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45 Day Comments

Table 1. 45-Day Comments and Responses

TN #	Commenter	Comment	Response
241289	Steve Uhler	Energy Commission has not solved MIDAS database issues and corrected documentation errors and omissions.	<p>Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. The California Energy Commission’s (CEC) Market Informed Demand Automation Server (MIDAS) is a database of current, future, and historic time-varying rates, greenhouse gas (GHG) emissions associated with electrical generation, and California Flex Alert Signals. The database is populated by electric load serving entities (LSEs), WattTime’s Self-Generation Incentive Program (SGIP) application programming interface (API), the California Independent System Operator (California ISO), and other entities that are registered with the MIDAS system. MIDAS is accessible through a public API at https://midasapi.energy.ca.gov in two standard machine-readable formats: extensible markup language (XML), and JavaScript Object Notation (JSON). MIDAS querying is public and accessible to all registered users. CEC strongly encourages LSE users have programming skills and software to effectively populate and maintain rate information stored in the database. Non-LSE users however should be able to retrieve information stored in MIDAS without requiring extensive programming skills. Retrieving MIDAS-hosted data can be easily done through the code examples provided or through a user’s own code. The publicly available version of MIDAS is currently a limited version, meaning that it is still in development. Staff is working closely with stakeholders to finalize the system and ensure that it serves the needs of Californians.</p>

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241289	Steve Uhler	MIDAS is a "walled garden" that restricts convenient access. A walled garden is a closed system in which all the operations are controlled by the system operator.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. The publicly available version of MIDAS is a limited version, meaning that it is still in development. CEC staff continues to improve the system.
241289	Steve Uhler	[Re: real time rate changes] The statutes examples I have given (PUC 14401, PUC 14403, GOV 6063a, CIV 3515, BPC 13300) can be considered consumer protection laws established for a public reason. The Energy Commission should ask the Attorney General to render a opinion on the statutes I have listed here and the Energy Commission's proposed regulations. Pursuant to the following (GOV 11346.3a), the Energy Commission is required to identify conflict with other state or federal laws, yet appear to have not do so for the statutes I state above.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC, as stated in the notice for this rulemaking, has determined that the proposed amendments do not conflict with or duplicate any other state or federal law or regulations.
241289	Steve Uhler	[MIDAS database issues] Blank data fields for "ValueName" that MIDAS documentation requires valid data. This is a key data field in understanding where the price displayed comes from to determine if it is correct to contract requirements.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC MIDAS team has resolved this issue; correct values should be seen when querying the database.
241289	Steve Uhler	[MIDAS database issues] Some Application Programming Interface (API) calls return incorrect results with inappropriate records.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC MIDAS team has resolved this issue; correct values should be seen when querying the database.

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241289	Steve Uhler	MIDAS documentation references data requirements for a field named "RateName" pursuant to Title 20, section 1344. The express terms do not support this requirement. To place this requirement in MIDAS documentation without adopted regulation supporting the requirement is know as underground regulation and is prohibited by law.	Comment acknowledged. No change made. The MIDAS documentation is a document relied upon for the proposed regulation. Title 20 California Code of Regulations section 1344 is an adopted regulation that concerns load metering reports and speaks for itself. Accordingly, referring to section 1344 as a data field in the MIDAS documentation is not an underground regulation. MIDAS is a database, not a regulation.
241289	Steve Uhler	The express terms do not explain requirements for non load supporting entities access to upload their data to MIDAS. These non load supporting entities data currently are for Flex Alerts and greenhouse gas emissions. Greenhouse gas emissions data must not conflict with Power Source Disclosure law greenhouse gas emission calculation methods. The Energy Commission must ensure the public is not misinformed about greenhouse gas emissions content of the electricity they are purchasing.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. The MIDAS documentation explains where Flex Alert and greenhouse gas emissions values originate. Flex Alerts are passed through the MIDAS system from the California Independent System Operator while the greenhouse gas emissions values are passed through MIDAS via the California Self-Generation Incentive Program. These signals are to supplement customer understanding rather than replace actual price signals, in most cases. Access to MIDAS is simple and clear. MIDAS is a database, of current, future, and historic time-varying rates, greenhouse gas (GHG) emissions associated with electrical generation, and California Flex Alert Signals. MIDAS is not a regulation.

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241289	Steve Uhler	<p>The costs predicted by commission staff will prove far below the actual cost. When commission staff are unable to solve the MIDAS database issues while trying to avoid a the major database structure changes, the on going costs to ensure public access as the express terms require will prove not cost effective. Is the Energy Commission prepared to teach the public how to write code to access the data in MIDAS?</p>	<p>Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. The intent of MIDAS is to allow access to prices and other grid signals, primarily by third party service providers, not for the general public to write software to access it directly. The notice of proposed action, initial statement of reasons and staff report for this rulemaking analyze its cost impacts, that is, the direct costs or range of direct costs that a representative private person or business necessarily incurs with the proposed amendments. The CEC has also made the determination that the proposed amendments are cost effective. Fine tuning MIDAS does not impact these determinations.</p>
241289	Steve Uhler	<p>Pursuant to the following, the Energy Commission is required to identify conflict with other state or federal laws, yet appear to have not do so for the statutes I state above.</p> <p>Government Code - GOV 11346.3. (a) A state agency proposing to adopt, amend, or repeal any administrative regulation shall assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements. For purposes of this subdivision, assessing the potential for adverse economic impact shall require agencies, when proposing to adopt, amend, or repeal a regulation, to adhere to the following requirements, to the extent that these requirements do not conflict with other state or federal laws:</p>	<p>Comment acknowledged. No change made. The initial statement of reasons addresses these requirements for the rulemaking, with details on pages 11-13. In the Notice of Proposed Action, pages 4-5, the CEC concludes that the proposal does not conflict with existing state or federal regulations or statutes. Therefore, no additional analysis is required by the provisions included in this comment.</p>

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		<p>Government Code - GOV 11346.3. (a) (1) The proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.</p> <p>Government Code - GOV 11346.3. (a) (2) The state agency, prior to submitting a proposal to adopt, amend, or repeal a regulation to the office, shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states. For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties.</p> <p>Government Code - GOV 11346.3. (a) (3) An economic impact assessment prepared pursuant to this subdivision for a proposed regulation that is not a major regulation or that is a major regulation proposed prior to November 1, 2013, shall be prepared in accordance with subdivision (b), and shall be included in the initial statement of reasons as required by Section 11346.2. An economic assessment prepared pursuant to this subdivision for a major regulation proposed on or after November 1, 2013, shall be prepared in accordance with subdivision (c), and shall be included in the initial statement of reasons as required by Section 11346.2.</p>	
241313	Steve Uhler	No API call for LSE Holiday table. Result: possible harm to public due to no access through MIDAS for holiday dates when ValueData DayEnd field is "holiday."	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC will look into whether adding a Holiday Table lookup call is feasible and necessary.

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241313	Steve Uhler	These [listed in comment letter] MIDAS API calls return records of the wrong SignalType...Result: possible harm to public when queries are run that provide incorrect data.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. Staff has resolved this issue.
241313	Steve Uhler	These MIDAS RIN data domains [listed in comment letter] have values not in lookup tables...Result: possible harm to public when database system fails to enforce data domains.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. As explained in the MIDAS documentation, these RINs are associated with greenhouse gas emissions values and Flex Alert signals passed through their respective sources. The greenhouse gas emissions are passed through the database via California's Self-Generation Incentive Program, while the Flex Alerts are passed through via the California Independent System Operator. This data is not stored in the MIDAS system at this time.

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241313	Steve Uhler	In: MIDAS "ValueData" alldata Table for fields that shall not allow nulls (nullable="false") contain blanks: ...Field: "ValueName" is blank for these RINS [listed in comment letter]...Result: Possible harm to public when database system fails to ensure essential fields are not blank.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, Staff has resolved this issue.
241337	Steve Uhler	In: MIDAS "ValueData" alldata tables where "DayEnd" is "Holiday" for RINS that don't have a realtime table [listed in comment letter] it is unclear what days are a holiday.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. The data stored in MIDAS is intended to inform automated service providers and other technology providers of the information necessary to shift or shed load according to customer's pre-set preferences. The information stored in MIDAS is not intended to be viewed by all customers in California, only those who would like to program their system without the assistance of an outside entity and who may have some basic experience. The end-use customer will not need to know when a rate applies to a holiday or not, they will simply need to understand the signals that are sent to them or their appliances.

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241353	Steve Uhler	In MIDAS "ValueData" realtime tables for RINs at times all data is null. [comment letter lists RIN files that had data at one date and time, and were null at a later date and time]	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. Staff is looking into this issue and will resolve it in a future release of MIDAS.
241385	Center For Sustainable Energy	CSE's experience managing retrofit projects...has demonstrated the complexities associated with conducting M&V efforts when introducing time-varying rates, and day ahead or real-time pricing could further complicate estimations. As such, CSE recommends the Energy Commission work with stakeholders to develop tools, data sets, and/or best practices for estimating the potential impacts of decarbonization measures using new dynamic rates. For example, similar to how current projects often utilize Typical Meteorological Year (TMY) weather data to best predict the weather for a given year, publicly available data sets to help predict pricing at given times will add confidence to equipment performance and cost and encourage projects designed to align with grid needs and GHG emissions reductions.	No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC will work with those conducting evaluation, measurement, and verification (EM&V), as time and resources permit.

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241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(1)Third-party Access. The utilities shall develop a single, statewide, internet-based standard tool for authorized rate data access by third parties that is compatible with each utility's system. - the modifications that would add "internet-based" and "electronically and automatically" are necessary clarifications because utilities could conceivably implement a cumbersome, non-electronic method that is difficult for consumers to use but that arguably complies with the LMS...We believe the Commission intended to mandate an electronic, automated, state-wide tool, but there is a risk that the utilities may have a different interpretation. Mission:data's changes are intended to reduce this potential ambiguity.	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(1)(A) Electronically and automatically provide the current and future RIN(s) applicable to the customer's premise(s) to third parties authorized and selected by the customer	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(1)(B) Electronically and automatically provide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(1)(C) Electronically and automatically 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	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).

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		existing rate calculation tool and the customer is eligible for multiple rate structures	
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(1)(D) Electronically and automatically 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	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(2) The utilities shall submit the single, statewide, internet-based standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241386	Mission:data Coalition	[additions in bold] proposed clarifications to 1623(c):(2)(C) The utilities shall describe any terms and conditions they intend to require of third parties using the tool and whether or not such terms and conditions have been approved by their governing body - the added disclosure of terms and conditions is motivated by a desire to avoid utilities imposing unfair or coercive terms and conditions onto third parties as a condition of receiving RINs and other services provided by the tool...Mission:data recognizes that utilities' governing boards – and not the Commission – have jurisdiction over such terms and conditions. Nevertheless, we believe that	Comment acknowledged and accepted. Staff has made a related change in the proposed language addressing this issue by adding an additional requirement under 1623(c)(2)(C).

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		visibility into such terms is a modest and appropriate requirement for the Commission to impose, analogous to the disclosure – but not the setting – of dynamic rates	
241399	Steve Uhler	...indicates the regulations are performance standards...mandated use of specific technologies known as MIDAS in proposed regulations filed docket 21-OIR-03 are prescriptive standards...where is the form 399 for mandated use of specific technologies known as MIDAS?	Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation’s requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is merely a database in which load management rates will be filed by the entities and accessed by energy customers. MIDAS is not a regulation. The Form 399 is in the docket for the rulemaking.

TN #	Commenter	Comment	Response
241401	Steve Uhler	The Proposed Regulatory Language document contains prescriptive standards that do not have a description of reasonable alternatives and the agency's reason for rejecting those alternatives. Requiring the use of specific API, XML, and JSON are all specific technologies or equipment or prescribe specific actions or procedures and are prescriptive standards. [Comment letter references GOV 11342.600, GOV 11346.2(b)(4)(A)]	Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is merely a database in which load management rates will be filed by the entities and accessed by energy customers. MIDAS is not a regulation. The programs cited in the comment are common programs to support such a database. The final staff report contains a chapter that analyzes regulatory alternatives (Chapter 10 at pp. 63-66; see also discussion at pp. 74-77 for analysis of the costs of the alternatives.)

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241401	Steve Uhler	I have filed reasonable alternatives to the mandate of the use of the MIDAS database in docket 19-OIR-01...Energy Commission staff have not responded with the agency's reasons fo rejecting those alternatives.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. This comment also refers to comments that are not directed at the 45-day notices. Without waiving these objections, the CEC responds as follows. Staff has reviewed comments on alternatives to MIDAS. The use of URLs does not remove the requirement that there be a service providing the rate information. MIDAS is that service. Finally, the staff report contains a chapter that analyzes reasonable regulatory alternatives (Chapter 10 at pp. 63-66; see also discussion at pp. 74-77 for analysis of the costs of the alternatives.)
241401	Steve Uhler	Energy Commission staff have not included MIDAS document in the express terms of the proposed regulation.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, the MIDAS documentation is a document relied upon for the proposed regulation. MIDAS is a database, not a regulation.
241401	Steve Uhler	[re: RIN] I have suggested LMS use URLs...Directly using URLs for electricity rates completely removes the need for MIDAS. This greatly lowers costs and encourages innovation.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC responds as follows. Staff has reviewed comments on alternatives to MIDAS. The use of URLs does not eliminate the requirement that there be a service providing the rate information. MIDAS is that service.

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241401	Steve Uhler	MIDAS is intended to be a electronic price lookup system to access all rate information applicable to the customer with a single RIN assigned by the utility. MIDAS does not provide a way for a customer to audit charges without having to be a computer programmer with MIDAS skills.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, MIDAS is not intended to be a rate auditing tool. MIDAS is a database of current, future, and historic time-varying rates, greenhouse gas (GHG) emissions associated with electrical generation, and California Flex Alert Signals.
241401	Steve Uhler	The proposed regulatory language falls short in supporting consumer protections when access all rate information applicable to the customer with a single RIN assigned by the utility is mandated in the proposed regulations. [Comment letter references BPC 13300.(a)-(c) and GOV 11340.5(a)]	Comment acknowledged. Staff has made a change in the proposed language addressing this issue. Customers would have more than one RIN if they have multiple sites or meters. For this reason, we have removed the language suggesting that customers should be able to access all data with a single RIN.
241401	Steve Uhler	MIDAS document describes the required methods to access he MIDAS database. To place this prescriptive requirement in MIDAS documentation without adopted regulation for this requirement is known as underground regulation and is prohibited by GOV 11340.5(a)...The Energy Commission legislative body must table any agenda item for adoption of these regulations if they are not corrected to ensure consumer protections	Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation’s requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database in which load management rates will be filed by the entities and accessed by energy customers. As such MIDAS is not a standard of general application and is not an underground regulation.
241407	ev.energy	ev.energy enthusiastically supports the proposed updates to the LMS regulations.	Comment acknowledged. Staff appreciate your support.

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241407	ev.energy	The Commission should accelerate its timeline for tariff adoption so that a form of dynamic rates or equivalent programs are available to customers within 18 months of the adoption of the regulation...There is no technical reason why a house with an EV would not be able to participate <i>right now</i> on a dynamic tariff. Furthermore, the number of EVs projected to be grid-connected are forecast to skyrocket in the near future...Given the load impact EVs have on the grid, it would be appropriate to accelerate regulations that incentivize load shifting. Doing so will better stabilize the grid and prevent investment in grid infrastructure that may be rendered unnecessary once there is broad participation on these dynamic tariffs and the load curve is sufficiently flattened.	Comment acknowledged. No change made. The urgency of the need to better manage energy load in California is acknowledged. The timeline required by the proposed amendments is as early as reasonably feasible considering the time needed to design and approve rates for every customer class. The regulations do not preclude utilities from implementing EV load management rates earlier than the timeline required by the proposed amendments.
241407	ev.energy	The Commission should allow and encourage dynamic marginal rate tariffs that disaggregate individual technologies from the whole home...We strongly recommend that the utilities consider optional tariffs for the distributed resources in the home rather than the whole home itself. Controlling the whole home load could require a host of technologies and significant aggregator coordination...[also] a disaggregated tariff helps to include customers that may otherwise be unable to participate due to their building type. For example, customers that charge in a multi-unit dwelling or at work could utilize connected vehicle telematics to show charging behavior throughout the entire day in a specialized, EV-specific tariff.	Comment acknowledged. No change made. The proposed amendments do not preclude dynamic marginal tariffs that disaggregate individual technologies or end uses.
241434	Xperi Corporation	Xperi supports the investigation of broadcast services [radio] to support Load Management and Demand Response programs...With HD Radio broadcast stations covering much of California and serving 95% of the population with digital broadcasting, we believe that the	Comment acknowledged. Staff are investigating expansion of MIDAS signals to FM stations.

TN #	Commenter	Comment	Response
		HD Raio data network is a reliable, secure transport for data services in California.	
241435	Steve Uhler	Perhaps the order and reference to the following prescriptive standards should be as shown below? [suggested text of 1623 included in comment letter]	Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database of current, future, and historic time-varying rates, greenhouse gas (GHG) emissions associated with electrical generation, and California Flex Alert Signals, in which load management rates will be filed by the entities and accessed by energy customers.
241436	Steve Uhler	Perhaps the reference to time should be removed from 1621(c)(6): 1621(c)(6) "Load management tariff" means a tariff with time-dependent values that vary according to market conditions to the time of day to encourage off-peak reductions in electricity use when supplies are insufficient and reductions in peak electricity use encourage use of greenhouse gas free electricity when supplies are underutilized.	Comment acknowledged. The time-varying part of the tariff is integral to the proposed amendments because the rates must vary to reflect current grid conditions. Staff understands that the addition of "market conditions" to this definition could be helpful, but for clarity and simplicity, has chosen to use time-dependence instead of only market conditions.

TN #	Commenter	Comment	Response
241436	Steve Uhler	Perhaps the reference to time should be removed from 1621(c)(7): 1621(c)(7) "Marginal cost" or "locational marginal cost" means the change in current and future electric system cost that is caused by a change in electricity supply and demand during a specified time interval market conditions at a specified location.	Comment acknowledged. The time-varying part of the tariff is integral to the proposed amendments because the rates must vary to reflect current grid conditions.
241441	Google LLC	Google Nest is extremely supportive of the overall aims and direction of the proposed amendments.	Comment acknowledged. Staff appreciate your support.
241441	Google LLC	incorporate pathways for public input in future filing...the draft language as written provides no established opportunities for third parties or any other member of the public to provide input on the required utility filing, or on the tools and programs that are intended to enable those exact third parties to provide relevant services...this risks codifying a process whereby the utilities develop tools or programs that are intended for widespread use by third parties without any opportunity for third party input...we suggest that it would be prudent to establish public notice and comment opportunities in the LMS regulations.	Comment acknowledged. No change made. The proposed amendments provide opportunities for public comment when utility plans are presented to the Commission for approval. Under California open meetings laws, 10-day public comment period is afforded whenever a document or decision is offered to the Commission for consideration.
241441	Google LLC	1621(d)(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. The public will be provided notice of the submission of the utility's plan to the Executive Director and will be provided an opportunity to comment on the submitted plans for no less than fourteen (14) days following such notice.	Comment acknowledged. No change made. The proposed amendments provide opportunities for public comment when utility plans are presented to the Energy Commission for approval. Under California open meetings laws, a 10-day public comment period is afforded whenever a document or decision is put in front of the commission. Under the proposed amendments, the commission will consider for approval all plans and the single statewide standard tool at its business meetings at which members of the public may provide comments, upon ten days' notice.

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241441	Google LLC	<p>§ 1623(d)(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. The public will be provided notice of the list of load flexibility programs submitted to the Executive Director and will be provided an opportunity to comment on the submitted lists of programs for no less than fourteen (14) days following such notice.</p>	<p>Comment acknowledged; no change made. Utilities are required to submit plans for compliance 6 months after effective date. The Commission review and approval process of the plans for compliance already includes public review and comment review. Any substantive changes from the approved plans require Commission review and approval, which also have public review and comment step. The flexibility program list should be consistent with the approved plans for compliance.</p>
241441	Google LLC	<p>accelerate the tariff deployment timeline...the Draft Language currently specifies that a marginal cost rate, or equivalent program, must be available to customers within three years. This prolonged timeline is unnecessary because novel platforms that assist customers on these tariffs are available today...We believe the Commission should set a goal of rate or program launch within 18 months, and a rate launch within 2 years, based on current technology and products that already exist today.</p>	<p>Comment acknowledged. No change made. The urgency of the need to manage load in California is acknowledged. The timeline required by the proposed amendments is as early as reasonably feasible considering the time needed to design and approve rates for every customer class for all utilities. The regulations do not preclude utilities from implementing marginal cost-based rates earlier than the timeline required by the proposed amendments.</p>
241441	Google LLC	<p>Define GHG emission sources and costs and define how those will be incorporated into the total marginal cost...we suggest the CEC add a definition of "greenhouse gas emissions" to the General Provisions 1621(c) that identifies the "source of truth" that utilities should use for the GHG attributable to the utility's electricity supply...The key is that the "source of truth" should be consistent across all the utilities</p>	<p>Comment acknowledged. Some changes made. Staff has added a definition of "greenhouse gas" to 1621(c)(18). Staff has not changed the "total marginal cost" calculation because we have tried to minimize the restrictions on rate structure based on several comments.</p>

TN #	Commenter	Comment	Response
241441	Google LLC	§ 1623(a)(1) Total marginal cost shall be calculated as the sum of the marginal energy cost, the marginal capacity cost (generation, transmission, and distribution), the social cost of energy including any associated greenhouse gas emissions , and any other appropriate time and location dependent marginal costs on a time interval of no more than one hour	Comment accepted; change made. Staff added "the locational marginal cost of associated greenhouse gas emissions" to the proposed language in 1623(a)(1).
241441	Google LLC	Specify the information that the MIDAS will be providing, including the ability to pull electricity costs for a discrete time period as well as historical and forecasted values...Google Nest believes the CEC's intent is to require the utilities to provide these time-specific pieces of information, such as the actual cost of electricity, through MIDAS. However, to date, the Google Nest team has been unable to validate the MIDAS operates as intended during our testing efforts. Google Nest also suggests that MIDAS be required to provide a historical record of this data for each time interval and, critically, the future projected values of at least 24 hours...We also recommend the forecasted data include error bands to indicate the relative confidence of the forecast.	Comment acknowledged. No change made. MIDAS is a rate database intended to store time-varying rate information populated by the state's largest utilities and the CCA's within their territories. We are currently working with utilities to include all time-varying rates in MIDAS. Whether day-ahead pricing is available within MIDAS is dependent on whether the utility offers that information to their customers or not. The CEC is not a rate-making entity and does not intend to produce prices; that will be left up to the utilities themselves.
241441	Google LLC	clarify the role of the single statewide standard tool...Google Nest believes that the role of the single statewide tool (1623(c)(1)) is not clearly defined vis-à-vis MIDAS and neither is the functionality each tool is supposed to provide...further clarification on this aspect of MIDAS is required and the relationship between the single statewide tool and MIDAS should be made clear.	Comment acknowledged. No change made. The essential functionalities and the purpose of the single statewide tool is clearly defined in 1623(C) (1). MIDAS is a rate database. In contrast, the single statewide RIN access tool is a tool that aims to assist third party service providers and customers in the enrollment process.

TN #	Commenter	Comment	Response
241441	Google LLC	Use consistent language when referring to the tariff described in these proposed regulations that changes its rate at least hourly and charges customers the marginal cost of electricity...for consistency, we suggest the Commission use the phrase "Load Management Tariff" wherever possible in the regulation because this phrase is inclusive of "marginal cost rate" and "time-dependent rate."	Comment acknowledged. No changes made. Staff performed a thorough review of the proposed amendments and concluded the existing language is clear and consistent.
241441	Google LLC	We'd also like to offer the general principles that we believe should guide the creation of the updated LMS: 1. Customer participation on the dynamic tariff should directly reduce GHG emissions by shifting electricity demand.	Comments acknowledged. No change made. The comment is not directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, staff responds as follows. The staff believes that these principles are laudable and further believes that the proposed amendments will advance them to the extent feasible.
241441	Google LLC	2. Customer participation on the dynamic tariff should indirectly reduce GHG emissions by enabling renewable generation to grow in CA without adding strain on the grid.	Comments acknowledged. No change made. The comment is not directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, staff responds as follows. The staff believes that these principles are laudable and further believes that the proposed amendments will advance them to the extent feasible
241441	Google LLC	3. The dynamic tariffs should promote equity by being accessible to all residential customer and not preventing or harming participation in other programs.	Comments acknowledged. No change made. The comment is not directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, staff responds as follows. The staff believes that these principles are laudable and further believes that the proposed amendments will advance them to the extent feasible

TN #	Commenter	Comment	Response
241441	Google LLC	4. The dynamic tariffs should encourage the widespread utilization of DERs that can automatically control participant load.	Comments acknowledged. No change made. The comment is not directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, staff responds as follows. The staff believes that these principles are laudable and further believes that the proposed amendments will advance them to the extent feasible
241441	Google LLC	5. The supporting technology, including MIDAS and the single statewide standard tool, should be accessible in a digital, machine-readable format according to national standards and best practices.	Comments acknowledged. The comment is not directed at the proposed amendments, or the procedures followed in adopting them. Without waiving this objection, staff responds as follows. The staff believes that these principles are laudable and further believes that the proposed amendments will advance them to the extent feasible. Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241441	Google LLC	We urge the Commission to clarify its expectation that the utilities should be filing for rates that are applicable to all customer classes and segments. As written, it is possible that a utility could comply without ever developing a marginal cost rate tariff for residential customer.	Comment acknowledged. No Change made. 1623(a)(2) requires marginal cost-based rate for each customer class, except for street lighting.
241441	Google LLC	We suggest that the CEC explicitly derive a time-varying value for the cost of GHG emissions per MWh and then incorporate that cost of GHG emissions to the total marginal cost calculation. We believe this is envisioned in the marginal cost rates calculation in Draft Language 1623(a), but the current text does not make this link explicit	Comment acknowledged. No change made. 1623(a)(1) requires the inclusion of the cost of GHG emissions for the "locational marginal cost of associated greenhouse gas emissions". The proposed amendments only mandate rate structures. The rate-approval body of the utility has rate-making authority.

TN #	Commenter	Comment	Response
241441	Google LLC	We urge the Commission to ensure that incorporating the other components of the total marginal cost outside of the wholesale cost, such as the marginal capacity cost, does not distort the rate in a way that undervalues renewables	Comment Acknowledged, no change made. Proposed amendments only mandate rate structures. The rate-approval bodies of the utilities have rate-making authority. Staff has worked to require a rate structure that supports more renewable generation, reduced GHG emissions and reduces societal costs.
241441	Google LLC	We recommend that the notification of a forthcoming FlexAlert or any future emergency notification also be provided as a proactive notice as part of the forecasted data.	Comment acknowledged. No change made. MIDAS passes through any pending FlexAlert signals.
241441	Google LLC	We suggest that the Commission form a technical working group that includes engineers from the MIDAS platform and third parties who plan to integrate with the MIDAS platform. Google Nest would be willing to serve on this technical working group and to assist with testing and debugging the MIDAS platform.	Comment acknowledged. No change made. Staff will consider the timing and composition of a potential working group for MIDAS following the rulemaking.
241441		Our interpretation based on existing MIDAS documentation and the Final Staff Report is that, to receive these values, a third party would pass a set of parameters to MIDAS that includes the LSE, the rate code (or RIN), the datetime, and a datetime range (e.g., 24 hours). MIDAS should then return, for that datetime the price for electricity, the total marginal cost, the locational marginal cost of associated greenhouse gas emissions, and any other applicable social costs and the underlying inputs. It should also include the forecasted future values for the datetime range entered by the user.	Comment acknowledged. No change made. Staff will continue to work with stakeholders to determine the structure and content of values passed to and returned by MIDAS.

