THE STATE OF CALIFORNIA
BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the Matter of:	)	
	)	
2008 Order Instituting Informational Proceeding and Rulemaking on Load Management Standards	)	Docket No. 08-DR-01

COMMENTS OF THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

Pursuant to the Notice of Efficiency Committee Load Management Standards Workshop on Draft Proposed Standards, posted November 21, 2008, the California Municipal Utilities Association ("CMUA"), respectfully submits these Comments on Draft Proposed Load Management Standards ("Draft Proposed Standards") promulgated by California Energy Commission ("Commission") Staff.

Consistent with the procedures outlined by Commission Staff and Committee members at the Workshop held December 10, 2008 ("December 10th Workshop"), CMUA looks forward to collaborating with Commission Staff to examine the Draft Proposed Standards and their affect on Publicly Owned Utilities ("POUs"). CMUA members support constructive efforts to further the goal of reducing peak loads in California. This will take the cooperative work of POUs, IOUs, and relevant state agencies to ensure success of this effort.

CMUA's comments touch primarily upon the appropriate recognition of the diversity of CMUA membership, and the need to reflect the differences of load characteristics, climate, and geographic concentration of CMUA members when properly crafting sound Load Management Standards. CMUA's comments on the Draft Proposed Standards are intended to accomplish this goal. Second, CMUA's comments set out the history of relevant provisions of the California Public Resources Code, to hone in on the

proper role of the Commission as it relates to rate recommendations for POUs, and how to best craft the Draft Proposed Standards to properly recognize that role.

I. DESCRIPTION OF CMUA

CMUA is a statewide organization of local public agencies in California that provide water, gas, and electricity service to California consumers. CMUA membership includes 43 electric distribution systems and other public agencies directly involved in the electricity industry.[1] In total, CMUA members provide electricity to approximately 25-30 percent of the population in California.

II. COMMENTS ON DRAFT PROPOSED LOAD MANAGEMENT STANDARDS

CMUA has reviewed and appreciates the amendments to several of the Proposed Draft Load Management Standards, particular LMS-1 and LMS-2 as proposed by Chair Pfannenstiel. CMUA has set forth additional suggestions to fully resolve our concerns, particularly with respect to application of LMS-2 as it relates to rate design. CMUA recognizes the progress made to date as reflected in the alternative language proposed by the Chair, and looks forward to continued work with Commission Staff to create a consensus set of Load Management Standards. In this spirit, CMUA sets out its views on the appropriate role of the Commission on rate design and how it meshes with POU and CPUC ratemaking authority.

[1] CMUA electric utility members include the Cities of Alameda, Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Corona, Glendale, Healdsburg, Lodi, Lompoc, Los Angeles, Needles, Palo Alto, Pasadena, Rancho Cucamonga, Redding, Riverside, Roseville, Santa Clara, and Vernon, as well as the Imperial, Merced, Modesto, Turlock Irrigation Districts, the Northern California Power Agency, Southern California Public Power Authority, Transmission Agency of Northern California, Lassen Municipal Utility District, Power and Water Resources Pooling Authority, Sacramento Municipal Utility District, the Trinity and Truckee Donner Public Utility Districts, the Metropolitan Water District of Southern California, and the City and County of San Francisco, Hetch-Hetchy.

A. A Full Review of California Law Reveals that the Proper Role for the Commission is to Make Recommendations to POUs Regarding Rate Design.

The Commission asserts that it "has long standing authority to adopt cost-effective load management standards to reduce and shift peak demand" based on the authority granted to it under California Public Resource Code Section 25403.5.[2] Section 25403.5 obligates the Commission to adopt load management standards and suggests the following three load management techniques:

(1) Adjustments in rate structure to encourage use of electrical energy at off-peak hours or to encourage control of daily electrical load. Compliance with those adjustments in rate structure shall be subject to the approval of the Public Utilities Commission in a proceeding to change rates or service.
(2) End use storage systems which store energy during off-peak periods for use during peak periods.
(3) Mechanical and automatic devices and systems for the control of daily and seasonal peakloads.[3]

If this statute were to be interpreted broadly, as the Commission does, it would represent a significant shift in ratemaking authority from both the Public Utilities Commission of the State of California ("CPUC") and the POUs to the Commission. Read broadly, Section 25403.5 would grant the Commission ratemaking authority. This is because, under load management technique (1), the Commission would have the authority to adopt standards requiring certain rate structures.

