2

LIEE Goals

Utility	2002 Projected in D. 03-03-007		2002 Actual		2003 Auth'd in D.03-03-007		2003 Expected as Reported in SMJU 2003 Applications		2004 Utility Proposed		2004 Energy Division Recommended Goals	
	T	W	T	W	T	W	T	W	T	W	T	W
Alpine	0	0	0	0	0	0	0	0	20	20	20	20
Avista	80	80	67	67	80	80	75	75	75	75	80	80
PacifiCorp	20	80	30	30	50	198	87	87	98	98	98	98
Sierra	N/P	123	235	129	N/P	175	250	145	250	145	250	145
BVES	570	N/P	147	0	580	N/P	336	67	410	82	410	82
SWG	635	443	940	678	1242	852	1479	1104	586	415	586	415
Totals	1,305	726	1,419	904	1,952	1,305	2,227	1,478	1,439	835	1,444	840

Authorized & Recommended SBX 5 and ratepayer funded LIEE expenditures

(T): Treated (W): Weatherized																				
Utility	PY 2003 (per D. 03-03-007)					PY 2003 Expected (per July 1, 2003 Applications)					PY 2004 Utility Proposed					PY 2004 Recommended				
	SBX 5	Rate-payer	Total	(T)	(W)	SBX 5	Rate-payer	Total	(T)	(W)	SBX 5	Rate-payer	Total	(T)	(W)	SBX 5	Rate-payer	Total	(T)	(W)
Alpine			\$0	0	0			\$0			0	\$25,000	\$25,000	20	20	\$0	\$25,000	\$25,000	20	20
Avista	\$116,000	\$81,980	\$197,980	80	80	\$98,800	\$71,922	\$170,722	75	75	\$98,800	\$71,922	\$170,722	75	75	\$98,800	\$81,980	\$180,780	80	80
Pacificorp	\$121,450	\$108,332	\$229,782	50	198	\$84,000	\$110,863	\$194,863	87	87	\$89,950	\$111,185	\$201,135	98	98	\$89,950	\$111,185	\$201,135	98	98
Sierra	\$1,056,572	\$100,000	\$1,156,572	N/P	175	\$64,728	\$81,268	\$145,996	250	145	\$200,000	\$100,000	\$300,000	250	145	\$200,000	\$100,000	\$300,000	250	145
BVES	\$409,992	\$0	\$409,992	580	N/P	\$323,973	\$0	\$323,973	336	67	\$414,885	\$0	\$414,885	410	82	\$414,885	\$0	\$414,885	410	82
SWG	\$1,604,220	\$500,000	\$2,104,220	1,242	852	\$1,458,810	\$566,780	\$2,025,590	1,479	1104	\$0	\$936,560	\$936,560	586	415	\$0	\$936,560	\$936,560	586	415
GRAND TOTAL	\$3,308,234	\$790,312	\$4,098,546	1,952	1,130	\$2,030,311	\$830,833	\$2,861,144	2,227	1,478	\$803,635	\$1,219,667	\$2,023,302	1,419	815	\$803,635	\$1,254,725	\$2,058,360	1,424	820

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The following table is a summary of SBX 5 LIEE administrative and program funding levels proposed by the utilities and the Energy Division's recommendations:

	Authorized SBX 5 LIEE Program & Admin Funding	Utility Expected and Proposed		Energy Division Recommendations	
		2003 Expected	2004 Proposed	2003 YTD	2004 Proposed
Alpine	\$0	\$0	\$0	0	\$0
Avista	\$260,925				
Weatherization		\$0	\$0	\$0	\$0
Measures		\$84,481	\$84,481	\$0	\$84,481
Education		\$0	\$0	\$0	\$0
PROGRAM TOTAL		\$84,481	\$84,481	\$0	\$84,481
	\$32,616				
Outreach		\$0	\$0	\$0	\$0
Inspections		\$1,500	\$1,500	\$0	\$1,500
General		\$12,819	\$12,819	\$0	\$12,819
ADMIN TOTAL		\$14,319	\$14,319	\$0	\$14,319
AVISTA GRAND TOTAL		\$98,800	\$98,800	\$0	\$98,800
PacifiCorp	\$173,950				
Weatherization		\$10,293	\$11,000	\$1,757	\$11,000
Measures		<u>\$63,810</u>	<u>\$67,103</u>	\$10,133	<u>\$67,103</u>
Education		\$0	\$0	\$0	<u>\$1,000</u>
PROGRAM TOTAL		<u>\$74,103</u>	<u>\$78,103</u>	\$11,890	<u>\$79,103</u>
	\$21,744				
Outreach		\$500	\$500	\$0	\$500
Inspections		\$4,000	\$4,000	\$88	\$4,000
General		<u>\$5,397</u>	<u>\$7,347</u>	\$1,514	<u>\$6,347</u>
ADMIN TOTAL		<u>\$9,897</u>	<u>\$11,847</u>	\$1,602	<u>\$10,847</u>
PACIFICORP GRAND TOTAL		\$84,000	\$89,950	\$13,492	\$89,950
Sierra	\$1,276,620				
Weatherization		\$338	\$44,833	\$1,500	\$44,833
Measures		\$51,838	\$94,834	\$2,335	\$94,834
Education		\$2,487	\$44,833	\$0	\$44,833
PROGRAM TOTAL		\$54,663	\$184,500	\$3,835	\$184,500
	\$159,578				
Outreach		\$6,004	\$12,500	\$4,004	\$12,500
Inspections		\$2,400	\$3,000	\$0	\$3,000
General		\$1,661	\$0	\$1,161	\$0
ADMIN TOTAL		\$10,065	\$15,500	\$5,165	\$15,500

