

**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.

Rulemaking 07-01-042

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

Application 07-05-010

**The Reply Comments of  
the Association of California Community and Energy Services on Natural Gas Testing  
Issues and Issues Raised in the KEMA Report**

The Association of California Community and Energy Services (ACCES) submits these Reply Comments.

NGAT Questions

In answer to question # 1 "What are the specific challenges associated with the current NGAT process?" Southern California Gas Company and San Diego Gas and Electric (the Joint Utilities) assert that parties perceive pre and post weatherization NGAT as "complicated." It is not the complexity of NGAT with which we have a problem; it is the limitations on what is allowed to be done *under current policies and procedures* to correct the problems discovered during NGAT.

Let us review the Joint Utilities answers to Question #2, "How are low income customers impacted by the current NGAT process?"; question #3 "How can the utilities improve the current NGAT process? In that regard, what, if anything would the Commission need to order the utilities to do? How would each utility program modification affect customer bills, reduce energy use, or address customer health, safety and comfort?" and question #6, "How many of the homes served with LIEE services in 2006 were denied services due to an NGAT failure?"

In answer to question #2, the Joint Utilities correctly state, "If conditions are present that cannot be corrected *within the guidelines of the program* the customer may not receive any of the infiltration measures listed ..." (emphasis added). We simply

believe the guidelines should be modified so that the conditions can be corrected and the dwelling may receive all appropriate measures.

The Joint Utilities state, “The second impact is *isolated* to those customers who rent rather than own their residences.” (emphasis added). About two thirds of California’s low income population are renters. Therefore, any impact is not *isolated* and is, instead, widespread. And what is the impact of current NGAT procedures on most (two thirds) of low income customers? “If the natural gas furnace or water heater fails the Carbon Monoxide (CO) test during post weatherization NGAT, the appliance is tagged as needing repair by a licensed contractor and is shut off or disconnected, and the tenant and landlord or owner are informed of the action taken and why.” According ACCES members who are LIEE contractors in the program of Southern California Gas Company, the policies and procedures manual require the LIEE contractor to tag the appliance, ask the customer to not use the appliance, and then notify the gas company. The LIEE contractor is not authorized to shut off or disconnect the appliance. An owner occupied dwelling is eligible to have the defective appliance repaired or replaced, but renters are not. Therefore, current policies and procedures require that, at times, the LIEE contractor leave the home with a potentially hazardous condition. At the very least, for renters, the household is left with an unusable appliance.

This situation appears to contradict the Joint Utilities’ response to question #3, that the current NGAT process, “... ensures that all low income customer homes serviced by the LIEE program are left in a safe and non-hazardous condition upon the completion of services.” From the LIEE contractor’s point of view, the house they just left may have a hazardous condition and, in the case of renters, it is now up to the Gas Company and the landlord to have the problem corrected. But what if the landlord does not correct it.? The low income household suffers. And while it is true landlords are required to provide heating appliances, the problem could be addressed if renters were eligible for furnace and water heater repair and replacement.

As far as the issue of ratepayers providing subsidies for landlords who may be wealthy enough to pay for the repair or replacement, we note that under the California Solar Initiative, the Commission authorizes ratepayer subsidies for residential solar installations even if the subsidies go to *millionaires*. This is simply a policy issue for the

Commission to decide, “Are there sufficient ratepayer, customer, and greenhouse gas reduction benefits to justify making renters eligible for furnace and water heater repair and replacement?”

To question #6, “How many of the homes served with LIEE services in 2006 were denied services due to an NGAT failure?” the Joint Utilities respond, “No homes were denied services or measures *that they were eligible for* due to an NGAT failure. All homes receive all feasible measures *under existing program guidelines.*” (emphasis added). Of course, current policies and procedure *require* that renters be denied some services which are provided to non-renters. And homes which fail certain NGAT tests, and whose appliances are not repaired or replaced, are denied infiltration measures *under current policies and procedures.* The Joint Utilities’ response to question #6 is an example of “begging the question,” that is, assuming as true that which is in dispute. In response to the ALJ’s inquiry into current NGAT procedures, the Joint Utilities response could be paraphrased as, “no customers are *wrongfully* denied services because current policies and procedures authorizes the denial of services to certain types of customers.” We simply believe policies and procedures should be modified to allow LIEE contractors to correct the conditions which caused an NGAT failure so that both renters and non-renters be allowed the opportunity to receive all LIEE measures.