As Chair Pfannenstiel recognized at the July 10, 2008 Workshop, the Commission generally lacks ratemaking authority. The Chair's observations are consistent with California's overall statutory regime.[4] CMUA's belief is that to read Section 25403.5 in isolation from the statutes that surround it leads to inaccurate statutory interpretation. For

[2] Notice of Efficiency Committee Load Management Standards Workshop on Advanced Metering Infrastructure at 3.
[3] CAL. PUB. RES. CODE § 25403.5.
[4] Transcript of the Efficiency Committee Workshop Before the California Energy Resources Conservation and Development Commission, In the Matter of: 2008 Order Instituting Informational Proceeding and Rulemaking on Load Management Standards, Docket No. 08-DR-01, June 10, 2008 at 2

example, Section 25403 requires the Commission to submit recommendations to the CPUC and the POUs on methods to "reduce wasteful, unnecessary, or uneconomic energy consumption."[5] The CPUC and POUs then have six months to report to the Governor and Legislature on how these recommendations were acted upon. If Section 25403.5 were read to provide the Commission plenary authority to set IOU and POU rate design, that interpretation would render Section 25403 a nullity.

The California Supreme Court has stated the following on interpreting statutes:

> "in construing a statute we ascertain the Legislature's intent in order to effectuate the law's purpose. We must look to the statute's words and give them their usual and ordinary meaning. The statute's plain meaning controls the court's interpretation unless its words are ambiguous." If the words in the statute do not, by themselves, provide a reliable indicator of legislative intent, "[s]tatutory ambiguities often may be resolved by examining the context in which the language appears and adopting the construction which best serves to harmonize the statute internally and with related statutes. "'Literal construction should not prevail if it is contrary to the legislative intent apparent in the statute; and if a statute is amenable to two alternative interpretations, the one that leads to the more reasonable result will be followed." If the statute is ambiguous, we may consider a variety of extrinsic aids, including legislative history, the statute's purpose, and public policy.[6]

Section 25403.5 should be read to harmonize with related statutes and to be consistent with its legislative history. The legislative history of section 25403.5 is long and complex, but to correctly understand the intention of the legislature it is necessary to thoroughly review it.

<u>1976 – Enactment of section 25403.5</u>

Section 25403.5 was enacted by AB 4195.[7] As originally passed in 1976, the law obligated the Commission to create load management standards, which a utility would have to certify that it was in compliance with before the Commission could approve any

[5] CAL. PUB. RES. CODE § 25403.
[6] People v. Arias, 45 Cal. 4th 169, 177 (Cal. 2008) (internal citations omitted).
[7] Cal. Stats 1976 ch. 1375 § 2.

new generation projects.[8] Thus, the Commission's power to create load management standards was originally tied to the Commission's siting authority over thermal generation. The purpose of this legislation was to reduce the construction of new power plants when existing plants were being under utilized.[9] The Assembly Floor Analysis for the bill claimed that only an average of 60% of the state's electric generation plants were being used at any given point.[10] It was because of this excess unused capacity that the Legislature passed AB 4195.

The original Section 25403.5 contained the following penalty clause:

> No site or related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500) of this division, unless the applicant certifies to the satisfaction of the commission that the load management standards adopted by the commission have been complied with; or, with respect to a publicly owned utility, that the governing body thereof has found such standards, or a portion thereof, unsuitable and has reported such finding and the reasons therefor to the Legislature.[11]

This penalty clause clearly defined how the statute applied to POUs. The legislature left the ultimate decision on the adequacy of a POU's load management program to the local regulatory authority for the POU and not to the Commission.

