



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

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Application of Association of Bay Area
Governments for Approval of 2024-2031
Strategic Business Plan, 2024-2027 Portfolio
Plan, and Budget.

Application 22-03-
(Filed March 4, 2022)

**APPLICATION OF ASSOCIATION OF BAY AREA GOVERNMENTS
FOR APPROVAL OF 2024-2031 STRATEGIC BUSINESS PLAN,
2024-2027 PORTFOLIO PLAN, AND BUDGET**

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TABLE OF CONTENTS

I.	ABOUT BAYREN	1
II.	OVERVIEW OF THE BAYREN APPLICATION AND TESTIMONY	2
	A. Executive Summary	2
	B. Strategic Business Plan 2024-2031	5
	C. Portfolio Plan 2024-2027	7
III.	THE ROLE OF REN IN THE ENERGY EFFICIENCY CONTEXT	10
	A. BayREN Program Administration	10
	1. RENs Are Program Administrators.....	10
	2. BayREN Has a Proven Track Record as a Program Administrator Since 2013	11
	B. The Context of REN Program Offerings and Portfolio Segmentation.....	12
	1. RENs Are Allowed to Offer Programs That IOUs and CCAs Do Not Intend to Undertake, Pilot Programs, and Programs Serving Hard-to- Reach Customers	12
	2. RENs May Serve Any Area of Portfolio Segmentation.....	13
IV.	OVERVIEW OF PROPOSED BAYREN PROGRAM OFFERINGS.....	14
	A. Single Family Home+	15
	B. Green Labeling	15
	C. Bay Area Multifamily Building Enhancements (BAMBE)	15
	D. BayREN Business	15
	E. Codes and Standards.....	16
	F. Water Upgrades Save.....	16
	G. BayREN Refrigerant Replacement (BRRR).....	16
	H. Integrated Energy Services (IES)	17
	I. Targeted Decarbonization Resources (TDS)	17
	J. Climate Careers	17
V.	OVERVIEW OF BAYREN BUDGET, COST EFFECTIVENESS AND VALUE TO RATEPAYERS 18	
	A. Budget Overview	18
	1. Commission Guidance on REN Budgets	18

2.	BayREN’s Proposed Budget Is Reasonable and Should Be Approved	18
B.	Cost Effectiveness and Value to Ratepayers Overview	19
1.	RENs Are Subject to Value-Based Criteria, Not a Minimum Cost-Effectiveness Threshold.....	19
2.	BayREN Has Focused on Value-Driven Approaches in Its Portfolio	21
VI.	COORDINATION BETWEEN BAYREN AND OTHER PROGRAM ADMINISTRATORS.....	22
A.	Commission Requirements for REN Program Coordination	22
B.	BayREN Has Worked to Avoid Overlap with Other Program Administrators, Consistent with Commission Requirements	23
C.	BayREN Seeks Continued Authorization for PG&E to Serve as Fiscal Manager for Commission-approved BayREN Funding.....	25
VII.	POLICY CHANGE RECOMMENDATIONS	25
A.	De-Siloing Energy Efficiency.....	26
B.	Improving Data Rules	26
C.	Revising the Custom Review Process	26
D.	Ensuring PAs Have Sufficient Time After Commission Revisions.....	27
VIII.	REQUEST FOR COMMISSION ORDERS.....	27
A.	Issues to be Considered	27
B.	Statutory Authority	27
C.	Request for Relief– Rule 2.1(c).....	28
IX.	COMPLIANCE WITH THE COMMISSION’S RULES OF PRACTICE AND PROCEDURE.....	29
A.	Categorization – Rule 2.1(c)	29
B.	Need for Hearing - Rule 2.1(c)	29
C.	Proposed Schedule – Rule 2.1(c)	29
D.	Legal Name and Principal Place of Business – Rule 2.1(a)	30
E.	Correspondence and Communication Regarding This Application - Rule 2.1.(b)	30
F.	Articles of Incorporation – Rule 2.2	31
G.	Authority to Increase Rates Not Applicable – Rule 3.2	31
H.	Safety – Rule 2.1(c).....	31
I.	Notice and Service of Application.....	31
J.	List of Supporting Documents.....	31
X.	CONCLUSION	32

Appendix A Verification

**BEFORE THE PUBLIC UTILITIES COMMISSION
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Application of Association of Bay Area Governments for Approval of 2024-2031 Strategic Business Plan, 2024-2027 Portfolio Plan, and Budget.

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I. ABOUT BAYREN

The Bay Area Regional Energy Network (BayREN) is a program run by the Association of Bay Area Governments (ABAG), providing energy efficiency services throughout Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties. BayREN has been an authorized Regional Energy Network (REN) Program Administrator (PA) since 2012.

BayREN files this Application in accordance with California Public Utilities Commission (Commission) Decision (D.)21-04-031 which directed energy efficiency program administrators to “file applications on February 15, 2022 for program year 2024.”¹ The Commission granted an extension to BayREN and other Program Administrators (PAs), allowing applications to be filed no later than March 4, 2022.² As such, this Application is timely filed.

¹ D.21-04-031 at 81-82, Ordering Paragraph 5.

² Letter from Commission Executive Director Rachel Peterson, Re: Request for Extension of Time to Comply with Ordering Paragraph 5 of Decision 21-05-031, dated January 26, 2022.

In this Application, BayREN requests \$161,776,637 for the four-year portfolio period – and \$338,596,214 for the full eight-year strategic plan period – to continue operating six existing, successful programs and launch four new programs to fill gaps in energy efficiency services, pilot innovative programs, and serve hard-to-reach customers. These ten programs span four customer market segments: Residential, Commercial, Public, and Cross-cutting. Over the course of the four-year portfolio period, nearly two-thirds of BayREN’s budget is dedicated to the Equity Segment (62%); the remainder of BayREN’s proposed budget is dedicated to: Market Support (17%), Resource Acquisition (12%), Codes and Standards (5%) and Evaluation, Measurement, and Verification (EM&V) (4%).

II. OVERVIEW OF THE BAYREN APPLICATION AND TESTIMONY

A. Executive Summary

In its Application, BayREN proposes programs and strategies that are designed to support equitably achieving California’s climate and energy goals. The BayREN Strategic Business Plan 2024-2031 (Business Plan)³ builds upon BayREN’s successes as a Program Administrator (PA) since 2013 and incorporates feedback from a multitude of stakeholders that were engaged in preparation for the development of the Plan. At its foundation, the Plan is guided by the California’s goals of doubling energy efficiency (EE) in existing buildings by 2030,⁴ reducing

³ Exhibit BayREN-01.

