

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Application of Southern California Edison  
Company (U 338-E) to Establish Marginal  
Costs Allocate Revenues, And Design Rates.

Application 08-03-002  
(Filed March 4, 2008)

In the Matter of the Application of Southern  
California Edison Company (U 338-E) for  
Authority to Make Various Electric Rate Design  
Changes.

Application 07-12-020  
(Filed December 21, 2007)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE  
COMMUNICATION**

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Dated: **August 14, 2009**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Application of Southern California Edison Company (U 338-E) to Establish Marginal Costs Allocate Revenues, And Design Rates.

Application 08-03-002  
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In the Matter of the Application of Southern California Edison Company (U 338-E) for Authority to Make Various Electric Rate Design Changes.

Application 07-12-020  
(Filed December 21, 2007)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE  
COMMUNICATION**

Pursuant to Rule 8.3 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, Southern California Edison Company (SCE) hereby gives notice of the *ex parte* communication below.

On Tuesday, August 11, 2009, from approximately 11:00 a.m. to 11:30 a.m., SCE representatives Akbar Jazayeri, Vice President Regulatory Operations, and Michael Hoover, Director Regulatory Affairs, met with Commission Advisor Andrew Campbell, advisor to Commissioner Chong. The meeting took place in Mr. Campbell's office, with Mr. Hoover attending in person and Mr. Jazayeri attending via conference call. Also in attendance were the following Energy Division representatives: Karl Meeusen and Robert Benjamin (in person), and Joy Morgenstern and Hazlyn Fortune (on the phone). The communication was initiated by SCE for the purpose of discussing SCE's concerns with the proposed decision of Administrative Law Judge Hecht on 2009-2011 demand response (DR) programs in A.08-06-001, on 2009-2011 demand response (DR) programs, and included the written materials attached hereto.<sup>1</sup>

Mr. Hoover and Mr. Jazayeri went over the attached presentation, and discussed SCE's main concerns with ALJ Hecht's PD. Specifically, they explained that allowing dual

participation in capacity-based DR programs and in Critical Peak Pricing (CPP) will result in payments to customers in excess of the generation capacity cost savings to SCE, as well as SCE having to pay dual participating customers to take generation service from SCE. As a result, other customers' rates will be increased. SCE's representatives stated that if the Commission wishes to allow dual participation in CPP and other capacity-based DR programs in the interim, it should cap the sum of the CPP and DR capacity credits at the total generation-related demand charges the customer pays SCE, and order the investor-owned utilities to design CPP rates that do not result in excessive payments under dual participation. Mr. Hoover also stated that capping the participation in SCE's interruptible DR programs is inconsistent with the Energy Action Plan's loading order.

To request a copy of this notice, please contact Henry Romero at (626) 302-4124, e-mail address ([henry.romero@sce.com](mailto:henry.romero@sce.com)).

Respectfully submitted,

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August 14, 2009

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Continued from the previous page

<sup>1</sup> ALJ Hecht's PD, if adopted, may affect provisions of three settlement agreements that have been filed in this proceeding because those provisions prohibit dual participation in capacity-based DR programs and in CPP.

**ATTACHMENT**

WRITTEN MATERIALS PRESENTED TO ANDREW CAMPBELL DURING SCE's  
AUGUST 11, 2009 EX PARTE COMMUNICATION IN A.08-06-001 ET AL.



# ALJ Hecht's Proposed Decision on 2009-2011 Demand Response Programs

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Dual Participation Issue



# The PD Errs in Defining Critical Peak Pricing as an Energy Program

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- The PD correctly finds that customers should be allowed to participate in only one capacity program and one energy program, but errs in defining Critical Peak Pricing (CPP) as an energy program
- CPP is a capacity program because:
  - CPP provides customers a credit to their summer on-peak generation demand charge based on avoided generation capacity costs whether CPP events are called or not
    - Under energy programs payments are made only when events are called
  - The Commission's own dynamic rate design guidelines in D.08-07-045 state that the CPP credit should be based on the marginal *generation capacity* costs
    - "[s]ince the critical peak price is intended to reflect the cost of capacity. . . **charging** significant summer on-peak and partial-peak demand charges is duplicative." (D. 08-07-045, p. 66, emphasis added)
    - It follows that crediting these same summer on-peak demand charges twice would also be duplicative.



## The Impact of the PD's Error

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- Erroneous classification of CPP as an energy program results in permitting dual participation on capacity programs such as CPP and BIP
  - Customers participating in both programs could more than fully offset their on-peak generation demand charges and actually receive a payment for taking generation service from SCE (see below based on SCE's 2009 GRC Settlement rates)

1. TOU-8 (Secondary), summer, on-peak generation demand charge	\$18.74/maximum on-peak kW
2. TOU-BIP (Secondary), summer, on-peak credit (based on avoided generation capacity costs but credited to delivery charges)	(\$19.74)/average on-peak kW
3. TOU-8-CPP (Secondary), summer, on-peak generation demand credit	(\$12.47)/maximum on-peak kW
Net charge (Lines 1, 2, and 3)	Approx. (\$13.47)/kW



# Example for a 1000 kW Customer

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	<u>100% Load Factor</u>	<u>60% Load Factor</u>
Average On-Peak kW	1000	600
On-Peak Demand Charge	$1000 \times 18.74 = \$18,740$	$1000 \times 18.74 = \$18,740$
BIP Credit	$1000 \times (19.74) = (\$19,740)$	$600 \times (19.74) = (\$11,844)$
CPP Credit	$1000 \times (12.47) = (\$12,470)$	$1000 \times (12.47) = (\$12,470)$
Net Charge	$(\$13,470)$ or $(\$13.47/\text{kW})$	$(\$5,574)$ or $(\$5.57/\text{kW})$



## Other Considerations

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- SCE's restrictions against dual-participation do not preclude customers from opting off of CPP and onto an aggregator's program.
- PD conflicts with SCE's 2009 GRC Phase 2 Settlements which prohibit dual participation on CPP and another capacity program
- Although BIP credits to participants (and surcharges applied to non-participants to recover the cost of the incentives) are included in Distribution charges to accommodate DA customers participation in BIP, they reflect the generation capacity cost savings as do the CPP credits
- If not modified, the PD will result in over-payments to customers participating in both a capacity program and CPP in excess of generation capacity cost savings and unfairly raise rates to all remaining customers



## The PD Should be Modified to Correctly Define CPP as a Capacity Program

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- PD should correctly identify CPP as a capacity program, which cannot be combined with another capacity program for dual participation
- Alternatively, the PD should at least authorize SCE to design a process to avoid negative \$/kW charges and authorize appropriate funding to implement these unexpected system changes

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) NOTICE OF EX PARTE COMMUNICATION** on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **14<sup>th</sup> day of August, 2009**, at Rosemead, California.

\_\_\_\_\_  
/s/ HENRY ROMERO  
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## CALIFORNIA PUBLIC UTILITIES COMMISSION

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