

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

Order Instituting Rulemaking on the Commission's  
Proposed Policies and Programs Governing Post-2003  
Low-Income Assistance Programs.

R.04-01-006

**Comments of the East Los Angeles Community Union and the Maravilla Foundation  
on the Standardization Project Team's Proposed Revisions to the  
LIEE Program Policy and Procedures and Weatherization Installation Standards Manuals**

The East Los Angeles Community Union (TELACU) and the Maravilla Foundation (Maravilla) are Community Based Organizations (CBOs) which provide a variety of services for low-income households in Southern California. TELACU and Maravilla are contractors in the Low-Income Energy Efficiency (LIEE) programs of Southern California Gas Company (SoCalGas) and Southern California Edison (SCE). We deliver LIEE services to our low-income communities.

“Standardization Project Team” (Team) participants include representatives of Pacific Gas and Electric, Southern California Gas, Southern California Edison, San Diego Gas and Electric, the Commission's Office of Ratepayer Advocates (ORA), the Commission's Energy Division, and consultants Itron and RHA, Inc. The Team is directed by the Commission to recommend ways to move the utilities' LIEE programs toward uniform, statewide program designs and implementation. The Team has had meetings toward this end and has presented to the Commission proposed revisions to the Policy and Procedures (P&P) and Weatherization Installation Standards (WIS) Manual of the utility LIEE programs.

**I. The Standardization Project Team has failed to solicit input from interested parties prior to serving the proposed revisions as directed in Assigned Commissioner's Rulings and Commission decisions.**

**II. The LIEE Standardization Project Team is a body covered by the Bagley-Keene Open Meetings Act, but the Team has failed to meet the notice and meeting requirements of the Act.**

**III. The Team has proposed changes which alter fundamental aspects of the LIEE program, including eligible measures and program eligibility, without hearings or public discussion and without providing sufficient policy or programmatic reasons to justify those changes.**

**IV. In 2004 SoCalGas, without Commission authorization and in contravention of approved LIEE Policy and Procedures, imposed new restrictions on the delivery of furnace repair and replacement services, thereby reducing services to low-income families. The Team's proposed changes would maintain those unauthorized restrictions**

**V. The Commission should direct the Team to withdraw its proposed Policy and Procedures changes and conduct workshops and/or other forums to solicit input from interested participants on proposed changes prior to resubmitting the proposal to the Commission. The Team should be directed to operate in compliance with Bagley-Keene**

**VI. Comments on proposed revisions to the Policies and Procedures Manual**

**VII. Conclusion.**

### **Introduction**

As detailed below, The Standardization Team has failed to follow the Commission's directives ordering the Team "to conduct workshops and/or other forums to solicit input from interested participants *prior* to serving the joint proposal." In fact, the Team has specifically prohibited CBOs from attending Team meetings, in contravention of Commission directives.

We believe the Standardization Team is a body covered by the Bagley-Keene Open Meetings Act and should have met the notice and meeting requirements of the Act. But the Team has failed to meet those requirements.

Several of the Team's proposed changes, described in section III below, would alter fundamental aspects of the LIEE program, including eligible measures and program eligibility, without hearings or public discussion and without providing sufficient policy or programmatic reasons to justify those changes. Some of the proposed changes *would disqualify currently eligible families from receiving any LIEE services at all*. The Team's failure to allow input from interested parties *prior* to serving the joint proposal, and its failure to provide adequate support data for its recommendations, puts members of the public in the position of having only this one opportunity to make comments on their proposed changes, but without adequate information to make a truly informed judgement on the changes.

The Team says most of its recommendations "reflect recent changes in Program offerings and procedures previously authorized by the Commission." But, as discussed in section IV below, in 2004 SoCalGas imposed new restrictions on the delivery of furnace repair or replacement services, restrictions that *were not previously authorized by the Commission*, which had the effect of reducing services to the low-income customers of SoCalGas. Those unauthorized restrictions would remain in place if the Team's recommendations are approved by the Commission.

In addition, there are program changes we believe should be made but which have not been proposed by the Team. But the Team's exclusionary process has not allowed us the opportunity to discuss our proposed changes with the Team nor do we have any way of knowing if the Team even considered any of the issues important to low-income families in our communities. If comments

are limited to only the revisions proposed by the Team, without the opportunity to put forth our own recommendations for serious and thorough consideration, the scope of possible program improvements is seriously constrained.

The current P&P Section 1.1 states that final interpretation of policies and procedures should be made by the utilities' program managers. While we recognize the need for utilities to make judgements on the interpretation of approved policies and procedures, those interpretations must be reasonable and should not contravene approved Commission policy or change the intent of the program. For reasons discussed below, we believe the final interpretation of policies and procedures should be made by the Commission, not utility program managers.

In our comments below we ask the Commission to order the Team to withdraw its proposed revisions, conduct workshops to gather public input as originally directed by the Commission, then resubmit its revisions after consideration of that input, and to provide thorough substantiation of its recommendations. We ask the Commission to direct the Team to follow the notice and meeting requirements of the Bagley-Keene Open Meetings Act.

In the event the Commission does not direct the Team to gather more public input, we hope the Commission's order will reflect these comments which strive to make the CPUC process more open to public participation and to ensure that all low income customers have access to all LIEE program services.

**I. The Standardization Project Team has failed to solicit input from interested parties prior to serving the proposed revisions as directed in Assigned Commissioner's Rulings and Commission decisions.**

Decision 00-09-036, page 5, describes the expected process for public input *before* the team submits its recommendations to the Commission. The Decision says:

- “By ruling dated December 29, 1999, the Assigned Commissioner further directed that the PY 2001 planning process include specific proposals for standardizing elements of the low-income assistance program, consistent with the direction Decision (D.) 99-03-056. Specifically, the Assigned Commissioner directed the utilities ‘to work jointly *with any interested participants* to develop a joint proposal for standardizing the selection criteria and installation manuals for the utilities' low-income weatherization programs.’ To that end, the utilities were expected ‘to *conduct workshops and/or other forums* to solicit input from interested participants *prior to serving the joint proposal.*’” (emphasis added).

Decision 01-05-033, page 37 directs the Team to file *after* obtaining public input,

- “We direct the Standardization Project Team to develop recommendations for evaluating the new measures authorized today, including reporting requirements, evaluation methodology, budget and schedule. *After obtaining public input*, the Standardization Project Team should file and serve its recommendations within 60 days from the effective date of this decision. (emphasis added).

