

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

Order Instituting Rulemaking to Examine the  
Commission's post-2005 Energy Efficiency Policies,  
Programs, Evaluation, Measurement and Verification,  
and Related Issues

Rulemaking 06-04-010  
(Filed April 13, 2006)

**COMMENTS OF  
THE LOCAL GOVERNMENT SUSTAINABLE ENERGY COALITION  
ON PROPOSED DECISION ON 2009-2011 ENERGY EFFICIENCY PROGRAMS**

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For THE LOCAL GOVERNMENT  
SUSTAINABLE ENERGY COALITION

October 9, 2007

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## I. INTRODUCTION

In accordance with Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the Local Government Sustainable Energy Coalition<sup>1</sup> submits these comments on the Proposed Decision on “Issues Relating to Future Savings Goals and Program Planning for 1009-2011 Energy Efficiency and Beyond.” The Proposed Decision presents an integrated approach to investor-owned utility energy efficiency programs, encouraging integration of energy efficiency with other energy management practices. The LGSEC is particularly encouraged by the recognition throughout the Proposed Decision of the importance of local governments in achieving California’s ambitious energy and climate protection goals and the emphasis on strategic planning.

While the LGSEC is very supportive of the Proposed Decision, there are some areas where clarification and more explicit direction will produce optimal results. Specific recommendations include:

- ◆ The Commission should hold annual meetings on a utility service-territory basis for local government partners, third parties, and utility contractors, where local government partners, third parties, and the utility contractor can discuss how programs are performing within the territory and help the Commission to make decisions on improvements to the statewide strategic plan.
- ◆ The Commission should direct the utilities to include in partnership budgets resources to help build internal capacity for developing integrated resource plans and energy management strategies, and funding for local government partnership staff to travel to annual statewide meetings.
- ◆ The Commission should direct the utilities to include within their statewide strategic plan the interim strategic plans jointly developed with each local government partner, and to jointly develop long-term strategic plans with each local government partner as an integral part of the Commission's strategic planning process.

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<sup>1</sup> For purposes of this filing, the Local Government Sustainable Energy Coalition includes: Association of Bay Area Governments; City of Berkeley; City of Oakland, Public Works Agency; County of Los Angeles, Internal Services Department; County of Marin; Local Government Commission; South Bay Cities Council of Governments

- ◆ Any submittal from the utilities to the Commission that includes information about local government partnerships should include some form of written commitment from the local agencies and the utilities regarding their roles and responsibilities with respect to implementation of the plan.
- ◆ The final decision should require the utilities to convene annual meetings of all their local government partners. The agendas for these meetings should be jointly developed by utility and local government partner staff. These sessions should be led by the CPUC or perhaps a professional facilitator engaged by the CPUC.
- ◆ The Commission should include a provision for advance funding measures for long-term projects conducted as part of local government partnerships.
- ◆ The Commission should consider mechanisms to creative incentives for comprehensive approaches.
- ◆ Local government partners and utilities working together on long-term persistent savings programs, such as codes and standards, should not be penalized for lack of measurable savings in the current cycle.

## **II. THE PROPOSED DECISION’S EMPHASIS ON LONG-TERM STRATEGIC PLANNING IS CRUCIAL TO PROGRAM SUCCESS**

Perhaps the most important action taken in the Proposed Decision is the requirement for long-term planning, particularly strategic planning that integrates energy efficiency with other energy management tools. Also important is the recognition that it is important to engage decision makers who can effect comprehensive change in all market sectors. (Proposed Decision, p. 7) Having a roadmap that extends through 2020 allows the State to look at all resource needs and additions, and to identify the role of various energy management strategies in meeting energy goals, as well as other State goals.

An important element of the Strategic Plan is annual strategic planning sessions. (Proposed Decision, p. 24) These will be very useful for statewide planning purposes. However, there continues to be a need for better coordination and planning within utility service-territories. As part of these strategic planning sessions, the LGSEC recommends that the Commission hold annual meetings on a utility service-territory basis for local government partners, third parties,

and utility contractors, where local government partners, third parties, and the utility contractor can discuss how programs are performing within the territory and help the Commission to make decisions on improvements to the statewide strategic plan. The meetings should have as their objective that everyone delivering energy efficiency and related services in a service territory be aware of each other's programs, parties collaborate on a geographic and/or topic basis, and parties be brought up to date on collective progress in meeting energy savings goals. The agenda for the meetings should be jointly developed by the utilities, the CPUC, and interested local government partners and third party program providers.

