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

Application of Pacific Gas and Electric Company for Approval of 2024-2031 Energy Efficiency Business Plan and 2024-2027 Portfolio Plan (U39M).

Application 22-02-005

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

Application 22-03-003

Application of County of Ventura for Approval of 2024-2031 Strategic Business Plan, 2024-2027 Portfolio Plan, and Budget.

Application 22-03-004

Application of San Diego Gas & Electric Company (U902M) to Adopt 2024-2031 Energy Efficiency Rolling Portfolio Business Plan Pursuant to D.21-05-031.

Application 22-03-005

Application of Southern California Edison Company (U338E) for Approval of its 2024-2031 Energy Efficiency Business Plan and 2024-2027 Portfolio Plan.

Application 22-03-007

Application of SOUTHERN CALIFORNIA GAS COMPANY (U904G) for Approval of 2024-2031 Energy Efficiency Business Plan and 2024-2027 Portfolio Plan.

Application 22-03-008

Application of Southern California Regional Energy Network for Approval of 2024-2031 Energy Efficiency Business Plan and 4-Year Portfolio Plan. (#940).

Application 22-03-011

Application of Marin Clean Energy for Approval of 2024-2031 Energy Efficiency Business Plan and 2024-2027 Energy Efficiency Portfolio Plan.

Application 22-03-012

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M)
RESPONSE TO 2024 ENERGY EFFICIENCY BUSINESS
PLAN APPLICATIONS**

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**PACIFIC GAS AND ELECTRIC COMPANY’S (U 39 M)
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I. INTRODUCTION

Pursuant to Rule 2.6 of the California Public Utilities Commission’s (CPUC or Commission) Rules of Practice and Procedure,^{1/} and the Chief Administrative Law Judge’s (ALJ) March 17 Ruling,^{2/} Pacific Gas and Electric Company (PG&E) submits the following response to portfolio administrators’ respective 2024 Energy Efficiency Business Plan and Portfolio Plan Applications (2024 EE Application). Decision (D.) 21-05-031 contains requirements for the 2024 EE Applications and set the filing date as February 15, 2022. On January 26, 2022, the Executive Director at the CPUC granted an extension for portfolio administrators to file their 2024 EE Applications by March 4, 2022.^{3/}

On February 15, 2022, PG&E filed its 2024 EE Application. On March 4, 2022, the following portfolio administrators filed 2024 EE Applications:^{4/} Association of Bay Area Governments (BayREN), County of Ventura (3C-REN), Marin Clean Energy (MCE), San Diego Gas and Electric Company (SDG&E), Southern California Edison Company (SCE), Southern California Gas Company (SoCalGas), and Southern California Regional Energy Network (SoCalREN).^{5/} In addition to these applications, Redwood Coast Energy Authority, on behalf of the Rural Regional Energy Network (RuralREN), filed a motion in the Energy Efficiency

^{1/} CPUC Rules of Practice and Procedure, Rule 2.6.

^{2/} A.22-02-005, et al. Chief ALJ Simon Ruling Re Consolidating Proceedings; Preliminarily Determining Category, Need for Hearings, and Assignment; and Setting Protest and Response Deadlines (March 17, 2022).

^{3/} Executive Director’s Authorization of the Energy Efficiency Program Administrator’s Request for an Extension of Time to Comply with Ordering Paragraph (OP) 5 of D.21-05-031, (January 26, 2022).

^{4/} All references to a party’s EE Application refer to the party’s EE Business Plan Application filed March 4, 2022.

^{5/} BayREN Application (A.) 22-03-003, 3C-REN A.22-03-004, MCE A.22-03-012, SDG&E A.22-03-005, SCE A.22-03-007, SoCalGas A.22-03-008, SoCalREN A.22-03-011.

Rulemaking (R.) 13-11-005 for the Commission to authorize RuralREN to become a portfolio administrator (PA).^{6/}

On March 17, 2022, the Chief ALJ issued a ruling that (1) consolidated all the 2024 EE Applications and RuralREN Motion, (2) set the date for protests/responses for 2024 EE Applications to April 15, 2022, and (3) set the date for replies to protests/responses on April 25, 2022. PG&E looks forward to collaborating and consulting with interested parties on their recommendations through the discovery, settlement discussions, and evidentiary phases of this proceeding.

