

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

Order Instituting Rulemaking Concerning Energy  
Efficiency Rolling Portfolios, Policies, Programs,  
Evaluation, and Related Issues.

R.13-11-005  
(Filed November 14, 2013)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) OPENING COMMENTS  
TO ADMINISTRATIVE LAW JUDGE'S RULING QUESTIONS ON MARKET  
TRANSFORMATION STAFF PROPOSAL**

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**I.**

**INTRODUCTION**

Southern California Edison (SCE) appreciates the opportunity to comment on the *Administrative Law Judge’s Ruling Seeking Comment on Market Transformation Staff Proposal* and the attached *Energy Efficiency Market Transformation: A Staff Proposal* (“Proposal”). The Proposal presents significant progress toward a framework that would advance market transformation (MT) in energy efficiency in California and beyond. While the Proposal is an important first step, before the Commission can issue a final decision adopting an MT framework, the long-term nature of MT necessitates a comprehensive and inclusive discussion of the issues SCE highlights herein. SCE recommends that the Commission allow for additional workshops so that stakeholders can clarify the issues necessary for a more robust and successful MT framework. In these comments, SCE identifies specific elements of the MT proposal that need further examination and provides its responses to the 16 questions contained in the ALJ Ruling.

## II.

### DISCUSSION

#### **A. Additional Workshops are Needed Prior to a Decision**

The Proposal contains many important elements that will lead to a successful MT framework, including allowing MT initiative development and implementation to be funded apart from the Rolling Portfolio, and considering a longer time horizon for cost-effectiveness assessment. Some issues in the Proposal, however, warrant further examination, through additional workshops with stakeholders. These issues include the items discussed in sections B-E below, as well as including value streams that are not currently captured in cost-effectiveness testing, leveraging existing organizational infrastructure to streamline administrative activities, detailing the mechanics of how Market Transformation Initiatives (MTIs) can be integrated into the Rolling Portfolio, determining a mechanism to request additional budget for ongoing successful MTIs, and refining savings attribution issues such as net-to-gross and market effects. SCE recommends taking additional time to comprehensively consider these issues early in the process to minimize ambiguities and collaboratively develop a more robust framework that can be implemented more quickly to roll out successful MTIs.

#### **B. The Commission Should Adopt a Structured Coordination Process to Construct Initial MT Development Plan Proposals**

SCE appreciates the opportunities already contained in the Proposal for stakeholder input (i.e., two workshops discussed in Section 5 “Procedural Approach”). SCE recommends that the Commission adopt a more structured approach to stakeholder input to construct the initial MT Development Plans prior to formal review via advice letter. This process will allow for market actors with MT subject matter expertise to work through complex issues such as coordinating MTIs with Resource Acquisition (RA) programs, and avoiding duplication of target activities and/or market interventions.

SCE recommends this process include several steps. First, utility Program Administrators (PAs),<sup>1</sup> in conjunction with key stakeholders, will identify three to five high potential MT development opportunities. Second, PAs and key stakeholders will identify the key objectives for the potential MT interventions and their desired end states (e.g. adoption into code). This step will also include developing potential milestones and key leading indicators to align with these objectives, and customizing the timing of milestones to the target market’s normal replacement cycle. Third, for each potential intervention, PAs, with stakeholder input, will identify the data and/or studies necessary to develop a forecast baseline to understand market conditions and barriers, develop savings claims, inform entry and exit strategies, and advise coordination with market actors. Fourth, PAs will develop draft MT Development Plans for the most promising market interventions, including, where applicable, how the MTI will work in collaboration with existing Emerging Technology, resource acquisition, and Codes & Standards programs. PAs will then present their draft MT Development Plans as discussed in Step 2 of Section 5 in the Proposal. Fifth, each PA will present their draft MT Development Plan proposal to the Initiative Review Committee (IRC) for feedback and a vote on which MTIs should move forward.<sup>2</sup> Sixth, PAs will file Tier 1 advice letters for formal approval of MT Development Plans. Following approval, PAs will continue to consult with stakeholders during Accord development, including a formal review by the IRC of the draft Accord.

SCE also recommends that a stage-gate approach be used to implement MTIs after Accords are approved by the Commission. The stage-gate process is widely used by industry to limit exposure to continuing to invest in failed ventures, while ensuring market agility, as advancing to a new stage depends upon the successful completion of its predecessor.

