

**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.

R.07-01-042  
(January 25, 2007)

Southern California Edison Company's (U 338-E) Application for Approval of SCE's "Change A Light, Change The World," Compact Fluorescent Lamp Program.

A.07-05-010  
(Filed May 10, 2007)

**GREENLINING'S AMENDED COMMENTS ON THE ADMINISTRATIVE LAW JUDGE'S SEPTEMBER 27, 2007, RULING SEEKING COMMENTS ON ISSUES RAISED IN THE KEMA NEEDS ASSESSMENT REPORT AND ON NATURAL GAS APPLIANCE TESTING ISSUES**

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October 26, 2007

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**I. INTRODUCTION: TO TRULY BE EFFECTIVE, THE CPUC AND THE UTILITIES SERVING CALIFORNIA MUST DESIGN ALL LOW INCOME ENERGY EFFICIENCY PROGRAMS TO MEET THE ECONOMIC REALITIES FACING LOW-INCOME AND MINORITY COMMUNITIES**

*“The CPUC, a public agency, cannot effectively serve low income communities without participation from the residents of these communities or organizations which represent them.”<sup>1</sup>*

The Greenlining Institute (“Greenlining”) respectfully submits the following comments to the California Public Utilities Commission (“Commission” or “CPUC”) concerning the Administrative Law Judge’s Ruling Seeking Comments on Issues Raised in the KEMA Final Report on Phase 2 Low Income Needs Assessment (“KEMA Report”).<sup>2</sup> At this time, Greenlining respectfully declines to comment on the Natural Gas Appliance Testing (“NGAT”) issues.

Greenlining applauds the Commission’s efforts to improve the Low Income Energy Efficiency (“LIEE”) programs. Greenlining believes this is a commendable step towards developing a truly effective and inclusive statewide low income energy efficiency program. However, it is only a first step.

<sup>1</sup> Len Canty, President and CEO of the Black Economic Council, October 22, 2007.

<sup>2</sup> See KEMA’s Final Report on Phase 2 Low Income Needs Assessment. Dated September 7, 2007.

Greenlining submits that for the LIEE program, as a whole, to reach its environmental *and* economic development potential, it must be formulated with a keen awareness of the economic realities facing the 70% of Californians living paycheck-to-paycheck. Specifically, many low-income and minority individuals (and families) simply have no choice, but to prioritize their everyday needs such as food, housing, and clothing over secondary goals like environmental stewardship.

Given this reality, Greenlining strongly submits that no LIEE program should be approved unless the Commission and utilities can answer the following question in the affirmative: *“Does this program provide easy and ready access to energy efficiency technologies for low-income and minority consumers?”*

## **II. DISCUSSION: RECOMMENDATIONS ADDRESSING THE SPECIFIC QUESTIONS RAISED BY THE ADMINISTRATIVE LAW JUDGE CONCERNING THE KEMA REPORT**

1. What strategies would achieve higher participation in areas where there do not appear to be any unique challenges to expanding participation?

To achieve higher LIEE program participation, Greenlining recommends that the utilities formulate all low-income energy efficiency initiatives with the specific goal of providing easy and ready access to energy efficiency technologies for low-income and minority ratepayers. For example, the utilities must:

- Provide all marketing, education, and outreach materials for LIEE programs in-language.
- Distribute marketing, outreach, and education materials in locations readily available to California’s low-income and minority communities. For example: United States Post Offices, Social Security Offices, public K-12 schools, community colleges, community based organizations, faith based organizations, etc.
- Distribute marketing, outreach, and education materials along with information sent out by other government agencies like Medical, Medicare, Social Security, Housing and Urban Development, the California Franchise Tax Board, etc.
- Make it simpler for households who are potentially eligible for LIEE to contact their utility company. For example, utilities could include a “tear-away” portion at the bottom of every energy bill with a “check-box” where a customer could indicate interest in participating in LIEE programs.

