

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

Application of San Diego Gas & Electric Company (U 902 M) for Approval of Low-Income Assistance Programs for Program Years 2007 and 2008.	Application 06-06-032 (Filed June 30, 2006)
Application of Southern California Gas Company (U 904 G) for Approval of Low-Income Assistance Programs for Program Years 2007 and 2008.	Application 06-06-033 (Filed June 30, 2006)
Application of Pacific Gas and Electric Company (U 39 M) for Approval of the 2007 and 2008 California Alternative Rates for Energy Efficiency and Low Income Energy Efficiency Programs and Budget.	Application 06-06-034 (Filed June 30, 2006)
Southern California Edison Company's (U 388-E) Application for Approval of Low-Income Assistance Programs and Budgets for Program Years 2007 and 2008.	Application 06-07-001 (Filed July 3, 2006)

**The Comments of the Association of California Community and Energy Services on  
the Proposed Decision of ALJ Malcolm on  
Applications 06-06-032, 06-06-033, 06-06-034, and 06-07-001**

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Dated: December 4, 2006

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**The Comments of the Association of California Community and Energy Services on the Proposed Decision of ALJ Malcolm on Applications 06-06-032, 06-06-033, 06-06-034, and 06-07-001.**

The Commission's "Rules of Practice and Procedure," Rule 77.3, "Scope of Comments on Proposed Decision" require that:

"Comments shall focus on factual, legal or technical errors in the proposed decision and in citing such errors shall make specific references to the record. Comments which merely reargue positions taken in briefs will be accorded no weight and are not to be filed."

"New factual information, untested by cross-examination, shall not be included in comments and shall not be relied on as the basis for assertions made in post publication comments."

**I. SUMMARY**

1. Findings of Fact 22, 23, and 25 are not supported by the record of this proceeding.
2. Finding of Fact 31 should be clarified.

3. Conclusions of Law 4 and 5 require clarification.
4. Conclusions of Law 15, 16, and 18, are not supported by the record of this proceeding.
5. Conclusion of law 26 should be clarified.
6. Ordering Paragraphs 13, 14, should be deleted.
7. Ordering Paragraph 17 should be modified.

## **II. FINDINGS OF FACT**

**Finding of Fact 22, "PG&E has not justified its proposal to spend \$6 million on 'in-house' energy education, which would cost more than \$100 per participating customer. SCE and SoCalGas ask to spend about \$8 per customer on in-house energy education,"** is factually incorrect.

No discussion of these costs took place in this proceeding. Had there been discussion the Commission would have learned that, as ACCES has been told and believes to be true, that SCE and SoCalGas pay \$15 per low income household served in the LIEE program. Further, the Commission would have learned that each utility accounts for line item expenditures in different ways and a simple division dollars spent divided by houses served does not provide for an accurate utility comparison.

**Finding of Fact 23, "PG&E proposes to hire Richard Heath as program administrator without a competitive hiring process and does not justify this process as one that would benefit ratepayers or program participants,"** is factually incorrect and, if left unchanged, could inadvertently reduce the number of CBOs participating in PG&E's LIEE program.

No discussion of this issue took place in this proceeding. Had there been discussion the Commission would have learned that, as ACCES has been told and believes to be true, contrary to Finding of Fact 23, PG&E did hire Richard Heath as a result of a competitive hiring process for a three year contract for the years 2005, 2006, and 2007. PG&E intended to, again, start a bid process in 2007 for program administration starting 2008. Finding of Fact 23, therefore, is, at best, a moot point but, at worst, is factually incorrect, could require PG&E to abrogate its contract with Richard

Heath and could cause program disruption by possibly installing a new program administration mid-year.

In addition it could result in fewer CBOs participating in PG&E's LIEE program. This is because the Proposed Decision says, "We do have concerns, however, that its *costs may be high* because of its reliance on one firm...." (Emphasis added). It goes on to say, "and that this business relationship has edged out opportunities for LIEE work by other firms and *local agencies*, some of which may have close ties to targeted communities." (Emphasis added). ACCES assumes the mention of local agencies is alluding to the fact that a smaller proportion of PG&E's "Energy Partners" program is contracted out to CBOs when compared to CBO involvement in the LIEE programs of SCE and SoCalGas.

