



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

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September 13, 2024

Agenda ID #22923
Ratesetting

TO PARTIES OF RECORD IN PETITION 24-03-013:

This is the proposed decision of Administrative Law Judge Sasha Goldberg. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 17, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3/jnf

Attachment

Decision PROPOSED DECISION OF ALJ GOLDBERG (Mailed 9/13/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Petition of the Public Advocates Office to Adopt, Amend, or Repeal a Regulation Pursuant to Pub. Util. Code Section 1708.5.	Petition 24-03-013
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**DECISION DENYING THE PUBLIC ADVOCATES OFFICE'S PETITION TO
OPEN A RULEMAKING TO ADOPT, AMEND, OR REPEAL A REGULATION
PURSUANT TO PUBLIC UTILITIES CODE SECTION 1708.5**

Summary

This decision denies the Public Advocates Office at the California Public Utilities Commission's petition to open a rulemaking to align demand side program designs and budgets with California's current electrification, decarbonization, equity, and reliability goals (Petition). These demand side programs include energy efficiency, low-income energy efficiency via the Energy Savings Assistance program, demand response, self-generation, net metering, and storage. The Petition intends to exclusively align energy efficiency, low-income energy efficiency, and demand response program designs and budgets with the state's current climate and energy goals.

Although the Petition raises important issues related to affordability and other energy and climate goals, it is duplicative of active California Public Utilities Commission (Commission) proceedings, or have already been

considered in other Commission proceedings within the previous 12 months. The Petition is also overly broad in scope and fails to meet the requirements Rule 6.3 of the Commission's Rules of Practice and Procedure. Given all the above, the Petition is denied.

Petition 24-03-013 is closed.

1. Background

1.1. Procedural Background

On March 18, 2024, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) filed a petition to open a rulemaking to adopt, amend, or repeal a regulation pursuant to Public Utilities (Pub. Util.) Code Section 1708.5¹ (Petition). Rule 6.3 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules) outline the rules for a petition for rulemaking.

On April 5, 2024, the following parties submitted responses to the Petition: Southern California Edison Company (SCE); Small Business Utility Advocates (SBUA); California Efficiency and Demand Management Council (CEDMC); San Diego Gas & Electric Company (SDG&E); Southern California Gas Company (SoCalGas); Center for Energy Efficiency and Renewable Technologies (CEERT); County of Ventura, Association of Bay Area Governments, Western Riverside Council of Governments (Joint RENs); Center for Accessible Technology (CforAT); Natural Resources Defense Council (NRDC) and The Utility Reform

¹ Pub. Util. Code § 1708.5: (a) the commission shall permit interested persons to petition the commission to adopt, amend, or repeal a regulation; (b)(1) the commission shall consider a petition and, within six months from the date of receipt of the petition, either deny the petition or institute a proceeding to adopt, amend or repeal the regulation; (b)(2) the commission may extend the six month period to allow public review and comment pursuant to subdivision (g) of Section 311; (c) if the commission denies the petition, the order or resolution of the commission shall include a statement of the reasons of the commission for that denial.

Network (TURN); Recurve; Southern California Regional Energy Network (SoCalREN); and Pacific Gas and Electric Company (PG&E).

On April 15, 2024, the following parties submitted replies to responses: SDG&E; PG&E; Coalition for Energy Efficiency (CEE); SoCalREN; Cal Advocates; SoCalGas; and Joint RENs. On April 25, 2024, the Petition was formally assigned to Administrative Law Judge (ALJ) Sasha Goldberg. On April 26, 2024, Cal Advocates filed an amended reply to party responses to its Petition.

1.2. Submission Date

This matter was submitted on April 26, 2024 upon the filing of Cal Advocates' amended reply to party responses to its Petition.