Toward this end, the LGSEC proposes below an agenda for the meeting scheduled for November 5, 2007, along with expected outcomes.

<b>Topic</b>	<b>Expected Outcome</b>
Strategic Plan Goals	Common understanding of goals of the Strategic Plan
Strategic Plan Development Process	Agreement on how partners, third parties, other agencies, and interested individuals and organizations will assist in developing the strategic plan, including the role of local government partnership long-term plans
Timeline	Agreement on timing for specific activities, including adequate review for local government partners
Resources	What level of involvement parties can expect from CPUC, utility staff and managers, as well as materials and support, and funding for local governments that wish to participate but do not have resources to do so.

### **III. THE PROPOSED DECISION PROPERLY RECOGNIZES THE ROLE OF LOCAL GOVERNMENT**

In many areas, the Proposed Decision states the need for participation by and involvement of local government, something the LGSEC and other local governments have been

advocating for many years. The table below indicates the areas in the Proposed Decision where a role is anticipated for local government.

**Table 1. Proposed Decision Reliance on Local Government**

<b>Cite to Local Government</b>	<b>Page in PD</b>
Local government leaders (as well as utilities and business leaders) must adopt a conceptual framework that is more comprehensive and forward-looking.	p. 19
Strategic Plan development process should include participation by local governments (as well as NEEA and public utilities)	p. 22
Annual strategic planning sessions	p. 24
Strategic Plan will have a section on local government, and identify an overall strategy to leverage the role of local government	pp. 26, 30
CPUC is intrigued by idea of working with local government on codes and standards integration with incentives, and to facilitate land use plans and permitting processes that promote reduced energy use.	p. 30
Big, bold strategy on residential new construction should leverage the planning resources of local governments	p. 39
Big, bold strategy on commercial new construction should leverage opportunities related to government agencies (as well as the AIA and building and design industry)	p. 42
Big, bold strategy on residential and small commercial HVAC calls for engaging local governments (among others)	p. 46
Marketing, education, and outreach efforts should coordinate with providers with similar or related interests, including local governments	p. 54
Need massive training effort on energy efficiency; utilities should utilize partnerships with public efforts	p. 60
Annual statewide meeting with local agencies	p. 79
Utilities should develop on-bill financing programs for institutional customers	p. 82
Utilities can continue to count advocacy on codes and standards to achievement of goals	pp. 108-109
Utilities can count savings from local government programs when they can be attributed to partnership or utility can demonstrate its financial or informational support provided savings.	p. 112

The Proposed Decision correctly anticipates significant reliance on local government to achieve the wide-ranging objectives for 2009-2011 and beyond. However, there is no clear mechanism for how this should happen, nor is there provision for additional resources to local governments to allow them to fulfill this role. The local strategic plans discussed below should

provide the mechanism for how local governments will become engaged in the many issue areas identified above.

The next question is how to provide resources to allow local governments to assume the responsibilities anticipated in the Proposed Decision. Many local governments would benefit from building internal energy management capacity, but do not have the resources or technical expertise to do so. The State and Utilities will be well served when larger local governments, or regional groupings of small- and medium-sized local governments, can designate and dedicate staff to work toward a comprehensive energy management plan. Local governments need a share of State and utility resources to perform other activities related to State goals for big, bold strategies as well as to connect energy efficiency to water efficiencies, climate change measures, new construction, building codes and permitting requirements. On this matter, the Commission should direct the utilities to include in partnership budgets resources to help build internal capacity for developing integrated resource plans and energy management strategies, and funding for local government partnership staff to travel to annual statewide meetings.

#### **IV. THE COMMISSION SHOULD REQUIRE THE UTILITIES TO CONSIDER LOCAL GOVERNMENT LONG-TERM PLANS WHEN DEVELOPING THE STRATEGIC PLAN**

The statewide Strategic Plan should include the utilities' long-term strategies for working with local government partnerships. Because many local governments already have existing long-term facilities and/or energy master plans, the utilities need to collaborate with each willing local government partnership on how to best integrate established local energy, development, and other sustainability goals into the statewide strategic plan. These long-term plans should be based on local market opportunities as well as the local government's facilities and/or energy master plans. Many local governments participating in partnerships have strategic plans to fully

implement further energy efficiency, reach new target groups, collaborate with other local government or public agency resources, and expand program outreach. During the 2006-08 program cycle, local governments were and are developing and planning program elements for the future. It is logical that this internal planning should be done in collaboration with the utilities and in conjunction with their strategic plans. This would surely help with some of the well-publicized communication and coordination problems between the utilities and local governments and would improve the implementation of the Strategic Plan over the long term.

