

DOCKETED

Docket Number:	21-OIR-03
Project Title:	2022 Load Management Rulemaking
TN #:	245995
Document Title:	Third 15-Day Proposed Revisions to the Load Management Standards
Description:	Proposed Revisions to the Load Management Standards
Filer:	Stefanie Wayland
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/12/2022 12:42:57 PM
Docketed Date:	9/12/2022

Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 4. Energy Conservation
Article 5. Load Management Standards
Sections 1621 -1625

The 45-day language (Express Terms) is designated as “45-day language (Dec 2021)”, the first 15-day language is designated as “15-day language (Apr 2022)”, the second 15-day language is designated as “15-day language (July 2022)”, and the third 15-day language is designated as “15-day language (Sept 2022).”

Amendments to the existing code that were made public with the 45-day notice (Dec 2021) on December 24, 2021 (Express Terms), are shown in strike through (~~example~~) to indicate deletions, and underline (example) to indicate additions. Additional amendments proposed with the 15-day notice (Apr 2022) are shown in double strikethrough (~~example~~) for deletions and double underline (example) for additions.

The 15-day language (July 2022) shows the additional changes in the Express Terms and to the 15-day language (Apr 2022). Language added in the 15-day language (July 2022) is indicated by blue italics double underline (*example*). Language deleted from the 15-day language (Apr 2022) is indicated by blue bold italics double strikethrough (~~***example***~~). Language deleted from the 45-day language (Dec 2021) is indicated by blue italics double strikethrough (~~*example*~~).

The 15-day language (Sept 2022) shows the additional changes in the Express Terms, to the 15-day language (Apr 2022), and to the 15-day language (July 2022). Language added in the 15-day language (Sept 2022) is indicated by green bold underline (**example**). Language deleted from the 15-day language (July 2022) is indicated by green bold italics double strikethrough (~~***example***~~). Language deleted from the 15-day language (Apr 2022) is indicated by green bold double strikethrough (~~**example**~~). Language deleted from the 45-day language (Dec 2021) is indicated by green bold strikethrough (~~**example**~~).

§ 1621. General Provisions.

- (a) Purpose. This article establishes electric load management standards pursuant to Section 25403.5 of the Public Resources Code. These standards establish cost-effective programs and rate structures which will encourage the use of electrical energy at off-peak hours and encourage the control of daily and seasonal peak loads to result in improved utility electric system equity, efficiency, and reliability, ~~will~~ lessen or delay the need for new electrical capacity, and reduce fossil fuel consumption and greenhouse gas emissions, ~~and will~~ thereby lowering the long-term economic and environmental costs of meeting the State's electricity needs. These load management standards do not set rates. The standards instead require that entities subject to this article offer rates or programs structured according to the requirements established herein.
- (b) Application. Except as set forth below, eEach of the standards in this article applies to the following electric utilities: Los Angeles Department of Water and

Power, San Diego Gas and Electric Company, Southern California Edison Company, Pacific Gas and Electric Company, and Sacramento Municipal Utility District, ~~as well as~~. In addition, the standards set forth in subsections 1621 and 1623 of this article apply to any Large Community Choice Aggregators (CCA) operating within the service areas and receiving distribution services from the foregoing electric utilities. Large CCAs are not subject to subsections 1622, 1624, and 1625 of this article. Section 1621 subsections (d)-(g) and Section 1623 subsections (a), (b) and (d) do not apply to either the Los Angeles Department of Water and Power, the Sacramento Municipal Utility District or to the Large CCAs. The standards set forth in Section 1623.1 apply to the Los Angeles Department of Water and Power, the Sacramento Municipal Utility District and to the Large CCAs. The California Energy Commission has found these standards to be technologically feasible and cost-effective when compared with the costs for new electrical capacity for the above-named electric utilities, ~~including and any customers of Large CCAs operating within the service areas of such electric utilities.~~

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

~~(9)~~(1) "Building type" means the classification of a non-residential building in accordance with the following table: California Code of Regulations, Title 24, Part 2, Chapter 3 of the California Building Code.