2. Summary of Petition

The Petition requests that the Commission open a new rulemaking to align demand side program designs and budgets with California's current electrification, decarbonization, equity, and reliability goals. Cal Advocates states that the scope of the new rulemaking would allow the Commission to consider the achievement of California's greenhouse gas (GHG) reduction goals alongside concerns over rate affordability, reliability, and equity outcomes for programs associated with demand response, energy efficiency, and the Energy Savings Assistance (ESA) program.² The Petition outlines the current climate crisis, a variety of legislation, and state and federal initiatives requiring the prioritizing of electrification and decarbonization goals, in addition to affordability concerns across California's investor owned utilities.³

Cal Advocates points to their 2023 fourth quarter report on electric rate trends from the past decade to frame the issue if too high electric rates could potentially

² Petition at 1.

³ *Id.* at 2.

disincentivize customers from electrification and decarbonization goals, such as building electrification or buying an electric vehicle.⁴ Cal Advocates recommends that the rulemaking have two tracks: first, to establish cost effective methods for promoting demand side reliability and abatement measures; and second, to advance policies to ensure that the benefits of demand side programs are equitable and realized by all customers.⁵

The Petition addresses current proceedings and pilot efforts before the Commission to implement demand side programs, including: the Energy Efficiency (EE) Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues rulemaking (R.13-11-005);⁶ the Distributed Energy Resources (DER) Program Cost-Effectiveness Issues, Data Access and Use, and Equipment Performance Standards rulemaking (R.22-11-013); the Building Decarbonization rulemaking (R.19-01-011); the Advanced Demand Flexibility Through Electric Rates rulemaking (R.22-07-005); electrification pilots for the San Joaquin Valley's disadvantaged communities; SCE's ESA Building Electrification pilot; and PG&E's Zonal Electrification and Residential Equity Electrification program(s).⁷ Cal Advocates contends that, while there have been prior proceedings to

⁴ *Id.* at 2; see <https://www.publicadvocates.cpuc.ca.gov/press-room/reports-and-analyses/q4-2023-electric-rates-report>.

⁵ *Id.* at 8.

⁶ *Id.* at 13: While issues related to energy efficiency have been litigated within the past 12 months in the current energy efficiency rulemaking, the issues proposed for consideration in this petition go beyond what has been determined in the energy efficiency rulemaking. As previously discussed, R.13-11-005 has set the goals for ratepayer-funded energy efficiency portfolios through 2035-36. The rulemaking proposed in this petition would go beyond these energy efficiency goals and consider additional demand side programs and ensure that the goals for these demand side programs are aligned with California and the Commission's larger electrification goals.

⁷ *Id.* at 3-12.

implement demand side programs, there is no open proceeding to consider these programs holistically, leading to siloed approaches for methods of GHG reduction and reliability.⁸

3. Positions of Parties

PG&E, SCE, SDG&E, SoCalGas, NRDC, TURN, CforAT, CEE, and Recurve support opening a new rulemaking. SoCalREN, Joint RENs, SBUA, CEERT, and CEDMC oppose opening a new rulemaking.

3.1. Parties in Support of Petition

3.1.1. Pacific Gas and Electric Company

PG&E responds that consolidating demand side programs in a single proceeding could enable these offerings to be more comprehensive, streamlined, and customer-centric.⁹ PG&E recommends the Commission rationalize the objectives and scope of the potential new rulemaking by reviewing the risks and benefits of consolidating the EE and demand response (DR) proceedings; reconciling objectives with the DER Action Plan programmatic review objectives; and separating the California Alternative Rates for Energy and the Family Electric Rate Assistance programs from ESA issues in the new rulemaking.¹⁰ On reply, PG&E recommends the Commission bifurcate the new rulemaking into a policy track and implementation track to resolve threshold issues to address portfolio preparation timing in the most efficient way.¹¹

⁸ *Id.* at 2-3.

⁹ PG&E Response at 2.

¹⁰ *Id.* at 2-4.

¹¹ *Id.* at 2.