In their filings, some of the parties have made factual claims and legal arguments with which PG&E does not agree. As a primary purpose of protest and responses to applications is to address the applicant's statement regarding the proposed category, need for hearing, issues to be considered, and proposed schedule (Rule 2.6(d)), and is not designed to address the merits of proposals, PG&E does not address merits here. PG&E reserves all rights to do so at a later date, as it anticipates that parties filing protests and responses will, as appropriate, submit testimony regarding their factual claims and proposals, participate in any necessary workshops or hearings, and file briefs. Similarly, PG&E will respond, as appropriate, to the issues parties raise in their testimony and briefs that are deemed within the scope of this case.

This response focuses on threshold issues regarding the scope of the proceeding and procedural matters.

II. SCOPE OF THE PROCEEDING

Upon review of the 2024 EE Applications, PG&E respectfully requests the Commission identify the issues below as out of scope of this proceeding.

^{6/} R.13-11-005, *Motion of Redwood Coast Energy Authority on Behalf of the Rural Regional Energy Network for Approval of Energy Efficiency Portfolio Application* (March 4, 2022). While RuralREN filed a Motion in R.13-11-005, PG&E also refers to RuralREN's Motion as its 2024 EE Application for simplicity.

A. Requests for Data Sharing That Involve Data Beyond Energy Efficiency are Out of Scope for This Proceeding.

Proposals to modify policies that govern the sharing of demand response data, customer energy usage data, and/or data on non-participants in energy efficiency programs—as proposed by MCE, 3C-REN, RuralREN, and BayREN—are out of scope for this proceeding.^{7/} The issues presented are more appropriate for other proceedings, such as the Summer Reliability Rulemaking (R.) 20-11-003, where data sharing issues were raised and discussed in the context of demand response participation by customers. As discussed there, the issues will necessarily involve data access, protection, interests of third parties who serve the customers, and considerations involving potential competitive concerns. Questions of data sharing may overlap in proceedings across programs, depending on factors including, without limitation, applicable legislation and the nature of the activity involved. PG&E acknowledges that existing data issues and clarifications pursuant to current EE data sharing requirements generally remain in scope for this proceeding.

In its application, MCE proposes that the Commission require PG&E and MCE to exchange Demand Response (DR) program participation data to facilitate eligibility verification.^{8/} PG&E appreciates the importance of eligibility verification. However, policy governing access to DR program participation data is not within the scope of an EE proceeding, and involves more details, considerations, and discussions than the 2024 EE Application proceeding could incorporate.^{9/}

MCE maintains that customer confidentiality and privacy concerns around DR data are misplaced because of long-standing non-disclosure agreements that CCAs have with PG&E.^{10/} However, the Commission-approved NDA limits sharing of data with the CCAs to exclude

^{7/} MCE Application, pp. 25-26; BayREN Application Exhibit 1, p. 66-67; 3C-REN Application, p. 25; RuralREN Application Exhibit 1, p. 64.

^{8/} MCE Application pp. 25-26.

^{9/} Id.

^{10/} Id.

customer-specific information, unless expressly authorized.^{11/} Customer specific data related to demand response has never been authorized to be shared with CCAs, and in R.20-11-003, the Commission did not respond to MCE's request for access to specific customer demand response information. PG&E also observes that the NDAs are in line with the goals of California law and Commission precedent, which have been set to protect customer data, including data associated with demand response participation, through aggregation and anonymization.^{12/} Policy governing DR data sharing would need to consider these issues and would be better assessed in the relevant demand response proceeding or a separate data access and privacy proceeding applicable across all customer programs, where all stakeholders, including third party providers would have the opportunity to be heard.

3C-REN similarly requests increased data access in its application.^{13/} Specifically, 3C-REN requests that the Commission secure access to customer-authorized billing data by the provision of data monthly by IOUs to non-IOU PAs.^{14/} 3C-REN extends the request to both program participant and non-participant data, which includes both customer site and meter information as well as usage data.^{15/} Streamlining the provision of this data presents potential issues with privacy, especially as it relates to customer energy usage and financial information. Customer authorization may be difficult to obtain for data from non-participating customers, which presents yet further privacy concerns and additional layers of complexity. In addition,

^{11/} The Commission has ruled that “unless the CPUC authorizes release of customer specific information, it is confidential.” Resolution E-4420, p. 11. The Commission did not expressly authorize the release of demand response data in Electric Form 79-1031, therefore, it remains confidential; *See* PG&E Electric Form 79-1031.

