

**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
---	---

**WOMEN'S ENERGY MATTERS'
COMMENTS ON 2004-5 PROGRAM SCHEDULE & CRITERIA
IN THE ASSIGNED COMMISSIONER'S RULING**

Women's Energy Matters (WEM) appreciates the opportunity to comment on the Schedule & Criteria for 2004-5 Energy Efficiency Programs, proposed by Assigned Commissioner Susan Kennedy in her Ruling of July 3, 2003.

We also attach comments by Paul Fenn, originator of the Community Choice law.

COMMENTS ON THE PROPOSED SCHEDULE

WEM is pleased that there will be a solicitation for 2004-5 programs which gives an opportunity for any party to apply for Energy Efficiency funds.

Parties have complained that there is a perennial problem concerning the timeline for submitting energy efficiency proposals and getting them approved and out the door by the beginning of the year. WEM proposes a future schedule that could really accomplish the goal of a January 1 start date, and proposes a slightly different schedule for the current solicitation, taking into account current realities.

The schedule in the Policy Manual should list all relevant dates

The Policy Manual published with the November 30, 2001 Decision proposed a workable timeline for proposals (p. 35-36):

The Commission will allocate and award one year's worth of program funding annually beginning for year 2002 and continuing through at least 2011 (when the legislative authorization for the electric PGC sunsets). Unlike previous practice, however, each program may be authorized to run for up to two years instead of only one. This schedule assumes that programs start in January.

Table 7.2. Scheduling Cycle

#	Item	Timing	Year 2 Example Date
1	Program Proposals for Calendar Year X Funding	October 1, Year X-1	October 1, 2002
2	Commission Decision Approving Programs for Calendar Year X Funding	December 1, Year X-1	December 1, 2002
3	Contracts Signed and Programs Begin	January 1, Year X	January 1, 2003
4	Program Implementation Plan Finalized	January 31, Year X	January 31, 2003

Unfortunately, the above schedule has never been tried. The November 2001 Decision containing the Policy Manual was itself in violation of this timeline, as was the October 28, 2002 Decision announcing that there would be no third party local solicitation that year, only a small statewide marketing and outreach opportunity.

This year the new Assigned Commissioner and Administrative Law Judge show a laudable determination to move the process along, setting Sept. 22nd as the due date for proposals, a week earlier than the Policy Manual. In a conversation with WEM 7/15/03, ALJ Malcolm described the process going forward: CPUC staff would have two months to review proposals, and on November 20 the ALJ would issue a Draft Order selecting the programs, allowing 30 days' comment period before the Commission votes final approval at its mid-December meeting.

This is good, but it doesn't quite get at the beginning or the final steps, and it doesn't acknowledge the special needs of cities, counties, and Community Choice Aggregators.

The front end of the schedule — where does the process really begin?

One thing that's missing from the Policy Manual — and was much too vague in the current process as a result — is the date for issuing the Request for Proposals (RFP).

I expect that the deadlines for proposal submission and other pertinent dates will be formalized in the Decision that would approve the solicitation process proposed herein. The timeframe currently anticipated is for proposals to be due one month from approval of the Decision. Proposal instructions, forms and staff contact information, as mentioned above, will be available upon issuance of the Draft Decision on or about July 22, 2003. [Emphasis added]]
(Attachment 2, Page 1, "Process for Program Proposals")

Obviously, the dates have already slipped a little bit, since we are now talking about a Draft Decision coming out Aug. 1, instead of July 22. If the RFP is "available upon issuance of

the Draft Decision,” that would give cities just six weeks to apply — the bare minimum that they need (see below). This is a very serious problem that needs to be corrected, if not now, certainly in future years. (And note that the RFP would not be *official* until the *final* decision Aug. 21, and that could cause problems for cities.)

The date of the initial Ruling is where the process really begins.

In order to give the Commission and parties the full time for each round of comments and decisions, two months between the final RFP and the proposal deadline, and two months for the team to review the proposals and select winners, the initial Ruling would need to appear May 22nd.

This year’s hurry-up proposal period hurts cities

The RFP needs to go out two months at least before proposals are due, because cities need six weeks to two months to prepare proposals. Cities are likely to need official approvals, possibly including a decision of their City Councils. If the proposal period is in August, like this year, or in December, like the first year, Council holidays may cause further delays.¹

The Commission should be sensitive to what it’s like being a public entity. In order to be accountable to the public, cities must operate according to due process and open meetings laws. It’s not the same as a private business that can go into overdrive at the drop of a hat (given enough money) and make decisions in the back room.

WEM believes the current schedule is unfair to ratepayers. The Commission has affirmed that cities are in a position to provide superior energy efficiency programs, because of their intimate knowledge of their communities. However, the hurry-up timeline for proposals this year does not give cities the time they need to produce good proposals and get the necessary approvals. This year is particularly difficult because of the budget crises at both the State and local levels. Cities are currently preoccupied with budget problems, and not yet knowing what they’ll get from State funds is making things worse.

Noting that we are already a little behind, WEM asks the CPUC to recognize that this year’s schedule may not be perfect, but the process is too important to rush people who are doing the most difficult part of it: writing the proposals. WEM requests that the Commission set this

¹ According to WEM interviews with Neal De Snoo, Berkeley Energy Officer and other city officials in fall, 2001.

year's proposal deadline at the full two months from issuance of the final Decision and Request for Proposals, i.e. October 21.

CPUC should schedule and enforce utility data responses under Community Choice

The Community Choice law, AB117, requires utilities to respond to data requests from Community Choice Aggregators (CCAs). In recent rulings, the CPUC put the utilities on notice that the materials must be tendered within a week to ten days of a CCA's request. Unfortunately, WEM knows from experience that utilities' responses to data requests can be extremely problematic. Not only do they ignore deadlines, they also tend to provide information that is unresponsive to the requests.

WEM has witnessed a runaround that has gone on for more than a year concerning San Francisco's request for load data from PG&E. The City wanted to determine pinch-points in the distribution system in order to target energy efficiency work (including the San Francisco "pilot" program) and to site solar distributed generation in the future. The information has trickled in, but has not been fully provided.²

Not only have cities found it difficult to get relevant information, the Independent System Operator (Cal ISO) complained that PG&E withheld information from them too!³

Rather than run blindly into a train wreck that would blow the schedule as thoroughly as the utilities' Applications for Rehearing and arguments over contracts blew the schedule for third parties last year (see "Third Party Contracts," below), WEM recommends that the Commission put a date on the schedule for utilities to provide CCAs with the relevant and complete information requested. If utilities fail to provide information by that deadline, the CPUC should deny them the opportunity to submit proposals in this year's funding cycle. This would be the appropriate penalty since a utility's failure to provide this information would hurt a CCA's' ability to make its proposal.

² According to WEM interviews and meetings with Ed Smeloff at SFPUC, Cal Broomhead at SF Dept. of Environment, Joel Swisher of Rocky Mtn. Institute, the City's consultant on the Energy Plan, Manho Yeung and Dave Hickman of PG&E.

