

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



Pacific Gas & Electric Company ELC (Corp ID 39)
Status of Advice Letter 6909-E/6909-E-A
As of January 22, 2025

Subject: Request for Budget Transfer for VGI Dynamic Rate Implementation

Division Assigned: Energy

Date Filed: 04-07-2023

Date to Calendar: 04-14-2023

Authorizing Documents: E-5192

Disposition:	Signed
Effective Date:	12-19-2024

Resolution Required: Yes

Resolution Number: E-5358

Commission Meeting Date: 12-19-2024

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Stuart Rubio
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PGETariffs@pge.com

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of Filing
- Date Filed
- Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
- Effective Date of Filing
- Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to
edtariffunit@cpuc.ca.gov

April 7, 2023

Advice 6909-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Request for Budget Transfer for VGI Dynamic Rate Implementation

Purpose

To request approval to transfer funds originally requested for the exploring export value pilot proposed by the Pacific Gas and Electric Company (PG&E) Vehicle Grid Integration (VGI) Pilots (Pilots) to be used for implementation of the VGI Dynamic Rate, pursuant to Ordering Paragraph 3 of Resolution E-5192.

Background

Senate Bill 676 (Ch. 484, Stats. 2019) (SB 676) enacted new Public Utilities Code Section 740.16. Section 740.16 requires the California Public Utilities Commission ("CPUC" or "Commission") to establish strategies and quantifiable metrics to maximize the use of feasible and cost-effective electric vehicle (EV) integration into the electrical grid (Vehicle Grid Integration, or VGI) by January 1, 2030. On December 21, 2020, the CPUC issued Decision (D.) 20-12-029 implementing SB 676 in Rulemaking (R.) 18-12- 006. Among other things, D.20-12-029 adopted various strategies to promote VGI and ordered PG&E and other investor-owned utilities (IOUs) to implement various near-term policy actions that the Commission has found reasonable in support of the strategies. Among the near-term policy actions that the Commission has found reasonable to promote VGI in D.20-12-029 are VGI pilots and demonstrations: "The pursuit of these activities will advance VGI...by ensuring that proven VGI technologies can be scaled and by expanding the technology required to advance VGI."¹

D.20-12-029 authorized the large electrical corporations (collectively, the "Joint Utilities") to propose a variety of VGI pilots to address needs that fall outside of the scope of other state programs.

¹ D.20-12-029, p.19.

Table 1 Budget Estimate

Workstreams	Tasks	Estimated Cost	Description
1. Pricing Engine Development	This is a vendor-provided product that will be used to calculate hourly generation prices and publish day-ahead prices for all Energy Service Providers to the MIDAS database or accessible via APIs for integration with aggregators/implementors. All scope and costs are incremental to what has been approved in the DAHRTP GRC and CEV cases except where noted.		
	1.1 Calculate Hourly Prices	\$200,000	1.1.1 Calculate hourly generation prices (*costs covered by DAHRTP GRC and CEV proceedings) 1.1.2 Forecast day-ahead hourly load forecast for 60 circuits, representing entire PG&E service territory 1.1.3 Calculate hourly distribution prices
	1.2 Develop APIs	\$30,000	1.2.1 Enable access to the day-ahead real-time prices (both historical and future) 1.2.2 Enable access to calculated customers estimated annual electricity costs using the day-ahead real-time prices 1.2.3 Pass the dynamic hourly prices to MIDAS, to aggregators, and/or bidirectional chargers
	1.3 Customer Support and Tools	\$25,000	1.3.1 Compute the estimated annual electricity costs of the VGI Dynamic Rate and compare with eligible rates 1.3.2 Enable Enhanced Real-time what-if Rate and Cost Analysis for VGI Dynamic Rates
	Contingency	\$45,000	+15% to allow for uncertainty since requirements have not been finalized
	Subtotal	\$300,000	
2. Shadow Billing	This is a vendor-provided product that will be used to calculate customers' bill based on the day-ahead hourly generation and distribution prices using customers' subscription load profile as well as create and distribute shadow bills.		
	2.1 Shadow Billing Platform	\$795,000	2.1.0 Model, test, and validate VGI dynamic rates including NEM variants in the Shadow Billing Platform 2.1.1 Import hourly generation and distribution prices 2.1.2 Manage exceptions 2.1.3 Calculate customers' subscription load profiles 2.1.4 Calculate subscription costs based on the otherwise applicable tariff 2.1.5 Calculate difference between actual energy usage and subscription load profile 2.1.6 Calculate dynamic portion of customers' bill for each hour
	2.2 Bill Delivery	\$155,000	2.2.1 Send bill calculations to downstream applications, including bill print and email 2.2.2 Deliver bills to customers
	Subtotal	\$950,000	
3. ME&O and Enrollment	Education and outreach efforts to customers to make an informed choice between TOU and VGI dynamic rate, conducted in collaboration with the VGI Pilots implementor and PG&E.		
	3.1 Materials Development	\$65,000	3.1.1 Develop materials to communicate customers' rate options (i.e., TOU or dynamic rate)
	3.2 Outreach and Enrollment	\$35,000	3.2.1 Send communication to pilot participants offering choice of rates 3.2.2 Solicit and record customer response 3.3.3 Communicate customer choice to the shadow billing vendor
	Subtotal	\$100,000	
4. Technology Integration	Budget allocated for the integration and automation of VGI dynamic rate with participating aggregator systems.		
	4.1 Integration and Automation by Aggregators	\$120,000	4.1.1 Incremental budget for integration and automation of VGI technologies with the pilot's dynamic price signal, accounting for participation of approximately 6 aggregators at conservative estimate of \$20,000 each
		\$60,000	4.1.2 Contingency budget to support enhancement of technology vendors' control systems to import and respond to bidirectional pricing signals
	Subtotal	\$180,000	
5. Internal Labor	Budget allocated for the internal labor associated with the development and support of VGI dynamic rate.		
	5.1 Development and Support	\$135,000	5.1.1 PG&E Shadow Billing Labor (FTE at \$130/hour for half a year) includes development, system stabilization, and QA prior to launch
		\$135,000	5.1.2 PG&E Shadow Billing Customer Support (half of FTE at \$130/hour for a year) includes ongoing customer support for Phase 2
	Subtotal	\$270,000	
6. Additional Incentives	Additional upfront incentive to cover portion of the incremental cost of the bidirectional chargers. Details addressed in the narrative portion of this document.		
	Subtotal	\$500,000	
	Total Budget Estimate	\$2,300,000	

