

PUBLIC UTILITIES COMMISSION

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December 22, 2020

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Dear Ms. Hughes and Ms. Tellez:

Energy Division rejects Tri-County Regional Energy Network's (3C-REN) Annual Budget Advice Letter (ABAL) 6-E/5-G, pursuant to the ABAL review criteria laid out in Decision (D.) 18-05-041, which addressed the energy efficiency business plans, but for reasons explained herein, 3C-REN's proposed spending budget request of \$8,696,867 for 2021 to administer energy efficiency programs is approved.

3C-REN's ABAL is rejected because it failed to meet its savings targets¹ from its 2019 "true-up" ABAL.² However, the Assigned Commissioner and Administrative Law Judges' Amended Scoping Ruling Addressing Impacts of COVID-19 (July Ruling) acknowledged that program administrators (PAs) face a significantly changed landscape in 2020 and asked PAs to include "accurate and good faith estimates of energy efficiency costs and benefits, as well as budgets, that are necessary to address the current goals and strategies" in their respective program year 2021 ABAL.

The July Ruling also stated that "the 2021 and 2022 ABALs will serve a narrower purpose, to notify the California Public Utilities Commission (CPUC) and stakeholders of the budget and cost recovery requests and expenditures that each PA forecasts for 2021 and 2022...and be reviewed or approved or modified by CPUC staff disposition or resolution, whether or not they meet all of the criteria laid originally laid out in D.18-05-041."³ This narrower purpose allows for energy efficiency program activity to continue in advance of and throughout the new business plan applications to be filed by all PAs in September 2021, as called for in the July Ruling.⁴

¹ See 3C-REN ABAL 6-E/5-G: Table 2: 3C-REN Forecasted Energy Savings Net, which notes that 3C-REN does not forecast achieving its demand or therm goals from its PY 2019 ABAL.

² D.19-08-034, p. 28, states "Because RENs and CCAs do not have explicit energy efficiency savings goals as the IOUs do (through this decision), for each year that non-IOU program administrators request energy efficiency funding authorization via an ABAL, they shall meet or exceed the annual savings forecasts presented in their true-up tables as submitted in their PY 2019 ABALs (and subsequently approved in Energy Division's advice letter dispositions)."

³ See Ruling, p. 9, at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M342/K189/342189331.PDF>

⁴ Ibid.

Consequently, much like D.19-08-034 granted CPUC staff the authority to approve annual budgets for energy efficiency PA's ABAL which are aligned with the new energy savings goals or targets even in the event that a PA's ABAL is rejected, we rely here on the July Ruling to approve 3C-REN's spending budget and cost recovery request.

Accordingly, 3C-REN's total spending budget request of \$8,696,867 for 2021 to administer energy efficiency programs, effective January 1, 2021, is approved.⁵

Lastly, on September 30, 2020, the Governor signed AB 841, authorizing energy efficiency portfolio funding for the Schools Energy Efficiency Stimulus Program (SEESP) beginning in year 2021. Subsequently, on October 7, 2020, then issued a ruling in Rulemaking 13-11-005 seeking comments on the budget for the SEESP, indicating that the CPUC will decide through the formal proceeding AB 841 related budget issues. Given this, Energy Division will not delay authorization of the 2021 ABALs while the CPUC determines additional guidance on the SEESP budget pursuant to AB 841.

1. Background

On September 1, 2020, 3C-REN filed its ABAL 6-E/5-G. On October 1, 2020, the Public Advocates Office at the CPUC (Cal Advocates) and the Small Business Utility Advocates (SBUA) each filed their respective protests of 3C-REN's ABAL 6-E/5-G. On October 8, 2020, 3C-REN filed its response to the Cal Advocates and SBUA protests of ABAL 6-E/5-G.

2. Cal Advocates Protest and 3C-REN Reply Comments

Cal Advocates' protest included four items directed at 3C-REN's 2021 ABAL that ask the CPUC to:⁶

- Mandate that all PAs improve cost-effectiveness and reduce risk in their portfolios to respond to COVID-19-related uncertainties, including:
 - Requiring PAs to reduce spending on sectors with low cost-effectiveness; and
 - Requiring PAs to reallocate this spending to the Residential sector;
- Reject the RENs ABALs until they demonstrate progress towards cost-effectiveness;
- Order the RENs to reduce spending on sectors that have not demonstrated cost-effectiveness improvements over time;
- Require PAs to standardize their accounting and reporting practices for unspent, uncommitted funds.

