

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the Low Income Energy Efficiency Programs of California's Energy Utilities.

FILED
PUBLIC UTILITIES COMMISSION
JANUARY 25, 2007
SAN FRANCISCO OFFICE
RULEMAKING 07-01-042

**ORDER INSTITUTING RULEMAKING
REGARDING POLICIES, PROCEDURES AND RULES FOR THE
LOW INCOME ENERGY EFFICIENCY PROGRAMS OF
CALIFORNIA'S ENERGY UTILITIES**

I. Summary

This rulemaking is initiated to consider policies, rules and opportunities for the Low Income Energy Efficiency (LIEE) programs of California utilities. We intend to address the following issues in the coming year:

- Program Objectives and Priorities;
- Goals-based budgeting;
- Cost-benefit models;
- Processes for Program Improvements;
- Coordination with the California Solar Initiatives Program;
- Evaluation, Measurement and Verification of Program Results;
- Integrating LIEE programs with Other Energy Efficiency Programs;
- Program Access for Master-Metered Customers (Assembly Bill (AB) 2104);

- Program Access for Renters;
- Gas Furnace Programs;
- Water Conservation Efforts; and
- Program Management and Administration.

We set forth below an initial schedule for review of these topics and address certain procedural matters for the conduct of the proceeding.

II. Background

California energy utilities have provided energy efficiency measures to low income customers for many years. In recent years, this Commission has made a substantial effort to improve the participation of low income customers in these programs and promote innovative energy efficiency measures and programs for low income customers. Currently, ten jurisdictional energy utilities offer LIEE programs to California low income customers, which are funded by a “public purpose surcharge” on all customer bills. In their LIEE programs, the utilities offer such energy efficiency measures as weatherization, installation of compact fluorescent lighting (CFL), replacement of older refrigerators, and repairs and replacement of air conditioning. LIEE measures are offered at no charge to qualifying customers who make less than 200% of prevailing federal poverty levels.

LIEE programs simultaneously promote many public policy objectives. They reduce the bills of customers who participate and are environmentally sound energy resources, promoting system reliability and reducing the need for traditional energy production facilities. They reduce the production of green house gasses and may contribute to water conservation efforts. The joint agency Energy Action Plan II, the Integrated Energy Policy Report issued by the California Energy Commission and our own orders emphasize the state’s

commitment to energy efficiency efforts as part of a comprehensive energy strategy.

Most recently, the Commission issued two decisions adopting LIEE program elements and budgets for ten California energy utilities. Decision (D.) 06-12-036 and D.06-12-038 together authorized the utilities to spend up to \$317 million on LIEE programs serving 150,000 California customers during 2007 and 2008. These programs will save an estimated 86 million kilowatt hours of electricity and 3.6 million therms of natural gas. The utilities have made substantial improvements in participation rates, serving disabled customers, providing programs to renters as well as homeowners and improving program delivery and management. Nevertheless, we can do more and there are some issues requiring additional investigation. Those issues are among the subjects of this rulemaking.

III. Scope of Inquiry

This rulemaking evolves from and builds on the work we began in previous proceedings, most recently the utilities' LIEE applications and associated decisions adopting budgets and program elements, D.06-12-036 and D.06-12-038. This rulemaking addresses several issues raised in those decisions and also in our energy efficiency rulemaking (R.) 06-04-010, as follows:

- **Program Objectives** – As California's energy needs and demographics change, and energy efficiency markets and technologies evolve, we believe we should reconsider our program objectives and priorities. For example, in the administration of LIEE programs, how important is equitable access by low income communities to LIEE programs? Cost-effectiveness? LIEE programs as an energy resource? The safety and comfort of low income customers? Technology development? The answers to these questions should guide the goals that are set and

allocation of funds to program elements and technologies.

- **Goals-based Budgeting** – D.06-12-038 stated the Commission’s commitment to developing strategic goals for LIEE programs and then developing budgets accordingly. The Commission issued the “KEMA” needs assessment in late 2006, providing a foundation for this approach. Key issues we need to address include: How should the universe of LIEE participants be defined? Should criteria for program participation be changed or clarified? How should program priorities be set and defined in a given budget period? In developing program priorities, what should be the target populations? How should those priorities be translated into program goals and how should they be reflected in utility budgets?
- **Processes for Considering Program Improvements between Utility Budget Cycles** – Our intent is to move to a three-year program funding cycle beginning in 2009. Currently, the utilities are required to meet with interested parties about program elements between budget cycles, as set forth in D.06-12-038. Is this an adequate way for the utilities to become informed about program issues and make program changes that are responsive to Commission objectives? If not, what type of forum or group is appropriate for this purpose and what type of authority or discretion should it have, if any?
- **Cost-benefit models** – What models are the utilities using now in their impact studies? Should those models be changed? How should cost-benefit analyses of low income programs be applied? Should they be used to prioritize program elements? Improve them? Eliminate some? Are impacts on green house gasses appropriately reflected in the assessment of program benefits and, if not, how should they be reflected?
- **California Solar Initiative (CSI) Program** – The Commission is conducting a rulemaking to implement its

