NORTHERN CALIFORNIA POWER AGENCY COMMENTS ON PROPOSITION 39

October 25, 2013

The Northern California Power Agency (NCPA)[1] offers the following comments to the California Energy Commission (CEC or Commission) regarding the *Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Draft Guidelines* (draft guidelines). NCPA appreciates the opportunity to provide the CEC with comments and will continue to work with Commission staff on implementation of Senate Bill 73 (Statutes of 2013, Chapter 29), which allocates tax revenue collected pursuant to Proposition 39 (2012). As more fully set forth herein, NCPA urges the Commission to amend the draft guidelines such as to encourage utility collaboration with local educational agencies (LEAs) in the development and administration of projects funded by Proposition 39.

I. Introduction

Most NCPA members currently have customer service staff designated to their LEA accounts who work closely with schools and school districts on energy efficiency (EE) and clean energy projects. LEAs have already reached out to NCPA members seeking assistance with developing energy expenditure plans for their respective Proposition 39 entitlements. Given their close relationships with LEAs, NCPA members are poised to play an integral role in the successful implementation of SB 73/Proposition 39.

II. THE GUIDELINES SHOULD ENCOURAGE LEVERAGING UTILITY AND OTHER RESOURCES TO MAXIMIZE PROPOSITION 39-FUNDED INVESTMENTS

On page 11, the draft guidelines note that, "LEAs may pursue other programs and incentives to leverage the Proposition 39 awards." Chapter 3 denotes the other programs allocated Proposition 39 funding by SB 73. As has been noted in multiple public forums, the estimated $2.5 billion in Proposition 39 funds is insufficient to achieve all cost-effective, reliable, and feasible EE at public school sites. As such, LEAs should be explicitly encouraged to leverage Proposition 39 awards to pursue funding from other programs and incentives:

[1] NCPA members include the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, as well as the Bay Area Rapid Transit District, Port of Oakland, and the Truckee Donner Public Utility District. NCPA's Associate Member is the Plumas-Sierra Rural Electric Cooperative.

1. NCPA recommends providing brief descriptions and URL addresses for the other state and federal clean energy programs that have funds or resources available for projects also eligible under Proposition 39.
2. NCPA recommends adding language to encourage LEAs to contact their local electric and gas utility(s) to inquire about additional funding and resources available for projects also eligible under Proposition 39.

III. ELECTRIC AND GAS UTILITIES BILLING DATA

On page 12 of the draft guidelines, the CEC requires each LEA to "identify all electric, natural gas, propane, or fuel oil accounts for all its schools and facilities, and provide a utility data release form allowing the Energy Commission to access both historical (the past 12 months) and future utility billing data and *time-of-use interval data* (emphasis added)." NCPA members do not all currently collect time-of-use interval data for LEAs in the same manner, if at all. As the draft guidelines currently read, they could be read to exclude LEAs from receiving funds if they do not provide the CEC with access to time-of-use interval data, which may not be collected or available:

3. NCPA recommends that the time-of-use interval data provision should be deleted or otherwise clarified to state that time-of-use interval data is not required to be provided by a utility in order for the LEA to receive funding.

The draft guidelines appropriately require a LEA to sign a release to provide the prior 12 months of utility data to the CEC at the time of submission of the energy expenditure plan. Data release requests for prior usage do not pose a problem and NCPA members should be able to assist LEAs in satisfying this requirement without issue. However, the draft guidelines also require that, "Authorization for the Energy Commission to receive utility data must continue through the life of the Program and as requested by the Energy Commission thereafter." Data release requests need to contain specific start and end dates, which is incompatible with unspecified time frames such as "through the life of the program" or "as requested by the Energy Commission thereafter." The draft guidelines are also unclear on how frequently utilities need to provide access to ongoing usage data to the CEC. Practically speaking, a utility will need two signed data release forms from a LEA – the first for "prior usage", the 12 months of utility usage data before the project; and the second for "ongoing usage", utility usage data during the project and 12 months after the project is complete.

4. NCPA recommends that prior usage and ongoing usage should be reported as monthly data, if possible, as some utilities may bill LEAs on a quarterly or a multiple-month basis.
5. NCPA recommends that the ongoing utility usage data should be compiled at the end of the 12 months following project completion and sent to the CEC as a single submission to avoid unnecessary reporting burdens on the utility and to make the management of data from 2,100 LEAs easier for the CEC.
6. NCPA recommends that only the prior 12 months of usage data from the local electric and gas utility(s) should be required as part of an LEA's submission of its first energy expenditure plan. However, the CEC energy expenditure plan approval should stipulate that a LEA which receives its entitlement is required to sign a release(s), 12 months after the project is complete, to provide to the CEC with the local electric and gas utility(s) usage data covering the duration of the project and the following 12 months after the project is complete.

Thank you for your consideration. If you have any questions or comments, contact Jonathan Changus at jonathan.changus@ncpa.com, or at (916) 781-4293.