This process will help manage the risks and rewards of long-lived and uncertain MTIs as it allows MTI implementers to make faster responses to unanticipated market conditions.

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<sup>1</sup> As clarified by Energy Division Staff during the September 25, 2018 workshop, “PA” in the Proposal refers to investor-owned utilities (IOUs).

<sup>2</sup> SCE recommends there be a single IRC for all MTIs to streamline administration.

Milestones can be set based on the objectives for each stage. The stage-gate approach helps manage risk for both ratepayers and implementers, by giving implementers credit for successful activity and interim outcomes, and providing opportunities to assess and cancel MTIs that are not meeting milestones.

C. **MT Cost-Effectiveness Guidance Warrants Further Examination**

1. **A threshold of 1.5 may not increase the likelihood of achieving cost-effectiveness**

The Proposal states that “Longer-term forecasts are inherently more uncertain, and for this reason staff suggests an increase in the required value to 1.50.”<sup>3</sup> SCE agrees that a MTI should be cost-effective over its life after accounting for all savings. However, while the specific ruleset governing cost-effectiveness for MTIs should be further discussed, the threshold for a successful MTI should not be as high as 1.5. Generally EE cost effectiveness is judged based on a program year and must be forecasted to be 1.00, and going up to 1.25 in 2023. While a longer-term forecast may be more uncertain than a short-term forecast, all else being equal, raising the cost-effectiveness threshold is not likely to reduce uncertainty or make it more likely that an MTI will achieve cost-effectiveness. Such a threshold could stymie innovative and potentially effective ideas with a forecasted future cost-effectiveness of less than 1.5. Further, the threshold of 1.5 may create an additional barrier to an already challenging marketplace for energy efficiency, without necessarily increasing long-term certainty of cost effectiveness.

2. **Cost-effectiveness should not determine if an MTI should be terminated**

Cost-effectiveness should not be the sole determinant of whether to terminate a MTI.<sup>4</sup> Cost-effectiveness can be achieved without a market being transformed, and conversely a market can be transformed by the end of an MTI without the initiative appearing cost-effective in early years while foundational work is being accomplished. Stakeholders should discuss, and

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<sup>3</sup> Proposal, p. 26. (Because the Proposal is unnumbered, SCE refers to the page numbering of the PDF).

<sup>4</sup> *Id.*, pp. 13, 18 (PDF).

ultimately PAs should propose through Accords in their advice letters, a set of milestones that can be used to track progress towards the desired market state. Cost-effectiveness should be included as a metric to track, but not solely used to determine the fate of a MTI, especially in the early years of an initiative when savings may be low or uncertain. A suite of milestones should be used to judge if a MTI should be terminated.

**D. The Commission Should Reconsider the “Firewall” between Codes & Standards and MTIs**

The existing definition of MT in California recognizes the completion of MT when: 1) incentives are no longer needed for the particular measure or intervention or, 2) when the technology is successfully adopted into code.<sup>5</sup> Given the likelihood that successful MT activities may result in code adoption, the costs and benefits of these code savings should be shared with the MTI which contributed to those outcomes. Using a “firewall” between Codes & Standards (C&S) and traditional RA programs has long been a protection to limit the risk of C&S programs being used as a buffer for cost-inefficient RA programs. This “firewall” is used for RA programs and C&S programs in California today but should be reconsidered for MTIs that can demonstrate contributions to C&S adoption.

A “firewall” that separates C&S and MT creates a coordination and cost-effectiveness barrier. This separation creates a coordination barrier because C&S activities would take place external to an otherwise integrated MTI. It creates a cost-effectiveness barrier because the long-term MT savings would be allocated to the C&S programs, while only the more nominal and shorter-term milestone benefits would be recognized by the MT initiative. As energy savings and

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<sup>5</sup> “Market transformation is long-lasting, sustainable changes in the structure or functioning of a market achieved by reducing barriers to the adoption of energy efficiency measures to the point where continuation of the same publicly-funded intervention is no longer appropriate in that specific market. Market transformation includes promoting one set of efficient technologies, processes or building design approaches until they are adopted into codes and standards (or otherwise substantially adopted by the market), while also moving forward to bring the next generation of even more efficient technologies, processes or design solutions to the market.” *See* D.09-09-047, pp. 88-89.

market share adoption as targeted through a MTI will likely be lower in the early years of an intervention, the majority of savings will occur in the latter years, with the largest payoff potentially occurring at the point of adoption into C&S, without credit to the MTI. This accounting firewall could cause an MTI with positive net benefits to be excluded from the portfolio because it incorrectly appeared not to be cost effective.