1980 – Amendment of section 25403.5 and 25300

By 1980, it became clear to the Legislature that the load management standards were not operating as envisioned. The penalty of halting the approval of all of a utility's new generation projects, even needed generation, because any noncompliance with the load management standards was too severe. A utility would be out of compliance if it had

[8] CAL. PUB. RES. CODE § 25403.5(e) (1976) (amended 1980).
[9] ASSEMBLY FLOOR ANALYSIS ON AB 4195, August 11, 1976.
[10] *Id.*
[11] CAL. PUB. RES. CODE § 25403.5(e) (1976) (amended 1980).

a load management program in place, but its customer base was simply not responding to it.[12]

In 1980, AB 3062 was proposed to remedy this problem.[13] The legislation did this by eliminating the penalty clause listed above and adding a new clause to California Public Resource Code section 25300, which stated:

> Every electric utility in the state shall prepare and transmit to the commission on or before March 1, 1976, and every two years thereafter, a report specifying 5-, 12-, and 20-year forecasts or assessments of loads and resources for its service area, the report shall set forth the facilities which as determined by the electric utility, will be required to supply electric power during the forecast or assessment periods. The report shall be in a form specified by the commission and shall include all of the following: . . . *(h) Certification by the utility that aggressive conservation programs in the residential, commercial, and industrial sectors are being pursued, including load management standards adopted by the commission pursuant to Section 25403.5; and a statement specifying the extent to which such programs are achieving enhanced energy efficiency and conservation and the extent to which such programs do not in the utility's evaluation, mitigate the need for additional facilities or, with respect to a publicly owned utility, that the governing body thereof has found the load management standards, as prescribed by the commission pursuant to Section 25403.5, or a portion thereof are unsuitable, together with an explanation of why the standards or portions thereof are unsuitable.*[14]

The Author described the effect of the legislation as follows in a letter to the Governor: "AB 3062 eliminates the requirements for new power plant sites or facility certification that applicants demonstrate that their load management programs are being satisfactorily implemented by their customers and would instead, have applicants certify that they are pursuing load management programs and have the utility provide an explanation as to why these programs do not mitigate the need for additional facilities."[15] In the Ways and Means Staff Analysis, the staff described the bill's fiscal impact as follows: "No major

---

[12] Assembly Floor Statement
[13] *See* Letter from Mel Levine, Assemblyman for the Forty-Fourth District of California, to Edmund G. Brown Jr., Governor of California (Sept. 5, 1980) [hereinafter Levine Letter]
[14] CAL. PUB. RES. CODE § 25300 (1980) (repealed by Stats 2002 ch 568, SB 1389). The portion added by the 1980 amendment is italicized.
[15] Levine Letter.

fiscal impact, except that there may be a minor reduction in workload because the Commission would no longer be required to actually prepare regulations containing load management standards."[16]

Even the Commission filed a letter supporting the amendment stating: "The Commission has felt for some time that refusing to certify needed new electrical facilities is too harsh a punishment for a utility's failure to comply with load management standards, especially since such a punishment would primarily fall upon ratepayers. At the same time, compliance with load management standards is only one of the several ways for utilities to reduce peak demand and conserve energy; they should be required to pursue all such measures, as AB 3062 provides."[17] As the Commission pointed out in its letter of support, requiring utilities to describe their peak load reduction programs in their biennial forecasts will help the Commission to determine if new facilities are needed.[18]

The only clause from the original 1976 legislation dealing with POUs was contained in the penalty clause. The 1980 amendment removed the penalty clause, but essentially transferred the language dealing with POUs to the new clause in section 25300. The Legislature intended to retain the ability of POUs to have final say on the application of load management standards to their customer-owners.

1999 – SB 110 Eliminates the Integrated Assessment of Need Requirement from the Commission's Siting Process

Up until 1999, one of the required steps for citing a thermal power plant that was 50 MWs or larger was that the facility conformed with the Commission's integrated

[16] WAYS AND MEANS STAFF ANALYSIS, POWERPLANT CERTIFICATION: LOAD MANAGEMENT STANDARDS. The Analysis stated: "The apparent purpose of this bill is to relieve utilities from the burden of carrying out load management standards imposed by the Commission as a condition of granting an N.O.I. or AFC. It provides a simpler and fairer approach, putting the responsibility on the applicant to demonstrate that even with conservation measures (such as load management) power demand is such that a new powerplant is needed." *Id.*

[17] Letter from Russell L. Schweickart, Chairman of the Energy Resources Conservation and Development Commission, to Edmund G. Brown Jr, Governor of California (Sept. 11, 1980).

