

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

Application of Southern California Edison
Company (U338E) for Approval of Its Charge
Ready and Market Education Programs

Application 14-10-014
(Filed October 30, 2014)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) REPLY COMMENTS ON
PROPOSED DECISION AND ALTERNATE PROPOSED DECISION MODIFYING
AND ADOPTING JOINT SETTLEMENT AGREEMENT ON APPLICATION OF
SOUTHERN CALIFORNIA EDISON COMPANY FOR APPROVAL OF ITS CHARGE
READY AND MARKET EDUCATION PROGRAMS**

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Dated: **January 11, 2016**

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CALIFORNIA EDISON COMPANY FOR APPROVAL OF ITS CHARGE READY AND
MARKET EDUCATION PROGRAMS**

I.

INTRODUCTION

Pursuant to Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission” or “CPUC”), Southern California Edison Company (“SCE”) hereby submits this reply to the Opening Comments of Green Power Institute (“GPI”) and Shell Energy North America (US), L.P. (“Shell”) on the Proposed Decision (“PD”) of Administrative Law Judge (“ALJ”) Farrar and the Alternate Proposed Decision (“APD”) of Commissioner Peterman, issued December 15, 2015, in the above-captioned proceeding.

SCE appreciates this opportunity to provide reply comments. GPI and Shell largely reiterate positions taken previously in this proceeding, which both the PD and the APD appropriately dismissed. GPI and Shell do not identify factual, legal, or technical errors in the PD or APD as required by Rule 14.3. Therefore, SCE proposes the following:

- GPI’s requests (1) to appoint an independent evaluator to oversee program costs and (2) for a third party to administer education and outreach is not needed and should be rejected.

- Shell’s request to exempt electric vehicle charging load from the Direct Access participation cap and the Power Charge Indifference Adjustment (“PCIA”) should be rejected.
- The Commission should adopt the recommendations proposed in the Settling Parties’ Opening Comments.

II.

DISCUSSION

A. The PD and APD Appropriately Consider and Reject GPI’s Recommendations Regarding Third Party Program Oversight.

In its Opening Comments, GPI recommends that an independent evaluator be appointed to monitor program costs. GPI offers no evidence of how an independent evaluator would be better positioned to monitor and minimize program costs, and instead provides anecdotal statements regarding program costs and future costs of infrastructure and installation.¹ SCE has already committed to working with the Advisory Board to determine metrics and prepare quarterly reports to inform the Commission and interested stakeholders of the pilot’s progress.² Therefore, the PD and APD reasonably decline to mandate any such role in SCE’s program, and GPI’s recommendation should be rejected.

GPI also recommends again that a third party administer education and outreach (“E&O”) efforts.³ The PD and APD assess this issue and appropriately find that SCE is in the best position to administer E&O as part of the Charge Ready pilot.⁴ SCE has developed a comprehensive strategy for E&O activities for the Charge Ready pilot, TE Advisory Services, and Market Education that are specific to SCE’s customers and service territory.⁵ GPI has not provided any evidence or

¹ GPI Comments, pp. 5-6.

² Settlement Agreement, pp. 8-9 and Appendix A.

³ GPI Comments, pp. 6-8.

⁴ PD & APD, p. 50.

⁵ SCE’s Reply Comments on Motion for Approval of Settlement Agreement, filed August 25, 2015, pp. 5-6.

reasoning to explain why a statewide E&O campaign, managed by a third-party administrator, would be better suited for a pilot limited to SCE’s service territory, and the Commission should again reject GPI’s request.

B. The PD and APD Appropriately Consider and Reject Shell’s Request for Exemptions from Direct Access Participation Caps and PCIA.

In its Opening Comments, Shell challenges the PD’s determination that there is no lawful means to exempt electric vehicle (“EV”) charging load from the Direct Access statutory limits in Public Utilities (P.U.) Code Section 365.1. Shell asserts that EV charging station load may be exempt because the EV charging station load was not classified by the Commission as retail load until after the enactment of P.U. Code 365.1. Shell explains that EV charging station load is “new” load not contemplated by the Legislature when it enacted P.U. Code Section 365.1, and therefore should be presumed exempt.⁶ This argument lacks merit, as the PD and APD correctly find. The Legislature established the Direct Access caps based on the peak historical sales by Direct Access providers in each of the IOU’s service areas,⁷ not based on what kind of end-use load was historically served by Direct Access providers. Moreover, the Legislature exempted certain sales from the cap, including sales by and to Community Choice Aggregators (CCAs);⁸ thus, if the Legislature had intended to exempt EV charging load, it would have stated so.

Finally and importantly, there is no need for the Commission to try to bypass the Direct Access cap to promote EVs in California – as Shell encourages the Commission to do – because the Commission already provides options outside of Direct Access for third parties seeking to sell electricity for EV charging. Specifically, in Decision 10-07-044, the Commission found that third parties seeking to sell electricity in the IOUs’ service areas for purposes of light-duty EV charging

⁶ Shell Comments, pp. 2-5.