⁴The Clean Energy and Pollution Reduction Act (SB 350) established new energy efficiency and renewable energy targets to support California’s goal of reducing greenhouse gas emissions 40% below 1990 levels by 2030.

emissions from existing buildings at least 40 percent below 1990 levels by 2030,⁵ achieving 100 percent renewable and zero-carbon retail electricity,⁶ and becoming entirely carbon neutral by 2045.⁷ The Plan is also guided by the state’s increased focus⁸ on identifying and addressing barriers to advancing EE and decarbonization in low-income and disadvantaged communities, as well as the California Public Utilities Commission’s (Commission) most recent Environmental and Social Justice Action Plan update.⁹ Finally, the Plan incorporates BayREN’s strategic vision:

10

By 2025, BayREN’s organization, resources, and programs will evolve to more intentionally integrate equity, while filling gaps and addressing barriers to energy efficiency and electrification, as an essential part of meeting state climate and energy goals.

⁵Assembly Bill 3232 requires the California Energy Commission (CEC) to prepare a Building Decarbonization Assessment, in consultation with the California Public Utilities Commission (CPUC), California Air Resources Board (CARB) and the California Independent System Operator. This report assesses the potential for California to reduce greenhouse gasses from buildings by 40% below 1990 levels by 2030.

⁶Senate Bill 100 established a landmark policy requiring renewable and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045.

⁷In September 2018, former Governor Jerry Brown issued Executive Order B-55-18 to achieve carbon neutrality statewide by no later than 2045.

⁸See e.g. SB 350 and SB 1477.

⁹ CPUC Environmental & Social Justice Action Plan, Version 2.0 Draft (ESJ Action Plan), available at <https://www.cpuc.ca.gov/news-and-updates/newsroom/environmental-and-social-justice-action-plan>.

¹⁰BayREN Strategic Plan at 10. BayREN-01, Appendix A. In 2021, BayREN conducted an extensive strategic planning process that occurred alongside the development of the Plan, and aligns with the Commission guidance and portfolio segmentation discussed in D.21-05-031.

As described in more detail below, RENs are limited to undertaking (1) activities that IOU or CCA program administrators cannot or do not intend to undertake (Gap Filling); (2) pilot activities where there is no current utility or CCA program offering, and where there is potential for scalability to a broader geographic reach, if successful (Pilot); and/or (3) activities serving hard-to-reach markets, whether or not there is another utility or CCA program that may overlap (HTR).¹¹ The Bay Area is geographically, socio-economically, and racially diverse, which has left many opportunities for filling gaps, piloting and serving hard-to-reach markets.

D.21-05-031 directed “program administrators to further segment their portfolios based on the primary program purpose, into the following three segments”: (1) Resource Acquisition, (2) Market Support; and (3) Equity.¹² That Decision further observed that “RENs, by their nature and primary purposes, are more likely to have a greater share of their portfolio devoted to market support and/or equity programs.”¹³ RENs are also eligible to run Codes and Standards programs, which lie outside of both the REN “buckets” and the portfolio segmentation “buckets.”¹⁴

¹¹ D.19-12-021 at 32. Where there is overlap of programs, the Commission has advised a REN to “target[] the hardest-to-reach customers for activities that overlap or are significantly similar to [the IOU’s].” D.18-05-041 at 100.

¹² D.21-05-031 at 14-15.

¹³ D.21-05-031 at 23.

¹⁴ As the Commission noted in D.19-12-021, “the importance of RENs may increase as budgets and roles for LGPs are shrinking within the utility portfolios for multiple reasons...The particular areas of unique capacities local governments may bring in the delivery of energy efficiency include, but may not be limited to, public sector buildings, issues surrounding building code compliance, and treating or delivering energy efficiency services to hard-to-reach customers.”

In order to implement its eight-year vision, BayREN has developed the BayREN Portfolio Plan 2024-2027 (Portfolio Plan).¹⁵ The Portfolio Plan proposes ten programs – the extension of six existing programs and the launch of four new programs – with a heavy focus on the Equity Segment and the Market Support Segment.

B. Strategic Business Plan 2024-2031

BayREN’s Business Plan¹⁶ sets forth BayREN’s eight-year vision for serving Bay Area communities with impactful energy efficiency opportunities tailored to the region. In order to develop the Strategic Business Plan, BayREN focused on:

- ⇒ **Strategic Planning:** In 2021, BayREN undertook a strategic planning process, culminating in the BayREN 2025 Strategic Plan;¹⁷
- ⇒ **Stakeholder Engagement:** BayREN engaged myriad stakeholders – including low-income program providers and representative from community-based organizations (CBOs) advancing health, environmental and economic equity, and building workforce efforts in the Bay Area – through approximately 15 meetings and listening sessions; and
- ⇒ **CAEECC Engagement and Leadership:** BayREN strongly supported the efforts of and engagement with the California Energy Efficiency Coordinating Committee (CAEECC), for which various BayREN’s staff served as: Co-Chair to CAEECC, member of the Market

¹⁵ Exhibit BayREN-02.

¹⁶ Exhibit BayREN-01.

¹⁷ Exhibit BayREN-01, Appendix A, BayREN 2025 Strategic Plan, October 2021. Also available at: <https://mtcdrive.box.com/s/z58fxddzg6rdqnuo951lv9heskqu7lug>.

Support Metrics Working Group, and member of the Equity Metrics Working Group, among others.

This extensive process culminated in the development of BayREN's six portfolio strategies:¹⁸

Portfolio Strategy 1. Activate and engage key stakeholders and environmental and social justice (ESJ) communities in the development and delivery of programs.

Portfolio Strategy 2. Address systemic barriers to EE and electrification, especially for, and in collaboration with, those who disproportionately face energy burdens and climate impacts, and are underrepresented in policy and decision-making.

Portfolio Strategy 3. Provide technical assistance, access to resources, and actionable data to improve decision making, resulting in more comprehensive building upgrades and long-term energy savings.

Portfolio Strategy 4. Provide targeted and relevant training and support to improve effectiveness and build capacity.

Portfolio Strategy 5. Enhance the design and delivery of incentives and financing to remove barriers and ensure more customers can upgrade their buildings and produce energy savings.

