

DOCKETED	
Docket Number:	21-OIR-03
Project Title:	2022 Load Management Rulemaking
TN #:	241068
Document Title:	Proposed Regulatory Language
Description:	Proposed Regulatory Language for the Load Management Standards Regulations.
Filer:	Corrine Fishman
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/22/2021 7:30:14 AM
Docketed Date:	12/22/2021

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 proposed new language appears as underline (example) and proposed deletions appear as strikeout (~~example~~). Existing language appears as plain text.

§ 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 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.
- (b) Application. Each 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 any Community Choice Aggregators (CCA) operating within the service area and receiving distribution services from the foregoing electric utilities. 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 any customers of CCAs operating within the service area 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 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.
- (10)(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) "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) "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) "Rate Identification Number" or "RIN" means the unique identifier established by the Commission for an electricity rate.
- (3)(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.
- (4)(10) "Residential" means any family dwelling within the utility's service area which uses electricity for noncommercial purposes as defined in the utility's terms and conditions of service.
- (2)(11) "Service area" is the means any contiguous geographic area serviced by the same electric utility in which the utility supplies electricity to retail customers.
- (12) "Tariff" means the contract between the utility and customer that specifies the components of the customer's electricity bill.

(13) "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) "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).

(15) "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.

(16) "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 cost-effective 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 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 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 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. 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 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 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 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 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. 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,
 - (b) requiring timely compliance with the requirements of this article would result in reduced system reliability and efficiency, 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 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.
- (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 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) 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) Violates the provisions of this article.

(f)(g) Recovery of Program Costs.

In its rate applications, each utility 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 utility shall not be required to commence implementation of any program required by this article until the utility'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.

~~(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 a utility develop marginal cost rates, 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 (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) 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 rate, in accordance with 1623(a)(1), for each customer class.
- (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 cybersecurity; 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) 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 approved by the utility's rate-approving body.
- (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.

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

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