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*Comment Received From: California Municipal Utilities Association  
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**on Proposed Amendments to the Load Management Standards**

*Additional submitted attachment is included below.*

STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:

2022 Load Management Rulemaking

Docket No. 21-OIR-03

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**COMMENTS OF THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION  
ON PROPOSED AMENDMENTS TO THE LOAD MANAGEMENT STANDARDS**

The California Municipal Utilities Association (“CMUA”) appreciates the opportunity to provide comments to the California Energy Commission (“Commission”) on the proposed amendments to the Load Management Standards (“Proposed Regulations”), issued on December 22, 2021. As described further below, the Proposed Regulations would significantly infringe on the ratemaking authority of the governing boards of the affected publicly owned utilities (“POUs”) and would exceed the Commission’s authority under the authorizing statutes. In order to support the Commission’s efforts, CMUA has coordinated with other utilities and associations to develop narrow modifications to the Proposed Regulations that would achieve the Commission’s goals in this proceeding, while still maintaining the proper role of these governing boards over the ratemaking processes for POU. This joint proposal is included as Attachment A to these comments.

**I. INTRODUCTION**

CMUA supports the Commission’s goal of reducing costs to ratepayers, improving grid reliability, and reducing greenhouse gas (“GHG”) emissions through expanding the automation of flexible demand loads. While successfully deploying flexible demand technologies will

require the coordination of multiple state and local agencies, the Commission will necessarily play a lead role in developing both a centralized database of utility rates and the tools and protocols necessary for automation technologies to access and respond to the utility rate signals. The Commission is also well-suited to coordinate a broad educational effort to ensure that customers are able to understand the benefits of flexible demand tariffs and programs.

However, the Commission does not have the authority to mandate that POU's develop and adopt specific rate schedules and rate structures. Such authority is vested in the local governing boards of the POU's, which oversee the ratemaking processes pursuant to the relevant constitutional provisions or enabling statutes. As currently drafted, the Proposed Regulations would substantially infringe on this ratemaking authority by requiring POU's to develop compliance plans and specific tariffs for each customer class. These compliance plans would be submitted to the Commission for approval, and the POU would need to come back to the Commission for the subsequent approval of *any* revisions to these plans.<sup>1</sup> These tariffs would need to follow a specific structure (hourly or sub-hourly rates)<sup>2</sup> and be calculated according to a formula adopted by the Commission.<sup>3</sup> If the POU or its governing board seeks any deviation from these requirements, then the POU would be forced to apply to the Commission for an exemption from or modification to these requirements.<sup>4</sup>

The policies, preferences, and input of the POU governing boards are almost completely absent from the ratemaking process set forth in the Proposed Regulations. Instead, the Commission is authorized to take on the primary role. Such a change would represent a fundamental shift in the balance of the ratemaking authority for the state's utilities. As described

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<sup>1</sup> Proposed Regulations at Section 1621(d).

<sup>2</sup> *Id.* at Section 1621(c)(13).

<sup>3</sup> *Id.* at Section 1623(a)(1).

<sup>4</sup> *Id.* at Section 1621(e).

further below, the legislative history of the load management statutes does not support such a fundamental shift. Further, such a dramatic action is not needed for the Commission to achieve its goals. Instead, the Commission’s regulations can put the necessary framework in place, while recognizing that the compliance plans, specific rate structure, and any exemptions or modifications are properly subject to the review and approval by the relevant rate-approving body. In Attachment A, CMUA provides narrow modifications that would preserve the core requirements of these regulations, while maintaining the proper role of the various rate-approving bodies.

## **II. COMMENTS ON THE PROPOSED REGULATIONS**

### **A. The Commission Lacks the Statutory Authority to Mandate that POU’s Follow Commission Approved Compliance Plans and Present Specific Rate Designs to their Governing Boards for Approval.**

As CMUA described in its comments submitted in Docket No. 19-OIR-01,<sup>5</sup> as well as in comments submitted in Docket No. 08-DR-01,<sup>6</sup> there is a long and complicated legislative history associated with Public Resources Code section 25403.5. As initially enacted by Assembly Bill (“AB”) 4195 (stats. 1976), compliance with the load management standards was a requirement before an electric utility would be able to site a new power plant. However, the Legislature determined that the inability to site a needed power plant was too severe of a penalty. Accordingly, AB 3062 (stats. 1980) eliminated that siting penalty and instead replaced it with a simple obligation for electric utilities to report to the Commission on their efforts to implement the load management standards or, alternatively for POU’s, to provide a description of why the POU governing board determined that the load management standard was unsuitable. This

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<sup>5</sup> See Comments of the California Municipal Utilities Association, Docket No. 19-OIR-01, Mar.16, 2020; See Comments of the California Municipal Utilities Association, Docket No. 19-OIR-01, Apr.23, 2021.