Portfolio Strategy 6. Develop innovative, equitable, regional-scaled offerings that enable customers to layer EE with other climate-based funding and resource programs to address the climate crisis.

¹⁸ Exhibit BayREN-01 at 5-6.

BayREN developed its proposed portfolio of energy efficiency program offerings to meet the needs of Bay Area communities and to execute on its strategic Portfolio Strategies.

C. Portfolio Plan 2024-2027

The BayREN Portfolio Plan 2024-2027 (Portfolio Plan)¹⁹ implements the BayREN Strategic Plan, Business Plan, and Portfolio Strategies to deploy meaningful energy efficiency programs serving the myriad Bay Area communities and populations. The Portfolio Plan proposes ten programs, serving four portfolio segmentations, and five market segments. The following tables provide an overview of the programs proposed to be offered by BayREN. The first provides an overview of each proposed program’s segmentation, REN-specific “bucket,” Portfolio Plan budget for 2024-2027, and Business Plan budget for 2024-2031. The second shows the proposed budget by sector and includes the budget for Evaluation, Measurement and Verification (EM&V). Each program is further described in Section VI below.

¹⁹ Exhibit BayREN-02.

BayREN Program	Market Segment	REN Activity			Existing or New	Portfolio Plan Budget 2024 2027	Strategic Plan Budget 2024 2031
		Gap Filling	Pilot	HTR			
RESOURCE ACQUISITION							
BayREN Business	Commercial	✓		✓	Existing	\$18,952,573	\$39,726,102
MARKET SUPPORT							
Green Labeling	Residential	✓	✓		Existing	\$7,385,951	\$15,424,618
Integrated Energy Services (IES)	Public	✓			New	\$4,228,707	\$8,760,637
Targeted Decarbonization Resources (TDR)	Public	✓			New	\$6,386,843	\$15,079,827
Water Upgrades \$ave	Cross-cutting	✓	✓	✓	Existing	\$8,434,138	\$17,665,037
EQUITY							
Single Family (Home+)	Residential	✓		✓	Existing	\$35,272,751	\$72,642,901
Bay Area Multifamily Building Enhancements (BAMBE)	Residential	✓	✓	✓	Existing	\$35,177,735	\$72,447,287
BayREN Refrigerant Replacement (BRRR)	Commercial	✓		✓	New	\$18,499,160	\$38,801,416
Climate Careers	Cross-cutting	✓			New	\$12,812,556	\$27,535,903
CODES AND STANDARDS							
Codes and Standards	Cross-cutting	✓		✓	Existing	\$8,155,157	\$16,968,637
TOTAL							
10 Programs	4 Market Segments				6 Existing 4 New	\$155,305,571	\$325,052,365

Budget	2024	2025	2026	2027	Portfolio Plan Budget 2024-2027	Strategic Plan Budget 2024-2031
PROGRAM BUDGETS BY SECTOR						
Residential	\$19,254,406	\$19,391,731	\$19,523,892	\$19,666,408	\$77,836,437	\$160,514,806
Commercial	\$8,332,751	\$9,643,750	\$9,704,682	\$9,770,550	\$37,451,733	\$78,527,518
Public	\$2,107,341	\$2,475,793	\$2,886,653	\$3,145,763	\$10,615,550	\$23,840,464
Cross-Cutting	\$6,883,074	\$7,410,232	\$7,512,203	\$7,794,342	\$29,401,851	\$62,169,578
Subtotal	\$36,577,572	\$38,723,506	\$39,627,430	\$40,377,063	\$155,305,571	\$325,052,365
EVALUATION, MEASUREMENT AND VERIFICATION (EM&V)						
BayREN	\$419,118	\$443,707	\$454,064	\$462,654	\$1,779,543	\$3,724,558
CPUC	\$1,104,947	\$1,169,773	\$1,197,079	\$1,219,724	\$4,691,523	\$9,819,291
Subtotal	\$1,524,065	\$1,613,480	\$1,651,143	\$1,682,378	\$6,471,066	\$13,543,849
TOTAL BUDGET (INCLUDING EM&V)						
Total	\$38,101,637	\$40,336,986	\$41,278,573	\$42,059,441	\$161,776,637	\$338,596,214

III. THE ROLE OF RENS IN THE ENERGY EFFICIENCY CONTEXT

A. BayREN Program Administration

1. *RENs Are Program Administrators*

Regional Energy Networks (RENs) are program administrators of energy efficiency programs. RENs do not implement programs of investor-owned utilities (IOUs); rather, RENs have their own portfolio of energy efficiency programs.

RENs began as a regional pilot concept in D. 12-05-015, which invited local governments to submit Program Implementation Plans (PIPs) for the 2013-2014 program years.²⁰ In D.12-11-015, the Commission approved the first two RENs for the 2013-2014 program years: BayREN and Southern California Regional Energy Network (SoCalREN).²¹ This Decision made clear that RENs are program administrators, not third-party programs or local government partnerships of IOUs.²² D.14-10-046 continued funding BayREN and SoCalREN as pilots for program year 2015.²³ When the Commission provided guidance for initial energy efficiency rolling portfolio business filings in D.16-08-019, the Commission maintained the status of RENs as pilots.²⁴ D.18-

²⁰ D.12-05-015 at 404.

²¹ Southern California Regional Energy Network and Bay Area Regional Energy Network. D.12-11-015.

²² “[T]he key aspect of the REN proposals that sets them apart from third party programs or other local government partnerships (LGPs) is the selection process itself. Instead of being a part of a utility portfolio, along with the LGPs and the third-party programs, the RENs are distinguished by their selection process, which is handled by the Commission instead of by the utilities.” D.12-11-015 at 8.

²³ D.14-10-046 at 161.

²⁴ D.16-08-019 at 2.

05-041 continued the approach of allowing RENs to be program administrators and adopted the Business Plans for years 2018-2025 of three RENs: BayREN, SoCalREN, and 3C-REN.²⁵

In D.19-12-021, the Commission provided additional guidance regarding the treatment of RENs as program administrators. In particular, the Commission solidified the role of RENs in the energy efficiency administrator space. The Commission then stated: “RENs have now been in existence since late 2012. As such, they are a reality within the landscape of the Commission’s energy efficiency policy. Thus, we see no further purpose served by applying the label of ‘pilot’ to them.”²⁶ This decision also imposed additional requirements on new RENs.²⁷ As an already-existing REN, these additional requirements are not applicable to BayREN.