[18] *Id.*

assessment of need ("IAN").[19] The forecasts that section 25300 required utilities to file with the Commission were used to determine the need for new generation. A utility's efforts to achieve load management capabilities was one factor that went into the Commission's determination of need.[20]

In 1999, the Legislature passed SB 110 which recognized what restructuring meant for the Commission's IAN. The bill eliminated the IAN under the rationale that the market would determine whether a new generation facility was needed, not the Commission.[21] As amended in 1980, the load management standards were in place so that when a utility sought to permit a new generation facility, the utility could demonstrate that the new facility was needed. The load management standards were adopted to address concerns about excess capacity. SB 110 recognized that excess capacity would be dealt with through the market place.

2002 – SB 1389 Repeals 25300 and Creates the IEPR Process

In 2002, State Senator Bowen introduced SB 1389.[22] One of the primary goals of SB 1389 was to consolidate and update the Commission's reporting requirements into one integrated report.[23] To accomplish this, the bill repealed an entire chapter in the Public Resource Code, including section 25300.[24] As is evident from the legislative history above, section 25300(1)(h) contained the essential purpose of section 25403.5: to be included in a utility's forecast reports to the Commission.

Instead, SB 1389 created similar reporting requirements for utilities and other entities, through the IEPR process. The newly created section 25301(a) states: "[t]he

[19] *See* SENATE RULES COMMITTEE ANALYSIS OF SB 110, at 3 (Sept. 8, 1999).
[20] *See* WAYS AND MEANS STAFF ANALYSIS, POWERPLANT CERTIFICATION: LOAD MANAGEMENT STANDARDS.
[21] *Id.* at 4.
[22] SENATE RULES COMMITTEE, ANALYSIS OF SB 1389 (Aug. 26, 2002).
[23] *Id.* at 1.
[24] Cal. Stats 2002 ch 568 § 1.

Commission may require submission of demand forecasts, resource plans, market assessments, and related outlooks from electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants."[25] The bill also created a new section 25303 which states:

> (a) the commission shall conduct electricity and natural gas forecasting and assessment activities to meet the requirements of paragraph (1) of subdivision (a) of Section 25302, including but not limited to, all of the following: . . . (5) Evaluation of the potential impacts of electricity and natural gas load management efforts, including end user response to market price signals, as a means to ensure reliable operation of electricity and natural gas systems.[26]

Additionally, the SB 1389 created a new section 25305 which states:

> The commission shall rely upon forecasting and assessments performed in accordance with Sections 25301 to 25304, inclusive, as the basis for analyzing the success of and developing policy *recommendations* for public interest energy strategies. Public interest energy strategies include but are not limited to . . . *implementing load management.*[27]

Repeatedly and in various code sections, California law references rate recommendations of the Commission with respect to load management practices. Thus, when looking at the entirety of the legislative history behind the statutes obligating the Commission to adopt load management standards, the most reasonable interpretation is Section 25403.5 fits well within the overall fabric of statutory language that provides the Commission authority to make recommendations on load management standards, including rate design. CMUA does not believe it is reasonable to look at the legislative history and the entirety of the statutory regime and conclude that the legislature's true intention was to give the Commission broad ratemaking authority over IOUs and POUs.

[25] CAL. PUB. RES. CODE § 25301(a).
[26] CAL. PUB. RES. CODE § 25303.
[27] CAL. PUB. RES. CODE § 25305 (emphasis added).

CMUA's concern here is that rate choices by POUs may be dictated by the language of LMS-2 if not properly crafted.

CMUA's position that the Commission' properly makes rate recommendations, and not rate design decisions that are the purview of the CPUC or the POU governing board, is supported by the language of the 1982 Load Management Standards cited in the Staff Draft Proposed Standards, specifically Section 1623. Section 1623 provides as follows:

> (a) This standard request that a utility develop marginal cost rates, using a *recommended* methodology or the methodology approved by its rate-making body, when it prepares rate applications for retail services, *and that the utility submit such rates to its rate-approving body.*[28]

Subsequent subsections to the regulations in Section 1623 further emphasize the role of the Commission to make rate recommendations to POU governing bodies, and the full authority of the POU governing bodies to adopt the rates that ultimately reflect the choices of their customer-owners. CMUA believes this adopted regulation is consistent with the overall statutory regime, and urges an approach for the current Draft Proposed Load Management Standards that mirrors these current regulations.