In compliance with Ordering Paragraph (OP) 14 of D.20-12-029, PG&E filed Advice Letter (AL) 6259-E on July 15, 2021, proposing four VGI pilot programs. In response, the CPUC issued Resolution E-5192² (Resolution), in which it approved, with modifications, three proposed VGI Pilots and ordered PG&E to implement a VGI Dynamic Rate. Per OP 3 in the Resolution, PG&E may file a Tier 3 advice letter to request approval to transfer some or all of the \$2.3 million originally requested for the exploring export value pilot to the VGI Pilots, supported with evidence and detailed explanation of the need for this transfer.

Request

PG&E respectfully requests the transfer of the \$2.3 million originally requested for the exploring export value pilot to be used for the following:

1. Implementation of the VGI Dynamic Rate
2. Additional budget for the upfront participation incentive for residential customers
3. These cost estimates reflect the best available information to-date, with many remaining unknowns that could impact the final costs. As such, PG&E requests that the Commission allows for flexibility in managing the budget, rather than strictly holding PG&E to the budget for each line item.

Estimated Cost

Table 1 Budget Estimate below provides a breakdown by workstreams and specific tasks of the budget request for the VGI Dynamic Rate. The costs associated with VGI Dynamic Rate development are based on the scope of work (SOW)³ provided by the third-party vendor (Vendor) and factors in evolution of requirements. It also contains a contingency for workstreams for which not all requirements have been finalized. The budget estimate does not include any additional administrative costs for PG&E staff to manage the two sets of participants, one on TOU rates and the other on the VGI Dynamic Rate, or additional costs for data capture and reporting necessary to compare and evaluate the two groups and PG&E will use VGI Pilots' funding to cover these costs.

Justification for Budget Request for the Implementation of the VGI Dynamic Rate

PG&E requests \$1.8 million for the costs associated with the implementation of the VGI Dynamic rate. Specifically, the two key workstreams directed in the Resolution E-5192⁴ that account for the majority of the effort and costs: the Pricing Engine Development and Shadow Billing, estimated at \$1.25 million. The remaining workstreams associated with customer education and enrollment efforts, technology and system integration with the aggregators, as well as PG&E internal labor and customer support costs, add up to

² Resolution E-5192.

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M474/K369/474369017.PDF>

³ Submitted as a confidential attachment to conceal vendor's sensitive information.

⁴ CPUC. Energy Division. Resolution E-5192. (pp 20-21)

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M474/K369/474369017.PDF>

\$550,000. Specific tasks and estimated costs are available in the Table 1 Budget Estimate where further explanations below correspond to the table line items.