- Provide live or telephonic customer service in-language.
- Conduct in-language customer service visits to low-income homes across California.
- Provide easy to understand and readily accessible in-language LIEE program information and application forms online.
- Increase the economic benefits of LIEE programs.
- Inform low-income ratepayers of the practical incentives of participation in LIEE programs.
- Provide LIEE participation incentives to landlords who provide housing to low-income and minority communities.
- Modify the LIEE program eligibility requirements so that renters, as well as homeowners, are eligible for LIEE program initiatives.
- Provide in-language training materials with easily understood written and visual directions regarding the effective use of energy efficiency technologies.
- Increase access to training and education programs designed to encourage the use of energy efficient technologies.
- Develop and increase the capacity of local Community Based Organizations (“CBOs”) and Faith Based Organizations (“FBOs”) to educate and train their communities on the use of energy efficient technologies.
- Partner with CBOs and FBOs to redesign low-income energy efficiency marketing, outreach, and education programs to ensure their cultural competency.
- Partner with CBOs and FBOs to locate eligible participants of low-income energy efficiency programs and to develop marketing, education, and outreach strategies designed specifically to engage California’s low-income and minority communities.
- Partner with CBOs and FBOs to install energy efficiency technologies in low-income and minority communities.

Further, Greenlining recommends that all utilities review and adopt the best marketing, outreach, and education practices of other California utilities.<sup>3</sup> For example Greenlining strongly supports Southern

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<sup>3</sup> For example, Southern California Edison (“SCE”) relies on home-to-home canvassing, categorical eligibility standards, and the use of census based demographic information to increase LIEE participation and penetration. San Diego Gas and Electric Company (“SDG&E”) and Southern California Gas (“SoCalGas”) rely on multiple methods

California Edison’s (“SCE”) recommendations of: (1) using a “grassroots approach to marketing” including an “informational campaign to make households aware of the benefits of [LIEE programs] and how to participate in the programs, (2) conducting LIEE outreach in conjunction with other social service programs operated by CBOs and FBOs, and (3) producing and distributing a wide variety of printed and electronic informational materials.<sup>4</sup>

Greenlining echoes Pacific Gas and Electric Company’s (“PG&E”) observation that “[t]raditionally, LIEE program participation has been constrained by LIEE budget and infrastructure.” Consistent with this observation, Greenlining recommends the Commission and the utilities jointly fund an independently conducted market analysis to determine the funding required to achieve 100% LIEE program participation. Moreover, Greenlining also recommend that the Commission and the utilities jointly fund the LIEE program at the level recommended by the market analysis. Greenlining also recommends that the Commission explore the possibility of creating statewide categorical eligibility standards encompassing the CARE, LIEE, and California Solar Initiative (“CSI”) programs.<sup>5</sup>

Lastly, Greenlining recommends the Commission create a “Low Income Energy Efficiency Programs Office.” This office would set statewide standards for determining whether households are eligible for LIEE, CARE, or CSI programs and would also house all LIEE, CARE, and CSI ratepayer data. The creation of such an office would greatly simplify LIEE program enrollment and outreach, in the following ways.

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including door-to-door canvassing, direct mail, self-certification, web based applications, a dedicated LIEE outreach email address, and partnerships with local government agencies and CBOs.

<sup>4</sup> See Southern California Edison Company’s (U 338-E) Comments on the Administrative Law Judge’s Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 7 - 12, R. 07-01-042 / A. 07-05-010. See also Comments of the Division of Ratepayer Advocates Seeking Comments on the Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 6, R. 07-01-042 / A. 07-05-010 (“The Commission must provide an extensive effort to increase general awareness of both [CARE and LIEE] programs amongst the California low-income population through a continual aggressive marketing campaign.”)

<sup>5</sup> For an explanation of categorical eligibility, see Southern California Edison Company’s (U 338-E) Comments on the Administrative Law Judge’s Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 12, R. 07-01-042 / A. 07-05-010.

First, this office would provide “one-stop enrollment” for all Californians interested in participating in LIEE programs. Second, the office would house a database of all LIEE eligible persons statewide. Such a database would allow utilities to search for all LIEE eligible persons residing in their service territory. Third, ratepayers would not have to reapply for LIEE programs if they moved from one service territory to another in California. Greenlining believes this would allow for a seamless LIEE enrollment. Further, centralization of all LIEE programs has the potential to increase LIEE penetration and retention rates by keeping LIEE eligible persons in programs as they move within California.

2. Should the LIEE program target specific types of households, e.g., African-American households or large households? If so, what strategies should the utilities use to target identified households?

