

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

Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration and Programs	Rulemaking 01-08-028 Filed August 23, 2001
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**COMMUNITY FIRST COALITION/
WOMEN'S ENERGY MATTERS COMMENT
ON THE ALTERNATE INTERIM OPINION ADOPTING FUNDING AND
ADDRESSING CERTAIN PETITIONS AND MOTIONS**

February 18, 2004

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Introduction

Women's Energy Matters welcomes the opportunity to make these comments on Commissioner Lynch's INTERIM OPINION ADOPTING FUNDING FOR 2003-04 ENERGY EFFICIENCY PROGRAMS AND ADDRESSING CERTAIN PETITIONS AND MOTIONS (Alternate Decision, or AD). We make these comments together with the Community First Coalition (CFC), which recently became a party to the New Energy Efficiency proceeding. CFC is a coalition that includes organizations active in the Bayview Hunters Point community as well as City-wide and world-wide organizations that support CFC's efforts to promote environmental and economic justice in this long-suffering community.

Our comments today focus on the section of the AD addressing the San Francisco Peak Energy Pilot ("Pilot") that was first proposed by PG&E and the City and County of San Francisco (CCSF) December 9, 2002.

We also incorporate herein by reference the 2/18/04 Comments by Rich Esteves of SESCO, who has provided technical consultation for CFC/WEM in these matters. CFC/WEM endorse Commissioner Lynch's Alternate Decision ordering CCSF to modify the Pilot. Further, we ask the Commission to order PG&E and CCSF to adopt modifications proposed by CFC/WEM. We are prepared to submit a fully modified proposal, based on these recommendations, which would also reduce business rebate levels and administrative costs, and eliminate PG&E staff placements in City Departments. (For details, we refer parties to our 10/23/03 Joint Motion, which contains

our recommended changes along with a detailed analysis of the latest version of the Program Implementation Plan (PIP) for the Pilot.)

Alternatively, we ask the Commission to allow Energy Division Staff to select and monitor the best aspects of each plan and require ongoing, substantive CCSF/PG&E consultations with CFC/WEM.

In our Joint Motion, we demonstrated that the Pilot is not cost-effective compared to the alternatives, and proposed specific modifications that would ensure maximum peak savings and at the same time provide more benefits to the Bayview Hunters Point community (BVHP). PG&E/CCSF's filings often refer to BVHP community benefits from the Pilot, but fail to provide many specifics. Only a tiny portion of its benefits (2%) are available for residential programs in the City as a whole.

We believe that CFC/WEM's modifications would finally resolve the Commission's misgivings about many aspects of the Pilot, expressed in D.03-04-055 and Commissioners' comments at their April 17, 2003 meeting when they approved the pilot, that PG&E/CCSF should refrain from using it for political purposes.

We make these requests in accordance with earlier ALJ's Rulings in this matter, including the 8/21/03 Ruling which left the door open for further examination of equity issues:

The Commission approved the pilot program believing that it would enhance system reliability in the San Francisco area and in ways that might permit PG&E to retire the Hunter's Point Power Plant. In order to fulfill this objective, PG&E and CCSF must maximize energy savings, which may mean targeting larger customers... [S]ome may argue that the allocation is not equitable. If parties wish to pursue this issue further, they may file a motion asking the full Commission to consider the matter. (8/21/03 Ruling, p. 3, emphasis added)

We provide an outline of the Bayview Hunters Point community's involvement in the Pilot, as support for CFC/WEM's proposed modifications, and our contention that the BVHP community should receive greater benefits from the program and participate more fully in its design and implementation.¹

¹ **Administrative Background**

WEM has reviewed plans for the Pilot since PG&E first requested CPUC approval of the program. Since February, 2003, WEM and CFC have coordinated our investigation of the Pilot, filed numerous comments at the CPUC and participated in many Pilot-related meetings, in our efforts to secure the promised energy

The Pilot was created in a process initiated by the BVHP community

The Bayview Hunters Point community has been trying for years to get the filthy Hunters Point Power Plant (HPPP) closed down. One of their efforts was taking PG&E, CAISO and other State and City officials on a “Toxic Tour” of the neighborhood, pointing out that public housing is located 400 yards away, on “The Hill” above the power plant. Tenant’s windows are level with the plant’s smoke stacks, which spew toxic soot directly into their homes.

