

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



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Application of Pacific Gas and Electric Company (U39E) for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023-2027.	A.22-05-002
Application of San Diego Gas & Electric Company (U902E) Requesting Approval and Funding of its Demand Response Portfolio for Bridge Year 2023 and Program Years 2024-2027.	A.22-05-003
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**REPLY COMMENTS OF OHMCONNECT, INC.
ON PROPOSED DECISION APPROVING DEMAND RESPONSE AUCTION
MECHANISM PILOT FOR PILOT YEAR 2024**

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January 5, 2023

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**REPLY COMMENTS OF OHMCONNECT, INC.
ON PROPOSED DECISION APPROVING DEMAND RESPONSE AUCTION
MECHANISM PILOT FOR PILOT YEAR 2024**

Pursuant to Rule 14.3 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, OhmConnect, Inc. (“OhmConnect”) respectfully submits these reply comments on the *Proposed Decision Approving the Demand Response Auction Mechanism Pilot for Pilot Year 2024* (“Proposed Decision”) issued on December 9, 2022. Pursuant to the *Administrative Law Judge’s Ruling Extending Reply Comments Deadline Regarding Proposed Decision Served December 9, 2022*, the deadline for filing of reply comments was extended to noon on January 5, 2023. Accordingly, this filing is timely.

The Proposed Decision correctly concludes that a one-year extension of the Demand Response Auction Mechanism (“DRAM”) pilot is warranted. OhmConnect, the California Efficiency + Demand Management Council, CPower, Leapfrog Power, Inc., and Voltus, Inc. (collectively, the “Joint Parties”), as well as the California Energy Storage Alliance, (“CESA”)

support this extension.¹ Pacific Gas and Electric Company (“PG&E”) and Southern California Edison Company (“SCE”) also accept this outcome.² The Public Advocates Office (“Cal Advocates”) is the sole party to call for the Commission to reject the Proposed Decision’s extension of the DRAM pilot. Cal Advocates’ arguments lack merit and should be dismissed.

Cal Advocates contends that the Commission commits legal error in ordering the investor-owned utilities to conduct an additional DRAM pilot auction for deliveries in 2024. Specifically, Cal Advocates argues that the decision is not justified by the record in this proceeding.³ To support this assertion, Cal Advocates recites the same arguments against the DRAM that it has made throughout the proceeding. Tellingly, Cal Advocates neither acknowledges that the record also contains rebuttals of these arguments nor attempts to demonstrate why these rebuttals have factual errors or commit legal error.

At numerous points in this proceeding, OhmConnect and others highlighted deficiencies in Cal Advocates’ positions, including reliance on old and incomplete data,⁴ inaccurate comparisons of its own data with the Nexant Report,⁵ biased interpretations of the report’s conclusions,⁶ and misinterpretations of DRAM “alternatives.”⁷ Cal Advocates has made no effort to correct plainly inaccurate statements made in its prior filings,⁸ much less substantively

¹ OhmConnect Opening Comments, at 1; Joint Parties Opening Comments, at 3; CESA Opening Comments, at 2.

² PG&E Opening Comments at 1-2; SCE Opening Comments, at 2.

³ PAO Comments, at 1-2.

⁴ Ex. OhmConnect-3 (Maria Belenky), Reply Testimony of OhmConnect on the Demand Response Auction Mechanism Pilot (“OhmConnect Reply Testimony”), at 4-5.

⁵ OhmConnect Opening Brief, at 9-10 (Oct. 7, 2022).

⁶ OhmConnect Reply Testimony, at 3; Ex. Council/Leap-03 (Joseph Desmond), Reply Testimony of The California Efficiency + Demand Management Council and Leapfrog Power, Inc. (“Reply Testimony of the Council and Leap”), at 5.

⁷ OhmConnect Opening Brief, at 4-6; Reply Testimony of the Council and Leap, at 5-6; Opening Brief of Voltus, at 3-5; Opening Brief of CESA, at 4.

⁸ For example, Cal Advocates once again asserts that Community Choice Aggregation DR Partnerships are an alternate pathway for customers to participate in DR. This statement is based on OhmConnect’s partnership with San Diego Community Power, which OhmConnect has previously explained is simply a

address any of the criticisms of its conclusions. Each filing simply restates prior arguments, often verbatim. As such, Cal Advocates' positions—as again reiterated in their opening comments—should be dismissed for all the reasons parties have given in prior filings and articulated in the Proposed Decision. The Commission has not committed legal error simply because the Proposed Decision did not yield Cal Advocates' desired result. "Disagreement does not establish legal error." ⁹

In reviewing the record, the Proposed Decision appropriately cites both criticisms of the DRAM as well as rebuttals of some of these criticisms. Based on a review of the full record, the Commission has correctly determined that a one-year extension of the DRAM is warranted. Given that Cal Advocates' opening comments does not demonstrate any actual misinterpretation of the record by the Commission, there is no reason to reject the Proposed Decision as Cal Advocates recommends. Instead, the Commission should adopt the Proposed Decision with the clarifications that OhmConnect requested in its opening comments.

marketing arrangement. It is not a DR program and no examples of actual DR partnerships with CCAs exist in the record.

⁹ Decision 14-05-034, *mimeo* at 18.

Respectfully submitted,

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