3.1.2. Southern California Edison Company

SCE supports the Petition, but cautions that the proposed rulemaking would likely be unprecedented in breadth of its scope, as it is proposing to reform and combine rules for portfolios that seek to achieve different goals, are subject to specific and distinct statutory mandates, and have been developed over the course of decades.¹² SCE notes that such an expansive rulemaking faces the risks of getting bogged down as multiple issues and work streams need to be resolved and achieving meaningful progress will likely go beyond the one- to two-year timeframe envisioned in the Petition.¹³ SCE recommends conducting a workshop before establishing the scope of the rulemaking, evaluating EE and ESA programs first, and removing consideration of the integration of the DR portfolio.¹⁴

3.1.3. San Diego Gas & Electric Company

SDG&E believes that to provide value, the new rulemaking must have clearly defined goals and objectives determined at the outset before analysis of existing programs or portfolios take place.¹⁵ SDG&E recommends that the rulemaking be prioritized as follows: (1) affordability, where efforts to coordinate EE, DR, low-income programs should focus on how to add value while ensuring affordability for ratepayers; (2) cost effectiveness, by prioritizing the development and management of programs that deliver measurable, transparent results and consider retiring less effective legacy programs; (3) setting realistic

¹² SCE Reply at 2.

¹³ *Id.* at 2-3.

¹⁴ *Id.* at 3-4.

¹⁵ SDG&E Response at 2.

goals for electrification and decarbonization climate goals; and (4) reducing inefficiencies that do not contribute to effectiveness or serve customers.¹⁶

3.1.4. Southern California Gas Company

SoCalGas recommends establishing a stakeholder process, like the stakeholder collaboration that led to R.13-11-005, the EE Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues rulemaking, to bring recommendations before the Commission for further consideration.¹⁷ This will gain additional clarity on the proposed rulemaking for the Commission to consider.¹⁸

3.1.5. Natural Resources Defense Council & The Utility Reform Network

NRDC and TURN are strongly in support of the Petition to ensure that DER programs evolve to keep up with California's decarbonization policy goals.¹⁹ NRDC and TURN caution that current fragmented DER procurement, with each DER having its own methods of measurement and valuation, causes at least three inefficiencies: (1) incomplete valuation of DERs; (2) prevents multiple DERs from competing to provide value and thereby it also ignores the interactive effects between multiple DERs; and (3) unnecessary administrative burden caused by DER fragmentation.²⁰ NRDC and TURN recommend the that Commission ensure that ratepayer funds are spent cost-effectively, costs and benefits of ratepayer funded initiatives are progressively distributed, and energy

¹⁶ *Id.* at 2.

¹⁷ SoCalGas Response at 1-2.

¹⁸ *Id.* at 8.

¹⁹ NRDC and TURN Joint Response at 2.

²⁰ *Id.* at 5.

bills remain manageable for all customers, including low-income customers.²¹ NRDC and TURN recommend that the Commission modify the proposed scope to set budgets for different tracks through coordination with the DER cost-effectiveness proceeding and ensure an inclusive and accessible stakeholder process in line with the Commission's Environmental and Social Justice Action Plan.²²

3.1.6. Center for Accessible Technology

CforAT states that the current EE rulemaking does not comprehensively address all the issues that are relevant to the state's clean energy and reliability goals.²³ CforAT recommends that the Petition's scope include efforts to maximize all potential non-ratepayer funding sources for demand side programs, and ensures that utility bills reflect cost-effectiveness requirements.²⁴

3.1.7. Coalition for Energy Efficiency

CEE believes the Petition will allow the Commission to identify cost-effective policy solutions, reduce regulatory blind spots, and create new opportunities to address equity and affordability in EE and DR programs.²⁵ CEE recommends that the Petition's scope be expanded to establish policies consistent with the high jobs model, and help develop a skilled, green workforce needed to meet California's climate goals.²⁶

²¹ *Id.* at 3.

²² *Id.* at 10.

²³ CforAT Response at 1.

²⁴ *Id.* at 3.

²⁵ CEE Response at 4.

²⁶ *Id.* at 9.