2. BayREN Has a Proven Track Record as a Program Administrator Since 2013

BayREN has a proven track record as a program administrator of energy efficiency funds since 2013. Since its launch BayREN has achieved over:

- ✓ 4.6 million MMBtu of energy saved
- ✓ 156 million tons of carbon avoided
- ✓ 60,695 housing units upgraded
- ✓ \$55.4 million in incentives awarded

²⁵ D.18-05-041 at 2.

²⁶ D.19-12-021 at 17.

²⁷ “Any new REN will be required to demonstrate unique value in achieving state goals, represent more than one local government entity, to coordinate with existing program administrators in their geographic area prior to filing their business plan, to vet their proposal with stakeholders through the California Energy Efficiency Coordinating Committee (CAEECC), and to explain their REN governance structure in their business plan filing.” D.19-12-021 at 2.

BayREN has enhanced the typical incentive program model with customer-focused technical assistance, innovative financing, marketing and outreach, and capacity building services that improve the uptake, satisfaction, and effectiveness of our programs. BayREN has added electrification pathways in our residential programs and has some element of decarbonization throughout the entirety of the portfolio. Of significance, BayREN’s collaborative efforts with the Community Choice Aggregators in our region have increased, resulting in the layering of incentives and other program elements.

B. The Context of REN Program Offerings and Portfolio Segmentation

1. RENs Are Allowed to Offer Programs That IOUs and CCAs Do Not Intend to Undertake, Pilot Programs, and Programs Serving Hard-to-Reach Customers

A key element that differentiates RENs as program administrators compared to investor-owned utility (IOU) or community choice aggregator (CCA) program administrators is that RENs are constrained in which programs they are allowed to offer. This limited role has been applied since RENs were first authorized in 2012.²⁸ In D.19-12-021, the Commission updated and clarified the limited role of RENs and the criteria that the Commission would use to evaluate whether to approve new or renewed REN business plans:

[RENs must show] new or unique value to the Commission’s energy, climate, and/or equity goals, specifically:

- Activities that utilities or CCA program administrators cannot or do not intend to undertake.

²⁸ D.12-11-015 at 17.

- Pilot activities where there is no current utility or CCA program offering, and where there is potential for scalability to a broader geographic reach, if successful.
- Activities serving hard-to-reach markets, whether or not there is another utility or CCA program that may overlap.²⁹

This limited role, however, is not an unimportant role. The Commission has consistently acknowledged the importance of the REN role within the energy efficiency landscape. In D.19-12-021, the Commission “agree[d]... that the importance of RENs may increase as budgets and roles for LGPs are shrinking within the utility portfolios for multiple reasons... The particular areas of unique capacities local governments may bring in the delivery of energy efficiency include, but may not be limited to, public sector buildings, issues surrounding building code compliance, and treating or delivering energy efficiency services to hard-to-reach customers.”³⁰

2. *RENs May Serve Any Area of Portfolio Segmentation*

D.21-05-031 directed “program administrators to further segment their portfolios based on the primary program purpose, into the following three segments defined as follows:

Resource Acquisition: Programs with a primary purpose of, and a short-term ability to, deliver cost-effective avoided cost benefits to the electricity and natural gas systems. Short-term is defined as during the approved budget period for the portfolio, which will be discussed further later in this decision. This segment should make up the bulk of savings to achieve TSB goals.

Market Support: Programs with a primary objective of supporting the long-term success of the energy efficiency market by educating customers, training

²⁹ D.19-12-021 at 32. Where there is overlap of programs, the Commission has advised a REN to “target[] the hardest-to-reach customers for activities that overlap or are significantly similar to [the IOU’s].” D.18-05-041 at 100.

³⁰ D.19-12-021 at 18.

contractors, building partnerships, or moving beneficial technologies towards greater cost-effectiveness.

Equity: Programs with a primary purpose of providing energy efficiency to hard-to-reach or underserved customers and disadvantaged communities in advancement of the Commission’s Environmental and Social Justice (ESJ) Action Plan; Improving access to energy efficiency for ESJ communities, as defined in the ESJ Action Plan, may provide corollary benefits such as increased comfort and safety, improved indoor air quality, and more affordable utility bills, consistent with Goals 1, 2, and 5 in the ESJ Action Plan.³¹

D.21-05-031 further noted that Codes and Standards (C&S) programs remain distinct from these categories.³² While IOUs and CCAs are limited in their ability to serve market support and equity programs, RENs have been exempted from this 30% cap. As noted by the Commission, “[t]he budget amount devoted to the market support and equity programs will be limited to 30% of the total budgets, except in the case of the regional energy network administrators, who will not be subject to these limits because of the different nature of their portfolios.”³³ Specifically, “[t]he RENs are exempted from this requirement because of the nature of their portfolios, which is already different from the other program administrators. RENs, by their nature and primary purposes, are more likely to have a greater share of their portfolio devoted to market support and/or equity programs. Therefore, those portions of their budgets will not be subjected to an up-front limitation.”³⁴

IV. OVERVIEW OF PROPOSED BAYREN PROGRAM OFFERINGS

The portfolio of programs proposed by BayREN consists of largely Equity Segment and Market Support programs, balanced with one Resource Acquisition program and one Codes and

³¹ D.21-05-031 at 14-15.

³² D.21-05-031 at 22.

³³ D.21-05-031 at 2, emphasis added.

³⁴ D.21-05-031 at 23.

Standards Program. Each program has been tailored to serve one or more REN “bucket”: gap filling programs, pilot programs, and programs serving hard-to-reach (HTR) customers.

A. Single Family Home+

Through the Single Family Home+ (Home+) program, BayREN provides a variety of service offerings to Bay Area single family homeowners and renters including rebates for qualifying measures, an online energy evaluation, no-cost energy efficiency kits, in-home education, and direct install services. A central part of this program is free energy advising from certified building performance professionals (Energy Advisors) that work hand in hand with customers through the entirety of their energy retrofit project.

B. Green Labeling

The Green Labeling program builds on BayREN’s work in the single-family market by focusing on additional market actors and has two offerings: Regional Home Energy Score (HEScore) that trains Assessors to do a HEScore and provides rebates for scores; and continuing education and other opportunities for realtors, appraisers and lenders to increase their ability to understand, market and evaluate energy efficient and green homes.

C. Bay Area Multifamily Building Enhancements (BAMBE)

BAMBE’s successful program design to engage multifamily property owners who are sensitive to the barriers of participating in a rebate program and helps them plan and undertake upgrades. BAMBE offers no-cost technical assistance and a per-unit flat rebate for multiple-measure energy upgrade scopes that save a minimum percentage of the whole building’s energy usage. This program targets and prioritizes small and affordable properties.