This issue was not discussed in this proceeding. Had there been discussion the Commission would have learned that, as ACCES has been told and believes to be true, many CBOs choose not to participate in the PG&E Energy Partners program because the CBOs are not paid enough. They say they would lose money in the PG&E program and their boards of directors would not allow them to participate in a program where the agency will lose money. Because the Proposed Decision expresses a concern that costs may be high, it is likely PG&E would take this as a signal to reduce program costs, which would make it even more likely that CBOs would decline to participate.

**Finding of Fact 25 says, "SDG&E proposes to hire Richard Heath as program administrator without a competitive hiring process and does not justify this process as one that would benefit ratepayers or program participants."** This issue was not discussed in this proceeding. If it had been discussed the Commission would have learned it could have the same effect on CBO participation in SDG&E's LIEE program as that describe above in the PG&E program.

**Finding of Fact 31 says, "The proposals of SCE, PG&E, SoCalGas and SDG&E to implement 'categorical eligibility' for LIEE and CARE programs may improve customer participation in the programs and reduce program administration costs."** But in the discussion portion of the decision, ALJ Malcolm indicated that SCE's proposal for "categorical eligibility" was the best of the four utilities. She wrote, "We applaud SCE's efforts to permit categorical eligibility or enrollment and

approve its proposed procedures to implement it," but said of PG&E's proposal, "We agree with ACCES that PG&E's condition for categorical eligibility that customers have been qualified within the past year is unnecessary." SDG&E and SoCalGas submitted identical proposals for "categorical eligibility." ALJ Malcolm wrote, "We do agree with ACCES that customers should not be required to demonstrate that the government subsidy programs from which they benefit provide the only sources of household income [as proposed by SDG&E and SoCalGas]." (ACCES believes the fact the ALJ did not address the issue in the section on SoCalGas was simply an oversight by the ALJ.)

**Finding of Fact 31 should be modified to read,** "*While the proposals of SCE, PG&E, SoCalGas and SDG&E to implement 'categorical eligibility' for LIEE and CARE programs may improve customer participation in the programs and reduce program administration costs, SCE's proposal is the most efficient ."*

### **III. CONCLUSIONS OF LAW**

Conclusions of Law 4 and 5 read:

4 "The Commission should authorize the creation of a Technical Advisory Committee that would develop changes to LIEE program protocols, procedures and operations between LIEE budget cycles."

5 "Pub. Util. Code Section 382.1 provides that the LIOB, not this Commission, has the authority to create a more formal committee if it is an entity of the LIOB. The utilities should convene informal meetings to facilitate improvements to the LIEE and CARE programs."

PUC Code Section 382.1 established the LIOB to "advise the commission on low-income electric and gas customer issues" and "serve as a liaison for the commission to low-income ratepayers and representatives." By creating a Technical Advisory Committee separate from the LIOB, this Proposed Decision would further isolate the LIOB from the deliberation and decision making process. If a non-LIOB Technical Advisory Committee is the place where interested parties must go to develop LIEE program changes, they will have little or no reason to attend LIOB meetings and, once again, LIOB meetings will be a place where the LIOB is read the final ball scores of a game already played. The Commission should clarify if it understands the possible adverse effect on the LIOB.

**Conclusion of Law 15, which reads, "PG&E should be granted \$.6 million, which would provide it with about the same funding per customer as SoCalGas and SCE,"** should be deleted for reasons explained above concerning Finding of Fact 22.

**Conclusion of Law 16, which reads, "PG&E should be required to conduct a competitive process for hiring a program administrator, as set forth herein,"** should be deleted for reasons explained above concerning Finding of Fact 23.

**Conclusion of Law 18, which reads, "SDG&E should be required to conduct a competitive process for hiring a program administrator, as set forth herein,"** should be deleted for reasons explained above concerning Finding of Fact 25.

**Conclusion of Law 26, which reads, "SDG&E, SoCalGas, SCE and PG&E should be authorized to implement categorical eligibility as set forth herein,"** should be modified to read "SDG&E, SoCalGas, SCE and PG&E should be authorized to implement categorical eligibility as proposed by SCE as set forth herein.

