



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Approval of the 2009-2011 Low Income
Energy Efficiency and California Alternate Rates
for Energy Programs and Budget (U39M).

Application 08-05-022
(Filed May 15, 2008)

And Related Matters.

Application 08-05-024
Application 08-05-025
Application 08-05-026

**ADMINISTRATIVE LAW JUDGE'S RULING
PROVIDING INTERIM DIRECTION REGARDING
EXPENDITURE OF LOW-INCOME ENERGY EFFICIENCY
MARKETING, EDUCATION, AND OUTREACH BUDGETS FOR 2010**

Administrative Law Judge (ALJ) Kim hereby provides the investor-owned utilities (IOUs) some interim direction regarding the expenditure of the low-income energy efficiency (LIEE) marketing, education and outreach (ME&O) budgets for 2010. The interim direction herein will only be in effect until the California Public Utilities Commission's (Commission) approval of both of the following proposed decisions:

1. The proposed decision in Rulemaking (R.) 08-07-011 and Application (A.) 08-06-004 et al. which adopts the Commission's 2010-2012 general energy efficiency programs and budgets (EE Decision); and

2. The accompanying proposed decision in A.08-05-022 et al. which will soon be released and will authorize and provide additional direction to the IOUs' LIEE ME&O expenditures for 2010-2011 (LIEE ME&O Decision).

As reflected in the proposed decision, the Commission, by way of the EE Decision, will be providing the necessary general direction to the IOUs concerning the IOUs' expenditure of LIEE ME&O budgets for 2010-2011. Those more general directions in the EE Decision pertaining to the IOU's 2010-2011 LIEE ME&O budget expenditure will be supplemented by additional directions in the LIEE ME&O Decision.

The Commission would not support any gaps in LIEE ME&O efforts which are invaluable to the LIEE program and overall goals of the *California Long-Term Energy Efficiency Strategic Plan* (Strategic Plan).¹ This ruling and interim direction herein are therefore being provided solely to alleviate any concerns for LIEE ME&O funding uncertainties while awaiting the Commission's LIEE ME&O expenditure directions in the EE Decision and accompanying LIEE ME&O Decision and to ensure that there are no gaps in LIEE ME&O efforts caused by any such uncertainty.

1. Background

In 2008, the Commission adopted the Strategic Plan, as a single roadmap to achieve maximum energy savings across all major groups and sectors in California. This comprehensive Strategic Plan for 2009 to 2020 established the state's first integrated framework of goals and strategies for saving energy, both efficiently and effectively.

¹ See www.californiaenergyefficiency.com.

As such, the Strategic Plan calls for a new and integrated direction for the ME&O of the State's energy efficiency programs, including low-income energy efficiency, noting that "a highly successful ME&O program is a fundamental part of many of the strategies and programs presented in [the Strategic] Plan." The Strategic Plan sets forth a goal to "create and launch an integrated, statewide Marketing, Education and Outreach effort for energy efficiency, including an energy efficiency brand." The Strategic Plan ultimately envisions this integrated ME&O effort to "create instant brand recognition for energy efficiency in California and motivate consumers to reduce energy consumption on a daily basis."

The Commission's recent LIEE decision, Decision (D.) 08-11-031, reiterated this integrated statewide ME&O goal as directed by the Strategic Plan. In D.08-11-031 and in furtherance of the ME&O goal, the Commission approved the IOUs' LIEE ME&O budgets for 2009-2011. For 2009, the Commission approved the IOUs' proposed amounts and expenditures of 1/3 of the LIEE ME&O total budget for the three year period. For years 2010 and 2011, the Commission approved the LIEE ME&O amounts the IOUs budgeted for marketing in 2010-2011 but directed the IOUs to hold that funding in abeyance until further direction from the Commission.

The Commission envisioned that the IOUs, the Commission, and the larger LIEE and energy efficiency (EE) audience would use 2009 to develop that single statewide ME&O program alongside, and as part of, the Commission's review and deliberation of the IOUs' 2009-2011 EE proceeding (R.08-07-021, et al.) (EE Proceeding).

Therefore, the Commission in D.08-11-031, Ordering Paragraph (OP) 27, announced that once the Commission approves the single statewide ME&O

program and adopts the EE Decision, “the IOUs will receive further direction on how to allocate this funding.”