B. CMUA Makes Recommendations on Draft Proposed LMS Language and Looks Forward to Continued Collaboration with Commission Staff to Develop a Consensus Set of Standards.

Consistent with the process representations of Commissioners and Commission Staff, CMUA has proposed language changes to certain of the Load Management Standards, and has attached these revisions in redline form as Attachment A. These

[28] CAL. CODE REGS. tit 20, § 1623.

revisions are not intended to be our final word on the exact language of each LMS, and we look forward to a continued dialogue on these matters.

1. LMS-1

CMUA proposes language to recognize an exemption for smaller utilities. CMUA believes that, for small utilities, the benefits of this standard are likely to be outweighed by the burden. CMUA notes, however, that even smaller CMUA members have adopted AMI policies with full and expeditious roll out. For example, the City of Shasta Lake informs CMUA that AMI roll-out is 80% complete, and full implementation is on schedule for early 2009. Facts and circumstances have evolved significantly, even since the advent of this proceeding. CMUA does not want the Commission to be under the impression that a categorical exemption will mean the exempt utilities will not pursue AMI.

2. LMS-2

This Draft Proposed Standard is a key concern for CMUA and its members. Rate design is the heart of the local authority and the choices made by their duly-elected governing bodies. CMUA has set forth above the reasons why it believes it is entirely consistent with statutory interpretation for the Commission to make rate recommendations to POU governing bodies, but that the actual rate design choices must be made by the ratemaking authority. CMUA has proposed language to more properly reflect the role of the Commission to make rate design recommendations.

3. LMS-3

CMUA has proposed small revisions that reflect the need to exempt entities that have an AMI-enabled mode of access to information to not provide RDS access. While CMUA has made these suggested changes, CMUA recommends that LMS-3 be dealt with by the Commission as a Guideline rather than more formal Load Management Standards.

4. LMS-4

CMUA has suggested language to make LMS-4 more flexible given the array of information available that may differ from utility to utility.

5. LMS-5

CMUA believes this Draft Proposed Standard is better dealt with as part of the overall efforts on energy efficiency, and recommends that it be removed for consideration in this proceeding. With that overall observation in mind, CMUA has provided suggestions that would include a categorical exemption for smaller utilities, and would also reflect acknowledgement that certain utilities may already meet this standard and that a formal submittal to the Commission should not be required.

6. LMS-6

CMUA has not made substantive recommendations to this Draft Proposed Standard. CMUA commends to the Commission's attention the specific Comments of its members on this specific Draft Proposed Standard.

7. LMS-7.

CMUA is concerned that this Draft Proposed Standard deals with complex and changing application of technology. Cementing requirements in standards on this issue may make the proposals difficult to modify without formal procedures. CMUA suggests making these proposals a guideline as well. With this suggestion in mind, CMUA has also suggested minor revisions to make clear that the applicability of the standard would be to those utilities that have AMI.

//

//

//

II. CONCLUSION

CMUA appreciates the opportunity to provide these Comments and looks forward to continued collaboration with Commission Staff to produce consensus Load Management Standards.

Dated: December 18, 2008

Respectfully submitted,

C. Anthony Braun
Justin Wynne
Braun Blaising McLaughlin, P.C.
915 L Street
Suite 1270
Sacramento, California 95814
(916) 326-4449
(916) 441-4068 (fax)

Special Counsel to the California Municipal Utilities Association

Advanced Metering Infrastructure

LMS-1. Advanced Metering Infrastructure (AMI) Schedule

Purpose: To require all utilities to prepare a plan for deploying advanced meters to all customers within their service territory.

Applicability: The provisions of this section will apply to all California utilities except categorically exempt utilities.

Effective Date: Compliance with this article shall be enforceable 30 days after the Load Management Standards are filed with the Secretary of State.