#### **IV. ORDERING PARAGRAPHS**

Ordering paragraphs 13 and 14, which read,

13. "PG&E shall present a plan to Energy Division no later than January 30, 2007 for conducting a competitive bidding process for its LIEE administrator and, unless Richard Heath and Associates wins a contract through a competitive process, shall not extend the existing contract with Richard Heath and Associates past June 1, 2007."

14 "SDG&E shall present a plan to Energy Division no later than January 30, 2007 for conducting a competitive bidding process for its LIEE administrator and, unless Richard Heath and Associates wins a contract through a competitive process, shall not extend the existing contract with Richard Heath and Associates past June 1, 2007."

should be deleted for reasons explained above.

Ordering Paragraph 17 should be modified to read, "SDG&E, SCE, PG&E and SoCalGas shall implement automatic enrollment and categorical eligibility *as proposed by SCE* as set forth herein and to the extent they are able to procure necessary customer information. "

**V. CONCLUSION**

ACCES asks the Commission to consider these comments and revise its draft decision as set forth herein.

Respectfully submitted,

December 4, 2006



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## Appendix A

Proposed Findings of Facts, Conclusions of Law, and Ordering Paragraphs.

### Findings of Fact

- ~~Finding of Fact 22, “PG&E has not justified its proposal to spend \$6 million on “in-house” energy education, which would cost more than \$100 per participating customer. SCE and SoCalGas ask to spend about \$8 per customer on in-house energy education~~
- ~~Finding of Fact 23, “PG&E proposes to hire Richard Heath as program administrator without a competitive hiring process and does not justify this process as one that would benefit ratepayers or program participants,~~
- ~~Finding of Fact 25, “SDG&E proposes to hire Richard Heath as program administrator without a competitive hiring process and does not justify this process as one that would benefit ratepayers or program participants.~~

### Conclusions of Law

- ~~Conclusion of Law 15, “PG&E should be granted \$.6 million, which would provide it with about the same funding per customer as SoCalGas and SCE,”~~
- ~~Conclusion of Law 16, “PG&E should be required to conduct a competitive process for hiring a program administrator, as set forth herein,”~~
- ~~Conclusion of Law 18, “SDG&E should be required to conduct a competitive process for hiring a program administrator, as set forth herein.”~~
- Conclusion of Law 26, “SDG&E, SoCalGas, SCE and PG&E should be authorized to implement categorical eligibility *as proposed by SCE* as set forth herein.”

### Ordering Paragraphs

~~13. PG&E shall present a plan to Energy Division no later than January 30, 2007 for conducting a competitive bidding process for its LIEE administrator and, unless Richard Heath and Associates wins a contract through a competitive process, shall not extend the~~

~~existing contract with Richard Heath and Associates past June 1, 2007.~~

~~14 SDG&E shall present a plan to Energy Division no later than January 30, 2007 for conducting a competitive bidding process for its LIEE administrator and, unless Richard Heath and Associates wins a contract through a competitive process, shall not extend the existing contract with Richard Heath and Associates past June 1, 2007.~~

17, “SDG&E, SCE, PG&E and SoCalGas shall implement automatic enrollment and categorical eligibility as *proposed by SCE* as set forth herein and to the extent they are able to procure necessary customer information. “

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the Commission's Rules of Practice and Procedure, that I have this day served a true copy of the "The Comments of the Association of California Community and Energy Services on the Proposed Decision of ALJ Malcolm on Applications 06-06-032, 06-06-033, 06-06-034, and 06-07-001."

[X] By by first class U.S. mail, postage prepaid, to the Administrative Law Judge assigned to this proceeding, to the Assigned Commissioner, and to all parties listed with no e-mail address on the official service list referred to below.

AND

[X] By Electronic Mail – serving the enclosed via e-mail transmission to each person the applications list as being authorized to receive service and to those on the service list of A. 06-06-032 et. al.

Dated at Sacramento, California this 4<sup>th</sup> day of December, 2006.



James L. Hodges

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## Service Lists

**Proceeding: A0606032 - SDG&E - FOR APPROVAL**

**Filer: SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E)**

**List Name: LIST**

**Last changed: November 30, 2006**

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