What came to be known as the San Francisco Peak Energy Pilot appears to have originated in a process convened in June, 2002 by the Governor’s Office of Planning & Research (OPR) in response to this “Toxic Tour.” PG&E/SFE’s Joint Filing of the Program Implementation Plan (PIP) for the Pilot June 12, 2003 refers to this process:

The ISO, PG&E, CCSF, members of the Hunters Point community, and state agencies have formed a working group to address the closure of HPPP. Information provided by the working group and assessments of the energy

savings and benefits for the BVHP community. Our 10/23/03 Joint Motion contains a detailed description of the points made in our filings, as well as PG&E/SFE’s responses and Motions, and related ALJ Rulings.

Recapping briefly: PG&E filed the Pilot proposal on December 9, 2002. WEM filed comments on 12/23/02. ALJ Malcolm’s 3/4/03 Draft Decision on 2003 programs recommended only the first year of funding (\$8m) for the Pilot, and ordered PG&E to present a more specific program proposal, including a program budget for San Francisco, as well as a needs assessment comparing the costs of the proposed program to the costs of alternative means of improving system reliability in San Francisco.

PG&E never responded to these requests. CCSF filed some revisions in its 3/24/03 Comment on the DD but failed to address most of the ALJ’s requests, as WEM noted in its Reply Comments 4/9/03. The Commission approved the program 4/17/03 in D.03-04-055, granting the full two-year funding of \$16.3 million. Commissioners remarked that they were doing so because they believed there was an emergency need for the program in order to help shut down the Hunters Point Power Plant, but warned PG&E that it should not use the money for political grandstanding. D.03-04-055 again asked PG&E and CCSF to present a needs assessment and a specific program proposal as part of a Program Implementation Plan (PIP) due in 30 days, and delegated the authority to approve the PIP to the ALJ in consultation with Energy Div. and the Assigned Commissioner. WEM filed an Application for Rehearing of D.03-04-055 on 5/19/03, which was denied in a decision mailed June 25.

PG&E/SFE presented its PIP on June 12, 2003, following two contentious meetings with BVHP community members. WEM, together with CFC, filed comments on the PIP on 6/20/03. SESCO also filed a comment on the PIP 7/29/03, raising several questions about the effectiveness of the program, especially its reliance on installing CFLs in commercial facilities. The ALJ’s Ruling of 8/21/03 approved the PIP but imposed several conditions and requested further information. PG&E filed an incomplete response to the ALJ on 9/23/03, and on 10/4/03 SFE finally filed an evaluation of alternatives produced by Rocky Mountain Institute, which was also incomplete in several respects. PG&E and CCSF then filed a Joint Motion for Expedited Consideration of the ALJ’s Ruling on 9/23/03. The ALJ Ruled on their Motion October Oct. 16, 2003 noting that no party had responded to PG&E’s motion. Subsequently, CFC/WEM filed our 10/23/03 Joint Motion to modify the Pilot.

savings potential of market sectors in San Francisco provide the foundation of a program that can attain the established goal by 2005.

The Environmental Justice coordinator of the Governor's Office of Planning & Research chaired meetings of this ad hoc group, dubbed the "Large Core Working Group." It met approximately monthly since the summer of 2003, and is ongoing. Participants include the California Independent System Operator (CAISO), PG&E, the CPUC, the California Energy Commission (CEC), San Francisco Public Utilities Commission (SFPUC), San Francisco Dept. of Environment (SFE), City attorneys, labor representatives and groups involved in BVHP. There were also two subgroups, the Power Flow Working Group and the DSM/DG Working Group.