2.1. COVID-19 Impacts

In its protest, Cal Advocates argued that the COVID-19 pandemic requires:

- robust portfolios with minimal risks, and

⁵ 3C-REN's total proposed spending budget for 2021 is \$8,696,867, less unspent and uncommitted funds from 2020 and prior years of \$3,177,684 resulting in a total budget recovery request of \$5,519,183.

⁶ See *The Public Advocates Office's Protest of Energy Efficiency Annual Budget Advice Letters for Program Year 2021* (Cal Advocates Protest), September 1, 2020, p. 2.

- the CPUC to have all PAs modify their respective portfolios to improve cost-effectiveness by reducing spending on sectors with low cost-effectiveness and allocating more resources to the Residential sector.⁷

Cal Advocates’ protest argued that the economic hardship created by COVID-19 for California ratepayers has led to a significant increase in residential energy consumption and that the PAs and CPUC should ensure portfolio cost-effectiveness and maximize benefits for every dollar spent to ensure more customers realize energy savings and lower bills. Cal Advocates’ protest also stated that the July Ruling “should not be interpreted as an invitation for leniency in meeting cost-effectiveness requirements.”⁸ Lastly, the protest stated that the CPUC should protect ratepayers by requiring modifications to create more robust energy efficiency portfolios and minimize the risk of underperformance during uncertain times and ratepayer funds being wasted on programs that deliver few benefits.⁹ Cal Advocates recommended that the PAs reduce spending in non-cost-effective programs in the non-Residential sectors and reallocate budgets to the Residential sector.

3C-REN supported Cal Advocates request to reallocate budgets to the Residential sector to help customers deal with the impacts of COVID-19 and the resulting increased consumption in sector.¹⁰ That being said 3C-REN found Cal Advocates suggestion to fully defund its Residential sector at odds with its assertion that residential customers have been heavily impacted by the COVID-19 pandemic and must be served.¹¹

3C-REN added that the IOUs and CCAs are not able to serve all market segments and customers due to their cost-effectiveness requirements.¹² 3C-REN noted that RENs are intended to focus on hard-to-reach (HTR) and disadvantaged communities (DACs) that may not be cost-effective for IOUs to serve in the Residential Sector.¹³ 3C-REN added that while these customers are costlier to serve, they are ratepayers who should have access to and benefit from energy efficiency programs.¹⁴ 3C-REN concluded that RENs are the ideal type of PA to serve the notoriously challenging Residential sector and 3C-REN looks forward to expanding its services to this sector through the launch of its multifamily sub program.¹⁵

Discussion

In its July Ruling, the CPUC acknowledged that PAs face a significantly changed landscape due to COVID-19 and asked the PAs to include “accurate and good faith estimates of energy efficiency costs and benefits, as well as budgets, that are necessary to address the current goals and strategies” in their respective program year 2021 ABALs.

Furthermore, Energy Division recognizes that, in its role as a PA and manager of its respective portfolio, 3C-REN’s 2021 Residential sector budget of approximately \$6 million is suitable and

⁷ See Cal Advocates Protest, pp. 6-7.

⁸ Ibid.

⁹ Ibid.

¹⁰ See 3C-REN Response to The Public Advocates Office and Small Business Utility Advocates Protests of Energy Efficiency Annual Budget Advice Letters for Program Year 2021 (September 1, 2020), p. 5.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

designed to address the needs of its customers at this time. 3C-REN's 2021 Residential sector budget is nearly 70 percent of 3C-REN's total 2021 portfolio budget. The \$2.8 million increase in its Residential sector budget from its 2020 budget is consistent with the program launch in 2020 and we would expect a higher budget as the state lifted the COVID-19 shelter in place orders. While Cal Advocates argues that the CPUC should require 3C-REN to reallocate certain non-cost-effective sector-level budgets to the Residential sector, however we believe 3C-REN is the entity best suited to develop a "good faith" 2021 portfolio forecast that addresses competing needs of cost effectiveness, customers and sectors as they are affected by these ongoing challenges.

Consequently, 3C-REN is not required to file a supplemental ABAL that reallocates budgets from non-Residential sectors to the Residential sector and 3C-REN's 2021 budget is approved as filed.