TN #	Commenter	Comment	Response
241441	Google LLC	We strongly suggest that the Commission take a prescriptive approach regarding what information should be provided by third parties to the single statewide standard tool in order to either access the information or modify the customer's rate...we recommend that the tool utilize electric utility service addresses, which will balance the need for cybersecurity and minimize customer fatigue.	Comment acknowledged. Some changes made. Staff added a requirement in 1623(c)(2)(C) requiring a single set of terms and conditions. These terms and conditions will need to be considered and approved by the Commission before implementation. These terms and conditions should include what data is required from the third parties to access the customer RIN and to make customer-approved changes to their rate.
241450	SCE	1623(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 , and that the utility submit such rates to its rate-approving body.	Comment acknowledged. Partial change made. Staff made the change from "marginal cost rates" to "marginal cost-based rates." The comments edits suggest that marginal cost rates developed by the utility will "seek to recover the full cost associated with the fulfillment of" proposed Load Management Standards (LMS). The LMS economic analysis concludes that implementation of LMS is cost-effective. There should be no need to include recovery cost of LMS compliance as an element of marginal cost rates. If a utility experiences costs that it believes require recovery, that would be left to the utility and their rate-approval authority.
241450	SCE	1623(c)(1)(E): Incorporate reasonable cybersecurity measures; and	Comment acknowledged. Change made.
241451	UtilityAPI	1623(c)(1): Third-party Access. The utilities shall develop a single, statewide, internet-based standard tool for authorized rate data access by third parties that is compatible with each utility's system. The tool shall:	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).

TN #	Commenter	Comment	Response
241451	UtilityAPI	1623(c)(1)(A): Electronically and automatically provide the RIN(s) applicable to the customer's premise(s) to third parties authorized and selected by the customer	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241451	UtilityAPI	1623(c)(1)(B): Electronically and automatically provide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer;	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).

TN #	Commenter	Comment	Response
241451	UtilityAPI	1623(c)(1)(C): Electronically and automatically Provide estimated average or annual bill amount(s) based on the customer's current and ongoing 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;	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241451	UtilityAPI	1623(c)(1)(D): Electronically and automatically 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;	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).

TN #	Commenter	Comment	Response
241451	UtilityAPI	1623(c)(2): The utilities shall submit the single, statewide, internet-based standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting.	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).
241451	UtilityAPI	1623(c)(2)(C): The utilities shall describe any terms and conditions they intend to require of third parties using the tool and whether or not such terms and conditions have been approved by their governing body.	Comment acknowledged and accepted. Staff has made a related change in the proposed language addressing this issue by adding an additional requirement under 1623(c)(2)(C).
241451	UtilityAPI	the modifications that would add "internet-based" and "electronically and automatically" are necessary clarifications because utilities could conceivably implement a cumbersome, non-electronic or manually fulfilled method that is difficult for consumers to use but that technically complies with the Load Management Standard. Furthermore, an internet-based tool can easily	Comment acknowledged and accepted. Staff has made a related change by adding an additional requirement under 1623(c)(1)(G).

TN #	Commenter	Comment	Response
		be extended to support future data access needs without having to build separate systems for each program implementation.	
241451	UtilityAPI	the addition to § 1623(c)(2) is motivated by a desire to avoid the imposition of challenging terms and conditions onto third parties as a condition of receiving RINs and other services provided by the tool. We ...request that utilities be required, as part of their submission to the Commission, to provide their terms and conditions applicable to third parties, as well as a statement as to whether such terms have been approved by their governing board.	Comment acknowledged and accepted. Staff has made a related change in the proposed language addressing this issue by adding an additional requirement under 1623(c)(2)(C).
241452	SCE	SCE generally supports the CEC's efforts to offer a marginal cost-based rate for all customers and maintain the accuracy of the Market Informed Demand Automation Server (MIDAS) rate database	Comment acknowledged. Staff appreciate your support.
241452	SCE	SCE generally supports the use of a standard rate information access tool to support customers taking advantage of time-varying rates either on their own or through third party services	Comment acknowledged. Staff appreciate your support.
241452	SCE	SCE recommends a phased approach that adequately tests the parameters of design and pricing, and of the customer facing elements for such new and complex pricing products	Comment acknowledged. No changes made. For the reasons given in the staff report, staff believes there is sufficient evidence for implementation of this amendment. The proposed amendments adopt a stepwise approach to implementation. Utilities may apply for exemptions, modifications, and delays from the amended requirements.

TN #	Commenter	Comment	Response
241452	SCE	SCE also recommends the CEC partner with IOUs and the CPUC more broadly on the development of the load management plan and on some of the important elements included in this draft of the proposed language, including around cost benefit analysis, the timing of program implementation, and deadlines	Comment acknowledged. No change made. Staff agrees with this comment, have consistently worked with the CPUC and utilities throughout this process, and will continue to engage throughout full implementation of the standard.
241452	SCE	SCE recommends that the CEC, when planning implementation dates for an available marginal cost-based rate for all customers, consider the timelines that were addressed in SCE's October 2021 informal comments on the CPUC's Draft Distributed Energy Resources (DER) Action Plan 2.0...SCE recommends a thoughtful approach that allows for time to 1) Build an operational framework for the new rates, 2) Test with a subset of customers, 3) Evaluate results, and 4) Modify in preparation for a larger phased rollout. [comment letter includes a table with the timeline proposed in the DER Action Plan comments]	Comment acknowledged. No changes made. For the reasons given in the staff report, staff believes there is sufficient evidence for implementation of this amendment. The proposed amendments adopt a stepwise approach to implementation. Utilities may apply for exemptions, modifications, and delays from the amended requirements. CEC has taken the DER Action Plan into account and added the DER OIR and White Paper into the record of this rulemaking via the 3rd 15-day notice.
241452	SCE	Regarding the proposed Section 1623(c)(1), SCE recommends that (1) the utility's rate approving body convene and host a workshop to discuss how utilities should develop the envisioned tool before a plan is required to be submitted to the CEC, and (2) a plan for the tool should not be required to be submitted until at least two years after the effective date of the commission order...one year after the effective date of these regulations is insufficient time for SCE to enable any new capabilities given that SCE already has a full slate of 2022 IT initiatives.	Comment acknowledged. No change made. As stated in section 1623 (c), "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." This language requires that utilities work collaboratively to develop a tool that meets each of the requirements outlined in subsection (c) of 1623. The CEC has set an aggressive timeline for meeting the goals outlined in the regulatory language. Although this timeline is aggressive, the development of the statewide tool does not fall on a single utility and the burden of developing the tool should not fall on one utility's IT department. The utilities' rate approving bodies are free to host workshops on the tool as they see fit.

TN #	Commenter	Comment	Response
241452	SCE	SCE recommends that language included in sub-section (a) of section 1623, Marginal cost rates, be edited to require that the utility develop marginal cost-based rates using a methodology approved or recommended by its rate approving body, when it prepares rate applications for retail services, and receives approval from its rate approving body pursuant to rate designs meant to comply with its load management standard plan.	Comment acknowledged. Change made. Staff made the change from "marginal cost rates" to "marginal cost-based rates." The comments edits suggest that marginal cost rates developed by the utility will "seek to recover the full cost associated with the fulfillment of" LMS. The LMS economic analysis concludes that implementation of LMS is cost-effective. There should be no need to include recovery cost of LMS compliance as an element of marginal cost rates. If the utilities do experience costs that require recovery, that should be left to the utility and their rate-approval authority.
241452	SCE	SCE recommends that the CEC adopt the language of marginal cost-based rates instead of marginal cost rates...In order to avoid cost-shift issues between participants and non-participants, it is important to consider the interplay between marginal cost based dynamic price rates and other components of cost recovery included in a customer's retail rate/tariff. Thus, SCE recommends that the CEC take a pilot approach to test how a dynamic rate that is based on marginal costs can complement the standard retail tariff to ensure no cost-shift in the recovery of such costs between participating and non-participating customers	Comment acknowledged. Some changes made. Staff has replaced "marginal cost" with "marginal cost-based" in the proposed language based on comments from SCE and several other utilities. For the reasons given in the staff report, staff believes that there is sufficient evidence for implementation of this amendment. The proposed amendments adopt a stepwise approach to implementation. Utilities may apply for exemptions, modifications, and delays from the amended requirements.

TN #	Commenter	Comment	Response
241452	SCE	SCE recommends that the CEC consider the fact that transmission costs are FERC-jurisdictional when outlining the components of cost that need to be included the design of marginal cost-based rates...Because FERC does not consider a marginal cost methodology, SCE recommends that the CEC describe if and how SCE would need to engage with FERC on any approvals that may be needed for including transmission costs in the design of a dynamic marginal cost-based rate structure.	Comment acknowledged. No changes made. Utilities may apply for exemptions, modifications, and delays from the amended requirements if there are jurisdictional issues with marginal transmission costs. These can be raised and addressed in the currently proposed process. Should utilities apply to FERC for marginal cost-based transmission rates and be denied, staff encourages them to consider the exemption, modification, and exemption process.
241452	SCE	SCE recommends that the CEC include approval from the utility's rate approving body as a prerequisite to the required submission of a plan to the Executive Director to comply with Sections 1621 and 1623.	Comment acknowledged; no change made. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. Utilities are free to consult with their rate-approving bodies before submitting their plans to the CEC.

TN #	Commenter	Comment	Response
241452	SCE	SCE recommends that applications for exemptions, delays, or modifications be vetted through an established advice letter process with the utility's rate making body prior to applying for such exemptions at the CEC...should the CEC reject or provide conditional approval of such applications, the CEC should recommend changes and specify deficiencies that can then be used to file an updated application with specified changes to the utility's rate making body for approval. Because a host of issues outside of the utility's control could result in necessary changes to approved plans, SCE recommends that the CEC establish an expedited review and approval process in concert with the CPUC that will allow for expeditious modifications to a utility's filed plan.	Comment acknowledged; no change made. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving exemptions or delays should be with CEC and not the CPUC or rate-approving body, which may have priorities that conflict with the goals of the LMS. Utilities are free to consult with CEC before submitting documents for approval.
241452	SCE	SCE is supportive of the list of grounds in Section 1621(e)(2) that would support a utility's application for exemption, delay, or modification, but recommends that the list also include two additional grounds: (1) that requiring timely compliance would result in hardship and inequities to participating or non-participating segments of the utility customer base, and (2) that requiring timely compliance would result in reduced system safety and resiliency.	Comment acknowledged. Change made. "Equity" and "safety" or "reliability" were added to sections 1621(a) and (e) and Section 1623.1.
241452	SCE	SCE recommends that the CEC specify that enforcement either through the process set forth in Sections 1233.1 or 1233.4 or through injunctive relief is limited to only those situations where a utility intentionally acts outside of good faith and fails to comply with or violates the provisions in this article.	Comment acknowledged. No change made. Staff expects that no utility would act in bad faith. Adopting this requirement would be paramount to making the article optional.
241452	SCE	SCE supports SMUD's (SMUD) redline edits to the proposed language.	Comment acknowledged. See staff responses to SMUD redline edits.

TN #	Commenter	Comment	Response
241452	SCE	[comment letter includes copy of SCE's comments on CPUC's DER Action Plan 2.0]	Comment acknowledged. No response necessary.
241453	California Solar & Storage Association	CALSSA strongly supports the CEC's work to increase statewide demand flexibility, including through this rulemaking and through development of its Market Informed Demand Automation Server (MIDAS) database.	Comment acknowledged. Staff appreciate your support.
241453	California Solar & Storage Association	we support the proposal to make development of rate structures mandatory for the large electric utilities	Comment acknowledged. Staff appreciate your support.
241453	California Solar & Storage Association	CEC regulations should require a strong showing in support of applications for exemptions, delays, and modifications.	Comment acknowledged. No change made. Staff has included the list of reasons for exemptions and modifications in the proposed amendments.
241453	California Solar & Storage Association	CEC should also consider expanding the application of the Load Management Standards to include smaller utilities, including publicly owned utilities (POUs) that develop Integrated Resource Plans under SB 350. While mandatory treatment may not be appropriate for these POUs, it is in the interest of the state to encourage them to adopt programs and rate structures that encourage load shifting away from peak hours and into periods when renewable energy generation is high.	Comment acknowledged. No change made. Staff has considered adding the smaller utilities. At this point, the proposed amendments require the largest utilities and all CCAs in their territories to comply with the article. These entities serve much of the electrical load in California. The Commission may include smaller utilities in a future set of amendments.

TN #	Commenter	Comment	Response
241453	California Solar & Storage Association	We believe that the MIDAS database holds promise that can go far beyond holding time dependent rates. For this reason, we commend the inclusion of load flexibility programs in proposed Section 1623(d)... we recommend that utilities be required to include cost-effective load flexibility programs (including, but not limited to, demand response programs) among the offerings for which MIDAS-enabled customer and third-party access is made available, instead of such programs being included only if no marginal cost rate has been developed and approved in the prescribed time frame	Comment acknowledged. No change made. The proposed standards do not explicitly require load management programs except in specific circumstances. Utilities and CCAs and their rate approval bodies may choose to provide programs that use MIDAS.
241453	California Solar & Storage Association	We also believe a shorter time frame is appropriate for inclusion of existing cost-effective load flexibility programs, and we recommend that proposed Section 1623(d)(3) be clarified that public information programs should inform customers about the need, use, and bill savings of load flexibility programs as well as of marginal cost-based rates and automation.	Comment acknowledged. No change made. Staff disagrees with this comment. Staff has worked to build a timeline that balances the time requirements of the utilities and CCAs with the needs of the public, the emergent climate crisis, and electrical system reliability. The proposed language in 1623(d)(3) requires "Each 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."
241454	LADWP	LADWP expresses support for the Commission's load management end goals and the concept of statewide, real-time signaling	Comment acknowledged. Staff appreciate your support.
241454	LADWP	LADWP remains concerned about equity, cybersecurity, and technical feasibility in implementing the Load Management Standards as currently proposed	Comment acknowledged. No change made. Staff is also concerned about these issues. Staff is committed to ensuring these issues are adequately addressed during implementation of the program. Technical feasibility has already been established in pilot efforts.

TN #	Commenter	Comment	Response
241454	LADWP	LADWP reiterates its concern regarding ratemaking jurisdiction.	<p>Comment acknowledged; changes made. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>In response to this comment, the CEC amended the proposed language to make it even more explicit that the proposed amendments do not set rates. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU.</p>

TN #	Commenter	Comment	Response
241454	LADWP	LADWP supports the comments submitted by the CMUA (CMUA), including the Joint Proposed Modifications to 45-Day Language Amendments to Load Management Standard Regulations	Comment acknowledged. No response necessary. The responses to these comments are incorporated by reference here.
241454	LADWP	LADWP's primary concern with the Commission's proposed amendments lies in the regulatory language regarding the rate setting process. Even though the Commission's proposed regulations do not set specific rates, by requiring a specific rate structure, the proposed regulations infringe upon the ratemaking authority of LADWP's Board and associated governing structure. Further, the proposed regulations are inconsistent with both the existing language of Public Resources Code 25403.5, which purportedly sets forth the authority and duty of the Commission to adopt Load Management Standards, and the context and legislative history of that statute...For LADWP, the decision about what rates to design and when lies within the jurisdiction of LADWP's Board.	Comment acknowledged; changes made. The proposed amendments are well within CEC's legal authority. PRC section 25403.5 provides that the CEC may adopt by regulation "a program of electrical load management for each utility service area" and that this may include but is not limited to "adjustments in rate structure ... to encourage control of daily electrical load." Accordingly, the proposed amendments are clearly authorized by law. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA.
241454	LADWP	LADWP finds that the proposed revisions submitted by CMUA for this public comment period present a viable solution that would allow LADWP to comply with the regulations. CMUA's revisions recognize each utility governing body's authority to approve load management implementation, including plans for compliance and timeframes. The revisions also allow the governing board to approve certain exemptions based on constraints, including inequities, technological feasibility, and cost-effectiveness. The proposed CMUA changes would allow each governing body to act based on its insights into the unique constraints and opportunities specific to each utility consistent with the ratemaking authority afforded to each governing body	Comment acknowledged; no change made. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. The staff incorporates its responses to the proposed revisions submitted by CMUA by reference here.

TN #	Commenter	Comment	Response
241459	SDGE	Utilities should have flexibility in implementing marginal cost-based rates for certain customer classes. Utilities should have discretion to evaluate the cost-effectiveness and feasibility of making a marginal costbased rate available to customer classes, such as lighting, before being required to offer such a rate...Switching these customers to a marginal cost-based rate may result in higher bills for the customer without significant impacts on customer electricity demand.	Comment acknowledged. No change made. The proposed language allows utilities and CCAs to apply for exemptions and modifications. The definition of "customer class" was modified in the 1st 15-day notice in response to the concerns expressed in this comment.
241459	SDGE	Clarification is needed on the annual reporting proposed in Section 1621(d)(4) of the Proposed Regs...As drafted, the provision appears to require utilities to submit annual reports in perpetuity. The CEC may wish to clarify the scope of the requested reporting, as well as clarify what the benefits of an ongoing annual reporting requirement are (particularly if the intent is to continue such reporting after the date by which a utility's plan has been fully implemented).	Comment acknowledged. No change made. The requirement clearly defines that reports be submitted annually on an ongoing basis; section 1621(d)(4) requires continuing reporting, which is necessary for staff and the Commission to support ongoing implementation and oversight of the regulation.
241459	SDGE	The existing role and processes of rate-approving bodies should be more clearly delineated throughout the regulation...This point could be further clarified throughout the Proposed Regs, as is delineated in the Joint Proposed Modifications to 45-Day Language Amendments to Load Management Standard Regulations that were submitted to the 21-OIR-03 Docket. In addition, staff should consider whether certain time triggers within the regulation would benefit from being attached to actions taken by the rateapproving body to allow flexibility in ratemaking processes.	Comment acknowledged. Some changes made. Staff made changes to the proposed language to clarify aspects of the role of rate-approval bodies. Staff made no changes to the timing of actions. The current timeline is sufficient to allow for rate approval bodies to work with utilities. Commenter has not provided sufficient evidence to support a change to the timeline.

TN #	Commenter	Comment	Response
241460	CMUA	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	<p>Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority.</p> <p>PRC section 25403.5 provides that the CEC may adopt by regulation "a program of electrical load management for each utility service area" and that this may include but is not limited to "adjustments in rate structure ... to encourage control of daily electrical load." Accordingly, the proposed amendments are clearly authorized by law. Staff has added language further clarifying that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC’s or rate approving body’s rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC’s authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with</p>

TN #	Commenter	Comment	Response
			<p>the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>In response to this comment, the CEC amended the proposed language to make it even more explicit that the proposed amendments do not set rates. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU.</p>

TN #	Commenter	Comment	Response
241460	CMUA	<p>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...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...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.</p>	<p>Comment acknowledged; changes made. The proposed amendments are well within CEC's legal authority. PRC section 25403.5 provides that the CEC may adopt by regulation "a program of electrical load management for each utility service area" and that this may include but is not limited to "adjustments in rate structure ... to encourage control of daily electrical load." Accordingly, the proposed amendments are clearly authorized by law. Staff has added language that further clarifies that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>In response to this comment, the CEC amended the</p>

TN #	Commenter	Comment	Response
			<p>proposed language to make it even more explicit that the proposed amendments do not set rates. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA.</p>

TN #	Commenter	Comment	Response
241460	CMUA	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.	Comment acknowledged; no change made. The CEC has authority to set LMS. The LMS require utilities to develop marginal cost rates and submit such rates to their rate-approving body. This does not preclude the utility from developing other rates nor does it replace the rate-approving body’s authority over the utility’s rates. The proposed amendments would require that utilities submit rates structured according to the amendments' requirements to their rate-approving bodies, not to the CEC for approval.
241460	CMUA	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...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 met the requirements of Sections 1621 and 1623 and if any subsequent actions would be required by that utility.	Comment acknowledged. No change made. The proposed amendments are clear on the requirements. This would not relieve the utility with the requirement to comply with other parts of the regulation. The proposed amendments would require utilities submit rates structured according to the amendments' requirements to their rate-approving bodies, not to the CEC for approval. The proposed amendments would establish standards for attaining the goal of having utilities offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation’s requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. This process is clear and is designed to resolve issues before the rates are submitted to the rate-approving bodies. This comprehensive process is designed to prevent the scenario posited in this comment.

TN #	Commenter	Comment	Response
241460	CMUA	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.	<p>Comment acknowledged; changes made. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA.</p>

TN #	Commenter	Comment	Response
241460	CMUA	<p>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. 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. 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.</p>	<p>Comment acknowledged. No changes made. Staff has considered this approach. For the purposes of this article, staff finds that the simplest process for all parties is for the Commission to approve plans prior to the implementation of the plan. Additionally, the statutory authority and directives are not identical between the IRP program and the LMS program.</p>

TN #	Commenter	Comment	Response
241460	CMUA	<p>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 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...Further, this clarified process would reduce administrative burdens by greatly streamlining the plan and rate approval process.</p>	<p>Comment acknowledged; no change made. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving exemptions or delays should be with CEC and not the CPUC or rate-approving body. It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p>

TN #	Commenter	Comment	Response
241461	SMUD	POU Governing Bodies are their Rate-Making Authorities. The CEC's regulations must recognize the limits of the CEC's authority to mandate specific rates or rate structures.	<p>Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the roles of the CEC and POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>In response to this comment, the CEC amended the proposed language to make it even more explicit that the proposed amendments do not set rates. Staff has added language further clarifying that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. Staff worked with CMUA and the POU stakeholders through the 15-day modification process</p>

TN #	Commenter	Comment	Response
			<p>and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU.</p>
241461	SMUD	<p>The Initial Statement of Reasons states that the purpose of the Load Management "Tariff" Standard is to establish "requirements for developing marginal cost rates...necessary for each utility to...successfully get it approved by their governing body." (p.9). Staff's attempt in the Final Staff Report to distinguish these "requirements" from the actual adoption of rate by noting that the proposed regulation leaves the "detailed mechanics" to the utility rate-making body (p.17) falls short of the recognized discretion allotted by the California Constitution and Legislature to the POU governing bodies.</p>	<p>Comment acknowledged; changes made. The proposed amendments are well within CEC's legal authority. PRC section 25403.5 provides that the CEC may adopt by regulation "a program of electrical load management for each utility service area" and that this may include but is not limited to "adjustments in rate structure ... to encourage control of daily electrical load." Accordingly, the proposed amendments are clearly authorized by law. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did so (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or a rate approving body's rate-approving authority. It is reasonable for CEC to review and approve (or not approve) plan revisions to ensure compliance with LMS. This is consistent with CEC 's authority to require utilities to submit plans to the CEC for approval. PRC section 25403.5 clearly authorizes the CEC to grant exemptions from standards or delays in</p>

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			<p>implementation if a utility applies for them. The CEC should exercise this authority to ensure timely compliance with LMS. A utility shall demonstrate the need for an exemption or delay of LMS compliance. The role of approving plans, modifications, exemptions, or delays from the LMS plans is appropriately placed with the CEC which has the clear statutory authority to for this versus the rate approving bodies.</p> <p>In response to this comment, the CEC amended the proposed language to make it even more explicit that the proposed amendments do not set rates. Staff has clarified that the proposed amendments do not set rates and that the final authority for rates is the rate approval body for the utility or CCA.</p>
241461	SMUD	The Load Management Standard and time variant rate mandates must allow POU's flexibility to design and adopt rates that implement policies adopted by the POU governing board in a cost-effective way adapted to the individual POU's customer base.	Comment acknowledged; no change made. The CEC has authority to set LMS. The LMS require utilities to develop marginal cost rates and submit such rates to their rate-approving body. This does not preclude the utility from developing other rates nor does it replace the rate-approving body's authority over the utility's rates.
241461	SMUD	SMUD appreciates inclusion of a program option in § 1623. Load Management Tariff Standard (d) (2)	Comment acknowledged. Thank you.
241461	SMUD	Developing hourly rates for all customer classes is a concern...Utilities should have full discretion to determine which customer classes would benefit from a dynamic pricing tariff, and utilities should take into consideration the enabling technologies appropriate for that customer class and be able to opt-out of creating hourly/sub-hourly prices for customer classes when such rate structures would not be feasible and cost-effective	Comment acknowledged. Proposed amendments establish a process where utilities can apply for exemptions from the amendments' provisions providing they can make certain showings.

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241461	SMUD	SMUD seeks clarification that (1) marginal cost rates refer to the volumetric portion of the retail rate; and (2) utilities are not precluded from including fixed costs to avoid cost shift issues.	Comment acknowledged. No change made. The proposed amendments do not preclude the inclusion of fixed costs, especially if the fixed costs are recovered dynamically in the form of marginal costs.
241461	SMUD	SMUD recommends §1623 be modified to clarify that utilities are required to develop marginal cost-based rates and offer the following edits: (a) Marginal Cost Rates. This standard requires that a utility develop marginal cost- based rates... (a) (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- based rate, in accordance with 1623(a)(1), for each customer class.	Comment acknowledged. Change made. Staff has changed "marginal cost rate" to "marginal cost-based rate" based on comments from several utilities. The utilities asked for this change to clarify that the proposed rate structure is based on marginal cost, so rates can include costs in addition to marginal costs.
241461	SMUD	SMUD strongly recommends the Commission adopt the proposed revisions to sections 1621(d)(2) and 1621(e)(4) of the attached redline. These revisions would establish a regulatory structure that (1) requires utilities to provide periodic reports to the Commission, and (2) allows the Commission to propose revisions to utility plans and applications. This process respects utilities' constitutional and statutory authority, has precedents in state law, and mirrors other regulatory review structures that successfully balance local decision making with regulatory oversight. For example, under state law, the CEC's review of select POU Integrated Resource Plans (IRPs) vests the authority to develop and update IRPs entirely with the POU and its governing board. See Cal. Pub. Util. Code § 9621. In addition, the CEC has the complementary authority to review and recommend revisions to the IRPs,	Comment acknowledged; no change made. The CEC should have an approval role in the LMS, and not just authority to recommend changes to deficiencies, like with IRPs. This ensures compliance with the LMS in a smooth and timely manner. Accepting the comment changes would potentially allow for implementation of a rate structure that is inconsistent with the LMS. Requiring the CEC to pursue a complaint process or injunctive relief after CPUC or rate approving body approval would not be as smooth or timely. Changes were made to section 1621(a) and 1623(a) that underscore that the proposed amendments require CCAs to develop certain rates structured according to the requirements of the proposed amendments and submit the rates to their governing boards for approval. The proposed amendments very clearly provide that rate approval is the province of the CCA governing

TN #	Commenter	Comment	Response
		and it may seek additional information regarding the IRPs to facilitate that process. See id. § 9622.	boards and were changed to emphasize even further that the LMS-structured rates must be submitted to CCA governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates. The CEC has authority to set LMS. The LMS require utilities to develop marginal cost rates and submit such rates to their rate-approving body. This does not preclude the utility from developing other rates nor does it replace the rate-approving body's authority over the utility's rates. The proposed amendments fall squarely within the authority granted the CEC in PRC section 25403.5 to adopt regulations for load management programs and techniques for each utility service area. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. The CEC has authority to set LMS. The LMS require utilities to develop marginal cost rates and submit such rates to their rate-approving body. This does not preclude the utility from developing other rates nor does it replace the rate-approving body's authority over the utility's rates. Changes were made to section 1621(a) and 1623(a) that underscore that the proposed amendments require utilities to develop certain rates structured according to the requirements of the proposed amendments and submit the rates to their governing boards for approval. The proposed amendments very clearly provide that rate approval is the province of the utility governing boards and were

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			<p>changed to emphasize even further that the LMS-structured rates must be submitted to utility governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates.</p>
241461	SMUD	<p>we support the inclusion of a narrowly defined exemption process as defined in § 1621 (e) to ensure continued reliability, safety and affordability of electric systems and service.</p>	<p>Comment acknowledged. General comment of support, no response necessary.</p>
241465	California Community Choice Association	<p>CalCCA further supports the general concept of a statewide automated system incorporating time and location-dependent signals, like MIDAS, as a tool to incentivize automation service providers to create products to automate demand flexibility</p>	<p>Comment acknowledged. Staff appreciate your support.</p>

TN #	Commenter	Comment	Response
241465	California Community Choice Association	CalCCA parts company with the Commission, however, on the Commission’s legal authority to mandate its prescriptive rate methodology for CCAs...The Amendments step beyond the load management jurisdiction granted to the Commission under Public Resources Code (PRC) section 25403.5...Notably, in 1976 when the legislature granted jurisdiction under the statute, CCAs did not exist, and the Legislature has never amended the statute to include CCAs.	Comment acknowledged. No change made. PRC section 25403.5 requires the Energy Commission to adopt load management standards “by regulation”, which includes authority to adopt mandatory standards of general application (see Govt. Code section 11342.600), not a voluntary program. A rulemaking would not be needed for a voluntary statewide LMS program, yet none has emerged despite the important benefits of such a program which are discussed at length in the staff report. PRC section 25403.5 also requires the CEC to adopt load management standards for “for each utility service area”. PRC Section 25118 defines “service area” as “any contiguous geographic area serviced by the same electric utility.” CCAs operate within the geographical service territories of electric utilities. So, load management standards apply to CCAs that provide electricity to customers within these service areas. (LMS Staff Report, pp. 16-17, footnotes omitted.) Please see the discussion on pages 16 and 17 of the staff report, which is incorporated by reference here.