This “public input” requirement is echoed in a footnote in the October 22, 2004 ACR concerning the current “Phase 5” of the Standardization Project which says,

- “Per Commission direction, the Team *obtains input from the public before submitting final recommendations* to the Commission.” (emphasis added).

But the Team did not obtain public input on the proposed “Phase 5” revisions to the policies and procedures manual and the weatherization installation standards manual. Interested parties did not even see the proposed revisions until they were emailed on January 19, 2005, *after* being filed with the Commission on January 18. (It seems clear from the Team’s cover letter to the filing that these are the Team’s *final* recommendations. The cover letter says, “The LIEE Standardization Project Team urges the Commission to approve the proposed revisions to the Manuals as promptly as practicable,” without any mention of workshops or a process for modification of its recommendations.)

While we are allowed now to comment on the proposed revisions, this is not the type of public input (“workshops and/or other forums *prior* to serving the joint proposal”) ordered by the Commission.

#### **The Assigned Commissioner mistakenly approved a deficient schedule**

We believe the Assigned Commissioner inadvertently approved a schedule proposed by the Team which did not provide for Commission ordered public input prior to submission of its recommendations. We believe it was inadvertent because in the very October 22, 2004 ACR which approves the deficient schedule, the Assigned Commissioner reminds us, in the footnote noted above, that “Per Commission direction, the Team obtains input from the public before submitting final recommendations to the Commission,” but the approved schedule provide for no such input.

The Assigned Commissioner’s review of the issue of “input from the public” was complicated by the fact that the Team proposed three related, but separate, tasks for “Phase 5” of the Standardization Project. In response to an ACR dated October 1, 2004, the Standardization Team submitted to the Commission its “LIEE Standardization Project Workplan for Phase V,” which included a workplan, project schedule and budget for the following three “Phase 5” tasks:

- Task 1. Revision of the Policies and Procedures (P&P) Manual;
- Task 2. Revision of the Weatherization Installation Standards (WIS) Manual
- Task 3. New Measure Analysis.

The Team’s proposed schedule provided for public workshops for Task 3, “New Measure Analysis,” but failed to provide for public input on proposed revisions to the P&P Manual (Task 1) and the WIS Manual (Task 2). Nevertheless, by an ACR dated October 22, 2004, the deficient schedule was approved.

We believe the ACR's approval of the deficient schedule was an oversight by the Assigned Commissioner. It is possible the Assigned Commissioner saw the reference to public workshops associated with Task 3, "New Measure Analysis," and mistakenly assumed the workshops would also cover Tasks 1 and 2, the P&P and WIS manuals, but, in fact, they did not cover those tasks.

We note that nowhere in the ACR is a reason given to change or ignore the language in the ACR's footnote or the earlier Commission orders cited above. Instead, the ACR simply says, "I have reviewed the attached workplan (which includes a schedule and budget) *in consultation with the Energy Division*, and find that the tasks, schedule and budget outlined are reasonable," (emphasis added). Whatever the reason for the mistaken approval of the deficient schedule, it appears Energy Division staff should have pointed out to the Assigned Commissioner the deficiency in the Team's proposed schedule but, apparently, they did not. (We presume Energy Division staff participated in the preparation of the proposed schedule and was, or should have been, aware of the deficiency).

While we believe the Assigned Commissioner's *approval* of the deficient schedule was an oversight, it is difficult to come to the same conclusion regarding the Standardization Team's *submission* of a deficient schedule. The Team's proposed Workplan for Phase V, attached to the October 22, 2004 ACR, shows workshops scheduled for Task 3, but not for Tasks 1 and 2.

For Task 3, Measure Analysis, the proposed schedule says: "Task 3.3.3. Hold Public Workshops. Two public workshops will be held (one in Northern California and one in Southern California) to solicit input and answer questions for interested parties on the recommendations for PY2006."

But for Tasks 1 and 2, the revisions to the P&P and WIS manuals, no workshops are scheduled. The only reference to "input" on the P&P and WIS manuals is, "soliciting input and recommendations from LIEE program managers about recommended manual revisions," at the beginning of the process, before the Team has formulated its proposed revisions. We are not aware of any Team solicitation for the type of input described in that section for Tasks 1 and 2. In addition, input gathered before the Team even formulated its recommendations is not the type of public input envisioned by the Commission, as stated above.

**II. The LIEE Standardization Project Team is a body covered by the Bagley-Keene Open Meetings Act, but the Team has failed to meet the notice and meeting requirements of the Act.**

The LIEE Standardization Project was mandated by the California Public Utilities Commission in December of 1999. The "Standardization Project Team" consists of the "Joint Utilities (SoCalGas, SCE, PG&E, and SDG&E) with attendance, coordination, and participation by

the CPUC's Energy Division and Office of Ratepayer Advocates. The Standardization Team is directed by the Commission to conduct work assigned by the Commission, is given direction and tasks by the Commission, is funded through the Commission, has its schedule, workplan, and budget determined by the Commission, and has Commission representatives coordinating, attending, and participating in Team meetings. The Standardization Team is, therefore, a body covered by the Bagley-Keene Open Meetings Act (Government Code §11120 - 11132). But the Team has failed to meet the notice and meeting requirements of the Act.

The LIEE Standardization Project was mandated by the Commission in 1999 during the era of the deregulation of California's electric power industry. In anticipation of transferring the administration of the LIEE programs away from the regulated utilities to an independent third party administrator, the Commission directed the utilities, the Low-Income Advisory Board (LIAB), and interested parties to strive to make the LIEE programs of each utility more consistent throughout the state. Though the LIAB went out of existence, electric deregulation failed, and the LIEE programs were not transferred to a third party, the Commission directed that the Standardization Project continue. We are currently at "Phase 5" of the Project.

Decision 00-07-020, numbered pages 92 - 94, shows that the creation of the Standardization Project was authorized by the formal action of the CPUC and the Standardization Team was given specific tasks and direction by the CPUC. The decision says,

- "In D.99-03-056, *we directed the utilities* to continue movement 'toward uniform, statewide program designs and implementation.'"
- "A significant step towards this standardization is in progress. The utilities have met with LIAB and its Advisory Committee, [CPUC] staff, the DCSD, and other interested parties to discuss *the standardization project mandated by the December 29, 1999, Assigned Commissioner's ruling in R.98-07-037.*"
- "By ruling dated March 22, 2000, in R.98-07-037, *the Assigned Commissioner further clarified* that the standardization project will cover not only issues relating to installation standards, but also other policies and procedures that differ across programs. These include spending caps, approaches to income qualifications, treatment of rental units, etc. Pursuant to the Assigned Commissioner's ruling we expect the utilities to achieve greater consistency in the area of CAS testing through this review process." (emphasis added).

