



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

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*Order Instituting Rulemaking
to Continue the Development
of Rates and Infrastructure for
Vehicle Electrification*

Rulemaking 18-12-006
(Filed December 13, 2018)

**LOCAL GOVERNMENT SUSTAINABLE ENERGY COALITION
COMMENTS ON PROPOSED DECISION**

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For THE LOCAL GOVERNMENT
SUSTAINABLE ENERGY COALITION

June 21, 2021

The Local Government Sustainable Energy Coalition (LGSEC) is generally pleased with the June 1, 2021 Proposed Decision (PD) in Rulemaking 18-12-006. The PD represents an important milestone on the road to effectively expanding transportation electrification (TE) access and codifying the need for investor-owned utilities (IOUs) to properly collaborate with local and tribal governments, particularly on TE investments that address resiliency issues.

LGSEC represents 14 cities and 23 counties, jurisdictions that govern almost three-quarters of the state's population, and close to two-thirds of California's electricity demands. What's more, many LGSEC members are planning for or implementing TE investments in their jurisdictions.

Reach Code Hurdles Should be Removed

LGSEC roundly supports the PD. However, one aspect is troubling. The proposed decision requires IOU electric vehicle (EV) charging infrastructure implemented as part of new construction only be supported if it exceeds state and local EV infrastructure code requirements, and that IOUs consult with local jurisdictions to determine how much participating builders should exceed local codes to be eligible for rebates.¹ While well-intentioned – based on a desire to dedicate limited funds to investments that are not required – it could have unintended consequences, as follows:

- Builders would be able to secure EV rebates in jurisdictions that do not have local EV reach codes, but not in areas that do. As a result, local governments (LGs) may be less likely to adopt new code requirements, or even repeal existing ones, to enable builders in

¹ Page 77.

their jurisdiction to qualify for rebates. Such an outcome would obviously be undesirable, and result in lower levels of EV infrastructure investments.

- At least 30 local governments have adopted EV reach codes in the past 2.5 years; others have EV reach code requirements in place. Although as discussed below, LGSEC enthusiastically supports IOU collaborations with LGs and tribes, requiring rebate levels to respond to many multiple local code requirements could be quite challenging.

In 2009, the California Public Utilities Commission (CPUC) issued Decision 09-05-037 which noted in Section 3.3.2 that making businesses and residents in communities with reach codes ineligible for incentives would be “a strong disincentive for local governments considering implementation of ‘reach codes’ and standards,” which are “powerful program marketing tools for energy efficiency programs, and set precedents that can spur stricter codes and standards statewide.” As a result, that decision determined that communities with reach code requirements would continue to qualify for incentives.

The PD should adopt a similar rationale and remove requirements that EV incentive programs only support infrastructure that exceed local EV requirements, as well as the associated need to consult with local governments about how much participating buildings should exceed local codes to be rebate-eligible.

LGs and IOUs Should be Treated Commensurately as Part of Resiliency Investments

LGSEC appreciates the PD’s requirement that IOUs work with local and tribal governments on TE planning, and particularly as part of resiliency proposals. However, the Commission should go beyond stipulating that the IOUs “demonstrate efforts to work with...or

discuss...” these efforts.² That is, the CPUC should develop a process by which new guidelines in which local and tribal governments are treated commensurately with IOUs as part of resiliency planning and investment are established, including as part of TE.

Under the federal Disaster Mitigation Act of 2000 (DMA 2000), along with state legislation, local governments have primary responsibility for fostering resilient communities, obligations that overlap with reliability-related energy services provided by IOUs, as regulated by the CPUC. It is imperative that policies enhancing community resilience align across jurisdictions. To that end, LGSEC recommends that the CPUC develop transparent protocols by which greater collaboration between LGs and load-serving entities (LSEs) on resiliency planning, as well as associated tariffs and funding streams, is encouraged, including as a means to foster EV adoption.

Local governments are key stakeholders in fostering resiliency.³ LGs are typically the first to respond to disasters and provide core health and safety services.⁴ All LGs have or are developing plans that include ways to bolster resiliency, though for low-capacity jurisdictions these may be limited to emergency response and coordination protocols with other key entities.

DMA 2000 established mitigation planning requirements for states, tribes, and local communities. In California, as indicated in Energy Division presentations, LGs have adopted Local Hazard Mitigation Programs (LHPS), which identify dangers, assess past disaster occurrences, estimate the probability of future incidences and set goals to reduce or eliminate

² Order, Page 75.

³ The definition of resiliency varies by context. “It includes improving the capacity of people, communities, and local governments to respond to major shocks, as well as cope with on-going stresses and emerging threats.” Local-Governments-Pocket-Guide-to-Resilience.pdf (urbanresiliencehub.org)

⁴ See for example, JC Gaillard, Emmanuel A. Maceda, et. al., “Sustainable livelihoods and people’s vulnerability in the face of coastal hazards,” *J Coast Conserv* (2009) 13:119–129 DOI 10.1007/s11852-009-0054-y.

risks to people and property from natural and human-made threats.⁵ LHPS strategies include deployment of “soft” (e.g., information sharing procedures) and “hard” assets (e.g., emergency shelters).

Likewise, under Assembly Bill 897, regional climate networks are creating adaption action plans, which include a description of the impacts a city or region could encounter due to climate change – “Vulnerability Assessment” – and actions they can take to reduce associated harms; “Adaptation Strategies.”^{6,7}

There is significant overlap between LG resiliency plans and existing and emerging IOU and California Public Utilities Commission efforts to invest in TE, including as a way to bolster resiliency. Optimally LG resiliency plan development would occur in close consultation, or at least transparent information sharing, with the IOU in which the investments are occurring, though this is often not the case.⁸ Progress needs to be made to better coordinate mitigation measure identification, funding, and deployment. Arguably, LGs should primarily lead these efforts, though that would require access to additional planning resources.

Given the topical need to develop new collaborative models, a series of workshops is merited that focus on how LGs and IOUs can best work together on planning for resiliency, leading to transparent identification of communication and data sharing protocols, coordination activities, mitigation measure development processes, and funding channels. Such an effort

⁵ See for example, Local Climate Adaptation & Resilience Plans - Institute for Local Government (ca-ilg.org); Hazard Mitigation Local Hazard Mitigation Program.

⁶ What is a Climate Adaptation Plan? | South Bay Cities Council of Governments

⁷ Under SB 99 Dodd a grant program for local governments to develop energy resilience plans would be created under the California Energy Commission’s jurisdiction.

⁸ LGs often find it difficult to interact with the IOUs and secure the information necessary to comprehensively plan energy-related investments.

should result in a tractable platform for use across local, IOU, and state energy and environmental resiliency-related decision-making systems.⁹

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Respectfully submitted,

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⁹ This recommendation dovetails with the recently issued ORDER INSTITUTING RULEMAKING TO MODERNIZE THE ELECTRIC GRID FOR A HIGH DISTRIBUTED ENERGY RESOURCES FUTURE, which includes in its proposed scope the following questions: “How frequent should the [distribution planning] consultations be and at what level of local government (e.g., city or county level)? What should be the scope of outreach, including the scope of outreach to tribal governments?”