The purpose of the meetings was to develop an understanding of what it would take to close Hunters Point Power Plant and take steps to make that happen. The Pilot was one of those steps. Its basic outline was developed in the DSM/DG subgroup. Note: PG&E sat in on all the meetings.

The BVHP community has the most at stake in the outcome of the Pilot

The Bayview Hunters Point and Potrero neighborhoods in Southeast San Francisco host all of the major generating facilities in San Francisco. All are old, heavily polluting plants fired by natural gas and diesel. The proponents claimed that the Pilot would contribute to reliability in San Francisco, thus helping to shut down HPPP. The community supported the CPUC's funding of the Pilot based on this promise, and is determined to make sure that the energy savings are real.

Health Impacts

Thanks in large part to HPPP, BVHP has the highest asthma rates in the whole country, and one of the highest rates of cancer. One case of cancer costs a million dollars a year for treatment.

High Bills

Public housing, since it is city-owned, has a right to have power supplied by the San Francisco owned and operated Hetch-Hetchy system, which is 30% cheaper than PG&E. Many Public Housing complexes in the City are on that system, and are master-metered,

but some time back, many BVHP public housing units were transferred to PG&E. The tenants pay their bills directly to PG&E. For reasons that remain a mystery, these bills are outrageously high. CFC has copies of bills at \$200 to even \$600 a month.

The BVHP community seeks a genuine commitment by PG&E/CCSF

The BVHP community is concerned that PG&E and CCSF do not display a commitment to saving energy comparable to their own. PG&E has a fundamental conflict of interest with energy efficiency, because it reduces energy sales and return on investment from transmission and other facilities, thereby reducing the company's stock price.

Throughout the year, the San Francisco Dept. of the Environment (SFE), which is working with PG&E on the Pilot, has steadfastly insisted on plans for the Pilot that would fail to produce their energy savings projections. SFE has followed PG&E's lead and refused to request more funds from the Pilot for work in BVHP residences rather than downtown businesses. SFE told the community not to worry about getting so little benefits from PG&E's Pilot promising to apply to the CPUC for funds for EE in BVHP in the 2004-5 solicitation. It did not do that. In addition, PG&E/SFE has taken few steps to provide jobs for community members in the Pilot.

CFC/WEM will not discuss today the reasons we believe SFE has taken these positions. What we will say is that there is a long history of questionable practices in SFE's grants program for "mitigation" of HPPP, which was set up by \$13.8 million funds from the Legislature in 1998. That was the year Mayor Willie Brown negotiated a deal whereby PG&E could keep HPPP and sell Potrero power plant to Mirant. Previously, the City was planning to buy them in order to shut them down as soon as possible.

Bad Data is illegal under environmental justice laws

Bayview Hunters Point is a largely African-American, low-income community that bears a disproportionate burden of health and economic damage from toxic facilities in San Francisco, including the Hunters Point Power Plant and Potrero power plants, only ten blocks away. By definition, BVHP is suffering from environmental racism.

Executive Order 12898, which provides detailed direction for implementation of Environmental Justice, requires data to be accurate and clearly explained when federally-funded entities communicate with communities suffering from environmental racism. However, in presentations regarding the Pilot and the shut down of HPPP, PG&E, CAISO and CCSF have presented information to the community that is misleading, contradictory, confusing and sometimes downright false. Several community organizations, including CFC and WEM, threatened to file suit over these issues, and subsequently filed two civil rights complaints with the U.S. Dept. of Energy.