- 1. Pricing Engine Development (\$300,000):** The bulk of the work is related to calculation of the hourly prices, across 60 representative PG&E circuits, estimated at \$200,000 based on the Vendor's SOW.⁵ Dissemination of the hourly prices to energy service providers via MIDAS using API – both current and historical, and tasks associated with the VGI Dynamic Rate comparison with other eligible rates as well as scenario analysis, combined are estimated at \$55,000. Lastly, the budget lists a 15% contingency at \$45,000 to account for uncertainty since the VGI Dynamic Rate design has not been finalized; the outstanding items include (1) the requirements for the distribution component of the rate and (2) the customer subscription level design. All tasks associated with this workstream will be handled by the Vendor.
- 2. Shadow Billing (\$950,000):** Development of the shadow billing platform, calculation of the customer-specific subscription levels, and difference in usage against the subscription account for the majority the implementation and ongoing effort, estimated at \$795,000, which is also based on the Vendor's SOW. The shadow bill creation and delivery is estimated at \$155,000. All tasks associated with this workstream will be handled by the Vendor.
- 3. ME&O and Enrollment (\$100,000):** To educate and inform VGI Pilot participants of the rate options and benefits, PG&E plans to develop materials using the pricing engine vendor analysis,⁶ leveraging in-house resources to the extent possible. Rate enrollment, tracking, and reporting will be conducted in collaboration between the VGI Pilots implementer and PG&E.
- 4. Technology Integration and Support (\$180,000):** Given the nascent nature of the VGI technologies, this workstream poses a significant challenge for delivering a budget estimate due to many unknowns: (1) the competitive bidding process to select the cloud platform provider has not been completed, (2) number of potential participants integrating the VGI dynamic rate and (3) their different levels of technology readiness, as well as (4) a potential need to fund multiple aggregators to meet the VGI Pilots participation targets. To account for this uncertainty, PG&E estimates \$180,000 towards 4.1. *Vendor Technology Integration* workstream: (1) assuming a \$20,000 per aggregator for approximately six aggregators at \$120,000⁷ and (2) a \$60,000 contingency budget for possible technology

⁵ Confidential attachment

⁶ Developed under the tasks: 1. Pricing engine à 1.3 Customer Support and Tools à 1.3.1 Compare the estimated electricity costs with the VGI Dynamic Rate versus the eligible rates and 1.3.2 Provide Enhanced Real-time what-if Rate and Cost Analysis for VGI Dynamic Rates.

⁷ By approximation, OEM EVSEs API integration fees for direct connect range between \$5,000 and \$10,000 for setup plus \$30,000 per year. The \$20,000 for integration is a conservative estimate accounting for per aggregator's motivation to participate in the bleeding edge pilot.

enhancements for vendors' control systems to import and respond to bi-directional pricing signals.

- 5. Internal Labor (\$270,000):** To cover the PG&E internal labor costs associated with the VGI Dynamic Rate development, such as requirements gathering, system integration, and QA, PG&E estimates one full-time employee (FTE) at \$130 per hour⁸ for 6 months, which adds up to approximately to \$135,000.⁹ Upon launch of the VGI Dynamic Rate in the Phase 2 of the VGI Pilots, customer support is estimated at half of FTE time for a year, or approximately \$135,000.¹⁰ Collectively, the PG&E internal labor adds up to \$270,000.

There are several relevant data points associated with the costs of dynamic rate development and shadow billing platform development that PG&E used to inform this budget request. Decision 21-12-015¹¹ authorized PG&E to collaborate with Valley Clean Energy (VCE) in the Pilot for Agricultural Pumping, offering a dynamic transactive rate for agricultural pumping loads. PG&E was authorized \$3.5 million for this three-year pilot targeting 5 MW load. Of that, \$1.5 million was designated towards vendor system and technology costs associated with the dynamic rate development.¹² The same Decision approved a \$2.5 million budget for Southern California Edison's Dynamic Rate Pilot¹³ for All Customers and End Uses. Decision 21-11-017 orders PG&E to develop a "new 'customer enablement tool' to provide communication of day-ahead pricing to customers"¹⁴ with a budget cap of \$2.4 million. PG&E plans to enhance this system for the VGI pilot in support of the incremental dynamic distribution rate requirement. Unlike VGI Dynamic Rates, these dynamic rates (i.e., Day Ahead Hourly Real Time Pricing for Commercial Electric Vehicle DAHRTP CEV) ordered in the Decision 21-11-017 are to be integrated into PG&E billing system, so this reference is only a relevant comparison for the costs associated with the Pricing Engine development, but not for the shadow billing support. Summarized in Table 2 VGI Dynamic Rate Pilots Budget Comparison, these data points serve as a baseline for a high-level system and technology costs associated with the VGI dynamic rate development and shadow billing. These comparative efforts are spread across customer segments, administered by different IOUs, and implemented by a couple of different vendors.