D. BayREN Business

. BayREN Business is designed to empower the small and medium business (SMB) sector across the Bay Area by removing barriers to installing energy efficiency upgrades, thereby

reducing businesses expenses, while improving equipment reliability, productivity, and business services. The BayREN Business program benefits include increased customer, contractor and building owners' knowledge and comfort, while also enabling long-term energy savings in this Pay-for-Performance (P4P) design.

E. Codes and Standards

BayREN's Codes and Standards program seeks to assist local governments with energy policies and energy code compliance by providing support for Bay Area local governments to increase energy performance of buildings by improving energy code compliance, increasing adoption of local energy policies. The program also serves as a bridge between local governments and the California Energy Commission to ensure that the voice of local governments is heard when state policies are developed.

F. Water Upgrades Save

This innovative water-energy nexus program provides turn-key financing and project installation services to Bay Area municipal water utilities seeking to offer their customers easy access to water bill savings. Designed to provide centralize financing and administration to participating water utilities, this program has influence in multiple markets, including renters and low-income households, and offers customers a simple and attractive path to install water-saving technologies with no up-front cost.

G. BayREN Refrigerant Replacement (BRRR)

To reduce GHG emissions from existing refrigeration systems, BayREN's BRRR program will replace high GWP refrigerants with environmentally friendly alternatives at low to no cost to participants. BRRR will serve the Bay Area's food-service sector exclusively, performing refrigerant changeouts to small restaurants, bars, grocery and convenience stores, and food-storage

warehouses. Also, BRRR will integrate as-need repairs to refrigeration systems to prevent future refrigerant leaks and optimize performance.

H. Integrated Energy Services (IES)

The Integrated Energy Services (IES) program seeks to build, enable, and maintain demand for high-impact, integrated building energy upgrades and operations in the public sector. The program proposes to satisfy the unique energy and resilience goals of each participating agency by coordinating existing and emerging programs addressing EE, demand response, distributed energy resources, and more, and providing supplemental services to fill gaps in transforming public agency buildings and infrastructure.

I. Targeted Decarbonization Resources (TDS)

The Targeted Decarbonization Services (TDS) program will build the market for decarbonization equipment and technologies and demonstrate the feasibility of decarbonization. The program will do this through improved information, education, and financing for local governments.

J. Climate Careers

The Climate Careers program offers low-income and disadvantaged youth training and job opportunities. It also targets renters, seniors, low to low-moderate income households, non-native English speakers, and populations that live in ESJ communities through the services provided by those trained (i.e., Green House Calls and installation of program measures). Specifically, the Climate Careers program brings low-income and disadvantaged youth that are disconnected from school and work into the green economy and provides them with a path to full-time employment while also providing EE upgrades to underserved communities.

V. OVERVIEW OF BAYREN BUDGET, COST EFFECTIVENESS AND VALUE TO RATEPAYERS

A. Budget Overview

1. Commission Guidance on REN Budgets

The Commission has provided guidance to RENs regarding the criteria for determining the overall reasonableness of REN budgets. As described in D.19-12-021, “RENs’ budgets should be proportional to the incumbent IOU budgets, in the same territory, for the number of customers served by non-statewide and non-regional programs, while taking into account plans to serve hard-to-reach customers.”³⁵ As such, BayREN has evaluated each program proposed for this proportionality, taking into account plans to serve hard-to-reach customers.

2. BayREN’s Proposed Budget Is Reasonable and Should Be Approved

BayREN’s distribution of budget between portfolio segments reflects the following evolutions in our programming: (1) a greater focus on equity; (2) increased support for local governments based on local needs; and (3) timely response to quickly evolving Bay Area and state policy trends and goals regarding building electrification and climate resilience. These enhancements in our approach and program offerings reflect our commitment to engaging with and listening to our stakeholders and effectively partnering with other regional agencies and our seven Bay Area CCAs to efficiently leverage resources and best serve the local governments, businesses, and residents in our 109 Bay Area cities and nine counties.

For the first four years of the Plan, the budget request for existing programs is largely consistent with our approved Bi-Annual Energy Efficiency Program and Portfolio Budget Request (BBAL) for program years 2022 and 2023. Our four-year budget for existing programs reflects an

³⁵ D.19-12-021 at 39.

increase of seven percent (\$1.8 million) starting in 2024 due primarily to increased incentive funding for the Multifamily and Green Labeling programs based on an increasingly strong uptake in these programs over the past several program years. The Business Plan's additional budget increase is tied to four proposed new programs that address two new portfolio sectors.

For the second four-year period, a two percent escalation factor is applied to the entire portfolio. The modest increase represents a reasonable price escalation assumption to account for anticipated increases in labor and materials costs consistent with inflation and the labor agreements and policies of the BayREN member government agencies.

B. Cost Effectiveness and Value to Ratepayers Overview

1. RENs Are Subject to Value-Based Criteria, Not a Minimum Cost-Effectiveness Threshold

Due to REN's unique and limited role as Commission-authorized program administrators, the Commission has not imposed the same minimum cost-effectiveness threshold on RENs as it has imposed on IOU and CCA program administrators. As the Commission found in D.18-05-041:

[W]e do not find it reasonable to impose a minimum cost-effectiveness threshold for REN proposals. As we have maintained in the past, the more limited scope of activities we authorize RENs to undertake, which results in a much lower ability to diversify their portfolios (relative to the IOUs), argues against holding them to a particular cost-effectiveness standard.³⁶

The Commission reiterated this position in D.19-12-021:

We approved the existing REN portfolios recently, in D.18-05-041, and at that time reaffirmed that we do not wish to set a specific cost-effectiveness threshold for RENs. This is both because the size of the REN portfolios is smaller, and because the RENs are inherently designed to take on filling gaps in the other larger

³⁶ D.18-05-041 at 95.

portfolios or serving the needs of hard-to-reach customer segments/markets that will be naturally less cost-effective to serve. None of this reasoning has changed, and therefore, we continue to decline to set a cost-effectiveness threshold for new or existing RENs now.”³⁷

This approach was further re-affirmed in D.21-05-031 with regards to resource acquisition programs, “requir[ing] that all program administrators with energy efficiency resource acquisition programs, excluding RENs whose portfolios have different rules, to show that the resource acquisition segment of their portfolio, with all resource acquisition programs’ costs and benefits combined together, is cost-effective on an *ex ante* basis, with a TRC ratio of at least 1.0 or greater.”³⁸ With regard to market support and equity programs, the Commission stated that “all program administrators, including the RENs, should focus on developing metrics and criteria for evaluating progress of those market support and equity programs, in the absence of strict cost-effectiveness limitations.”³⁹

Instead of evaluating RENs on a minimum cost effectiveness threshold, the Commission has historically evaluated each REN’s programs’ ability to: provide value (or the promise of value), meet their designated targets, and track, and hopefully improve upon, their cost-effectiveness.⁴⁰

³⁷ D.19-12-021 at 37.