1. Each utility shall establish a schedule for automated metering infrastructure (AMI) deployment, if feasible and cost-effective.
2. All utilities shall report to the California Energy Commission Executive Director within one year of (DATE when this becomes effective) on the feasibility and cost-effectiveness of installing an advanced metering infrastructure for their service territory.
3. If the report determines that AMI is neither feasible nor cost-effective at the time, the utility will conduct a follow-up feasibility study within two years of the initial study.
4. All utilities, specifically small publicly owned utilities, are encouraged to work in collaboration with other utilities – including both publicly owned and IOUs – and/or through other industry organizations to meet the reporting requirements of this section and to cooperatively develop AMI infrastructures to capture economies of scale and leverage with equipment vendors, with the goal of reducing costs to ratepayers.
5. All utilities shall develop a business case for the installation of AMI with the following minimum capabilities:
    a. Support of a wide range of price responsive rates.
    b. Compatible with utility system applications that promote and enhance system operating efficiency and improve service reliability, such as advanced metering infrastructure, outage management, reduction of theft and diversion, improved forecasting, workforce management, etc.
6. Exceptions
    a. Utilities which have developed business cases and begun deployment of AMI systems are exempt from the reporting requirements of this section. They are still subject to the functionality requirements specified in the Section.
    b. Utilities with peak load of 200 megawatts or less are categorically exempt from this standard.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Deleted: six months of

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Indent: Left: 36 pt, Hanging: 18 pt

LMS-2, Dynamic Electric Rates.

Purpose: To promote rate designs that support the state's objectives of providing cost-based price signals to all consumers to reduce peak electricity consumption, improve system load factor, manage load during supply shortfalls, efficiently allocate costs among consumers with due regard to equitable rate determinations, encourage energy efficiency, and reduce costs.

Applicability: This standard will apply to all utilities in California that have AMI capability. This standard should be considered guidance for the appropriate ratemaking authorities.

Provisions:

(1) The California Public Utilities Commission or the local governing boards, as appropriate, will authorize the appropriate rate design for each customer class served by utilities under their jurisdiction.

(2) All utilities are recommended to offer a menu of time-differentiated rates to all customers who have advanced meters. The rate offerings may include time-of-use rates, critical peak pricing rates, or real time pricing rates.

(3) Utilities should provide extensive education and promotional material, including print and electronic information, to assist the customers in deciding (a) whether or not to elect a time-differentiated rate, (b) which rate would be most appropriate, and (c) how to best take advantage of the rate selected. The Energy Commission and the Public Utilities Commission must approve the investor-owned utilities' level of effort in this regard.

(4) As policy guidance, for all customers of POUs and non-residential customers of IOUs, at least one form of time-differentiated rate should be offered as an available rate for each customer class.

(5) Once the constraints of ABIX are removed, dynamic rates will be implemented for the residential customers of the IOUs according to the CPUC implementation schedule as set forth in Decision 08-07-045.

Effective Date: Compliance with this article shall be enforceable 6 months after the Load Management Standards are filed with the Secretary of State.

Formatted: Bullets and Numbering

Deleted: must

Deleted: must

Deleted: and

Deleted: <#>The California Public Utilities Commission or the local governing boards, as appropriate, will authorize, for each customer class, the applicable price level for these rate forms.¶

Deleted: will

Deleted: F

Deleted: must

Deleted: the default

LMS-3. Statewide Time-Differentiated Rate Broadcast

Purpose: To establish a standard method for transmitting current rate and reliability information to customers.

Applicability: This article will apply to all utilities in California except categorically exempt utilities.

Effective Date: Compliance with this article shall be enforceable upon the first day of availability of time-differentiated rates (or any other form of dynamic rate) to utility customers, and six months after the Load Management Standards are approved by the Secretary of State.

1. Each utility shall adopt an open-protocol, Internet compatible, information model (Information Model) for communicating all time-differentiated rate and demand response event signals. This Information Model shall be based on the Open AutoDR (*date & version*) standard developed by the Lawrence Berkeley Laboratory Demand Response Research Center, and shall be submitted to the Executive Director for approval. This Information Model shall be incorporated as a required feature in all time-differentiated tariffs and in the rules and governance for all demand response options.
2. The utility shall keep its published rate information current and refreshed as often as necessary to provide customers with the ability to react in a timely manner to changes in rate and reliability status.
3. All utilities shall provide two modes of access to this published information, without additional charges:
   a. Through an RDS (a.k.a., RBDS) broadcast signal from an OpenADR client residing at utility-approved radio stations.
   b. Through direct access as an OpenADR client via the Internet.
4. Each utility may provide additional modes of access to the published information via other means using any non-proprietary communication protocol, and may charge for such additional services. Providing additional modes of access shall not relieve the utility of the obligation to provide information via RDS and Internet as specified above.

