

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric  
Company (U 39 E) for Approval of its  
Demand Response Programs, Pilots and  
Budgets for Program Years 2023-2027

Application 22-05-002  
(Filed May 2, 2022)

And Related Matters.

Application 22-05-003  
Application 22-05-004

**OPENING COMMENTS OF  
THE CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT COUNCIL ON  
ADMINISTRATIVE LAW JUDGE RULING SEEKING PARTY COMMENT ON  
DEMAND RESPONSE AUCTION MECHANISM QUESTIONS AND PROVIDING  
UPDATED PUBLIC VERSION OF THE DEMAND RESPONSE AUCTION MECHANISM  
EVALUATION REPORT**

Dated: March 30, 2023

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**I. INTRODUCTION**

The California Efficiency + Demand Management Council<sup>1</sup> (“the Council”) respectfully submits these Opening Comments on the Administrative Law Judge Ruling Seeking Party on Demand Response Auction Mechanism Questions and Providing Updated Public Version of the Demand Response Auction Mechanism Evaluation Report, issued in this proceeding on March 3, 2023 (“ALJ Ruling”). These Opening Comments are timely filed and served pursuant to the Commission’s Rules of Practice and Procedure and the contained in the ALJ Ruling. The ALJ Ruling requests that parties submit responses to Questions 1A-1B on March 30, 2023.

**II. BACKGROUND**

The Council is a statewide trade association of non-utility businesses and organizations that provide energy efficiency (“EE”), demand response (“DR”), distributed energy resources (“DER”) and data analytics services and products in California. Our Member companies and organizations employ many thousands of Californians throughout the state. They include EE, DR, DER, and grid services technology providers, implementation and evaluation experts,

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<sup>1</sup> The views expressed by the California Efficiency + Demand Management Council are not necessarily those of its individual members.

energy service companies, engineering and architecture firms, contractors, financing experts, and workforce training.

### III. THE COUNCIL'S RESPONSES TO QUESTIONS 1A-1B

1. **If the Commission were to consider allowing the parties to request additional information on the Updated Nexant Report, it may be prudent to set certain boundaries on the sharing of data and evaluation results to protect market-sensitive information. In the event that the request for additional information is granted, should the Commission adopt the following provisions?**
  - a. **Each DRAM seller would be provided with an individualized version of the Updated Nexant Report with their respective results unredacted, and all data specific to each seller used in the evaluation would be provided to the respective DRAM seller but not other sellers.**

The Council appreciates the greater transparency provided by the Updated Nexant Report. On behalf of our DR Auction Mechanism (“DRAM”) seller Members, we would like to convey their strong support for the Commission providing each DRAM seller with an individualized version of the Report with their respective results unredacted, including all data specific to the seller used in the evaluation. This would go a long way toward addressing the Council concerns expressed in Phase 1 of this proceeding about the lack of access due to Energy Division redactions.<sup>2</sup>

However, even if the Commission authorizes this step, questions remain of how data requests and evidentiary hearings will be handled. The release of analysis results and data specific to each DRAM seller, as is contemplated in this question, would certainly be helpful in ensuring a fair proceeding, but there may be a need for data requests on areas needing additional clarity.

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<sup>2</sup> Council and Leap Phase 1 Opening Brief, at p. 3.

- b. The confidential version of the Updated Nexant Report and all data used in the evaluation would be provided to the Commission’s Public Advocates’ Office, and any other non-market participant that is a party to this proceeding upon request that agrees to sign a Non-Disclosure Agreement with the Commission. Requests for the Non-Disclosure Agreement form shall be directed to the Commission’s Legal Division [citation omitted]. Requests for the confidential Updated Nexant Report and evaluation data shall be directed to the Commission’s Energy Division staff.**

The Council has no objections to this step. However, the Commission should clearly define what constitutes a “non-market participant” to ensure clarity in advance.

#### **IV. CONCLUSION**

The Council appreciates the opportunity to respond to Questions 1A and 1B from the ALJ Ruling.

Dated: March 30, 2023

Respectfully submitted,

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