Building Type	Description
1	Office
1.1	Small (0-30,000 sq. ft.)
1.2	Med (30,000-200,000 sq. ft.)
1.3	Large (200,000 + sq. ft.)
1.3.1	Low-rise (two or less stories)
1.3.2	Highrise (three or more stories)
2	Retail
2.1	Retail-General
2.1.1	Small (1-9,000 sq. ft.), detached
2.1.2	Small (1-9,000 sq. ft.), attached
2.1.3	Med (9,000-20,000 sq. ft.), detached
2.1.4	Med (9,000-20,000 sq. ft.), attached
2.1.5	Med (9,000-20,000 sq. ft.), enclosed mall
2.1.6	Large (20,000 + sq. ft.), detached
2.1.7	Large (20,000 + sq. ft.), attached
2.1.8	Large (20,000 + sq. ft.), enclosed mall
2.1.9	Highrise department store (three or more stories)
2.2	Retail-Food
2.2.1	Small (1-5,000 sq. ft.)
2.2.2	Large (5,000 + sq. ft.)
3	Restaurants
3.1	Fast Food
3.2	Sit-down
4	Storage Buildings
4.1	Conditioned
4.2	Unconditioned
5	Hotels and Motels
5.1	Large (50,000 + sq. ft.)
5.2	Small (less than 50,000 sq. ft.)
6	Schools
6.1	Elementary/pre-schools
6.2	Jr. high/high schools
6.3	Jr. colleges/trade schools
6.4	Colleges/universities
7	Public assembly buildings
7.1	Auditoriums

7.2	Theaters
7.3	Sports arenas
8	Health care facilities
8.1	General hospitals
8.2	Research hospitals
8.3	Mental hospitals
8.4	Convalescent hospitals/homes
9	Computer facilities
10	Auto repair and service stations
11	Miscellaneous

(2) "Community choice aggregators" or "CCAs" means entities as defined in Public Utilities Code section 331.1.

~~(6)~~(3) "Central air conditioner" means any residential electric air conditioner which delivers cooled air through ducts to rooms.

~~(8)~~(4) "Commercial customers" means those customers of a utility or CCA who run any business described in Standard Industrial Classification Groups 40 through 86, and 89 through 99, and which do not treat sewage or manufacture goods or provide other process-oriented services.

~~(i)~~(A) "Large commercial customers" are those businesses whose demand for electricity equals or exceeds 500 kilowatts.

~~(ii)~~(B) "Small commercial customers" are those businesses whose demand for electricity is less than 500 kilowatts.

~~(40)~~(5) "Conditioned Space" means an enclosed space within a building that is directly conditioned or indirectly conditioned, consistent with California Code of Regulations, Title 24, Part 6, section 100.1(b).~~the space, within a building which is provided with a positive heat supply or positive method of cooling.~~

(6) "Customer class" means a broad group of customers used for rate design. Customer classes include but are not limited to residential, commercial, industrial, and agricultural, andbut does not include street lighting. "Customer" or "customers" mean a customer or customers of a utility or Large CCA within a customer class.

(7) "Greenhouse gas" or "GHG" has the same meaning as in California Code of Regulations, Title 17, sections 95102 and 95802.

(8) "Large Investor-Owned Utilities" and "Large IOUs" mean the San Diego Gas and Electric Company, the Southern California Edison Company, and the Pacific Gas and Electric Company.

- (9) “Large Publicly-Owned Utilities” and “Large POUs” mean the Los Angeles Department of Water and Power and the Sacramento Municipal Utility District.
- (10) “Large Community Choice Aggregators” and “Large CCAs” mean the Clean Power Alliance of Southern California, East Bay Community Energy, Marine Clean Energy, Central Coast Community Energy, Silicon Valley Clean Energy Authority, San Jose Clean Energy, Peninsula Clean Energy Authority, Clean Power SF, Sonoma Clean Power Authority, San Diego Community Power, Pioneer Community Energy, Valley Clean Energy, and any community choice aggregator that provides in excess of 700 GWh of electricity to customers in any calendar year. For community choice aggregators that become subject to these regulations after their effective date, the effective date of their compliance obligations shall be April 1 of the year after they exceed the 700 GWh threshold.
- ~~(6)~~ ~~(8)~~ (11) “Load management tariff” means a tariff with time-dependent values that vary according to the time of day to encourage off-peak electricity use and reductions in peak electricity use.
- ~~(7)~~ ~~(9)~~ (12) “Marginal cost” or “locational marginal cost” ~~is~~ means the change in current and committed future electric system utility cost that is caused by a customer initiated change in electricity usage supply and demand during a specified time interval at a specified location. Total marginal cost may be divided into the commonly known categories of marginal energy, marginal capacity, and marginal customer costs, or any other appropriate categories.
- ~~(8)~~ ~~(10)~~ (13) “Rate Identification Number” or “RIN” means the unique identifier established by the Commission for an electricity rate.
- ~~(3)~~ ~~(9)~~ ~~(11)~~ (14) “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. For purposes of this article, 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.
- ~~(4)~~ ~~(10)~~ ~~(12)~~ (15) “Residential” means any family dwelling within the utility’s or CCA’s service area which uses electricity for noncommercial purposes as defined in the utility’s or CCA’s terms and conditions of service.
- ~~(2)~~ ~~(11)~~ ~~(13)~~ (16) “Service area” ~~is the~~ means any contiguous geographic area serviced by the same electric utility or CCA, in which the utility supplies electricity to retail customers.