⁸ Fully burdened PG&E FTE hourly rate

⁹ FTE for half a year: \$130/hour x 1,040 = \$135,200

¹⁰ Half of FTE for a year: \$130/hour / 2 x 2,080 = \$135,200

¹¹ CPUC. Phase 2 Decision Directing Pacific Gas And Electric Company, Southern California Edison Company, And San Diego Gas & Electric Company To Take Actions To Prepare For Potential Extreme Weather In The Summers Of 2022 And 2023. Decision 21-12-015. December 2, 2021. (p.96)

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M428/K821/428821475.PDF>

¹² Decision 21-12-015. ATTACHMENT 1. (p.10)

¹³ <https://www.dret-ca.com/dynamic-rate-pilot>

¹⁴ CPUC. Decision Authorizing Pacific Gas And Electric Company To Implement An Optional Day-Ahead Real Time Rate For Commercial Electric Vehicle Customers. November 18, 2021. (pp 20-23)

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M424/K557/424557371.PDF>

Table 2 VGI Dynamic Rate Pilots Budget Comparison

Pilot/Program	IOU	Vendor	Duration	# of Customers	Total Pilot/Program Costs (in millions)	Dynamic Rate/Billing Implementation Costs (in millions)
VGI Dynamic Rate	PG&E	TBD	1 year	~1,200	\$14	\$1.25
VCE Pilot for Agricultural Pumping	PG&E	TeMix	3 years	3MW or ~100 sites	\$3.5	\$1.5
Dynamic Rate Pilot	SCE	TeMix	3 years	Unspecified	\$2.5	Unspecified
DAHRTP CEV	PG&E	GridX	No end date	No limit	\$6.4	\$3.39

Community Choice Aggregators (CCAs) have expressed overwhelming interest in the dynamic rates in general. Currently, six (6) CCAs have confirmed their interest in implementing real-time pricing (RTP) rates (i.e., GRC RTP, DARHTP BEV, and Export Compensation rates) and three (3) CCAs have committed conditionally¹⁵ to adopting the VGI Dynamic Rate as of this AL filing. To minimize costs associated with CCA participation, PG&E has set a requirement that CCAs offer the VGI Dynamic Rate to their customers based on PG&E's design and generation rate structure. PG&E would facilitate shadow billing for unbundled customers at no additional cost which does not have an impact on the overall VGI Dynamic Rate implementation costs.

Justification for Additional Budget for Upfront Incentives

PG&E requests \$500,000 for additional upfront incentives. The upfront incentives are a critical part of the pilot implementation to help lower the upfront cost of a bidirectional charger installation. The upfront incentive was originally designed to make the cost of a bidirectional charger and installation equivalent to that of a unidirectional charger.

The justification in requesting additional budget for the upfront incentive is based on the most recent information from the partnering vendors: the costs associated with acquiring bidirectional chargers and installation for residential customers have been significantly underestimated. As a result, the upfront enrollment incentive would only cover approximately a **third** of the incremental cost of acquiring a bidirectional charger and installation costs. This could pose a significant barrier to customer enrollment in the pilots and meeting the pilot participation targets. An effective ME&O strategy could potentially address this shortage by emphasizing the participation incentives available with the

¹⁵ Commitment for participation is conditional on some of the following: the notification of customer participation, opportunity to review the shadow bill design, and visibility into customer shadow bills.

upfront incentive. Combined, these incentives would still only cover almost **two thirds** of the incremental costs.

An additional incentive budget of \$500,000 spread across 1,000 residential customers equates to \$500 per customer (or 6% of the incremental cost), which may not be significant enough to address the cost barrier. PG&E proposes an “**early adopter**” incentive approach for these additional funds: offer an additional \$X incentive to the customer as an upfront incentive for the first Y customers. The additional incentive could be calculated as a percentage increase towards 100% of the new estimate for incremental costs.

For example: offering an additional upfront incentive of \$3,000 would close the incremental cost gap to **10%** and could be offered to 167 customers (17% of the 1,000 target). Similarly, an additional \$2,600 upfront incentive would close the incremental cost gap to **20%** for 188 customers (19% of the 1,000 target), and so on.

This approach could be successful in motivating customers to act quickly since incentives are paid after the customer shows proof of installation.

Currently, only one bidirectional charger is certified and eligible for the residential pilot. PG&E is working with several OEMs to ensure there are multiple technologies eligible for the pilot and anticipates adding another two models by late 2023. At that point, PG&E will get a better understanding of the incremental cost of bidirectional chargers and design the additional incentive accordingly. Thusly, flexibility in determining the incentive amounts will allow PG&E to best meet the residential VGI Pilot participants’ needs.

Conclusion

These cost estimates reflect the best available information to-date, with many remaining unknowns that could impact the final costs. As such, PG&E requests that the Commission allows for **flexibility in managing the budget**, rather than strictly holding PG&E to the budget for each line item. For example, underspent costs associated with pricing engine development could be put towards unanticipated development costs and/or funding additional upfront incentives for more customers.

