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 § 1708.5.	Petition 24-03-013 (Filed March 18, 2024)

OPENING COMMENTS OF THE CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT COUNCIL ON PROPOSED 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

October 3, 2024

Joseph Desmond
Executive Director
California Efficiency + Demand Management Council
849 E. Stanley Blvd #264
Livermore, CA 94550
Telephone: 925-785-2878
E-mail: policy@cedmc.org

Luke Tougas
Consultant for
California Efficiency + Demand Management Council
849 E. Stanley Blvd #264
Livermore, CA 94550
Telephone: 510-326-1931
E-mail: l.tougas@cleanenergyregresearch.com

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I. INTRODUCTION

The California Efficiency + Demand Management Council ("The Council") respectfully submits these Opening Comments on the Proposed 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 ("Proposed Decision" or "PD"), mailed in Petition ("P.") 24-03-013 (Public Advocates Office ("Cal Advocates") Petition) on September 13, 2024. These Opening Comments are timely filed and served pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure and the instructions accompanying the Proposed Decision.

II. BACKGROUND

The Council is a statewide trade association of non-utility businesses that provide energy efficiency, demand response, and data analytics services and products in California.[1] Our member companies employ many thousands of Californians throughout the state. They include energy efficiency ("EE"), demand response ("DR"), and distributed energy resources ("DER") service providers, implementation and evaluation experts, energy service companies, engineering and architecture firms, contractors, financing experts, workforce training entities, and energy efficient product manufacturers. The Council's mission is to support appropriate EE, DR, and DER policies, programs, and technologies to create sustainable jobs, long-term economic growth, stable and reasonably priced energy infrastructures, and environmental improvement.

[1] Additional information about the Council, including the organization's current membership, Board of Directors, antitrust guidelines and code of ethics for its members, can be found at http://www.cedmc.org. The views expressed by the Council are not necessarily those of its individual members.

III. SUMMARY OF THE COUNCIL'S POSITION

The Council thanks the Commission for its rejection of Cal Advocates' Petition which would, as the Proposed Decision illustrates, address issues that "have already been incorporated into various Commission proceedings where coordination efforts have been put into place."[2] One of the many shortcomings of the Petition is that it never demonstrated that the Commission's current efforts to address these issues were inadequate. The Council agrees with the Proposed Decision that issues highlighted in the Petition are neither new nor siloed.[3]

IV. THE COUNCIL AGREES WITH THE PROPOSED DECISION'S FINDING THAT THE PETITION FAILED TO SATISFY THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

The Proposed Decision finds that the Petition failed to satisfy Rule 6.3(b), Rule 6.3(c), and Rule 6.3(f) of the Commission's Rules of Practice and Procedure.[4] With regard to Rule 6.3(b), Cal Advocates' desire for a "holistic approach" to demand-side programs for its own sake is clearly insufficient grounds for satisfying this rule. Failure to satisfy Rule 6.3(c) is even clearer because the Petition was not distributed as widely as it should have. This may have had the effect of limiting party responses which would have helped to inform the Commission in its consideration of the Petition. Finally, with regard to Rule 6.3(f), the PD correctly finds that the Commission's approval of Decision ("D.") 23-08-005, which addresses energy efficiency goals, within 12 months of the Petition's filing is a disqualifying factor because the Petition includes updated goals within the scope of the proposed rulemaking.[5]

V. THE PROPOSED DECISION CORRECTLY RECOMMENDS INSTITUTING NEW EE AND DR PROCEEDINGS AS LONG AS THEY ARE SEPARATE FROM EACH OTHER

The Proposed Decision states that issues raised by Cal Advocates in regard to EE and DR could be "considered by the Commission in future proceedings."[6] The Council is supportive of this as well as the Proposed Decision's suggestion to "consider how to better coordinate between Commission programs to ensure customer ease in participation and cost savings through

[2] Proposed Decision, at p. 12.
[3] *Id.*, at p. 13.
[4] *Id.*, at pp. 13-17.
[5] *Id.*, at pp. 16-17.
[6] *Id.*, at p. 17.

efficiencies."[7] The Council respectfully notes that a new DR rulemaking has been long overdue and recommends the following issues be included in the broader scope:

1. Device-level measurement to reduce barriers to customer participation in DR programs
2. Updating dual participation rules between multiple load-modifying (including dynamic rate pilots) and/or supply-side DR programs
3. Improved baseline methodologies
4. How DR programs can incorporate two- to three-hour resources to address the super peak period of highest demand
5. Investor-Owned Utility-specific allocations of the statewide Load Shift Goal
6. Competitive parity issues

VI. CONCLUSION

The Council respectfully submits this Response and urges the Commission to adopt the Proposed Decision.

Respectfully submitted,

October 3, 2024

/s/ JOSEPH DESMOND

Joseph Desmond
Executive Director
California Efficiency + Demand Management Council
849 E. Stanley Blvd #264
Livermore, CA 94550
Telephone: 925-785-2878
E-mail: policy@cedmc.org

[7] Proposed Decision, at p. 17.