~~(12)~~⁽¹⁴⁾~~(17)~~ “Tariff” means the contract between the utility and customer that pricing schedule or rate plan that a utility or CCA offers to their customers specifying the components of the customer’s electricity bill.

~~(13)~~⁽¹⁵⁾~~(18)~~ “Time-dependent rate” means a rate that can vary depending on the time of day to encourage off-peak electricity use and reductions in peak electricity use. Time-of-use, hourly, and sub-hourly rates are time-dependent rates.

~~(14)~~⁽¹⁶⁾~~(19)~~ “Time-of-use rate” means a rate with predefined prices that vary according to the time of day, the season, and/or the day type (weekday, weekend, or holiday).

~~(1)~~⁽¹⁵⁾~~(17)~~⁽²⁰⁾ “Utility” means those electric utilities to which the sections of this article apply, as specified in subsection (b), and any CCA serving customers within the service area of any of those specified electric utilities.

~~(5)~~⁽¹⁶⁾~~(18)~~⁽²¹⁾ “Water heater” means any residential electric water heater except those which provide hot water to heat space or those which operate within electric dishwashers.

~~(d) Review and Approval of Utility Submittals. These load management standards require utilities to submit various plans to the Executive Director. All such submittals shall be reviewed by the Executive Director, and shall be subject to approval by the full Commission. The Executive Director shall complete his review of such submittals and shall report to the Commission within thirty calendar days after receipt as to whether the submittal is consistent with the provisions of this article. Within thirty calendar days after the Executive Director renders his report, the Commission shall, following a public hearing, approve or disapprove the submittal. The Commission may also 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 conditional approval shall not take effect 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.~~

~~If the Commission disapproves a submittal, the utility shall be notified of the specific reasons for such disapproval, and the utility shall submit a revised submittal for review by the Executive Director in accordance with the provisions of this subsection.~~

~~(e) Information Requests. In order to facilitate his review of a utility's compliance with the provisions of this article, the Executive Director may request a utility to furnish copies of any information in the utility's possession which is relevant to its implementation of these standards, including any tariff proposals and associated information which it submits to its rate-approving body. The Executive Director may set a reasonable period of time within which the utility must supply the requested information.~~

~~If any document which is requested by the Executive Director contains proprietary information or trade secrets, the utility shall only be required to furnish the document to the Executive Director, if the Commission has established procedures, after a public hearing, for the protection of such proprietary information or trade secrets.~~