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241465	California Community Choice Association	The Amendments overstep the Commission’s jurisdictional boundaries not only by including CCAs within the scope of regulations without legal authority but by mandating a specific rate methodology that infringes on CCA governing boards’ exclusive ratemaking authority. Assembly Bill (AB) 117, enacted in 2002, established a regulatory structure in which CCA customers’ rates are approved by their local governing boards.	Comment acknowledged. Changes were made to section 1621(a) and 1623(a) that underscore that the proposed amendments require CCAs to develop certain rates structured according to the requirements of the proposed amendments and submit the rates to their governing boards for approval. The proposed amendments very clearly provide that rate approval is the province of the CCA governing boards and were changed to emphasize even further that the LMS-structured rates must be submitted to CCA governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates. The response to the previous comment is incorporated by reference here.
241465	California Community Choice Association	To resolve these unlawful infringements on CCA rate autonomy and operations, CalCCA requests the following revisions to the Amendments: <ul style="list-style-type: none"> • Apply the marginal cost rate requirements to CCAs on a voluntary basis; • Leave approval of any CCA marginal cost rate to the CCA governing boards; and • Limit the application of the load management standards on CCAs and remove CCAs from the definition of “Utility” to avoid the inadvertent imposition of other existing and future load management standards on CCAs. 	Comment acknowledged. Some changes made. PRC section 25403.5 requires the Energy Commission to adopt load management standards “by regulation”, which includes authority to adopt mandatory standards of general application (see Govt. Code section 11342.600), not a voluntary program. A rulemaking would not be needed for a voluntary statewide LMS program, yet none has emerged despite the important benefits of such a program discussed at length in the staff report. The CEC's proposed amendments very clearly provide that rate approval for CCAs is the province of the CCA governing boards and were changed to emphasize even further that the LMS-structured rates must be submitted to CCA governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates. Changes were also made

TN #	Commenter	Comment	Response
			<p>to refer to CCAs by name throughout the regulation, instead of referring to them as "utilities". Changes were also made to clarify that CCAs are not subject to the legacy load management programs established in sections 1622, 1624 and 1625. (Section 1621(b)).</p>
241465	California Community Choice Association	<p>Subsection 25403.5(a) requires that the Commission “adopt standards by regulation for a program of electrical load management for each utility service area.” PRC section 25118 defines a “service area” as “any contiguous geographic area serviced by the same electric utility.” The PRC does not define “Utility,” and CCAs are not included in that classification or definition either in the PRC or the Public Utilities Code.</p>	<p>Comment acknowledged. Some changes made. PRC Section 25403.5 (a) requires the CEC to “adopt standards by regulation for a program of electrical load management for each utility service area.” This includes CCA’s that supply electricity to customers in these utility service areas.</p> <p>PRC Section 25118 defines “service area” as “any contiguous geographic area serviced by the same electric utility.” CCAs operate within the geographical service territories of electric utilities. So, load management standards apply to CCAs that provide electricity to customers within these service areas. (LMS Staff Report, pp. 16-17, footnotes omitted.) Please see the discussion on pages 16 and 17 of the staff report, which is incorporated by reference here. Changes were also made to refer to CCAs by name throughout the regulation, instead of referring to them as "utilities".</p>

TN #	Commenter	Comment	Response
241465	California Community Choice Association	the Commission should modify the Amendments, consistent with the proposed language in Appendix A, attached hereto, to clarify that the proposed rate structures and tariffs are recommendations for CCAs, rather than mandates	Comment acknowledged. No change made. PRC section 25403.5 requires the Energy Commission to adopt load management standards “by regulation”, which includes authority to adopt mandatory standards of general application (see Govt. Code section 11342.600), not a voluntary program. A rulemaking would not be needed for a voluntary statewide LMS program, yet none has emerged despite the important benefits of such a program discussed at length in the staff report. The proposed amendments very clearly provide that CCA rate approval is the province of the CCA governing boards and were changed to emphasize even further that the LMS-structured rates must be submitted to CCA governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates.
241465	California Community Choice Association	the Commission must revise the Amendments as set forth in Appendix A to limit the application of Article 5 on CCAs and remove CCAs from the definition of “Utility.” The Commission does not have the requisite authority under section 25403.5 to mandate broad load management programs for CCAs.	Comment acknowledged. Some changes made. Staff has made changes in the proposed language. The proposed amendments no longer define CCAs as utilities. PRC section 25403.5 requires the CEC to adopt load management standards for “for each utility service area”. PRC Section 25118 defines “service area” as “any contiguous geographic area serviced by the same electric utility.” CCAs operate within the geographical service territories of electric utilities. So, load management standards apply to CCAs that provide electricity to customers within these service areas. (LMS Staff Report, pp. 16-17, footnotes omitted.) Please see the discussion on pages 16 and 17 of the staff report, which is incorporated by reference here. Again, changes were made to refer to CCAs by name throughout the regulation, instead of referring to them as "utilities". Changes were also made to clarify that

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			CCAs are not subject to the legacy load management programs established in sections 1622, 1624 and 1625. (Section 1621(b)).
241466	PG&E	PG&E also supports the development of automated demand flexibility and more dynamic rates as a load management tool to help meet the state’s climate goals	Comment acknowledged. No response necessary.
241466	PG&E	PG&E requests the CEC provide clarity on the proposed regulatory language in Section 1623 (Load Management Tariff Standard), specifically Section (c) on Support Customers' Ability to Link Devices to Electricity Rates and Third Party Access	Comment acknowledged. No change made. The RIN Access Tool language has been included in the proposed language to ensure that customers are able to access rate, GHG, and Flex Alert data stored in MIDAS with ease. Third-party access will allow automation service providers and other technology providers to connect customers and individual devices to the applicable rate information necessary to automate load flexibility. Staff believes this language is sufficiently clear.

TN #	Commenter	Comment	Response
241466	PG&E	PG&E restates comments submitted to the docket number 19-OIR-012 in April 2021 related to the use of OpenADR 2.0 as the standard for sending rate signals, as well as leveraging the existing ShareMyData (SMD) platform through necessary modifications to provide the customer's Rate Identification Number (RIN) to an Automation Service Provider (ASP) rather than developing a new access tool	Comment acknowledged. No change made. The comment is not directed at the specific proposed amendments, or the process used to adopt them. Without waiving this objection, the point of developing a single statewide standard tool would be that all RINs for the whole state are in one place. This approach is inconsistent with the comment. Staff will research and work with third parties and utilities to understand whether the option of using the SMD platform is feasible for RIN lookup and third-party rate changes.
241466	PG&E	PG&E supports the edits provided by the SMUD (SMUD), LADWP (LADWP), and CMUA (CMUA)	Comment acknowledged. No response necessary. The responses to the referenced comments are incorporated by reference here.
241466	PG&E	Under 1623 (c) (Load Management Tariff Standard), PG&E requests the CEC clarify whether the third-party access is intended as one statewide tool to be hosted independently from all utilities, or that each individual investor-owned utility (IOU) provide a service that is analogous or identical in function to other IOUs, for third parties to access	Comment acknowledged. No change made. As stated in section 1623 (c), "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." This language requires that utilities and CCAs regulated by these standards work collaboratively to develop a single tool that meets each of the requirements outlined in subsection (c) of 1623. After doing so, the utilities and CCAs will submit this tool for review and approval by the CEC. In addition, utilities and CCAs will provide customer access to their rate information number no later than 9-months after the effective date of these standards.

TN #	Commenter	Comment	Response
241466	PG&E	PG&E recommends utilizing OpenADR 2.0 as the standard for sending rate signals.	Comment acknowledged. No change made. The comment is not directed at the specific proposed amendments, or the process used to adopt them. Without waiving this objection, the staff responds as follows. MIDAS could be adapted to use OpenADR 2.0. For simplicity, it currently uses a response in JSON or XML, which are established standards. Staff will continue to engage with stakeholders to determine if future changes in MIDAS responses will be necessary.
241466	PG&E	PG&E requests the CEC clearly state that implementation of the specifications of the statewide standard tool required under 1623 (c) is subject to an adequate funding mechanism, approved by the appropriate authority, to enable IOUs compliance	Comment acknowledged. No change made. 1621(g) already specifies recovery of program costs. Addition of further language about cost recovery is unnecessary and may negatively affect clarity.
241466	PG&E	PG&E proposes the CEC leverage the existing ShareMyData (SMD) platform to provide the customer's Rate Identification Number (RIN) to an Automation Service Provider (ASP) instead of developing a new tool as stated in the proposed language....All three IOUs provide GBC as a means for customers to authorize and provide a third party their information in a secure manner. Developing another system for the same purpose would duplicate the function of GBC and would also be time consuming and costly. Additionally, PG&E will need time and funding to make changes to implement placement of RIN on customer billing statements and customer-facing electronic platforms.	Comment acknowledged. No change made. Staff will research and work with third parties and utilities to understand whether the option of using the SMD platform is feasible for RIN lookup and third-party rate changes.
241466	PG&E	While marginal costs are an important driver of electric rates, PG&E recommends additional considerations in retail rate design...PG&E suggests edits to 1623 (a) to reflect this consideration	Comment acknowledged. One change made. Staff added "the locational marginal cost of associated greenhouse gas emissions" to the proposed language in 1623(a)(1).

TN #	Commenter	Comment	Response
241466	PG&E	PG&E recommends the CEC and CPUC jointly host a workshop with all IOUs, SMUD, LADWP, and CMUA to discuss the requirement of a third party to change a customer's rate under 1623 (c) (1) (D); cybersecurity under (c) (1) (E); and enrollment barriers under (c) (1) (F)...Section (c) (1), point (E) states, "Ensure cybersecurity"; and point (F) "Minimize enrollment barriers." These points would need to be further defined to be implemented successfully.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed amendments, or the procedures followed here. The proposed amendment's current level of specificity is appropriate. It will allow the utilities and CCAs some degree of latitude to determine the best course of action and affords the Executive Director and Commissioner clear, objective criteria to evaluate the single statewide tool when it is submitted for approval.
241469	Steve Uhler	In SMUD's comments TN241461 they speak of the "Smart Pricing Options Pilot Program" (SPO study). Perhaps by viewing SMUD video clip 1153 from 28:40 to 31:00 where SMUD staff talk of difficulty of working with interval data and billing issues, the burden and risk of now moving to dynamic rates and amount of customer support time that may be required to answer customer billing questions will get attention from the Energy Commission in determining added costs this rulemaking will cause. Link to SMUD's comments in TN241461 Link to video clip: https://smud.granicus.com/player/clip/1153	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulation, or the procedures followed in adopting it. Without waiving this objection, staff acknowledges utilities have been able to use interval data for some time and the difficulties are well understood with established solutions.
241472	Steve Uhler	OIR-21-03 Presentation not filed for 2022-02-08 hearing Please file any presentations that will be presented at the hearing, prior to start of the hearing. This is necessary so those attending by telephone are able to see graphics used. Please call out each page/slide title and page/slide number for each page/slide before presenting each page/slide.	Comment acknowledged. In the future, staff will strive to post presentations to the docket ahead of public hearings.

TN #	Commenter	Comment	Response
241494	AMPLY Power	AMPLY supports the CEC's proposed regulatory language requiring utilities to submit a plan to comply with a Load Management Tariff Standard no later than six months after the effective date of these standards	Comment acknowledged. No response necessary.

TN #	Commenter	Comment	Response
241494	AMPLY Power	<p>we encourage the CEC to more clearly delineate the following points throughout the proposed regulation:</p> <ul style="list-style-type: none"> • The cost rates utilities will develop over the implementation time horizon along with the target timelines for these rates. • The number of cost rates that utilities will be required to implement at year one. • The total timeline to develop and include all cost rates established by utilities. • Whether tariffs with a certain structure will be prioritized. • Whether the scope of this proposal is aimed at residential, business, or some subset of tariffs. 	<p>This comment is outside the scope of this notice. Without waiving this objection, the staff responds as follows. Comment acknowledged and staff disagrees with it. Staff has worked to ensure clarity throughout. The commenter's requests would take the proposed amendments to areas that may conflict with the rate-setting authority of the relevant rate-approving bodies. The proposed amendments would establish the following phased timeline, reporting and planning requirements for compliance with the new load management standards requirements. This timeline, and these reporting and planning requirements are necessary to effectively implement the new program as expeditiously as possible with appropriate lead times and to afford adequate oversight by CEC. Their combined purpose is to advance the goals of the program successfully with the maximum amount of public participation. The proposed requirements and deadlines in the 45-day notice are listed in chronological order below, with references to the sections that would establish them.</p> <p>3 Months After the Effective Date of the Proposed Amendments: Utilities upload time-dependent rates to the Market Informed Demand Automation Server. Proposed section 1623(b).</p> <p>6 Months After the Effective Date of the Proposed Amendments: Utilities must submit plans to comply with the proposed amendments to CEC for approval. Proposed section 1621(d).</p> <p>9 Months After the Effective Date of the Proposed Amendments: Utilities must provide customers access to their Rate Identification Numbers. Proposed section 1623(c)(4).</p>

TN #	Commenter	Comment	Response
			<p>12 Months After the Effective Date of the Proposed Amendments: Utilities must apply to ratemaking body for approval for hourly or sub-hourly rate. Proposed section 1623(a)(2). Utilities must submit RIN access tool to CEC for approval. Proposed section 1623(c)(2).</p> <p>18 Months After the Effective Date of the Proposed Amendments: Utilities must submit lists of cost-effective load flexibility programs to CEC. Proposed section 1623(d)(1).</p> <p>36 Months After the Effective Date of the Proposed Amendments: Utilities must offer customers hourly or sub-hourly rates or a cost-effective alternative. Proposed section 1623(d)(2).</p> <p>The proposal is aimed at all customer classes. The rate structure is established by the requirements of the proposed amendments. There is no prioritization.</p>

TN #	Commenter	Comment	Response
241494	AMPLY Power	AMPLY believes that enabling load monitoring and management equipment on customer-side infrastructure is another important solution that can help empower customers to manage load and related infrastructure costs, enabling deeper benefits for all ratepayers...Currently, there are utilities that prohibit the installation of third-party electrically connected equipment in utility-owned infrastructure...Load monitoring tariffs and load management equipment on customer-side infrastructure will help strengthen customer choice by ensuring that proposed utility investments empower customers to manage load and related infrastructure costs, enabling deeper benefits for all ratepayers.	Comment acknowledged. No change made. Staff appreciates there are additional barriers to some load flexibility approaches. Staff has not addressed this as part of the proposed amendments because it is outside the scope of the proposal and the focus is on making rates and programs available to all utility customers.

Public Hearing Comments

Table 2. Public Hearing Comments - February 8, 2022

Commenter	Comment	Response
Evelyn Kahl, California Community Choice Aggregators	CalCCA supports where you're going with this generally.	Comment acknowledged. Staff appreciates your support. No response necessary.

Commenter	Comment	Response
Evelyn Kahl, California Community Choice Aggregators	But what we are asking you today is to make participation voluntary for CCAs, rather than mandatory.	Comment acknowledged. No change made. PRC section 25403.5 requires the Energy Commission to adopt load management standards “by regulation”, which includes authority to adopt mandatory standards of general application (see Govt. Code section 11342.600), not a voluntary program. A rulemaking would not be needed for a voluntary statewide LMS program, yet none has emerged despite the important benefits of such a program discussed at length in the staff report. Staff incorporates its responses to CalCCA's comments on the 45-day notice by reference here.

Commenter	Comment	Response
<p>Evelyn Kahl, California Community Choice Aggregators</p>	<p>First, the regulation gives the Commission, not CCA governing boards, final control over a mandated CCA rate and, from our vantage point, the Commission is trying to force the CCAs into a 45-year-old statute that was designed for IOUs, regulated by the Commission. In fact, if you look at subsection (b) of the statute, it makes clear that it was intended for IOUs because it provides for cost recoveries through utility rate base and adoption of any included expenses in a CPUC rate proceeding. So, we think that including CCAs and overriding local governing boards is a problem.</p>	<p>Comment acknowledged. Some changes made. The CEC has authority to set LMS. PRC section 25403.5 requires the Energy Commission to adopt load management standards “by regulation”, which includes authority to adopt mandatory standards of general application (see Govt. Code section 11342.600), not a voluntary program. A rulemaking would not be needed for a voluntary statewide LMS program, yet none has emerged despite the important benefits of such a program which are discussed at length in the staff report. PRC Section 25118 defines “service area” as “any contiguous geographic area serviced by the same electric utility.” CCAs operate within the geographical service territories of electric utilities. So, load management standards apply to CCAs that provide electricity to customers within these service areas. LMS Staff Report, pp. 16-17, footnotes omitted.) Please see the discussion on pages 16 and 17 of the staff report, which is incorporated by reference here. The LMS amendments would require utilities and CCAs to develop marginal cost rates and submit such rates to their governing boards. This does not preclude the CCAs from developing other rates nor does it replace the governing boards’ authority over their rates. The proposed amendments would require that CCAs submit rates structured according to the amendments’ requirements to their governing boards, not to the CEC for approval. The proposed amendments very clearly provide that rate approval is the province of the CCA governing boards and were changed to emphasize even further that the LMS-structured rates must be submitted to CCA governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates. Staff incorporates its responses to CalCCA’s comments on the 45-day notice by reference here.</p>

Commenter	Comment	Response
Evelyn Kahl, California Community Choice Aggregators	Second, it doesn't just stop with these revisions. It goes to the core of all the Load Management Standards. It changes the definition of the utility and that makes not only these Amendments applicable to CCAs, but it makes all Load Management Standards applicable, and so there are a lot of standards within the Load Management Standards statute that you've implemented that will become applicable to CCAs as a result of this change. And I also noted that in the staff's presentation on the slides they brought forward to summarize the Amendments, it wasn't really included as a major change, but we really perceive that the change and the definition of utility is pretty significant.	Comment acknowledged. Some changes made. Staff made changes to refer to CCAs by name throughout the regulation, instead of referring to them as "utilities". Changes were also made to clarify that CCAs are exempt from the legacy load management programs established in sections 1622, 1624 and 1625. (Section 1621(b)). Staff incorporates its responses to CalCCA's comments on the 45-day notice by reference here.
Evelyn Kahl, California Community Choice Aggregators	Third, the Commission is proposed to exercise ratemaking authority. Staff acknowledges that the Commission doesn't have ratemaking authority over CCAs or any other LSEs, but it's proposing a very detailed and specific rate methodology and rate design.	Comment acknowledged. Partial change. The proposed amendments are only requiring hourly or sub-hourly marginal cost-based rate structure. The rate-approval body of a utility or CCA has the rate-making authority. Partial change was made. Staff made the change from "marginal cost rates" to "marginal cost-based rates."
Evelyn Kahl, California Community Choice Aggregators	Fourth, the Regulation mandates the new rate without fully considering feasibility. Today's CCAs don't have access to real time data for their customers to help them inform their ratemaking, so load data lags from, at best, two days after the usage day to as much as 40 days after the usage day. We've been working with the utilities on this, but their platforms are not built to share this information that way, and there are currently no timelines to improve the situation on a wide-scale basis. So, expecting LSEs, CCAs to do real time pricing without real-time load data puts the cart before the horse.	Comment acknowledged. The proposed amendments require hourly or sub-hourly marginal cost-based rate structure. As staff understands it, the IOUs perform the billing for CCAs, so the IOU could use the same system for the CCAs as they use for their own billing. This would obviate the need for CCAs to have access to real-time data for the purpose of implementing the required rate structure.

Commenter	Comment	Response
Steve Uhler	<p>The Warren-Alquist Act wisely included all the ratepayer protections in statute, Form 399 -- that's some sort of economic impact form -- claims this is a performance standard regulation. So any discussion today, because you haven't filed one for all of these prescriptives and in some of the other comments, commenters have noted prescriptive requirements, and they're easy to tell, they're the ones that require a particular technology or process such as MIDAS</p>	<p>Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. Form 399 is available on the LMS docket. MIDAS is a database for filing rate information, not a process or regulation.</p>
Steve Uhler	<p>you need to file a form, a 399 Form FTD 399, you know, State standard administration manual requirements, or instructions will tell you how to do that, but you need to tell the public about things, about why you have to be prescriptive because this whole notion is prescriptive, the whole regulation, the whole idea that the only way to control the things you want to control -- and you haven't given any criteria to tell if they're actually being controlled, which is a requirement of a performance standard regulation.</p>	<p>Comment acknowledged. No change made. The form 399 is available on the LMS docket. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. Regulations are binding, but it does not follow that all their requirements are "prescriptive".</p>

Commenter	Comment	Response
Steve Uhler	<p>So, I filed a number of comments. One of them is called "Load Management Issues." For all those folks who are concerned about the public getting a chance to weigh-in on ratemaking, your staff have completely overlooked the MUD Act hearing requirement that a utility cannot change their rate without a General Manager's Report, and in a number of days. So right away there's an exemption for all the POUs because they just simply cannot change the rate hourly.</p>	<p>Comment acknowledged. No change made. The hourly or sub-hourly change is only pertinent to the volumetric costs, not rate structure nor rate methodology. Further, the customers' participation in marginal cost-based rates are voluntary. Customers who can shift loads are projected to rely on the high granularity of the marginal cost-based rates to maximize the financial and environmental benefits. The proposed amendments are authorized by PRC section 25403.5 and do not conflict with other laws. The proposed amendments honor the jurisdiction of the POU governing boards. The other comments referenced in this comment are responded to elsewhere in these comment and response tables.</p>
Steve Uhler	<p>I see another commenter has noticed that your MIDAS system does not work as planned. I've actually posted evidence of it not working as planned. I intended to totally implement this system, but it cannot be used. MIDAS, the way it is, cannot be used. MIDAS contains something called an XML Schema. That XML Schema appears to be very much a process that's required in order to use MIDAS. APA doesn't like that unless it's been approved through the APA Regulations, otherwise it's known as an underground regulation and is prohibited by law.</p>	<p>Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database in which load management rates will be filed by the entities and accessed by energy customers. As such MIDAS is not a standard of general application and is not an underground regulation. MIDAS is under development and not feature complete as of the date of the Public Hearing. The CEC is actively working on MIDAS. MIDAS is a database for filing rate information, not a process or regulation.</p>

Commenter	Comment	Response
Steve Uhler	So, you've got a major flaw in your selection of technology for the database system. How would you handle this innovation? You talk about charging for kilowatt hours and changing the price. Well, let's charge for VARS. Those unfamiliar with VARS, that's bolt amps, that's reactive power. The generator has to produce VARS, enough VARS to actually force the kilowatts through. That will change as users who have poor power factor and don't correct that, if you charge for VARS you won't need to change the price because VARS are directly related to what it costs to provide the energy. So that would allow the Public Utilities to set a rate.	Comment acknowledged. Utilities and their ratemaking bodies could choose to incorporate VAR into their pricing. The CEC is making requirements on rate structure for optional rates and nothing in that structure prevents the inclusion of variable pricing based on VAR.
Steve Uhler	They could also use tiers. And some of you are going to say, "Wait, we just went away from tiers." No, I'm talking about hourly tiers. You set a level that if the customer goes about that hourly, they pay more. All of these things can then be published and put on the refrigerator door so that they can meet the Professional Code for conspicuous display what the price will be.	Comment acknowledged. No change made. Hourly tiers will not effectively address the issue of grid congestion, reducing GHG emissions or integrating renewables into the grid. As discussed in the staff report, to address these issues, customers should use shift usage. It is difficult to understand the portion of the comment that refers to an unspecified "Professional Code" and displaying prices on refrigerator doors.

Commenter	Comment	Response
Steve Uhler	Karen Herter even contacted me and said that there would be no requirement for the public to know how to operate MIDAS; yet, in an unreferenced paragraph in your express terms, your Proposed Regulations, the Commission says that they'll maintain public access and the public will be able to find out all rate information, and I'm taking that to mean being able to audit their bill when they get a bill and they look at it, and they try to figure out, "Hey, I didn't use any power during that period of time, yet somebody charged me for it" because they're the extra special people in the State who have already done a lot of things as far as reducing their usage, but their Smart Meter takes over one kilowatt during that hour because they're running their clock or something. And then suddenly they're paying, who knows, three or four times that. So, I'm looking forward to hearing more on this	Comment acknowledged. Partial change made. Members of the public will not "operate" MIDAS, CEC staff will. Chapter 6 of the Staff Report discusses MIDAS accessibility. "The MIDAS format and support allows device manufacturers and California customers to access customer rate information in automating price responsive load shifting through a standard Rate Identification Numbers (RIN)." We have made a change in the regulatory language in 1623(b) to clarify this issue.
Dennis Peters, SMUD	Time dependent, marginal cost-based rates are a key component of achieving SMUD's carbon reduction goals... load flexibility play a critical role in SMUD's plan, specifically to eliminate the remaining 10 percent of carbon emissions.	Comment acknowledged. No response required.

Commenter	Comment	Response
Dennis Peters, SMUD	we believe the CEC's regulations must recognize the limits of CEC's authority to mandate specific rate or rate structures. SMUD joins the California Municipal Utilities Association, the Los Angeles Department of Water and Power, and the State's Investor-Owned Utilities in urging the Commission to adopt redlines to Section 1621 and 1623 of the proposed regulatory language. Those redlines have been attached to our written comments filed on February 7th.	Comment acknowledged; changes made in the 15-day comment periods. The proposed amendments fall squarely within the authority granted the CEC in PRC section 25403.5 to adopt regulations for load management programs and techniques for each utility service area. The CEC has the authority to require utilities to submit various plans to the CEC for approval, as the original LMS regulation did (20 CCR section 1621(d)). It makes sense for the CEC to review and approve LMS compliance plans prior to implementation. This does not replace the CPUC's or rate approving body's rate-approving authority. The CEC has authority to set LMS. The LMS require utilities to develop marginal cost rates and submit such rates to their rate-approving body. This does not preclude the utility from developing other rates nor does it replace the rate-approving body's authority over the utility's rates. Changes were made to section 1621(a) and 1623(a) that underscore that the proposed amendments require utilities to develop certain rates structured according to the requirements of the proposed amendments and submit the rates to their governing boards for approval. The proposed amendments very clearly provide that rate approval is the province of the utility governing boards and were changed to emphasize even further that the LMS-structured rates must be submitted to utility governing boards for approval (sections 1621(a) and 1623(a).) Section 1621(a) also clearly provides that the proposed amendments do not set rates. The POUs' concerns were ultimately addressed primarily in the 3rd 15-day notice.

Commenter	Comment	Response
Dennis Peters, SMUD	SMUD seeks clarification that, 1) marginal cost rates refer to the volume and metric portion of the retail rate, and 2) that utilities are not precluded from including fixed costs to avoid cost shift issues. SMUD welcomes Commission review and recommendations on their Load Management Standard plans that also respects utilities constitutional and statutory authority.	Comment acknowledged. No change made. The proposed amendments do not preclude the inclusion of fixed costs, especially if the fixed costs are recovered dynamically in the form of marginal costs.
Dennis Peters, SMUD	SMUD supports a clear and neutral exemption process in their own circumstances to ensure implementation of rates and programs that protect the reliability, safety and equity of electric service.	Comment acknowledged. No response required.
Stephen Kapp, MCAS Miramar	The hourly rates appear to be fixed and subsequently implemented after CPUC approval. 1) Is there an effort to convert these to variable rates based on market conditions analogous to Real Time Pricing (RTP)?	Comment acknowledged. No change made. The rate structure described by the proposed amendments in 1623(a) requires that "energy cost computations shall reflect locational marginal cost pricing as determined by the associated balancing authority". Staff believes this reflects what is often called real-time pricing.
Stephen Kapp, MCAS Miramar	2) Secondly, is there an effort to set 15-minute interval rates instead of hourly rates)?	Comment acknowledged. No change made. The proposed amendments currently allow for sub-hourly pricing. Staff is expecting utilities/CCAs will choose to use sub-hourly rates where they make the most sense.
Stephen Kapp, MCAS Miramar	3) The definition of RTP is unclear to me as the actual time intervals being acceptable to be real time. Let's not call it RTP if it's actually an hourly TOU tariff.	Comment acknowledged. No change made. The rate structure described by the proposed amendments in 1623(a) requires that "energy cost computations shall reflect locational marginal cost pricing as determined by the associated balancing authority". Staff believes this reflects what is sometimes called real-time pricing.
Stephen Kapp, MCAS Miramar	4) Finally, as to synchronization with active GHG emissions data, is that available in hourly format? Or also, 15-minute intervals also used by utilities for billing? If so, then could sync all these to a 15-minute basis.	Comment acknowledged. No change made. In 1623(a), the rate structure description includes greenhouse gasses as part of the marginal social cost. GHG emissions are currently available on a 5-minute basis through MIDAS.