3.1.8. Recurve

Recurve generally supports the Petition and solutions to improve the current regulatory processes to deliver maximum benefits to ratepayers.²⁷ Recurve states that the Petition should consider how market-based pay-for-performance delivery models can streamline delivery of demand flexibility throughout demand side programs.²⁸ Recurve believes the proceeding should include consideration of design-based ratepayer protections rather than blind application of a cost-effectiveness test.²⁹ Recurve notes that a single DER proceeding anchored in the value delivered could help synergize California's intent to address reliability, affordability, and decarbonization of the energy system overall.³⁰

3.2. Parties Unsupportive of Petition

3.2.1. Southern California Regional Energy Network

SoCalREN argues that contrary to the Petition's implication that funding demand side measures as part of ratepayer funded programs is causing rate affordability challenges, demand side management investments are only a very small minority of the utilities' revenue requirement.³¹ As such, SoCalREN feels that these programs are not a significant driver of upward rate pressure, but provides direct relief to vulnerable customers struggling with affordability.³² Energy efficiency and ESA are funded via the public purpose program surcharge

²⁷ Recurve Response at 2.

²⁸ *Id.* at 3.

²⁹ *Id.* at 3.

³⁰ *Id.* at 5.

³¹ SoCalREN Response at 5.

³² *Id.* at 5.

rate component, contributing to only a small minority of the utilities' revenue requirements.³³ SoCalREN supports its position with charts that illustrate the public purpose program surcharge rate component in comparison to the revenue requirements for PG&E, SCE, and SDG&E over the past eight years.³⁴

3.2.2. County of Ventura, Association of Bay Area Governments, Western Riverside Council of Governments

The Joint RENs³⁵ highlight the Commission's most recent decision authorizing energy efficiency portfolios for 2024-2027, which authorized REN budgets that are largely centered on the equity segment, market support segment, and codes and standards offerings.³⁶ The Joint RENs feel the Petition does not advance the Commission's equity objectives and is a re-litigation of matters recently decided on by the Commission.³⁷

3.2.3. Small Business Utility Advocates

Although SBUA shares Cal Advocates' concerns and supports the Petition's goals, SBUA is uncertain whether a consolidated rulemaking would be the most effective means of taking on such a large and multipronged task.³⁸ SBUA offers that program alignment would be valuable for small business managers and encourages a "one stop shop" approach to leverage incentives, resources, and customer attention.³⁹

³³ *Id.* at 5-9.

³⁴ SoCalREN Response at 6-8.

³⁵ *Id.* at 1: Regional Energy Networks (REN) are portfolio administrators established by the Commission to offer EE programs in their specified region.

³⁶ Joint RENs Response at 1-2; *see* D.23-06-055.

³⁷ *Id.* at 2-3.

³⁸ SBUA Response at 3.

³⁹ *Id.* at 3.

3.2.4. Center for Energy Efficiency and Renewable Technologies

CEERT urges the Commission to reject the Petition, stating that it is not necessary to link review of EE and DR programs. CEERT recommends that the Commission open two separate proceedings to address opportunities to improve EE and DR because of the programs' different designs and strategies.⁴⁰ CEERT contends that the Petition overlaps with R.24-01-018 (rulemaking to Establish Energization Timelines) and amplifies the need for separate proceedings so that they can be optimally coordinated with electrification goals.⁴¹

3.2.5. California Efficiency and Demand Management Council

CEDMC believes that the Petition will "sweep aside nearly a decade of prior Commission EE and DR cost-effectiveness rulings in the name of rate affordability without offering any evidence that doing so is necessary or beneficial."⁴² CEDMC contends that current demand side programs support decarbonization efforts through improved affordability, reliability, reduced emissions, and mitigated risk.⁴³ CEDMC explains that in Decision (D.) 23-06-055, the California Energy Efficiency Coordinating Council recently developed a set of criteria for tracking equity progress, which should be the forum to consider Total System Benefits methodologies.⁴⁴

⁴⁰ CEERT Response at 2-3.

⁴¹ *Id.* at 4.

⁴² CEDMC Response at 2.

⁴³ *Id.* at 3-4.