- ~~(f) Revisions of Approved Plans. Each time a utility significantly revises any plan or part of a plan required by this article, that was previously approved by the Commission, it shall submit this revised plan for review and approval pursuant to subsection (d) above. Such revised plan shall not be valid until it is approved by the Commission. If the Executive Director believes that new technologies, the state of the economy or other new information warrant revisions to plans which have already been approved, he shall request the utilities to make the appropriate revisions as part of their next annual report or within 90 days, whichever comes later. If the Executive Director issues such a request, the utility shall submit a revised plan for review and approval pursuant to subsection (d) above.~~
- ~~(g) Modifications to Program Goals. If, during the planning or execution of any program required by this article, a utility, despite its best good faith efforts, believes that it cannot achieve one or more of the program goals set forth in the various sections of this article or that a program is not cost-effective, the utility may submit a report to the Commission explaining the reasons therefore, and indicating when the utility believes that it could achieve the program goal or goals, or suggesting alternative goals. If based upon the utility report, or its own studies, the Commission finds that there are good and sufficient reasons for the utility not being able to achieve the goal or goals, the Commission shall modify any previously approved goal for that utility to one that is feasible and costeffective for the utility to achieve.~~
- ~~(h) Utility Request for Exemptions:~~
- ~~(1) A utility may, at any time after the effective date of this article, apply to the Commission for an exemption from the obligation to comply with any or all of these standards. Any such application shall set forth in detail the reasons why a denial of the application by the Commission would result in extreme hardship to the utility, or in reduced system reliability and efficiency, or why the standard or standards from which the exemption is sought would not be technologically feasible or cost-effective for the utility to implement. The application shall also set forth the period of time during which the exemption would apply, and shall indicate when the utility reasonably believes the exemption will no longer be needed.~~
 - ~~(2) Within 30 days after receipt of any such application, the Commission shall hold a hearing to consider whether there is sufficient information contained in the application to justify further hearings on the merits. If the Commission finds that the application does not contain sufficient information, it shall~~

- dismiss the application, and notify the utility of the specific reasons for the dismissal. The utility may thereafter submit a revised application in good faith.
- ~~(3) If the Commission finds that the application does contain sufficient information, it shall schedule such further hearings as may be necessary to fully evaluate the application.~~
- ~~(4) If, after holding hearings, the Commission decides to grant an exemption to a utility, the Commission shall issue an order granting exemption. The order shall set forth findings and specific reasons why the exemption is being granted.~~
- (i) ~~Noncompliance. The Executive Director may, after a review of the matter with the utility, file a complaint with the Commission, alleging that the utility is not in compliance with the provisions of this article:~~
- ~~(1) If the utility is not conducting a program in conformance with the provisions of its approved plan;~~
- ~~(2) If the utility fails to provide a required submittal in a timely manner; or~~
- ~~(3) If the utility fails to make requested changes or additions to any such submittal within a reasonable time.~~
- (d) Utility and CCA Large IOU Plans to Comply with Load Management Standards
- (1) Each utility and CCA Large IOU shall submit a plan to comply with Sections 1621 and 1623 of this article to the Executive Director no later than six (6) months after the effective date of these standards.
- (2) The Executive Director shall review the plans and either return them to the Large IOU utility or CCA 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 Large IOU utility or CCA 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 Large IOU utility or CCA 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. 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.
- (4) Utilities and CCAs Large IOUs shall submit to the 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 (2) and annually thereafter.

(e) Exemptions, Delays, or Modifications

- (1) ~~Utilities and CCAs~~ **Large IOUs** may apply to the 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 **Large IOU** ~~utility or CCA~~ to modify its approved load management standard plan. Upon such order by the Commission, a **Large IOU** ~~utility or CCA~~ shall submit an application to modify its plan within 90 days of the Commission's order.
- (2) Applications for exemptions or delays shall set forth the requested period during which the exemption or delay would apply and indicate when the **Large IOU** ~~utility or CCA~~ reasonably believes the exemption or delay will no longer be needed. The application further shall demonstrate one or more of the following:

 - (a) that despite a **Large IOU** ~~utility's or CCA's~~ good faith efforts to comply, requiring timely compliance with the requirements of this article would result in extreme hardship to the **Large IOU** ~~utility or CCA~~,
 - (b) requiring timely compliance with the requirements of this article would result in reduced system reliability, **equity, safety, and/or** efficiency, or
 - (c) requiring timely compliance with the requirements of this article would not be technologically feasible or cost-effective for the **Large IOU** ~~utility or CCA~~ to implement. *Applications for exemptions or delays may be supported by proposing pilot programs that demonstrate how and when a **Large IOU** ~~utility or CCA~~ will come into compliance with the requirements of this article.*
- (3) Applications for modifications shall demonstrate that despite the **Large IOU** ~~utility's or CCA's~~ good faith efforts to implement its load management standard plan, the plan must be modified to provide a more technologically feasible, **equitable, safe** or cost-effective way to achieve the requirements of this article or the plan's goals.
- (4) The Executive Director shall review applications for exemptions, delays, and modifications and make an initial determination of whether an application demonstrates the requirements of either subsection (2) or (3) above. 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 **Large IOU** ~~utility or CCA~~ consistent with Sections 1621 and 1623. If a **Large IOU** ~~utility or CCA~~ 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. The Commission may place conditions on its approval of plans or material plan revisions that are necessary to guarantee that the plan or plan revision will comply with Section 1621 and 1623 by a date certain.