Commenter	Comment	Response
Ed Cazalet, Temix	the California Energy Commission funded a three-year pilot of this approach, called the Regional Automated Transactive Energy System. UNIDE has adopted this system essentially as part of its approach. And so that could be easily integrated with the MIDAS platform. The MIDAS platform would communicate the prices dynamically, hourly, 15-minute, 5-minute, but there would be another process to take the feedback from the actual response from customers, their automatic devices, and feed that back into the generation of subsequent prices so they can be stable.	Comment acknowledged. Staff is coordinating with the CPUC to align MIDAS with their UNIDE plan. MIDAS is not designed for transactions, so a transactional rate like the one from the EPIC RATES pilot will still need a transactional server.
Ed Cazalet, Temix	The other key thing is, when customers react to prices, they would be limited in how much they can buy and sell at those prices. So there's a whole process there for introducing stability. If we don't do this, we're risking volatile bills and having the whole system break down, not unlike what happened in Texas, and not unlike what happened around the year 2000-2001 where we had an over-reliance on the stock market in California and an under-reliance on forward contracting.	Comment acknowledged. No change made. The rate structure laid out in 1621 and 1623 does not require transactional rates. Staff understands that hourly pricing could have the effect of increasing volatility around times of strong price fluctuation. At this time, with TOU rates as the default for most customers, we would expect to see some of that same volatility around the time of price change, but it has not materialized. The rate-approval bodies may still choose to require transactional rates.
Amanda Myers,	Can you please elaborate on the section of the proposed language, 'It is necessary that each utility provide their customers with at least one option for automating response to MIDAS signals so that all customers have the opportunity to benefit from load flexibility. Similarly, it is necessary that each utility provide their customers with the opportunity to voluntarily participate in a marginal cost rate.' In other words, for customers without access to third-party aggregators, working through the utility is another option.	Comment acknowledged. Yes, a customer could potentially work through a program provided by their utility/CCA. See 1623(d)(1) and 1623(d)(2).

Commenter	Comment	Response
Steve Uhler	I'm speaking for a Covid Nurse. Your notice said this runs until 5:00 and the record would be kept open. Denying this Covid Nurse is unconscionable in this situation.	The notice for this hearing states that the hearing would begin at 10:00 am on February 8, 2022, and that the record would be kept open until every person had an opportunity to provide comment. This happened. The fact that one or more individuals were not able to avail themselves of this opportunity is not a violation of the Administrative Procedures Act. CEC thanks the nurse for their service.
Stephen Kapp, MCAS Miramar	the ability to obtain RTP on an hourly or shorter interval has been talked about for over 20 years with little progress to date. But for the commercial industrial sector, it is relatively feasible in concept. Without faster interval RTP, the value proposition of dynamic load management to balance loads with supply is minimized. The CEC has also promoted advanced automation merging Building Automation Systems (BAS) with energy information systems (EIS) since at least 15 years. Hopefully this effort can realize such visions of market support for lower costs, lower emissions, and more resiliency.	Comment acknowledged. No response required. Thank you for your support.

First 15 Day Comment Period

Table 3. First 15-Day Comments

TN #	Commenter	Comment	Response
242581	Steve Uhler	Have any changes been made to the rules for public accessibility to the MIDAS database at https://midasapi.energy.ca.gov/ ?	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows.</p> <p>Comment acknowledged. There have not been any changes to public accessibility to the MIDAS API. Public accessibility has remained the same since the release of MIDAS on August 27th. Anyone can register with the MIDAS API via the registration process. LSE accounts are available when requested through and verified by MIDAS staff.</p>

TN #	Commenter	Comment	Response
242581	Steve Uhler	Perhaps commission staff have overlooked GOV 11340.5(a) by not including the contents of https://midasapi.energy.ca.gov in the express terms of the proposed regulatory language?	Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them open for comment at this point in the process. Without waiving these objections CEC staff responds as follows: the proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is merely a database in which load management rates will be filed by the entities and accessed by energy customers. MIDAS is not a regulation.

TN #	Commenter	Comment	Response
242581	Steve Uhler	Perhaps commission staff have overlooked GOV 11340(d) by prescriptively requiring the use of the MIDAS database in the proposed regulations.	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them open for comment at this point in the process. Without waiving these objections, CEC staff responds as follows: the proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is merely a database in which load management rates will be filed by the entities and accessed by energy customers. MIDAS is not a regulation. Requiring rate information to be uploaded to MIDAS is not a prescriptive standard.</p>

TN #	Commenter	Comment	Response
242581	Steve Uhler	Please require commission staff to remove the prescriptive requirement of the use of the not yet fully functional MIDAS database.	Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them open for comment at this point in the process. Without waiving these objections, CEC staff responds as follows: the proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is merely a database in which load management rates will be filed by the entities and accessed by energy customers. It's not a regulation. Requiring rate information to be uploaded to MIDAS is not a prescriptive standard.

TN #	Commenter	Comment	Response
242581	Steve Uhler	<p>Pursuant to changes to proposed language for 1623(b) in TN242564;</p> <p>"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."; is made uncertain by the complete removal of; "Each customer shall be able to access all rate information applicable to the customer with a single RIN assigned by the utility." due to the prescriptive nature of the regulation requiring the use of the MIDAS database in its current form.</p> <p>Only " with a single RIN assigned by the utility" should be removed leaving "Each customer shall be able to access all rate information applicable to the customer.", if the prescriptive nature of regulations requiring the use of the MIDAS database in its current form remain.</p> <p>A small innovation to the data structure of MIDAS would make "Each customer shall be able to access all rate information applicable to the customer with a single RIN assigned by the utility." possible. Although this alone would not change the prescriptive nature of the regulation requiring the use of the MIDAS database.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows.</p> <p>Comment acknowledged. No change made. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database in which load management rates will be filed by the entities and accessed by energy customers. As such MIDAS is not a standard of general application and is not an underground regulation.</p>

TN #	Commenter	Comment	Response
242581	Steve Uhler	Although the MIDAS system is publicly accessible and querying access is available to all users, LSE users must have advanced programming skills and in-house software to effectively populate and maintain rate information stored within the database.	Comment acknowledged. No changes made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows: LSE users can upload rate information to the MIDAS database through the API, with minimal programming experience and advanced programming skills.
242581	Steve Uhler	Commission staff have prescriptively limited accessibility to the MIDAS database by not providing public access to the "Holiday" data table.	Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, the CEC added a Holiday Table lookup call.
242581	Steve Uhler	please see that rules are codified that ensure 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 regardless of how the public achieve California's energy goals.	Comment acknowledged. No changes made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows: the MIDAS database is currently publicly accessible through the associated API. Whether accessed manually or through automation, rate, greenhouse gas emissions values, and FlexAlert signals are all readily available to inform load management.

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242581	Steve Uhler	Please ensure a "Performance standard" which means a regulation that describes an objective with the criteria stated for achieving the objective to achieve California's energy goals replace the proposed "Prescriptive standard" which means a regulation that specifies the sole means of compliance with a performance standard by specific actions, measurements, or other quantifiable means, such as the required use MIDAS database. Don't limit innovation in your efforts to "future-proof" California.	Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them which are open for comment at this part of the process. Without waiving these objections, CEC staff responds as follows. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database in which load management rates will be filed by the entities and accessed by energy customers. As such MIDAS is not a standard of general application and is not an underground regulation. MIDAS is neither a regulation nor a prescriptive standard.

TN #	Commenter	Comment	Response
242611	Steve Uhler	<p>[references graphic in comment letter] The data model shown below could be a basis for a system that will minimize the effort for building a single statewide standard tool, and the MIDAS database, by using the described best practice.</p> <p>By making of use composite keyed tables, known barriers to meeting performance criteria can be removed.</p> <p>The use of composite keys would allow each utility, or community choice aggregator, or other demand response signal generator, producing data sets for control signals, complete freedom in identifying components of their signal designs.</p> <p>The data model is based on Gantt charting. There are many "off the shelf" Gantt chart applications, many can produce custom instruction sets to control other hardware, software, and wetware (humans).</p> <p>This data model can be used to analyze and produce "marginal costbased rates", available system capacity, and system loads.</p> <p>When this data model used with uniform data entry methods, populating data sets becomes rapid, accurate, and reliable.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows: the MIDAS database utilizes a Primary/Foreign key relationship scheme based on 36-character GUIDs for most tables in the database. For the Holiday Table, composite keys are used. MIDAS relationships look very similar to the chart included except that instead of specifying integer primary/foreign keys and MIDAS specifies GUIDs. At this time the MIDAS data model is geared for reliability and performance.</p>

TN #	Commenter	Comment	Response
242613	Steve Uhler	<p>[re: 1623(b)] Is my interpretation correct? According to TN241067 Final Staff Report, the MIDAS standard RIN is akin to entering a real estate parcel number or vehicle identification number to access information about a home or car. This would require each meter to have a different RIN.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows. Yes, the Rate Identification Number (RIN) is like a Vehicle Identification Number (VIN), where the vehicle is the rate+location. However, each meter would not have its own RIN. Although the RIN includes a Location ID, use of the Location ID is dependent on utility rate design and how they implement location-based pricing. The Location ID does not differentiate meters, it would be less granular.</p>
242613	Steve Uhler	<p>Other than the use of "a single RIN" in 1623(b), which is a prescriptive standard unreported in the STD. 399 form, the rest of the regulatory provision appears to be a performance standard the MIDAS database system is required to comply with.</p> <p>This change is substantial for the ease of accessibility for the customer. Please explain why the MIDAS system can not support the regulatory provision for ease of accessibility.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 15-day language. Without waiving this objection, CEC responds as follows. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. The amendments offer flexibility and avenues to obtain exemptions, modifications, or delays from these requirements as well. MIDAS is a database in which load management rates will be filed by the entities and accessed by energy customers. As such MIDAS is not a standard of general application and is not an underground regulation. MIDAS is neither a regulation nor a prescriptive standard.</p>

TN #	Commenter	Comment	Response
242613	Steve Uhler	Perhaps staff have overlooked that for "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.", for the data currently in MIDAS, no one has built composite signals of price, emergency events, and greenhouse gas emissions in one RIN.	Comment acknowledged. No change made. Comment out of scope of the 15-day notice. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving these objections, CEC staff responds as follows. A composite rate as described has not been included in MIDAS. Customers can respond to price, greenhouse gas emissions values, or Flex Alert signals. Whether they choose to respond to more than one at a time is up to them or the automation they choose to designate load use.
242613	Steve Uhler	What is the ability of MIDAS to contain and change values in a timely manner for all of the RINs a utility may need for each meter in their system. Has the MIDAS database been tested for latency? What was the result?	Comment acknowledged. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, CEC staff responds as follows: Without waiving this objection, latency tests were done on the greenhouse gas and Flex Alert values and are planned for rates.
242613	Steve Uhler	Will the MIDAS be fully functional and fully tested to support what the regulations mandate before the regulations are adopted?	Comment acknowledged. No change made. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, MIDAS has been fully tested by internal IT personnel in addition to rounds of alpha and beta testing with outside stakeholders. MIDAS continues to be tested and will continue to be tested moving forward; it is intended to fully support the regulations.

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242621	Steve Uhler	<p>1623(d) appears as a strikeout; Strikeout is only to be used, pursuant to Government Code - GOV 11346.2.(a)(3) to indicate deletions from, the California Code of Regulations.</p> <p>1623(d) does not appear in the official 1623. Load Management Tariff Standard.</p> <p>What is the source of 1623(d) strikeout in the proposed regulations documents?</p> <p>Please clearly indicate the status 1623(d) strikeout in the express terms of the proposed regulatory language. Do so in a timely manner that allows further public comment that requires staff response in the rulemaking.</p>	<p>Comment acknowledged. No change made. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Without waiving this objection, CEC responds as follows. The 15-day notice describes the use of strikethrough in the proposed language, which is incorporated by reference here and fully complies with the law.</p>
242621	Steve Uhler	<p>To be coherent and easily readable, strikeouts should proceed replacements and done on complete sentences, not word by word, re GOV-11346.2(a)(1)?</p>	<p>Comment acknowledged. No change made. The CEC strives to make the proposed language and changes coherent and easily readable for the public and has done so here in full compliance with the Govt. Code. The 15-day notice describes the use of strikethrough in the proposed language, which is incorporated by reference here and fully complies with the law.</p>
242621	Steve Uhler	<p>When proposed regulations are made coherent and easily readable, other errors such as using (a) when (A) [1621(e)(2)(A)] is required will be discovered and corrected prior to publication as well.</p>	<p>Comment acknowledged. Change made to correct the clerical errors.</p>
242689	Steve Uhler	<p>MIDAS database may cause harm to public. No API call for LSE Holiday table. How is the date for holidays determined without access to the MIDAS "Holiday" table? In: MIDAS "ValueData" alldata tables where "DayEnd" is "Holiday" for RINs that don't have a realtime table it is unclear what days are a holiday. [comment letter lists applicable RINs]</p>	<p>Comment acknowledged. No change made. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment outside the 15-day notice. Without waiving these objections, the CEC will look into whether adding a Holiday Table lookup call is feasible and necessary.</p>

TN #	Commenter	Comment	Response
242689	Steve Uhler	In: MIDAS "ValueData" realtime tables where "DayEnd" is "Holiday" for RINs it is unclear what days are a holiday. [comment letter lists applicable RINs] Result: Possible harm to public due to no access through MIDAS for holiday dates when ValueData DayEnd field is "Holiday".	Comment acknowledged. No change made. As previously responded, this comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, CEC staff responds as follows: the CEC will look into whether adding a Holiday Table lookup call is feasible and necessary.
242689	Steve Uhler	These MIDAS RIN data domains have values not in lookup tables [comment letter lists applicable data domains] Result: Possible harm to public when database system fails to enforce data domains.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them and is out of scope of the 15-day notice. Without waiving these objections, the CEC staff responds as follows. As explained in the MIDAS documentation, these RINs are associated with greenhouse gas emissions values and Flex Alert signals passed through their respective sources. The greenhouse gas emissions are passed through the database via California's Self-Generation Incentive Program, while the Flex Alerts are passed through via the California Independent System Operator.
242689	Steve Uhler	In: MIDAS "ValueData" alldata Table for fields that shall not allow nulls (nillable="false") contain blanks: [comment letter lists applicable RINs] Result: Possible harm to public when database system fails to ensure essential fields are not blank.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, the CEC responds as follows. Staff are working to update MIDAS.

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242689	Steve Uhler	Field: "ValueName" is blank for these RINs: USCA-SMSM-TOD5-0000 Rates in 1 record Result: Possible harm to public when database system fails to ensure essential fields are not blank.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, the CEC staff responds as follows. Staff are working to update MIDAS.
242689	Steve Uhler	In MIDAS "ValueData" realtime tables for RIN at times all data is null. [comment letter lists search result for "nulls"] Result: Possible harm to public when database system fails to ensure essential fields are not blank.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 15-day notice. Without waiving these objections, the CEC staff responds as follows. Staff is working to update MIDAS.
242727	SCE	[re: 1623(b)] this timing is impossible for rates that have not been approved. SCE will not have received approval from the appropriate rate approving authorities for any of the new rates contemplated in the proposed revisions to the Load Management Standards regulations within 3 months of the effective date of these standards. Indeed, the CPUC's application process to request rate approval can extend a year or more after the filing date. In addition, this timing is premature because it would require SCE to upload rates nine months (9) prior to being able to support the customer's ability to link devices to these rates (Section 1623 (c)).	Staff objects to this comment because it is outside the scope of the 15-day notice. Without waiving this objection, staff responds as follows. The staff disagrees with this comment and believes the timeline is achievable. Only existing, approved rates are required to be kept up to date in the rate database.

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242727	SCE	[re: 1623(c)(2)] Creation of a single statewide tool would require coordination across multiple utilities and vendors as well as designated funding to support, which is usually only authorized after approval of a CPUC application. In order to provide an effective tool that communicates a customer’s rate, both the senders and receivers of this data should participate in a discussion to determine the optimal solution. Having the utility’s rate approving body involved would help this transition, especially given the costs and complexities involved with developing and implementing this functionality.	Comment out of scope of the 15-day comment period. Without waiving this objection, the staff responds as follows. Staff agree that the development of the single statewide tool will be a collaborative process between multiple stakeholder groups, including rate approving bodies.
242727	SCE	The timeline established in the CEC’s proposed language specifically requiring SCE to deploy at least one such rate across customer classes (or rate groups) does not adequately include the time needed to develop business and system requirements, and then successfully build, test, and implement the enhancements needed to implement such rates. SCE’s current estimate for the completion of these necessary activities is approximately 24-36 months after approval of such rates from the respective rate approving body (CPUC and/or FERC – depending on the inclusion of time-dependent Transmission dynamic rates). This is due to the complexity and detail of the rate structure and the need to create new capabilities in multiple disparate systems and have them interface between each other.	Comment out of scope of the 15-day language. Without waiving this objection, CEC responds as follows. Comment acknowledged. No change made. Based on the information provided by stakeholders and staff analysis, the timeline proposed is feasible, and necessary to address the urgent need of load flexibility of the electrical grid in California.

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242727	SCE	[re: 1623(c)(4)] Although SCE could make RINs available on its website within 9 months, SCE currently does not have a standard to support the use of QR codes or machine-readable digital code. To support that kind of functionality would require designated funding authorized via an application process and take time to implement. In addition, changes to SCE's bill require a significant amount of time to implement due to the need to test multiple variations and RINs. As such, the launch time needed would likely be closer to one year. These changes would also require funding, which, again, would need to be authorized through an application process.	Comment out of scope of the 15-day language. Without waiving this objection, CEC responds as follows. Comment acknowledged. Some change made. The timeline for customer access to their RIN on billing statements and online accounts is extended to one year to address the concern of inadequate time raised by this commenter and others.
242731	PG&E	PG&E is requesting limited funding in the 2024-2027 Demand Response (DR) Application to the CPUC. This funding request is necessary for the implementation and operation in connection with the Market Informed Demand Automation Server (MIDAS) database. However, there may be more implementation-related costs for the dynamic or real-time rate structures the CEC may endorse, including without limitation impacts related to the scale and scope of data flows.	Comment acknowledged. No change made. Comment is out of scope of the 15-day comment period. Without waiving this objection, CEC responds as follows. Thank you for the information regarding PG&E's funding requests.
242731	PG&E	PG&E requests the CEC clearly state that implementation of the specifications of the statewide standard tool required under 1623 (c) is conditioned on an adequate funding mechanism, approved by the appropriate authority (the CPUC), to enable IOUs compliance.	Comment acknowledged. No changes made. Comment out of scope of the 15-day comment period. Without waiving this objection, the Commission responds as follows. Section 1621(g) provides for the utilities to seek recovery of program costs.
242731	PG&E	Because the CPUC has authority over the majority of IOUs' rates (transmission rates are under FERC-jurisdiction), the CPUC's Rate Design Principles, as well as the CPUC's jurisdiction over retail rate setting and FERC's	Comment acknowledged. No change made. Comment out of scope of the 15-day language. Without waiving this objection, CEC responds as follows. Staff believes the proposed amendments sufficiently recognize the

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		<p>jurisdiction over rate setting for electric transmission, should be recognized by the CEC for comity and harmony between the three regulatory agencies. Furthermore, it is not appropriate to determine, and codify in the LMS, the costs that must be accounted for in rate structures or specify how those costs should be calculated without a full review of the rate design (with the opportunity for parties to present evidence and be heard) by the respective rate-approving body.</p>	<p>rate making authority of the utilities' rate-approval bodies.</p>
242732	Mission:data Coalition	§ 1623(c)(1)(A): Provide the current and ongoing RIN(s) applicable to the customer’s premise(s) to third parties authorized and selected by the customer;	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended. RINs applicable to customers already means current rate
242732	Mission:data Coalition	If ongoing access to rate information is not clearly required by the Commission, then millions of devices and appliances could potentially be “orphaned” over time as consumers change their rates and consumers forget to update their appliances accordingly. By ensuring that RIN access is ongoing, the Commission can avoid a situation in which the effectiveness of the Load Management Standards decreases over time due to normal rate-switching behavior.	Comment acknowledged. No change made. Comment out of scope of the 15-day comment period. Without waiving this objection, the Commission responds as follows. Staff acknowledges the risks described, but believes it is not an issue that should be addressed by the single statewide tool and is out of scope of the tool's intended functions, and therefore shouldn't be part of the tool's requirements as described in 1623(c). The third-party sending rate information to devices could periodically check the RIN to decrease the potential for delivering prices from an old rate.

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242733	LADWP	<p>LADWP wishes to reiterate its belief that ratemaking authority should continue to lie within the purview of the utilities' respective ratemaking bodies.... LADWP observes that the 15-day language has not mitigated utility concerns regarding ratemaking authority. Although the proposed language allows for utilities to present their proposed rate structures to their respective ratemaking bodies, §§1621(d)-(f) enable the Commission to dictate compliance, exemption, and enforcement with regard to rate structure, a fundamental aspect of ratemaking. LADWP continues to believe that ratemaking lies within the jurisdiction of ratemaking authorities, rather than that of the Commission.</p> <p>LADWP believes that the proposed revisions by the Joint Publicly Owned Utilities, including LADWP, filed by CMUA on April 20, 2022, and entitled Joint Proposed Modifications to 15-Day Language Revisions to Load Management Standard Regulations, provide a viable solution that would enable load management implementation to move forward while respecting ratemaking jurisdiction.</p>	<p>The staff objects to this comment because it is beyond the scope of the 15-day notice. Without waiving this objection, staff responds as follows. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU.</p>

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242734	Joint POU	<p>The proposed regulations significantly infringe on the ratemaking authority of the relevant regulatory entities because the Commission is given the primary authority over the tariff development and adoption process, including the granting of any exemptions, modifications, or delays regarding the utilities' load management tariffs.</p> <p>As an alternative to the current proposed regulations, the Joint POU's recommend a structure where the Commission approves the utility compliance plans, but where each utility's rate approving body can adopt an exemption, modification, or delay to the load management tariffs at any point in the tariff-development process. Any such adopted exemption, modification, or delay would be submitted to the Commission for approval as part of an updated compliance plan. Should the Commission make a finding of any deficiencies, that finding would be reported to the rate-approving body, which would then make a final determination. Such a structure preserves a primary role for the Commission in overseeing this program, while avoiding directly infringing on the ultimate ratemaking authority of these rate-approving bodies and compromising the final adoption and implementation of the tariff. Further, this structure is more likely to lead to a successful program because the utilities will be able to take load management tariffs to their rate approving bodies that are already reflective of those entities' determinations regarding: (i) the rate classes for which such a program will be cost-effective and feasible; (ii) the timeline necessary for implementing a successful program; and (iii) the appropriate structure for the program based on what is technologically feasible for</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the 15-day notice. Without waiving this objection, staff responds as follows. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU's.</p>

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		the utility. Rather than only having the option to fully reject the entire slate of load management tariffs, the rate-approving body can simply adopt a modified program.	

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242735	California Community Choice Association	<p>The inclusion of CCAs in the proposed LMS oversteps the authority granted to the Commission in Public Resources Code (PRC) section 25403.5 and is legally unsustainable...</p> <ul style="list-style-type: none"> - PRC section 25403.5 has never been amended to expressly apply to or include CCAs within the LMS, despite the legislature imposing obligations on CCAs in other PRC sections; - The Amendments unlawfully sweep CCAs into the load management standards generally, and step squarely into the ratemaking arena, requiring CCAs to implement a very specific rate methodology; - The Commission's mandate of a specific rate methodology in the LMS infringes on CCA governing boards' exclusive ratemaking approval authority established in 2002 by Assembly Bill (AB) 117; - The Final Staff Report acknowledges that the Commission does not have rate approval authority over CCAs; - The LMS unlawfully provides the Commission, and not CCA governing boards, the right to impose injunctive relief or impose penalties on CCAs that do not comply with the LMS. <p>...To resolve the Commission's jurisdictional overreach, including the unlawful infringement on CCA rate autonomy and operations, the Commission should revise the 15-Day Proposed Amendments to apply the LMS regulations, including the marginal cost rate requirements, to CCAs on a voluntary basis. The inclusion of CCAs in the proposed LMS oversteps the authority granted to the Commission in Public Resources Code (PRC) section 25403.5 and is legally unsustainable. In addition to the legal prohibition, CalCCA has identified</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the 15-day notice. Without waiving this objection, staff responds as follows. The staff's responses to this commenter's authority comments to the original 45-day notice are incorporated by reference here. Staff disagrees that CCA's are incapable of adopting marginal cost-based rates until the IOUs take certain steps, although waiting until the IOUs adopt these rates may have some benefits for the CCAs. The statute does not require the inclusion of ESPs and small POUs and the proposed amendments would include the entities that provide most of the electricity to California consumers. The staff reserves the right to revisit this and include these entities at a later date. As far as costs are concerned the staff disagrees and incorporates the discussion at pp. 71-78 of the Final Staff Report by reference here.</p>

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		<p>several program “flaws” in the proposed regulations that would create barriers to even voluntary CCA participation. One such flaw, the inclusion of CCAs in the definition of “Utility,” was adequately addressed by the Commission in the 15-Day Proposed Amendments. However, several other flaws remain in the proposed language, including that: • CCAs cannot implement an hourly locational marginal cost-based rate until the investor-owned utilities (IOU) develop the data and billing systems to incorporate such a rate; • The Commission’s finding that CCA costs to implement the LMS are negligible is unsubstantiated; and • The Commission has arbitrarily excluded electric service providers (ESPs) and small publicly-owned utilities (POUs) among the entities subject to the LMS and must modify the proposal to apply the standards consistently.</p>	

TN #	Commenter	Comment	Response
242735	California Community Choice Association	CCAs cannot implement an hourly locational marginal cost-based rate until the investor-owned utilities (IOU) develop the data and billing systems to incorporate such a rate;... from a technical feasibility perspective, implementation by CCAs of the rate prescribed in the LMS regulations is many years off and will depend on the IOU implementation of their rates through upgrades to their data and billing systems.	Comment acknowledged. No change made. The proposed amendments allow CCAs to offer programs per 1623.1(b)(3), which does not rely on IOUs billing systems.
242735	California Community Choice Association	The Commission’s finding that CCA costs to implement the LMS are negligible is unsubstantiated...The CEC's assumption that the rates developed pursuant to the LMS will be “cost-effective” for CCAs is not supported by the record... The CEC’s fiscal impact analysis also failed to account for the significant implementation costs associated with billing system upgrades. These costs would be especially more burdensome for smaller CCAs, whose load shares are more comparable to smaller POUs. The Commission has therefore not properly evaluated the cost-effectiveness of developing these rates for CCAs...As the Commission has not adequately substantiated its claims that the implementation of the LMS would be cost effective for CCAs, the Commission should also clarify that section 1622(h) of the proposed LMS does not expressly preclude CCAs from seeking cost recovery from all ratepayers for implementation of the LMS with the California Public Utilities Commission.	Comment acknowledged. No change made. Comment is out of scope of the 15-day notice. Without waiving this objection, CEC responds as follows. The cost effectiveness analysis has been done with the best information available and a thorough effort to engage utility stakeholders for inputs. Based on information available, IOUs handle billings for CCAs. Billing system upgrade costs for IOU service territories are already included in the analysis. CCAs can seek additional cost recovery from ratepayers for implementation of the LMS. CEC analysis projects that it is unlikely as reduction in procurement cost is estimated to far exceed implementation cost.