Confidentiality

PG&E designates the attached Appendix A as confidential since it consists of sensitive bid information that is proprietary and trade secret information or other intellectual property and protected market sensitive/competitive data and constitute third-Party information subject to non-disclosure or confidentiality agreements or obligations.

Protests

Anyone wishing to protest this submittal may do so by letter sent electronically via E-mail, no later than April 27, 2023, which is 20 days after the date of this submittal. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
E-mail: EDTariffUnit@cpuc.ca.gov

The protest shall also be electronically sent to PG&E via E-mail at the address shown below on the same date it is electronically delivered to the Commission:

Sidney Bob Dietz II
Director, Regulatory Relations
c/o Megan Lawson
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name and e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

PG&E requests that this Tier 3 advice submittal become effective upon Commission approval.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically to parties shown on the attached list and the parties on the service list for R.18-12-006. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter submittals can also be accessed electronically at: <http://www.pge.com/tariffs/>.

/S/

Sidney Bob Dietz II
Director, Regulatory Relations
CPUC Communications

Attachments:

Attachment 1: Confidential

cc: Service List R.18-12-006



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (U 39 E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Stuart Rubio

Phone #: 415-973-4587

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: stuart.rubio@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 6909-E

Tier Designation: 3

Subject of AL: Request for Budget Transfer for VGI Dynamic Rate Implementation

Keywords (choose from CPUC listing): Compliance

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: E-5192

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: N/A

Confidential treatment requested? Yes No

If yes, specification of confidential information: see confidential declaration and matrix
 Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information: Lydia Krefta, Lydia.krefta@pge.com

Resolution required? Yes No

Requested effective date: No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and correspondence regarding this AL are to be sent via email and are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

California Public Utilities Commission
Energy Division Tariff Unit Email:
EDTariffUnit@cpuc.ca.gov

Contact Name: Sidnev Bob Dietz II. c/o Megan Lawson
Title: Director, Regulatory Relations
Utility/Entity Name: Pacific Gas and Electric Company

Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx:
Email: PGETariffs@pge.com

Contact Name:
Title:
Utility/Entity Name:

Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

CPUC
Energy Division Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

Clear Form

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

Request for Budget Transfer for VGI Dynamic)
Rate Implementation)
_____)

Advice 6909-E

[PROPOSED] PROTECTIVE ORDER

1. Scope. This Protective Order shall govern access to and the use in connection with the above-referenced Advice Letter (the “Advice Letter”) of Protected Materials, produced by, or on behalf of, any Disclosing Party.

2. Modification. This Protective Order shall remain in effect until it is modified or terminated by the Commission or the Administrative Law Judge Division (“ALJ Division”). The parties acknowledge that the identity of the parties submitting Protected Materials may differ from time to time. In light of this situation, the parties agree that modifications to this Protective Order may become necessary, and they further agree to work cooperatively to devise and implement such modifications in as timely a manner as possible. Each party governed by this Protective Order has the right to seek changes in it as appropriate from the ALJ Division or the Commission.

3. Definitions

A. The term “Protected Material(s)” means (i) trade secret, market sensitive, or other confidential and/or proprietary information as determined by the Disclosing Party in accordance with the provisions of D.06-06-066 and subsequent decisions, General Order 66-Cand 454.5(g), or any other right of confidentiality provided by law, or (ii) any other materials that are made subject to this Protective Order by the ALJ Division, Law and Motion Administrative Law Judge

(“Law and Motion ALJ”), Assigned Commissioner, the Commission, or any court or other body having appropriate authority. Protected Materials also includes memoranda, handwritten notes, spreadsheets, computer files and reports, and any other form of information (including information in electronic form) that copies, discloses, or compiles other Protected Materials or from which such materials may be derived (except that any derivative materials must be separately shown to be confidential). Protected Materials do not include: (i) any information or document contained in the public files of the CPUC or any other state or federal agency, or in any state or federal court; or (ii) any information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order or any other protective order.

B. The term “redacted” refers to situations in which Protected Materials in a document, whether the document is in paper or electronic form, have been covered, blocked out, or removed. The term “unredacted” refers to situations in which the Protected Materials in a document, whether in paper or electronic form, have not been covered, blocked out, or removed.

C. The term “Disclosing Party” means a party who initially discloses any specified Protected Materials in connection with the Advice Letter.