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

(1) Fails to adhere to its approved or conditionally approved load management standard plan,

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

(3) Does not provide information by a deadline 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)~~(4) Violates the provisions of this article.

(j)(g) Recovery of Program Costs

In its rate applications, each Large IOUutility or CCA shall seek to recover the full costs associated with conducting each program required by this article from the class of customers which the program most directly affects. The Large IOUutility or CCA shall not be required to commence implementation of any program required by this article until the Large IOU's utility's or CCA's rate-approving body has approved the tariffs which are a part of any such program and a method for recovering the costs of the program. This does not affect any obligations Large IOUs have under Section 1623(b).

(k)(h) ~~Notwithstanding Section 2231 of the Revenue and Taxation Code, there~~ There shall be no reimbursement to local government entities (i.e., the Los Angeles Department of Water and Power and the Sacramento Municipal Utility District) ~~for the costs of carrying out the programs mandated by these standards, because the Commission has found these standards to be cost-effective. The savings which these entities will realize as a result of carrying out these programs will outweigh the costs associated with implementing these programs.~~

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

§ 1622. Residential Load Management Standard. – No Changes

§ 1623. Load Management Tariff Standard.

- (a) Marginal Cost Rates. This standard requires that each **Large IOU utility or CCA** develop marginal cost-based rates, using a recommended methodology or the methodology approved by its rate-approving body, when it prepares rate applications for retail services, structured according to the requirements of this article and that the **Large IOU utility or CCA** submit such rates to its rate-approving body for approval.
- (1) Total marginal cost shall be calculated as the sum of the marginal energy cost, the marginal capacity cost (generation, transmission, and distribution), and any other appropriate time and location dependent marginal costs, including **social cost the locational marginal cost of associated greenhouse gas emissions**, 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) Within **twenty-one (21) months one (1) two (2) years** of the effective date of these regulations, each **Large IOU utility and CCA** shall apply to its rate-approving body for approval of at least one marginal cost-based rate, in accordance with 1623(a)(1), for each customer class.
- (3) **Large IOUs Utilities and CCAs** 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. *No later than three (3) months after the effective date of these standards, each **Large IOU utility and CCA** shall upload its existing 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: Each **Large IOU utility and CCA** shall upload all time-dependent rates, including those approved after the effective date of these standards, to MIDAS prior to the effective date of the time-dependent rates each time a time-dependent rate is approved by the rate-approving body and each time a time-dependent rate changes.*
- (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 **Large IOUs, utilities and CCAs** **Large POUs and Large CCAs** shall develop a single statewide standard tool for authorized rate data access by third parties that is compatible with each **utility's and CCA's of those entities'** systems. 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 **Large IOU,**

Large POU or Large CCA utility or CCA has an existing rate calculation tool and the customer is eligible for multiple rates 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 Large IOU's, Large POU's or Large CCA's utility's and CCA's standard procedures;

(E) Ensure Incorporate reasonable and applicable cybersecurity measures;
and

(F) Minimize enrollment barriers; and

(G) Be accessible in a digital, machine-readable format according to best practices and standards.

(2) The Large IOUs, Large POU's and Large CCA utilities and CCAs 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 ~~one (1) year~~ eighteen (18) months of the effective date of these regulations.

(B) The Executive Director may extend this deadline upon a showing of good cause.

(C) The Large IOUs, Large POU's and Large CCA utilities and CCAs shall describe a single set of terms and conditions they intend to require of third parties using the single statewide standard tool.

(3) Upon Commission approval the Large IOUs, Large POU's and Large CCA utilities and CCAs shall implement and maintain the tool developed in Section 1623(c)(1).

(4) Customer Access. No later than ~~nineone (91) months~~ year after the effective date of these standards, each Large IOU, Large POU and Large CCA utility and CCA 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.