<sup>6</sup> See Comments of the California Municipal Utilities Association, Docket No. 08-DR-01, Dec. 19, 2008, at 4-10.

information was reported to the Commission as part of each electric utility's biannual obligation to provide a report on its load and supply forecasts. In 2002, Senate Bill ("SB") 1398 (stats. 2002) eliminated the statutory sections that required this forecast information be reported to the Commission. Instead, SB 1398 replaced this reporting requirement with the current load and supply forecast reporting that is part of the Integrated Energy Policy Report ("IEPR"). When the Legislature made that change, the direction for electric utilities to report on load management standards was simply eliminated.

It is unreasonable to assume that the Legislature's true intent in *removing* the siting penalty and *deleting* the reporting obligations associated with the load management standards was to expand the Commission's authority *beyond* that originally granted by AB 4195. Instead of conditional authority over a utility seeking to site a power plant, the Proposed Regulations would give the Commission unrestricted ratemaking authority over every POU, investor-owned utility, and community choice aggregator in the state. Nothing in the legislative history of any of the relevant statutes or any subsequent legislative actions in the 45 years since AB 4195 was enacted supports such an expansive role for the Commission. These statutes should therefore not be interpreted to authorize the Commission to mandate that utilities adopt certain rates or rate structures.

Notwithstanding the intent identified by the foregoing legislative history, the Proposed Regulations would (1) mandate that POUs follow a tariff adoption compliance plan that is approved by the Commission,<sup>7</sup> (2) develop a specific tariff that follows the detailed requirements adopted by the Commission,<sup>8</sup> and (3) require each POU to obtain Commission approval for any

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<sup>7</sup> Proposed Regulations at Section 1621(d).

<sup>8</sup> *Id.* at Section 1623(a).

deviation from the Commission's tariff requirements.<sup>9</sup> Each of these actions would clearly usurp the ratemaking role and authority of the POU's governing board. Any rate design or rate approval of the relevant tariffs by the governing board of a POU would be subject to the ultimate direction and discretion of the Commission. This clearly exceeds the Commission's statutory authority and must be resolved in the final load management standards.

**B. The Proposed Regulations Create a Burdensome Process and Would Lead to Unnecessary Confusion Regarding the Respective Roles of the Commission and the Rate-Approving Bodies.**

The Proposed Regulations require a two-stage process where the utilities first develop a plan for how the utility will comply with the requirement to adopt compliant tariffs. Instead of submitting this rate adoption plan to its own governing board for approval, the Proposed Regulations would require the utility to submit the plan to the Commission's Executive Director for feedback and then ultimately to the Commission for approval.<sup>10</sup> If the utility must make any modifications to this plan, even if those modifications *do not* affect compliance with the load management standards, it must seek approval from the Commission's Executive Director.<sup>11</sup> If a modification does affect compliance with the load management standards, then it must be approved by the full Commission.<sup>12</sup> Nowhere in the plan development and approval process do the Proposed Regulations make any mention of a role for the utility's rate-approving body. Instead, the Commission would take over the role of directing this process and approving these plans.

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<sup>9</sup> *Id.* at Section 1621(e).

<sup>10</sup> *Id.* at Section 1621(d).

<sup>11</sup> *Id.* at Section 1621(d)(3).

<sup>12</sup> *Id.*

In the second stage of this process, the utility would need to develop a tariff for every customer class that conforms to the Commission's load management standards, including both the time period over which rates are calculated and the formula for how the rates are set.<sup>13</sup> While these tariffs are presented to each utility's rate-approving body for adoption, the tariffs must strictly conform to Commission's requirements and must follow the Commission-approved compliance plan. If a utility must make any modifications to the tariff that deviate from the Commission's requirements, then that utility must submit an application to the Commission's Executive Director for an initial determination and then ultimately to the Commission for a final approval.<sup>14</sup> These applications are completely independent of, and not informed by, the decisions or policies of the utility's rate-approving body. Instead, determinations on whether an exemption, delay, or modification is justified, such as due to the program not being cost effective or technologically feasible, would be made in the sole discretion of the Commission, not the rate-approving body.

