



Recent EE Rulemaking Decisions

- D.15-10-028 ("Process Decision") established EE rolling portfolio process and mechanics, including business plans.
- D.16-08-019 ("Policy Decision") provided policy guidance for EE rolling portfolio business plan filings.





A Potential Conflict?

- Process Decision largely assumed continued IOU design of programs.
- Required stakeholder input during the program design process through CAEECC vetting of Implementation Plans and metrics.
- Anticipated modification and versioning of IPs in response to input and over time.





Process Decision Language

- "A consistent theme from stakeholders is that non-IOU stakeholders want more influence over portfolios and the programs within the portfolios, rather than only reacting to the programs placed in front of them to review. PAs are to involve stakeholders early and often in business plan and implementation plan development." (D.15-10-028 at p. 75)
- "PAs can change the implementation plans as needed without further [regulatory] review, and the version on the publicly available web page will always be current." (D.15-10-028 at p. 63)





A Potential Conflict?

- Policy Decision emphasized PA role as portfolio designers but required third-party program proposal and design in most cases.
- Substantial changes to third-party program design after bidding could alter contract and might require rebidding.
- When do stakeholders give substantive input and what kind of input?





Policy Decision Language

- "[I]n this decision we wish to continue to push the utilities to focus more on their role as determiners of "need" and portfolio design, and less on their role as program designers and implementers." (D.16-08-019 at p. 71)
- "To be designated as "third-party," the program must be proposed, designed, implemented, and delivered by non-utility personnel under contract to a utility program administrator." (D.16-08-019 OP 10 at p. 111)
- "By necessity, the program administrator will be determining the needs for which a solicitation is being conducted in the first place. What this decision requires it that third-party design ideas be solicited. But in the contract negotiation and implementation of successful proposals, the expertise of the utility personnel and the third parties should be brought to bear to ensure the best possible results." (D.16-08-019 at p. 74)