⁴⁴ *Id.* at 2; D.23-06-055 (Decision Authorizing Energy Efficiency Portfolios for 2024-2027 and Business Plans for 2024-2031).

4. Discussion

4.1. The Petition Is Duplicative of Prior and Active Proceedings Before the Commission

The Petition raises many topics worthy of consideration, and we agree that these issues should be considered holistically. However, many of these topics have already been incorporated into various Commission proceedings where coordination efforts have been put in place. For example, the EE proceeding, R.13-11-005, has included following items over the past few years:

- The Potential and Goals study was expanded to include low-income savings forecasts as part of the 2023 study.
- In 2021, the Commission changed the goal attainment metric from a first-year energy savings value to the Total System Benefit value. Starting in 2024, the portfolio values energy and peak demand savings along with greenhouse gas benefits of energy efficiency.
- In 2023, the Commission approved the use of an energy efficiency program delivery to combine resource types, allowing customers to install a multi-Distributed Energy Resource project. This is in addition to the energy efficiency and demand response Integrated Demand Side Management programs authorized in D.18-05-041.
- To support the state's goals to reduce greenhouse gas emissions and decarbonize the economy, in 2023 the Commission took a first step to reduce ratepayer funded incentives for natural gas energy efficiency measures.
- In 2023, the Commission adopted an Equity budget for the 2024-2027 portfolio.

Similarly, the ESA and DR proceedings have also addressed, and aligned where reasonable, affordability and cost effectiveness issues, electrification and decarbonization efforts, and equity standards among related programs. For example, in the latest decision approving budgets and program design for the ESA program, D.21-06-015, the Commission established standards for workforce

training and required the investor owned utilities to leverage the program established in the EE proceeding, the Career & Workforce Readiness program, to focus on upskilling incumbent and disadvantaged workers. That same decision also required the investor owned utilities to coordinate all low income and clean energy programs, at a minimum to include ESA, the California Alternate Rates for Energy program, the Family Electric Rate Assistance program, the Self-Generation Incentive Program, the Solar on Multifamily Affordable Housing Program⁴⁵, the Arrearage Management Plan, the Percentage of Income Payment Plan, and the Department of Community Services and Development's low income assistance programs (LIHEAP).

These issues are not new, and may appear to be siloed because they are scoped into separate proceedings, but they are not. These issues continue to be a consideration throughout various proceedings where coordination is occurring.

4.2. The Petition Fails to Meet the Requirements of Rule 6.3

In addition to the Petition being duplicative of issues being addressed in other proceedings, the Petition fails to meet the requirements of Rule 6.3 as discussed below.

Cal Advocates request that the Commission adopt a rulemaking pursuant to Pub. Util. Code Section 1708.5. The Commission implements Section 1708.5 in Rule 6.3.

We evaluate Cal Advocates' request according to Rule 6.3 and explain the most pertinent sections for the purposes of this decision. Rule 6.3(a) requires that the proposed regulation must apply to an *entire class* (emphasis added) of entities or activities over which the Commission has jurisdiction and must apply to

⁴⁵ See <https://calsomah.org>.

future conduct. Rule 6.3(b) requires the petition to state the justification for the requested relief, include proposed wording for its proposed regulation, and state whether the petitioner believes that the issues raised in the petition have ever been litigated before the Commission.

Rule 6.3(c) requires that, if the petition would result in modification of a prior Commission order or decision, then the petition must be served on all parties to the proceeding or proceedings in which the decision that would be modified was issued.

Rule 6.3(d) covers the rules for responses and replies to a petition. Rule 6.3(e) provides that the *ex parte* requirements of Article 8 of the Commission's Rules of Practice and Procedure do not apply to petitions for rulemaking.

Finally, Rule 6.3(f) states that the Commission will not entertain a petition for rulemaking on an issue that the Commission *has acted on or decided not to act on within the preceding 12 months* (emphasis added).

4.2.1. Application of Rule 6.3(a)

Generally, Cal Advocates has met its burden to show that the proposed regulation applies to an entire class of entities or activities which the Commission has jurisdiction. The Petition, though broad, focuses on demand side programs, such as EE, DR, and ESA, rather than on a single class of activities.