³ 4/10/03 public meetings with Cal ISO and PG&E and 4/25/03 Cal ISO Board meeting

Spelling out the final steps

The original Policy Manual schedule glosses over the final steps of the proposal process, but these also need some thought, if the object is to actually begin January 1.

1. Selection Decision. The Policy Manual gives Dec. 1 as the date for the selection decision (not indicating draft or final). In our conversation, ALJ Malcolm noted that her Draft Order on program selection needs to come out Nov. 20, for a final Commission decision December 18. (Is this a month behind schedule?) It may not be possible to sign contracts until 30 days after the decision, the window for final comments or Applications for Rehearing.

Her timeline gives the Commission two months to review proposals. Malcolm notes that the Commission has no funding to hire additional people for the review team as it did the first year. The Legislature has reduced the CPUC budget and 70 people have been laid off.

WEM requests that the Commission look into using some “unspent” Public Goods Charge funds to hire more reviewers, to ensure adequate review of proposals.

2. **The Big Bugaboo: Third Party Contracts.** The Policy Manual lists “Contracts Signed and Programs Begin” January 1. It is poignant to recall the first time the Commission faced the problem of getting the utilities to write contracts for third party programs. Contract language was supposed to be worked out during the Christmas holidays and ready by January 1, 2002 (the date in the Policy Manual). That didn’t happen. Instead, there was no agreement on contract language, the utilities filed Applications for Rehearing, and the Commission wandered away from the issue for five and a half months before suddenly taking it up again in late May, 2002. For the next few weeks, contract language was flying back and forth, fast and furious — at one point the ALJ gave parties just 48 hours for comments. As soon as the contract language was finally hammered out, PG&E filed another Application for Rehearing. Some contracts in PG&E territory were not finalized until late October 2002.

The CPUC and parties should be conscious that contract language could be a sticking point this year again. **In addition, the CPUC needs to develop a process for transferring PGC funds to CCAs. It would be inappropriate for utilities to write contracts with CCAs. This should have been worked out by the July 15th implementation deadline. In any case, CCAs need to know how this will work before they can make informed proposals.**

Obviously, it has to be in place long before the CPUC makes its final decision on overall administration in April 2004.

4. Program Implementation Plans (PIPs). The original 2001 Policy Manual envisions two months between the selection date (Dec. 1) and “Program Implementation Plan Finalized - Jan. 31.” It lists Jan. 1 as the date the programs begin, allowing winners to spend some of their first months’ funds producing their PIPs. Commission staff also need some time to review and approve them. Perhaps one month is too little time?

CCAs may have unique timelines

What happens after the programs are selected may be very different for Community Choice Aggregators (CCAs). (See attached comments of Paul Fenn for a more detailed discussion of these points.)

Briefly, Community Choice Aggregators have a wide range of choices of how to conduct their programs. Some may decide to run them with City or County staff. Some may sign up contractors one by one, perhaps using some of the businesses, nonprofits, or even utilities who currently run energy efficiency programs. A CCA may also choose to contract with an Energy Service Provider for an integrated portfolio of procurement and energy efficiency services. (That entity would then handle individual subcontracts.)

The Commission should recognize that a CCA’s contracting process will by necessity take place *after* the program funds are awarded. Because of laws regulating public meetings and contracting, it could be months before a CCA’s programs are rolled out — in fact, it could take just as long as the Commission’s own process to award these funds. In calculating when the programs get started and how long they run, the Commission should take account of these factors and at the very least be willing to extend a CCA’s timeline for completing programs accordingly.

These are some of the reasons why WEM has argued that CCAs should have a right of first refusal on the use of PGC funds in their territories.

The Policy Manual should list all the dates necessary to keep the process on track

It is not yet known who will oversee the programs and the solicitation in future years; the Ruling envisions the decision on overall administration in April 2004. Given these uncertainties, it

would be good for this proceeding to leave a clear and complete template for others to understand all the steps needed.

WEM suggests the Policy Manual Schedule be revised as follows:

Table 7.2. Scheduling Cycle Template

#	Item	Timing	Example Dates
1	Initial Resolution Proposing Next Year's Programs	May 1, Year X-1	May 1, 2004
2	Draft Decision on Criteria for Calendar Year X Funding	June 1, Year X-1	June 1, 2004
3	Final Decision on Criteria/ Request for Proposals Issued	July 1, Year X-1	July 1, 2004
4	CCA Data Requests to Utilities Due	July 15, Year X-1	July 15, 2004
5	Utilities' Complete Responses to CCA Data Requests due	August 1, Year X-1	August 1, 2004
6	Program Proposals Due	September 1, Year X-1	September 1, 2004
7	Draft Decision Selecting Programs for Calendar Year X Funding	November 1 Year X-1	November 1, 2004
8	Commission Decision Approving Programs for Calendar Year X Funding	December 1, Year X-1	December 1, 2004
9	Contracts Signed and Programs Begin (except CCAs)	January 1, Year X	January 1, 2005
10	Program Implementation Plan Finalized	February 1, Year X	February 1, 2005
10	CCA Programs Begin	July 1, Year X	July 1, 2005

Given where we are in the process, this year's schedule would be a little different:

Scheduling Cycle – This year's programs

#	Item	Current year
1	Initial Resolution Proposing Next Year's Programs	July 3, 2003
2	Draft Decision on Criteria for Calendar Year 2004-5 Funding	August 1, 2003
3	Final Decision on Criteria/ Request for Proposals Issued	August 21, 2003
4	CCA Data Requests to Utilities Due	September 6, 2003
4	Utilities' Complete Responses to CCA Data Requests due	September 22, 2003
5	Program Proposals Due	October 22, 2004
6	Draft Decision Selecting Programs for Calendar Year X Funding	December 22, 2004
7	Commission Decision Approving Programs for Calendar Year X Funding	January 22, 2004
8	Contracts Signed and Programs Begin (except CCAs)	February 1, 2004
9	Program Implementation Plan Finalized	March 1, 2004
10	CCA Programs Begin	August 1, 2004

Miscellaneous scheduling issues

A couple of things need to be cleared up:

Utilities should have the same schedule for proposal and review as everyone else

The 7/3/03 Ruling gives utilities a different date to submit their proposals:

No later than September 8, 2003, I propose that the utilities file and serve their request for energy efficiency funding for 2004 and 2005 PGC funds. (Attachment 2, p. 1)

WEM strongly opposes any special handling of utility proposals. See our comments below on “criteria” for further discussion of this question.

Until further notice, solicitations should be annual

The Policy Manual describes an annual solicitation:

The Commission will allocate and award one year’s worth of program funding annually... Unlike previous practice, however, each program may be authorized to run for up to two years. (p. 35)

This would ensure continuity as well as new opportunity, as half the programs would still be running for another year, and half the money would be available for new programs.