Though the first meetings of the "Joint Utilities" may have been informal, CPUC staff soon was directed to attend and participate and the group, which came to be called the "Standardization Team," was soon directed and controlled by the Commission, with regular attendance and participation by CPUC staff. The Commission has made numerous decisions and rulings which direct and control Team assignments and activities. For example, Decision 01-05-033, page 37 says,

- “We direct the Standardization Project Team to develop recommendations for evaluating the new measures authorized today, including reporting requirements, evaluation methodology, budget and schedule. After obtaining public input, the Standardization Project Team should file and serve its recommendations within 60 days from the effective date of this decision. ”

Moreover, the Standardization Team’s proposed workplan, tasks, schedule, and budget (the Team’s activities are funded through the Commission) must receive Commission approval before the Team is authorized to conduct its activities. (See Assigned Commissioner’s Ruling dated October 22, 2004).

**CPUC staff participation in Standardization Team activities also causes Bagley-Keene Coverage**

As explained in a footnote in a document filed by the Joint Utilities, “...D.03-11-020 defined the Standardization Team as being ‘comprised of the utilities and project consultants, *with coordination assistance from the Commission’s Energy Division and participation by the Office of Ratepayer Advocates (ORA)*. While *the Commission’s Energy Division and ORA staff attend Team meetings*, these joint utility recommendations do not represent Commission staff policy positions on the issues discussed.” (Joint Utility Low-Income Energy Efficiency Program Statewide Standardization Project Team Response in Compliance with Ordering Paragraph 7 of Decision 03-11-020, dated February 11, 2004, emphasis added).

The participation by CPUC staff members in Team activities, described in the footnote above, provides further weight to the argument that the Team is covered by Bagely-Keene. A body, such as the Standardization Team, becomes a body covered by Bagely-Keene when a member of a state body (in this case, a staff member of the CPUC), in his or her official state capacity, serves as a representative on another body (the Team), either public or private, which is funded in whole or in part by the representative’s state body. (§11121(d)). (It does not matter that “these joint utility recommendations do not represent Commission staff policy positions on the issues discussed.” The CPUC staff members attend as representatives of the CPUC.)

Once the meetings of the “Joint Utilities” began to have the regular attendance and participation by CPUC staff, the “Standardization Team became a body covered by Bagely-Keene. Simply asserting that CPUC staff who attend and participate in Team meetings are not “members” of the Standardization Team is insufficient to conclude the Team is not a body covered by Bagely-Keene. By their presence, actions, and participation in Team matters, the CPUC representatives are active members in a body authorized and directed by, and funded through, the CPUC.

To summarize, the Standardization Team:

- is given direction and tasks by the Commission,
- is funded through the Commission,

- has Commission representatives coordinating, attending, and participating in Team meetings,
- has its schedule, workplan, and budget determined by the Commission.

If it looks like a duck, walks like a duck, quacks like a duck, it's a duck. The Team, in our opinion, is subject to the notice and open meeting requirements of the Act but has failed to meet those requirements.

#### **CBO representatives have been prevented from attending Team meetings**

We have been informed, and believe it to be true, that several years ago several representatives of Community Based Organizations sought to attend meetings of the Standardization Team but were told by CPUC representatives the CBO representatives would not be allowed to attend. (See attached letter). The CBO representatives, we are informed, complained to the Commission and, as a result, a CPUC lawyer wrote a memo describing the reasons he believed the Team was not a body covered by Bagley-Keene and acted properly when prohibiting the CBOs from attending the meeting.

But the Commission is not the entity which makes a final determination on this topic. Nor are we. The usual process for this determination is an opinion issued by the state Attorney General followed by a judge's decision in court. by the Commission, and to follow the notice and meeting requirements of Bagley-Keene.

#### **Summary of public input issues**

Not only has the Team specifically denied CBO requests to attend and observe the Team's meetings, the Team also failed to follow the Commission's order to solicit input from interested participants prior to serving the joint proposal. Even if it is determined the Team is not subject to Bagely-Keene, which we believe it is, and even if the Commission decides the ACR which approved the Team's deficient schedule was not a mistake, which we believe it clearly is, the Commission should reject the appearance of Commission-sanctioned secrecy and direct the Team to solicit further public input, as originally ordered

### **III. The Team has proposed changes which alter fundamental aspects of the LIEE program, including eligible measures and program eligibility, without hearings or public discussion and without providing sufficient policy or programmatic reasons to justify those changes.**

In the current submission to the Commission the Team points out, "Some substantive changes are also being recommended on the basis of field experience with the Program over the past year." They include changes to the "80% rule," the treatment of households with non-IOU heating fuel, a proposal to "characterize furnace and water heater repairs and replacements as types



of minor home repairs, rather than free standing measures,” and the deletion of language concerning the Commission’s Rapid Deployment Program. But the Team provides little or no information to allow interested parties to understand the reasons for the proposed changes and whether the changes are reasonable based on some data or programmatic experience. We are given only the barest information with which to form an opinion on the reasonableness of the proposed changes, changes which could reduce or deny LIEE services to low-income families.

For example, the justification given in the current submission for re-categorizing furnace repair and replacement to “minor home repair” is “for the sake of consistency.” This is simply not credible, as detailed below. It fails to acknowledge or discuss the controversy over the furnace repair and replacement service in the utility overlap areas of SoCalGas and SCE. And the negative effects of such a change go beyond furnaces. If furnace and water heater services are no longer considered a measure, many homes which currently qualify for LIEE services will no longer meet the “3 measure minimum” requirement and *may not qualify for any LIEE services at all*, reducing the overall service to low-income families.

The Team proposes to drop the 80% rule for income eligibility for all measures other than ceiling insulation in common attic spaces of multi-family buildings but does not provide adequate justification for a policy change which may have the effect of reducing the number of households which may receive LIEE services. This change would increase outreach costs, increase the number of required visits to customers by crewmembers and outreach workers.

This change is needed, the Team asserts, because low-income renters are likely to take “measures that are transportable,” such as “compact fluorescents, refrigerator replacements, evaporative coolers, and high efficiency window/wall air conditioners.” The Team says these items “are likely to go with the current occupant,” but provides no data to substantiate this statement or the proposed program change. The Team should be required to provide the data that served as the basis for that statement, and to indicate how much of a problem this has been and what saving could be expected and what costs would be incurred before the Commission considers making such a change. But unless the Commission allows further public input, there is no opportunity for review of that data.