The Proposed Decision is not clear about the process by which local government partnership information will be developed for the Strategic Plan. On p. 119, the Proposed Decision notes that “Initial solicitations and program proposals for third party contracts and local government partnerships” will be developed in November – December 2007. Rather than submit proposals, willing local government partners can assist in this planning process by providing updates to their existing programs for the 2009-2011 program cycle. These updates will incorporate each local government partnership’s internal strategic plan, as discussed above. The submittals from the local government partnerships will assume a baseline level of activity for each partnership, based on the effective elements of existing partnerships, and can form the basis for an interim local strategic plan that will be in place until the utilities have completed planning activities for the 2009-2011 program cycle. Local strategic plans can be reviewed and updated in conjunction with the Commission's annual strategic planning sessions.

Examples of strategic planning benefits are provided below:

Water utilities and wastewater treatment utilities should be involved in implementing system energy efficiencies, assisting the state in researching and understanding the system-wide impacts of water conservation, and investigating the additional greenhouse gas reduction benefits



in enhanced wastewater treatment operations (perhaps in conjunction with a California Energy Commission Public Interest Energy Research grant). In some cases local governments operate the water and wastewater treatment utilities, which would provide an ideal opportunity to develop these benefits. This is a significant undertaking and requires much pre-planning, investigation, and coordination. No local government would undertake this effort without an indication, through strategic planning, that it meets the utilities' needs.

Local governments represent the most logical entities (outside of the Legislature) to implement more stringent codes and standards. Prior to even beginning the development and implementation of an ordinance, a local government undertaking this effort would have to investigate feasibility, identify a proposed plan, quantify necessary resources, and highlight key milestone events. This is a multiple year undertaking with no guarantee of success. Again, it seems that many local governments would only undertake this effort if a role for the utilities was well-defined and some level of resources were assured. This would be part of the partnership-specific strategic planning.

Many local governments are investigating mandates for LEED certification (either new construction or existing building) for their own municipal facilities. (Mandates are already in place in some jurisdictions.) Utilities could play a role in providing data, resources, and incentives in assisting local governments to make a LEED commitment. Utilities would have to work diligently and intimately with government building staff, planners, and decision makers to make the case for LEED. Again, a strategic planning process would greatly enhance a decision for a local government partner move in this direction.

Local government partners are surrounded by other local governments that are not utility program partners and may not even have energy management resources to advance energy

efficiency projects. Local governments typically seek to expand their partnerships to include other agencies or work through regional agencies because it makes sense from a geographic standpoint and for achieving economies of scale through shared governance and savings in administration costs. Some local governments have cultivated these opportunities only to discover that the utilities eventually create separate partnerships with those other agencies! Local strategic planning with respective governments should eliminate this.

The challenge with the partnership-specific strategic planning will be that resources may be required in advance of the program cycle and funding availability. Local governments have found that their utility partners have been reluctant to engage in any future planning at any time during the current program cycle.

These local strategic plans, developed in conjunction with local government partners, should identify how the entire resources of the local government can be engaged toward achievement of the goals for that partnership. Some current local government partners are capable of and would like to engage in collaborative strategic planning that facilitates integration of local government goals with utility objectives – in essence, an integrated resource plan for that jurisdiction or regional area. As an example of how this type of collaboration could be useful, some local governments would like to have access to the utilities' market research data specifically relevant to their jurisdictions, to assist in their planning activities. These local governments also would like to establish targets by market sector, and develop interactive programs to achieve the targets established in the integrated resource plan.

The partnership-specific strategic plans should be jointly developed by the local government partner and the utility, as discussed above. Any submittal from the utilities to the Commission that includes information about local government partnerships should include some

form of written commitment from the local agencies and the utilities regarding their roles and responsibilities with respect to implementation of the plan. The Commission should direct the utilities to include within their statewide strategic plan the interim strategic plans jointly developed with each local government partner, and to jointly develop long-term strategic plans with each local government partner as an integral part of the Commission's strategic planning process.