Two year cycles are appropriate for now

WEM endorses the two-year funding cycle for this solicitation and for the next three years at least, because all programs are in transition, even at the utilities, and it is reasonable to expect that it will take a couple of shake-down cruises for administrators and implementers to get the bugs out and follow up on promising developments.

WEM recognizes that utilities and subcontractors have long pushed for programs to have a longer horizon, and WEM agrees it would make sense at some point. However, going to 3-5 year programs any time soon would most likely favor only the utilities. This would be contrary to the interests of ratepayers, who want the most cost-effective programs, want to save the most energy possible and want to lower their bills. The CPUC has long recognized that utility conflicts of interest reduce the effectiveness of their programs, and that others, including cities, may be able to provide better results for less money. That’s why we are involved in the current rulemaking!

It will take time to develop the alternatives; the process has barely begun. The first year's programs were off to a ragged start — not at all the fault of third parties, instead due to delays caused by the utilities and the Commission. Many programs lost staff and customers during those delays, nothing to say of the damage to morale caused by months of uncertainty capped by the CPUC abandoning the fall, 2002 solicitation and switching ALJ and Assigned Commissioner in the middle of the proceeding. For these and other reasons WEM has warned before that final results on these first third party programs will not be conclusive. But whatever they are, they will not be known before new ones are selected.

PROGRAM CRITERIA

Criteria from Community Choice law should guide the process

The law offers some specific criteria which should be considered in addition to the guidelines in the 2001 Policy Manual:

“381.1. (a) ...In determining whether to approve an application to become administrators, the commission shall consider the value of program continuity and planning certainty and the value of allowing competitive opportunities for potentially new administrators. The commission shall weigh the benefits of the party's proposed program to ensure that the program meets the following objectives:

- (1) Is consistent with the goals of the existing programs established pursuant to Section 381.
- (2) Advances the public interest in maximizing cost-effective electricity savings and related benefits.
- (3) Accommodates the need for broader statewide or regional programs.”

There should be no set-asides or special treatment for utilities

The Community Choice law clearly requires the Commission to devise methods for “any party” to apply for PGC funds — not to apply for what's left over after utilities take the lion's share. The Policy Manual makes no special case for utility programs either. The Commission must create a level playing field for applicants for these programs.

“Blind” selection process may be necessary to neutralize pro-utility bias

There is an unsettling display of bias towards utilities in the 7/3/03 Ruling (and in the Joint Agency “Energy Action Plan” which it cites). In addition, WEM has just learned that the Assigned Commissioner's newly hired Advisor comes to the Commission directly from PG&E!

These factors indicate a possible danger that the Commission could unfairly favor utilities in the selection process, even if it drops the illegal set-aside of 80%, 85% or even more of the

funds for utilities, as envisioned in the Ruling. WEM therefore calls for the Commission to undertake a truly “blind” selection process, where applicants’ identities are not revealed until programs are selected.

Misconceptions about third parties and CCAs causing “Balkanization”

It will probably be a long time before people are able to get a true comparison of utilities’ energy efficiency programs with third parties, including CCAs. But there are some misconceptions that WEM would like to clear up, to prepare everyone for a more fair approach to the selection process this year.

Many parties are under the impression that CCA administration of energy efficiency funds will mean “Balkanization” of programs, to use ORA’s term. In fact, the advent of Community Choice could have exactly the opposite effect. In one state currently operating under Community Choice, one CCA’s territory comprises 80% of the State, and it chose a single administrator for its programs! California’s big four utilities together cover less than 70% of California.

Likewise, several entities (both for-profit and non-profit) currently contract with different utilities (and municipal power companies too) to run a variety of energy efficiency programs, basically statewide. Some third parties also run several linked local programs, which are essentially statewide programs although they couldn’t call them that because the first solicitation limited third parties to the “local” designation. WEM asks the Commission to recognize that the values of “continuity,” “experience,” “cost-effectiveness” and “statewide” reach would favor these contractors *instead of* utility administrators who have no actual expertise in these areas themselves.

Dated: July 16, 2003

Sincerely,

Barbara George
Executive Director, Women's Energy Matters
P.O. Box 162008, Sacramento CA 95816-9998
916-739-1898 • 510-915-6215 (cell) wem@igc.org

Attachment A

**COMMENTS OF LOCAL POWER ON THE SCHEDULE AND CRITERIA
FOR SELECTING 2004-2005 ENERGY EFFICIENCY PROGRAMS**

Prepared by Paul D. Fenn

1. Introduction

Local Power, author of the California Community Choice Law (“AB 117”), co-author of the nation’s original 1997 Massachusetts Community Choice law, and San Francisco’s related 2001 “Solar Bond” Authority, Proposition H (“H Bond Authority”) , offers these comments on the schedule and criteria for selecting 2004-2005 energy efficiency programs in accordance with the July 3, 2003 “Assigned Commissioner’s Ruling Proposing Direction and Scope for Further Rulemaking” (“ACR”). This is the third time we have submitted comments in this proceeding.⁴

The selection process anticipated by the ACR is the first to fall under the statutory requirements of newly enacted AB 117, which requires the Commission establish procedures by which *any party* may apply to administer energy efficiency programs funded under the Section 381 public goods charge funds collected by monopoly utilities:

“381.1. (a) No later than July 15, 2003, the commission shall establish policies and procedures by which *any party*, including, but not limited to, a local entity that establishes a community choice aggregation program, *may apply to become administrators for cost-effective energy efficiency and conservation programs established pursuant to Section 381*. In determining whether to approve an application to become administrators, the commission shall consider the value of program continuity and planning certainty and the value of allowing competitive opportunities for potentially new administrators. The commission shall weigh the benefits of the party’s proposed program to ensure that the program meets the following objectives:

- (1) Is consistent with the goals of the existing programs established pursuant to Section 381.
- (2) Advances the public interest in maximizing cost-effective electricity savings and related benefits.

⁴ (See Local Power Comments on R.01-08-028, June 30, 2003 and May 12, 2003).

(3) Accommodates the need for broader statewide or regional programs.” (Emphasis added)

2. Summary

While the “Assigned Commissioner’s Ruling Proposing Direction and Scope for Further Rulemaking” (“ACR”) proposes a direction and scope for further progress R.01-8-028 “in the context of and consistent with the California Energy Action Plan (EAP) adopted by the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and the California Consumer Power and Conservation Financing Authority (CPA),” (ACR, p.1) it is not proposed in the context of, nor consistent with, state law, in particular Section 381.1(a) of the Public Utilities Code, and is inconsistent with the procedures for Community Choice Aggregation outlined in 218.3, 366, 394, 394.25, 331.1, and 366.2 of the Public Utilities Code . Instead, the ACR appears to ignore the intent of the legislature to provide for competitive solicitations among electric service providers and energy efficiency vendors under municipal- and joint powers authority administration as Community Choice Aggregators, as outlined in AB117, of which Section 381.1(a) was an integral part.