Greenlining recommends that the utilities focus all low-income energy efficiency initiatives, including the identification of LIEE eligible households, around the goal of providing easy and ready access to energy efficiency technologies for low-income and minority ratepayers. To that end, Greenlining concurs with the Division of Ratepayer Advocates (“DRA”), that increased participation in LIEE programs requires increasing public awareness of LIEE programs and their benefits, throughout the state.<sup>6</sup>

To increase awareness, Greenlining submits that each utility should adapt its LIEE marketing, education, and outreach programs to target the low-income ratepayers within the utility’s service territory. Rather than target customers by ethnic or geographic location, the utilities ought to design their marketing, education, and outreach programs to target all LIEE eligible households in their service territories. To target these households, Greenlining recommends that all utilities review and adopt the most successful targeting strategies practiced by other utilities in California.<sup>7</sup>

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<sup>6</sup> See Comments of the Division of Ratepayer Advocates Seeking Comments on the Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, pp. 1-2, R. 07-01-042 / A. 07-05-010.

<sup>7</sup> For example, Southern California Edison is planning a “multidimensional internal analysis of its customer base using billing, usage, payment, and housing data from its entire residential customer based, combined with income

3. Should the LIEE program target households in specific geographic areas (remote areas, densely populated areas, hot climate areas)? If so, what strategies can be employed to target such areas?

As stated *infra* in response to Question 2, Greenlining submits that each utility should adapt its LIEE marketing, education, and outreach programs to target the low-income ratepayers within the utility's service territory. Rather than target customers by ethnic or geographic location, the utilities ought to design their marketing, education, and outreach programs to reach the nonparticipating LIEE eligible households in their service territories.

4. How can the LIEE application process be simplified to reduce customer confusion during the application process and to reduce the waiting period for LIEE installations?

Greenlining recommends that utilities ensure all low-income energy efficiency initiatives, including the simplification of the LIEE application processes, meet the underlying goal of providing easy and ready access to energy efficiency technologies for low-income and minority ratepayers.

Greenlining submits that documentation requirements present daunting obstacles to LIEE program participation for many low-income and minority Californians. Therefore, to increase LIEE program participation, all LIEE application forms must be written in simple non-technical language, published in-language, articulate the basic terms of LIEE program participation, and be capable of being completed in a short time frame.

Second, to simplify the LIEE application process and reduce customer confusion during the application process, Greenlining recommends that all utilities review and adopt the most successful marketing, outreach, and education strategies practiced by other utilities in California.<sup>8</sup>

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eligibility, demographic, and climate data, from other existing data sources, for the purpose of identifying qualified households with the greatest energy burden and energy insecurity.” SDG&E and SoCalGas (1) use data on customer energy usage and climate zones to target the customers they believe will most benefit from participation in LIEE programs and (2) use demographic data to locate low-income areas where high energy usage is prevalent and conduct door-to-door canvassing in these areas.

<sup>8</sup> For example: SCE's current application process is completed by the ratepayer with the assistance of an SCE contractor. This approach has the potential to minimize customer confusion and reduce the number of incomplete

With respect to the comments of Sierra Pacific Power Company (“Sierra Pacific”), Greenlining respectfully notes that even if Sierra Pacific’s LIEE application process is, “very straightforward,” it is not necessarily as easily and readily accessible as it could be.<sup>9</sup> Greenlining believes that until Sierra Pacific can show 100% participation in its LIEE programs by all eligible ratepayers in their geographic area, Sierra Pacific too can improve their application process.

5. How can the LIEE program be modified to reduce the stigma some customers believe is associated with the program? Can documentation requirements be reduced?

Greenlining submits that to reduce the stigma associated with the LIEE programs, two fundamental changes must occur. First, the Commission and all utilities must acknowledge that many low-income and minority ratepayers face economic based stigmatization every day.

Second, Greenlining submits that as long as the Commission and the utilities view Energy Efficiency and Low Income Energy Efficiency as *separate* programs with *separate* goals, there will always be a stigma associated with the LIEE program. For example, although San Diego Gas & Electric Company (“SDG&E”) and Southern California Gas Company (“SoCalGas”) engage in joint marketing for LIEE and CARE programs, they do not engage in joint marketing for LIEE and Energy Efficiency programs because “LIEE customers often cannot afford the measures/appliances where rebates are offered.”<sup>10</sup> The assumption that low-income Californians cannot afford energy efficiency technologies and should not given the opportunity to decide if they can afford such technologies, is a prime example of economic based stigmatization.

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applications that require pre-approval follow up. PG&E does not require the customer fill out any paperwork. Rather, the paperwork is completed by a PG&E contractor during a home visit with the customer’s assistance.