Firewalls between C&S and other MT programs do not exist with other successful MT administrators such as the Northwest Energy Efficiency Alliance (NEEA). According to NEEA's presentation at the September 25, 2018 Market Transformation workshop, NEEA recognizes the sum of all societal benefits associated with Emerging Technologies, RA programs and C&S programs. These total benefits are assessed against the costs of all programs associated with the MT outcome. In this manner, there are no artificially created barriers between MT program elements, enabling a holistic market approach. In California, similar coordination already occurs across Emerging Technologies, RA, and C&S programs, however, savings are siloed among individual programs, and costs and benefits are not harmonized across all related MT activities.

**E. Energy Division Should Allow PAs the Flexibility to Consider all Innovative Pathways to Cost-Effective and Expedient Savings**

As written, the Proposal asks PAs to demonstrate coordination with RA programs and would require that PAs not initiate new resource programs that would directly compete or interfere with an MTI.<sup>6</sup> This requirement could be a significant impediment to future innovative program designs that may offer faster and/or more cost-effective methods to remove the same barriers being addressed by an MTI. Coordination between MTIs and traditional RA incentive programs should result in a portfolio of programs that removes barriers as quickly and cost-effectively as possible. If a new RA program offers a more direct path to that objective, PAs should maintain the flexibility to consider those options.

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<sup>6</sup> See Proposal, p. 23 (PDF).



The Staff Proposal acknowledges that resource programs can also produce market transformations. California PAs have a record of success with implementing incentive programs and C&S. There is less assurance of savings with MTIs: Prah & Keating (2011)<sup>2</sup> spoke bluntly when they cautioned that “Transforming markets can be hard—it may not work”. Thus, diversification of risk across program types can help to achieve cost effective savings.

**F. Responses to Sixteen Questions Posed in Proposal**

1. *What are the best characteristics of the market transformation framework in the Staff Proposal? What attributes are the most valuable and should be retained?*

SCE appreciates the following attributes of the Staff Proposal to support development of a MT framework:

- Recognition of the complementary nature of MT initiatives and RA programs, through which the utilities have achieved market transformation
- Recognition of the need to address the longer-term time horizon for payback on MT initiatives, as well as the need for a separate cost-effective treatment and an incentive mechanism to encourage development and implementation of MT initiatives.
- Acknowledgement that the development of MTIs requires time, including additional research to vet technologies, collect market information, and pilot test MTIs.
- Funding MTI development and implementation apart from the Rolling Portfolio. As all the IOUs ramp up to the goal of 60% third party designed and implemented programs, setting aside MTI development and implementation allows IOUs to take a lead role in MTI program design and implementation, at least in the near term. This

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<sup>2</sup> Ralph Prah and Ken Keating, *Planning and Evaluating Market Transformation: What the Industry has Learned, and Possible Implications for California*, (Nov.2011), available at [ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/11/SB\\_GT&S\\_0822782.pdf](ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/11/SB_GT&S_0822782.pdf)

recognizes that MTI design and implementation requires intricate coordination across multiple program areas, which is a role IOUs are well-positioned to perform.

- Acknowledgement that detailed discussions among stakeholders about the appropriate baselines will pay off with less ambiguity about MTI achievements. This will lead to less contention overall at later dates.
- Acknowledgement that savings above a baseline forecast are to be considered net savings attributable to the MTI. This allows PAs the freedom to enlist non-utility market actors to work towards the same market objectives, without concern about attribution of influence from individual market actors.
- Giving the PAs the opportunity to propose MTI objectives, EM&V and cost-effectiveness tests through the Advice Letter process. This allows PAs to propose EM&V and cost-effectiveness approaches that are best suited to the proposed MTI.

2. *Do you agree with the staff recommendation to begin the development of market transformation initiatives initially separately from the business plan portfolios? Why or why not?*

Yes, MTIs should be approached separately from the Rolling Portfolio due to their inherent differences in upfront barriers, risks, payback time periods for savings and the need for separate cost-effectiveness treatments. However, MTIs should be viewed in conjunction with RA programs, especially if similar EE markets are targeted. Ideally, MTIs would target EE market opportunities distinct from existing business plan portfolios to avoid overlap.