D. The term “Market Participant” (“MP”) refers to a party that is:

- 1) A person or entity, or an employee of an entity, that engages in the wholesale purchase, sale or marketing of energy or capacity, or the bidding on or purchasing of power plants, or bidding on utility procurement solicitations, or consulting on such matters, subject to the limitations in 3) below.
- 2) A trade association or similar organization, or an employee of such organization,
 - a) whose primary focus in proceedings at the Commission is to advocate for persons/entities that purchase, sell or market energy or capacity at wholesale; bid on, own, or purchase power plants; or bid on utility procurement solicitations; or
 - b) a majority of whose members purchase, sell or market energy or capacity at wholesale; bid on, own, or purchase power plants; or bid on utility procurement solicitations; or

- c) formed for the purpose of obtaining market sensitive information; or
 - d) controlled or primarily funded by a person or entity whose primary purpose is to purchase, sell or market energy or capacity at wholesale; bid on, own, or purchase power plants; or bid on utility procurement solicitations.
- 3) A person or entity that meets the criteria of 1) above is nonetheless not a market participant for purpose of access to market sensitive data unless the person/entity seeking access to market sensitive information has the potential to materially affect the price paid or received for electricity if in possession of such information. An entity will be considered not to have such potential if:
- a) the person or entity's participation in the California electricity market is *de minimis* in nature. In the resource adequacy proceeding (R.05-12-013) it was determined in D.06-06-064 § 3.3.2 that the resource adequacy requirement should be rounded to the nearest megawatt (MW), and load serving entities (LSEs) with local resource adequacy requirements less than 1 MW are not required to make a showing. Therefore, a *de minimis* amount of energy would be less than 1 MW of capacity per year, and/or an equivalent of energy; and/or
 - b) the person or entity has no ability to dictate the price of electricity it purchases or sells because such price is set by a process over which the person or entity has no control, *i.e.*, where the prices for power put to the grid are completely overseen by the Commission, such as subject to a standard offer contract or tariff price. A person or entity that currently has no ability to dictate the price of electricity it purchases or sells under this section, but that will have such ability within one year because its contract is expiring or other circumstances are changing, does not meet this exception; and/or
 - c) the person or entity is a cogenerator that consumes all the power it generates in its own industrial and commercial processes, if it can establish a legitimate need for market sensitive information.

E. A Market Participant's Reviewing Representatives are limited to persons designated by the Market Participant who meet the following criteria:

1. Are outside experts, consultants or attorneys;
2. Are not currently engaged, directly or indirectly, in (a) the purchase, sale, or marketing of electrical energy or capacity or natural gas (or the direct supervision of any employee(s) whose duties include such activities), (b) the bidding on or purchasing of

power plants (or the direct supervision of any employee(s) whose duties include such activities), or (c) consulting with or advising others in connection with any activity set forth in subdivisions (a) or (b) above (or the direct supervision of any employee(s) whose duties include such activities or consulting); and

3. Are not an employee of a market participant.

F. Persons or entities that do not meet the definition of market participant are non-market participants (“NMPs”), and may have access to market sensitive information through their designated Reviewing Representatives. An attorney or consultant that simultaneously represents market participant(s) and non-market participant(s) may not have access to market sensitive data. If, on the other hand, simultaneous representation is of market participant and non-market participant clients involved in completely different types of matters, there should be no bar (although there may be ethical implications of such representation that we do not address here). If, for example, an attorney represents a market participant in matters unrelated to procurement, resource adequacy, RPS, or the wholesale purchase, sale or marketing of energy or capacity, or the bidding on or purchasing of power plants, or bidding on utility procurement solicitations, in a forum other than this Commission, and simultaneously represents a non-market participant in cases related to these topics before the Commission, there should be no bar to the attorney's receipt of market sensitive data (pursuant to a non-disclosure agreement and protective order) in the latter matter. In close cases, the balance should militate to bar simultaneous representation because of the risks it poses.

H. All Reviewing Representatives are required to execute a non-disclosure agreement and are bound by the terms of this Protective Order.

4. Designation of Materials. When submitting materials in connection with the Advice Letter containing Protected Materials, a party shall physically mark such documents on each page (or in the case of non-documentary materials such as computer diskettes, on each item) as “PROTECTED MATERIALS SUBJECT TO PROTECTIVE ORDER,” or with words of similar import as long as one or more of the terms, “Protected Materials,” “Protective Order,” or

“General Order No. 66-C” is included in the designation to indicate that the materials in question are protected.

All materials so designated shall be treated as Protected Materials unless and until (a) the designation is withdrawn pursuant to Paragraph 17 hereof, or (b) an ALJ, Commissioner or other Commission representative makes a determination pursuant to Paragraph 4 hereof changing the designation.