4.2.2. Application of Rule 6.3(b)

Cal Advocates fails to satisfy Rule 6.3(b) in that it does not state its requested relief. Nor does the Petition address wording for its proposed regulation. Instead of offering specific wording or relief, Cal Advocates asks for a holistic approach to demand side programs and lists Cal Advocates' concerns with the current EE, DR, and ESA proceedings before the Commission. In terms

of identifying issues that have already been litigated before the Commission, Section IV(A) of the Petition addresses some of the proceedings that have cost effectiveness issues for EE and DR programs. Additionally, Cal Advocates identifies Commission decisions that have considered whether RENs should continue a pilot program basis or transition to become permanent portfolio administrators.⁴⁶ Finally, on page 12 of the Petition there is a list of rate and DR applications with the caveat that after consultation with the Commission's Public Advisor's Office, these proceedings *might* (emphasis added) be relevant to Cal Advocates' request. This lack of specificity does not satisfy the requirements of Rule 6.3(b).

4.2.3. Application of Rule 6.3(c)

Cal Advocates states that the Petition was served on the following service lists after consultation with the Commission's Public Advisor's Office: Application (A.) 17-12-011 (consolidated with A.17-12-012 and A.17-12-013); R.13-09-011; and A.17-01-013 (consolidated with A.17-01-014, A.17-01-015, A.17-01-016, and A.17-01-017). Cal Advocates offers that it would serve the Petition on additional persons via the direction of the assigned ALJ. However, given that the ALJ was assigned after the Petition was filed, this issue appears moot to Cal Advocates burden under Rule 6.3(c). Moreover, the service lists above do not capture the complete list of proceedings that are identified throughout the Petition.

4.2.4. Application of Rule 6.3(d)

Rule 6.3(d) requires responses to a petition be filed and served within 30 days of the date the petition was served, unless the ALJ sets a different date. The

⁴⁶ Petition at 10; referencing D.23-06-055 and D.23-12-005.

Petitioner and any other persons may reply to the responses to the petition. Replies must be filed within 10 days of the last day for filing responses, unless the ALJ sets a different date.

Here, responses were timely filed within 30 days from the date the Petition was served. The assigned ALJ did not set a different date for responses. Additionally, replies were timely served, as the assigned ALJ did not set a different date for replies to the Petition. Cal Advocates has satisfied the requirements of Rule 6.3(d).

4.2.5. Application of Rule 6.3(e)

Rule 6.3(e) specifies that the requirements of Article 8 of the Commission's Rules of Practice and Procedure regarding communications with decisionmakers and Commissioners' advisors do not apply to petitions for rulemaking. Article 8 of the Commission's Rules of Practice and Procedure covers communications with decisionmakers and advisors.

Here, parties have followed Article 8 of the Commission's Rules of Practice and Procedure instructions and filed *ex parte* notices accordingly. Cal Advocates satisfies the requirement of Rule 6.3(e).

4.2.6. Application of Rule 6.3(f)

Finally, Cal Advocates has not met its burden under Rule 6.3(f). Rule 6.3(f) states that the Commission will not entertain a petition for rulemaking on an issue that the Commission has acted on or decided not to act on within the preceding 12 months (emphasis added).

Cal Advocates acknowledges that issues related to energy efficiency have been litigated within the past 12 months in the current EE Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues rulemaking, but provides the caveat that proposed issues for consideration in the Petition go beyond what has

been determined in the energy efficiency rulemaking.⁴⁷ In R.13-11-005, D.23-08-005 set the goals for ratepayer-funded energy efficiency portfolios through 2035.⁴⁸ Cal Advocates claims that the proposed new rulemaking would go beyond these energy efficiency goals and consider additional demand side programs and ensure that the goals for these demand side programs are aligned with California and the Commission's larger electrification goals.⁴⁹ Given that D.23-08-005 was decided within 12 months of the filing date of the instant petition, Cal Advocates fails to meet its burden under Rule 6.3(f).