While the restriction on furnace services and eliminating the 80% rule may “free up” funds to be used to serve more homes with other measures, it is not consistent with “all customers have access to all measures.” Any proposed change to the policy of “all customers have access to all measures” is a policy decision which should be made, after thorough examination and public input, by the Commission, not by utility program managers in a P&P Manual revision. We oppose the

adoption of any substantive change until we have an opportunity to examine the basis for those changes.

By proposing the elimination of P&P Section 10.2.3, “Applicability of Homes Revisited under Rapid Deployment,” it appears the Team is proposing to eliminate a policy established in the Rapid Deployment programs. But D. 01-05-033 and D.02-07-033, state that the Rapid Deployment programs should continue *until further Commission order.*” The Team should not be allowed to use this P&P Manual revision process as a vehicle to change the Commission’s Rapid Deployment Program policies.

In addition, there are LIEE program changes we believe should be made but are not included in the Team’s proposed changes. For example, there were some changes made for the program year 2004, such as SoCalGas’s furnace pre-approval process, which, after a year’s experience in the field, we believe should be rescinded or modified. We would have discussed this with the Team, but we have been excluded from the Team’s process and are only now able to propose these changes. These are included in Section VI.

**IV. In 2004 SoCalGas, without Commission authorization and in contravention of approved LIEE Policy and Procedures, imposed new restrictions on the delivery of furnace repair and replacement services, thereby reducing services to low-income families. The Team’s proposed changes would maintain those unauthorized restrictions**

The Standardization Team proposes to re-categorize furnace repair and replacement as a “minor home repair” and to change numerous sections of the P&P Manual to reflect that re-categorization. This appears to be an attempt to alter Commission approved policy to reflect a program change already made by SoCalGas in 2004, without Commission approval, a change which imposed new restrictions on furnace services in the company’s LIEE program and reduces services to low-income families. As we explain in this section, the Team’s recommendation would alter the Commission’s Policy and Procedures to conform to SoCalGas’ practice rather than having SoCalGas alter its practice to conform to Commission policy. We urge the Commission to reject that recommendation for reasons explained below.

**Policy and Procedures Section 2.9: Need for LIEE Services**

A home must have a minimum number of items to be installed for it to qualify to be served by the program. For example, if a survey of a home finds it needs only "minor home repair," the home does not qualify to receive *any* LIEE program services because it does not meet the minimum number of items needed for program participation. These “program minimums” are extremely important because, like income eligibility requirements, they determine which low-income families may receive LIEE services and which families cannot.

Program minimums are listed in the current Policies and Procedures manual at "2.9: Need for LIEE Services." The third bullet point reads, "In an area served by different investor-owned gas and electric utilities (e.g., the SCE-SoCalGas overlap area), the following minimums will apply: for the gas utility program, ceiling insulation or three gas measures or furnace repair/replacement; for the electric utility, an evaporative cooler, a refrigerator replacement, ceiling insulation or three other measures affecting electric usage."

The language of section 2.9 is clear and unambiguous for the gas utility program of SoCalGas: If a low-income home needs only ceiling insulation, it shall receive ceiling insulation; if it needs only three gas measures, it shall receive three gas measures; and if it needs only furnace repair/replacement, it shall receive furnace/replacement. Of course, if the home also qualifies for SCE measures, the home shall receive those electric measures.

The single measures listed in section 2.9 are sometimes called "stand alone" measures, but that is a misnomer because, as explained below, those "stand alone" measures are usually installed in homes in which other measures were installed at an earlier date. So, while a crew may visit a home to install a single measure, such as furnace repair or replacement, that measure does not "stand alone." It is one of several measures already installed in that home.

### **Furnace Repair and Replacement Services and Ceiling Insulation**

Both TELACU and Maravilla are holders of the proper licenses deliver the full range of services for the LIEE programs of both SoCalGas and SCE, including furnace repair and replacement and ceiling insulation in SoCalGas' territory. A home served by TELACU or Maravilla receives all the program services, both gas and electric, for which the home qualifies. If it needs furnace repair or replacement, the home receives the service. If the furnace is operating properly at the time when other program measures were installed, then the home does not receive the furnace program benefits. But there are times when a home whose furnace was operating properly at the time of weatherization later becomes in need of repair or replacement. And there are cases when a heater installed by the agencies may experience mechanical or equipment failure. In such cases, TELACU and/or Maravilla, would return to the home and deliver the furnace measure benefits.

A similar situation may arise with the program measure, ceiling insulation. There are times when a low-income home receives several gas and electric measures, but cannot receive ceiling insulation due to a leaking roof or an unsafe condition in the attic such as the presence of knob and tube wiring. But if the customer corrects those conditions, agencies are able to return to the home and install the ceiling insulation in that previously served home.

## **New restrictions on Furnace Services**

SoCalGas's policy on returning to homes to provide furnace services changed in 2004. SoCalGas's management found that, unlike TELACU or Maravilla, some agencies did not have a license to repair or replace furnaces and had not been referring qualified low-income homes to a furnace contractor. The program manager wrote in a email, "for reasons unknown to me, the SoCalGas DAP [Direct Assistance Program] program has not been providing ALL DAP customers with access to ALL feasible measures." SoCalGas took a reasonable step to correct this, requiring agencies to get a furnace license and provide the service, or work with a qualified subcontractor to provide the furnace services. This step did not affect TELACU or Maravilla since they already held furnace licenses and have always provided comprehensive service.

But then SoCalGas took an unreasonable step which *reduced* furnace services to low-income households, altered a fundamental aspect of Commission approved policy, and contradicted the effort to assure that all DAP customer receive all feasible measures. SoCalGas said no LIEE agency could return to a home to deliver only the furnace repair and replacement services. As described above, TELACU and Maravilla had for years returned to provide furnace services to homes they had previously weatherized, but which later became in need furnace work. But with SoCalGas's new directive, no longer would "ALL DAP customers have access to ALL feasible measures." This new restriction negatively affected low-income customers and those who provided the service to them such as TELACU, Maravilla, private contractors, and other CBOs such as Community Enhancement Services (CES) of Los Angeles.