**V. TIMING OF THIRD PARTY BIDS, PARTNERSHIP PROGRAMS, AND UTILITY PROGRAMS MUST BE INTEGRATED**

The Proposed Decision anticipates a flurry of activity between now and the end of the year as the utilities develop a draft statewide strategic plan, participate in and/or host meetings and workshops, receive initial solicitations from third parties, and work with local governments on partnership programs for the 2009-2011 cycle. In prior years, there has been tension between third party and partnership programs, with third party programs being introduced in geographic areas where a partnership was developing a similar program. To avoid this problem in the 2009-2011 program cycle, the final decision should more explicitly state that each utility must have a clear plan, developed in conjunction with and verified by local government partners, as discussed above. Additionally, the Commission should clearly authorize the utilities to take action and spend funds as warranted to develop local strategic plans while sustaining the momentum of the 2006-2008 programs.

**VI. THERE MUST BE OPPORTUNITIES FOR ENERGY EFFICIENCY PROGRAM IMPLEMENTERS TO COORDINATE**

The Proposed Decision calls for dismantling the Program Advisory Group, noting that the PAGs were not fulfilling their intended purposes. The Proposed Decision notes that the statewide strategic planning process and the annual statewide coordination meeting, as well as

other changes in the Proposed Decision, will subsume the advisory function of the PAG. The LGSEC concurs with this. However, as discussed above, there still remains a need for local government partners to meet as a group with the utilities on a service-territory basis for the purpose of crafting coordinated approaches among various partnerships and third party programs. The final decision should require the utilities to convene annual meetings of all their local government partners. The goal of these meetings should be to exchange information about best practices, receive updates on other utility energy efficiency and related programs, and jointly review progress toward regional goals. The agendas for these meetings should be jointly developed by utility and local government partner staff, to ensure that the meetings are valuable to all participants. Given the positive experience with the workshops for big, bold strategies, as well as other situations where CPUC staff has been involved, the LGSEC recommends that these sessions be led by the CPUC or perhaps a professional facilitator engaged by the CPUC.

## **VII. ABILITY TO ENCUMBER FUNDS FOR LONG-TERM PROJECTS IS VERY HELPFUL**

The Proposed Decision allows utilities to spend next-cycle funds in the current budget cycle, up to 15% of the current program cycle budget (Proposed Decision, p. 85), as well as encumber funds from the next program cycle for continuing programs up to 20% of the current program cycle budget (*Id.*). The Proposed Decision also directs the utilities to develop a way to encumber funds for long-term projects. (Proposed Decision, pp. 85-87) The specific strategic plans for each partnership discussed above will be valuable to the advance planning anticipated here. The final decision should include a provision for advance funding guarantees for long-term projects conducted as part of the local government partnerships.

## **VIII. THE LACK OF A MECHANISM TO ACCOUNT FOR COMPREHENSIVE SAVINGS COULD THWART THE INTENT OF THE POLICY**

The proposed decision supports long-term savings and incorporates mechanisms to encourage measures with longer useful lives. However, another important component of long-term savings is a focus on comprehensiveness and against cream skimming. The decision recognizes this issue but does not propose a solution. The LGSEC recommends that the IOUs' energy efficiency strategic plans and overall portfolios include specific methods or programs that significantly encourage comprehensiveness. The Commission should consider mechanisms to create incentives for such approaches, or discourage cream skimming.

## **IX. UTILITY CODES AND STANDARDS CONTRIBUTIONS TO LOCAL GOVERNMENTS MUST BE SIGNIFICANT AND VERIFIABLE**

The utilities can provide a very important role in helping a local government implement more stringent codes and standards. In particular, the utilities and the local government partner together could be the catalyst in selling the concept and seeing it through to eventual implementation.

Key steps along the way for the utility and the local government partner might include:

- ◆ Providing research on costs and benefits;
- ◆ Marketing the program internally to the local government elected officials and executives;
- ◆ Conducting public workshops;
- ◆ Hiring experts to assist in problem solving and analysis;
- ◆ Marketing the program to the public and industry groups;
- ◆ Providing training to local government staff (e.g., plan checkers, inspectors);
- ◆ Providing resources to draft the codes and standards;

- ◆ Providing incentives during pilot phases to test feasibility;
- ◆ Providing resources and incentives after implementation to assist in the transition period; and
- ◆ Providing post-implementation support to developers and builders.

The steps above have been identified by one large, local government as activities that will require support and resources in moving towards a new ordinance. Likely many local governments do not currently proceed down this path because of the daunting amount of work, the potential resources needed along the way, and the anticipated battles with constituents. The utilities are a logical source of support. The role of the utilities in this process must be clearly defined and agreed upon by the partners, as must the nature of the support and resources. The utilities must understand that this commitment of resources may not lead to a new ordinance, that is, this is a high risk-high reward venture. Utilities and local government partners working together on long-term persistent savings programs, such as codes and standards, should not be penalized for lack of measurable savings in the current cycle. Lastly, if such an effort is to be undertaken, the planning of roles and resources should be done as part of the strategic plan with a local government partner that has shown an interest in going down this path. It cannot be planned, undertaken, and implemented in mid-program and may not even be completed during the course of an entire 3-year program.