5. What Future Proceedings Can Resolve

Although we find that this Petition raises many topics that are duplicative of issues set out in current proceedings, we highlight some of the issues raised by Cal Advocates that could be considered by the Commission in future proceedings. For example, a successor to the current EE proceeding, new DR proceeding, and new ESA proceeding could consider the following topics:

- Consider how the results from ongoing pilots could inform the Equity Segment, as well as potential further synergies between programs that serve low-income customers.
- Consider enhanced ways to value and assess the energy efficiency portfolio at the program and/or portfolio level.
- Consider ways to further grow fuel substitution within the EE portfolios, including by exploring barriers that may exist in today's EE portfolios.
- Consider how to better coordinate between Commission programs to ensure customer ease in participation and cost savings through efficiencies.

⁴⁷ *Id.* at 13.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

6. Conclusion

In conclusion, the Petition is duplicative of ongoing efforts at the Commission, overly broad in scope, and fails to meet the procedural requirements of Rule 6.3(b), (c), and (f). Additionally, while the issues raised by Cal Advocates are important, we agree with parties that such an overly broad rulemaking could complicate or counteract the tailored approaches developed in these demand side programs over the last ten years. While a new rulemaking could be worthwhile and timely, more stakeholder input and consolidation of issues is needed to address the concerns Cal Advocates raise. Accordingly, this Petition is denied.

Cal Advocates may seek to include their issues of concern in the scope of other, ongoing or future Commission proceedings.

7. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

As of August 29, 2024, there have been no public comments filed on the Public Comment portion of this proceeding’s docket card.

8. Categorization and Need for Hearings

This proceeding is categorized as a petition for rulemaking. There is no hearing taken for such proceedings.

9. Comments on Proposed Decision

The proposed decision of ALJ Goldberg in this matter was mailed to parties in accordance with Pub. Util. Code Section 311 and comments were

allowed under Rule 14.3. Comments were filed on _____, and reply comments were filed on _____ by _____.

10. Assignment of Proceeding

President Alice Reynolds is the assigned Commissioner and Sasha Goldberg is the assigned ALJ in this proceeding.

Findings of Fact

1. The Petition is overly broad and asks for a holistic approach for demand side programs to address the state's decarbonization goals, equity, and affordability concerns.
2. The Petition is duplicative because the issues presented in the Petition are currently being considered in active Commission proceedings or have already been considered in other Commission proceedings within the past 12 months, including those addressed in the EE, DR and ESA proceedings.
3. Pub. Util. Code Section 1708.5 requires that the Commission implement its terms under the Commission's Rules of Practice and Procedure.
4. Rule 6.3 governs petitions made pursuant to Pub. Util. Code Section 1708.5.
5. Rule 6.3(b) requires the petition to state the justification for the requested relief, include proposed wording for its proposed regulation, and state whether the Cal Advocates believes that the issues raised in the petition have ever been litigated before the Commission.
6. Rule 6.3(c) requires that, if the petition would result in modification of a prior Commission order or decision, then the petition must be served on all parties to the proceeding or proceedings in which the decision that would be modified was issued.

7. Rule 6.3(f) states that the Commission will not entertain a petition for rulemaking on an issue that the Commission has acted on or decided not to act on within the preceding 12 months.

8. The Petition fails to meet the requirements of Rule 6.3(b), (c), and (f).

Conclusions of Law

1. The Petition is overly broad, duplicative, and raises issues that are being considered in active Commission proceedings, or have been considered in other Commission proceedings within the previous 12 months, and should be denied.

2. The Petition fails to meet the requirements of Rule 6.3(b), (c), and (f) and should be denied.

O R D E R

IT IS ORDERED that:

1. The petition of the Public Advocates Office at the California Public Utilities Commission to open a rulemaking to adopt, amend, or repeal a regulation pursuant to Public Utilities Code Section 1708.5 is denied.

2. Petition 24-03-013 is closed.

This order is effective today.

Dated _____, at Sacramento, California.