The reason for this change, SoCalGas wrote in an email, was that "Those customers who have received furnace services only have not been provided access to other available Wx [weatherization] services and for those Wx only contractors, their customers have not had access to furnace services. My goal is to correct this during 2004"

SoCalGas is correct that "Wx only contractors" did not provide all customers with access to all feasible measures and the company took steps to correct the situation. But in the case of TELACU and Maravilla, SoCalGas mischaracterized the true situation when they said, "Those customers who have received furnace services only have not been provided access to other available Wx services." That is not true in the case of TELACU and Maravilla when returning to previously weatherized homes. Those customers have been provided access to Wx services and, under the Commission approved policy, could also receive furnace services. But, due to SoCalGas's unauthorized program change, previously weatherized homes are now denied access to the furnace repair and replacement service.

### **A new goal, “fewest number of visits,” becomes the top priority**

When it was pointed out that Section 2.9 clearly states that furnace repair and replacement (and ceiling insulation) may be installed as a single measure, SoCalGas wrote, “The intent [of Section 2.9] is to ensure that all customers receive all feasible measures *in the fewest number of visits.*” (emphasis added). This assertion by SoCalGas, that a desire by the Commission for “the fewest number of visits” requires SoCalGas to prevent a qualified low-income family from receiving the benefits of the furnace services, is simply not credible. Of course, for efficiency and customer convenience, agencies attempt to minimize the number of visits. And there is no question it is the intent of the Commission to provide all low-income customers with access to all feasible measures. But we have not found, nor has SoCalGas provided, any Commission decision, opinion, or directive which says that “fewest number of visits” is a Commission goal or, even if it was, that it should prevail over “access of all low-income customers to all feasible measures.”<sup>1</sup>

In fact, the SoCalGas directive actually undermines the stated goals of SoCalGas and the Commission by no longer providing all customers with access to all program services.

If the intent were truly to be “the fewest number of visits” then SoCalGas would have applied the prohibition to ceiling insulation also, which they did not. And if “fewest number of visits” were the intent of the Commission, then SCE would be required to further restrict its “stand alone” measures, such as an evaporative cooler, a refrigerator replacement, and ceiling insulation. But SCE has not and the Commission has not directed any utility to do so.

We have had numerous discussions with SoCalGas on this issue, which we view as an unauthorized program change which undermines the clear Commission policy of “comprehensive service” for low-income customers. The company has told us it would consider the problem on a case by case basis, but we are not aware of even a single case where SoCalGas has allowed a return to provide furnace services.

### **The Team’s proposal to re-categorize Furnace Services as “minor home repair”**

The repair and replacement of furnaces and water heaters are currently categorized as “measures.” The Standardization Team proposes to re-categorize these services to the category of “minor home repair.” A home which needs only “minor home repair” does not qualify for any LIEE services. If adopted, this change would provide to SoCalGas a Commission approved means

---

<sup>1</sup>The only CPUC language we found even remotely related to the subject of “number of visits” is in a discussion of the low income weatherization programs of the state Department of Community Services and Development and the California Conservation Corps. The Commission says, “We expect utility administrators to work closely with these agencies so that weatherization teams are deployed in a manner that protects the low-income customer from being approached by multiple service providers with uncoordinated programs.” (D01-05-033, page 38). This language concerns visits from “multiple service providers with uncoordinated programs,” and does not concern returning to previously weatherized homes in the LIEE programs to deliver program services as described in our comments.

of continuing the company's restriction on furnace services, but with a different justification. The Team has dropped the "fewest number of visits" rationale, which we have shown to be simply not credible, and replaces it with a recommendation to re-categorize furnace repair and replacement as a minor home repair "for the sake of consistency." This change would effectively eliminate the possibility of any agency going to a home solely to deliver furnace repair and replacement services. Unlike "fewest number of visits" which, logically, should be applied to *all* the single measures listed in section 2.9, the Team's re-categorization would not affect the SCE LIEE program and it would not undermine the case for returning to a home to provide ceiling insulation.

But the negative effects of such a re-categorization go beyond just furnace services. As explained earlier, a home must require a minimum number of measures in order to qualify for *any* LIEE services. If furnace and water heater services are no longer considered a measure, many homes which currently qualify for LIEE services will no longer meet the "3 measure minimum" requirement and *will not qualify for any SoCalGas LIEE services at all*, reducing the overall service to low-income families.

Furnaces (and water heaters) are not minor home repairs. "Minor home repairs" are repairs which are primarily concerned with "sealing the building envelop" to minimize air infiltration or to make repairs which are needed in order to allow the proper installation of measures. Furnaces are major appliances whose installation requires a specialized license and which affect the health, safety, and comfort of the dwelling occupants. They are not minor home repairs and should not be categorized as such.

SoCalGas's unauthorized restriction on the delivery of furnace services has reduced services to certain low-income customers. It is not sufficient for the company to say the problem should be addressed on a case by case basis. The existing P&P Manual should be followed.

There may be legitimate reasons to consider putting some restrictions on the furnace service. While the restriction on furnace services may "free up" funds to be used to serve more homes with other measures, that is a policy decision which should be made, after thorough examination and public input, by the Commission, not by utility program managers in a P&P Manual revision. In this instance the Team's recommendation represents an attempt to change Commission LIEE policy to conform to SoCalGas' unauthorized program changes, rather than having the SoCalGas program conform to approved Commission LIEE policy. The Team's recommendations to re-categorize furnace and water heater services to "minor home repair," and its proposed changes to Section 2.9 of the Policy and Procedures Manual, "Need for LIEE Services," should be rejected and SoCalGas should be directed to conform to Commission policy on the issue which allows furnace services as described above.

**V. The Commission should direct the Team to withdraw its proposed Policy and Procedures changes and conduct workshops and/or other forums to solicit input from interested participants on proposed changes prior to resubmitting the proposal to the Commission. The Team should be directed to operate in compliance with Bagley-Keene**

Our feelings on the failure of the Team to include the opportunity for public input *before* submitting its recommendations to the Commission can be expressed using the Commission's own language concerning the Low-income Governing Board's (LIGB) early efforts at standardization. In this quote, we substitute the word "Team" in place of LIGB to express the point.

"The Commission is disappointed in the degree to which the Team sought feedback and suggestions from the utilities and other interested parties, and the Team's apparent lack of evaluation and analysis of such feedback before making its recommendations to the Commission. In the future, the Team is expected to solicit comments and recommendations from the utilities and interested parties and adopt a timeline which allows for evaluation and incorporation of these responses, as appropriate. The Team, in the future, should provide thorough substantiation of its recommendations in its work products" (D. 00-09-036, page 11).