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242735	California Community Choice Association	The Commission has arbitrarily excluded electric service providers (ESPs) and small publicly-owned utilities (POUs) among the entities subject to the LMS and must modify the proposal to apply the standards consistently...CalCCA questions why the Commission excluded ESPs when they served ten percent of California’s load in 2021...The Commission must apply the LMS even-handedly among all LSEs operating in the same service area to ensure consistency and competitiveness.	Comment acknowledged. No change made. Comment is out of scope of the 15-day comment period. Without waiving this objection, CEC responds as follows. Implementation of LMS and participation of CCAs customers are critical to California's load management effort, grid reliability and GHG reduction, as CCAs customers account for 20% of customers in IOU service territories and their shares have been increasing. CCAs also have unique cost, infrastructure, and technology synergy with IOUs, particularly in the aspect of billing system upgrades and AMI infrastructure to enable CCAs to cost effectively implement LMS.
242735	California Community Choice Association	CCAs do not “pass through” rates from the IOUs. CCAs have their own generation rates, developed by the CCAs and approved by the CCA governing boards. CCA rates compete with IOU generation rates. CCAs provide their generation rates to the IOUs, who bill CCA customers by adding their transmission and distribution rates. CCA rate design requires significant effort and cost, similar to IOU rate design. Further, the regulations describe rates that are approved by a CCA's governing board. However, CCA governing boards have no authority to approve IOU rates. The CCAs cannot simply rely on IOU rates to comply with the plain language of the regulation.	Comment acknowledged. No change made. Comment is out of scope of the 15-day comment period. Without waiving this objection, CEC responds as follows. Staff's economic and fiscal analysis is only required to examine the cost associated with minimum compliance with LMS. At minimum, CCAs could leverage LMS-compliant rates from IOUs with minor adjustments and offer them to their customers to achieve compliance with LMS, and consequently avoid much of the cost of developing rates from ground-up. CCAs may go beyond the minimum requirement of the proposed amendments and develop their own LMS-compliant rates independently.

TN #	Commenter	Comment	Response
242736	SMUD	<p>While SMUD agrees that controlling peak loads is an important and crucial objective, we respectfully submit the following comments on the 15-day Language. We urge the CEC to defer adoption of the Draft Language and work with stakeholders to develop targeted changes that provide the critical flexibility needed to support successful LMS offerings. Specifically, these changes should include:</p> <ul style="list-style-type: none"> • Allowing POU's to comply with the LMS through pilot rates or programs, rather than requiring an exemption or requiring a utility's rate-approving body to reject marginal cost-based rates before implementing programs. • Clarifying ambiguous language regarding exemptions to recognize that POU's retain sole discretion over the pilot rates and programs they propose. • Aligning the utility plan presentation and adoption process in Section 1621 with the proven process used for publicly owned utility integrated resource plans. • Clarifying and streamlining the process for implementing exceptions and changes to the utility plans. 	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. Change made to rate submittal deadline.</p> <p>Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POU's.</p>

TN #	Commenter	Comment	Response
242737	UtilityAPI	[re: 1623(c)(1)] Third-party Access. The utilities and CCAs shall develop a single, statewide, internet-based standard tool for authorized rate data access by third parties that is compatible with each utility's system. The tool shall:	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
242737	UtilityAPI	[re: 1623(c)(1)(A)] Provide the current and ongoing RIN(s) applicable to the customer's premise(s) to third parties authorized and selected by the customer electronically and automatically	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended. RINs applicable to customers already means current rate
242737	UtilityAPI	[re: 1623(c)(1)(B)] Provide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer electronically and automatically	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
242737	UtilityAPI	[re: 1623(c)(1)(C)] Provide estimated average or annual bill amount(s) based on the customer's current and future 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 electronically and automatically	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended. Any other eligible rate(s) already include rates that might become customer's future rate.

TN #	Commenter	Comment	Response
242737	UtilityAPI	[re: 1623(c)(1)(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 electronically and automatically	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
242737	UtilityAPI	[re: 1623(c)(2)] The utilities and CCAs shall submit the single, statewide, internet-based standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting.	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
242737	UtilityAPI	[re: 1623(c)(2)(C)] The utilities shall describe any terms and conditions they intend to require of third parties using the tool and whether or not such terms and conditions have been approved by their governing body	Comment acknowledged. No change made. 1623(c)(2)(C) and 1623(c)(5) are adequate in ensuring that fair and consistent terms of conditions are set from utilities
242731	PG&E	There are two different ways to interpret 1623 (c), and each would lead to vastly different services and technical solutions. PG&E maintains that greater clarity in this section is critical. PG&E requests the CEC to provide guidance on which approach is the intended implementation as that information will determine the level of funding necessary and the joint coordination needed between IOUs to meet the functional requirements of the intended statewide standard tool.	Comment acknowledged. This comment is beyond the scope of the 3rd 15-day notice. Without waiving this objection, the Commission responds as follows. The proposed amendments clearly stipulate a set of specifications for the statewide single RIN access tool. The eventual technical solution and the scope of service must, at minimum, meet the requirements in the proposed amendment, and be chosen and developed through a collaborative process between utilities, automation service providers and other stakeholders.

Second 15 Day Comments

Table 4. Second 15-Day Comments

TN #	Commenter	Comment	Response
243924	Steve Uhler	When recognizing that electricity is a basic necessity, it appears MIDAS does not have any capability to allow rate structures that ensure the necessary amount of electricity is made available to all California consumers at a just cost.	Comment acknowledged. No change made. This comment is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. MIDAS is a rate database, and it is designed to provide access to time-dependent rates in California. Utilities and their rate-approval bodies are responsible to ensure that rates are equitable and just.
243924	Steve Uhler	Do not adopt the proposed regulations without removing all prescriptive standards, making true, the Energy Commission's claim the proposed regulations are performance standards.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements.

TN #	Commenter	Comment	Response
243924	Steve Uhler	<p>It is important to create a market structure that will not unduly burden new entrants into the competitive electric market, or California may not receive the full benefits of reduced electricity costs through competition.</p> <p>It is appropriate to create a system of registration and consumer protection for the electric industry, designed to ensure sufficient protection for residential and small commercial consumers while simplifying entry into the market for responsible entities serving larger, more sophisticated customers.</p>	<p>Comment acknowledged. No change made. This comment out of scope of the 2nd 15-day notice and is not specifically directed at the proposed regulatory amendments, or the procedures followed in adopting them.</p>
243924	Steve Uhler	<p>The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals.</p> <p>The regulatory prescriptive requirement of the use of MIDAS does not agree with the Energy Commission's claim the proposed regulations are performance standards.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. The proposed amendments would establish performance standards, i.e., broad objective criteria for attaining the goal of having the entities subject to them offer rates that conform with basic load management rate structures. The amendments would accomplish this by requiring entities covered by the regulations to provide plans on how they will meet the regulation's requirements. MIDAS is a database, not a regulation.</p>

TN #	Commenter	Comment	Response
243949	Steve Uhler	<p>A tariff that sets tiered kilowatt-hour usage values that vary according to the time of day to encourage off-peak electricity use and reductions in peak electricity use is a such a rate structure not supported by the MIDAS database. It would stand to reason that the Commission has found such a rate structure program is not cost-effective because MIDAS does not support such a rate structure. The cost of developing such a rate structure should be reimbursed because it recognizes that electricity is a basic necessity that should be met without supporting electricity customers that use more than is equitable.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. CEC maintains the MIDAS database and plans to enable all existing and future time-dependent rates to be uploaded and accessed by the required timeline.</p>
243949	Steve Uhler	<p>1621(h) should read as follows when the MIDAS database does not support a rate structure that otherwise meets the requirements of the proposed regulatory standards. "1621(h) Except in the case that the MIDAS database does not support a rate structure otherwise meets the requirements of these standards, 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 costeffective. The savings which these entities will realize as a result of carrying out these programs will outweigh the costs associated with implementing these programs only if the MIDAS database always supports a rate structure meets the requirements of these standards."</p>	<p>Comment acknowledged. No change made. Comment is out of scope of the second 15-day notice. Without waiving this objection, CEC staff responds as follows. MIDAS database is designed and developed to support a rate structure that meets the requirements of the proposed amendments and will be maintained and serviced to support LMS-compliant rates.</p>

TN #	Commenter	Comment	Response
243949	Steve Uhler	There should be no need for an exemption under 1621(e) due to the prescriptive nature of the regulations requiring the use of the MIDAS database.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. Exemptions can be requested according to the requirements in 1621(e)(2)(A)-(C).
243949	Steve Uhler	It should be noted that 1621(c)(8) use of "reductions in peak electricity use" does not take in to account that cost varies with availability. Times of shortage that never reach a peak value are not explicitly required to be addressed in a "Load management tariff" as defined. A combined cycle power plant that is forced to run simple cycle or is not run while in repair, may create a shortage outside of peak usage, increasing the cost of electricity throughout the grid.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. In California, in aggregate, peak electricity use has been consistently associated with high costs. In addition, the standards require regulated entities to use marginal cost-based approaches, which directly accounts for costs dependent on time of the day and changing grid constraints.
243974	Steve Uhler	It should be noted the two-letter code for each energy company allows only 676 energy companies (26*26 letters). While this may work in California's energy market today, the future market structure may require many more Energy Codes. Now is the time to make the changes to identification codes to future proof the MIDAS database.	Comment acknowledged. No change made. Comment out of scope of the second 15-day notice. Without waiving this objection, the CEC responds as follows. The current two-character code for energy company in MIDAS is projected adequately to support the identification need of energy companies in California in the foreseeable future.

TN #	Commenter	Comment	Response
243974	Steve Uhler	Changes to the structure of the MIDAS Holiday Table reduces normalization of the MIDAS data structure. Field naming in the Holiday table was changed. See page 3 (PDF page 11) of the MIDAS document found here https://efiling.energy.ca.gov/GetDocument.aspx?tn=241066 for 2.1. Holiday Table. Compare with the fully qualified API call https://midasapi.energy.ca.gov/api/holiday results.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. Staff have included the "EnergyDescription" field to the response seen when a user queries the MIDAS API for information stored in the Holiday Table. The "EnergyDescription" field stores information identifying the energy company that uploaded each holiday record. This addition provides information as to which holiday corresponds to which rates and customers depending on the energy or distribution company that uploads the holiday values.
243974	Steve Uhler	The MIDAS document is out of date and contains standards that must appear in the proposed regulations. If the standards are not placed in the adopted regulations, they will be unlawful underground regulations.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC responds as follows. CEC maintains the MIDAS database and plans to enable all existing and future time-dependent rates to be uploaded and accessed. MIDAS is not a regulation and does not impose standards.
243974	Steve Uhler	The Energy Table Contains the two-letter code for each energy company in California with the name of each energy company describing each code. Changes to the structure of the Holiday Table adding "EnergyDescription" is redundant with the Energy Table.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. The "EnergyDescription" field refers to the energy company that uploaded each holiday. This addition provides more information as to which holiday corresponds to which customers.

TN #	Commenter	Comment	Response
244020	Steve Uhler	<p>Does MIDAS support UNIDE? Perhaps MIDAS doesn't support CPUC UNIDE hourly tiered energy subscription rate plan proposal? The use of hourly tiered energy rates will be equitable and more likely to comply with California's consumer protections in statute.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. CEC will closely coordinate with CPUC to ensure relevant load flexibility efforts work together in harmony with synergy. CEC maintains MIDAS and will ensure all time-dependent rates can be uploaded and accessed, including potential hourly tiered subscription rate</p>
244036	Victoria Norman	<p>I was very disappointed when tiers were replaced with time of use. My electric provider SMUD, charges a monthly connection fee of 23.05. Which does not include any energy. My energy use is most often between 100-150 kwhs/month. Yet someone that has a pool and hot tube and a huge house pays the same connection fee. I subsidise these large users, yet they are the ones placing wear and tear on the system. While I am able to adjust the time for much of my energy use, this is not true for all my use. It is not true for a single parent with a couple small children. School starts and ends at a set time. Work hours are often not adjustable. And some tasks end up having to be during peak times. So when you consider the actual cost per kwh, it is higher than the big users. Time of use also does not seem to consider renewables. Rates are at the highest while solar is still available.</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC staff responds as follows. The fixed charges that are not time dependent nor affected by marginal cost is out of scope of the proposed amendments and the scope of CEC's load management standards. Ratemaking authority lies with each utility's rate approving body, not the CEC. CEC aims to reduce electricity costs via the proposed amendments by requiring utilities to offer marginal cost based or programs to allow customers who can benefit from such rates or programs to participate.</p>
244121	Steve Uhler	<p>How are appropriate time and location dependent marginal costs determined?</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Ratemaking authority lies with each utility's rate approving body, not the CEC.</p>

TN #	Commenter	Comment	Response
244121	Steve Uhler	How will the public be informed as to how the marginal costs will be calculated?	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC staff responds as follows. Ratemaking authority lies with each utility's rate approving body, not the CEC and is out of scope of the load management standards. Ratemaking process and public participation are managed by each individual utility and its rate approving body.
244121	Steve Uhler	How do the proposed regulations preserve retail rate setting as a public process in the State of California?	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day notice. Without waiving this objection, CEC responds as follows. Ratemaking authority lies with each utility's rate approving body, not the CEC and is out of scope of the load management standards. The ratemaking process and public participation are managed by each individual utility and its rate approving body.
244143	NRDC	By increasing the efficient use of the electricity grid, load management can put downward pressure on electric rates, helping make clean energy more affordable and accessible for everyone, as well as directly reduce electric bills by enabling customer access to lower-cost electricity at times when grid marginal costs are low. NRDC therefore fully supports the proposed Load Management standards to form the foundation for a statewide system that automates the creation of hourly and sub-hourly costs or signals that can be used by end-use automation to provide real-time demand flexibility on the grid.	Comment acknowledged. No change made. Staff appreciate the support.

TN #	Commenter	Comment	Response
244155	SCE	the CEC’s proposed overall timeline of just three years for approval and implementation remains problematic. If the application is filed after two years as permitted, this three-year timeline would effectively require implementation just one year after the filing of the application. This grossly underestimates the time it takes for the CPUC to resolve issues related to a rate design application (usually 12-24 months), the time needed to execute after such CPUC resolution (potentially an additional 24-36 months), and the substantial effort required for necessary cross-functional engagement within the utility, utility billing system enhancements, system interoperability for customer-utility technology interfaces, and customer education and outreach.	Comment acknowledged. Some change made. After consideration of stakeholders' input by staff, the timeline has been extended to 45 months to enable better development and implementation, and better alignment with relevant work at the CPUC.
244155	SCE	requiring load flexibility programs (e.g., demand response programs) to provide customers an option for receiving MIDAS pricing signals could cause customer confusion with traditional demand response programs and could cause customers to be nonresponsive to their demand response notifications and/or signals	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Staff analysis concludes that load flexibility programs provide another option for customers to manage their loads and provide a wide range of additional benefits relative to traditional DR. Properly programmed automation devices will not be confused and will require little to no manual intervention from customers.
244155	SCE	SCE recommends that the CEC, when planning implementation dates for an available marginal cost-based rate for all customers, consider starting the clock after the utility receives final approvals for its filed plans from its respective rate approving bodies (CPUC and/or FERC if time-dependent Transmission rates are to be included in scope).	Comment acknowledged. Some change made. After consideration of stakeholders' inputs, timeline has been extended to 45 months to enable better implementation.

TN #	Commenter	Comment	Response
244155	SCE	<p>Section 1623(b), "Publication of Machine-Readable Electricity Rates. Each utility and CCA shall upload its existing time-dependent rates ...no later than three (3) months after the effective date of these standards."</p> <p>This timing would be feasible for Time-of-Use (TOU) rates that have been previously approved by the CPUC. However, SCE wishes to clarify that this timing may not work for Real-Time Pricing (RTP) rates. For RTP rates, SCE and other utilities would need to build functionality to enable a daily trigger to be loaded into the MIDAS system. To ensure a costeffective implementation, this newly developed functionality would need to be aligned with any triggers that emerge to support the CPUC's CalFUSE structure. How these two visions of dynamic pricing align cannot be known in 3 months. At best, there may be some perspective of common pricing structures, trigger mechanisms, and basic requirements that could be uploaded approximately 24-36 months after the CPUC's Demand Flexibility OIR begins.</p>	<p>Comment acknowledged. No change made. Based on best available information, staff believe upload of existing RTP rates within 3 months after the effective date is feasible. To demonstrate the feasibility, MIDAS database was able to, with an even shorter development time, successfully incorporate SGIP GHG signals that updates every 5 minutes, which provides an excellent example that such upload at daily or hourly frequency is achievable within the timeline proposed. The CEC plans to work closely with the Large IOUs to ensure successful upload of existing RTP rates.</p>
244155	SCE	<p>Section 1623(c)(2), "The utilities and CCAs shall submit the single statewide standard tool"</p> <p>SCE supports the CPUC's intent to host and lead workshops for interested parties to discuss the ecosystem required for broad deployment of a statewide flexible dynamic pricing service as part of the recently opened Demand Flexibility OIR. This type of stakeholder process will inform the CPUC, as well as the CEC, allowing for a greater level of cooperation between the agencies and a more practical rollout schedule.</p>	<p>Comment acknowledged. No change made. Staff agree that the development of the single statewide tool will be a collaborative process between multiple stakeholder groups, including rate approving bodies, the CPUC and the CEC. CPUC and CEC are both expected to be part of the working group for the design and development of this single statewide RIN access tool.</p>

TN #	Commenter	Comment	Response
244155	SCE	<p>section 1623(c)(4), "Customer Access," which provides that "No later than one (1) year after the effective date of these standards, each 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." Although SCE could make RINs available on its website within one year, SCE currently does not have an IT standard to support the use of QR codes or machine-readable digital code. To support that kind of functionality would require funding authorized through an application process with the rate approving authority and require sufficient time to implement. Changes to SCE's bill presentment requires a significant amount of time to implement due to the need to test multiple variations across all available rate options and RINs. As such, the launch time needed would likely be closer to one (1) year after approval of funding from the CPUC.</p>	<p>Comment acknowledged. No change made. Based on stakeholder inputs and other best information available, staff believes that one year timeline for RIN on the customer billing statements and online accounts is sufficient, feasible and reasonable.</p>
244155	SCE	<p>The timing also conflicts with section 1621(g), which states "The utility or CCA shall not be required to commence implementation of any program required by this article until the 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." The requirement in section 1623(c)(4) states that a program to provide customer access must be operational after 1 year of the effective date of these standards, but the CPUC will not be able to approve any applications to approve funding for customer access until well after one year of the effective date of these standards.</p>	<p>Comment acknowledged. Change made to single statewide tool submittal deadline.</p>

TN #	Commenter	Comment	Response
244155	SCE	SCE recommends that the following definition of “load flexibility program” be added to section 1621: <u>“Load flexibility program” means a load modifying program that is served by a load management tariff.</u>	Comment Acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Load flexibility programs can include not only programs served by marginal cost-based rates, but also programs served by other signals that are marginal cost based, such as GHG signals. The suggested edit will deviate from the intent of the proposed amendments and limit load management options for utilities.
244155	SCE	SCE further recommends that the existing definition for “load management tariff” in section 1621 be modified as follows (proposed addition in bold and underlined): “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 <u>presented in MIDAS.</u>	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. The suggested edit limits load management tariffs to ones that are presented in MIDAS, which would be unnecessary and arbitrary.
244155	SCE	section 1623(d), the CEC requires SCE to submit a list of cost-effective load flexibility programs within 18-months of the effective date of these standards. This requirement once again fails to consider the CPUC’s processes for approving rates and determining program cost effectiveness, or the time it takes to implement such new programs into our billing systems and customer platforms	Comment Acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Load flexibility programs, per 1623(d)(1), can include not only programs served by marginal cost-based rates, but also programs served by other signals that are marginal cost based, such as GHG signals that is already in MIDAS, which is designed to be an option for customers to participate to manage loads when marginal cost-based rates are not yet approved by the utility's rate approving body.

TN #	Commenter	Comment	Response
244163	SMUD	<p>Even with that one-year extension, SMUD is unlikely to have sufficient time to test, refine, and educate its customers about the complex structure of rates that the LMS is mandating, all of which are process steps needed to successfully design such rates.</p> <p>... the Draft Language continues to ignore the fact that some customers and rate classes do not reasonably lend themselves to time varying, marginal cost-based rate structures.</p> <p>... SMUD strongly urges the CEC to clarify that implementation of programs that achieve customer response to GHG and other marginal cost indicators, will meet the compliance obligations for SMUD and other community-based utilities under the LMS. Such an allowance is needed to ensure the regulation avoids overstepping the CEC's jurisdictional boundaries and to avoid setting the LMS up for failure.</p> <p>... The CEC should recognize the value of programs and pilot rates by allowing POU's to implement them as an alternate compliance pathway... While SMUD appreciates the CEC's consideration of pilot rates and programs in the Draft Language, recognizing pilot rates and programs only as supporting materials for an exemption application fails to recognize their full value. As explained in our prior comments and summarized below, pilot rates and programs are a critical first step before full implementation of a new rate, allowing the POU a cost-effective path to understand and adjust to the impact of actual customer response to the rate design. Moreover, as outlined in our prior comments and further explained below, SMUD has concerns regarding the impact that prematurely implementing dynamic rate structures could have on electric system reliability and California's broader environmental goals.</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter's authority comments made in response to the 45-day notice by reference here.</p>

TN #	Commenter	Comment	Response
244163	SMUD	<p>Requiring POU's to develop rates that could not be supported diverts resources that could otherwise be dedicated to advancing clean energy goals...Unnecessarily going through the process mandated by the Draft Language to present rate proposals to our governing Board (proposals that we could not recommend the Board adopts) would divert utilities' limited resources that could otherwise be dedicated to achieving the State's clean energy and decarbonization goals.</p> <p>... premature expansion of dynamic pricing could result in unanticipated electric rate impacts that may disincentivize the accelerated electrification of other sectors like transportation.</p> <p>... The CEC should clarify ambiguous provisions regarding exemptions to ensure that utilities retain sole discretion over any pilot rates and programs they propose...there is no metric for how compliance with this demonstration will be achieved...it appears that the Draft Language may allow the CEC to direct POU's how to design their pilot rates or programs...It would be inappropriate and ineffective for the Executive Director or the Commission to substitute its judgement for that of the POU for purposes of determining what pilot programs and rates are needed to advance load flexibility for its customers.</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter's authority comments made in response to the 45-day notice by reference here.</p>

TN #	Commenter	Comment	Response
244163	SMUD	<p>The Load Management Standards should align the plan presentation and adoption process in Section 1621 with the proven process used for POU integrated resource plans...As structured the Draft Language gives each utility six months to submit a plan for the CEC's approval to demonstrate how the utility will comply with the LMS requirements...This approach encroaches on the rate-making body's Constitutional and statutory authority and introduces an extreme level of uncertainty for POUs and their elected officials...SMUD strongly recommends the Commission adopt a regulatory structure that (1) requires utilities to provide periodic reports to the Commission, and (2) allows the Commission to propose revisions to utility plans and applications; this process respects utilities' constitutional and statutory authority...the CEC's review of select POU Integrated Resource Plans (IRPs) vests the authority to develop and update IRPs entirely with the POU and its governing board. See Cal. Pub. Util. Code § 9621.</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter's authority comments made in response to the 45-day notice by reference here.</p>

TN #	Commenter	Comment	Response
244163	SMUD	<p>The LMS should clarify ambiguous language and provide a streamlined process for implementing exceptions and changes to the utility plans...While SMUD strongly recommends that the CEC should provide a separate compliance pathway for POU, SMUD otherwise anticipates making use of the exemption process to implement its pilots and programs. It is critical for the exemption process to include clear, well-defined parameters and timeframes so that utilities have certainty in how to comply with the requirements and are not subject to extended delays waiting for an exemption determination...SMUD recommends the following elements be addressed:</p> <ul style="list-style-type: none"> • Timely action on requests...SMUD recommends clarifying that the Executive Director must provide a determination within 30 calendar days of receipt of a complete application, consistent with the timeline in Cal. Code Regs. Tit. 20 §1232.1. Moreover, we recommend clarifying that if the Executive Director does not provide a determination within 30 days, the application shall be deemed approved. • Appeals process. SMUD recommends that the CEC include a process by which utilities may appeal or request a rehearing of a decision regarding exemption application approval. • Requirements that may not apply in all cases. The Draft Language requires exemption applications to include the expected date by which the exemption will no longer be needed. However, for some customer classes, such as street lighting, automated responses to marginal price signals may not ever be shown to materially reduce peak load such that implementation of dynamic pricing would never be cost-effective. SMUD recommends either removing the requirement to specify the duration for which an exemption 	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged; changes made in the 15-day comment process to accommodate concerns over the role of POU governing boards. Staff disagrees with this comment, however. The proposed amendments are well within CEC's legal authority. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter's authority comments made in response to the 45-day notice by reference here.</p>

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		<p>is needed or clarifying in the FSOR that the exemptions may be granted without such information.</p> <p>SMUD concurs with the position of the CMUA (CMUA) that while the CEC has authority and legislative directive to make recommendations on standard rate structures to support load flexibility, the CEC does not have the authority to dictate specific rates or rate structures.</p>	

TN #	Commenter	Comment	Response
244164	LADWP	<p>LADWP would like to reiterate its previously submitted comments under Docket: 19-OIR-01 on March 16, 2020 and April 23, 2021, and the existing docket on February 7, 2022, and April 20, 2022. These comments highlighted concerns regarding the Commission’s jurisdiction, technical feasibility, equity, customer adoption and impact, cost effectiveness, and cybersecurity. As of release of the 2nd 15-Day Regulations, LADWP’s critical concerns remain largely unaddressed.</p> <p>... LADWP fully supports the comments filed by the CMUA (CMUA) on July 21, 2022, requesting that the “regulations must be amended to authorize the POU governing board of the affected POU to approve a delay, modification, or exemption from the regulations at any point in the process and without seeking the approval of the Commission”</p> <p>... Even though the Commission’s proposed regulations do not set specific rates, by requiring a specific rate structure, the proposed regulations infringe upon the ratemaking authority of the affected utilities. Further, the proposed Regulations are inconsistent with both the existing language of Public Resources Code 25403.5, which purportedly sets forth the authority and duty of the Commission to adopt Load Management Standards, and the context and legislative history of that statute. Therefore, LADWP reasserts that the longstanding and continuing ratemaking authority of the California Public Utilities Commission for investor-owned utilities, and of local governing bodies for publicly-owned utilities (POUs), including LADWP, must be respected and maintained. For LADWP, the decision about what rates to design and when lies within the jurisdiction of LADWP’s Board.</p> <p>... Although the proposed language allows for utilities to present their proposed rate structures to their respective</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. This proposal would unacceptably limit the Commission’s role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission’s role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter’s authority comments made in response to the 45-day notice by reference here.</p>

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		<p>ratemaking bodies, §§1621(d)-(f) enable the Commission to dictate compliance, exemption, and enforcement with regard to rate structure, a fundamental aspect of ratemaking...LADWP believes that the proposed revisions by the Joint POU's, including LADWP, filed by CMUA on April 20, 2022, and entitled Joint Proposed Modifications to 15-Day Language Revisions to Load Management Standard Regulations, provide a viable solution that would enable load management implementation to move forward while respecting ratemaking jurisdiction.</p>	

TN #	Commenter	Comment	Response
244164	LADWP	<p>Appropriate and Relevant Cost Effectiveness Studies Are Needed...</p> <p>The assumptions leading to the following derived values would likely have to be re-evaluated for an LADWP-centric scenario:</p> <ul style="list-style-type: none"> i. The \$110/MWh levelized cost of storage (LCOS) for battery ii. The \$24 million Net Present Value of the cost of LMS over 15 years iii. The \$74 million Net Present Value of the cost reduction achieved by end-use or “BTM” battery charging optimization... 	<p>Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Staff conducted thorough research and rigorous analysis on the cost effectiveness of the proposed amendments. The values are based on the best data available. Even under highly conservative assumptions, the proposed amendments are projected to be significantly more cost effective relative to new electrical capacity by a wide margin. Even if a particular utility's cost is 5 times higher than the estimate, it will still be cost effective. Further, under the proposed amendments, utilities can evaluate the cost effectiveness of their proposed programs and implement them.</p>
244164	LADWP	<p>LADWP believes that additional opportunities exist to reduce these costs by looking toward real-world examples of hybrid solar plus storage facilities. For instance, the case study of LADWP’s solar plus storage Eland project, which consists of 400 MW of solar PV paired with 1,200 MWh of battery storage, has an estimated levelized cost of approximately \$39/MWh...LADWP recommends that the Commission consider the lower rates that POUs are paying in the marketplace as a default baseline for analyzing cost-effectiveness for use by POUs.</p>	<p>Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Staff conducted thorough and extensive research on the cost of existing solar and battery storage projects in California and the rest of the United States to estimate the cost of energy storage, including the Eland Project. The \$39/MWh storage cost cited by LADWP is based a cost methodology that is different from levelized cost of storage metric used in the CEC staff report, therefore not suitable to serve a cost basis for a consistent and sensible comparison.</p>

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244164	LADWP	LADWP also has various concerns regarding the \$24 million estimated cost of proposed Load Management Standards. LADWP believes that this figure is highly underestimated.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. The cost estimates in the staff report are based on the best data available after thorough and extensive research and engagement with stakeholders, including the POUs and IOUs.
244164	LADWP	One significant cost element that was not captured in the cost-effectiveness analysis was that of potential cybersecurity investments...Ensuring the security of this infrastructure from cyber-attacks would require significant investments from utilities, the Commission, and Automation Service Providers alike, which would further inflate the cost estimates used in the cost-effectiveness analysis.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Staff acknowledges the importance of cybersecurity and need for investment, and the cost is part of the cost estimate in the staff report. Additionally, as cybersecurity is essential for the utilities, the Commission and Automation Service Providers, the need for its investment persists even in the absence of the proposed amendments to safeguard billing systems and other infrastructure, and therefore should not be attributed to the proposed amendments
244164	LADWP	The staff analysis in the Final Staff Report identified an \$74 million cost reduction achieved via end-use or “BTM” battery charging optimization. However, as the analysis was performed for the CAISO Balancing Authority Area, the same cost reduction may not hold true for LADWP’s Balancing Authority Area...Therefore, LADWP strongly encourages the Commission staff to perform additional studies incorporating Balancing Authority specific assumptions.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Staff analysis found that using CAISO locational marginal price is a reasonable approximation for California for the purpose of the cost effectiveness analysis. Even if the price in LADWP is half of that in CAISO (and no such evidence had been submitted to the commission), due to the conservative approach of the cost effectiveness analysis and the high margin, the proposed amendments are still projected to be cost

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			effective. Additionally, due to the prevalence of flat rates in LADWP's service area, contrary to the wide adoption of TOU rates in service areas under CAISO's jurisdiction, the marginal benefits could be reasonably projected to be even higher in LADWP area relative to CAISO area.
244164	LADWP	LADWP again recommends acceptance of the proposed revisions to the draft regulations by the Joint Publicly Owned Utilities, including LADWP, filed by CMUA on April 20, 2022, and entitled Joint Proposed Modifications to 15-Day Language Revisions to Load Management Standard Regulations. This would allow LADWP more time to study the impacts of real-time pricing, as needed.	Comment acknowledged. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Comment acknowledged. Some change made. After consideration of stakeholders' inputs, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POU's and Large CCAs. This allows Large POU's and Large CCAs greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POU's and Large CCAs rate approving bodies and the communities they serve will have early and more active participation in load management efforts.