3. *Do you agree with the budget limit of \$12 million per PA for operations outside of the business plan portfolios suggested in the Staff Proposal? Why or why not?*

Budgets for MTIs should not be capped at \$12M. While \$12M may be sufficient funding to transform a market, flexibility should be incorporated into the framework so PAs can request additional funding for an existing MTI within the MT framework. PAs should be able to request additional funding for an ongoing MTI if agreed-to milestones

point to a successful initiative that, through additional funding, could successfully transform the market.

4. *Should there be a limit to the time period for how long market transformation initiatives may operate outside of the business plans before being integrated with the overall portfolio? If so, what is your proposed time limit? Explain your rationale.*

No. Each MTI will be unique in nature with several uncertain variables affecting if and when the initiative should be integrated with the portfolio. A required set time period for portfolio integration will likely not align with these unique interventions.

5. *Do you support the Staff Proposal elements with respect to cost-effectiveness? Why or why not? Describe in detail any changes you would suggest.*

As noted in the Proposal, cost-effectiveness of MTIs should be addressed using different parameters, and on a different schedule than the rest of the energy efficiency portfolio. Raising the cost-effectiveness threshold will not reduce uncertainty or make it more likely that an MTI will achieve cost-effectiveness. Cost-effectiveness can be achieved without a market being transformed, and conversely a market can be transformed without it becoming cost-effective. Stakeholders should discuss, and ultimately PAs should propose through Accords in advice letters, a set of milestones that can be used to track progress towards the desired market state. Cost-effectiveness should be included as a metric to track, but not as the sole milestone for determining the fate of a MTI. PAs should propose a suite of milestones to be used to judge if a MTI should be terminated.

6. *Do you support the concept identified in the Staff Proposal for Market Transformation Accords? Why or why not? Describe in detail your suggested improvements.*

SCE generally supports the structured format of the two-phase initiative development and Accord process for short and long-term planning coordination with RA programs with the enhancements that SCE has proposed herein; however, the oversight

structure should be streamlined by having a single Initiative Review Committee, for example.

7. *The Staff Proposal includes an allocation of funding for market transformation planning efforts. In some cases, such planning efforts may fail to produce a workable Market Transformation Accord. Should spending on such planning efforts be subject to separate budget caps or time limitations? If so, what should those limits be and why?*

MT planning efforts should not be subject to separate pre-determined budget caps or timeline limitations because the scope and complexity of Market Transformation Accords will likely vary on a case by case basis. However, preliminary budget and timelines should be included in each MT Initiative Development Plan.

8. *Do you agree with the Staff Proposal's recommendations with respect to the interaction with statewide and third-party program requirements in the business plan portfolios? Why or why not?*

SCE generally agrees with the Staff Proposal's recommendations for statewide and third-party program requirements in the business plan proposals. However, SCE recommends that the upfront cost-sharing agreement be revisited at key intervals (e.g., 3-5 years into the MTIs development or when key changes are made to the Market Transformation Accords) rather than remaining static over the lifecycle of the initiative. There may be cases in which PAs enter or exit the energy efficiency market, necessitating reallocation of the assigned PA budgets. SCE also recommends that a transparent process be developed for agreement and coordination of the MTIs that include third-parties and other key stakeholders, rather than allowing the one lead IOU-PA to have "final decision-making authority" during statewide MTIs. SCE also welcomes the participation of third-party MT designs and implementation but recommends that the third-party and statewide administration guidelines formally apply when MTIs are transitioned to the Rolling Portfolio.

9. *Do you support the Staff Proposal recommendation for how to conduct evaluation, measurement, and verification on market transformation initiatives? Why or why not?*

SCE supports the Proposal in considering all saving above the forecast baseline as net to the MTI. This acknowledges that if MTIs are to succeed, they must be promoted by multiple market actors; attribution to individual market actors or programs would not be possible. SCE also supports the proposal to include EM&V details in the advice letter so each evaluation can be tuned to the specific market progress indicators and milestones an MTI would affect. However, the Proposal is unclear in its references to the “forecast baseline” and the requirement to update the “forecast baseline” annually. NEEA has confirmed to SCE that NEEA does not update their baselines annually. Rather, NEEA uses the same baseline, but updates the savings forecast annually. In addition, NEEA has offered to share their reasons for not using Delphi panels to arrive at a consensus baseline, cautioning that other methods have been more successful for them. SCE recommends that no firm requirements be made on the methods for achieving a consensus on a forecast baseline.