The Standardization Team's submission in this instance is simply deficient. The Team's process has failed to meet the requirements of either the Bagley-Keene Open Meetings Act or the Commission's own directives. The Team proposes significant changes which could alter approved Commission policy and reduce services to low-income families but did not include information which would allow an informed decision as to the reasonableness of the changes.

The Commission should direct the Team to withdraw its proposed changes and conduct workshops and/or other forums to solicit input from interested participants on proposed changes prior to resubmitting the proposal to the Commission. The Team should provide thorough substantiation of its recommendations and include the following:

1. Summary of the comments and recommendations of interested parties;
2. Final recommendations of the Standardization Team;
3. Discussion of the pros and cons of each policy alternative; and
4. Estimated impact on services to low-income customers, relative to current policies (for each alternative).
5. The impact estimates required under (4) above should be specific to low-income households within each utility's service territory. The report should show the impacts on low-income households within the service territory as a whole and also on low-income households located in rural areas. The data should be presented in a consistent manner across utilities.

The Team should be directed by the Commission to operate in compliance with Bagley-Keene. This is not unreasonable. The State Department of Community Services and Development (DCSD), which administers the federally funded low-income weatherization programs, uses

substantially the same Policy and Procedures Manuals and Installation Standards Manual and the same consultants as the utility LIEE programs but has an open process which allows participation of any and all interested parties.

## **VI. Comments on proposed revisions to the Policies and Procedures Manual**

The following comments are based on what we consider an inadequate amount of information provided by the Standardization Team. As we stated above, there are LIEE program changes we believe should be made but are not included in the Team's proposed changes. For example, there were some changes made for the program year 2004, such as SoCalGas's furnace pre-approval process, which, after a year's experience in the field, we believe should be rescinded or modified. We would have discussed this with the Team, but we have been excluded from the Team's process and are only now able to propose these changes.

Our recommendations strive to provide "all eligible customers with all program measures."

### **Section 1.1 Overview (Recommendation of TELACU and Maravilla)**

The final sentence of Section 1.1 currently reads, "The final interpretation of policies and procedures incorporated into this PY2005 Manual and the associated Installation Standard rests with the utilities' program managers." While we recognize the need for utilities to make judgments on the interpretation of approved Policies and Procedures, these interpretations must be reasonable and should not change the intent of the program. As discussed in section IV above, we believe SoCalGas incorrectly interpreted Policy and Procedure concerning furnaces in a way which reduced services to low-income households. We believe the final interpretation of policies and procedures should be made by the Commission, not utility program managers.

#### **2.2.6 Ceiling Insulation in Multifamily Buildings**

The Team proposes to drop the 80% rule for income eligibility for all measures other than ceiling insulation in common attic spaces of multi-family buildings. The Team says there is a need to drop the 80% rule because low-income renters are likely to take, when they move out, "measures that are transportable," such as "compact fluorescents, refrigerator replacements, evaporative coolers, and high efficiency window/wall air conditioners. The Team says these items "are likely to go with the current occupant."

But measures that are not likely to go with the current occupant, such as doors and weatherstripping, would also be eliminated by the Team's proposal.

The Team does not provide adequate justification for this policy change which will have the effect of reducing the number of households which may receive LIEE services. This change would increase outreach costs, and increase the number of visits by outreach workers and crewmembers to customer homes. The Team should be required to provide data that served as the basis



for that statement, and to indicate how much of a problem this has been, what savings or costs could be expected, and its impact on services to low-income customers. Until convincing information is provided, we oppose the elimination of the 80% rule, and recommend instead that the Commission adopt the 66% rule used by DCSD.

### **2.3.1 General Service Eligibility Conditions**

We are concerned that customers who use IOUs but have no heater in their home, who may be the poorest of the poor, are not eligible to receive any LIEE service. Prior to 2004, we were able to provide a heater for these customers. The Team has not provided adequate justification for a policy which denies service to low-income families.

### **2.4 Treatment of Master-Metered Units**

As discussed 2.2.6, we disagree with the recommendation to drop the 80% rule; we find no programmatic advantage or financial savings in having to return to units to initiate services.

### **2.7.2 Eligibility of Rental Units for Certain Measures (Recommendation of TELACU and Maravilla)**

The current restrictions on rental units should be lifted. Furnace repairs and replacements should be allowed for rental units. The program of state DCSD has offered this to low-income people without exception and the LIEE should do the same.

As stated earlier, in 2004 we were told by SoCalGas that no minor furnace repairs in qualified rental units would be allowed even though such repairs are clearly allowed in the 2004 Policy and Procedures. Manual Section 2.7.2, “Eligibility of Rental Units for Certain Measures,” states, “...However, minor repairs and adjustments to furnaces may be made if these actions would improve the performance of the system at minimal cost.”

### **2.8 Previous Program Participation (Recommendation of TELACU and Maravilla)**

We believe the LIEE 10-year restriction should be reduced to 4 years for basic weatherization measures, which is reasonable and consistent with the state DCSD low-income weatherization program. But for furnace repair and replacement, for reasons of health, safety, and comfort, agencies should be able to return to provide those services whenever needed.

### **2.9 “Need for LIEE Services” and “All Feasible Measures”**

We agree all feasible measures should be installed in eligible homes. But, as described above, some of the existing and proposed program policies of SoCalGas contradict the policy of “all feasible measures.” The Commission should allow the contractor to provide whatever services are needed.

### **5.3 Consideration of Changes to Measure List.**

As explained above, furnace and water heater repair and replacement are not, and should not be classified as, a minor home repair.

## **6.2 Minor Home Repairs.**

As explained above, furnace and water heater repair and replacement are not, and should not be classified as, a minor home repair.

## **6.3 Limits on Minor Home Repair**

As explained above, furnace and water heater repair and replacement are not, and should not be categorized as, minor home repairs.

### **7.3.18 Furnace Repair and Replacement**

NGAT policy should not be the driving force for the Repair and Replacement of a furnace. There are conditions that affect the health and safety of the customer that would not come out on the NGAT test. For example, the thermostat may be broken, a gas valve may not function, or a motor may be burned out. All are reasons the furnace should be repaired or replaced, but would not surface in an NGAT test. If the Commission adopts the Team's recommendation it will reduce heater services to low-income customers.