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244164	LADWP	LADWP foresees a myriad of hurdles to implement the currently proposed standards. Core concerns regarding the implementation include existing challenges in establishing the necessary Advanced Metering Infrastructure (AMI) and associated infrastructure; communication network expansion; distribution system technology; and other system updates. Addressing these core concerns is an essential first step.	Comment acknowledged. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Comment acknowledged. Some change made. After consideration of stakeholders' inputs, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POU's and Large CCAs. This allows Large POU's and Large CCAs greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POU's and Large CCAs rate approving bodies and the communities they serve will have early and more active participation in load management efforts. Per 1623.1(a)(2), a POU can apply for exemption or delay due to technological infeasibility.

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244164	LADWP	Equity needs to be considered as part of the resulting rate increases and mechanisms for recovering significant expenditures associated with these required foundational activities. In doing so, LADWP needs to show the net benefits of these expenditures across its entire rate base, given that approximately 47% of the City of Los Angeles is made up of disadvantaged communities and 18% of the total population are low-income residents. To that end, LADWP requests that the Commission staff explore and provide guidance on the equitable implementation of such cost intensive efforts associated with the proposed Load Management Standards, considering LADWP’s service territory and its customer base. Furthermore, allowing POU’s sufficient time to evaluate the impacts of other utilities’ pilot programs and avoid unforeseen issues could yield significant cost savings for their ratepayers.	Comment acknowledged. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Comment acknowledged. Some change made. After consideration of stakeholders’ inputs by staff, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POU’s and Large CCAs. This allows Large POU’s and Large CCAs greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POU’s and Large CCAs rate approving bodies and the communities they serve will have early and more active participation in load management efforts. Equity has been added as one of the reasons for application for exemption, modification, and delay. In the staff report, which is a document relied upon, the benefits of the proposed amendments on equity are discussed in detail.
244165	UtilityAPI	[1623(c)(1)] Third-party Access. The utilities shall develop a single, statewide, internet-based standard tool for authorized rate data access by third parties that is compatible with each utility’s system. The tool shall:	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
244165	UtilityAPI	[1623(c)(1)(A)] Electronically and automatically Provide the RIN(s) applicable to the customer’s premise(s) to third parties authorized and selected by the customer	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures

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			that the eventual tool developed to function as intended.
244165	UtilityAPI	[1623(c)(1)(B)] Electronically and automatically P rovide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer;	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
244165	UtilityAPI	[1623(c)(1)(C)] Electronically and automatically P rovide estimated average or annual bill amount(s) based on the customer's current and ongoing 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;	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
244165	UtilityAPI	[1623(c)(1)(D)] Electronically and automatically E nable 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;	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
244165	UtilityAPI	[1623(c)(2)] The utilities shall submit the single, statewide, internet-based standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting.	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.

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244165	UtilityAPI	[1623(c)(2)(C)] (C) The utilities shall describe any terms and conditions they intend to require of third parties using the tool and whether or not such terms and conditions have been approved by their governing body.	Comment acknowledged. No change made. Comment out of scope of the second 15-day language. Without waiving this objection, CEC responds as follows. 1623(c)(2)(C) and 1623(c)(5) are adequate in ensuring that fair and consistent terms of conditions are set from utilities.
244165	UtilityAPI	The modifications to § 1623(c)(1) that would add “internet-based” and “electronically and automatically” are necessary clarifications because utilities could conceivably implement a cumbersome, non-electronic or manually fulfilled method that is difficult for consumers to use but that technically complies with the Load Management Standard. Furthermore, an internet-based tool can easily be extended to support future data access needs without having to build separate systems for each program implementation. UtilityAPI’s changes are intended to reduce this potential ambiguity.	Comment acknowledged. No change made. 1623(c)(1)(G) requires that the tool be accessible in a digital, machine-readable format according to best practices and standards, and sufficiently ensures that the eventual tool developed to function as intended.
244165	UtilityAPI	UtilityAPI believes that establishing reasonable, well-known standards for terms and conditions will ease potential friction between utilities, third parties and regulatory commissions, and lessen the need for future oversight. Furthermore, we believe that the Commission is the right body to establish those standards. We therefore request that utilities be required, as part of their submission to the Commission, to provide their terms and conditions applicable to third parties, as well as a statement as to whether such terms have been approved by their governing board.	Comment acknowledged. No change made. Comment out of scope of the second 15-day language. Without waiving this objection, CEC staff responds as follows. 1623(c)(2)(C) and 1623(c)(5) are adequate in ensuring that fair and consistent terms of conditions are set from utilities.
244166	Polaris Energy Services	Polaris supports the LMS and agrees that better, easier access to customer information and dynamic prices will help drive energy consumption to lower-cost, lower-carbon times.	Comment acknowledged. No change made. Staff appreciate the support.

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244166	Polaris Energy Services	LSE's could 'check the box' to comply by publishing rates without commensurate marketing and implementation support.	Comment acknowledged. No change made. The proposed amendments impose several requirements, including 1623(c)(4) on customer access, 1623(d)(3) on public information programs that will address the concerns.
244166	Polaris Energy Services	The mandate drives a "numbers of tariffs" published metric rather than a result metric like "load shifted."	Comment acknowledged. No change made. There is no number of tariffs mandate in the proposed amendments. The proposed amendments aim to provide all customers at least one option to participate in load management, either via marginal cost-based tariffs or MIDAS-based hourly load flexibility programs.
244166	Polaris Energy Services	Without some attributes of pilots, including funding for partners to implement them and flexibility in tariff design, it is likely that there will be low uptake of the offerings	Comment acknowledged. Some change made. After consideration of stakeholders' inputs by staff, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POUs and Large CCAs. This allows Large POUs and Large CCAs greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POUs and Large CCAs rate approving bodies and the communities they serve will have early and more active participation in load management efforts.
244166	Polaris Energy Services	Taking an 80/20 approach, focusing on the most promising sources of load shift with the resources and flexibility offered by pilots or some other experimental structure has the greatest potential for success.	Comment acknowledged. No change made. Staff believe the proposed amendments can ensure all customers with the potential and desire to manage load can have an option to participate, while ensuring consistency, customer equity and effectiveness.

TN #	Commenter	Comment	Response
244166	Polaris Energy Services	The greatest risk to the success of dynamic rates is conflating price signals that customers can respond to and cost reallocation that they cannot respond to...The dynamic rates, therefore, should be designed to introduce variability—price signals—that energy users can respond to, primarily across hours of the day and days of the week, without a wholesale reallocation of costs that are currently averaged across large swaths of the economy.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Although CEC has statutory authority and mandate to require appropriate rate structure to encourage load management, the ratemaking authority lies with the utility and its rate approving body and is out of scope of the proposed amendments.
244166	Polaris Energy Services	The issue of the timeframe of price publication should be addressed. There are thousands of megawatts in California that have flexibility on a weekly planning basis but do not in real-time or day-ahead time frames.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. The timing of tariffs or signal publication should be determined by individual utility after careful evaluation in the program/rate design process and is out of scope of the proposed amendments. Each individual LSE has the needed autonomy and flexibility to design programs and rates that provide load shift at different timescales.
244166	Polaris Energy Services	The decision should give weight to the sectors and end uses with the greatest potential for load shift and ensure that they are prioritized. So, for example, IOU dynamic pricing pilot plans that begin with residential users and do not include agricultural pumping would be inverse to LBNL’s findings on load shift potential.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Staff believe the proposed amendments can ensure that all customers with the potential and desire to manage load can have an option to participate, while ensuring consistency, customer equity and effectiveness.

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244166	Polaris Energy Services	The decision should incorporate research findings that show that strong, simple price signals are one leg of a three-legged stool that also include automation and clear customer benefits with a necessary catalyst of close customer engagement to recruit, enable and support customers who adopt dynamic rates.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. The proposed amendments address all three aspects via multiple requirements, including assisting automation service provider participation, supporting automation device connection, and public information program to encourage participation.

TN #	Commenter	Comment	Response
244171	CMUA	<p>While CMUA continues to support the stated purpose of this proceeding, the 2nd 15-Day Language does not address the substantive flaws that CMUA has previously raised in comments on the proposed regulation. Namely, the 2nd 15-Day Language fails to resolve the proposed regulations' clear interference with and infringement upon the ratemaking authority of the governing boards of the affected publicly owned electric utilities ("POUs"). As proposed, the regulations would mandate that the affected POUs must develop compliant tariffs and present these tariffs to their governing boards in strict accordance with a tariff adoption plan approved by the Commission. The Commission would have the sole authority to grant delays, modifications, or exemptions from these requirements. If adopted, these regulations would impermissibly enlarge the Commission's authority beyond the scope of what is authorized by the applicable enabling statute.</p> <p>In prior comments in this proceeding, CMUA and other stakeholders put significant efforts into developing proposed amendments to the regulations that would allow the Commission to achieve the same program goals and results, while not exceeding the authority provided by the enabling statute. To achieve this result, the regulations must be amended to authorize the POU governing boards of the affected POUs to approve a delay, modification, or exemption from the regulations at any point in the process and without seeking the approval of the Commission. The 2nd 15-Day Language does not meet this minimum standard.</p>	<p>Comment acknowledged. The staff objects to this comment because it is beyond the scope of the 2nd 15-day notice. Without waiving this objection, staff responds as follows. This proposal would unacceptably limit the Commission's role in the approval of exemptions, delays, and modifications to load management plans, by essentially rendering the Commission's role in the process advisory in nature. This runs counter to Public Resources Code section 25403.5 which bestows this authority on the Commission. It would also jeopardize the integrity of the process for approving load management plans if the rate approving bodies would retain authority to alter the Commission-approved plans without giving the Commission an effective voice in approving these alterations. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter's authority comments made in response to the 45-day notice by reference here. Staff worked with CMUA and the POU stakeholders through the 15-day modification process and came up with amendments that address their concerns and will accomplish the goals of the LMS program. Staff incorporates this response by reference into its responses to all the comments by CMUA, SMUD, LADWP and the Joint POUs.</p>

TN #	Commenter	Comment	Response
244172	California Community Choice Association	<p>For the reasons set forth below, the Commission should either remove CCAs from the application of the LMS regulations, or make CCA participation voluntary:</p> <ul style="list-style-type: none"> • The Commission lacks statutory authority, under Public Resource Code section 25403.5 or any other statute, to mandate CCA participation in the LMS program; • The Commission’s requirement that CCAs adopt its prescription rate design for hourly locational marginal cost rates infringes on CCA exclusive ratemaking authority established in 2002 by AB 117; and • Even if the Commission modifies the LMS to allow CCA participation on a voluntary basis, CCAs cannot implement an hourly locational marginal costbased rate until the IOUs develop the data and billing systems to incorporate that rate. <p>As explained in detail in CalCCA’s prior comments, the Commission’s interpretation of PRC section 25403.5 to include CCAs in the LMS constitutes legal error...the Commission’s interpretation of section 25403.5 is inconsistent with the laws of statutory construction... ... the Commission’s expansive interpretation of PRC section 25403.5 to include CCAs based on its hopes for success with the Market Informed Demand Automation Server (MIDAS) system and the proposed amendments places the cart before the horse. The explicit statutory language specifically allows the Commission to adopt LMS for each “utility service area,” and the definition of “utility” does not expressly incorporate CCAs...harmonizing the statutory language clearly demonstrates that CCAs, not subject to CPUC ratemaking authority, were not meant to be included within the reach of PRC section 25403.5. ... a review of the legislative history of PRC section 25403.5, which includes amendments up through 2002, further</p>	<p>The staff objects to this comment because it is beyond the scope of the Second 15-day notice. Without waiving this objection, staff responds as follows. The staff’s responses to this commenter’s authority comments to the original 45-day notice are incorporated by reference here. Staff disagrees that CCA’s are incapable of adopting marginal cost-based rates until the IOUs take certain steps, although waiting until the IOUs adopt these rates may have some benefits for the CCAs. The proposed amendments clearly require rate structures or programs, and do not set rates. The staff believes that Public Resources Code section 25403.5 authorizes the proposed amendments and incorporates its responses to commenter’s authority comments made in response to the 45-day notice by reference here.</p>

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		<p>demonstrates that the Legislature did not intend for CCAs to be included within the statute’s reach. In fact, the legislative history suggests that amendments to the load management standards program over time narrowed the LMS program’s scope: (1) to remove authority from the CEC regarding penalties and requirements under the LMS; and (2) to consolidate reporting requirements, including those involving CCAs, in the IEPR process while removing those reporting requirements from section 25403.5</p> <p>... According to the laws of statutory construction, PRC section 25403.5 does not explicitly or implicitly grant the Commission jurisdictional authority to mandate CCA compliance with its proposed LMS regulations. Therefore, the Commission should either remove CCAs from the regulations, or allow CCA voluntary compliance with the regulations.</p> <p>The Commission also lacks authority to mandate that CCAs adopt a particular rate design....What the regulations propose to do – requiring an hourly variable rate using specific marginal costs – steps into the scope of “rate design.” Furthermore, the Commission retains ultimate enforcement authority for failure to comply with the regulations. As a result, even if the Commission has jurisdiction to require CCA compliance with the LMS (which it does not), the proposed regulations constitute an unlawful infringement on CCA ratemaking authority provided by AB 117.</p>	

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244172	California Community Choice Association	implementation of the regulations is currently technologically infeasible for CCAs...until the IOUs establish their own data and billing systems to implement the LMS, CCA customers will not be billed for the CCA generation portion and cannot even voluntarily participate in the LMS.	Comment acknowledged. Some changes made. The timeline for CCAs has been extended in 1623.1(b)(4) to exceed the timeline for IOUs which will afford large CCA's time to adopt LMS rates the IOUs adopt first. Further, changes have been made to permit large CCA's to offer programs per 1623.1(b)(3), which does not rely on IOUs billing systems, or marginal cost-based rates if approved by large CCA's rate-approving body, and do not require large CCA's to offer rates without compatible infrastructure.
244173	Valley Clean Energy	VCE has become a strong advocate for the exploration of dynamic price signals as an important tool to “shave the peaks and fill the valleys” of the demand curve and supports the Commissions overall objectives of the Load Management Rulemaking.	Comment acknowledged. No change made. Staff appreciate the support.
244173	Valley Clean Energy	Rates are just one of several critical components...rates must be matched with adequate customer support and automation to gain meaningful participation...Well designed and targeted rates alone are not likely to achieve the reliability and climate goals that the Rulemaking is designed to address...We encourage the Commission to give careful thought to this design issue and incorporate the support, resources, and flexibility LSE's will need for successful design and implementation.	Comment acknowledged. No change made. Comment is outside the scope of the 2nd 15-day notice. Without waiving this objection, staff responds as follows. CEC will work with stakeholders to ensure careful, thoughtful, and successful implementation as urged by this comment.

TN #	Commenter	Comment	Response
244173	Valley Clean Energy	<p>The draft Rulemaking framework does not appear to make a distinction based on opportunity-based loading order. Based on VCE’s experience with the effort/resources needed to develop a single rate, this broad-based implementation strategy introduces unnecessary risk to the ultimate success of the Load Management framework...Based on our early experience, VCE believes that a more targeted approach that builds practical knowledge would help mitigate risks associated with scaling this novel rate making approach. VCE suggests that the Commission consider setting up multiple large-scale pilots focused on priority sectors across the state designed to achieve meaningful gains in reliability and GHG reductions while expanding the learning and developing best practices for scaling implementation of dynamic rates.</p> <p>VCE fully supports the Load Management and CalFUSE objectives but encourages the Commission to carefully consider within its scaling strategy whether the expertise/resources could be cultivated under the timelines outlined in the draft Rulemaking, even with the latest implementation flexibility measures that have been added. Avoiding a poorly performing dynamic pricing roll out should be a key consideration for the Commission.</p>	<p>Comment is outside the scope of the 2nd 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged. Some change made. After consideration of stakeholders’ inputs, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POUs and Large CCAs. This allows Large POUs and Large CCAs greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POUs and Large CCAs rate approving bodies and the communities they serve will have early and more active participation in load management efforts, including evaluating and selecting loading orders.</p>

TN #	Commenter	Comment	Response
244173	Valley Clean Energy	Tailor approach to the type of LSE...The Commission should consider a self-selection based approach to early participation by LSE's. This would identify needed champions in the LSE community to generate momentum behind this ambitious proposal, develop deeper learnings for development of best practices, and reveal gaps in ability/resources before a full scale roll out.	Comment is outside the scope of the 2nd 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged. Some change made. After consideration of stakeholders' inputs, the proposed amendments have been modified to separate the requirements of Large IOUs and requirements of Large POUs and Large CCA's. This allows Large POU's and Large CCA's greater flexibility and autonomy in evaluating, designing, and implementing load management tariffs and/or load flexibility programs. Large POU's and Large CCA's rate approving body and the community they serve will have early and more active participation in load management efforts.
244174	PG&E	PG&E supports the development of utility programs that reduce peak electricity demand and help balance California's energy supply and demand to ensure grid reliability. PG&E also supports the development of automated demand flexibility and more dynamic rates as a load management tool to help meet the State's climate goals.	Comment acknowledged. No change made. Staff appreciate the support.
244174	PG&E	There is no authority under which the CEC can enable investor-owned utilities (IOU) rates to recover the IOU's costs or require changes to rate designs authorized by the CPUC, or any other CPUC rate design principles adopted by the CPUC or in state law.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Section 1621(g) provides for the utilities to seek recovery of program costs.

TN #	Commenter	Comment	Response
244174	PG&E	As stated in our previous letter dated April 20, 2022, in order to take initial steps to implement the CEC’s proposed LMS, PG&E requested limited funding in the 2024-2027 Demand Response (DR) Application to the CPUC. This funding request is necessary for the implementation and operation in connection with the Market Informed Demand Automation Server (MIDAS) database. However, there may be more implementation-related costs for the dynamic or real-time rate structures the CEC may endorse, including without limitation impacts related to the scale and scope of data flows, which have not been reviewed or funded yet.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Thank you for the information about PG&E's funding plans.
244174	PG&E	To help with timing for further implementation activities and to help cover the additional costs, PG&E proposes that the CEC provide IOUs funding for implementation via the state general fund. This aligns with proposals and party comments in the CPUC’s Affordability OIR and sentiments expressed during the 2022 legislative session (e.g., Assembly Bill (AB) 2765 (Santiago).	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. CEC staff are not currently planning to pursue funding for LMS implementation through the state general fund. Other funding sources are available to the IOUs.
244174	PG&E	In the DR application, PG&E proposed \$8 million dollars covering years 2024 through 2027 for these specific activities. The proposed budget is an estimate based on the current CEC-proposed LMS requirements and is subject to change...the scope of work and funding needs may evolve as the CEC adopts and takes future action on utility-specific submissions under the CEC’s new LMS regulation.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. Thank you for the information about PG&E's funding plans.
244174	PG&E	PG&E Requests the CEC Clearly State that Implementation of the Specifications of the Statewide Standard Tool Required Under 1623 (c) is Conditioned on an Adequate Funding Mechanism, Approved by the Appropriate Authority (the CPUC), to Enable IOUs Compliance.	Comment acknowledged. No change made. Comment is out of scope of the 2nd 15-day comment period. Without waiving this objection, CEC responds as follows. IOUs should work with the CPUC to secure funding.

TN #	Commenter	Comment	Response
244174	PG&E	<p>There are two different ways to interpret 1623 (c), and each would lead to vastly different services and technical solutions. PG&E maintains that greater clarity in this section is critical. The development of a statewide standard tool with the specifications described under this section will impact time, resources, and costs related to the implementation of a solution.</p> <p>PG&E requests the CEC to provide guidance on which approach is the intended implementation as that information will determine the level of funding necessary and the joint coordination needed between IOUs to meet the functional requirements of the intended statewide standard tool.</p>	<p>Comment acknowledged. No changes made. Comment out of scope of the 15-day comment period. Without waiving this objection, the Commission responds as follows. The proposed amendments clearly stipulate a set of specifications for the statewide single RIN access tool. The eventual technical solution and the scope of service must, at minimum, meet the requirements in the proposed amendment, and be chosen and developed through a collaborative process between utilities, automation service providers and other stakeholders. A working group is expected to be form for the design and development of the tool.</p>
244174	PG&E	<p>Because the CPUC has authority over the majority of IOUs' rates (transmission rates are under Federal Energy Regulatory Commission (FERC)-jurisdiction), the CPUC's Rate Design Principles, as well as the CPUC's jurisdiction over retail rate setting and FERC's jurisdiction over rate setting for electric transmission, should be recognized by the CEC for comity and harmony between the three regulatory agencies. Furthermore, it is not appropriate to determine, and codify in the LMS, the costs that must be accounted for in rate structures or specify how those costs should be calculated without a full review of the rate design (with the opportunity for parties to present evidence and be heard) by the respective rate-approving body. To that end, in its April 20th comments, PG&E proposed edits to 1623 (a) which aimed to recognize the CPUC's and FERC's jurisdiction by recognizing those agencies' authority and flexibility to determine how to set rates for customer end-use as well as the cost principles underlying those rates.</p>	<p>Comment acknowledged. This comment is beyond the scope of the 2nd 15-day notice. Without waiving this objection, the staff responds as follows. This change is unnecessary because the authority of CPUC and FERC are established by other legal authorities.</p>

TN #	Commenter	Comment	Response
244174	PG&E	PG&E recommends the CEC revisit the timeline of the CEC Load Management Standard to better align with the potential outcomes from the new CPUC OIR to advance demand flexibility through electric rates since there seems to be opportunities to collaborate and align between the two proceedings.	Comment acknowledged. Some changes made to IOU timeline based on CPUC documents relied upon.
244293	TeMix	TeMix continues to support strongly all six steps of the CalFUSE vision.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Staff appreciate the support.
244293	TeMix	Pilot projects are necessary for the smooth rollout of real-time pricing. However, pilot projects should be designed so there is a smooth transition from the pilot phase to widespread implementation. Pilot participants need the assurance that investments in load-shifting devices will realize long-term benefits.	Comment acknowledged. No change made. Staff appreciate the support on the inclusion of pilot programs in the proposed amendment.
244293	TeMix	There is one area where there is significant room for improvement in pilot project management. That is around contracting....The process of getting signed contracts has taken months. Anything the CPUC and CEC can do to address these delays will accelerate pilot start-up and completion.	Comment acknowledged. No change made. Comment out of scope of the 2nd 15-day language. Without waiving this objection, CEC responds as follows. Contracting shall be addressed by the relevant agencies and/or utilities and is out of scope of the load management standards.

TN #	Commenter	Comment	Response
245934	Joint POU	<p>The Revised Joint POU Proposal recommends distinguishing the POU regulation by adding a new Section 1623.1, which would only be applicable to the affected POU. Section 1623.1 would differ from the existing proposed requirements by having the POU first submit a compliance plan to its own governing board for approval. Once the compliance plan is approved by the POU governing board, the POU would then submit it to the Commission for approval. The Commission’s review and approval would focus on whether the POU had followed the process outlined in the new section 1623.1.</p> <p>Additionally, the proposed new Section 1623.1 would allow the POU governing board to approve a program as an alternative to a tariff, if the governing board determines that a tariff was not appropriate based on considerations of cost effectiveness, equity, technological feasibility, benefits to the grid, and benefits to customers.</p> <p>Finally, the new Section 1623.1 would authorize the POU governing board to adopt a compliance plan that either delays the compliance requirements or modifies the compliance requirements, if the POU governing board makes findings based on specified factors.</p> <p>The Revised Joint POU Proposal would reduce the administrative burden of the Load Management Standard Program for both POU and the Commission.</p> <p>The Revised Joint POU Proposal would result in POU program being implemented on a shorter timeframe and would make POU programs more likely to be successful.</p> <p>The Revised Joint POU Proposal would allow for greater input from the POU communities and engagement by POU customers.</p>	<p>The staff notes that these comments were made after the period for commenting on the 2nd 15-Day notice had closed on July 21, 2022. Nonetheless, staff considered the comments, found many of them compelling, incorporated many of them into the proposed regulatory language and put that amended regulatory language (which included revisions that gave both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays, and modifications) out for comment with the 3rd 15-day notice. The CMUA, SMUD and LADWP (members of the Joint POU) submitted timely comments on the 3rd 15-day notice in support of the amended language. The staff incorporates its summary of commenter’s comments on the 3rd 15-Day notice and staff’s responses to those comments by reference here.</p>

Third 15 Day Comments

Table 5. Third 15-Day Comments

TN #	Commenter	Comment	Response
246215	SCE	SCE recommends that the CEC adjust the application and launch dates for implementation of marginal cost-based rates to be consistent with the timeline proposed by the CPUC Demand Flexibility Rulemaking.	Comment acknowledged. No change made. The proposed timeline is sufficiently aligned with the relevant works of CPUC. Utilities may apply for exemptions, modifications, and delays from the amended requirements. CEC has taken the DER Action Plan into account and added the DER OIR and White Paper into the record of this rulemaking via the 3rd 15-day notice.
246215	SCE	[1623(a)(2)] Within 3 months of the authorization to file applications for marginal cost rates by the CPUC Within twenty one (21) months of the effective date of these regulations, each Large IOU 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.	Comment acknowledged. No change made. Specific authorization for marginal cost rate by CPUC is not a prerequisite for large IOUs to apply for marginal cost-based rates.