³⁸ D.21-05-031 at 22. Emphasis added.

³⁹ D.21-05-031 at 23.

⁴⁰ D.18-05-041 at 95. “To be clear, we remain interested in seeing RENs provide value (or the promise of value), and this serves as a key criterion against which we evaluate their proposals and will assess their performance going forward, particularly in tracking business plan metrics and assessing PAs’ progress in meeting their designated targets. We decline to consider the proposed Benefits Evaluation Framework, as we prefer to use the same cost-effectiveness methodology for all PAs even if we do not hold the RENs to a particular standard. We also

The Commission has further “encourage[d] RENs to manage their programs with an eye toward long-term cost-effectiveness, just as we encourage the other program administrators to do.”⁴¹

Furthermore, REN administrative costs have had a “soft cap” of 10% and are also subject to a “soft cap” of 6% for administrative and outreach costs.⁴² D.21-05-031 maintained the same administration cost and marketing and outreach cost rules.⁴³

2. *BayREN Has Focused on Value-Driven Approaches in Its Portfolio*

BayREN’s Business Plan covers a portfolio of programs that focus on equity and supporting the market while also capturing energy savings. At BayREN, we value not only energy, demand and GHG savings, but ensuring our regional programs reach as deeply into the underserved populations as possible with our given budgets and providing foundational educational opportunities for those within the market. We will measure success of the portfolio by tracking a suite of BayREN Value Metrics that are specific equity and market support metrics/indicators put forward by the CAEECC working groups as well as relevant resource

remain interested in seeing improving TRC estimates over the long run, therefore we retain our requirement for RENs to include cost-effectiveness statements in their ABALs.”

⁴¹ D.19-12-021 at 37.

⁴² D.12-11-015 at 15. “First, there is a hard administrative cost cap of 10% and a soft marketing and outreach cost cap of 6% imposed by D.09-09-047. The 10% administrative limit is also a soft cap for LGPs. For these purposes, RENs and MEA are more like LGPs – we will not apply hard caps on these expenses at this time, though we encourage RENs and MEA to keep administrative and marketing costs down as low as possible.” (Emphasis added.)

⁴³ D.21-05-031 at 33. “Administration costs should continue to be capped at ten percent of the program administrator’s portfolio; all other budget caps or targets, including for direct-implementation non-incentive costs and marketing and outreach costs, should remain unchanged.”

acquisition metrics (i.e., the Core Metrics). BayREN plans to use the next two years (2022-2023) to set metric targets appropriately based on our proposed budgets.

VI. COORDINATION BETWEEN BAYREN AND OTHER PROGRAM ADMINISTRATORS

A. Commission Requirements for REN Program Coordination

In developing the suite of programs proposed in this Application, BayREN has extensively coordinated with their IOU and Community Choice Aggregator (CCA) peers, in particular to avoid programmatic overlap. As set forth in D.18-05-041, “RENS’ activities may only overlap with utility PAs’ activities when those activities are targeted at hard-to-reach customers.”⁴⁴ The Decision continues: “To the extent that REN activities may overlap with utility programs, it is reasonable with respect to prudent investment of limited ratepayer funds to limit such overlap to programs that target customers with the least likelihood of program information and access.”⁴⁵ In particular, the Commission has required each PA to develop a joint cooperation memo:

Specifically, we will require the PAs (RENS, IOUs and CCA) to develop a joint cooperation memo to demonstrate how they will avoid or minimize duplication for programs that address a common sector (e.g., residential or commercial) but pursue different activities, pilots that are intended to test new or different delivery models for scalability, and/or programs that otherwise exhibit a high likelihood of overlap or duplication and are not targeted at hard-to-reach customers. For such programs, each PA must explicitly identify and discuss how its activities are complementary and not duplicative of other PAs’ planned activities.⁴⁶

D.18-05-041 required joint cooperation memos between IOUs and RENs to include:

- **RENS must include a summary of the programs they intend to run; if the IOU(s) who shares territory with a REN offers a similar program, the IOU(s) must also provide the same summary of their program. The summary for each PA’s program must include eligible measures, budgets, and target**

⁴⁴ D.18-05-041 at 165; Finding of Fact 54.

⁴⁵ D.18-05-041 at 175; Conclusion of Law 28.

⁴⁶ D.18-05-041 at 97.

audiences. The RENs and IOUs must describe how they will offer their corresponding portfolios and avoid duplication.

- RENs must also include a discussion section for each program, summarizing how the program meets at least one of the criteria outlined in D.12-11-015, i.e., aimed at hard-to-reach customers (which can overlap with an IOU offering); programs that IOUs do not offer; and pilots not offered by IOUs but with the possibility of scaling.⁴⁷

B. BayREN Has Worked to Avoid Overlap with Other Program Administrators, Consistent with Commission Requirements

BayREN’s role is distinct from CCAs, IOUs, and third-party implementers, and reflects the unique capabilities we bring as local governments to the delivery of EE.⁴⁸ Each PA in the BayREN territory complements each other’s portfolio, encourages innovation, and ensures that all ratepayers are served, and BayREN has worked to avoid overlap with other PAs. This is consistent with CPUC policy that “[a]s long as program administrators and implementers are addressing different aspects of the energy efficiency marketplace, and/or coordinating their efforts in the same geographic area, some overlap may be fine or even positive, especially if the individual entities coordinate their offerings and their outreach to customers.”⁴⁹ Indeed, when the RENs were first approved, the CPUC acknowledged that “[a]ll consumers will be well served if there is close coordination and cooperation between the RENs and the utilities to ensure seamless program offerings and avoid customer confusion.”⁵⁰

⁴⁷ D.18-05-041 at 122.