Moreover, in the low-income areas served by TELACU and Maravilla, we find many homes with furnaces which are 30 to 50 years old. Current SoCalGas policy emphasizes repair rather than replacement of those old furnaces. But those old furnaces do not have the built in safety devices, and the efficient operation of current models. The old furnaces are more dangerous and costly to operate and are more likely to fail than a newly installed furnace. In addition, if one of those old furnaces fails after weatherization, that family cannot receive furnace repair and replacement services for 10 years, due to the current policy on previous program participation. We believe this policy should be changed, as described above in 2.8.

### **7.3.19 Natural Gas Water Heater Repair and Replacement**

A water heater should remain categorized as a measure as in the 2004 P&P Manual. This is not a minor home repair, it is a significant measure that has an impact on the health, safety, and comfort of the low-income customer.

## **8.3 Pre-Installation Inspection (Recommendation of TELACU and Maravilla)**

Since the inception of SoCalGas's furnace services, licensed contractors were able to outreach, certify, process, enroll and service low-income customers, thereby reducing the inconvenience and number of visits to the customer. In 2004, this policy changed to require pre-approval by SoCalGas from a third party contractor. This has caused delays in service and has created an additional and unnecessary layer of administration for both the contracting agency and the Gas Company. Adequate controls and checks are already in place to determine eligibility status of the furnace. We suggest the Commission reinstate the previous policy of 2003 eliminating the additional third party. We note the DCSD program, by not requiring pre-inspection, reduces the

number of required visits to customers, eliminate extra steps, increases productivity and provides the opportunity to serve more households.

#### **8.4.7 Charge for Reinspection (Recommendation of TELACU and Maravilla)**

We agree the utility should charge the contractor for any re-inspection in which a failure has been questioned by the contractor and upheld by the utility arbitrator. However, if the arbitrator rules in the contractor's favor, we believe the contractor should be compensated for its time and money spent.

#### **10.2.2 and 10.2.3 Deletion of references to Rapid Deployment.**

The Team summary says section 10.2.2 "has been modified to exclude reference to Rapid Deployment policy and to clarify language relating to LIEE services." But the current section 10.2.2 contains no reference to Rapid Deployment and the only change we find in the Team's proposed revision of 10.2.2 is the addition of two sentences concerning a Joint Utility filing.

But the Team summary fails to point out its revisions have *deleted Section 10.2.3 in its entirety*. That section, "Applicability of Homes Revisited under Rapid Deployment," currently reads,

- "As part of the Commission's rapid deployment strategy initially established by D.01-05-033, utilities are permitted to go back to homes that have already been weatherized in order to install additional electric measures like energy efficient replacement refrigerators. Natural gas appliance assessments are not required in such cases where weatherization is not provided."

By eliminating section 10.2.3, it appears the Team is proposing to terminate a policy established in Rapid Deployment D.01-05-033, page 39, which states,

- "We believe that utility administrators should have the flexibility to send service providers back to treated homes to install the new measures adopted today, along with other load reduction measures that were not offered at the time the home was treated and would contribute significantly to bill savings (e.g., refrigerator replacements). Therefore, we grant an 'automatic exception' to revisiting previously treated homes for these measures during the rapid deployment period."

Decision 01-05-033 also says, "The rapid deployment strategy adopted today shall continue *until further Commission order*." (Conclusion of law 52, page 86, emphasis added).

The Commission later reviewed the success of its Rapid Deployment strategy and said in D.02-07-033,

- "The rapid deployment programs adopted for SCE, SDG&E, SDG&E and SoCal in D.01-05-033 should continue *until further Commission order*." (Conclusion of law 1, page 58, emphasis added)

The Team should not be allowed to use this P&P Manual revision process as a vehicle to change the Commission's Rapid Deployment Program policies. We oppose the deletion of Section 10.2.3.

### **10.3 Combustion Appliance Assessment Protocols (Natural Gas Appliance Testing [NGAT]) (Recommendation of TELACU and Maravilla)**

It is the intention of the Commission and the Legislature to provide all measures to all eligible customers. The following is a list of five problems which under current procedures disqualify a home from receiving services, with a proposed, relatively simple fix which would allow the home to be served.

- 1. Combustion Ventilation Air:** If a heater does not have enough Combustion Ventilation Air, and you cannot add any, the house will be rejected.  
**The Fix:** Remove the heater and patch wall or remove the heater and install smaller BTU rating heater in the space. This would allow the customer to receive all services.
- 2. Flue vent pipe termination:** If the vent pipe from a heater or water heater does not meet the clearances from a house, window, or swamp cooler, the home will be rejected.  
**The Fix:** Extend the vent or run a new vent for the appliance.
- 3. Un-vented space heater:** These are illegal and vent into the living space.  
**The Fix:** Install heater for these customers
- 4. Whole house fan:** If the customer has a standing pilot appliance in the attic the customer is not eligible for measures.  
**The Fix:** Install electronic ignition or replace appliance or remove the whole house fan.
- 5. Gas clothes dryer:** If the dryer exhaust is not vented to the outside the customer would be denied services.  
**The Fix:** Install the exhaust vent to the outside of the home.

### **10.4 Timing of Combustion Appliance Testing**

An agency may not be able to complete NGAT testing on the same day as infiltration reduction measures are installed if a repair or replacement of the furnace is necessary. For example, we may need to order parts for a repair, and if we were recommending the replacement of the furnace, we must await approval by SoCalGas.

### **10.6 Assessment Personnel (Recommendation of TELACU and Maravilla)**

We believe SoCalGas appliance assessments, whether by using in-house staff or third parties, is a form of unnecessary micromanagement. We believe if agencies were permitted to operate the program under the manner addressed in 8.3, it would reduce program costs and unnecessary levels of administration, and would deliver a service that would least inconvenience the customer in terms of visits and time, and more readily provide the service necessary. The Team has not provided sufficient data to justify this policy.

## VII. Conclusion

The Team's submission in this instance is simply deficient. The Team's process has failed to meet the requirements of either the Bagely-Keene Open Meetings Act or the Commission's own directives. The Team proposes significant changes which could alter approved Commission policy and reduce certain services to low-income families but did not include information which would allow an informed decision as to the reasonableness of the changes. Those types of proposed changes should receive close examination by the Commission before considering approval.