<sup>9</sup> See Comments of Sierra Pacific Power Company (U-903 E) on the Issues Raised in the Final KEMA Report Phase 2 Low Income Assessment, R. 07-01-042 / A. 07-05-010.

<sup>10</sup> See Joint Comments of San Diego Gas and Electric Company and Southern California Gas Company on the Administrative Law Judge’s Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 20, R. 07-01-042 / A. 07-05-010.



Greenlining believes that to maximize the potential benefits of energy efficiency, this stigmatization must end. To end this stigmatization, California's low-income and minority communities must not only participate in, but be a critical element of the Commission's overall energy efficiency programs. Greenlining submits that the process of developing the Commission's overall plan for energy efficiency cannot effectively occur without full inclusion of low-income and minority ratepayers. Moreover, Greenlining submits that it is imperative for the Commission to include in the energy efficiency program specific initiatives with measurable goals aimed at increasing knowledge of and participation in *all* energy efficiency programs by low-income and minority California ratepayers. If such inclusion and measurable goals are not integrated into the planning processes, Greenlining fears that the Commission's energy efficiency programs will ultimately fail to effectively respond to the needs of all Californians.

6. How can education and training on the use of programmable thermostats be improved to assure more effective use of these technologies? Are there similar/other educational measures that need to be improved?

Greenlining recommends that the utilities center all low-income energy efficiency initiatives, including education and training on the use of energy efficient technologies, around the goal of providing easy and ready access to these technologies for low-income and minority ratepayers.

Specifically, Greenlining recommends that the utilities can improve their education and training on the use of programmable thermostats, as well as all energy efficiency technologies through partnerships with local CBOs and FBOs.<sup>11</sup>

Second, Greenlining concurs with DRA that the education and training program must inform households of the potential economic benefits that come with proper usage of efficiency energy technologies.<sup>12</sup>

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<sup>11</sup> See *infra* Greenlining's response to Question 8 "How can the utilities redesign their programs to assure that individual households do not receive measures that are not needed and do receive those that are?"

7. How can the utilities coordinate their low-income programs with those of other regulated utilities and municipal utilities statewide?

Greenlining submits that coordination between utilities statewide is fundamental to increasing participation in LIEE programs. Therefore, Greenlining recommends that the utilities develop low-income energy efficiency initiatives, including intra-utility coordination of LIEE programs, to meet the goal of providing easy and ready access to energy efficiency technologies for low-income and minority ratepayers. Additionally, to increase coordination, Greenlining recommends that all utilities review and adopt the coordination best practices already underway around California.<sup>13</sup>

8. How can the utilities redesign their programs to assure that individual households do not receive measures that are not needed and do receive those that are?

First, Greenling firmly believes that the focus of all LIEE marketing, outreach, and education efforts should be on assuring that all eligible households receive energy efficiency measures. Thus, Greenlining strongly recommends that the Commission disregard SDG&E's statement that "reducing documentation any further may lead to an unacceptable level of participation by costumers who exceed the LIEE program's income limits."<sup>14</sup>

Second, Greenlining recommends that the utilities concentrate all low-income energy efficiency initiatives, including the redesign of energy efficiency programs, with the goal of providing easy and

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<sup>12</sup> See Comments of the Division of Ratepayer Advocates Seeking Comments on the Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 9, R. 07-01-042 / A. 07-05-010.

<sup>13</sup> For example: SCE coordinates services with other regulated gas utilities including SoCalGas. During the outreach phase for either utility, the contractor will enroll the customer for bus SCE and SoCalGas' LIEE programs in order to provide the customer with access to all feasible gas and electric measures. Southwest Gas Corporation ("Southwest") coordinates its LIEE program with the electric utilities in all of its service areas. SDG&E and SoCalGas use common contractors to install LIEE technologies in overlapping service areas, have data sharing agreements enabling increased outreach to LIEE eligible households, and engage in joint LIEE planning discussions.

<sup>14</sup> See Joint Comments of San Diego Gas and Electric Company and Southern California Gas Company on the Administrative Law Judge's Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 17, R. 07-01-042 / A. 07-05-010.

ready access to energy efficiency technologies for low-income and minority ratepayers. For specific recommendations as to the redesign, please see Greenlining’s response to Question 1, *infra*.

9. How can the utilities reduce the cost of locating eligible customers generally, and in particular, in neighborhoods that are remote or not predominantly low-income? What are the prospects for joint marketing with other energy efficiency programs and California Alternative Rates for Energy?

