

DOCKETED

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Project Title:	2022 Load Management Rulemaking
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Document Title:	Notice of 15-Day Public Comment Period
Description:	Notice of fifteen (15) day comment period for proposed revisions to the Load Management Standards.
Filer:	Stefanie Wayland
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CALIFORNIA ENERGY COMMISSION715 P Street
Sacramento, California 95814energy.ca.gov

CEC-057 (Revised 1/21)



NOTICE OF 15-DAY PUBLIC COMMENT PERIOD PROPOSED REVISIONS TO THE LOAD MANAGEMENT STANDARDS California Energy Commission Docket No. 21-OIR-03

On December 24, 2021, the California Energy Commission (CEC) published a Notice of Proposed Action (NOPA) with proposed amendments to the Load Management Standards (LMS), California Code of Regulations (CCR), Title 20, Division 2, Chapter 4, Article 5. The CEC made all the documents available for a 45-day comment period ending February 7, 2022, and held a public hearing on February 8, 2022.

Based on comments received during the 45-day comment period and public hearing, the CEC is proposing changes to the proposed amendments offered on December 24, 2021. **Any interested persons are invited to review and provide written comments to the CEC for consideration during the 15-day comment period from April 5, 2022 through April 20, 2022.** The CEC appreciates receiving written comments on the earliest possible date. Comments submitted after April 20, 2022, are considered untimely and the CEC may, but is not required to, respond to such comments, including those raising significant issues.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting page](https://www.energy.ca.gov/proceedings/energy-commission-proceedings/2020-load-management-rulemaking) at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/2020-load-management-rulemaking>, which links to the comment page for this proceeding. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 CCR Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 21-OIR-03 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit Docket No. 21-OIR-03
715 P Street, MS-4
Sacramento, CA 95814

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The 15-day proposed language and related documents are available for review on the [CEC website](https://www.energy.ca.gov/proceedings/energy-commission-proceedings/2020-load-management-rulemaking) at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/2020-load-management-rulemaking>.

In proposing the 15-day language, the CEC relied on an additional document. This document is:

- <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-rates>

This document, and all documents relied upon in this rulemaking, are part of the rulemaking file for the proposed regulations and are publicly available from the CEC's docket log for this proceeding at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-03>.

In accordance with Government Code section 11347.1, these documents are made available for public comment at least 15 days before the CEC's consideration and possible adoption of the proposed regulations. Copies of these documents are available for public inspection at the CEC located at the address above, subject to COVID-19 limitations. The CEC has considered all public comments received in developing the 15-day proposed language.

The text of the modified regulatory language is also included as Attachment A. Amendments to the existing code that were made public with the 45-day notice on December 24, 2021, are shown in ~~strike through~~ to indicate deletions and underline to indicate additions. Additional amendments proposed with this 15-day notice are shown in ~~double strike through~~ for deletions and double underline for additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during opportunities to comment that are responsive to this notice, documents added to the record, or the changes detailed in the proposed 15-day language at the above-referenced website.

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding list serve at the following link: <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/load-management-rulemaking>. The list serve sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable to access the website and would like a copy of the rulemaking

documents mailed or emailed to you, or if you have any questions, please contact Corrine Fishman at corrine.fishman@energy.ca.gov.

The CEC's Public Advisor provides the public assistance in participating in CEC proceedings. If you want information on how to participate in this forum, please contact the Public Advisor at publicadvisor@energy.ca.gov, or by phone at (916) 957-7910. Requests for language services and reasonable accommodations should be made as soon as possible or at least five days in advance. The CEC will work diligently to accommodate late requests.

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

Summary of Proposed Modifications

The following is a summary of the amendments proposed with 15-day language. It does not include non-substantive amendments to correct typographical or grammatical errors, change/correct numbering or formatting, or improve clarity.

1) Modifications to Section 1621 General Provisions.

§ 1621(a) Staff is proposing language to specify entities covered by the proposed regulation offer rates structured according to the proposed regulation's requirements. This responds to comments that the proposed amendments could be viewed as themselves setting rates, which is the province of the ratemaking approval bodies of the utilities and community choice aggregators (CCAs) and not an intention of these regulations.