TN #	Commenter	Comment	Response
246215	SCE	Alternatively, if the CEC is unable to base the timeline for application of marginal costbased rates on CPUC action, SCE recommends the CEC extend the time allotted for this activity from the current 21 months to 36 months so that it better aligns with a possible CPUC decision in Q2 2025 for the Large IOUs to file applications in Q3 2025.	Comment acknowledged. No change made. The proposed timeline is sufficiently aligned with the relevant works of CPUC and adequate for large IOUs to apply for marginal cost rates. Utilities may apply for exemptions, modifications, and delays from the amended requirements. CEC has taken the DER Action Plan into account and added the DER OIR and White Paper into the record of this rulemaking via the 3rd 15-day notice.
246215	SCE	[1623(d)(2)] Within forty five (45) months twenty-four (24) months of the effective date of these regulations receiving approval to implement marginal cost rates , each Large IOU shall offer to each of its electricity customers for which it has approved rates voluntary participation in a marginal cost rate developed according to Section 1623(a) if such rate is approved by the Large IOU'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 rate-approving body.	Comment acknowledged. No change made. A timeline for implementation based on approval of marginal cost rates may lead to indefinite unavailability of marginal cost rates or load flexibility programs to customers per 1623(d)(1).
246215	SCE	if the CEC is unable to base the timeline for making rates available to customers based on CPUC approval of rate applications, SCE alternatively recommends the CEC extend the time allotted for this activity from the current 45 months to 69 months so that it aligns with anticipated CPUC approval and likely implementation timelines currently being vetted in the CPUC Demand Flexibility Rulemaking.	Comment acknowledged. No change made. The proposed timeline is reasonable and sufficient for large IOUs to implement load flexibility programs per 1623(d)(1). Utilities may apply for exemptions, modifications, and delays from the amended requirements. CEC has taken the DER Action Plan into account and added the DER OIR and White Paper into the record of this rulemaking via the 3rd 15-day notice.
246215	SCE	SCE recommends that the CEC permit application for exemptions or delays if complying with the requirements of these standards would require the IOU to submit an	Comment acknowledged. No change made. The proposed timeline is sufficiently aligned with the relevant works of CPUC and adequate for large IOUs to comply with the requirements

TN #	Commenter	Comment	Response
		application for marginal cost rates before the time contemplated in related CPUC regulatory proceedings.	
246215	SCE	<u>[1623(e)(2)] (C) requiring timely compliance with the requirements of this article would require the Large IOU to submit an application for marginal cost rates before the time contemplated by the schedule for CPUC Rulemaking 22-07-005 or a successor proceeding, or</u>	Comment acknowledged. No change made. The proposed timeline is sufficiently aligned with the relevant works of CPUC and adequate for large IOUs to comply with the requirements
246215	SCE	SCE recommends the CEC clarify and adjust the timing of requirements to launch cost-effective response programs...SCE is unclear what programs are being referred to in this standard...if the requirement was meant to include pilot programs, SCE recommends that the timing of this requirement be updated to conform with its current pilot timeline.	Comment acknowledged. No change made. The timeline of load flexibility programs as described in 1623(d)(1) is sufficiently clear in the 3rd 15-day language.
246215	SCE	if this requirement was intended to track tariff-based load management programs that include automated response to MIDAS signals, the CEC should modify the standard to clearly state as such. Because these types of programs are likely to be implemented sometime after marginal cost-based rates are approved and implemented, the CEC should update the timing of requirements so that program lists are provided sometime after rates are implemented.	Comment acknowledged. No change made. Marginal signals do not have to track marginal cost-based tariffs. They can be evaluated and developed before or in parallel of marginal cost rate development
246215	SCE	SCE recommends the CEC remove the requirement to provide customers access to RIN(s) on customer billing statements...Customer billing statements are always backwards looking. They state what rate the customer was on and bill the customer for usage during a past billing period. However, the rate information on this statement should not be applied to any date after the billing statement period because it is possible that a customer's current rate is different than it was during the statement period. If a	Comment acknowledged. No change made. Comment out of scope of the 3rd 15-day language. Staff believe utility billing statements are crucial channels for customers to obtain rate information and be engaged and outreached to participate in voluntary rate switches and participation in load flexibility programs. The risk of reduced customer access and customer awareness far outweighs the risk of an outdated RIN. The risk of an outdated RIN

TN #	Commenter	Comment	Response
		customer or third-party provider were to use RIN information found on static billing statements to program devices, that may result in devices reacting to price signals that are incorrect. As such, the CEC should amend the standard to remove the requirement to include RINs on billing statements. Customers should only access RINs using online access to current data.	can be further mitigated by a variety of guardrails that the proposed amendments do not preclude, such as, but not limited to warning to customers that RIN on an older billing statement might be outdated, and/or links to online account to enable customers to easily check their current RIN.
246216	Steve Uhler	<p>Here are my comments for proceeding 2022 Load Management Rulemaking on the express terms in TN245995 Third 15-Day Proposed Revisions to the Load Management Standards.</p> <p>Please save all attached files to a local empty file folder or directory of your choosing, on your computer or tablet.</p> <p>If you view the "OIR-21-03 Adding equity" in your PDF viewer or browser, and try to save a attached PDF, the PDF may open in the PDF viewer or browser. If it does open, use the PDF viewer or browser download function to save the PDF to the local empty file folder or directory.</p> <p>Open "access comments.htm" file to access my comments from the local empty file folder or directory.</p> <p>Please view all linked files using your favorite web browser, just as you would for any website.</p> <p>If a link does not work, perhaps a attached file was not saved to same the local empty file folder or directory.</p> <p>If link still does not work, let me know, I will see to it you can explore all of my comments.</p> <p>Please consider all of my comments in docket 21-OIR-03 before proceeding to adopt the standards in the 2022 Load Management Rulemaking proceeding.</p>	The staff objects to this comment because it is not specifically directed at the proposed amendments or to the procedures followed in proposing or adopting the amendments, is outside the scope of the 3rd 15-day notice and because this comment does not comply with 20 CCR section 1208.1. Staff has responded to all the comments this comment refers to and incorporates those responses by reference here.

TN #	Commenter	Comment	Response
246218	CMUA	CMUA supports the proposed amendments as modified by the 3rd 15-Day Language.	Staff agrees with this comment and appreciates the support. The proposed revisions will give both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.
246218	CMUA	<p>The 3rd 15-Day Language makes a key change by incorporating the POU governing board into the process at the initial stage, allowing the POU governing board to shape the load management program from the beginning. Specifically, the 3rd 15-Day Language adds a separate section to the regulations that would apply to the affected POU. (3rd 15-Day Language at § 1623.1) In this new section, the affected POU takes their plans to comply with the load management standards to their own governing board for approval. (Id. § 1623.1(a)(1)) As part of this compliance plan approval process, the POU governing board can adopt delays or modifications to the requirements (Id. § 1623.1(a)(2)) and may determine that a program structure should be utilized as an alternative to a tariff structure. (Id. § 1623.1(a)(1)(B)) The Commission then reviews these compliance plans for consistency with the regulations. (Id. § 1623.1(a)(3)) This new structure strikes an appropriate balance of achieving the Commission’s goals for expanding load management programs while ensuring that the POU governing board takes the lead role in developing and overseeing the tariff development process. Such a structure is necessary to ensure that the Commission’s regulations do not infringe on the ratemaking authority of the POU governing boards. Further, because the 3rd 15-Day Language has the POU governing board adopt the compliance plan, this structure</p>	Staff agrees with this comment and appreciates the support. The proposed revisions will give both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.

TN #	Commenter	Comment	Response
		<p>provides an early opportunity for the POU's customers to be informed of the planned tariffs or programs and to provide feedback at this initial stage. This means that the 3rd 15-Day Language increases the likelihood of public engagement and support by potential participants.</p>	
246218	CMUA	<p>The 3rd 15-Day language would substantially reduce the costs and burdens to the POU's in developing the Load Management Standard Program and would increase the likelihood of programs being implemented faster and more effectively.</p> <p>[T]he prior version of the proposed regulations required the affected POU's to go through the entire tariff development process consistent with the compliance plan that had been approved by the Commission. These tariffs would need to be compliant with the Commission's regulations and determinations. The POU would need to go through this lengthy process even if the tariffs were not cost-effective for all of the POU's rate classes or if implementing the requirements was not technologically feasible for the POU at that time. The only option for seeking a delay or modification of these requirements was through an application to the Commission with no involvement or authority for the POU's governing board. The only role for the POU governing board was at the very end of the process,</p>	<p>The staff agrees with this comment. The proposed revisions will give both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.</p>

TN #	Commenter	Comment	Response
		<p>and only in the capacity of approving or rejecting the tariffs. This structure would likely have led to significant wasted resources because the POU staff could have been in a position where they would have been required to develop a whole slate of tariffs that their governing board would ultimately reject. This could mean years of wasted effort with the end result being that no load management tariffs, or programs are implemented at all.</p> <p>The 3rd 15 Day Language addresses these issues by having the POU governing board provide initial guidance to the POU through adopting the load management compliance plan and approving delays and/or modifications to the requirements. This restructuring makes it much more likely that the POU governing board will ultimately adopt the load management tariffs or programs because those tariffs or programs will have been developed consistent with the governing board's guidance and determinations on cost effectiveness and feasibility. The POU governing board is the oversight body with the best understanding of what is cost-effective for the utility and its customers and is best positioned to make a determination on feasibility. Further, because the POU governing board has the greater authority to fully reject the tariffs, it is reasonable to allow the POU governing boards to exercise the lesser authority of adopting delays and modifications. The 3rd 15-Day Language makes the load management standard more likely to be successful by making it less likely that a POU governing board would outright reject the entire tariff or program, and more likely that a modified structure would be implemented. Further, the POU governing board is much more likely to understand design features, options, and structures that are most likely to succeed with its own customer base. By giving the POU governing board the ability to provide this direction initially,</p>	

TN #	Commenter	Comment	Response
		the 3rd 15-Day Language makes it more likely that a load management mechanism will be targeted to and suitable for the POU's customers, which will likely lead to greater participation.	
246218	CMUA	CMUA recommends that the Commission clarify elements of the regulatory language in the FSOR, as specified in comments from SMUD and LADWP.	The staff agrees with this comment and incorporates its responses to SMUD's and LADWP comments here.
246220	California Community Choice Association	CalCCA appreciates the continued efforts of the California Energy Commission (Commission) to address stakeholder concerns with the proposed load management standards (LMS). Revisions to the LMS Regulations in the Third Notice that impact CCAs include: (1) limiting the application of the regulations to "Large CCAs"; (2) allowing CCAs to first seek approval of their compliance plans, rates and programs from their rate-approving bodies; (3) continuing to require the development and request for approval from CCA rate-approving bodies of the prescribed marginal cost rates, despite allowing CCAs to seek approval from the Commission of rates or programs enabling automated response to marginal cost signals; and (4) providing additional time for LMS compliance for CCAs.	The staff acknowledges this comment and appreciates the support. The proposed revisions will give both the CCA rate-approving bodies and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.

TN #	Commenter	Comment	Response
246220	California Community Choice Association	This third round of revisions to the proposed LMS regulations continue to fail to remedy the Commission’s jurisdictional overreach and infringement on CCA rate autonomy. Limiting the application of the regulations to “Large CCAs,” or CCAs that provide in excess of 700 gigawatt-hours of electricity to customers in any calendar year, does not remedy the Commission’s jurisdictional overreach or infringement on CCA rate autonomy. Despite the revision of the “compliance path” to allow CCAs to seek approval of their plans, rates and programs from their rate-approving body prior to seeking approval from the Commission, the Commission’s ultimate enforcement authority over all parts of the LMS regulations remains intact...In all cases, the Commission oversteps its jurisdictional authority and infringes upon the rate autonomy of CCA rate-approving bodies. Large CCAs must still develop and apply for approval from its rate approving body of the prescriptive marginal cost-based rate described in section 1623.1(b)(1). Therefore, the revised regulations continue to infringe on the rate authority of CCAs by requiring CCAs to develop and request approval for a rate design prescribed by the Commission.	Staff objects to this comment because it is outside the scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows. The staff disagrees with this comment and incorporates its responses to this commenter’s other comments regarding jurisdiction and ratemaking by reference here. In response to comments raised in the rulemaking, the amendments were tailored to the community choice aggregators’ situation in a number of ways, including: (1) limiting the application of the regulations to “Large CCAs”; (2) allowing CCAs to first seek approval of their compliance plans, rates, and programs from their rate-approving bodies before submitting them to the Commission; and (3) providing additional time for CCAs to comply, which will allow them more time to mitigate costs and provides them the option to adopt the LMS rates after they are adopted by the IOUs in whose service areas they operate. See section 1623.1.
246220	California Community Choice Association	Lengthen the time for CCA Compliance provide flexibility in the event that a CCA voluntarily participates in the LMS. CCAs cannot implement an hourly locational marginal cost-based rate until the IOUs develop the data and billing systems to incorporate the CCA rate. Therefore, delaying CCA participation until after the IOUs develop their own rates and programs will allow the appropriate systems to be in place to ensure that CCAs can actually implement the LMS provisions if they choose to do so.	The staff disagrees with this comment and incorporates its responses to this commenter’s other comments regarding jurisdiction and ratemaking by reference here. In response to comments raised in the rulemaking, the amendments were tailored to the community choice aggregators’ situation in a number of ways, including: (1) limiting the application of the regulations to “Large CCAs”; (2) allowing CCAs to first seek approval of their compliance plans, rates, and programs from their rate-approving bodies

TN #	Commenter	Comment	Response
			<p>before submitting them to the Commission; and (3) providing additional time for CCAs to comply, which will allow them more time to mitigate costs and provides them the option to adopt the LMS rates after they are adopted by the IOUs in whose service areas they operate. See section 1623.1.</p>
246221	PG&E	<p>[1623(d)(1)] PG&E requests that the CEC clarify “Commission,”... and its specific and exclusive reference to the California Public Utilities Commission (CPUC). If that is not the case, PG&E respectfully asks the CEC to further elaborate on the definition of a marginal signal(s).</p>	<p>Comment acknowledged. No change made. Comment out of scope of the 3rd 15-day language. Without waiving this objection, CEC responds as follows. Commission in 1623(d)(1) refers to the California Energy Commission (CEC). CEC maintains the MIDAS database, and it is necessary for CEC to review signals before their inclusion. Marginal signals refer to load control signals that are based on the marginal cost, as defined in 1621(c)(12).</p>

TN #	Commenter	Comment	Response
246221	PG&E	[1623(c)(D)] PG&E would like to draw attention to a potential issue with (D) that may lead to customer confusion and angst and suggests that the CEC facilitates a discussion with stakeholders to appropriately address possible challenges and conflicts likely to be created by (D)...For example, a smart thermostat manufacturer/vendor may want to change a residential customer's rate to Time-of-Use (TOU), but the same customer who owns an electric water heater may want to change the customer rate to E-ELECTRIC, while their electric vehicle (EV) manufacturer may want to change the same customer's rate to EV-2. Although rates would not be changed without customer consent, the average customer may not be able to understand the pros and cons associated with each of the rate options in tandem, as provided for in requirements (b) and (c) in the same section. PG&E suggests that the CEC hosts a workshop with stakeholders to determine whether the customer directly, or a third party, should be the entity responsible for requesting rate-specific modifications for the customer. And, if it is a third party, what criteria should be used to enable a given rate be changed for the specific customer.	Comment acknowledged. No change made. This comment is outside the scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows. Staff acknowledges a well-designed tool is critical for its success and customer satisfaction and agree that coordination and engagement of stakeholders is essential. The concern mentioned in the comment also highlights the potential and necessity of hourly marginal cost rate in the proposed amendments, which will be the most powerful, simple, and cost-effective solution to the sample problem described in this comment, it will work for thermostat, heat pump electric water heater and EV, minimize conflict, and create savings for consumers and the utility.
246222	SDGE	Importantly, the California Public Utilities Commission (CPUC) initiated its Order Instituting Rulemaking to Advance Demand Flexibility Through Electric Rates (R.22-07-005 or Demand Flexibility Rulemaking), which has significant overlap in purpose as the CEC's Revised Standards... Accordingly, given the nexus between the respective efforts of the CPUC and CEC, SDG&E strongly urges ongoing and close coordination between the agencies to ensure that policies and programs in this space are well aligned and potential jurisdictional conflicts considered.	Comment acknowledged. No change made. Ongoing and close coordination between the CEC and CPUC will be continued to ensure that policies and programs in this space are well aligned. Utilities may apply for exemptions, modifications, and delays from the amended requirements. CEC has taken the DER Action Plan into account and added the DER OIR and White Paper into the record of this rulemaking via the 3rd 15-day notice.

TN #	Commenter	Comment	Response
246222	SDGE	SDG&E supports the proposed change to the “Customer Class” definition to exclude streetlighting customers.	Comment acknowledged. No change made. Staff appreciates the support.
246222	SDGE	SDG&E has concerns about the LMS requiring the IOUs to develop transmission marginal costs. FERC has jurisdiction over transmission rates and, to date, has not used marginal costs in SDG&E’s transmission pricing... The CPUC and/or CEC could not require SDG&E to implement marginal costs in SDG&E’s transmission pricing even if it wanted to, as only FERC has the authority to do so.	Comment acknowledged. No change made. Comment out of scope of the 3rd 15-day language. Without waiving this objection, the CEC responds as follows. The proposed amendments only require the large IOUs to apply for marginal cost rates to its rate-approving bodies. Implementation of marginal cost rates is only required if approved. If utilities apply to FERC for marginal cost-based transmission rates and their applications aren't granted, they can apply to the CEC for a modification, delay, or exemption from the marginal cost-based transmission rate requirement.
246222	SDGE	SDG&E has significant concerns with the Revised Standards to the extent Section 1623(a) may require Large IOUs to develop marginal costs-based rates that include location-dependent pricing. To achieve location dependent pricing, SDG&E would have to evaluate and develop pricing at the circuit level for distribution costs, which would greatly expand implementation cost such as billing costs, costs related to customer education, and other ongoing costs such as monitoring the various circuits. SDG&E has approximately 820 circuits—thus, to have hourly signals on each of these circuits is a significant undertaking. Additionally, some SDG&E customers receive non-simultaneous service from more than one circuit, which will complicate pricing, billing, and customer understanding. Moreover, SDG&E is concerned that locational pricing may create inequitable pricing for customers on high impact circuits that would	Comment acknowledged. No change made. Comment out of scope of the 3rd 15-day language. Without waiving this objection, the CEC responds as follows. The proposed amendments only require appropriate location dependent marginal costs. The large IOUs can evaluate and determine appropriateness.

TN #	Commenter	Comment	Response
		have higher distribution prices as compared to other customers on the same rate schedule.	
246222	SDGE	Given the complexity involved in developing one statewide tool in compliance with the terms of LMS and other applicable law, including applicable customer data privacy laws, SDG&E believes 18 months is insufficient... SDG&E flags the issue to make clear that a significant extension may be required.	This comment is outside the scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged. No change made. Based on stakeholders' inputs and other best information available, staff believes that 18 months is sufficient for the development of the tool and submission to the Commission for review and approval.
246223	LADWP	The 3rd 15-Day Regulations strike a good balance between encouraging publicly owned utilities (POUs) to pursue these Load Management Standards as part of a holistic solution while recognizing the jurisdiction of local governing bodies...LADWP supports the Commission's proposed structure that allows LADWP and its Board to evaluate cost effectiveness, equity, technological feasibility, and benefits of any rate or program prior to LADWP's Board deciding how to proceed, considering its unique challenges and opportunities.	The staff acknowledges this comment and appreciates the support. The proposed revisions will give both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.
246223	LADWP	The reference to "Subsections 1623.1(b)-(d)" in section 1623.1(a)(1) should be changed to read "Subsections 1623.1(b)-(c)".	The staff agrees with this comment. Subsection 1623.1(d) concerns the process for enforcing the Load Management standards regulations and is not an appropriate element of the compliance plans required by section 1623(a). This is the result of a typographical error in subsection 1623.1(a)(1) and (a)(2) as well. The staff will pursue changing these references from "1623.1(b)-(d)" to "1623.1(b)-(c)", including through the section 100 process if the regulation is approved.

TN #	Commenter	Comment	Response
246223	LADWP	To be consistent with 1621(a), the word “equity” should be added to the second sentence of section 1623(a)(1), so it reads: “improve electric system efficiency, equity, and reliability,”.	The staff agrees with this comment. This is also the result of a typographical error in subsection 1623.1(a)(1), especially since subsection 1623.1(a)(1)(A) requires that compliance plans consider equity as a factor for evaluating marginal cost-based rates. The staff will pursue adding “equity” to the sentence specified in this comment, including through the section 100 process if the regulation is approved.

TN #	Commenter	Comment	Response
246223	LADWP	<p>Although the 3rd 15-Day Regulations bifurcate POU and IOU requirements for meeting Load Management Standards by introducing Section 1623.1, there appears to be requirements within Section 1623 (IOU requirements) that include activities that a POU must meet. One such area is Section 1623(c), which requires a jointly developed and administered statewide standard tool for authorized rate data access by third parties. Maintaining the framework of the current proposed regulatory language would limit a local governing board's ability to carry out the intent of 1623.1(a), which is to adopt a compliance plan considering all factors and required actions – POU's who adopt a modification to the Load Management Standards may be unable to jointly deploy a tool if that timeframe misaligns with availability of the necessary inputs and resources. To resolve this concern and allow local governing bodies full authority to modify compliance plans, LADWP requests that the Commission update Section 1623.1 (a)(2) to reference Subsection 1623 (c) as follows: (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) and (c) and 1623 (c), if the rate approving body determines that the plan demonstrates any of the following: The above change would serve to reconcile the intent of the bifurcated 3rd 15- Day Regulations and minimize any regulatory confusion. If this correction is not made in updated regulations, then LADWP requests clarification in the FSOR.</p>	<p>Staff agrees with this comment in part and disagrees with it in part. Staff agrees that Large POUs need some flexibility with respect to RINS. However, staff believes that the regulation provides this flexibility. Section 1623.1(a)(2) authorizes the rate approving bodies of Large POUs to approve a compliance plan that alters the requirements of subsections 1623.1(b)-(d) if they can make certain findings. Section 1623.1(c) includes a reference to RINS, making RINS subject to this aspect of Large POU's authority. Nonetheless, the single statewide tool that section 1623 requires differs from the regulation's other requirements because the statewide tool will be the product of the joint efforts of the Large POUs, Large IOUs and Large CCAs and requires timely joint action by them. So, it makes sense that the regulation requires, as it does at section 1623(d)(2)(B), that extensions to the deadline for producing the standard statewide tool can be approved by the Executive Director upon a showing of good cause rather than confining such relief to the delay provisions in section 1621 (in the case of Large IOUs) or section 1623.1 (in the case of Large POUs or Large CCAs) which would require different showings and take more time to resolve.</p>

TN #	Commenter	Comment	Response
246223	LADWP	LADWP Recommends that the Commission Revise the Timetable for § 1623.1 (b)(4) Section 1623 (d)(2) was updated to extend the timeline for large investor-owned utilities to offer customers voluntary participation in marginal cost rates from 3 years to 45 months. LADWP believes that not similarly updating the timeline for large POU's may have been an unintentional oversight and requests the following change be made in updated regulations or clarified in the FSOR.	The staff disagrees with this comment. The timeline for Large IOUs in 1623(d)(2) was extended to align better with the CPUC's efforts in this area and its timelines for approving rates. This is important because the CPUC approves the rates of the Large IOUs. The CPUC does not approve the rates of the Large POU's.
246223	LADWP	LADWP encourages the Commission to allow POU's flexibility in the structure of their compliance plans by considering cost-effectiveness, equity, technological feasibility, benefits to the grid, and benefits to customers of programs that enable automated response to marginal cost signal(s) for each customer class. The above change would provide flexibility to the POU and its governing body in determining the most effective path to meeting the goals of Load Management Standards, while avoiding the potential for an overly burdensome evaluation of each specific factor. If this change is not made in updated regulations, LADWP requests clarification in the FSOR.	The staff disagrees with this comment and believes that the proposed section 1623.1(a)(1) provides sufficient flexibility to design effective marginal rates and programs, while specifying the criteria under which they will be judged with sufficient clarity.

TN #	Commenter	Comment	Response
246224	SMUD	<p>The Final Statement of Reasons (FSOR) should clarify the following:</p> <ul style="list-style-type: none"> o The scope of the CEC approval process for POU compliance plans, as well as any conditions of CEC approval of such plans, will focus on the procedures followed by the POU governing bodies and respect the determinations of such bodies based on the required factors. In initiating an enforcement action for failure of a POU to respond to a reasonable request from the CEC, response “deadlines” set by the Executive Director or CEC will be no less than 90 days. o While Large POU may be more nimble than Large IOUs, such that Large POU may implement rates and/or programs within a shorter timer period, it is reasonable for Large POU also to adopt plans calling for implementation within 45 months, in alignment with the Large IOU requirements. 	<p>The staff disagrees with this comment and believes that it is important that the Executive Director and the Commission be able to obtain information from the Large POU on a timelier basis than a 90-day turnaround if the circumstances warrant it. Although staff believe that if the proper steps required by the regulations are followed plans and material plan revisions will be compliant, staff believes that in the unlikely event that questions could be raised over the underpinnings of the findings supporting them it is necessary that the Commission have the ability to address such issues.</p>
246224	SMUD	SMUD also supports the comments of the California Municipal Utilities Association dated September 27, 2022.	The staff acknowledges this comment and incorporates its responses to CMUA’s comments by reference here.
246224	SMUD	SMUD supports the inclusion of a separate compliance pathway for Large POU that provides an express role for their respective governing bodies to determine early in the process whether rates, programs, or modified requirements are feasible and appropriate for their specific businesses and communities, based on specified factors...This compliance pathway also appropriately recognizes the unique position of Large POU to engage their communities and develop programs and rates that are tailored to their communities’ specific needs...SMUD believes that the flexibility provided to POU in the Third 15-Day Language to determine which offerings are most suitable for their individual customers and communities, based on specified factors, will result in greater achievement of the LMS objectives.	The staff agrees with this comment. The proposed revisions will give both the POU governing boards and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety.