Like the California Energy Plan, the ACR not only ignores the California Community Choice law of 2002, it also appears to assume passage of the re-regulation bill, Senate Bill 888, which in fact never made it out of the state assembly policy committee this year. Moreover, AB117 is here to stay, and the Commission is obligated, finally, to recognize its implications on the administration of energy efficiency public benefits charge funds, as well as portfolio management and long-term procurement. A failure to do so will result in a political crash course with dozens of jurisdictions and immediate legal action to bring the Commission into compliance with state law.

Through its complete omission of CCA, the ACR must be assumed to refuse to address these issues in much the same manner that ALJ Malcolm chose not to address them. We say, again, that it is the responsibility of the Commission to address AB117 in all of its ongoing proceedings relating to CCA, including its Energy Efficiency Rulemaking (R.01-08-028) Procurement Rulemaking (R.01-10-024), Direct Access and Departing Load Cost Responsibility Surcharge

Proceeding (R.02-01-011), Demand Response Rulemaking (R.02-06-011) Self Generation (R.98-07-037 and R.99-10-025) and the Renewables Portfolio Standard (03-RPS-1078). AB117 has been in effect nearly a year, and there is no excuse for proceeding with the adopted

The observations made below are two: (1) the ACR violates state law by illegally restricting non-monopoly utilities to applying from applying to administer the public benefits charge funds, and reflecting a failure of the Commission to comply with the requirements of Section 381.1(a) of the Public Utilities Code; and (2) the ACR ignores AB117 and Community Choice Aggregation, proposing both criteria for energy efficiency funds administration and a September 22, 2003 schedule for a solicitation under these criteria that are wholly inappropriate to the basic structure of Community Choice Aggregation and are in effect prejudicial against California ratepayers now seeking to implement AB117.

Our comments will make the following arguments:

- a. There should be no set-aside for monopoly program applications, which the ACR would set at 80-85% of the entire fund;
- b. As competitive solicitors of non-monopoly suppliers, CCAs should be allowed to administer funds paid by customers in their jurisdictions provided that they use competitive solicitations for suppliers to provide the services, rather than being treated the same as Third Parties.

a. “Assigned Commissioner’s Ruling Proposing Direction and Scope for Further Rulemaking” (“ACR”) Illegally Prohibits Non-Monopoly Utilities From Applying to Administer The Public Benefits Charge Funds.

We are disturbed and perplexed by the ACR’s apparent refusal to respect a clearly stated statute, approved by the legislature and signed into law by the Governor last September, requiring “any party” to have access to the public benefits charge funds starting today. Whereas in AB117 the legislature chose to not set aside *all the funds for CCA’s* (“any party, including, but not limited to, a local entity that establishes a community choice aggregation program”), but rather to make the funds *also* available to non-CCAs, the ACR quietly reverses this priority, electing not to even *mention* CCAs (as if they were merely one of many non-monopoly applicants), while completely

ignoring the term “any party,” and *continuing* the Commission’s now *illegal* pre-AB117 policy of setting aside nearly all the public benefits charge funds for utility monopolies to administer.

This egregious and unlawful error of the ACR’s framework reflects a continuing misunderstanding of this law by the Commission in R.01-08-028, which recently determined that its *existing* policies and procedures had *already* fulfilled the requirements of AB117, a statute passed by the Governor and Legislature only nine months ago, as if to imply that there was no need for the legislature to enact Section 381.1(a):

“The Commission’s *existing* policies and procedures for selecting energy efficiency programs and administrators (or “implementers” as defined by the Commission’s energy efficiency policy manual) generally fulfill those portions of AB 117 that require the Commission to permit non-utilities to apply for program funding and that articulate policy criteria for selecting programs to be funded with revenues collected pursuant to Section 381” (FOF 2, ALJ DD; emphasis added).

This is a revisionist policy that attempts to subvert the plain language of AB117 that the Commission *shall create* policies (not merely confirm existing policies) and *create* procedures for *any party* (not just monopolies) to apply for all of these funds, when in 2001 and 2002 the Commission’s policy had been to systematically *prohibit* any party except utility monopolies from applying for 80-92% of the public benefits charge funds made available to any party by Section 381.1(a).

Now the ACR appears to repeat the policy of prohibiting non-monopolies from applying for 85-85% of the funds, as if this were somehow allowed by AB117, when any judge will tell you it is not.

The ACR repeats this error by proposing criteria that repeatedly violate Section 381.1(a) of the Public Utilities Code by *illegally* restricting applications from non-monopoly utilities (“monopolies”) to 15-20% of the public benefits charge fund, a policy which would also exclude applications from Community Choice Aggregators formed by customers through their local governments pursuant to AB117. By attempting to prohibit such customers from submitting applications to administer a proportionate share of the funds, the ACR both ignores statute and defies the will of the legislature. By then proposing an expedited solicitation schedule under these inappropriate and unlawful criteria, the ACR appears to be attempting to prevent an orderly adaptation of the Commission’s regulatory policies and procedures to AB117.

PROPOSED UTILITY SET-ASIDES CONTRARY TO AB117 AND EE POLICIES

Prevailing state law under the state’s new Community Choice law clearly states that *any party* is to be allowed to submit applications for cost effective EE programs funded under

Section 381. The language of the statute does not allow for *any restrictions on applications* such as the 80-85% utility set-asides proposed in the ACR, but instead limits the Commission's discretion to the specific process of *evaluating* applications. Indeed, Section 381.1(a) expressly prohibits the Commission from restricting applications, limiting its discretion to *evaluating and rejecting or approving* applications:

“ In determining *whether to approve an application* to become administrators....
The commission shall weigh the benefits of *the party' s proposed program...*”

Clearly, the legislature intended the Commission to decide matters of policy such as statewide and regional programs (which are also not inherently monopoly programs as others have mentioned) exclusively in the context of *evaluating applications* from “*any party,*” not in the context of prohibiting applications from certain types of parties *a priori*.

Clearly, AB117 does not allow for 80% of the funding, or any portion of the funding, to be removed from “any party’s” application’s eligibility, and will invite immediate legal challenges if it is maintained by the Commission.

In the prior two energy efficiency public benefits charge solicitations, the Commission chose to approve exceptions to procedures called for in the EE Policy Manual and limited non-monopoly utility parties to about 20% of the eligible program funding (about 36% in the first and about 8% in the second). It also limited the types of programs that could be submitted, with non-monopolies being allowed only to propose marketing and outreach or local programs in the first and only statewide marketing and outreach in the second. While the Commission had discretion to restrict applications from non-monopolies, in the past, it does not have discretion to ignore the legislature. Recent changes to the law and to the Code no longer allow the Commission the option to set-aside blocks of funding for the exclusive use of utility monopolies: *it must accept applications from any party for all of the energy efficiency public benefits charge fund.*

Under Section 381.1(a), the Commission may *evaluate applications* based on program continuity and planning certainty, competitive opportunities for potentially new administrators, consistency with goals of existing Section 381 programs, maximizing cost-effective electricity savings and related benefits, and the need for broader statewide and regional programs. *It may not restrict the submission of applications by any party, however.* Among these criteria, being a monopoly utility is not to be found. Section 381.1(a) mandates that the benefits of applications be “weighed” in making the selections. By setting aside 80-85% of the public benefits funds to go to utility applications, the ACR prevents a “weighing” from ever taking place, and is thus illegal.