This process, as set forth in the Proposed Regulations, is likely to lead to confusion over the respective roles of the various rate-approving bodies and the Commission. While the Commission acknowledges that a rate-approving body can reject the tariffs presented for adoption pursuant to the load management standard regulations, it is seemingly only the Commission that can approve an exemption, delay, or modification of the tariff requirements. This could lead to a scenario where the Commission denies a utility's application to modify some aspect of these requirements, but then the utility's rate-approving body simply rejects adoption of the tariffs. Such a scenario would create confusion regarding whether the utility had

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<sup>13</sup> *Id.* at Section 1623.

<sup>14</sup> *Id.* at Section 1621(e).



met the requirements of Sections 1621 and 1623 and if any subsequent actions would be required by that utility.

Further, the Proposed Regulations create an unnecessarily burdensome process. For example, if full compliance with the load management standards is not technologically feasible for a utility, the Proposed Regulations would still require that utility to obtain Commission approval of a compliance plan and then submit an application for exemption or delay to the Commission. If at the end of this process, the Commission rejects this application, then the utility would still need to go through the process of developing compliant tariffs and presenting them to their rate-approving body. At this point, the apparent only option would be for the rate-approving body to fully reject the tariffs. Utility ratemaking is a complex and nuanced process that takes considerable resources and time. Going through the process of developing and submitting tariffs that are infeasible of being implemented by the utility would be a substantial waste of public resources.

The Proposed Regulations must be modified to recognize the authority of the respective rate-approving bodies to adopt the compliance plans, as well as any applications for exemptions, delays, or modifications.

**C. The Proposed Regulations Must be Modified to Clarify that the Relevant Rate-Approving Body is Authorized to Approve the Utility Compliance Plans and to Approve Applications for Exemption, Delay, and Modification of the Load Management Standards.**

In order to ensure that the load management standards do not infringe on the ratemaking authority of the rate-approving bodies and also to avoid unnecessary burdens, the Proposed Regulations should be modified as set forth in Attachment A and further described below.

1. The Load Management Standard Compliance Plans Should be Presented to and Approved By the Utility’s Rate-Approving Body.

The compliance plans required by Section 1621 deal expressly with the process and timeline for the development and potential adoption of tariffs that comply with the load management standards. Such rate-making processes must be governed by the utility’s rate-approving body. While it may be appropriate for the Commission to specify certain content requirements and ultimate deadlines, it would directly infringe on the ratemaking function of these rate-approving bodies to authorize the Commission to have the final approval authority over these compliance plans.

Instead, the Commission should look to the example of the integrated resource plans (“IRPs”) for POU, where the Commission establishes content and procedural requirements, but ultimately the POU governing board adopts the IRP.<sup>15</sup> In the IRP process, if the Commission identifies a deficiency, then the Commission notifies the POU, but it is ultimately up to the POU governing board to resolve that deficiency.<sup>16</sup> These load management standard regulations could follow the same structure, where the Commission would adopt a framework for these compliance plans, as well as review the adopted compliance plans. The Commission could then notify the POU and respective rate-approving body of any deficiency. However, approval of such plan would ultimately remain with the rate-approving body.

2. Applications for Exemptions, Delays, and Modifications Should be Submitted to and Approved by the Utility Rate-Approving Bodies.

Because the rate-approving body has the ultimate authority over actually approving or rejecting these tariffs, these rate-approving bodies then necessarily also have the lesser authority to either delay compliance or to make modifications to the specific requirements. It is therefore

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<sup>15</sup> See Cal. Pub. Util. Code § 9622(b)-(c).

<sup>16</sup> *Id.* § 9622(b).

necessary to amend the Proposed Regulations to clarify that applications for an exemption, delay, or modification should be submitted to and solely approved by the utility's rate-approving body, not the Commission. As with the compliance plans, the Commission can properly establish guidance and reporting requirements associated with this process, but it is ultimately a ratemaking activity and should be left to the discretion of the appropriate rate-approving body.

Such a structure avoids any potential confusion regarding the respective roles of the rate-approving body and the Commission. Rather, it would unify the regulations with those respective roles, with the rate-approving body making the ultimate determination on exemptions, while subject to the input of the Commission.

