

**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.

**R. 06-04-010**

**WOMEN'S ENERGY MATTERS  
MOTION FOR CPUC TO ADDRESS  
DEFICIENCIES IN THE STRATEGIC PLANNING PROCESS AND ACCEPT  
COMMENTS ON ENERGY EFFICIENCY STRATEGIC PLANS**

March 24, 2008

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**WOMEN’S ENERGY MATTERS  
MOTION FOR CPUC TO ADDRESS DEFICIENCIES  
IN THE ENERGY EFFICIENCY STRATEGIC PLANNING PROCESS  
AND ACCEPT COMMENTS ON THE PLAN**

Women’s Energy Matters (WEM) respectfully submits this motion for CPUC to address deficiencies in the energy efficiency strategic planning process, and among other things to accept for formal filing the comments by WEM and other parties on the *California Energy Efficiency Strategic Plan* (“Plan”) filed by utilities on Feb. 8, 2008 and modified on March 6, 2008.

WEM believes the energy efficiency strategic planning process violates state and federal laws. D0710032 wrongly placed investor-owned-utilities IOUs) in charge of the current, substantive process of creating a “statewide” energy efficiency strategic plan, abdicating the CPUC’s responsibility to fairly administer the law. The CPUC has not demonstrated its authority to impose such a plan on the State. Furthermore, the CPUC outsourced the production of the Plan to IOUs, although there was no Request for Proposals or bidding process.

The IOUs organized and conducted workshops that took input on the Plan and the meetings at which the Plan was presented; comments on the Plan are being taken by the utilities, not the CPUC. These are poor substitutes for the Commission’s due process. IOUs are bound by no requirement to note or respond to parties’ comments, nor to provide impartiality and fairness to ratepayers. IOUs *are* bound by law to put their shareholders’ interests above all others.

The IOUs’ Plan appears to assume “collaboration” and compliance with an IOU-run planning process that purportedly encompasses energy efficiency for all state entities, including entities that CPUC does not regulate (e.g. publicly-owned utilities (POUs)) as well as Community Choice Aggregators (CCAs), which have the legal right to administer — and therefore plan — their own energy efficiency programs.

Public Utilities Code §381 states:

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.

The Commission failed to establish such policies and procedures, and compounded this failure by placing utilities in charge of creating a Strategic Plan to which CCAs are apparently expected to adhere.

In its sole-source selection of utilities to produce the Strategic Plan, the CPUC ignored serious problems with energy efficiency programs administered by investor-owned utilities. These include massive shortfalls in the IOUs' most recent programs for which final measurement has been published (2004-05), as well as IOUs' conflict of interest with energy saving. Their shareholders' interest in increasing stock value necessitates the growth of supply side resources, and overrides shareholders' incentives for efficiency. (Note that the threshold for awarding incentives for energy efficiency is set so low that the utilities are rewarded for failing to come even close to their goals.)

At least one IOUs' procurement planners testified under oath in the procurement proceeding (R0601028) that they carry on no relevant communication with the company's energy efficiency planners.

IOUs are not required to report — and do not report, to the CPUC, CAISO, CEC or their own procurement departments — where or what time of day they saved or plan to save energy. The procurement decision credited only 20% of energy efficiency goals as a resource, pending resolution of confusion regarding the CEC's forecasting models and energy efficiency goals.

IOUs also do not reveal — and are not required to reveal — where in their territories they have spent the funds. In order to utilize energy efficiency as a resource, especially to relieve peak demand, this data must be revealed, and procurement should be coordinated with energy efficiency.

WEM asks the CPUC to correct all these deficiencies. At a minimum, the CPUC should clarify that the Plan applies only to the IOUs. The CPUC should take charge of that planning process, and should provide for parties to formally file comments for consideration by the CPUC. It should notify and provide for Community Choice Aggregators (CCAs) to be respondents in a CPUC-led strategic planning process, on an equal footing with utilities, or provide the opportunity for CCAs to create alternate

Strategic Plan(s) for their ratepayers. To the extent that utilities may have used Public Goods Charge funds to finance their efforts, such funds should be made available to compensate CCAs' planning processes, in proportion to their ratepayers' contributions.

Dated: March 24, 2007

Respectfully Submitted,

/s/ Barbara George

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CERTIFICATION OF SERVICE  
**R0604010**

**I, Barbara George, certify that on this day March 24, 2007 I caused copies of the attached WOMEN'S ENERGY MATTERS MOTION FOR CPUC TO ADDRESS DEFICIENCIES IN THE STRATEGIC PLANNING PROCESS AND ACCEPT COMMENTS ON ENERGY EFFICIENCY STRATEGIC PLANS** 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 efilings to the CPUC Docket office, with a paper copy to Administrative Law Judge(s) Meg Gottstein, Steve Weissman and Kim Malcolm, and Presiding Commissioner Dian Grueneich.

Dated: March 24, 2007 at Fairfax, California.

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DECLARANT

(Electronic service List attached to original only)

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