2.2. Progress towards cost-effectiveness

In their protest, Cal Advocates acknowledged that the CPUC does not require that the RENs meet any specific cost-effectiveness threshold. However, they noted that the CPUC authorizes ratepayer funds for REN programs with the expectation that they will provide "value (or promise of value) to ratepayers in terms of energy savings and/or market transformation results for energy efficiency"¹⁶ and be managed "with an eye toward long-term cost-effectiveness."¹⁷ However, Cal Advocates argued that the 3C-REN's TRC forecasts and claims over the past several years indicate that it has failed to effectively manage its portfolios with an eye towards long term cost-effectiveness.¹⁸

In addition, Cal Advocates noted that 3C-REN's budget request increased in 2021 but it has not made significant progress toward becoming more cost effective. They added that 3C-REN's portfolio TRC has been fairly flat and has never even reached a 0.25 TRC ratio.¹⁹ While Cal Advocates appreciates that it can take time for programs to realize their full potential, the low starting point and minimal progress to date gives Cal Advocates little confidence that 3C-REN's portfolio will become cost-effective in the long term.²⁰ Cal Advocates added that the CPUC should not approve any of the REN portfolios that devote significant funding to programs with poor cost-effectiveness trajectories.²¹

In response, 3C-REN argued that Cal Advocates comments regarding progress towards cost-effectiveness are premature.²² 3C-REN stated that while it does consider impacts to cost-effectiveness when making program design and implementation decisions, cost-effectiveness is not the sole criteria with which RENs manage their programs.²³ 3C-REN added that RENs programs fill gaps that are not met by other PAs, including serving the residential sector and targeting HTR and DAC customers within the sector.²⁴ 3C-REN concluded that the CPUC recognized the

¹⁶ See D.18-05-041, pp. 95-96.

¹⁷ Ibid.

¹⁸ See Cal Advocates Protest, p. 11.

¹⁹ See Cal Advocates Protest, p. 14.

²⁰ Ibid.

²¹ Ibid.

²² See 3C-REN Response, p. 3.

²³ See 3C-REN Response, p. 2.

²⁴ Ibid.

challenge in achieving cost-effectiveness while filling gaps and serving HTR customers when it declined to impose specific TRC requirements for RENs in D.19-12-021.²⁵

Discussion

Energy Division is also concerned about the low cost-effectiveness of 3C-REN's portfolio. However, the RENs are not required to be cost-effective and the rules around what type of programs that the RENs can run, which include offering programs that are not offered by other PAs and targeting HTR customers, make it challenging for the RENs to design a cost-effective portfolio. D.19-12-021 adopted in December of 2019 reinforced that the RENs would not have to meet a cost-effectiveness threshold.

In addition, we agree with 3C-REN that it is premature to state that it has historically made little progress on being cost-effective as Cal Advocates argues. 3C-REN just launched its only resource program in 2020, the Residential Direct Install Program, and the launch coincided with the COVID-19 pandemic, shelter-in-place orders and consequent economic fallout, which hampered the program's launch. We also note that while the CPUC did state in D.16-08-019 and later decisions "that we encourage the RENs to manage their programs with an eye towards long-term cost-effectiveness,"²⁶ this is not a criteria for reviewing approving ABALs (D.18-05-041, Section 7.3). Thus, we reject Cal Advocates protest.

Finally, in the near term, 3C-REN must host a stakeholder workshop, as stated in D. 18-05-041, "...to explain why it failed to meet the approval criteria." At that workshop, 3C-REN shall share its budget development process with stakeholders, including how it determines which programs receive specific funding amounts, portfolio cost-effectiveness targets, and how 3C-REN can deliver more cost-effective savings in its Residential Direct Install Program to improved portfolio cost-effectiveness. 3C-REN may additionally share its portfolio performance to date, as impacted by COVID-19.

2.3. Spending on sectors that have not demonstrated cost-effectiveness improvements over time

Cal Advocates noted that 3C-REN's Residential Direct Install Program has seen an increased budget over the last three ABALs, but a decrease in the forecasted TRC.²⁷ In Table 12 of Cal Advocates protested they recommend a revised 2021 budget for 3C-REN of \$1.4M, which would fully fund the 3C-REN's Cross Cutting programs, but would eliminate the budget for the Residential Direct Install Program which they argue has not shown improvements in cost-effectiveness.²⁸ Therefore Cal Advocates requested that the CPUC reject 3C-REN's ABAL and require the 3C-REN to refile its ABAL with the reduced spending that Cal Advocates recommended on sectors or programs that have failed to demonstrate cost-effectiveness improvements over time.²⁹

²⁵ See 3C-REN Response, p. 3.

²⁶ D.16-08-019, p. 12.

²⁷ See Cal Advocates Protest, p. 16.

²⁸ See Cal Advocates Protest, p. 17.

²⁹ Ibid.