While the Commission might later decide that a statewide (or local) utility application is superior to any program application submitted by a CCA or other non-monopoly party, the Commission cannot reasonably presume, and is not legally authorized to presume, that monopoly applications are superior prior to submittal of any applications and statutorily-mandated “weighing.”

b. ACR Misunderstands Community Choice Aggregation Fundamentally, Resulting in a Fundamentally Flawed Solicitation Process that Discriminates Against CCAs

We are alarmed at the absence of CCA in the ACR and by the ACR’s continuing “utility vs. non-utility” paradigm, its failure to even mention CCA:

“I will propose this Commission consider two main questions: what role, if any, the utilities play in administration of all or some portion of energy efficiency programs; and what role, if any, could be played by an independent entity in administering either all or some portion of energy efficiency programs?” (ACR, p.13).

The ACR never departs from the utility vs. non-utility paradigm, but instead appears, as if by its own inertia, to act as if AB117 were not the law of the land. We are also disturbed by the intention apparent in this quotation the Commission has *authority* to decide whether monopolies or non-monopolies shall play a any role in administering the funds, or even whether monopolies or non-monopolies should be circumscribed in their role in administering the funds, when Section 381.1(a) of the Public Utilities Code makes it clear that the Commission should have adopted, effective yesterday, policies and procedures for “any party” to apply to administer the funds.

We were led to expect by ALJ Malcolm that this ACR would address the issues raised in detail by Local Power in its previous R.01-08-028 comments. In particular, the Commission recently approved ALJ Malcolm's Draft Decision, which explicitly set aside the policy issue of Community Choice Aggregation for a subsequent proceeding:

“Nevertheless, we are not prepared to treat CCAs any different from other parties at this time. To treat them differently at this time would presume a policy direction that we are not prepared to address in the *narrow context* of this inquiry.” (DD, page 10)

Having been led to expect a consideration of the structure of CCA as a new kind of administrator of energy efficiency funds, we are frustrated by the complete omission of CCA in the ACR. The ACR fails to draw any distinction between Community Choice Aggregators (who are customers) and other monopoly or non-monopoly parties (who are suppliers) in evaluating their eligibility to administer PGC funds. As a result, the criteria being proposed in the ACR would not only limit CCAs to 15% to 20% of the funds, but would also *allow monopoly and/or non-monopoly suppliers to compete with customers* that have formed aggregations and are seeking to administer their own money to competitive suppliers.

The ACR sets up a scenario in which CCAs must first *compete* with monopoly and non-monopoly suppliers to administer their own public benefits charge funds, and if they win the competition, they must then *administer* those same funds to those same suppliers who will implement their locally designed programs. This is obviously an absurd and irrational procedure and should be changed.

While ALJ Malcolm chose not to consider our arguments in her Draft Decision⁵ and indicated that the matters raised by Local Power in its May and June should more appropriately be raised in this ACR (Judge Malcolm's Draft Decision ignored the substantial arguments raised in Local Power's two previous comments about CCA), the ACR does not even include the word “CCA,” “AB117” or even “community” except when referring to the “California energy efficiency community,” and instead sets aside

⁵ See Local Power Comments on R.01-08-028, June 30, 2003 and May 12, 2003

80-85% of the funds for monopoly administration and fast tracks a solicitation under what we have repeatedly shown to be unlawful criteria. We are very alarmed by the current trajectory of this proceeding and are considering legal action.

It is unacceptable for the Commission to first fail to comply with AB117's July 15, 2003 deadline for creating new procedures for any party to apply for the funds (by setting aside the majority for funds for mandatory monopoly administration), then to hold a solicitation under these illegal rules under a proposed September 22, 2003 deadline before most or all CCAs in California could possibly prepare an adequate application. It is a setup for failure. With many California cities now preparing to implement CCA in 2004 and seek these funds, the September 22 deadline would give away the funds through 2005, delaying availability of the funds until 2006 at the earliest (about the date when monopoly long-term procurement plans would begin to impose exit fees on CCAs).

Clearly, the Commission has already violated section 381.1(a) of the Public Utilities Code by failing to meet the July 15, 2003 deadline: the ACR would inflict irreversible damage on CCAs and their ratepayers by implementing an illegal Commission decision. Moreover, the ACR would discriminate against Community Choice Aggregators in defiance of the clear legislative intent of AB117 that CCA's shall have *every opportunity* (if not a *pro rata* entitlement) to apply for the funds without restriction.

Through its omission of CCA, the ACR implies that CCAs, which represent customers, shall be treated as non-utility third party suppliers or implementers, failing to recognize the basic fact that under AB117 CCAs are *themselves public administrators* of competitive bidding processes by third party implementers - electric service providers, energy service companies and other non-monopoly suppliers, under the Commission's procedures. It is in this basic structure that CCAs will seek to administer public benefits charge funds under section 381.1(a): they will wish to include energy efficiency programs within their competitive solicitations ("RFPs") to electric service providers and their subcontractors, pursuant to section 366.2(c)(1) of the Public Utilities Code. CCAs will, accordingly, apply to administer funds paid by their ratepayers in order to directly

support energy efficiency programs that will be itemized in their implementation plans, pursuant to Section 3661(c)(3) of the Public Utilities Code.

In effect the ACR's proposed solicitation would pressure municipalities to apply to administer some amount of money without having the billing and load data, regulatory and other information to inform their plans, predictably resulting in poor program design, poor performance, and a lack of integrated resource planning. If allowed, this solicitation will result in (1) an illegal giveaway of ratepayer funds to monopolies, and (2) bad municipal proposals assembled under the pressure of an irrational Commission process. It is clearly discriminatory and should not be allowed.

By neglecting to even mention CCAs among applicants the ACR appears to treat CCAs as if they were themselves implementers when they are not implementers . The ACR appears to treat CCAs under the same guidelines as Third Parties when *in fact* CCAs will administer competitive solicitations *among* third party suppliers. The result is a wholly inappropriate and discriminatory treatment of CCAs.