The Commission should direct the Team to withdraw its proposed Policy and Procedures changes and conduct workshops and/or other forums to solicit input from interested participants on proposed changes prior to resubmitting the proposal to the Commission. The Team should provide thorough substantiation of its recommendations and include the following:

1. Summary of the comments and recommendations of interested parties;
2. Final recommendations of the Standardization Team;
3. Discussion of the pros and cons of each policy alternative; and
4. Estimated impact on services to low-income customers, relative to current policies (for each alternative).
5. The impact estimates required under (4) above should be specific to low-income households within the each utility's service territory. The report should show the impacts on low-income households within the service territory as a whole and also on low-income households located in rural areas. The data should be presented in a consistent manner across utilities.

The Team should be directed by the Commission to operate in compliance with Bagely-Keene. This is not unreasonable. The State Department of Community Services and Development (DCSD), which uses substantially the same Policy and Procedures Manuals and Installation Standards Manual and the same consultants as the utility LIEE programs, have an open process which allows participation of any and all interested parties. We believe this Commission should do the same.

In the event the Commission does not direct the Team to gather more public input, we hope the Commission's order will reflect these comments which strive to make the CPUC process more open to public participation and to ensure that all low income customers have access to all LIEE program services.

Respectfully submitted,

March 14, 2005

James Hodges for  
TELACU and Maravilla  
1069 45<sup>th</sup> Street, Sacramento, CA 95819

Voice (916) 451-7011  
Fax (916) 914-2350  
email hodgesjl @ surewest.net



**Community Action Agency  
of San Mateo County, Inc.**

Ca. Cont. Lic. #622926

930 Brittan Avenue  
San Carlos, CA 94070  
(650) 595-1342

FAX (650) 595-5376

August 21, 2002

Commissioner Carl Wood  
California Public Utilities Commission  
Executive Division  
505 Van Ness Avenue  
San Francisco, CA 94102

Dear Commissioner Wood:

On Thursday, August 15, 2002, I was prevented, by CPUC Energy Division staff, from attending a meeting of the Standardization Project Team held at the Pacific Energy Center in San Francisco. I would like to know if it is the policy of the Commission to prevent interested parties or other members of the public from attending workshops/meetings/working group meetings on issues concerning low-income programs. If it is, I respectfully request that you list the factors, which led the Commission to this policy, describe how this policy was communicated to the public, and to explain how the public benefits from this policy. Here is the background on this unfortunate encounter with Energy Division Staff.

On Wednesday, August 14, 2002, I attended the CPUC's Public Input Workshop to discuss the Interim Report for Fiscal Year 2001 LIEE Program Evaluation, #R-01-08-027, held at the Pacific Energy Center, 851 Howard, Street, San Francisco. During the workshop, Combustion Appliance Safety (CAS) Testing was discussed. This topic was reviewed in detail.

This discussion brought to light an erroneous fact about Low-Income Home Energy Assistance Program (LIHEAP) agencies funded by the Department of Community Services and Development (CSD). It was stated by a PG&E employee that LIHEAP agencies do not use the same CAS test as they do. Further, it was stated by a PG&E employee that LIHEAP agencies only tested for carbon monoxide (CO) by using an ambient air test and that they did not actually test each combustion appliance in the home. At that time I stated to those present that my agency, the Community Action Agency of San Mateo County, Inc., which provides LIHEAP services,

Commissioner Carl Wood  
August 21, 2002  
Page 2

does test each combustion appliance for carbon monoxide and that all LIHEAP agencies are required to do the same. This combustion appliance test is not merely a test for ambient air carbon monoxide. It was also stated that CAS testing would be discussed by the Standardization Project Team, which would be held next day, August 15, 2002 at 851 Howard Street, San Francisco.

I was told by an Energy Division staff member on the morning of August 15<sup>th</sup> at the Public Input Workshop being held at the CPUC Commission Training Room, 505 Van Ness Avenue, San Francisco, that the Standardization Project Team was going to discuss CAS testing. I then went over to the meeting so I could participate in the Standardization Project Team discussion on CAS Testing in order to be sure that the erroneous information presented at the Public Input Workshop was corrected. When I arrived I was told by Donna Wagoner of the PUC's Energy Division that I would not be allowed to attend or listen to the proceedings. She did, however, say that I could speak to the group before the meeting took place. But this would mean that I would be presenting statements to the Standardization Project Team that would not be part of the record or discussion. Thus it would only exacerbate the erroneous information that would be discussed among members present and I, therefore, did not accept the offer.

Her insistence that I was not to be allowed to attend the meeting appears to be contrary to Decision 02-08-034, August 8, 2002, INTERIM DECISION: LOW-INCOME ENERGY EFFICIENCY PROGRAM AND MEASURE COST-EFFECTIVENESS TESTING, pages 4 & 5, paragraph 4: "In our ongoing efforts to improve the cost-effectiveness testing of LIEE programs, we directed the Reporting Requirements Manual (RRM) Working Group and the Standardization Project Team to explore various issues related to these cost-effectiveness tests and their application to the LIEE program as a whole and specific measures. The RRM Working Group consists of Commission staff and representatives from the utilities, but is open to all interested parties".

I note that this decision indicates the Commission directs both the RRM Working Group and the Standardization Project Team and, therefore, sets the policy for public participation for both groups. Ms. Wagoner's insistence that I not attend the meeting also seems to contradict this decision and what I believe to be your sincere public statements requesting public input on low-income issues. As you have strongly asserted, meetings discussing issues that affect the public could and should be attended by members of the public so they may participate in the decision-making process.

It is possible that Ms. Wagoner was simply following the policies put forward by a previously assigned commissioner, Commissioner Neepser, policies which have not been reviewed for some time. In order that I, Commission staff, interested parties, and the public clearly understand the policy today under your leadership, I would like to know if it is the policy of the Commission to

Commissioner Carl Wood  
August 21, 2002  
Page 3

prevent interested parties or other members of the public from attending workshops/ meetings/ working group meetings on issues concerning low income programs. If it is, I respectfully request that you list the factors which led the Commission to this policy, describe how this policy was communicated to the public, and explain how the public benefits from this policy. If it is not, this is the opportunity to inform Commission staff and interested parties.

Respectfully yours,

William F. Parker  
Executive Director

WFP:gk



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 "Comments of the East Los Angeles Community Union and the Maravilla Foundation on the Standardization Project Team's Proposed Revisions to the LIEE Program Policy and Procedures and Weatherization Installation Standards Manuals" in the proceeding R.04-01-006.

By first class U.S. mail, postage prepaid, to the Administrative Law Judges 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

By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed with an e-mail address on the official service list for R.04-01-006.

Dated at Los Angeles, California this 14<sup>th</sup> day of March, 2005.

      /s/ JAMES HODGES      

James Hodges