2. State Update

The proposed decision for the EE Proceeding was mailed on August 25, 2009. The earliest meeting date for its consideration and adoption by the Commission is September 24, 2009. The accompanying proposed decision in A.08-05-022 et al. (LIEE ME&O Decision) will soon be released and will authorize and provide additional direction to the IOUs’ LIEE ME&O expenditures for 2010-2011. Its consideration and adoption by the Commission will follow the Commission’s consideration and approval of the EE Decision.

3. Interim Direction

In the event of any unforeseen delays, I find that it would be prudent to provide the IOUs with some interim direction for their LIEE ME&O efforts, pending the Commission’s adoption of the EE Decision and the LIEE ME&O Decision.

In order for the IOUs to implement LIEE ME&O efforts starting January 1, 2010, the IOUs must be given ample lead time to plan, develop, and implement these LIEE ME&O efforts. Hence, I am issuing this ruling now to direct the IOUs to plan for the continued LIEE ME&O efforts beyond January 1, 2010. I consider the options below to be temporary and interim because I expect that the EE Decision and the LIEE ME&O Decision will be issued shortly providing the necessary directions for the LIEE ME&O efforts.

In D.08-11-031, the Commission provided a great deal of flexibility to the IOUs in the form of fund shifting. In OP 85 of that decision, the Commission approved two types of fund shifting options. First, the IOUs may shift funds from one year to another within the 2009-2011 cycle, up to 15% of the total LIEE

budget without an Advice Letter. Second, the IOUs may also shift funds, without an Advice Letter, among program categories except for administrative overhead costs, regulatory costs, education costs, or costs of studies. As described in OP 85 of D.08-11-031, IOUs must receive the ALJ's written approval for how to allocate funds in the up-to-15 percent range if the IOU proposes to allocate them to different categories.

Each of the IOUs should develop an interim LIEE ME&O plan (Interim LIEE ME&O Plan) consistent therewith for the beginning of 2010, utilizing the above two fund shifting options. Within 7 days of this ruling, each of the IOUs should file the Interim LIEE ME&O Plan as a response to this ruling detailing which of the fund shifting options each plans to engage in and describing how each plans to reallocate funds for the 2010 ME&O use through these fund shifting options. I will provide written approval through a subsequent ALJ Ruling along with copies of the approved plan(s). Furthermore, as required by D.08-11-031, the subsequent transactions should be well-documented and reported on as part of the monthly reports relevant to the period in which they occurred. Lastly, given that the EE Decision and the LIEE ME&O Decision are anticipated shortly, I caution the IOUs to refrain from any unnecessary fund shifting or expenditure which may become obsolete once those decisions are approved, particularly regarding the statewide ME&O effort and brand.

IT IS RULED that:

1. The investor-owned utilities (IOUs) may use the fund shifting mechanisms as described herein and in Decision (D.) 08-11-031 for Low-Income Energy Efficiency (LIEE) marketing, education and outreach (ME&O) efforts such that the IOUs may continue their current LIEE ME&O efforts, beginning in January 2010;

2. Within 7 days of this ruling, each of the IOUs should develop and file in this docket an Interim LIEE ME&O Plan for 2010, as a response to this ruling. Such Interim LIEE ME&O Plan should detail which of the fund shifting options, if any, each plans to use and describe how each plans to reallocate funds for the 2010 ME&O use through these fund shifting options;

3. IOUs should document all subsequent transactions under the Interim LIEE ME&O Plan consistent with the directives of this ruling and D.08-11-031, and report the same as part of their monthly LIEE reports relevant to the period in which they occurred; and

4. IOUs are directed to refrain from any unnecessary fund shifting or expenditure which may become obsolete once the proposed decision in Rulemaking 08-07-011 and Application (A.) 08-06-004 et al. (EE Decision) and the accompanying proposed decision in A.08-05-022 et al. (LIEE ME&O Decision) are approved, especially items that may no longer be useful particularly regarding a statewide ME&O effort and brand.

Dated August 28, 2009, at San Francisco, California.

 /s/ KIMBERLY H. KIM
Kimberly H. Kim
Administrative Law Judge

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I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated August 28, 2009, at San Francisco, California.

/s/ LILLIAN LI

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