CSI, which provides various incentives for customers and businesses to install solar technologies. The Commission has determined that 10% of CSI funds should be set aside for low income customers and projects. Since the issuance of that order, the California Legislature enacted AB 2723, which defines the low income component of the CSI with more specificity. To what extent should LIEE be coordinated with the low income portion of the CSI?

- **Evaluation, measurement and verification (EM&V)** - What should EM&V study and measure? How often should such studies be conducted and used? How does the Commission's inclusion of LIEE results in energy efficiency goals affect program evaluation?
- **Integration of the LIEE program with Energy Efficiency Programs** - The Commission has traditionally considered LIEE programs separately from other energy efficiency programs. Recently, the Commission included LIEE as part of the performance goals of the utilities and stated the Commission's intent to treat LIEE more as a resource program, which conceptually makes LIEE more like energy efficiency programs than a subsidy program. How, if at all, should the two programs be merged from the standpoint of budget and program review and management, procurement and for the purpose of strategic development?
- **Gas Furnace Programs and NGAT** - What policies and practices should apply to gas furnace repairs and installations for low income customers? What are the effects of Natural Gas Appliance Testing (NGAT) on program participation and how can the Commission balance safety and program participation objectives?
- **AB 2104** - AB 2104 requires the Commission to adopt, no later than January 1, 2008, a process for improving electric and gas utility applications and outreach to tenants at master-metered properties, such as mobile home parks and apartment buildings. In this proceeding, the Commission will adopt the process required under

AB 2104. What should the utilities do to implement this statute?

- **Renter Access** – Some parties have raised concerns that some LIEE programs may not be adequately marketed or provided to tenants. What problems exist for renters in both single and multi-family dwellings and what steps should be taken?
- **Water Conservation Programs** – In R.06-04-010, the Commission has begun a review of how water conservation programs can be developed to increase energy efficiency savings. Programs are needed that target low income customers. What types of programs for low income customers should be developed? What kinds of energy savings are possible from programs that target low income water customers?
- **Program Management and Administration** – Can any improvements be made in the current administration of LIEE programs? Should community-based organizations be more involved? How much involvement should the Commission have in ongoing program oversight? Can the Commission or the utilities do more to include input from low income customers in program development and administration?

We direct the utilities and invite other parties to file responses to these questions. In their responses, the parties should comment on which of these several sets of issues should be addressed early in the proceeding and which may be deferred. The utilities shall state with specificity how they plan to implement AB 2104. On the basis of those comments and discussion at a prehearing conference, the assigned Commissioner or Administrative Law Judge (ALJ) shall issue a ruling that presents a procedural strategy for resolving all relevant issues.

IV. Proceeding Schedule

This rulemaking sets forth an ambitious list of issues to address. We state our intention to consider first those issues that are time-sensitive and those we believe require most immediate attention because of their impacts on customers from the standpoint of equity, participation or costs. On the basis of parties' comments and discussion at the prehearing conference, we will determine in more detail which issues require our most immediate attention in a future ruling and also appropriate venues for their consideration, whether in workshops, additional pleadings, or hearings.

At this time, it appears that among the most pressing issues is the implementation of AB 2104, which mandates implementation of services to master-metered customers by January 1, 2008. We will also address early in the proceeding issues relating to program objectives and goals-based program budgeting and planning because our decision on these issues may guide our review of other issues and the way the utilities manage existing programs. A review of gas furnace programs and NGAT practices may also merit early resolution. We invite the parties to comment on whether they also believe these items are highest priority for this proceeding and, if not, which matters deserve our immediate attention.