We are disappointed with the framework that is established by the ACR, which fails to recognize the distinction between allowing customers to administer their own funds to competitive suppliers and allowing suppliers to compete to serve customers, when it is a matter of historical record that the energy efficiency funds were released from monopoly control by the Community Choice law, AB117, of which Section 381.1 (a) was merely a section. Instead, the ACR takes an entirely monopoly-centric approach. The ACR currently ignores CCA as a distinctive mechanism and instead organizes itself along the lines of "utilities vs. non-utilities," continues to treat the utility monopoly as the primary "portfolio manager," and implies that any other administrator of energy efficiency programs will do so as subcontractors to the utility monopolies:

"Integrating energy efficiency with utility procurement activities presumes that the utilities are portfolio managers of all resources capable of meeting customers' needs. For electricity needs on the supply side, utilities may own and operate their own power plants for delivery of electricity to their customers, or they may

contract with other providers to deliver the required electricity. Each option is equally capable of delivering the resource. Similarly, *on the demand side, utilities may operate their own programs or they may contract with other providers to deliver energy savings to their customers...* “I see the utilities as portfolio managers of a variety of programs targeted to various customer classes and types to deliver energy efficiency services. In addition, I see no distinction in ability to meet the goals, whether funding is authorized from PGC energy efficiency funds or out of utility procurement budgets.” (emphasis added, ACR, p.7)

This is also contrary to law. Section 381.1 does not mandate that any party shall contract with utility monopolies to implement programs; it mandates, rather, that any party shall administer the funds themselves:

“381.1. (a) No later than July 15, 2003, the commission shall establish policies and procedures by which *any party*, including, but not limited to, a local entity that establishes a community choice aggregation program, *may apply to become administrators for cost-effective energy efficiency and conservation programs established pursuant to Section 381.* (AB117, Emphasis added)

In fact, over sixty (60) California municipalities, representing a significant portion of California’s total electricity load, are now in the process of pursuing or implementing AB117, presenting a market structure under which CCA’s, not monopolies, contract out non-utility suppliers. This reality is totally lacking in the ACR. Based on the legislature’s recent rejection of a bill to return the energy efficiency funds to monopoly control (SB 1734), and its similar rejection of both a re-regulation bill (Senate Bill 888) to authorize rate-basing of power plant purchases, as well as a core/non-core bill, the Commission must accept that the provisions of AB117 are the law of the land and must be respectfully included in its proceedings, including R.01-08-028.

Having never been even mentioned in the ACR, CCA’s must be assumed to have been included implicitly among “non-utilities.” This is a serious problem because CCAs are not the same as non-utility suppliers of energy efficiency services. *CCAs are not suppliers at all, but are rather consumers seeking competitive suppliers by aggregating behind their local government. – a mechanism which the legislature and governor have wisely approved, in order to provide them with an alternative to monopoly utility*

service or monopoly utility contracts, and in order to facilitate the competitive provision of electricity services by non-monopoly suppliers, including energy efficiency services. By omitting CCAs altogether, the ACR is proceeding in a manner that is hostile to Community Choice Aggregators and the consumers they represent.

There are several reasons for our objection. While Section 381.1 provides for “any party” to have some opportunity to apply to administer the fund, it is no coincidence that Section 381.1 was enacted by the legislature and governor not as a stand-alone law but rather as *one section* of a larger Community Choice Aggregation law, Chapter 838.

Section 381.1 was put into the Community Choice law because, as in Massachusetts, under a Community Choice law it is merely *logical* that PGC funds be made available to communities that have taken responsibility for the planning and procurement of their energy resources, and which after all *are themselves administering a competitive bidding process* among suppliers. The ACR continues to ignore the fact that CCA’s represent *customers*, not suppliers. They do not provide electricity and related services, but, rather, contract them out to a non-monopoly electric service provider and *its* subcontractors.

Community Choice devolves formerly state regulatory functions to municipalities and counties, which should be considered by the Commission not merely as “non-utilities” but as subdivisions of the state of California, representatives of customers, stewards of the public interest, and *partners* in implementing successful aggregations and energy efficiency programs to be implemented by non-utilities. Community Choice Aggregation facilitates a devolved competitive solicitation in which competitive suppliers, not municipalities, provide services to customers, who are aggregated, represented and protected by their CCAs: thus the requirement in Section 3 of AB117 that “The commission shall take actions as needed to facilitate direct transactions *between electricity suppliers and end-use customers.*”

Rather than taking up these points, the ACR appears to springboard off of ALJ Malcolm’s decision to consider Section 381.1 in isolation from the Chapter (838 of 2002)

of state law in which it was embedded. This has resulted in a basic misunderstanding of Community Choice Aggregation in such manner that its (non-) treatment in the ACR continues to be seriously inappropriate. CCAs are customers, not suppliers: administrators, not implementers. In order to hold orderly, appropriate and successful solicitations, the Commission must understand CCA as a new market structure.

The ACR ignores the fact that Section 381.1 was made law in the context of the Community Choice law, Chapter 838, and not *vice versa*. In fact, Community Choice Aggregators are customers who are organizing competitive opportunities for vendors, electric service providers, energy service companies, and the like. As a result, the Commission's adopted policy irrationally threatens to force a demand-side aggregation of customers to *compete against suppliers* rather than allowing the aggregation to facilitate competition among suppliers: this policy is inconsistent with AB117.

The failure to establish a policy for CCA's that is distinctive from other suppliers also leads to a failure to comprehend a major opportunity for Integrated Resource Planning. Whereas in the past Integrated Resource Planning provisions in the California Public Resources Code §25300, §25303, and §25305 implied that utility monopolies, as procurement planners, should also administer energy efficiency and conservation programs, under the Community Choice law there is now a *better* option. With local governments making energy resource decisions pursuant to Chapter 838, and making them without the huge conflict-of-interest posed by utility monopolies, it follows that Integrated Resource Planning would best be managed by CCAs. With no investment in increasing energy throughputs to maximize profits, Community Choice Aggregators have a *natural incentive* to achieve the kind of sustainability that California has had to bribe utilities to achieve (poorly) in the past.

Community Choice Aggregation is a uniquely *demand-side* local energy resource management authority. Unlike a utility monopoly or other supply-side business, Community Choice Aggregators have a vested interest in *reducing* consumption, eliminating waste, slowing down electric meters, and mitigating throughputs. In this

capacity, it is incumbent on the Commission not to deny Community Choice Aggregators the opportunity to manage all PGC funds paid by their communities on their monthly electric bills. Any other policy would clearly violate the intent of §25300, §25303, and §25305 of the California Public Resources Code and erect barriers to Integrated Resource Planning under Chapter 838.

Under the local *demand* aggregation that Community Choice provides, consumers and the environment do not *have to* compete as “constituencies,” but share in a common public interest: to lower bills *by* reducing consumption. This structural elegance is the essence of sustainability. By using aggregation to deliver energy efficiency and conservation into the community’s energy services at a lower price than is otherwise possible, and by adapting rate setting mechanisms to the life-cycle characteristics of these new technologies, Community Choice Aggregation will minimize any adverse utility bill impacts of energy efficiency and conservation technologies, and will make them figure not as an added costs but rather as added *benefits* of the electricity service. With life-cycle financing and integrated resource planning enabled by the rate setting power of Community Choice Aggregation, green energy technologies will enjoy a more even playing field on which it can be price-competitive with natural gas- or coal-fired electricity generation. Energy efficiency can thus evolve from the marginality and tokenism of utility monopoly administration to a mainstream and standard component of Community Choice Aggregators’ electricity service packages.