Further, this clarified process would reduce administrative burdens by greatly streamlining the plan and rate approval process. A rate-approving body would be able to delay or modify the tariff requirements at the beginning of the process rather than at the end. Instead of requiring utilities to develop compliant tariffs and submit them to their rate-approving body only to have that agency reject the tariffs, the rate-approving body could provide direction early on through the approval of any necessary modifications, such that when the utility ultimately brings proposed tariffs to their rate-approving body, that entity will be able to approve the modified tariff. This structure would reduce the programmatic costs, while also speeding up the implementation process. It is also more likely to result in broad implementation of flexible demand mechanisms by all utilities. Therefore, CMUA urges the Commission to adopt the proposed modifications contained in Attachment A, as it will protect the ratemaking authority of the rate-approving bodies, while still supporting the Commission in achieving its goals.

### III. CONCLUSION

CMUA appreciates the opportunity to provide these comments and looks forward to continuing to work with staff in this proceeding.

Dated: February 7, 2022

Respectfully submitted,

/s/ Justin Wynne

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# ATTACHMENT A

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*Joint Proposed Modifications to  
45-Day Language Amendments to  
Load Management Standard Regulations*

## **Joint Proposed Modifications to 45-Day Language Amendments to Load Management Standard Regulations**

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45-Day Language Proposed Amendments: Additions ~~Deletions~~

Joint Proposed Modifications: Additions~~Deletions~~

### **§ 1621. General Provisions.**

(c) Definitions. In this article, the following definitions apply:

...

(9) "Rate-approving body" means the California Public Utilities Commission in the case of investor-owned utilities, ~~such as the San Diego Gas and Electric Company, the Southern California Edison Company, and the Pacific Gas and Electric Company.~~ It means or the governing body of CCAs or publicly owned utilities such as the Los Angeles Department of Water and Power, and the Sacramento Municipal Utility District~~provided that the Board of Water and Power Commissioners of the City of Los Angeles shall be the rate-approving body in this article for the Los Angeles Department of Water and Power.~~

...

(12) "Tariff" means a pricing schedule or rate plan that a utility offers to customers~~the contract between the utility and customer that specifies the components of the customer's electricity bill.~~

...

(d) Utility Plans to Comply with Load Management Standards

(1) Each utility shall submit a plan to comply with Sections 1621 and 1623 of this article to the utility's rate-approving body~~Executive Director~~ no later than six (6) months after the effective date of these standards. Such rate-approving body shall either approve the plan or return the plan to the utility for further revisions.

~~(2) The Executive Director shall review the plans and either return them to the utility for revision or submit them to the Commission for review and potential approval. The Executive Director may recommend, and the Commission may approve, a submittal on condition that the utility make specified changes or additions to the submittal, within a reasonable period of time set by the Commission. A conditionally approved plan shall not become effective until the utility makes the specified changes or additions to the submittal under review. The Commission shall approve submittals which are consistent with these regulations and which show a good faith effort to plan to meet program goals for the standards. Upon adoption of a plan by a utility's rate-approving body, the utility shall submit the plan to the Commission for review. If the Commission determines that the plan is inconsistent with the requirements of Section 1621 or 1623, the Commission shall provide recommendations to correct the deficiencies. In reviewing a plan, the Executive Director and the Commission may request additional information consistent with Sections 1621 and 1623.~~

~~(3) All proposed plan revisions must be submitted to the Executive Director for review. The Executive Director may approve plan revisions that do not affect compliance with the requirements of Sections 1621 or 1623. The Executive Director shall submit all other plan revisions to the Commission for approval.~~

(34) Utilities shall submit to the Commission~~Executive Director~~ annual reports demonstrating their implementation of plans approved pursuant to this section. The reports shall be submitted one year after plans are approved pursuant to subsection (1)(2) and annually thereafter. An application for modification may include an adjustment to the calculations and computations described in Section 1623(a)(1).

(e) Exemptions, Delays, or Modifications

(1) Utilities may apply to the utility's rate-approving body ~~Executive Director~~ for an exemption from the requirements of Sections 1621 and 1623 of this article, to delay compliance with its requirements, or to modify a load management standard compliance plan. ~~The Commission may, by resolution, order a utility to modify its approved load management standard plan. Upon such order by the Commission, a utility shall submit an application to modify its plan within 90 days of the Commission's order.~~

(2) Applications for exemptions or delays in compliance with Sections 1621 and/or 1623 shall set forth the requested period during which the exemption or delay would apply and indicate when the utility reasonably believes the exemption or delay will no longer be needed. Applications for exemptions or delays shall include one or more of the following findings, which must be adopted by the utility's rate-approving body ~~The application further shall demonstrate one or more of the following:~~

(a) that despite a utility's good faith efforts to comply, requiring timely compliance with the requirements of this article would result in extreme hardship to the utility or result in inequities to any subgroup of utility customers, including, but not limited to, low-income residential customers or residential customers located in disadvantaged communities;~~;~~

(b) requiring timely compliance with the requirements of this article would result in reduced system reliability, and efficiency, or safety; or

(c) requiring timely compliance with the requirements of this article would not be technologically feasible or cost-effective for the utility to implement.