## **X. CONCLUSION**

The Proposed Decision goes a long way to fostering a long-term approach to energy efficiency programs. The Strategic Plan, and the process by which it is developed, should provide all stakeholders with a roadmap of how energy efficiency will help California achieve its

energy and other goals. The decision will be strengthened by adoption of the few changes described below:

- Require each utility to work with willing local government partners to develop a local strategic plan. Each local government partnership can submit interim strategic plans at the end of this year as part of the planning for the 2009-2011 program cycle, in lieu of proposals. The local plans should be endorsed by the local government partner and included as part of the Statewide Strategic Plan. Long-term strategic plans can be jointly developed by the local government partner and the utility as part of the Commission's strategic planning process.
- The utilities should include in partnership budgets resources to help build internal capacity for developing integrated resource plans and energy management strategies, and funding for local government partnership staff to travel to annual statewide meetings.
- The Commission should require annual meetings on a utility service-territory basis for local government partners, third parties, and utility contractors, with agendas developed jointly by meeting participants and utilities.
- The Commission also should require annual meetings of all local government partners in a utility service territory, with agendas developed jointly by local governments and utilities.
- The final decision should include a provision for advance funding guarantees for long-term projects conducted as part of the local government partnerships.
- The utilities' energy efficiency strategic plans and overall portfolios should include specific methods or programs that significantly encourage comprehensiveness. The

Commission should consider mechanisms to create incentives for such approaches, or discourage cream skimming

- Utilities and local government partners working on long-term persistent savings programs, such as codes and standards, should not be penalized for lack of measurable savings in the current cycle.

Dated: October 9, 2007

Respectfully submitted,

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For THE LOCAL GOVERNMENT  
SUSTAINABLE ENERGY COALITION



## ATTACHMENT A

### RECOMMENDED CHANGES TO FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### **Findings of Fact:**

29. Utility partnerships with local governments may promote cost-effective and innovative energy efficiency programs. ~~The strategic planning process adopted herein will promote these partnerships.~~
30. Strategic plans for each local government partnership will identify how the resources of local governments will be brought to bear in achieving the objectives of energy efficiency programs.
31. Strategic plans for each local government partnership will provide program certainty for those programs.
48. The utilities can provide a very important role in helping a local government implement more stringent codes and standards.

#### **Conclusions of Law:**

2. The assigned Commissioner to this proceeding should lead the ~~initial~~ process for the utilities' development of a strategic plan in order to assure the process is inclusive, collaborative and recognizes the Commission's objectives and policies. This process should solicit the participation of a wide variety of parties and interests, and be publicly notices, as discussed herein.
4. The utilities should develop jointly with local government partners interim strategic plans for inclusion in the statewide strategic plan, as discussed herein
20. The utilities should include a provision for advance funding guarantees for long-term projects conducted as part of the local government partnerships.
24. The utilities should be ordered to convene at least one statewide meeting every year with interested local government agencies to pursue opportunities with local governments for energy efficiency programs and partnerships. Existing local government partners should assist in developing the agendas for these meetings.
25. The utilities should be ordered to convene at least one meeting annually in their service territories with all local government partners, the agenda for which should be jointly developed with the local government partners.

43. Utilities should continue to count energy savings from local government programs toward utility energy savings goals in cases where local government program savings are directly attributable to utility programs or significant participation.
44. Utilities and local government partners working on long-term persistent savings programs, such as codes and standards, should not be penalized for lack of measurable savings in the current cycle.

## CERTIFICATE OF SERVICE

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I, Jody London, certify that I have, on this date, caused the foregoing “Comments Of The Local Government Sustainable Energy Coalition On Proposed Decision on 2009-2011 Energy Efficiency Programs” to be served by electronic mail, or for any party for which an electronic mail address has not been provided, by U.S. Mail on the parties listed on the Service List for the proceeding in California Public Utilities Commission Docket No. R.06-04-010.

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct October 9, 2007 in Oakland, California.



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Jody London

**CALIFORNIA PUBLIC UTILITIES COMMISSION**

**Service Lists**

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**Filer: CPUC - PG&E, EDISON, SDG&E, SOCALGAS**

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