



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

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Application of Pacific Gas and Electric Company for Approval of Its Proposals and Cost Recovery for Improvements to the Click-Through Authorization Process Pursuant to Ordering Paragraph 29 of Resolution E-4868. (U39E)	A.18-11-015 (filed November 26, 2018)
And Related Matters.	A.18-11-016 A.18-11-017

**JOINT RESPONSE OF HOME ENERGY ANALYTICS, MISSION:DATA COALITION  
AND OHMCONNECT, INC.  
TO THE IOUs' JOINT MOTION FOR CLARIFICATION AND RECONSIDERATION**

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October 1, 2020

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**1. Introduction**

Pursuant to Rule 11.1 of the California Public Utilities Commission’s Rules of Practice and Procedure, Home Energy Analytics (“HEA”), Mission:data Coalition (“Mission:data”) and OhmConnect, Inc. (“OhmConnect”; together, the “Joint Parties”) respectfully submit this Joint Response<sup>1</sup> to the September 22, 2020 Joint Motion of Pacific Gas & Electric Company (“PG&E”), Southern California Edison Company (“SCE”) and San Diego Gas & Electric

<sup>1</sup> Pursuant to the Commission’s Rules of Practice and Procedure 1.8(d), Mission:data confirms that HEA and OhmConnect have authorized Mission:data to file this Joint Response on behalf of their organizations.

Company (“SDG&E”; together, the “IOUs”) For Clarification And Reconsideration of Administrative Law Judge’s E-Mail Ruling Issuing Scheduling Order (the “Joint Motion”).

The Joint Parties wish to make two points. First, we agree with the Joint Motion that ALJ McGary’s September 16, 2020 email ruling regarding the procedural schedule (the “September Scheduling Order”) is unclear; disregards the IOUs’ request to file supplemental testimony; and does not permit sufficient time for discovery by parties. Second, the logical conclusion from the Joint Motion is that this proceeding should be suspended until ALJs McGary and Hecht rule on the inclusion of Issue 12 in the scope of this proceeding.

## **2. Discussion**

### **(A) The Joint Motion is Correct: The September Scheduling Order Requires Reconsideration**

In the Joint Motion, the IOUs state correctly that the September Scheduling Order is unclear as to whether “Opening Testimony” includes the IOUs’ desired supplemental testimony. The IOUs previously stated that, since the original applications were filed in November, 2018, considerable time has passed, and the IOUs have “determined that some of the information and [cost] estimates have become outdated with the passage of time.”<sup>2</sup> However, the September Scheduling Order neither allows for IOU supplemental testimony, as requested, nor discusses why the IOUs’ request for supplemental testimony was rejected. The Joint Parties have considerable experience developing software, and so we understand the need for supplemental testimony. It is reasonable to expect that features, cost estimates and timelines may have changed

<sup>2</sup> *Joint Case Management Statement*. Proceeding A.18-11-015 (consolidated), SCE, PG&E and SDG&E, dated June 9, 2020 at 3.

now that nearly 24 months has passed from the original application date. After all, the IOUs' existing information technology ("IT") systems – upon which the proposed click-through solutions will be built – have not remained static during this time. The Joint Parties feel strongly that it would be a waste of the parties' and the Commission's time and resources to litigate a complex case involving software that is based upon outdated information. We therefore agree with the Joint Motion that clarification of the September Scheduling Order is necessary, and that the IOUs should be permitted the opportunity to file supplemental testimony. Furthermore, since the procedural schedule flows from the date of filing supplemental testimony, the Joint Parties concur that reconsideration of the entire procedural schedule is both warranted and necessary.

**(B) The Proceeding Should Be Suspended Until its Final Scope is Determined**

The Joint Parties worked with the IOUs to develop an agreeable procedural schedule proposed in the Joint Motion. In it, the Joint Motion proposed that Your Honors finalize the scope of the docket on September 28, 2020 by ruling on the inclusion of Issue 12 ("Should the IOUs current click-through programs for Demand Response Providers be expanded to include other distributed energy resource and energy management providers?"). As the Joint Motion points out, the proposed schedule – including the September 28, 2020 deadline for a ruling clarifying Issue 12 – would provide intervenors with adequate time to conduct discovery prior to filing testimony.<sup>3</sup> Unfortunately, September 28, 2020 has come and gone without a final determination of scope, and thus the procedural schedule has irrevocably slipped. Continuing this docket according to the September Scheduling Order would be a procedural mistake of

<sup>3</sup> *Ibid.* at 3.



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