(3) Applications for modifications to a utility plan approved pursuant to Section 1621(d) shall demonstrate that despite the utility's good faith efforts to implement its load management standard plan, the plan must be modified to provide a more technologically feasible or cost-effective way to achieve the requirements of this article or the plan's goals. An application for modification may include an adjustment to the calculations and computations described in Section 1623(a)(1).

(4) Upon approval of an application for modification, exemption, or delay by a utility's rate-approving body, the utility shall submit the application and approval document to the Commission for review. The Commission ~~Executive Director~~ shall review application and

approval documents ~~for exemptions, delays, and modifications~~ and make an initial determination of whether an application demonstrates the requirements of either subsection (2) or (3) above. If the Commission determines that the approved application is inconsistent with the requirements of this subdivision (e) of Section 1621, then the Commission shall provide recommendations to correct any such deficiencies. The Executive Director shall then submit the application to the Commission with a recommendation of whether to approve or reject the application based on their initial determination. In reviewing these applications, ~~the Executive Director and the~~ Commission may request additional information or revisions of the application from a utility consistent with Sections 1621 and 1623. ~~If a utility fails to provide information or revisions by a deadline established by the Executive Director or the Commission, the Commission may deny the application on that basis.~~

(f) Enforcement. The Executive Director may, after reviewing the matter with the utility, file a complaint with the Commission following the process set forth in Sections 1233.1 to 1233.4 or seek injunctive relief if a utility:

~~(1) Fails to adhere to its approved load management standard plan;~~

~~(2) Modifies its approved load management standard plan without approval;~~

~~(3)~~ (1) Does not provide information by a deadline reasonably established by the Executive Director or the Commission, or

~~(4) Fails to make requested revisions to its approved load management standard plan by the deadline established by the Executive Director or the Commission, or~~

~~(5)~~ (2) Violates the provisions of this article.

### § 1623. Load Management Tariff Standard.

(a) Marginal Cost Rates. This standard requires that a utility develop marginal cost-based rates, which seek to recover the full cost associated with the fulfillment of this standard, using a recommended methodology or the methodology approved by its rate approving body, when it prepares rate applications for retail services, and that the utility submit such rates to its rate-approving body.

(1) Total marginal cost shall be calculated as the sum of the marginal energy cost, the marginal capacity cost (such as generation, transmission, and distribution), and any other appropriate time and location dependent marginal costs on a time interval of no more than one hour. Energy cost computations shall reflect locational marginal cost pricing as determined by the associated balancing authority, such as the California Independent System Operator, the Balancing Authority of Northern California, or other balancing authority. Marginal capacity cost computations shall reflect the variations in the probability and value of system reliability of each component (generation, transmission, and distribution). Social cost computations shall reflect, at a minimum, the locational marginal cost of associated greenhouse gas emissions.



- (2) By the deadline set forth in the utility plan adopted pursuant to Section 1621(d)~~Within one year of the effective date of these regulations~~, each utility shall apply to its rate-approving body for approval of at least one marginal cost-based rates~~in accordance with 1623(a)(1)~~, for each customer class identified in the utility's plan.
- (3) Utilities shall provide the Commission with informational copies of tariff applications when they are submitted to their rate-approving bodies.
- (b) Publication of Machine-Readable Electricity Rates. Each utility shall upload its composite time-dependent rates applicable to its customers to the Commission's Market Informed Demand Automation Server (MIDAS) database upon each of the following circumstances:
- (1) no later than three (3) months after the effective date of these standards,
- (2) each time a rate is approved by the rate-approving body, and
- (3) each time a rate changes.

The composite time dependent rates uploaded to the MIDAS database shall include all applicable time dependent cost components, including, but not limited to, generation, distribution, and transmission. The Commission maintains public access to the MIDAS database through an Application Programming Interface (API) that, provided a Rate Identification Number (RIN), returns information sufficient to enable automated response to marginal grid signals including price, emergency events, and greenhouse gas emissions. Each customer shall be able to access all rate information applicable to the customer with a single RIN assigned by the utility.