§ 1621(b) Staff is proposing to add language that refers to "Community Choice Aggregators" or "CCAs" instead of referring to them as "utilities" for drafting purposes. Staff is also proposing to add language to specify that §1621 and §1623 (the provisions of the load management standards which the proposed amendments would modify) apply to CCAs and that CCAs are not subject to the load management standards' legacy provisions (§1622, §1624, and §1625). This responds to comments that referring to the CCAs as utilities was inappropriate and could subject CCAs to portions of the load management standards that were obsolete or unsuited to them. The words "any customers of" are proposed for deletion because they are not necessary.

§ 1621(c) Staff is proposing to make several changes to the definitions which appear in this subsection of the proposed amendments.

In subsection (c)(2), "Community Choice Aggregators" are defined separately from "Utilities". For consistency, in subsection (c)(15) the term "CCAs" is proposed to be deleted from the definition of "utility" and references to "CCAs" are proposed to be added to the following other definitions in subsection (c): subsection (c)(4) "commercial customers", (c)(9) "rate-approving body", (c)(10) "residential", (c)(11) "service area", and

(c)(12) “tariff”. Again, in these subsections’ references to CCAs are being added to refer to them by name, rather than by referring to them as “utilities”.

In subsection (c)(6), a definition of “customer class” to give meaning to the term which appears several times in the proposed amendments.

In subsection (c)(7), a definition of “greenhouse gases” and “GHGs” is proposed to be added to give meaning to this term which is used elsewhere in the proposed amendments. The proposed definition references definitions that appear in the regulations for the California Air Resources Board’s mandatory greenhouse gas reporting and cap and trade programs.

In subsection (c)(9), the term “customer initiated” is proposed to be deleted because it is unnecessary.

In subsection (c)(11), “the Board of Water and Power Commissioners of the City of Los Angeles is the rate-approving body for the Los Angeles Department of Water and Power” is being added to identify the rate-approving body in response to comments from Los Angeles Department of Water and Power.

In subsection (c)(14), in response to comments from the utilities, the definition of “tariff” is being modified to mean a pricing schedule or rate plan offered to customers that specifies the components of their electricity bills.

§§ 1621(d), (e), (f) and (g). Staff is proposing to make changes to these subsections to add the term “CCAs”, consistent with the proposed revision to subsection (c)(15), which would delete the term “CCAs” from the definition of “utility”. Again, in these subsections’ references to CCAs are being added to refer to them by name, rather than by referring to them as “utilities”.

2) Modifications to Section 1623 Load Management Tariff Standard.

§§ 1623(a), (b), (c), and (d). Staff is proposing to make changes to these subsections to add the term “CCAs”, consistent with the proposed revision to § 1621(c)(15), which would delete the term “CCAs” from the definition of “utility”. As above, references to CCAs in these subsections are being added to refer to CCAs by name, rather than by referring to them as “utilities”.

§ 1623(a) and (a)(2) In response to comments from utilities, staff is proposing to add the word “based” to the term “marginal cost rates” so the resulting term would read “marginal cost-based rates”. According to comments, this helps to clarify what cost components can be included in rates. Staff is also proposing to add “structured according to the requirements of this article” in response to comments to clarify that the proposed amendments require certain rate structures and do not require ratemaking. Staff is also proposing to add “for approval” to clarify that the resulting cost structures must be approved by the appropriate rate-making approval bodies of the utilities and

CCAs. Staff is also proposing to add the term “including social costs” to § 1623(a)(1) to clarify that these costs must be accounted for in marginal cost-based rate structures.

§ 1623(b) In response to comments that it is not accurate or desirable, staff is proposing to delete, “Each customer shall be able to access all rate information applicable to the customer with a single RIN assigned by the utility.” This sentence is inaccurate because a customer should have more than one RIN if they have multiple meters or multiple sites.

§1623(c)(1)(E) and §1623(c)(1)(G) For clarity and in response to comments, staff is proposing to change §1623(c)(1)(E) to provide the third-party access tool “incorporate reasonable and applicable cybersecurity measures” instead of “ensuring cybersecurity”. For the same reasons, staff is proposing to add a new §1623(c)(1)(G) which would require that the tool: “Be accessible in a digital, machine-readable format according to best practices and standards.”

§1623(c)(5) To ensure that once the third-party access tool is approved, it is not changed without CEC oversight, staff proposes to add the following: “Any changes to the single statewide standard tool, including changes to the terms and conditions, shall be submitted to the Executive Director for approval. The Executive Director shall submit any substantive changes to the Commission for approval at a Business Meeting.”