Apart from this profound public policy advantage, Community Choice aggregators offer numerous advantages over other non-utility applicants for PGC funds administration:

- **Community Choice Aggregators Are The Customers Who Paid the PGC Money.** Community Choice Aggregators represent the customers who have paid these funds. They are not power suppliers but consumers, and have a special right to administer their own funds.
- **Community Choice Aggregators are Publicly Accountable.** Community Choice Aggregators are locally elected, as accountable to the public as any entities can be, and are subject to Sunshine Ordinances and Open Meeting Laws. Other market participants have no accountability to the public, provide services in

order to reap a profit or maintain a program budget, and are not required to be transparent to the public.

- **Community Choice Aggregators are Non-Profit.** Community Choice Aggregators are providing a non-profit service to benefit the public. Other market participants are providing a for-profit service primarily to benefit their investors.
- **Community Choice Aggregators Are Demand-Side Entities.** Community Choice Aggregator administration of PGC funds provides a demand-side orientation that is impossible with supplier-based administrators that also procure power such as monopoly utilities, which have a vested interest in maximizing throughputs on their infrastructure in order to maximize gross revenues and thus profits. The conflict of interest in supplier-based administration of PGC funds is inherently unsustainable. By replacing the conflict-of-interest inherent in utility monopoly administration of energy efficiency and conservation programs, Community Choice Aggregators are ideal agents for cost-effective energy efficiency and conservation programs. Indeed, unlike utility monopolies, whose throughput-based revenues are directly threatened by cost-effective energy efficiency and conservation programs, Community Choice Aggregators view energy efficiency as the most cost-effective means of achieving economic *benefits* for their residents, businesses *and* their public agencies. Some of the key opportunities for aggregation to provide economic benefits to consumers, - lowering costs and minimizing price volatility to residents and businesses, and improving energy reliability - will be achieved by targeting conservation and energy efficiency, installing new load shaving and load reduction elements to the community's resource mix, and generally establishing a new level of demand responsiveness that delivers efficiencies that any utility monopoly would view as fundamentally threatening to their long-term profitability.

CONCLUSION

We urge the Commission to give serious reconsideration of its decision that preference should not be given to CCAs. CCAs are customers, not suppliers; giving preference to CCAs simply means allowing customers to administer their own funds to third party suppliers: that is all. It does not mean allowing CCAs to make those funds unavailable to third party suppliers. If the Commission needs to restrict preferential treatment of CCAs by requiring those who receive it to bid out their EE funds to third parties, so be it. In fact, it has never been done any other way.

We urge the Commission to reconsider the misguided course of considering Section 381 in isolation from the law in which it is inextricably embedded. If the Commission

misunderstands the basic structure of CCA, its policies on CCA administration will bring further crises and require future amendment.

Moreover, we urge the Commission to comply with the requirements of 381.1 of the Public Utilities Code, under which “any party,” not just utility monopolies, shall be free to apply to administer the public benefits charge funds for energy efficiency.

Respectfully Submitted,

PAUL D. FENN

By: _____
PAUL D. FENN

Local Power
4281 Piedmont Avenue
Oakland, CA 94611
Telephone: (510) 451-1727
Email: paulfenn@local.org

Dated: July 16, 2003

Cc: Commissioner Susan Kennedy
ALJ Kim Malcolm
Interested Parties, 01-0

CERTIFICATION OF SERVICE

R.0108028

I, Barbara George, certify that on this day July 16, 2003, I caused copies of the attached WOMEN'S ENERGY MATTERS' COMMENTS ON 2004-5 PROGRAM SCHEDULE & CRITERIA IN THE ASSIGNED COMMISSIONER'S RULING 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: July 16, 2003 at Sacramento, California.

DECLARANT

(Electronic service List attached to original only)

sesco@optonline.net,kmccrea@sablax.com,mharrigan@ase.org,darrell@iwfa.com,jimross@r-c-s-inc.com,wally.kolberg@swgas.com,bridget.branigan@swgas.com,
randy.sable@swags.com,ckmitchell@powernet.net,dnorris@sppc.com,jwhargrove@sppc.com,ceaston@sempra.com,pfeffer@scag.ca.gov,reflectormike@earthlink.net,wallis@winegardenergy.com,Mcart108@earthlink.net,arago@qcsca.com,rsperberg@onsitenergy.com,kenm@powerlogicusa.com,kkam@sdenergy.org,Robsharp1@aol.com,cornstark1@aol.com,kmckenna@ambag.org,cal.broomhead@sfgov.org,marcel@turn.org,srovetti@swater.org,jes@cpuc.ca.gov,joe.como@sfgov.org,ek@aklaw.com,jlondon@gralegal.com,ec18@pge.com,SCarter@nrdc.org,mmccormick@gralegal.com,wmcguire@mcguireco.com,jhamrin@resource-solutions.org,shallenbgr@aol.com,ted@energy-solution.com,
kmcelroy@xenergy.com,donlink@jps.net,paulfenn@local.org,
twombly@wengineering.com,mrw@mrwassoc.com,pjpowerlaw@aol.com,swentworth@oaklandnet.com,gpeterson@mncee.org,mike@comfortwise.com,glynnis@starband.net,rlw@rlw.com,springer@davisenergy.com,wem@igc.org,westdakota@aol.com,asowell@scsa.ca.gov,jtachera@energy.state.ca.us,lmh@eslawfirm.com,bburt@macnexus.org,kmills@cbbf.com,mpa@a-
klaw.com,dan@meeek.net,bwildman@sbwconsulting.com,tom@ucons.com,dws@keywaycorp.com,christine.holbrook@csgroup.com,d.d.gilligan@worldnet.att.net,stevef@ensave.com,reknuj@aol.com,joseph.ballantine@uinet.com,jlb@anyserda.org,shastie@navigantconsulting.com,tdavis5128@aol.com,elsharif@ghpc.org,wseay01@attglobal.net,jdrivera@drintl.com,spillermb@gru.com,rutledgev@publicfm.com,martha.davis@appl.qe.com,julie_a_white@email.whirlpool.com,staples@staples-ad.com,staples@staples-ad.com,nphall@tecmrkt.com,sstrom@mncee.org,jcameron@arcainc.com,jodyk@ncat.org,jesherman@earthlink.net,skumat@serainc.com,william.dalton@xcelenergy.com,dfrey@archenergy.com,derek.williams@mountainmonitoring.com,dm@getwise.org,olson@ghpc.org,fspasaro@semprautilities.com,moerbeznik@attbi.com,bgroch@greentechenergy.com,nancy.arter@rrwconsulting.com,suzanne.obermire@rrwconsulting.com,AGREENFIELD@GLOBALGREEN.ORG,ab50@aol.com,susan-munves@santamonica.org,dinalane@gte.net,operations@ossonline.com,thamilton@cheers.org,michaelgibbs@icfconsulting.com,admin@gesusa.org,case.admin@sce.com,don.arambula@sce.com,janet.combs@sce.com,ipena@ecosconsulting.com,moore@ecosconsulting.com,kswitzer@scwater.com,shiv@quixnet.net,mgorman@agclawfirm.com,willieg@ci.chulavista.ca.us,ercaldwell@maacproject.org,jet2@cox.net,rdt222@cox.net,RHS@AESCI-INC.COM,dale.foster@ttemi.com,mshames@ucan.org,carellano_sweinc@sbcglobal.net,gsanchez@rhainc.com,jjensen@rhainc.com,jon@vpideas.com,jyamagata@semprautilities.com,cpucservice@sdenergy.org,dgordon@sandiego.gov,jcervantes@sandiego.gov,neilmiller@earthlink.net,alan@rer.com,jsynesis@us-power.com,brenda@rer.com,sthigpen@drintl.com,energyanalysis@earthlink.net,sharong@moval.org,elmoa@cityoftemecula.org,ogradyj@cityoftemecula.org,harringk@cityoftemecula.org,mark@alohasys.com,MikeW@alohasys.com,jlcrafft@earthlink.net,bob.belhumeur@corporatesystems.com,johnp@energycoalition.org,tflanigan@energycoalition.org,toca@utility-savings.com,dwylie@aswengineering.com,johnt@blueowltechnologies.com,ltgwiz@msn.com,koeller@earthlink.net,abrice@rhainc.com,kristine@rhainc.com,abrice@rhainc.com,rkeyes@attbi.com,pcanessa@csufresno.edu,lcasentini@drintl.com,vrabl@aspensys.com,dbachrach@nrdc.org,chris@emeter.com,ann.kelly@sfgov.org,difellman@fellmanlaw.co