#### Low Income Home Energy Assistance Program (LIHEAP)

Perhaps because of the way the ALJ’s question was worded, “When a house fails an NGAT, how does the utility coordinate with other programs such as LIHEAP?” no utility discussed LIHEAP leveraging, a concept promoted by both the Commission and the legislature.

We remind parties that simply referring low income utility customers to the LIHEAP program is not leveraging. The federal Low Income Home Energy Assistance Program has a “leveraging incentive program” where states may be awarded additional LIHEAP funds if LIHEAP contractors are successful in developing and/or acquiring leveraged resources from energy vendors (45 CFR 98.87 (d) (2)). Under the federal rules, the leveraged benefits/resources must be distributed to low income households. The fundamental concept is for the LIEE program to contribute to the LIHEAP program which is serving low income utility customers, not the other way around.

An example of “leveraging” are the “leveraging programs” of PG&E and SCE in which the companies use LIEE funds to pay for the purchase and installation of refrigerators and/or CFLs in LIEE qualified homes which are being served by the LIHEAP contractors in the LIHEAP program. LIHEAP regulations require that LIHEAP contractors spend no more than an average of \$2,885 per home over the period of their contract. Providing refrigerators and CFLs funded by the LIEE program allows LIHEAP contractors to provide more services to an individual home or to serve more homes and still stay within the required \$2,885 average.

#### Eligibility


ACCES strongly supports the recommendations of Southern California Edison for “Eligibility based on demographic estimates,” “Categorical Eligibility,” including CARE eligibility. Those changes would have a wonderfully beneficial effect on reaching eligible customers and reducing the difficulty of finding and signing up low income customers. We urge the Commission to adopt SCE’s recommendations.

#### Need for a Technical Advisory Committee

ACCES agrees with the Division of Ratepayer Advocates (DRA) that “Quarterly public participation meetings will need to be redesigned and better defined by the Commission,” in order to make meetings more effective. RHA (page 9) also recommends that a “Standardization Team or similar group should be reestablished to provide technical input into the processes and the evaluation of the program’s activities.” ACCES is on record in support of a Technical Advisory Committee to fill some of the functions of the disbanded “Standardization Team.” We wrote, “We suggest the Standardization Team be dissolved and the LIOB establish a Technical Advisory Committee consisting of, as described in statute, low income service providers, energy utility representatives, consumer organizations, and commission staff, to assist the board and deal with these sorts of issues. We recommend the Commission, as necessary, transfer the disbanded Standardization Team's assignments to the Technical Advisory Committee. The recommendations of the TAC will be presented to the LIOB, which would then makes its final recommendations to the Commission. While many details of such a TAC must be worked out, we believe such a framework would provide a forum to deal with program problems and modifications, would preserve the “institutional

memory” of the Standardization Team, and would bring the LIOB more directly into the issues affecting the LIEE, thus making it more effective as an advisory body to the Commission.” (“Comments of the Association of California Community and Energy Services on the Standardization Team’s Proposed Revisions to the Low Income Energy Efficiency Statewide Policies and Procedures Manual Filed on November 1, 2005” March 16, 2006)

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October 26, 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 Reply Comments of the Association of California Community and Energy Services on Natural Gas Testing Issues and Issues Raised in the KEMA Report."

[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 R. 07-01-042 and A. 07-05-010.

Dated at Sacramento, California this 26<sup>th</sup> day of October, 2007.



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## Service Lists

**Proceeding: R0701042 - CPUC - PG&E, EDISON,**  
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