10. *Comment on the Staff Proposal’s discussion of milestone based performance assessments.*

SCE generally agrees that a schedule of milestones should be set in place to indicate progress toward the desired end state of the MTI. Given the unique nature of each initiative, these milestones should be defined upfront and built into the Accord. Further, while cost-effectiveness should be included as a metric to track, it should not serve as the sole metric for determining if a MTI should be terminated, as multiple MT indicators could be used to determine progress (e.g., penetration rate, savings, etc.). SCE recommends deferring the determination of specific milestones to future stakeholder discussions.

11. *Do you support the Staff Proposal's recommendations for the administrative aspects of management of the Initiatives, particularly in Section 5 on procedural approach? Why or why not?*

In part. As discussed above, there are areas requiring further collaboration and vetting that will be critical to address prior to issuing a final MT framework. The long-term nature of MT necessitates a comprehensive and inclusive discussion of the issues highlighted in these comments prior to framework finalization. SCE recommends an additional workshop for stakeholders to discuss issues requiring clarification or reexamination.

12. *Are there other ways (besides those represented in the Staff Proposal) to engage and leverage stakeholder expertise effectively? If so, describe them.*

Yes. Stakeholders should be afforded the opportunity to discuss potential PA-proposed MT initiatives early in the planning process. In addition, as discussed above, the engagement outlined in the Proposal should be streamlined. SCE recommends there be only one Initiative Review Committee to vet all MTIs. One Committee would then have insight into all statewide MTIs, rendering it more effective as a review body. In addition, existing forums for stakeholder input, such as the California Energy Efficiency Coordinating Committee (CAEECC) or the California Technical Forum (CALTF) (or sub-sets thereof) should be appropriate forums for briefing shareholders and reporting out on MTI progress as needed.

13. *Are there characteristics of market transformation initiatives that are not sufficiently embodied in the framework described in the Staff Proposal? If so, describe them and suggest ways these characteristics can be integrated into the framework or requirements.*

SCE urges the Commission to establish an additional (or multiple, if warranted) workshops for stakeholders to vet issues requiring clarification or reexamination prior to the finalization of the MT framework. Overall, wherever possible the Staff Proposal

should relate to recommendations made in previous Commission Staff whitepapers, such as those by Prahll & Keating in 2014.<sup>8</sup>

14. *Are there elements in the Staff Proposal that are missing or unclear? Describe.*

SCE recommends more discussion in a future workshop around the coordination between RA and MT programs, and on the process to integrate MT programs into the Rolling Portfolio. In addition, the following items require clarification:

- “Definition of Market Transformation” - The Staff Proposal does not clarify whether it is proposing any changes to the existing definition of market transformation. In the current definition, codes and standards are desired results of market transformation, suggesting that all costs and all benefits resulting from MTI-driven codes and standards should count towards the MTI’s cost effectiveness calculation.
- “Forecast baselines” - The Proposal’s use of this term is confusing because NEEA does not update their baselines annually. It may be clearer to use the terms “market baselines” that are established through research and stakeholder discussing during the MTI development period, and to refer to annual updates of “savings forecasts”.
- “Initial project baseline” – An initial project baseline, as described in Section 4.2 “Content Guidance for Market Transformation Accords”, should be moved to Section 4.1 “Market Transformation Development Plan Content” because cost-effectiveness projections in the MT Accord will need that initial project baseline information.

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<sup>8</sup> Ken Keating, *Guidance on Designing and Implementing Energy Efficiency Market Transformation Initiatives* (Dec. 2014) and Ralph Prahll, Ken Keating, *Building a Policy Framework to Support Market Transformation in California* (Oct. 2014), both available at <http://pda.energydataweb.com>.

15. *Ultimately, do you recommend that the Commission adopt this framework, or a version of the framework with your suggested modifications described in answers to the above questions? Why or why not?*

SCE recommends that the Commission adopt the framework with the additions discussed in these comments, and with the enhancements resulting from further stakeholder discussions via workshops.

16. *Include any other comments or recommendations not covered by the above questions.*

SCE derived value during the MT Workshop when knowledgeable participants were able to share experiences and perspectives. SCE looks forward to advancing the state of knowledge about market transformation with further discussions and workshops.

### **III.**

#### **CONCLUSION**

SCE appreciates the opportunity to provide to comments on the Proposal and looks forward to further collaboration with the Commission and stakeholders to develop a successful MT framework.



Respectfully submitted,

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