3C-REN replied that its Residential Direct Install Program launched in 2020 and therefore has not been operating long enough to establish a baseline and subsequent years of data on which to evaluate progress towards cost-effectiveness.³⁰ 3C-REN claimed that it is its intention to develop improved programs that deliver benefits to its customers while continuing to improve overall cost-effectiveness.³¹ 3C-REN added that the program launch coincided with the stay at home order, which slowed initial progress, but that the program has transitioned from virtual to delivering in-home services.³² 3C-REN concluded that with increased consumer attention on home energy use as a result of stay-at-home orders, 3C-REN is well positioned to provide needed energy-saving opportunities through the program.³³

Discussion

Energy Division staff finds that the request from Cal Advocates seems premature given that the Residential Direct Install Program launched in 2020. Furthermore, the program launch coincided with the outbreak of COVID-19, the making any judgement about the trajectory of the program even more difficult than if the program launched under more “normal” conditions. We also note that without this program 3C-REN would not have any offerings that contributed claimable energy savings as the other two programs it offers are both non-resource.

While Cal Advocates argued that the CPUC should require 3C-REN eliminate this program, the Energy Division believes that 3C-REN is the entity best suited to develop a “good faith” 2021 portfolio forecast that addresses the competing needs of its HTR customers while also working towards becoming more cost-effective. Finally, we note that this request by Cal Advocates is out of scope of the review criteria that the CPUC adopted in D.18-05-041, Section 7.3 on the “Criteria for Approving Annual Budget Advice Letters”, which states: “Standard of review for staff disposition of the ABALs does not include review of PAs’ decisions on reducing, cancelling, expanding or adding individual programs or program areas.”³⁴ Consequently, 3C-REN is not required to refile its ABAL with any reduced spending on programs as requested by Cal Advocates.

2.4. Standardized Accounting for Unspent and Uncommitted Funds

In its protest, Cal Advocates argued that the CPUC should require PAs to file a supplemental ABAL to standardize accounting and reporting of unspent and uncommitted funds and use of ABAL templates. Cal Advocates pointed specifically to discrepancies in Pacific Gas and Electric (PG&E), San Diego Gas & Electric (SDG&E), Southern California Edison (SCE) and Southern California Gas (SoCalGas) approach in completing Table 3a of ABAL Appendix.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ See D.118-05-041, p. 134

Discussion

Energy Division finds that Table 3a and Table 9 in Appendix that accompanies 3C-REN's PY 2021 ABAL adhere to current accounting and reporting practices and CPUC-issued templates as they relate to unspent and uncommitted funds. Consequently, 3C-REN is not required to file a supplemental ABAL.

3. SBUA Protest and 3C-REN's Reply Comments

SBUA's protest raised eight issues, four of which are specific to 3C-REN's 2021 ABAL:

- 3C-REN fails to target all HTR customers as required by the CPUC.
- IOUs have to collaborate with RENs to ensure the needs of small business customers are being met.
- PAs should breakdown data by customer subclasses
- Low TRC values for RENs should not be held against them.

3.1. Targeting all HTR customers

SBUA stated that they support 3C-RENs focus on HTR residential customers, but that RENs need to target all HTR customers, which includes the commercial sector.³⁵ They added that D.18-05-041 indicates that the "RENs must pilot activities in HTR markets, whether or not there is a current utility program that may overlap."³⁶ Therefore, they requested that Energy Division should suspend the ABALs of the RENs and require them to each propose a pilot program that targets HTR commercial customers.³⁷

3C-REN's portfolio of approved energy efficiency programs includes the following sectors: Residential, Codes and Standards (C&S), and Workforce, Education & Training (WE&T). 3C-REN pointed out that it is not authorized to serve the Commercial sector at this time.³⁸ However, 3C-REN noted that the PAs are expected to submit new business plans in the coming year and will evaluate where it can most effectively serve ratepayers in need, the Commercial sector, and its HTR customers.³⁹ 3C-REN concluded that it appreciates the comments included in the SBUA Protest, which offer valuable insights into the needs of the Commercial sector and its HTR customers.⁴⁰

Discussion

When the CPUC approved 3C-REN's Business Plan in D.18-05-041, it approved allowing 3C-REN to offer a Residential Direct Install Program, C&S and WE&T offerings. Thus, 3C-REN has no CPUC approval to offer Commercial sector programs until the CPUC receives a new application from 3C-REN which requests funding for Commercial sector offerings and the CPUC approves

³⁵ See "Protest of Small Business Utility Advocates to the Energy Efficiency Annual Budget Advice Letters for Program Year 2021", October 8, 2020, p. 2.