TN #	Commenter	Comment	Response
246224	SMUD	SMUD supports the explicit inclusion of equity and safety, along with technical feasibility and cost effectiveness in achieving the LMS objectives as factors that must be evaluated when considering the implementation of specific elements of the LMS program.	The staff agrees with this comment.
246224	SMUD	SMUD supports the revision to the definition of “customer class” in section 1621(c)(6) to exclude street lighting, for purposes of this regulation.	The staff agrees with this comment.
246224	SMUD	SMUD also observes that, in addition to street lighting, other customers classes such as agriculture and various levels of commercial classes may not lend themselves to marginal cost-based approaches. SMUD believes it is appropriate that POU governing bodies retain full discretion pursuant to Section 1623.1(a)(1)-(2) to determine which customer classes would benefit from a dynamic pricing tariff.	Comment acknowledged. No change made. Section 1623.1(a)(1)-(2) require POU to evaluate cost effectiveness, equity, technological feasibility, benefits to the grid, and benefits to customers of marginal cost-based approaches for each customer class, which will include agriculture and various levels of commercial classes. These requirements will enable the POU to make fact-based, well-informed determinations.
246224	SMUD	The ability to modify or delay these requirements, if the POU governing body determines that timely compliance is not technologically feasible, is necessary due to the uncertainty around the timing to upgrade the billing systems and confirm operability with the newly developed RIN access tool....The timeline in the Third 15-Day Language fails to acknowledge the complexity and cost of transitioning systems and processes necessary to implement the RIN requirement across multiple customer classes. SMUD is concerned that the proposed Third 15-Day Language does not clearly address how a POU may adapt these requirements, as may be needed. Section 1623.1(a)(1) allows POU governing boards to modify any requirement in section 1623.1(b)-(d) based on specified factors. However, the provisions regarding RIN information on customer bills and the development of the RIN access tool are included in	Staff agrees with this comment in part and disagrees with it in part. Staff agrees that Large POU's need some flexibility with respect to RINS. However, staff believes that the regulation provides this flexibility. Section 1623.1(a)(2) authorizes the rate approving bodies of Large POU's to approve a compliance plan that alters the requirements of subsections 1623.1(b)-(d) if they can make certain findings. Section 1623.1(c) includes a reference to RINS, making RINS subject to this aspect of Large POU's authority. Staff acknowledges the drafting error and have changed the reference from 1623.1(b)-(d) to 1623.1(b)-(c). Nonetheless, the single statewide tool that section 1623 requires differs from the regulation's other

TN #	Commenter	Comment	Response
		<p>1623(c). SMUD believes this omission may have been a drafting oversight. The current reference to section 1623.1(d) is to the enforcement provisions, which SMUD understands that Large POUs may not modify. Moreover, the Large IOUs have the ability to request a modification of any requirement in Section 1621 or Section 1623, including the RIN requirements. SMUD is unaware of any reasons for the CEC to make a modification pathway available to Large IOUs but not Large POUs.</p> <p>SMUD requests a confirming change to section 1623.1(a) to replace the erroneous reference to section 1623.1(d) and replace it with section 1623(c). SMUD believes this change is necessary for clarity and to avoid an arbitrary approach to implementation of RIN requirements for POUs relative to IOUs. However, if the CEC determines that additional regulatory changes are not needed, the FSOR must, at minimum, clarify that POUs can modify these requirements consistent with the process in section 1623.1(a).</p>	<p>requirements because the statewide tool will be the product of the joint efforts of the Large POUs, Large IOUs and Large CCAs and requires timely joint action by them. So, it makes sense that the regulation requires, as it does at section 1623(d)(2)(B), that extensions to the deadline for producing the standard statewide tool can be approved by the Executive Director upon a showing of good cause rather than confining such relief to the delay provisions in section 1621 (in the case of Large IOUs) or section 1623.1 (in the case of Large POUs or Large CCAs) which would require different showings and take more time to resolve.</p>

TN #	Commenter	Comment	Response
246224	SMUD	<p>The FSOR should clarify the scope of the CEC’s approval process in section 1623.1(d) is limited to the processes and procedures followed by a Large POU governing body. As noted above, SMUD supports the structure of the Large POU compliance pathway in Section 1623.1(a). This structure specifies objectives and priorities for POU governing bodies but allows POU governing bodies to offer programs or delay or modify LMS requirements after the evaluation of specified factors, as described in section 1623.1(a) and (b). SMUD understands that the CEC’s oversight role in approving Large POU compliance plans is specifically focused on whether POU governing bodies considered the required factors when developing plans to implement rates and/or programs. Such an oversight role is appropriate because it limits the CEC’s assessment to whether a POU has taken the required steps in developing the plan but does not seek to substitute the CEC’s judgment for that of the POU governing body regarding cost-effectiveness and feasibility of these offerings for specific customer classes on specified timelines. This understanding is consistent with the language of Section 1623.1(a)(3)(B) of the Third 15-Day Language, which states that the CEC “may place conditions on its approval of plans or material plan revisions that are necessary to guarantee the plan or material plan revision will comply with Section 1623.1(a)(1) or (2) by a date certain” (emphasis added). However, to avoid ambiguity, SMUD requests that the FSOR confirm that the scope of the CEC’s approval process is limited to the process to develop and implement the Large POU compliance plan, not the substance or underpinning decisions of the plan itself.</p>	<p>The staff disagrees with this comment. Although staff believe that if the proper steps required by the regulations are followed plans and material plan revisions will be compliant, staff believes that in the unlikely event that questions could be raised over the underpinnings of the findings supporting them it is necessary that the Commission have the ability to address such issues.</p>

TN #	Commenter	Comment	Response
246224	SMUD	SMUD requests that the FSOR expressly confirm that the deadline referenced in Section 1623.1(d)(3) shall be no less 90 days, consistent with the timeline established by 1623.1(a)(3)(B).	The staff disagrees with this comment and believes that it is important that the Executive Director and the Commission be able to obtain information from the Large POU's on a timelier basis than a 90-day turnaround if the circumstances warrant it.
246224	SMUD	The timeline for Large IOUs to offer voluntary participation in a marginal cost rate was extended to 45 months (previously 3 years) from the effective date of the LMS regulation. However, the implementation timeline for Large POU's to meet a similar requirement remained at 36 months. SMUD hopes that this inconsistency was an unintentional oversight and requests that the FSOR clarify that although Large POU's may be more nimble than Large IOUs, such that they may implement rates and/or programs within a shorter timer period, it is reasonable for Large POU's also to adopt plans calling for implementation within or even exceeding 45 months pursuant to Section 1623(a), in alignment with the Large IOU requirements.	The staff disagrees with this comment. The timeline for Large IOUs in 1623(d)(2) was extended to align with the CPUC's efforts in this area and its timelines for approving rates. This is important because the CPUC approves the rates of the Large IOUs. The CPUC does not approve the rates of the Large POU's.
246226	Valley Clean Energy	<p>In our July 21, 2022 comments, VCE suggested the CEC staff consider the following general topics as they finalized the draft Rule for consideration by the Commission:</p> <ul style="list-style-type: none"> • Provide adequate customer and automation support • Focus on key sectors first • Pilot and Phase Implementation • Expand the scaling strategy to include how to build out the expertise/resources necessary for a successful widespread rollout • Tailor implementation approach to the type of LSE 	Comment acknowledged. No change made. Comment out of scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows. Staff believe the proposed amendments have been refined to enable the regulated entities to comply with the requirements with abundant flexibility in strategies and approaches and achieve the goals of load management.

TN #	Commenter	Comment	Response
246226	Valley Clean Energy	the September 12, 2022 Notice of Third 15-Day Public Comment Period Proposed Revisions to the Load Management Standards do separate POU's and CCA's into a separate section and provide some additional flexibility, but the draft Rules do not appear to address identified key barriers to successful implementation. VCE continues to be concerned that the draft Rule's top-down regulatory approach will curb innovation, needlessly redirect energy and resources to a "paper chase", and will ultimately be counter-productive for a demand shift tool that we all need to be high performing.	Comment acknowledged. No change made. Staff believe the proposed amendments, with greater flexibility and a wide range of compliance options will spur innovation in the load management space. The proposed revisions will give both the CCA rate-approving bodies and the CEC effective voices in approving plans, rate structures and exemptions, delays and modifications and will create an effective process that serves the goals of the LMS program with public participation, and enhances system reliability, equity, and safety. In response to comments raised in the rulemaking, the amendments were tailored to the community choice aggregators' situation in a number of ways, including: (1) limiting the application of the regulations to "Large CCAs"; (2) allowing CCAs to first seek approval of their compliance plans, rates, and programs from their rate-approving bodies before submitting them to the Commission; and (3) providing additional time for CCAs to comply, which will allow them more time to mitigate costs and provides them the option to adopt the LMS rates after they are adopted by the IOUs in whose service areas they operate. See section 1623.1.

TN #	Commenter	Comment	Response
246226	Valley Clean Energy	VCE is simultaneously submitting comments into the CPUC's Order Instituting Rulemaking to Advance Demand Flexibility Through Electric Rates (Rulemaking 22-07-005). In our comments to that proceeding, consistent with our comments shared here, we argue for an expedited, expanded but targeted approach to deployment of dynamic rates:...Perhaps the CEC should also consider an additional path in its Rulemaking that offers resource support and regulatory relief to incentivize voluntary implementation of demand management by willing LSE's to demonstrate the value of this tool.	Comment is outside the scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows Comment acknowledged, no change made. CCAs are allowed to take a more aggressive step and implement marginal cost rates and/or load flexibility programs ahead of the required timeline. Staff believe the proposed amendments can ensure all customers with the potential and desire to manage load can have an option to participate, while ensuring consistency, customer equity and effectiveness. The timeline in the proposed amendments is sufficient and appropriate for CCAs to implement compliant rates or load flexibility programs
246226	Valley Clean Energy	VCE points out that it is unclear how the draft Rule finding is made that the savings of the proposed approach "...will outweigh the costs associated with implementing these programs." § 1623.1(e). VCE suspects that it may be contained in a separate analysis, but the draft Rule itself does not address costs or savings (e.g. savings associated with adjusted LSE capacity costs or requirements due to voluntary customer load shift).	Comment is outside the scope of the 3rd 15-day notice. Without waiving this objection, staff responds as follows. Comment acknowledged. No change made. The cost effectiveness analysis can be found in the staff report, posted on the docket as a document relied upon.

TN #	Commenter	Comment	Response
246325	Steve Uhler	<p>The only "does not include" in 1621(c)(6) is "street lighting", thus limiting application exclusions for customer classes to street lighting. Expressio unius est exclusio alterus. The express mention of one person, thing, act, or consequence excludes the others. Premise, the legislature would not have made specified enumerations in a law had the intention been not to restrict its meaning and to confine terms to those expressly mentioned. Consequence, where a statute, by its terms, is expressly limited to certain matters, it may not, by interpretation or construction, be extended to others.</p> <p>Wholesale customers are not excluded under 1621(c)(6).</p>	<p>Comment acknowledged. No change made. Street lighting is specifically excluded because it is a customer class where it can be extremely difficult to shift load.</p>
246325	Steve Uhler	<p>The attached video refers to high margin customers as a class by saying "the Raging wires". High margin customers are a customer class. The source for the video was found at https://smud.granicus.com/player/clip/1086</p> <p>The broad group of customers used for rate design in 1621(c)(6) appears to include wholesale and high margin customers.</p>	<p>Comment acknowledged. No change made. Comment is out of scope of the 3rd 15-day notice and is not direct at the proposed amendments or the procedures employed in adopting them. Without waiving these objections, the CEC responds as follows. Customer class designation is managed by individual Large IOUs, Large POU's and large CCAs, and is not relevant to the proposed amendments.</p>
246325	Steve Uhler	<p>The 2022 Load Management standards require that entities subject to this article offer rates or programs structured according to the requirements established herein. Is including wholesale and high margin customers the intent of the commission?</p> <p>Will the public have access to wholesale and high margin customers' rate data in MIDAS?</p>	<p>Comment acknowledged. No change made. Comment is out of scope of the 3rd 15-day notice. Without waiving this objection, the CEC staff responds as follows. The proposed amendments require each regulated entity to evaluate marginal cost-based approaches for each customer classes, except lighting. MIDAS does not, and will neither access nor store customers' rate data, and therefore impossible to allow public to access customers' rate data.</p>

TN #	Commenter	Comment	Response
246366	Steve Uhler	<p>Please review the query results in the attached "MIDAS-Sequence contains more than one element" zip file. Folders 000053 and 000060 contain HTTP/1.1 200 OK results. The other folders contain HTTP/1.1 400 Unexpected Error results.</p> <p>What is the database system MIDAS is using? Is MIDAS written in C#? How was MIDAS certified? Is this a issue that is known by CEC staff? What is the plan to prevent is unusual and perhaps harmful type of database error? Please see that MIDAS and its documentation is improved to ensure the public has reliable access to load management system data pursuant to proposed title 20, 1623(b) statement "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."</p>	<p>Comment acknowledged. No change made. Comment is out of scope of the 3rd 15-day language. Without waiving this objection, the CEC responds as follows. Updated MIDAS documentation will be available on the docket following the adoption hearing.</p>

TN #	Commenter	Comment	Response
246423	NRDC	NRDC strongly supports CEC’s proposed revisions to the Load Management Standards, including requirements that utilities develop marginal cost-based rate offerings and provide time-dependent rates to a central database... The Load Management Standards provide the infrastructure for demand flexible devices across sectors to automatically optimize their energy use... Aligning retail electricity rates with time-dependent marginal costs has clear environmental benefits... Marginal cost-based rates make electricity more affordable... Load management bolsters power sector reliability... The Load Management Standards will foster innovation of price-responsive technologies...Therefore, NRDC strongly recommends CEC adopt the revised Load Management Standards, establishing a statewide system of dynamic price and emissions signals for end-use automation to provide demand flexibility on the grid.	Comment acknowledged. No change requested. Staff agrees with this comment and appreciates the support.

Business Meeting Comments

Table 6. Business Meeting Comments – October 12, 2022

TN #	Commenter	Comment	Response
247086	SMUD	<p>Good morning, Chair Hochschild and Commissioners, great to be here. My name is Katherine Larson and I am with SMUD, the Sacramento Municipal Utility District. SMUD would like to thank Commissioner McAllister and the CEC staff for their commitment to working with stakeholders throughout this process and ensure that the Load Management Standards are ambitious but practical.</p> <p>In particular, we appreciate the revisions in the third 15-day language that allowed POU rate-approving bodies to decide to develop and offer rates or programs or modify requirements after considering specified factors. We believe these revisions reflect an acceptable balance between the CEC statutory authority and the POU's independent rate-making authority and expertise.</p> <p>SMUD recognizes the importance of load flexibility, and we're already piloting programs to learn about the most effective ways for our customers to engage with behind-the-meter devices. We appreciate the third 15-day language that recognizes the importance of such efforts as we design, test, and refine rates and programs that our customers will adopt, enjoy, and actually stick with.</p>	Staff appreciates the support.

TN #	Commenter	Comment	Response
247086	SMUD	<p>With that said, we'll also note that implementation of the LMS won't be easy. In our own experience it can be a quite lengthy process to study, design and successfully implement these rates and programs. And they may not always be appropriate for every customer class. Developing a single rate identification number access tool that works with all obligated utility systems may be challenging, and upgrades to utility billing systems can also be complex, time consuming and expensive. In general though, we understand the flexibility afforded to POUs and the third 15-day language is intended to mitigate these challenges. But we have also submitted written comments recommending some express clarifications in the final statement of reasons as well.</p> <p>Challenges notwithstanding, we believe the third 15-day language has substantially addressed all our most significant concerns and we support its adoption today with the clarifications that I've noted. We look forward to continuing to work with the CEC on implementation. Thank you very much.</p>	<p>Staff appreciates the support. The staff also incorporates its responses to this commenter's September 27, 2022, comments by reference here.</p>

TN #	Commenter	Comment	Response
247086	CPUC	<p>Good morning Chair Hochschild and Commissioners. Thank you for the opportunity to comment on this item. My name is Dan Buch, and I am the Branch Manager in the California Public Utilities Commission's Energy Division responsible for electric rate design and demand response, among other things. CPUC staff is very supportive of the LMS amendments that the CEC is considering today. They are consistent with, and supportive of several high priority initiatives at the CPUC. And I want to highlight a few of those initiatives to show just how closely aligned they are with the Load Management Standards amendments that CEC is considering this morning.</p> <p>First and most recently just in July of this year, the CPUC opened a new rulemaking to enable more widespread demand flexibility through electric rates. Preliminarily the scope of this demand flexibility rulemaking includes reforming fixed charges pursuant to Assembly Bill 205. Considering policies to enable widespread demand flexibility through retail dynamic rates in support of the state's electrification and distributed energy resource initiatives And facilitating investor owned utility compliance with the anticipated updates to LMS requirements.</p>	Staff appreciates the support.

TN #	Commenter	Comment	Response
247086	CPUC	<p>Second, in April of this year the CPUC also updated its Distributed Energy Resources Action Plan to set the following aspirational goals which align with the proposed LMS amendments. First by 2025, all utility customer classes have access to multiple rate options, including dynamic and real-time pricing rate pilots. Available rates reflect time variant and location-based marginal costs and are transparent, equitable and aligned with Load Management Standards.</p> <p>And third, by next year the CPUC plans to initiate consideration of proposals to ensure that customers, technology vendors, and third-party service providers have access to pricing information for a wide range of rates through a universal access-pricing platform.</p> <p>I'll also note a couple of additional items. The investor-owned utilities are currently conducting two dynamic rate pilots ordered by the CPUC that incorporate components of the CEC's proposed to Load Management Standards amendments that you will vote on later today. And in May, CPUC staff released a Whitepaper with a proposed CalFUSE framework that we believe fully aligns with the proposed LMS amendments.</p> <p>So in closing, I want to thank Commissioner McAllister and CEC staff for their close and productive collaboration with CPUC staff on the proposed LMS amendments and for incorporating our feedback into the final proposal. We see these standards as a crucial step toward enabling widespread demand flexibility in the electric system. And we look forward to continuing collaboration with CEC through the implementation phase. Thank you.</p>	Staff appreciates the support.

TN #	Commenter	Comment	Response
247086	CAISO	<p>Great. Good morning, Chair and Commissioners. My name is Delphine Hou. I'm a Director of California Regulatory Affairs at the California ISO. Really pleased to be here. And I thank you so much for Commissioner McAllister and all of this incredible CEC staff to bring this important issue to the fore.</p> <p>CAISO definitely supports this, but I do want to go into a little bit of the why. We think there is considerable latent potential to manage load. But the other reason we really support this is because CAISO has a very powerful signal that we use to signal what the grid needs, and that is our locational marginal prices.</p> <p>But what does that really mean? Let me break it down to maybe three major components that are really relevant here. They're very effective grid signals, because first, it's a price. So if you are shifting load, and you want to understand what the economic impact and tradeoff that is, the LMPs can tell you that. But another really important factor is that they are a GHG signal. When the prices are high it typically means there are emitting resources on the margin. When the prices are low it typically means there are renewables or low, non-emitting resources on the margin. So that is a very strong and very easy-to-understand signal for the end consumers to understand that when prices are high it's likely a) not as economic for them to use electricity; and is likely using emitting resources.</p>	Staff appreciates the support.

TN #	Commenter	Comment	Response
247086	CAISO	<p>Lastly, and very important to the CAISO, it is a reliability signal. As Stefanie noted, when we are in grid emergency and in grid conditions the prices rise for a reason, it is classic supply-and-demand. But it's also signaling to the end consumer, "Hey, this is a time of grid stress. Please do not use electricity if you can. If you can shift that load, or don't charge your electric vehicles, or provide back to the grid if you can do that as well." So that's all a very effective, integrated signal that comes from the grid that we hope more and more retail consumers can discover.</p> <p>But also, the CEC is doing this important groundwork in terms of the database having the automation. Because even I, working at the CAISO, I do not want to get a five-minute electricity signal ever. But if I had the devices, if I had the capability to set it and forget it, but have everything my house, my electric vehicle, conform with that to help the grid I think that would make me a very happy consumer. But also it would potentially reduce my costs and really reinforce everything that we're trying to pursue and achieve as a state.</p> <p>So again, we're very excited about this foundational step. As Dan spoke from the CPUC we, the CAISO, was also very supportive of the efforts there. And we have encouraged the PUC to work very closely with the CEC. And we're very glad that that cooperation is happening. So again, we're very supportive of this, we want to be able to provide whatever the CAISO has as a signaling to the end consumers, for consumers who can use this; and we understand not every consumer can. But again, the idea is that maybe with more technology, that will be a bridge for all consumers to be able to adopt this. So again, really support this effort, please approve this. And thank you for your time.</p>	Staff appreciates the support.

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247086	Center for Energy Efficiency and Renewable Technology	<p>Center for Energy Efficiency and Renewable Technology. And I'm really, really happy to be here today, because this proposal, along with the other work that Commissioner McAllister is leading is basically reinventing what we used to call "demand response." And which has been lagging and falling behind. And we saw the first week of September how important demand flexibility and moving load around is. And we saw -- based on a SMUD customer, so I can tell you that it wasn't news to me -- that the strategy to get through the days that are hot and expensive is cool your house overnight into the middle of the day, and then raise the temperature in the afternoon. And the difference in that message is that it's not sacrifice, it's proactive. And so what this proposal does is further empower customers, bypassing the historic resistance to time-of-use pricing and demand response programs. The combination of this strategy with the data that you are assembling and compiling and hopefully making available to third parties, combined with the Governor's budget initiatives, creates an opportunity for us to really put wheels under demand response. And have it ready as soon as we can, because we know that '23,'24,'25,'26 summers and Septembers are when we're going to be stressed. So what this proposal does is enable us to catch up with this resource being available to the grid, as the ISO said, and the fact that the diplomacy and the development of this rule has been spot on. You know, we know there's always a temptation with the publicly owned utilities to be a little directive. But the fact is, L. A. and SMUD are leading the way on some of these initiatives. And so we want to adapt some of what they've done to what we need to get the IOUs and the PUC to do. So I'm very encouraged. And I really think we're at the beginning of a new era of demand flexibility, and commend Commissioner McAllister and want to be there to help on any, any way we can, because this is a foundational strategy for California. Thank you.</p>	Staff appreciates the support.

TN #	Commenter	Comment	Response
247086	Steve Uhler	<p>Hello, Commissioners. This is Steve Uhler calling, U-H-L-E-R. This is a very important subject. But I have noticed that staff has overlooked posting whatever resolution and any other documents that you're going to vote on today in the docket, so it's currently not deemed a record for the proceedings. So hopefully you can get that done. Also, hopefully you had a chance to look through my comments. They range from some recent ones that did direct comparisons of language with questions about why there are two pieces of language, one for CCAs and POUs, and one for IOUs. Or why there's no exemptions for POUs and CCAs, which I listed in my comments, my written comments. Also I'd like to -- I put that system together, because I actually wanted to see what this whole thing looked like. Because there's a lot of markups in the express terms. Actually they go beyond what statute allows and markup strikethroughs are only for regulatory language that's approved.</p>	<p>Comment acknowledged. No change made. Comments not specifically directed at the proposed amendments. Without waiving these objections, the staff responds as follows. The staff disagrees with this comment. The resolution was included in the backup materials for this item and was correspondingly posted to the Commission's website. The 3rd 15-day language was posted to the LMS rulemaking docket on 9/12/2022, along with the notice that it would be considered at the 10/12/2022 business meeting. The responses to this commenter's other comments at the business meeting are incorporated by reference here.</p>

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247086	Steve Uhler	<p>But the other items would be related to MIDAS. If we will look at it, it's 1623(b) or 1623.1(c), which are almost exactly the same language, it says that the Commission will maintain public access to MIDAS. And all I have to do is give you a RIN and I'll get the information I want. Well MIDAS currently doesn't work that way. So and as you may know, once you write a regulation on how something's supposed to be worked, you can't embellish it with other writings such as a document that says you have to get a password.</p> <p>So I'm really suggesting that you table this at least until you place into the record, or the staff place into the record what you're voting on here today. I'm particularly interested in why they talked about general exemptions for hardships for utilities and CCAs when the language explicitly limits that to IOUs. I would like clarification on that. And pursuant to your meeting laws, I am making a request that you publish in the docket for the record what you're voting on, the actual document. And when I see it, I will continue my comments. This is quite unfair to the public, because your List Service is unreliable so I use your docket. If it's not in the docket I don't know about it. So please take care of that.</p>	<p>Comment acknowledged. No change made. Comments not specifically directed at the proposed amendments. Without waiving this objection, the staff responds as follows. The Commission voted to adopt the entire set of amendments to the Load Management Standards regulation. The responses to this commenter's other comments at the business meeting are incorporated by reference here.</p>

TN #	Commenter	Comment	Response
247086	Sierra Club	<p>Good morning, Commissioners. Daniel Barad on behalf of the Sierra Club, California, and our 500,000 members and supporters throughout the state. Thank you so much for the opportunity to comment today. And we thank the staff for all their work on this. We support the amendments to the Load Management Standards proposed today. And we strongly encourage the Energy Commission to continue prioritizing load management and demand response strategies.</p> <p>As climate change threatens our grid the state must continue to build out renewables at an unprecedented rate, while investing in battery and long-duration storage, so we can utilize clean energy even as the sun sets and demand increases. We also need to take actions like those proposed today to shift energy demand to the parts of the day when we are producing the largest amount of clean energy. Policies that support SMART load management and storage will help ensure that the state can keep lights on during unprecedented heat waves without continuing to prop up the fossil fuel infrastructure that continues to worsen these climate-fueled events and negatively impacts public health. Thank you very much for the opportunity to comment and we look forward to continuing to support your work on these critical issues.</p>	Staff agrees with this comment and appreciates the support.

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247086	CMUA	<p>Patrick Welch, P-A-T-R-I-C-K W-E-L-C-H, Senior Director of Energy Policy with the California Municipal Utilities Association. I wanted to first thank Commissioner McAllister and the staff involved, especially Stefanie Wayland, for working with us to address our concerns on this proposed regulation.</p> <p>CMUA shares the Commission's goals of providing safe, reliable, affordable, clean energy, and we recognize that flexible demand resources can be a valuable tool in those efforts. To help achieve these shared goals, it's paramount that the locally elected governing boards and councils of CMUA's members maintain control over rates and the rate design and development process. Maintaining this local control ensures that POU rates are reflective of the needs and values of the communities served by the POU. We support the approach of the current version of the regulations as it ensures that POU governing boards can shape the rate design process and initial stages and then make the ultimate decision on whether to approve programs or rates at the end of the process. There are still important implementation issues to address however, which has been initially shared by Ms. Larson from SMUD. And should the Commission approve the regulation today we look forward to ongoing discussions about successful implementation. And thank you for your time.</p>	<p>Staff appreciates the support. The staff also incorporates its responses to this commenter's, SMUD's and LADWP's September 27, 2022, comments by reference here.</p>

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247086	LADWP	<p>Good morning, Chair Hochschild and Commissioners. My name is Ann Santilli and I am with the Los Angeles Department of Water and Power. LADWP would like to thank Commissioner McAllister and the CEC staff for working with us on the Load Management Standards. LADWP recognizes and supports the end goals of the Commission's proposed loads management standards, which include minimizing cost, improving reliability, and promoting renewable energy resources. As such, LADWP continuously identifies and implements LADWP-centric solutions to meet these essential end goals considering the City of Los Angeles's unique customer base. LADWP appreciates the revisions in the third 15-day language that allow publicly owned utilities, rate-approving bodies to offer rates or programs or modify requirements after evaluating specified factors such as equity, system reliability, and cost-effectiveness. The implementation of the Load Management Standards will not be easy. Making changes to systems, meters, and other assets can be challenging and costly, as well as launching programs that many will embrace. While LADWP believes there remain technical and clerical concerns within the third 15-day regulations, that could be either addressed in an additional modification to the third 15-day regulations or clarified with the final statement of reasons. We do look forward to continuing to work with the CEC staff on this implementation. Thank you.</p>	<p>Staff appreciates the support and incorporates its responses to this commenter's September 27, 2022, comments by reference here.</p>

TN #	Commenter	Comment	Response
247086	NRDC	<p>Good morning. This is Sylvie Ashford, S-Y-L-V-I-E A-S-H-F-O-R-D, speaking on behalf of the National Resources Defense Council. NRDC would like to thank the Commission for their work on the Load Management Standards and encourage speedy adoption of the new requirements. Ensuring that hourly dynamic rates are standardized in the MIDAS database will create a new crucial data infrastructure for demand-flexible devices to automatically optimize their energy use. These technologies may include electric space and water heaters, building appliances, vehicle charging stations and industrial systems down the road. Aligning retail electricity rates with marginal costs has clear environmental benefits, as renewable energy has no fuel costs, and typically the lowest marginal costs. These rates encourage customers to use appliances that will shift electricity consumptions to periods when energy is cleanest. Customers can also save money by opting into these new dynamic rates. And by increasing consumption and avoiding curtailment when energy is cheap and clean, more efficient, renewable energy use will put downward pressure on electricity prices across the board. The proposed standards will also make the grid more reliable by incentivizing consumption during low-demand periods and reducing the likelihood of grid failure at peak times, lessening the need for emergency load shedding by voluntary demand response. This regular demand-smoothing is critical to support existing electric loads and new ones as California pursues Governor Newsom’s ambitious targets for across sectors. Again, NRDC thanks the Commission for their work on this critical topic and urges adoption of the Load Management Standards. Along with more efficient clean energy use greater electric demand flexibility will reduce grid costs, save customers money, bolster grid reliability, and spur clean technological innovation. Thank you.</p>	Staff agrees with this comment and appreciates the support.

TN #	Commenter	Comment	Response
247086	Energy Coalition	<p>Hi this is Marc Costa, M-A-R-C Costa, C-O-S-T-A, Policy Director at the Energy Coalition. I just want to say that we're very supportive of the Load Management Standards and acknowledge staff's cooperation with an EPIC grant that we have where we want to test out this framework for MIDAS. And definitely want to acknowledge that the GitHub repository is accessible in multiple programming language. It's in the public. It's very well done, and we can see it and we can touch it. And that gives us confidence that we definitely support the new Load Management Standards. We also encourage the Commission to participate in the intersecting CPUC regulatory proceedings. So there is an OIR that's -- well, that was held in this voting meeting -- but it should be coming out on customer program frameworks as well as a high DER proceeding, both at the Energy Commission but at the CPUC. And so we really are optimistic that this framework for load management can be operationalized in multiple ways. And so one of those ways is through leveraging existing ratepayer funds on the front of the CPUC to get the technologies in the homes of the people that really need these technologies to test it out.</p> <p>We also see immense opportunities, as EPIC begin to really make a dedicated effort to carve out initiatives for low-income, disadvantaged communities, and underserved communities, to really be the first in line to have these technologies to be able to participate in such markets. And these markets do need to be created. And there's a long way to go in these middle markets where local demand doesn't really hit the transmission system. And fair and adequate compensation for those customers is an ongoing process that we really want to look at, and to understand the locational marginal prices. But any other distribution system planning, either compensation or rates or any other types of markets or aggregations that may be created as a framework through those proceedings. So we really encourage you to participate, make comments in those proceedings.</p> <p>And then lastly, as the Inflation Reduction Act funds are allocated and localized at the state level, we also hope that there's a tremendous</p>	Staff appreciates the support.

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		effort to operationalize the Load Management Standards through those efforts. So thank you.	