~~Marginal Cost Methodologies and Rates. Within six months after the Marginal Cost Pricing Project Task Force (which is jointly sponsored by the CEC and CPUC under an agreement with the Federal Department of Energy) makes its final report available to the public, and the Commission approves it by resolution, a utility submitting a general rate filing to its rate-approving body shall include marginal cost based rates in such filing which have been developed by using at least one methodology recommended by the Task Force, except that if a utility's rate-approving body has approved a marginal cost methodology, a utility may substitute the approved methodology for one recommended by the Task Force.~~

~~If at any time subsequent to the Commission's approval of the Task Force report, the utility's rate-approving body approves a marginal cost methodology which is substantially different from any of the methodologies recommended by the Task Force, the utility shall so inform the Commission, and shall explain the nature of and the reasons for these differences.~~

~~In addition to marginal cost-based rates which it develops using a methodology recommended by the Task Force report for that utility or approved by its rate-approving body, the utility may also submit marginal cost-based rates which it develops using any alternative methodology that it deems appropriate.~~

~~The utility may also submit other rates or tariffs which it deems appropriate.~~

~~Nothing in this section shall prevent the Commission from recommending the approval of marginal cost methodologies different from those used by a utility to any rate-approving body.~~

(c) Support Customer Ability to Link Devices to Electricity Rates.

- (1) Third-party Access. The utilities shall develop a single statewide standard tool for authorized rate data access by third parties that is compatible with each utility's system. The tool shall:
- (A) Provide the RIN(s) applicable to the customer's premise(s) to third parties authorized and selected by the customer;
  - (B) Provide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer;
  - (C) Provide estimated average or annual bill amount(s) based on the customer's current rate and any other eligible rate(s) if the utility has an existing rate calculation tool and the customer is eligible for multiple rate structures;
  - (D) Enable the authorized third party to, upon the direction and consent of the customer, modify the customer's applicable rate to be reflected in the next billing cycle according to the utility's standard procedures;
  - (E) ~~Ensure~~ Incorporate reasonable cybersecurity measures; and
  - (F) Minimize enrollment barriers.
- (2) The utilities shall submit the single statewide standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting.
- (A) The tool must be submitted within a year of the effective date of these regulations.
  - (B) The Executive Director may extend this deadline upon a showing of good cause.
- (3) Upon Commission approval the utilities shall implement and maintain the tool developed in Section 1623(c)(1).
- (4) Customer Access. No later than nine (9) months after the effective date of these standards, each utility shall provide customers access to their RIN(s) on customer billing statements and online accounts using both text and quick response (QR) or similar machine-readable digital code.

(d) ~~(e) Public Information Programs. Utilities shall encourage mass-market automation of load management through information and programs. As soon as a utility's rate-approving body has adopted a tariff in accordance with a recommended or approved marginal cost methodology, the utility shall conduct a public information program which shall inform the affected customers why marginal cost based tariffs are needed, exactly how they will be used and how these tariffs can save the customer money.~~

- (1) No later than eighteen (18) months after the effective date of these standards, each utility shall submit to the Executive Director a list of load flexibility programs deemed cost-effective by the utility. The portfolio of identified programs shall provide any customer with at least one option for automating response to MIDAS signals indicating marginal prices, marginal greenhouse gas emissions, or other ~~Commission-approved~~ marginal signal(s) approved by the respective rate-making

body that enable automated end-use response.

(2) Within three (3) years of the effective date of these regulations, each utility shall offer to each of its electricity customers voluntary participation in a marginal cost rate developed according to Section 1623(a) ~~if such rate is approved by the utility's rate approving body~~, or a cost-effective program ~~identified according to Section 1623(d)(1) if such rate is not yet~~ in accordance with the utility plan approved by the utility's rate-approving body pursuant to Section 1621(d).

(3) Each utility shall conduct a public information program to inform and educate the affected customers why marginal cost-based rates and automation are needed, how they will be used, and how these rates can save the customer money.

~~(d) Compliance. A utility shall be in compliance with this standard if all of the utility's rate applications are prepared in accordance with the provisions of subsection (b) above, and the utility provides informational copies of its applications to the Commission.~~

Note: Authority cited: Sections 25132, 25213, and 25218(e), and 25403.5, Public Resources Code. Reference: Sections 25132 and 25403.5, Public Resources Code.