Greenlining recommends that the utilities undertake all low-income energy efficiency initiatives, including the identification and location of eligible ratepayers, with the goal of providing easy and ready access to energy efficiency technologies for low-income and minority ratepayers. In practical terms, that means the utilities must go to the ratepayers. Throughout California, CBOs and FBOs represent and serve the diverse needs of low-income and minority customers. Greenlining therefore recommends that the utilities partner with these organizations to locate potential LIEE ratepayers.

Second, Greenlining submits that developing joint marketing efforts with other energy efficiency programs is *fundamental* to increasing participation in LIEE programs. To increase coordination, Greenlining recommends that all utilities review and adopt the coordination best practices already underway throughout California.

10. What other information or recommendations in the KEMA report provide insights about whether and how the utilities could improve LIEE programs?

Greenlining recommends the Commission disregard KEMA’s recommendation that LIEE programs only target dwellings built between 1970 and 1994. As SCE states, the effect would be to “instantly eliminate half of all low-income households in the state from receiving comprehensive [energy efficiency] services.”<sup>15</sup> If the utilities and Commission are going to reach all LIEE eligible customers, Greenlining recommends that the number of eligible households statewide be increased, not decreased.

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<sup>15</sup> See Southern California Edison Company’s (U 338-E) Comments on the Administrative Law Judge’s Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues, p. 5, R. 07-01-042 / A. 07-05-010.

### III. CONCLUSION: ENVIRONMENTAL FAIR PLAY MUST BE THE SIGNPOST WHICH GUIDES ALL COMMISSION LOW-INCOME ENERGY EFFICIENCY INITIATIVES

*“Without deviation from the norm, progress is not possible.”*

Greenlining submits that in restructuring and reprioritizing its low income energy efficiency programs, the Commission has a *historic* opportunity to address a fatal flaw in the environmental movement as a whole. Greenlining submits that the environmental movement has, for far too long, pointedly avoided addressing the desperate need for economic development in low-income and minority communities. As Orson Aguilar, East Los Angeles native and the son of Guatemalan immigrant states,

*“For communities like mine, environmentalism has seemed to be about preserving places most of us will never see. Even when environmentalism has focused on problems that affect urban communities, such as air pollution or lead poisoning, it has pointedly avoided addressing my community's desperate need for economic development. Environmentalists do not talk about the importance of a living wage or affordable housing because, we are told, those are not environmental problems.”<sup>16</sup>*

Greenlining believes that redesigning the LIEE programs to parallel Greenlining’s recommendations, the Commission will become the leader in environmental fair play. Specifically, the Commission has the opportunity to merge the two goals of environmental stewardship and community development, as well tap into the “significant untapped potential for low-income energy efficiency programs.”<sup>17</sup>

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<sup>16</sup> See Why I Am Not an Environmentalist at <http://www.alternet.org/story/22002/?page=1>.

<sup>17</sup> See Joint Opening Comments of the Association of California Community and Energy Services and A W.I.S.H. on Natural Gas Testing Issues and Issues Raised in the KEMA Report, p. 1, 7, R. 07-01-042 / A. 07-05-010 (citing KEMA Report pp. 5-69).

Dated: October 26, 2007

Respectfully submitted:

/s/ Thalia N.C. Gonzalez  
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/s/ Jesse Raskin  
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**CERTIFICATE OF SERVICE**

I, Thalia N.C. Gonzalez, am 18 years of age or older and a non-party to the within proceeding. I am a resident and citizen of the State of California with the business address at the Greenlining Institute of 1918 University Avenue, Second Floor, Berkeley, CA 94704 and telephone number of 510-926-4002.

On October 26, 2007, I caused the following document:

**GREENLINING'S AMENDED COMMENTS ON THE ADMINISTRATIVE LAW JUDGE'S SEPTEMBER 27, 2007, RULING SEEKING COMMENTS ON ISSUES RAISED IN THE KEMA NEEDS ASSESSMENT REPORT AND ON NATURAL GAS APPLIANCE TESTING ISSUES**

to be served upon all interested parties of record in A. 07-05-010 named in the official service list via e-mail to those whose e-mail address is listed in the official service list and via mail to those whose e-mail address is not available.

I certify that the foregoing is true and correct.

Executed on October 26, 2007 at Berkeley, California.

/s/ Thalia N.C. Gonzalez

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Service List in R.07-01-042 and A.07-05-010

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