5. Utilities that have AMI capability and provide an AMI-enabled mode of access to public information are exempt from providing RDS access.

Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt

Utility Programs
LMS-4. Home Energy Rating System Information

Purpose: To require utilities to provide their customers with information about the Home Energy Rating System, designed to promote the use of in-home energy audits and subsequent cost effective energy efficiency improvements.

Applicability: This article will apply to all utilities in California.

Effective Date: Compliance with this article shall be enforceable 30 days after both these Load Management Standard and Home Energy Rating System standards are filed with the Secretary of State.

1. Each utility shall make available the following information to its customers, with the option to utilize Web resources or templates for written media:
   a. How to contact Home Energy Rating System providers.
   b. The type of energy use information available through in-home audits.
   c. How to calculate the benefits of energy improvements.
   d. Costs and financial assistance for audits.
   e. Availability of financing options for home energy improvements.

Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt
Deleted: provide
Deleted: :
Formatted: Font: 12 pt
Formatted: Font: (Default) Times New Roman, 12 pt

LMS-5. Existing Building Peak Energy Efficiency Improvements

Purpose: To require utilities to develop and expand programs that encourage cost effective energy efficiency improvements in existing building stock within their service territory.

Applicability: This article would apply to all utilities in California, unless they have already met the provisions through compliance with the requirements of the California Public Utilities Commission or their local governing boards, (2) they are categorically exempt; or (3) they are specifically exempted by the Executive Director of the Commission.

Deleted: .

Effective Date: Compliance with this article shall be enforceable 30 days after the Load Management Standards are filed with the Secretary of State.

1. Within six months of the effective date of these standards, each utility shall submit to the Executive Director a proposal for a Building Efficiency Information Gateway program. The program shall:
   a. Target buildings with the greatest potential for energy savings.
   b. Compile energy use data to identify those customers meeting specific targeting criteria.
   c. Provide feedback on customer energy use through utility websites.
   d. Provide online building energy audit information in a multi-level format that allows customers to explore their energy use patterns, options for saving energy, and comparisons to other customers. Additional levels of energy audits (for example, over the phone, in person) should be provided to targeted and/or interested customers.
   e. Coordinate energy ratings with utility incentives programs.
   f. Connect customers with energy efficiency upgrade financing programs administered by the utility or other institutions.
   g. Provide customers with energy efficiency program marketing materials through bill stuffers, media campaigns, or other proven means.
2. Utilities with peak loads of 200 megawatts or less are categorically exempt from this standard.

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Utility Data Availability Requirements
LMS-7. Customer Access to Meter Data

Purpose: To establish the legal standing of customers regarding data collected by utilities about electrical use and billing information.

Applicability: This article will apply to all utilities in California that have fully implemented an AMI system.

Effective Date: Compliance with this article shall be enforceable 30 days after the Load Management Standards are filed with the Secretary of State.

1. Each utility shall provide each customer (and their designated third party representatives) with access to the customer's historical consumption data over the previous 12 calendar months. This shall include data up to and including the hour 24 hours prior to the request. Data shall be provided without additional charges.
   a. Data shall be made available via a secure internet accessible web site.
   b. The data shall be provided in a format that supports customer education and understanding of energy consumption patterns, the variable cost of energy, efficiency opportunities, and demand response programs.
   c. Physical (paper) copies of consumption data shall be available to the customer and their designated third party representatives for a reasonable fee. The fee shall be no larger than necessary to cover the cost of handling and shipping the physical document.
   d. Utilities shall not deny access to real time or near real time information to customers who pay the utility fee for access.
   e. Utilities shall provide prompt service to those customers who desire access to real time or near real time information. For services requiring the scheduling of a site visit by utility service personnel, 30 calendar days from the date of request to completion of service is considered prompt. For services that do not require the scheduling of a site visit by utility service personnel, seven calendar days from the date of request to completion of service is considered prompt.
   f. Consumers retain ownership of the access rights to any and all data collected by utilities. Specifically, the utilities must obtain permission from the customer before releasing data relating to that customer to any party outside of the utility.

Deleted: .

Deleted: <#>Utilities shall conduct customer research to develop forms of information display and analytical tools that effectively communicate time-varying rates to customers and allow them to formulate load shedding strategies.¶

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Bullets and Numbering