³⁶ D.18-05-041, p. 41.

³⁷ See SBUA Protest, p. 3.

³⁸ See 3C-REN Reply, p. 6.

³⁹ Ibid.

⁴⁰ Ibid.

those offerings. We note that 3C-REN is expected along with all other PAs to submit new applications to the CPUC in September of 2021. Should 3C-REN wish to offer commercial services, that application would be the only appropriate avenue for them to obtain approved budget for a Commercial Sector program. Thus, since it has no approved Commercial Sector, Energy Division rejects the protest of SBUA to suspend 3C-REN's ABAL until it offers pilots targeting HTR customers in the Commercial sectors.

3.2. IOU collaboration with RENs

SBUA stated that the purpose of the RENs is to serve all HTR customers and that the RENs have the ability to leverage local partnerships to serve these customers that the IOUs have struggled to serve.⁴¹ However, SBUA claimed that this does not mean that the responsibility to ensure HTR customers are being served lands entirely on the RENs.⁴² Thus, SBUA stated that 3C-REN has to collaborate with PG&E, SCE and SoCalGas to ensure that there are programs targeting commercial HTR customers.⁴³ SBUA recommended that Energy Division require the IOUs and RENs to comply with D.18-05-041 by refiling their respective Advice Letters with an analysis and plans that demonstrate coordination and effective plans to serve commercial HTR customers.⁴⁴

3C-REN did not respond to this protest by SBUA, however PG&E and the IOUs did. PG&E's reply asked that the CPUC reject SBUA's request. PG&E referred to the Joint Cooperation Memos (JCMs), which are filed annually by each PA (except SDG&E), per CPUC guidance. JCMs describe the exact coordination activities between IOU PA and the RENs that SBUA requested in its protest. PG&E asked that PA coordination not be duplicated in the ABAL process.⁴⁵

Discussion

PG&E is correct when it describes the annual JCM as the primary source for information that SBUA asks for in its protest. These memos are filed annually by each PA (except SDG&E), and describe the means by which each entity will cooperate and coordinate in the coming year to ensure that ratepayer funds are providing the best service possible to the ratepayers in their respective overlapping territories. Consequently, 3C-REN is not required to file a supplemental ABAL that describes cooperation between it and the REN, as this would be duplicative of the JCM process.

3.3. Customer Sub-class Data

In its protest, SBUA described how PA report on funding requests, savings, etc., by general customer class, including residential, commercial, industrial, and agricultural. SBUA asked the CPUC to require PAs to break down data for residential and commercial customers into subgroups:

- res-single-family;
- res-multi-family;
- small commercial;

⁴¹ See SBUA Protest, p. 3.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ See SBUA Protest, p. 4.

⁴⁵ See PG&E Reply, p. 6.

- medium; and,
- large commercial.

In addition, SBUA recommended that the PAs should adopt SDG&E’s approach and present information on rate impacts for each customer sub-class, which SBUA argued would improve stakeholder and CPUC staff understanding of whether and how PA program activities are targeting customer classes that face significant participation barriers.⁴⁶

Discussion

Energy Division notes that the ABAL process, which is explicitly envisioned as a “ministerial,”⁴⁷ sector-level budget recovery request exercise tied to review criteria laid out in D.18-05-041, is not the proper forum for issues better suited to PA data collection and reporting. Consequently, 3C-REN is not required to break down customer data by sub-class as part of the ABAL review. Instead, Energy Division will work with stakeholders and the PA to determine the most feasible manner in which this revised data reporting provision may be achieved.

3.4. Low TRC values for RENs

SBUA noted that in 2020, 3C-REN was wrapping up its first year of program delivery. They added that while the RENs describe how they plan to increase their TRC scores in their ABALs, SBUA believes that leeway is warranted for the RENs as TRC scores may not increase in the next year due to the ongoing global pandemic and the high number of catastrophic wildfires impacting customers statewide.⁴⁸

Discussion

Energy Division agrees with SBUA and notes that the CPUC has never required that the RENs be cost-effective.

Please direct any questions regarding Energy Division’s findings in this non-standard disposition to Nils Strindberg (nils.strindberg@cpuc.ca.gov).

Sincerely,



Edward Randolph
Deputy Executive Director for Energy and Climate Policy/
Director, Energy Division

⁴⁶ See SBUA Protest, pp. 7-8.

⁴⁷ See D. 15-10-028, p. 60

⁴⁸ See SBUA Protest, p. 9.

Cc: Service Lists R. 13-11-005 and A.17-01-013
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