All documents containing Protected Materials that are submitted to Commission Staff in connection with the Advice Letter, or filed with the Commission or served, shall be placed in sealed envelopes or otherwise appropriately protected and shall be endorsed to the effect that they are submitted, filed or served under seal pursuant to this Protective Order. Such documents shall be served upon Reviewing Representatives and persons employed by or working on behalf of the state governmental agencies referred to in Paragraph 12 hereof who are eligible and have requested to review such materials. Service upon the persons specified in the foregoing sentence may either be (a) by electronic mail in accordance with the procedures adopted in connection with advice letters, (b) by facsimile, or (c) by overnight mail or messenger service. Whenever service of a document containing Protected Materials is made by overnight mail or messenger service, Commission Staff and/or the ALJ Division, as may be appropriate for purposes of review and disposition of the Advice Letter, shall be served with such document by hand on the date that service is due.

5. Redaction of Documents. Whenever a party submits to Commission Staff, or files, serves or provides in discovery, a document that includes Protected Materials (including but not limited to briefs, testimony, exhibits, and responses to data requests), such party shall also prepare a redacted version of such document. The redacted version shall enable persons familiar with the Advice Letter to determine with reasonable certainty the nature of the data that has been redacted and where the redactions occurred. The redacted version of a document to be submitted or filed shall be served on all persons on the utility’s advice letter service list and on any third

parties as specified by statute or other Commission order, and the redacted version of a discovery document shall be served on all persons entitled thereto.

6. Selection of Reviewing Representatives. Each MP and NMP selecting a Reviewing Representative shall first identify its proposed Reviewing Representative to the Disclosing Party. An attorney or consultant that simultaneously represents market participant(s) and non-market participant(s) may not have access to market sensitive data, subject to the exception in paragraph 3.F. Any designated Reviewing Representative has a duty to disclose to the Disclosing Party any potential conflict that puts him/her in violation of Decision 06-12-030. A resume or curriculum vitae is reasonable disclosure of such potential conflicts, and should be the default evidence provided in most cases.

7. Access to Protected Materials and Use of Protected Materials. Subject to the terms of this Protective Order, Reviewing Representatives shall be entitled to access to Protected Materials. All other parties in this proceeding shall not be granted access to Protected Materials, but shall instead be limited to reviewing redacted versions of documents. Reviewing Representatives may make copies of Protected Materials, but such copies become Protected Materials. Reviewing Representatives may make notes of Protected Materials, which shall be treated as Notes of Protected Materials if they disclose the contents of Protected Materials. Protected Materials obtained by a party in connection with the Advice Letter may also be requested by that party in a subsequent Commission proceeding, subject to the terms of any protective order governing that subsequent proceeding, without constituting a violation of this order.

8. Maintaining Confidentiality of Protected Materials. Each Reviewing Representative shall treat Protected Materials as confidential in accordance with this Protective Order and the Non-Disclosure Certificate executed pursuant to Paragraph 7 and 8 hereof. Protected Materials shall not be used except as necessary in connection with review and disposition of the Advice Letter, and shall not be disclosed in any manner to any person except (i) Reviewing

Representatives who have executed Non-Disclosure Certificates; (ii) Reviewing Representatives' paralegal employees and administrative personnel, such as clerks, secretaries, and word processors, to the extent necessary to assist the Reviewing Representatives, provided that they shall first ensure that such personnel are familiar with the terms of this Protective Order, and have signed a Non-Disclosure Certificate, (iii) persons employed by or working on behalf of the CEC or other state governmental agencies covered by Paragraph 12. Reviewing Representatives shall adopt suitable measures to maintain the confidentiality of Protected Materials they have obtained pursuant to this Protective Order, and shall treat such Protected Materials in the same manner as they treat their own most highly confidential information. Reviewing Representatives shall be liable for any unauthorized disclosure or use by their paralegal employees or administrative staff. In the event any Reviewing Representative is requested or required by applicable laws or regulations, or in the course of administrative or judicial proceedings (in response to oral questions, interrogatories, requests for information or documents, subpoena, civil investigative demand or similar process) to disclose any of Protected Materials, they shall immediately inform the Disclosing Party of the request, and the Disclosing Party may, at its sole discretion and cost, direct any challenge or defense against the disclosure requirement, and the Reviewing Representative shall cooperate in good faith with such party either to oppose the disclosure of the Protected Materials consistent with applicable law, or to obtain confidential treatment of them by the person or entity who wishes to receive them prior to any such disclosure. If there are multiple requests for substantially similar Protected Materials in the same case or proceeding where a Reviewing Representative has been ordered to produce certain specific Protected Materials, the Reviewing Representative may, upon request for substantially similar materials by another person or entity, respond in a manner consistent with that order to those substantially similar requests.

9. Exception for California Independent System Operator (ISO). Notwithstanding any other provision of this Protective Order, with respect to an ISO Reviewing Representative only, participation in the ISO's operation of the ISO-controlled grid and in its administration of the

ISO-administered markets, including, but not limited to, markets for ancillary services, supplemental energy, congestion management, and local area reliability services, shall not be deemed to be a violation of this Protective Order.

