

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

Order Instituting Rulemaking Concerning
Energy Efficiency Rolling Portfolios,
Policies, Programs, Evaluation, and
Related Issues.

Rulemaking 13-11-005
(Filed November 14, 2013)

**COMMENTS OF
THE LOCAL GOVERNMENT SUSTAINABLE ENERGY
COALITION ON THE PROPOSED DECISION PROVIDING
GUIDANCE FOR INITIAL ENERGY EFFICIENCY ROLLING
PORTFOLIO BUSINESS PLAN FILINGS**

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SUSTAINABLE ENERGY COALITION
(LGSEC)

August 8, 2016

RECOMMENDED CHANGES TO THE PROPOSED DECISION

The Commission should change the Conclusion of Law #42 where the Proposed Decision errs by conclusively stating that statewide treatment for Local Government Programs should not be required in the same decision it requests that a proposed business plan present implementation details of statewide treatment for Local Government Programs. The Commission should also remedy an error of omission by adding an Ordering Paragraph to direct LGSEC to coordinate its proposed business plan with other energy efficiency program administrators and file it on January 15, 2017.

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Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, the Local Government Sustainable Energy Coalition (LGSEC) submits these Comments on the Proposed Decision of Administrative Law Judge Julie Fitch, mailed July 19, 2013, in this proceeding. LGSEC's Comments solely address two changes to the Conclusions of Law and Ordering Paragraphs in order to accurately reflect the discussion of the LGSEC proposal in the body of the decision.

Specifically, the PD stated:

We are interested in LGSEC's proposal, and suggest that it be discussed among the program administrators at the CAEECC to see if consensus can be reached. While we are open to the idea, we ask that it be presented in a business plan proposal for our consideration. We will not order it in this decision because it is premature, until we see the details of how such a proposal might be implemented.

PD at page 53.

LGSEC appreciates the opportunity to present a proposed business plan for the Commission's consideration. LGSEC intends to fully comply with the Commission's guidance in preparing a business plan that proposes a detailed implementation strategy for statewide administration and implementation of utility-funded local government energy efficiency programs, seeking consensus support of the program administrators in the CAEECC, and presenting it to the Commission for its consideration.

LGSEC's Comments request two changes: 1) Conclusion of Law #42 should be amended to reflect the Commission's request to see a proposed implementation plan *before* determining whether local government energy efficiency programs should be handled on a statewide basis. This change would implement the PD's intent. The current language would actually foreclose any further action.

Conclusion of Law #42 now states: Local Government Programs should not be required to be handled in a statewide manner.

LGSEC proposes that COL #42 changed to:

Local Government Programs should not be required to be handled in a statewide manner **until we have considered LGSEC's proposed business plan.**

As currently worded, COL #42 would actually preclude approval of any business plan that proposes handling Local Government Programs in a statewide manner because it states conclusively that statewide treatment should not be required. The language of the PD stated that it was premature to order statewide treatment because there was not enough implementation detail to properly assess a statewide local government program proposal. Conclusion of Law #42 errs by inadvertently precluding as a matter of law, the action the Commission requests in the body of the PD, that is, the submittal of a proposed

business plan that addresses precisely the same subject matter. It is clearly not the intent of the PD to both request and foreclose an action. The PD specifically expresses asks that a statewide Local Government Program proposal be presented for the Commission's consideration. The Commission should remove this error by changing COL #42 to express the PD's true intent and clarifying that statewide treatment should not be ordered *until* the Commission has considered a business plan proposal. After that has occurred, the Commission can determine whether or not Local Government Programs should be handled in a statewide manner.

In addition, the PD asks LGSEC to present a proposed business plan for the Commission's consideration but does not provide an explicit procedural vehicle for the filing of LGSEC's proposed business plan. PD at page 53. Conclusion of Law #37 states that "the program administrators should propose statewide programs in their business plans and should identify through discussion at the CAEECC or other venue the appropriate lead administrator for each statewide program." COL #37, PD at pp. 84-85. Since the PD asks for a business plan to present the statewide local government program proposal, but LGSEC is not a program administrator, LGSEC seeks clarification that it should file the proposed business plan for the Commission's consideration. LGSEC urges that the Commission remedy this omission by including the following additional Ordering Paragraph in its final decision:

Proposed Ordering Paragraph: LGSEC shall coordinate with other energy efficiency program administrators and file its business plan on January 15, 2017.

Without this Ordering Paragraph, it appears that LGSEC would be required to request that an existing program administrator include LGSEC's statewide local government program proposal within its business plans in order to enable filing it for the Commission's consideration and approval. This result can be avoided by providing the explicit direction with LGSEC's proposed Ordering Paragraph.

For all these reasons, LGSEC respectfully requests that the Commission recognize that Conclusion of Law #42 is in error and that it be corrected to state:

Conclusion of Law #42: Local Government Programs should not be required to be handled in a statewide manner **until the Commission has considered LGSEC's proposed business plan.**

In addition, LGSEC comments that the PD errs by omitting an Ordering Paragraph to provide clear procedural direction to LGSEC to coordinate with other program administrators and file its proposed business plan on January 15, 2017. Accordingly, LGSEC urges the Commission correct this technical error to add the following Ordering Paragraph:

Proposed Ordering Paragraph: LGSEC shall coordinate with other energy efficiency program administrators and file its business plan on January 15, 2017.

Respectfully submitted,



By: _____
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ATTACHMENT A
PROPOSED CONCLUSION OF LAW AND ORDERING PARAGRAPH

Conclusions of Law:

Add:

42. Local Government Programs should not be required to be handled in a statewide manner **until the Commission has considered LGSEC's proposed business plan.**

Ordering Paragraph:

Add:

3. LGSEC shall coordinate with other energy efficiency program administrators and file its business plan on January 15, 2017.