⁴⁸ D.19-12-021, page 18

⁴⁹ D.19-12-021 page 25

⁵⁰ D.12-11-015, page 9

In approving PG&E and BayREN's Energy Efficiency Business Plans for 2018-2025, the Commission directed the IOUs and RENs to file annual Joint Cooperation Memos (JCMs) to help ensure the proposed activities complement and not duplicate each other, and that the RENs otherwise comply with D.12-11-015.⁵¹ Since 2019, BayREN and PG&E have submitted an annual JCM that describes EE programs the PAs anticipate offering in the nine Bay Area counties (the shared service area), how the proposed activities will be complementary, and details how BayREN's proposed activities comply with the criteria for REN activities.⁵² Commencing in 2020, BayREN has filed an annual JCM with MCE.⁵³ BayREN has used the JCM negotiation process to work with the other PAs to ensure not only that we are not duplicating activities but also that our collective efforts are best serving our shared residents, businesses, and institutions.

In addition to engagement for the development of the JCM, BayREN program managers have regular meetings with their counterparts at PG&E and MCE, typically once a month. Program updates are provided to ensure there are no duplicative efforts. BayREN's Energy Advisor service strives to find a program that is the best fit for the caller/customer and therefore provides a significant number of referrals to non-BayREN programs. Similarly, if a PA has plans to do a mailer or new advertising campaign, the PA communicates with their counterparts in advance so that the Energy Advisor, contractors, and program staff are aware and can refer callers accordingly.

⁵¹D. 18-05-041, p. 178, COL 47.

⁵² D.12-11-015, p. 17.

⁵³ In D.19-12-02, the requirement for RENs to negotiate JCMs with program administrators with shared territory was expanded to include CCAs. See COL #7 and #8. MCE is the only CCA in BayREN's territory that is a Program Administrator.

The regular coordination among BayREN, PG&E, and MCE helps to ensure the goal of more holistic programs and a greater reach to Bay Area markets.

C. BayREN Seeks Continued Authorization for PG&E to Serve as Fiscal Manager for Commission-approved BayREN Funding

Where the Commission has authorized funding for RENs, the Commission relies upon IOUs “as fiscal managers to disperse funds to RENs.”⁵⁴ Specifically, “[w]ith respect to RENs, the Commission acts ‘as a regulatory body, overseeing utility expenditures of ratepayer funds.’ We ‘rely on the utilities as fiscal managers to disperse funds to RENs and conduct general management and monitoring activities in compliance with Commission directives. Thus, the RENs will, by necessity, have a contractual relationship with a utility or, in some cases, several utilities.’”⁵⁵

BayREN continues to have a strong working relationship with PG&E in their role as fiscal manager. BayREN asks the Commission to continue to authorize PG&E to act as fiscal manager for BayREN, consistent with Commission precedent, and to continue to allow flexibility in the fiscal agent role, consistent with D.19-12-021.⁵⁶

VII. POLICY CHANGE RECOMMENDATIONS

In the Business Plan, BayREN sets forth several recommended policy revisions. Specifically, BayREN recommends: de-siloing energy efficiency, improving data rules, revising

⁵⁴ D.12-11-015 at 8.

⁵⁵ D.14-10-046 at 128.

⁵⁶ D.19-12-021 at 43. “On the topic of PG&E’s suggestions to allow more flexibility in the utilities’ fiscal agent role for RENs, we agree that there should be flexibility in payment terms and timing, as long as both parties agree. Thus, we explicitly authorize the utility fiscal agent and a REN to depart from the specific requirements of D.12-11-015 and D.14-10-046, as long as the REN and the utility mutually agree. If they cannot mutually agree, then one party should bring a petition to modify prior decisions to the Commission, to modify the terms, if necessary.”

the custom review process, and ensuring PAs have adequate time to adapt to Commission revisions to technical tools.

A. De-Siloing Energy Efficiency

BayREN asks that a PA be allowed to support any customer that the PA “touches.” Any customer that a PA “touches” should have the opportunity and resources to receive technical assistance to the extent that they can decarbonize their energy use. While BayREN does not seek to administer distributed energy resource (DER) programs in this Application, BayREN would like to be able to promote and assist customers to pursue the Self-Generation Incentive Program (SGIP), electric vehicle offerings, demand response, and any other offerings that help meet the state GHG objectives. Additional strategies include examining the relationship between the Demand Response proceeding (R.13-09-011), and the Building Decarbonization proceeding (R.19-01-011) so that customers, and even PAs are better positioned to offer aggregated demand flexibility for resource adequacy, local capacity, and economic/market dispatch for summer reliability.

B. Improving Data Rules

BayREN also suggests that additional transparency and data interoperability be shared with non-IOU PAs for customer targeting and market segmentation. This includes non-disclosure agreements between non-IOU PAs and IOUs to conduct market characterizations, as well as additional data sharing between the Potential and Goals Study team and PAs. Closing this gap is intended to align the Commission Decisions adopting the potential and setting goals.

C. Revising the Custom Review Process

BayREN requests that the CPUC exempt equity and/or multifamily programs from the CPUC Custom Review Process since it creates a barrier to program participation. For BayREN to continue to offer BayREN’s successful multifamily whole-building program with the option to

combine measure opportunities between common areas and in-units, an exemption is requested so that projects are not held up by a Custom Review Process in the middle of project enrollment.

D. Ensuring PAs Have Sufficient Time After Commission Revisions

BayREN recommends that all technical tools necessary for Advice Letters or other compliance filings be finalized by the CPUC’s Energy Division staff 90 days prior to the submission date of Advice Letters or 120 days prior to future Portfolio Application deadlines. This would acknowledge that errors may occur and also provide sufficient time for PAs to incorporate any necessary fixes into their planning documents.

VIII. REQUEST FOR COMMISSION ORDERS

A. Issues to be Considered

BayREN asks the Commission to consider the following issues germane to this Application:

1. Whether BayREN’s Strategic Business Plan and Portfolio Plan are reasonable.
2. Whether BayREN’s Strategic Business Plan and Portfolio Plan comply with the terms of D.21-05-031.
3. Whether the Strategic Business Plan’s and Portfolio Plan’s proposed goals, estimated budget, and metrics are reasonable.
4. Whether PG&E should continue to serve as the fiscal agent for BayREN.
5. Whether the policy recommendations of BayREN should be adopted.