Examples of questionable data include:

- PG&E and CCSF claimed that the Pilot's work had to be done in downtown businesses. They variously offered two reasons. One was that they could get the most cost-effective energy savings there. However, CFC/WEM proved that the measures they relied on most heavily — compact fluorescent lights (CFLs) — would actually save more peak energy, for less money, if installed in residences rather than businesses. They would also save energy for many more years than the business installations, which would burn out in less than two years.
- Proponents also claimed that EE work downtown would reduce the load on HPPP, because it served that area. However just a week before the CPUC vote in April, 2003, PG&E's transmission planner acknowledged in an email that EE work downtown might help the Greater Bay Area, but would have no impact on reliability in San Francisco. At City Hall meetings on the pilot, in June 2003, CFC/WEM presented diagrams of the transmission system that showed there were two 230 kV power line that exclusively served downtown SF. These lines had no connection within CCSF with the 115 kV "network" that HPPP serves. PG&E, CAISO and CCSF had not previously acknowledged the existence of these power lines during meetings with the community, focusing exclusively on the 115 kV network.
- CCSF presented a "marketing study" showing areas of potential for the Pilot's multi-family EE work. The study completely eliminated public housing and other subsidized housing in BVHP, by taking data from tax assessor's rolls. CFC/WEM reported this problem to the CPUC, which ordered them to correct it. However, the new figures were not presented until late fall, 2003 and may not have been available for developing the Pilot's marketing plan.
- Proponents' claims that the Pilot would contribute to closing HPPP were contradicted by PG&E's Needs Testimony in the Jefferson-Martin transmission proceeding (currently in process, to which WEM is a party). The company testified that future energy efficiency is not subtracted from its load forecast, which derives energy efficiency assumptions from historical data (i.e. prior to the Pilot):

PG&E estimates the annual load reduction is approximately 7 MW annually in the Project Area [i.e. CCSF and Northern San Mateo County}. PG&E derives this estimate from historical data, not from CCSF's targets

for load reduction in San Francisco. The degree to which activity within the SF PEP would alter the typical level of energy efficiency in the Project Area is very difficult to determine. One can assume that there would be some change in overall energy efficiency in the Project Area, as some of those who typically participate in energy efficiency programs may be drawn into the more aggressive activities of the SF PEP. However, other customers who would typically participate in energy efficiency programs will not participate, for example, those who live in Northern San Mateo County. On balance, the SF PEP can be expected to result in a modest net increase in total energy efficiency on the order of 1 to 3 MW within the City of San Francisco. (PG&E Needs Testimony in A-02-09-043, p. 49, emphasis added)

- In meetings with the community, and also in the Jefferson-Martin proceeding, CAISO has refused to count energy efficiency from the Pilot or other programs as part of future “Load Serving Capability.”

San Francisco Human Rights Commission Report: Environmental Racism in BVHP

The San Francisco Human Rights Commission (HRC) held a series of workshops throughout 2003 on major issues of environmental racism in BVHP, culminating in an historic report issued in December 2003. One of its major sections is Energy and Energy Efficiency, including the Pilot.

HRC has become increasingly involved in the issue of the Pilot after sponsoring a community workshop on energy in late February, 2003. Representatives of WEM, SFE, SFPUC and PG&E were on the panel, which was moderated by CFC.

Over the summer of 2003, HRC attempted to bring SFE to the table with the community to make real some of the PIP’s vague promises to BVHP. HRC pressed SFE to agree to meet regularly with CFC and WEM, and to keep CFC regularly informed of implementation efforts on the Pilot — especially opportunities for community involvement. SFE failed to keep these promises. It did not schedule regular meetings and on several occasions CFC only heard about developments on the Pilot from third parties but not from SFE.

This is Community Outreach?

In fall, 2003, SFE began holding meetings separately with their grantee organizations, to plan community outreach on the Pilot, calling this a “Steering Committee.” HRC told SFE not to use that name for what they were doing, and they changed it to “Contractors Meeting,” but their pattern was very clear of keeping the

process tightly controlled amongst captive groups, and excluding CFC and WEM. The grantees, for their part, complained that they were being asked to do outreach for the pilot without being paid for it.

Later in the fall, after receiving the go-ahead from the ALJ, PG&E/SFE began holding “community” meetings on the Pilot. However, these meetings were poorly attended because of a lack of outreach, which PG&E/SFE acknowledged.