SIERRA GRAND TOTAL		\$64,728	\$200,000	\$9,000	\$200,000
BVES	\$814,086				
Weatherization		\$5,029	\$4,797	\$0	\$4,797
Measures		\$288,362	\$346,788	\$33,997	\$346,788
Education		\$10,080	\$12,300	\$1,316	\$12,300
PROGRAM TOTAL		\$303,470	\$363,885	\$35,313	\$363,885
	\$101,761				
Outreach		\$0	\$0	\$3,112	\$0
Inspections		\$0	\$0	\$0	\$0
General		\$20,503	\$51,000	\$0	\$51,000
ADMIN TOTAL		\$20,503	\$51,000	\$3,112	\$51,000
BVES GRAND TOTAL		\$323,973	\$414,885	\$38,425	\$414,885
SWG	\$2,374,419				
Weatherization		\$535,810	\$0	\$428,053	\$0
Measures		\$751,090	\$0	\$600,397	\$0
Education		\$0	\$0	\$0	\$0
PROGRAM TOTAL		\$1,286,900	\$0	\$1,028,450	\$0
	\$296,802				
Outreach		\$65,000	\$0	\$22,559	\$0
Inspections		\$20,000	\$0	\$8,172	\$0
General		\$86,910	\$0	\$29,596	\$0
ADMIN TOTAL		\$171,910	\$0	\$60,327	\$0
SWG GRAND TOTAL		\$1,458,810	\$0	\$1,088,777	\$0
TOTAL SBX 5 FUNDED ADMIN ALLOWED	\$612,501				
TOTAL SBX 5 FUNDED	\$4,900,000	\$2,030,311	\$803,635	\$1,149,694	\$803,635

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The following table is a summary of non-SBX 5 LIEE administrative and program funding levels proposed by the utilities and the Energy Division's recommendations:

	Utility Expected and Proposed				Energy Division Recommendations
	Current Auth'd Ratepayer LIEE	2003 Expected	2004 Proposed	2003 YTD	2004 Proposed
Alpine	\$0	\$0	\$25,000	\$0	\$25,000
Avista	\$81,980				
Weatherization		\$29,266	\$29,266	\$0	\$29,266
Measures		\$31,903	\$31,903	\$0	\$38,706
Education		\$1,545	\$1,545	\$0	\$4,800
PROGRAM TOTAL		\$62,714	\$62,714	\$0	\$72,772
Outreach		\$2,000	\$2,000	\$0	\$2,000
Inspections		\$1,500	\$1,500	\$0	\$1,500
General		\$5,708	\$5,708	\$0	\$5,708
ADMIN TOTAL		\$9,208	\$9,208	\$0	\$9,208
AVISTA GRAND TOTAL		\$71,922	\$71,922	\$0	\$81,980
PacifiCorp	\$108,332				
Weatherization		\$13,495	\$13,500	\$13,495	\$13,500
Measures		\$67,228	\$66,897	\$77,831	\$66,897
Education		\$0	\$0	\$0	\$0
PROGRAM TOTAL		\$80,723	\$80,397	\$91,326	\$80,397
Outreach		\$0	\$185	\$0	\$185
Inspections		\$3,999	\$4,000	\$3,999	\$4,000
General		\$26,141	\$26,603	\$15,496	\$26,603
ADMIN TOTAL		\$30,140	\$30,788	\$19,495	\$30,788
PACIFICORP GRAND TOTAL		\$110,863	\$111,185	\$110,821	\$111,185
Sierra	\$100,000				
Weatherization		\$26,330	\$58,750	\$19,913	\$58,750
Measures		\$36,530	\$0	\$0	\$0
Education		\$15,821	\$28,750	\$10,000	\$28,750
PROGRAM TOTAL		\$78,681	\$87,500	\$29,913	\$87,500
Outreach		\$2,000	\$12,500	\$0	\$12,500
Inspections		\$0	\$0	\$0	\$0
General		\$587	\$0	\$87	\$0
ADMIN TOTAL		\$2,587	\$12,500	\$87	\$12,500
SIERRA GRAND TOTAL		\$81,268	\$100,000	\$30,000	\$100,000