B. Statutory Authority

D.21-04-031 directed energy efficiency program administrators to “file applications on February 15, 2022 for program year 2024, and every four years after that, containing the following elements”:

(a) A business plan to cover an eight-year period. The business plan shall serve as a strategic plan for the energy efficiency efforts of the program administrator, and shall contain sector-level strategies, metrics, and an eight-year budget.

(b) A four-year program portfolio, beginning with program year 2024. This portion of the application shall contain: detailed sector and program strategies; annual budgets, totaling to a four-year revenue requirement; cost-effectiveness showings over the four-year period; and implementation plans, or links to them, for all programs

that are currently operating or planned to operate during the four-year portfolio period, with the exception of third-party programs where the contract has not yet been awarded.

(c) The technical inputs given in Table 2 of this decision.⁵⁷

This Application is responsive to Ordering Paragraph 5 of D.21-04-031. The Commission granted an extension to 3C-REN and other Program Administrators (PAs), allowing applications to be filed no later than March 4, 2022.⁵⁸

1. Request for Relief– Rule 2.1(c)

BayREN requests that the Commission approve the proposals that BayREN has submitted in this Application and issue a decision no later than July 14, 2022 that grants the following relief:

1. Finds that BayREN’s Strategic Business Plan and Portfolio Plan comply with the terms of D.21-05-031.
2. Finds that the Strategic Business Plan’s and Portfolio Plan’s proposed goals, estimated budget, and metrics are reasonable.
3. Approves BayREN’s Strategic Business Plan, Portfolio Plan, and budget.
4. Directs PG&E to continue to act as fiscal agent for BayREN.

⁵⁷ D.21-04-031 at 81-82, Ordering Paragraph 5.

⁵⁸ Letter from Commission Executive Director Rachel Peterson, Re: Request for Extension of Time to Comply with Ordering Paragraph 5 of Decision 21-05-031, dated January 26, 2022.

5. Adopts the policy recommendations of BayREN.

IX. COMPLIANCE WITH THE COMMISSION’S RULES OF PRACTICE AND PROCEDURE

A. Categorization – Rule 2.1(c)

BayREN proposes that this application be categorized as a “ratesetting” proceeding under Rule 7.1(e)(2) because it does not clearly fit into any of the categories as defined by Rules 1.3(a), 1.3(d), and 1.3(e). Energy efficiency Applications filed by IOUs meet the definition of “ratesetting” in Rule 1.3(e) because the Commission approves rates for each IOU to collect funds to pay for energy efficiency programs. However, the Commission does not set rates via a REN Application because RENs are not in the role of revenue collection for Commission-authorized energy efficiency programs.

B. Need for Hearing - Rule 2.1(c)

BayREN has endeavored to provide a sufficient record via the application and testimony to obviate the need for evidentiary hearings. BayREN does not recommend hearings at this time. If the need for hearings arises, BayREN requests that the resulting hearing schedule allow the Commission to render a final decision on this application with sufficient time to start implementing the programs proposed herein at the start of 2024.

C. Proposed Schedule – Rule 2.1(c)

BayREN proposes the following schedule for consideration of its application:

Activity	Proposed Schedule
Application Filed	March 4, 2022
Daily Calendar Notice (Expected)	March 7, 2022
BayREN Application Workshop	March 16, 2022
Protests Due (Expected)	April 6, 2022

Reply to Protests (Expected)	April 18, 2022
Prehearing Conference	May 11, 2022
Scoping Memo	May 25, 2022
Opening Comments	June 22, 2022
Reply Comments	July 6, 2022
Proposed Decision	August 2022
Final Decision	September 2022

D. Legal Name and Principal Place of Business – Rule 2.1(a)

The legal name and principal place of business of the Applicant is:

ASSOCIATION OF BAY AREA GOVERNMENTS
 Bay Area Metro Center
 375 Beale Street, Suite 700
 San Francisco, CA 94105

Applicant is a joint powers authority formed under the laws of California.

E. Correspondence and Communication Regarding This Application - Rule 2.1.(b)

All correspondence and communications regarding this application should be addressed to:

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 Email: jberg@bayareametro.gov

Counsel for:
 ASSOCIATION OF BAY AREA GOVERNMENTS

F. Articles of Incorporation – Rule 2.2

ABAG is a joint powers agency formed in 1961 pursuant to California Government Code Section 6500, *et seq.*, and the council of governments for the San Francisco Bay Area. BayREN, a program of Applicant, is engaged in the provision of energy efficiency programs under the authority granted by the Commission.

G. Authority to Increase Rates Not Applicable – Rule 3.2

The Rule 3.2 requirements do not apply to this Application because BayREN does not request authority to increase rates or to implement changes that would result in increased rates. BayREN does not collect revenues for EE programs; rather, energy efficiency funding collected by PG&E is allocated to BayREN.

H. Safety – Rule 2.1(c)

In D.16-01-017, the Commission adopted an amendment to Rule 2.1(c) requiring Applications to clearly state “relevant safety considerations.” This Application does not raise any safety issues because it is limited to seeking Commission approval of BayREN’s goals, strategies, and budget for encouraging its customers to adopt energy savings measures. BayREN may contract with third parties to provide energy efficiency interventions. BayREN’s contracts with third-party energy efficiency contractors will address safety and will provide criteria and requirements for providers to safely operate in compliance with legal and regulatory requirements.

I. Notice and Service of Application

A copy of the Application and Notice of Availability of supporting testimony are being served on the parties of record in R.13-11-005 and Chief Administrative Law Judge Anne Simon.

J. List of Supporting Documents

BayREN includes several documents to support this Application. The separate Notice of Availability served concurrently with this Application includes links to the following documents:

Exhibit BayREN-01	BayREN Strategic Business Plan 2024-2031 Testimony
Exhibit BayREN -02	BayREN Portfolio Plan 2024-2027 Testimony
Exhibit BayREN -03	BayREN Testimony Appendices

X. CONCLUSION

Association of Bay Area Governments thanks the Commission for its consideration of this Application and for providing BayREN with the opportunity to serve its communities throughout the San Francisco Bay Area with these critical and transformative programs. Association of Bay Area Governments respectfully requests the Commission expeditiously approve this Application.

Respectfully submitted,

/s/ Elizabeth Kelly
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Counsel for:
ASSOCIATION OF BAY AREA GOVERNMENTS

March 4, 2022

Appendix A

Verification

I am the program administrator of BayREN and am the Director of the Energy Section of the Association of Bay Area Governments, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2022 at San Francisco, California.

/s/ Jennifer K. Berg
Jennifer K. Berg
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