^{12/} *See* California Consumer Privacy Act (Cal. Civ. Code § 1798.100, et seq.), D.14-05-016; In addition to privacy issues, demand response data, being used within and outside of demand response programs, can create issues with both anti-trust law and implicate market-sensitive information if they provided to certain market participants and not others. (*See* Electric Rule 24, section C.1.a.(3), Sheet 7)

^{13/} 3C-REN Application, p. 24.

^{14/} *Id.*

^{15/} 3C-REN Testimony, p. 65.

upgrading data provision systems that are not specific to energy efficiency could require expenditures outside of energy efficiency budgets. To the extent that these issues implicate privacy concerns or non-energy efficiency budgets, and because data sharing rules should remain consistent across customer programs, the Commission should similarly consider billing and customer energy usage data as out of the scope of the EE proceeding.

In exhibits to their applications, RuralREN and BayREN also propose revisions to data sharing rules and access to customer data.^{16/} PG&E looks forward to continuing working with BayREN and working with RuralREN on establishing its programs. To the extent that RuralREN's and BayREN's data sharing requests relate to policy changes and ongoing considerations that govern sharing of non-EE data, those should also be addressed in the appropriate proceeding.

Therefore, based on the foregoing reasons, PG&E respectfully requests the Commission consider these data sharing and privacy issues as out of scope of the 2024 EE Applications and limit the scope to existing EE data guidance and requirements.

B. Considering the Appropriate Cost Effectiveness Test for Energy Efficiency Resource Acquisition Programs is Better Suited for the Integrated Distributed Energy Resources (IDER) Proceeding.

Consideration of cost effectiveness changes should remain in the IDER proceeding or its successor so that energy efficiency cost effectiveness metrics remain consistent with other DERs. MCE proposes that the Commission consider shifting from the Total Resource Cost (TRC) test to the Program Administrator Cost (PAC) test for assessing resource acquisition programs.^{17/} Because of the impact of a potential change to cost-effectiveness measures for all distributed energy resources (DERs), considerations and discussions of transition to the PAC test are better suited for the IDER proceeding or its successor proceeding,^{18/} which has the stakeholders and scoping issues to address the wide range of issues presented. The Commission acknowledged

^{16/} RuralREN Application, Exhibit 1, p. 64. BayREN Application Exhibit 1, pp. 66-67.

^{17/} MCE Application, pp. 26-27.

^{18/} R.14-10-003.

the importance of consistency of cost-effectiveness metrics across DERs in D.19-05-019, stating an aim to “mov[e] closer to a universal cost-effectiveness framework” and acknowledged that the IDER proceeding is the appropriate forum to properly evaluate cost-effectiveness metrics across DERs.^{19/} Thus, the IDER proceeding remains a more appropriate venue to evaluate the impact of such a change and synchronize with other DERs.

III. PROCEDURAL MATTERS

Pursuant to Rule 2.6(d), PG&E also addresses statements regarding the proposed category, need for hearing, and proposed schedule. As this is a consolidated proceeding, PG&E agrees with parties’ respective categorization that this proceeding is ratemaking. PG&E also notes that parties indicated that they do not believe hearings are required in this proceeding.^{20/}

Finally, PG&E looks forward to working with other parties to create a schedule that is workable for parties and stakeholders. Rather than unilaterally proposing a schedule, PG&E will meet and confer with parties on a procedural schedule with the hopes of presenting a jointly proposed schedule before or at the May 17, 2022, Prehearing Conference.

IV. CONCLUSION

PG&E appreciates the opportunity to submit its response to the 2024 EE Applications and looks forward to working with the Commission and stakeholders in the course of this proceeding.

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^{19/} D.19-05-019, p. 19; R.14-10-003.

^{20/} 3C-REN Application, p. 27; BayREN Application, p. 29; MCE Application, p. 32; SDG&E Application p. 30; SoCalGas Application p. 9; SoCalREN Application p. 12.

Respectfully Submitted,

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