In the interim, we set forth the following procedural schedule:

25 days after OIR issuance (mail date)	Initial Comments to be Filed;
ten days after initial comments filed	Reply Comments to be Filed; and
March 7, 2007 11:00 a.m.,	Prehearing Conference, Commission Courtroom State Office Building 505 Van Ness Avenue, San Francisco, California 94102

It is our intention to complete this rulemaking within 24 months of the date of the assigned Commissioner's scoping memo. In using the authority granted by § 1701.5(b) to set a time longer than 18 months for this proceeding, we are considering both the number and complexity of the tasks and the unique aspects of this proceeding, including the need for coordination with other proceedings here, and our desire to be able to complete and close this proceeding without having to transfer any of its tasks to yet another proceeding. The assigned Commissioner or the assigned ALJ, in consultation with the assigned Commissioner, may modify the schedule to promote efficient and fair administration of this proceeding.

V. Parties and Service List

The Executive Director shall serve copies of the rulemaking on respondents to this proceeding, as well as on parties to R.06-04-010, A.06-06-032 et al. and A.06-06-002 et al. Any person or representative of an entity who seeks party status or wishes to monitor this proceeding should so state in a letter or electronic message to the Commission's Process Office (Process_office@cpuc.ca.gov), California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

In order to be on the initial service list of this proceeding, parties should so inform the ALJ Process Office, no later than 20 days from the mailing of this order, providing the following information:

1. Name and organization represented, if any;
2. Address;
3. Telephone number;
4. Email address; and
5. Assignment to the *appearance, state service* or *information only* category.

The service list for this proceeding will be posted on the Commission's web site, www.cpuc.ca.gov, and will be updated periodically. Parties should use the website service list for electronic service of all filings.

All filings in this proceeding may be made electronically according to Rule 1.10 of the Commission's Rules of Practice and Procedure. Consistent with these rules, a hard copy of all pleadings shall be concurrently served on the assigned ALJ.

Any party interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Public Advisor's Office in Los Angeles at 213-576-7056 or 866-849-8391, or email public.advisor.la@cpuc.ca.gov; or in San Francisco at 415-703-2074 or 866-836-7875 or email public.advisor@cpuc.ca.gov. The TYY number is 866-836-7825.

VI. Preliminary Categorization of the Proceeding

Rule 7.1(d) requires that an order instituting rulemaking preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is "quasi-legislative," as defined in Rule 1.3(d). Because the issues in this proceeding are likely to be resolved through a combination of workshops and formal comments, we preliminarily determine that evidentiary hearings are not necessary. As provided in Rule 7.6(a), any person who objects to the preliminary categorization of this rulemaking as "quasi-legislative" or to the preliminary hearing determination, shall file and serve the objections no later than ten days of the effective date of this order.

VII. Ex Parte Communications

In accordance with Rule 8.2(a), *ex parte* communications in this proceeding are permitted without restriction or reporting requirements.

Therefore, **IT IS ORDERED** that:

1. A rulemaking is instituted on the Commission's own motion to establish policies, procedures and incentives regarding low income energy efficiency programs as discussed herein.
2. Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company are made respondents to this proceeding. The small multi-jurisdictional utilities listed in Appendix A of this order are made respondents to this proceeding.
3. The Executive Director shall cause this Order Instituting Rulemaking to be served on the respondents, the Executive Director of the California Energy Commission and on the parties to Rulemaking 06-04-010, Application (A.) 06-06-032 et al. and A.06-06-002 et al.
4. The category of this rulemaking is preliminarily determined to be "quasi-legislative." Any persons objecting to the preliminary categorization of this rulemaking or to the preliminary determination that evidentiary hearings are not necessary shall file and serve the objections within ten days of the effective date of this order.
5. Persons or representatives of an entity seeking party status or who wish to monitor this proceeding shall follow the directions in Section V of this order.
6. The assigned Administrative Law Judge (ALJ) shall conduct proceedings in this rulemaking to effect the Commission's policy and direction as set forth herein. The assigned Commissioner or the ALJ, in consultation with the assigned Commissioner, may make any adjustments to the schedule for this proceeding.
7. This rulemaking may extend up to 24 months from the date of the assigned Commissioner's scoping memo.
8. Initial comments are due to be filed no later than 25 days after this order is issued. Reply comments are due no later than ten days after opening comments

are filed. All comments shall be filed with the Commission's Docket Office and may be served electronically according to Rule 1.10.

9. The Commission hereby schedules a prehearing conference in this proceeding for the purpose of discussing the management of this docket. The prehearing conference will take place at 11:00 a.m., on March 7, 2007, in the

R.07-01-042 ALJ/KLM/h12

Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

This order is effective today.

Dated January 25, 2007, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

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Commissioners

APPENDIX A

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R.07-01-042 ALJ/KLM/h12

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