(5) 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.

(d) (e) Public Information Programs. Large IOUs Utilities and CCAs 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 ~~Large IOU utility and CCA~~ shall submit to the Executive Director a list of load flexibility programs deemed cost-effective by the ~~Large IOU utility or CCA~~. The portfolio of identified programs shall provide any customer with at least one option for automating response to MIDAS signals indicating marginal cost-based rates, marginal prices, hourly or sub-hourly marginal greenhouse gas emissions, or other Commission-approved marginal signal(s) that enable automated end-use response.
 - (2) Within ~~three (3) years~~ ~~forty-five (45) months~~ of the effective date of these regulations, each ~~Large IOU utility and CCA~~ 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 ~~Large IOU's utility's or CCA's~~ rate-approving body, or a cost-effective program identified according to Section 1623(d)(1) if such rate is not yet approved by the ~~Large IOU's utility's or CCA's~~ rate-approving body.
 - (3) Each ~~Large IOU utility and CCA~~ 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.

§ 1623.1 Large POU and Large CCA Requirements for Load Management Standards.

(a) Large POU Plans to Comply with Load Management Standards

- (1) Within six months of the effective date of these regulations each Large POU, and within one year of the effective date of these regulations each Large CCA, shall submit a compliance plan that is consistent with this Section 1623.1 to its rate approving body for adoption in a duly noticed public meeting to be held within 60 days after the plan is submitted. The plan shall describe how the Large POU or the Large CCA will meet the goals of encouraging the use of electrical energy at off-peak hours, encouraging the control of daily and seasonal peak loads to improve electric system efficiency and reliability, lessening or delaying the need for new electrical capacity, and reducing fossil fuel consumption and greenhouse gas emissions. The plan shall include consideration of programs and rate structures as specified in section 1623.1 (b)-(d).

- (A) The plan must evaluate cost effectiveness, equity, technological feasibility, benefits to the grid, and benefits to customers of marginal cost-based rates for each customer class.
- (B) If after consideration of the factors in Subsection 1623.1(a)(1)(A) the plan does not propose development of marginal cost-based rates, the plan shall propose programs that enable automated response to marginal cost signal(s) for each customer class and evaluate them based on their cost-effectiveness, equity, technological feasibility, benefits to the grid, and benefits to customers.
- (C) The Large POU or the Large CCA shall review the plan at least once every three years after the plan is adopted. The Large POU or Large CCA shall submit a plan update to its rate approving body where there is a material change to the factors considered pursuant to Subsections 1623.1 (a)(1)(A) and (B).
- (2) The rate approving body of a Large POU or a Large CCA may approve a plan, or material revisions to a previously approved plan, that delays compliance or modifies compliance with the requirements of Subsections 1623.1 (b)-(d), if the rate approving body determines that the plan demonstrates any of the following:

 - (A) that despite a Large POU's or Large CCA's good faith efforts to comply, requiring timely compliance with the requirements of this article would result in extreme hardship to the Large POU or the Large CCA,
 - (B) requiring timely compliance with the requirements of this article would result in reduced system reliability, equity, safety or efficiency,
 - (C) requiring timely compliance with the requirements of this article would not be technologically feasible or cost-effective for the Large POU to implement, or
 - (D) that despite the Large POU's or the Large CCA's good faith efforts to implement its load management standard plan, the plan must be modified to provide a more technologically feasible, equitable, safe or cost-effective way to achieve the requirements of this article or the plan's goals.
- (3) Commission Approval of Large POU and Large CCA Plans to Comply with Load Management Standards and Material Plan Revisions

 - (A) Within thirty (30) days after adoption of a plan or material plan revision pursuant to this subdivision, each large POU and Large CCA shall submit its plan to comply with the requirements of this Section 1623.1 or material plan revision to the Executive Director.