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BVES	\$0				
Weatherization		\$0	\$0	\$0	\$0
Measures		\$0	\$0	\$0	\$0
Education		\$0	\$0	\$0	\$0
PROGRAM TOTAL		\$0	\$0	\$0	\$0
Outreach		\$0	\$0	\$0	\$0
Inspections		\$0	\$0	\$0	\$0
General		\$0	\$0	\$0	\$0
ADMIN TOTAL		\$0	\$0	\$0	\$0
BVES GRAND TOTAL		\$0	\$0	\$0	\$0
SWG	\$500,000				
Weatherization		\$386,520	\$324,200	\$144,461	\$319,360
Measures		\$0	\$341,160	\$0	\$341,160
Education		\$35,000	\$35,000	\$0	\$39,840
PROGRAM TOTAL		\$421,520	\$700,360	\$144,461	\$700,360
Outreach		\$0	\$20,000	\$0	\$20,000
Inspections		\$15,000	\$15,000	\$0	\$15,000
General		\$130,260	\$201,200	\$263	\$201,200
ADMIN TOTAL		\$145,260	\$236,200	\$263	\$236,200
SWG GRAND TOTAL		\$566,780	\$936,560	\$144,724	\$936,560
TOTAL NON-SBX FUNDED	\$790,312	\$830,833	\$1,219,667	\$285,545	\$1,254,725

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The following table is a summary of SBX 5 and non-SBX 5 LIEE administrative and program funding levels proposed by the utilities and the Energy Division's recommendations:

	Utility Expected and Proposed				Energy Division Recommendations
	Total LIEE Funding	2003 Expected	2004 Proposed	2003 YTD	2004
Alpine	\$0	\$0	\$25,000	\$0	\$25,000
Avista	\$342,905				
Weatherization		\$29,266	\$29,266	\$0	\$29,266
Measures		\$116,384	\$116,384	\$0	\$123,187
Education		\$1,545	\$1,545	\$0	\$4,800
PROGRAM TOTAL		\$147,195	\$147,195	\$0	\$157,253
Outreach		\$2,000	\$2,000	\$0	\$2,000
Inspections		\$3,000	\$3,000	\$0	\$3,000
General		\$18,527	\$18,527	\$0	\$18,527
ADMIN TOTAL		\$23,527	\$23,527	\$0	\$23,527
AVISTA GRAND TOTAL		\$170,722	\$170,722	\$0	\$180,780
PacifiCorp	\$282,282				
Weatherization		\$23,788	\$24,500	\$15,252	\$24,500
Measures		\$131,038	\$134,000	\$87,964	\$134,000
Education		\$0	\$0	\$0	\$1,000
PROGRAM TOTAL		\$154,826	\$158,500	\$103,216	\$159,500
Outreach		\$500	\$685	\$0	\$685
Inspections		\$7,999	\$8,000	\$4,087	\$8,000
General		\$31,538	\$33,950	\$17,010	\$32,950
ADMIN TOTAL		\$40,037	\$42,635	\$21,097	\$41,635
PACIFICORP GRAND TOTAL		\$194,863	\$201,135	124,313	\$201,135
Sierra	\$1,376,620				
Weatherization		\$26,668	\$103,583	\$21,413	\$103,583
Measures		\$88,368	\$94,834	\$2,335	\$94,834
Education		\$18,308	\$73,583	\$10,000	\$73,583
PROGRAM TOTAL		\$133,344	\$272,000	\$33,748	\$272,000
Outreach		\$8,004	\$25,000	\$4,004	\$25,000
Inspections		\$2,400	\$3,000	\$0	\$3,000
General		\$2,248	\$0	\$1,248	\$0
ADMIN TOTAL		\$12,652	\$28,000	\$5,252	\$28,000
SIERRA GRAND TOTAL		\$145,996	\$300,000	\$39,000	\$300,000

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BVES	\$814,086				
Weatherization		\$5,029	\$4,797	\$0	\$4,797
Measures		\$288,362	\$346,788	\$33,997	\$346,788
Education		\$10,080	\$12,300	\$1,316	\$12,300
PROGRAM TOTAL		\$303,470	\$363,885	\$35,313	\$363,885
Outreach		\$0	\$0	\$3,112	\$0
Inspections		\$0	\$0	\$0	\$0
General		\$20,503	\$51,000	\$0	\$51,000
ADMIN TOTAL		\$20,503	\$51,000	\$3,112	\$51,000
BVES GRAND TOTAL		\$323,973	\$414,885	\$38,425	\$414,885
SWG	\$2,874,419				
Weatherization		\$922,330	\$324,200	\$572,514	\$319,360
Measures		\$751,090	\$341,160	\$600,397	\$341,160
Education		\$35,000	\$35,000	\$0	\$39,840
PROGRAM TOTAL		\$1,708,420	\$700,360	\$1,172,911	\$700,360
Outreach		\$65,000	\$20,000	\$22,559	\$20,000
Inspections		\$35,000	\$15,000	\$8,172	\$15,000
General		\$217,170	\$201,200	\$29,859	\$201,200
ADMIN TOTAL		\$317,170	\$236,200	\$60,590	\$236,200
SWG GRAND TOTAL		\$2,025,590	\$936,560	\$1,233,501	\$936,560
TOTAL SBX & NON-SBX FUNDED	\$5,690,312	\$2,861,144	\$2,023,302	\$1,435,239	\$2,058,360