In January, 2004, PG&E/SFE scheduled several “community” meetings on the Pilot under the auspices of the local “PAC” (the Project Area Committee). This was a curious choice, since the PAC was formed by the San Francisco Redevelopment Commission. (A Redevelopment “Project Area” is an area that has been declared “blighted.” This designation allows Redevelopment to take possession of any part of it by eminent domain, demolish the structures and sell the land to developers.) Many members of the PAC have endorsed Redevelopment’s plans, which others in the community adamantly oppose. The PAC is not a properly constituted body, at this point, since it has not held elections for membership since for over several years. It is legally required to hold yearly elections.

The Pilot increases PG&E’s political control over energy use in new development

PG&E stands to gain many new customers, increase energy sales in San Francisco — and reduce reliability — if Redevelopment’s plans go forward. It would also benefit from Prop J, an initiative on the March ballot sponsored by Mayor Gavin Newsom, that would waive height and density restrictions on new development throughout the City.

One provision of the pilot enables PG&E to place staff in San Francisco’s Dept. of Planning and Dept. of Building Inspections, with duties such as drafting ordinances on energy use in San Francisco. Although SFE expresses gratitude that PG&E would provide expertise on reducing energy use in SF buildings, *the company would be in a position to limit the extent of energy savings*. PG&E could more effectively resist codes requiring new buildings to have such things as solar water heaters, or to be fully energy-neutral, by providing their own distributed generation.

PG&E/CCSF has failed to respond to BVHP concerns about the Pilot

The community has focused on these key questions:

- 1) Will the collaborators produce at least 16 MW of peak savings in the pilot?
 - 2) Will they choose energy efficiency measures and venues that will maximize peak savings?
 - 3) Will they save energy in areas of the City that will advance the goal of shutting down Hunters Point Power Plant (HPPP)?
 - 4) Will PG&E see that those savings are counted, either in its load forecasts or in CAISO's calculations of load serving capability in San Francisco, so that HPPP can be shut down as soon as possible?
 - 5) Will the community receive substantial benefits from the Pilot, including bill reductions and jobs working on the project?
 - 6) Will PG&E/CCSF refrain from using the Pilot for political purposes?
- So far, the answers to all these questions appears to be no.

CONCLUSION:

BVHP needs CPUC to mandate CFC/WEM's modifications to the Pilot

CFC/WEM requests the Commission to choose the Alternate Decision, and furthermore, order PG&E/CCSF to:

- 1) Permit CFC/WEM to work with Energy Division Staff to develop modifications to the Pilot, based on recommendations in our 10/23/03 Joint Motion and including further changes to reduce business rebate levels and administrative costs. (Alternatively, we ask the Commission to allow Energy Division Staff, in consultation with CFC/WEM, to select the best aspects of each plan);
- 2) Order PG&E and CCSF to adopt these modifications and hold ongoing, substantive consultations with CFC/WEM to monitor implementation of the Pilot;
- 3) Eliminate funding in the Pilot for PG&E to place staff in City Departments.

Dated: February 18, 2004

Respectfully Submitted,

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**CERTIFICATION OF SERVICE
R.0108028**

I, Barbara George, certify that on this day February 18, 2004 I caused copies of the attached **COMMUNITY FIRST COALITION/WOMEN'S ENERGY MATTERS COMMENT ON THE ALTERNATE INTERIM OPINION ADOPTING FUNDING AND ADDRESSING CERTAIN PETITIONS AND MOTIONS** to be served on all parties by emailing a copy to all parties identified on the electronic service list provided by the California Public Utilities Commission for this proceeding, and also by hand-delivering an original and six paper copies to the CPUC Docket office, with a copy to Administrative Law Judge Kim Malcolm and Presiding Commissioner Susan Kennedy.

Dated: February 18, 2004 at Sacramento, California.

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