(B) The Executive Director shall review plans or material plan revisions and either return them to the Large POU or the Large CCA for changes or submit them to the Commission for review and potential approval. The Executive Director shall make an initial determination whether the plan or material plan revision is consistent with the requirements of Section 1623.1(a)(1) and (2). In reviewing plans and material plan revisions, the Executive Director may request additional information or recommend changes to make it consistent with the requirements of Section 1623.1(a) (1) and (2). The Large POU or Large CCA shall respond to requests or recommendations within ninety (90) days of receipt from the Executive Director. The Executive Director shall then submit the plan or material plan revision to the Commission with a recommendation on whether to approve it. The Commission may also request additional information and shall approve plans and material plan revisions which are consistent with Section 1623.1(a)(1) and (2), and which show a good faith effort to meet the goals listed in Section 1623.1(a)(1) and (2). The Commission may place conditions on its approval of plans or material plan revisions that are necessary to guarantee that the plan or material plan revision will comply with Section 1623.1 (a)(1) and (2) by a date certain.

(C) Each Large POU and Large CCA shall submit to the Executive Director annual reports demonstrating their implementation of plans approved pursuant to this subsection, as such plans may be revised pursuant to this subsection. The reports shall be submitted one year after plans are approved pursuant to subsection (2) and annually thereafter.

(b) Large POU and Large CCA Marginal Cost Rates and Programs. Each Large POU and each Large CCA shall develop marginal cost-based rates or public programs structured according to the requirements of this article.

(1) Total marginal cost shall be calculated as the sum of the marginal energy cost, the marginal capacity cost (generation, transmission, and distribution), and any other appropriate time and location dependent marginal costs, including the locational marginal cost of associated greenhouse gas emissions, 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 Los Angeles Department of Water and Power, 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).

(2) Within two (2) years of the effective date of these regulations each Large POU, and within twenty-seven (27) months of the effective date of these regulations each Large CCA, shall apply to its rate-approving body for approval of at least one marginal cost-based rate, that meets the requirements of Subsection 1623.1(b)(1). Large CCAs may apply for approval of marginal cost-based rates that are offered by the Large IOUs in whose service areas the Large CCAs exist in.

(A) Large POU's and Large CCAs shall apply for approval of marginal cost-based rates only for those customer classes for which the rate-approving body determines such a rate will materially reduce peak load.

(B) Large POU's and Large CCAs shall provide the Commission with informational copies of tariff applications when they are submitted to their rate-approving bodies.

(3) No later than eighteen (18) months after the effective date of these standards, each Large POU and Large each CCA shall submit to the Executive Director a list of load flexibility programs deemed cost-effective by the Large POU or the Large CCA.

(A) The portfolio of identified programs shall provide at least one option for automating response to MIDAS signals for each customer class that the rate-approving body determines such a program will materially reduce peak load.

(B) The programs shall allow customers to respond to MIDAS signals indicating marginal cost-based rates, marginal prices, hourly or sub-hourly marginal greenhouse gas emissions, or other Commission-approved marginal signal(s).

(4) Within three (3) years of the effective date of these regulations each Large POU, and within fifty-one (51) months of the effective date of these regulations each Large CCA, shall offer to each of its electricity customers voluntary participation in either a marginal cost-based rate developed according to Subsection 1623.1(b)(2), if such rate is approved by the Large POU's or Large CCA's rate-approving body, or a cost-effective program identified according to Subsection 1623.1(b)(3).

(5) Each Large POU and Large CCA shall conduct a public information program to inform and educate the affected customers why marginal cost-based rates or load flexibility programs, and automation are needed, how they will be used, and how these rates or programs can save the customer money.

(c) Publication of Machine-Readable Electricity Rates. No later than three (3) months after the effective date of these standards, each Large POU and each Large CCA shall upload its existing time-dependent rates applicable

to its customers to the Commission's Market Informed Demand Automation Server (MIDAS) database. Each Large POU and Large CCA shall upload all time-dependent rates, including those approved after the effective date of these standards, to MIDAS prior to the effective date of the time-dependent rates each time a time-dependent rate is approved by the rate-approving body and each time a time-dependent rate changes.

The 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, such as price, emergency events, and greenhouse gas emissions.

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

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

(2) Materially modifies its approved load management standard plan without approval,

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

(4) Violates the provisions of this article.

(e) There shall be no reimbursement to local government entities for the costs of carrying out the programs mandated by these standards, because the Commission has found these standards to be cost-effective. The savings which these entities will realize as a result of carrying out these programs will outweigh the costs associated with implementing these programs.

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

§ 1624. Swimming Pool Filter Pump Load Management Standard. – No Changes.

§ 1625. Non-Residential Load Management Standard. – No Changes.