

**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.	Rulemaking 04-01-006 (Filed January 8, 2004)
Application of Pacific Gas and Electric Company (U 39 M) For Approval of the 2006 and 2006 California Alternative Rates for Energy and Low Income Energy Efficiency Programs and Budget.	Application 05-06-005 (Filed June 1, 2005)
Southern California Edison Company's (U 388-E) Application Regarding Low Income Assistance Programs for Program Years 2006 and 2007.	Application 05-06-009 (Filed June 1, 2005)
Application of Southern California Gas Company (U 904 G) for Approval of Low Income Assistance Programs and Budgets for Program Years 2006 and 2006.	Application 05-06-012 (Filed June 1, 2005)
Application of San Diego Gas & Electric Company (U 902 M) for Approval of Low Income Assistance Programs and Budgets for Program Years 2006 and 2006.	Application 05-06-013 (Filed June 1, 2005)

**The Opening Comments of
The Association of California Community and Energy Services on the
Joint Petition of PG&E and SDG&E to Modify D06-12-038 to Delay the
Competitive Bid Process for LIEE Programs**

ACCES supports the motion to postpone the competitive bid for LIEE services. But if the Commission does not grant the motion, the Commission must ensure that the Request For Proposals reflects past Commission decisions and conforms with state law.

First, as reflected in Decision 00-07-020 July 6, 2000, bids do not always result in the best outcomes, and utilities are not obligated to conduct a competitive bid for LIEE administration or services.

The Commission came to that conclusion after reviewing in detail the problems which resulted when the lowest-bid winner of PG&E's RFP for LIEE program administration turned out to be improperly licensed, and produced the highest rate of weatherization inspection failures and the highest rate of "hazardous fails" of weatherized homes of all four energy utilities.

"The most controversial issue we examine in this proceeding is whether competitive bidding should be required as the outsourcing approach for all utilities at this time. PG&E has been using competitive bidding to outsource its LIEE program on a regular basis since 1987, and urges the Commission to allow it to solicit bids for PY2000. The southern California utilities have generally rolled over contracts that were the result of competitive bids in the early 1990s, or were not subject to competitive bidding at all. They recommend that competitive bidding be left to the discretion of the utility administrator, and not become a mandatory outsourcing approach." (Pages 3, 4)

"In view of our findings, we conclude that there is insufficient basis for endorsing competitive bidding as the best outsourcing approach for all utilities at this time. Therefore, we continue to afford utility administrators the flexibility to choose how they will outsource LIEE program functions, i.e., via competitive bidding, contract renegotiations, or a combination of both, subject to the policy guidance described in this decision." (Page 6).

Second, as the Commission notes below in D00-07-020 California law requires the Commission to consider CBO participation.

"Between the filing of the applications in this case and the evidentiary hearings, the Legislature passed and the Governor signed AB 1393. The statute is Attachment 3 to this decision. The Legislature clarified its intentions with respect to the low-income assistance programs by adding Pub. Util. Code § 327, which provides in relevant part:

"327. (a) The electric and gas corporations that participate in the California Alternative Rates for Energy program, as established pursuant to Section 739.1, shall administer low-income energy efficiency and rate assistance programs described in Sections 739.1,

739.2, and 2790, subject to Commission oversight. In administering the programs described in Section 2790, the electric and gas corporations, to the extent practical, shall do all of the following:

- (1) Continue to leverage funds collected to fund the program described in subdivision (a) with funds available from state and federal sources.
- (2) Work with state and local agencies, community-based organizations, and other entities to ensure efficient and effective delivery of programs.
- (3) Encourage local employment and job skill development.
- (4) Maximize the participation of eligible participants.
- (5) Work to reduce consumers' electric and gas consumption, and bills.”

“By adding Section 381.5, the Legislature also clarified its intention with respect to community service providers, as follows:

“381.5. It is the intent of the Legislature to protect and strengthen the current network of community service providers by doing the following:

- (a) Directing that any evaluation of the effectiveness of the low-income energy efficiency programs shall be based not solely on cost criteria, but also on the degree to which the provision of services allows maximum program accessibility to quality programs to low-income communities by entities that have demonstrated performance in effectively delivering services to the communities.

Ensuring that high quality, low-income energy efficiency programs are delivered to the maximum number of eligible participants at a reasonable cost.”

But the Commission noted:

“We also observe that PG&E’s program has experienced a precipitous drop in direct CBO participation, and currently has the lowest level of CBO participation in terms of the percentage of units treated by CBOs. *However, we do not find that this decline is attributable to the competitive bidding process that took place for PY1998.*” (Page 5, emphasis added.)

That is correct. The precipitous drop began years earlier when PG&E increased its emphasis on lowest bid. Participating CBOs were unable, they told us, to provide LIEE services at the low prices required by PG&E. CBO participation plummeted.

Therefore, any bid that has a chance for increasing CBO participation in PG&E's program, as envisioned by Commission decisions and state law, must de-emphasize price and instead reflect the will of the legislature for CBO participation stated above.

Respectfully submitted,



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April 18, 2007

CERTIFICATE OF SERVICE


I hereby certify, pursuant to the Commission's Rules of Practice and Procedure, that I have this day served a true copy of the "The Opening Comments of the Association of California Community and Energy Services on the Joint Petition of PG&E and SDG&E to Modify D06-12-038 to Delay the Competitive Bid Process for LIEE Programs"

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

AND

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

Dated at Sacramento, California this 18th day of April, 2007.



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Service Lists

Proceeding: A0606032 - SDG&E - FOR APPROVAL

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

List Name: LIST

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