⁷ See P.U. Code Section 365.1 (b), defining the “maximum allowable total kilowatthours annual limit” for Direct Access in each IOU’s service area. This annual limit was calculated and set by the Commission in D.10-03-022.

⁸ See P.U. Code Section 365.1 (a), excepting CCAs and sales to CCAs for resale to retail customers from the definition of an “other provider.”

may do so *either* by registering as an Electric Service Provider (ESP) and providing Direct Access services (including complying with all of California’s procurement requirements, such as Resource Adequacy and Renewable Portfolio Standards), *or* by procuring electricity as a retail customer of the IOU and reselling the electricity solely for purposes of light-duty EV charging, without being subject to regulation as a public utility.⁹ The latter option provides a special exception for EV service providers (“EVSPs”) from the longstanding prohibition on the resale of electricity received from the IOUs; it was later codified in P.U. Code Section 216(i).¹⁰ The latter option has no limit on the amount of load that can be served, and reasonably contributes to facilitating the growth of the EV market in California.

Shell’s comments err in assuming that the only means of growing EV load in California is through Direct Access. While Direct Access providers may serve EV load, options other than the IOUs include the permitted resale of electricity by EVSPs, as well as sales by CCAs. Shell’s comments fail to demonstrate any factual or legal error on the part of the PD or APD in declining to bypass statutory cap on Direct Access, and should be rejected.

Shell also repeats its request that EV charging load served by Direct Access should be exempt from the PCIA, arguing that because EV charging load is new load that SCE has not previously served, the PCIA should not apply.¹¹ The PD and APD are reasonable in rejecting this request. SCE’s plan to procure for its existing load and forecasted new load is included in its 10-year Bundled Procurement Plan (BPP). The BPP is based on the California Energy Commission Integrated Energy Policy Reports, which include EV-related load in their demand forecast. The Commission has determined that new load is departing load when the IOU, as the default provider with an obligation to serve, plans to serve the new load, and the new load ultimately takes Direct Access service.¹² An exemption from the PCIA for EV charging load would therefore improperly shift any costs of generation procured by the IOU to serve the new load to other bundled service

⁹ See generally D.10-07-044.

¹⁰ See also SCE’s Rule 18, Section E.5, setting forth this exception.

¹¹ Shell Comments, pp. 5-7.

¹² See D.03-04-030, p. 2.

customers.¹³ Moreover, once EV load comes on line, it can switch electricity providers (*e.g.*, an IOU customer can later switch to Direct Access service pursuant to the current switching rules); thus, EV load will not always be “new” as Shell contemplates, and Shell errs in calling for a blanket PCIA exemption for EV load served by Direct Access.¹⁴

For these reasons, Shell’s comments fail to demonstrate any error on the part of the PD and APD in concluding that a PCIA exemption would be unlawful, and Shell’s recommendation should be rejected.

III.

CONCLUSION

SCE appreciates the opportunity to reply to GPI’s and Shell’s comments on the PD and APD, and again urges the Commission to adopt the Settlement Agreement as submitted, without modification. The Settlement Agreement is reasonable in light of the record, consistent with the law, is in the public interest, and represents a reasonable compromise of all major interests in this proceeding.

If the Commission finds that modifications to the Settlement Agreement are warranted, SCE recommends that the Commission adopt the APD, with the specific clarifications and modifications proposed in Appendix A of the Settling Parties’ Joint Comments.¹⁵

¹³ SCE’s Reply Comments on Motion for Approval of Phase 1 Settlement Agreement, filed August 25, 2015, pp. 3-4.

¹⁴ However, the PCIA would not apply when an EVSP procures electricity as a retail customer of an IOU and resells it to end-use consumers solely for purposes of light duty EV charging, because this scenario does not contemplate any load departing from IOU service.

¹⁵ Settling Parties’ Joint Comments, Appendix A, pp. A1-A5.

Respectfully submitted,

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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) REPLY COMMENTS ON PROPOSED DECISION AND ALTERNATE PROPOSED DECISION MODIFYING AND ADOPTING JOINT SETTLEMENT AGREEMENT ON APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY FOR APPROVAL OF ITS CHARGE READY AND MARKET EDUCATION PROGRAMS** on all parties identified on the attached service list(s) **A.14-10-014**. 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.
- Placing the copies in sealed envelopes and causing such envelopes to be delivered by hand or by overnight courier to the offices of the Assigned ALJ(s) or other addressee(s).

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Executed **January 11, 2016**, at Rosemead, California.

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CALIFORNIA PUBLIC UTILITIES COMMISSION

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LIST NAME: LIST
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