m,jpeck@semprautilities.com,cpuccases@pge.com,jcl@cpuc.ca.gov,pgh@cpuc.ca.gov,rgl@cpuc.ca.gov,michael@headquartersadv.com,pedro@headquartersadv.com,iberrio@greenlining.org,lifcentral@lif.org,docket-control@gralegal.com,leoralawton@fscgroup.com,tmfry@nexant.com,luluw@newsdata.com,lmacdonald@icfconsulting.com,mtirpak@icfconsulting.com,vjensen@icfconsulting.com,jparker@icfconsulting.com,renee_fernandez@emcorgroup.com,jimflanagan@iname.com,wmcguire@mcguireco.com,chrischouteau@earthlink.net,jwwd@pge.com,rsridge@attbi.com,barbara@rhainc.com,fkeneipp@pacbell.net,tnicotre@attbi.com,chris@advanceheat.com,agoel@insyncinfo.com,rknight@bki.com,bfoster@gepllc.com,gephq@gelc.com,fisherconsultants@msn.com,etlowe@aol.com,Jaybhalla@aol.com,gtraynor@tmarshall.com,msutter@alamedanet.net,sam@energy-solution.com,bmast@frontierassoc.com,jerryl@abag.ca.gov,ssherwood@xenergy.com,kcorfee@xenergy.com,fountain@dnai.com,paulfenn@local.org,rdeangelis@energy-law-group.com,kchurchill@accenv.com,cwootencohen@earthlink.net,pmiller@nrdc.org,rschmidt@bartlell.com,qcworldmail@yahoo.com,drebello@qcworld.com,eparker@qcworld.com,jcavalli@qcworld.com,ned2@ci.berkeley.ca.us,ppiette@qcworld.com,craigtyler@attbi.com,elvine@lbl.gov,mwbeck@lbl.gov,rwwilson@lbl.gov,irina@ideasarecheap.com,john@proctoreng.com,john@proctoreng.com,philsisson1@attbi.com,sustainablefairfax@earthlink.net,jna@speakeasy.org,timrosenfeld@earthlink.net,hmoore@marincounty.net,jdquinley@aol.com,emainland@earthlink.net,eie@geopraxis.com,tconlon@geopraxis.com,adiff@aol.com,rita@ritanortonconsulting.com,gthomas@ecoact.org,emahlon@ecoact.org,jennifer@rer.com,joseph.leung@gsa.co.santa-clara.ca.us,Vicki.Swank@gsa.co.santa-clara.ca.us,terryhughes@afo.net,kenh@mid.org,BillM@soldata.com,mattb@rlw.com,bknox@cityofdavis.org,mjberm@davisenergy.com,rmccann@umich.edu,reports@aeecs.org,blaising@braunlegal.com,dmahone@h-m-g.com,stone@h-m-g.com,energy@directapps.com,tcrooks@navigantconsulting.com,vfleming@navigantconsulting.com,dreynolds@aspensys.com,gvigneron@scsa.ca.gov,jeinhorn@rs-e.com,JLENZMEIER@CBIA.ORG,jcastleberry@rs-e.com,lscott@rs-e.com,maryann@cuwcc.org,pstoner@lgc.org,rachel@ceert.org,rnaylor@nmgovlaw.com,tara.dunn@dgs.ca.gov,fdeleon@energy.state.ca.us,martha.lake@attbi.com,TMichel@egia.com,dick@adm-energy.com,talereza@adm-energy.com,karen@klindh.com,jparks@smud.org,shall@rcip.com,rmowris@earthlink.net,pwelker@peci.org,brianh@quantecllc.com,llutz@attbi.com,ssirkin@ecosconsulting.com,drobison@teleport.com,john_mclain@pgn.com,carel.dewinkel@state.or.us,rbordner@emi1.com,MADUNHAM17@aol.com,phil.hastings@state.me.us,brian.k.dancause@state.me.us,wickend@together.net,charles.bredwell@cpa.state.tx.us,nieves.lopez@puc.state.tx.us,keklund@idwr.state.id.us,rknecht@puc.state.nv.us,mer@cpuc.ca.gov,ppl@cpuc.ca.gov,ru4@cpuc.ca.gov,tam@cpuc.ca.gov,ctd@cpuc.ca.gov,dmb@cpuc.ca.gov,dsh@cpuc.ca.gov,dlw@cpuc.ca.gov,ewk@cpuc.ca.gov,cpe@cpuc.ca.gov,jf2@cpuc.ca.gov,kim@cpuc.ca.gov,lrm@cpuc.ca.gov,nyg@cpuc.ca.gov,ska@cpuc.ca.gov,ssr@cpuc.ca.gov,zap@cpuc.ca.gov,ztc@cpuc.ca.gov,mary.tucker@ci.sj.ca.us,agarcia@energy.state.ca.us,alo@cpuc.ca.gov,cm2@cpuc.ca.gov,dhungerf@energy.state.ca.us,dks@cpuc.ca.gov,cpacounsel@dgs.ca.gov,jsugar@energy.state.ca.us,mmesseng@energy.state.ca.us,njenkins@energy.state.ca.us,taryn_smith@dca.ca.gov,teckman@nwppc.org,charles.m.stephens@state.or.us,price7@mindspring.com