10. Non-Disclosure Certificates. A Reviewing Representative shall not inspect, participate in discussions regarding, or otherwise be granted access to, Protected Materials unless and until he or she has first completed and executed a Non-Disclosure Certificate, attached hereto as Appendix A, and delivered the original, signed Non-Disclosure Certificate to the Disclosing Party. The Disclosing Party shall retain the executed Non-Disclosure Certificates pertaining to the Protected Materials it has disclosed and shall promptly provide copies of the Non-Disclosure Certificates to Commission Staff upon request.

11. Return or Destruction of Protected Materials. Protected Materials shall remain available to Reviewing Representatives until the later of the date that disposition of the Advice Letter becomes no longer subject to review, or the date that any other Commission proceeding relating to the Protected Material is concluded and no longer subject to judicial review. If requested to do so in writing after that date, the Reviewing Representatives shall, within fifteen days of such request, return the Protected Materials (including Notes of Protected Materials) to the Participant that produced them, or shall destroy the materials, except that copies of materials submitted to the Commission in connection with the Advice Letter that contain Protected Materials, and Notes of Protected Material may be retained, if they are maintained in accordance with Paragraph 8. Within such time period each Reviewing Representative, if requested to do so, shall also submit to the Disclosing Party an affidavit stating that, to the best of its knowledge, all Protected Materials and all Notes of Protected Materials have been returned or have been destroyed or will be maintained in accordance with Paragraph 8. To the extent Protected Materials are not returned or destroyed, they shall remain subject to the Protective Order and CPUC General Order No. 66-C. In the event that a Reviewing Representative to whom Protected Material are disclosed ceases to be engaged to provide services in connection with the

Advice Letter, then access to such materials by that person shall be terminated. Even if no longer engaged in connection with the Advice Letter, every such person shall continue to be bound by the provisions of this Protective Order and the Non-Disclosure Certificate.

12. Access and Use by Governmental Entities.

(a) In the event the CPUC receives a request from the CEC for a copy of or access to any party's Protected Materials, the procedure for handling such requests shall be as follows. Not less than five (5) days after delivering written notice to the Disclosing Party of the request, the CPUC shall release such Protected Materials to the CEC upon receipt from the CEC of an Interagency Information Request and Confidentiality Agreement ("Interagency Confidentiality Agreement"). Such Interagency Confidentiality Agreement shall (i) provide that the CEC will treat the requested Protected Materials as confidential in accordance with this Protective Order, (ii) include an explanation of the purpose for the CEC's request, as well as an explanation of how the request relates to furtherance of the CEC's functions, (iii) be signed by a person authorized to bind the CEC contractually, and (iv) expressly state that furnishing of the requested Protected Materials to employees or representatives of the CEC does not, by itself, make such Protected Materials public. In addition, the Interagency Confidentiality Agreement shall include an express acknowledgment of the CPUC's sole authority (subject to judicial review) to make the determination whether the Protected Materials should remain confidential or be disclosed to the public, notwithstanding any provision to the contrary in the statutes or regulations applicable to the CEC.

(b) In the event the CPUC receives a request for a copy of or access to a party's Protected Materials from a state governmental agency other than the CEC that is authorized to enter into a written agreement sufficient to satisfy the requirements for maintaining confidentiality set forth in Government Code Section 6254.5(e), the CPUC may, not less than five (5) days after giving written notice to the Disclosing Party of the request, release such protected material to the requesting governmental agency, upon receiving from the requesting

agency an executed Interagency Confidentiality Agreement that contains the same provisions described in Paragraph 10(a) above.

(c) The CEC may use Protected Materials when needed to fulfill its statutory responsibilities or cooperative agreements with the CPUC. Commission confidentiality designations will be maintained by the CEC in making such assessments, and the CEC will not publish any assessment that directly reveals the data or allows the data submitted by an individual load serving entity (“LSE”) to be “reverse engineered.”

13. Dispute Resolution. All disputes that arise under this Protective Order, including but not limited to alleged violations of this Protective Order and disputes concerning whether materials were properly designated as Protected Materials, shall first attempted to be resolved through meet and confer. If the meet and confer process is unsuccessful, the involved parties may present the dispute for resolution to the ALJ Division.

14 Other Objections to Use or Disclosure. Nothing in this Protective Order shall be construed as limiting the right of a party, the Commission Staff, or a state governmental agency covered by Paragraph 12 from objecting to the use or disclosure of Protected Material on any legal ground, such as relevance or privilege.

15. Remedies. Any violation of this Protective Order shall constitute a violation of an order of the CPUC. Notwithstanding the foregoing, the parties and Commission Staff reserve their rights to pursue any legal or equitable remedies that may be available in the event of an actual or anticipated disclosure of Protected Materials.

16. Withdrawal of Designation. A Disclosing Party may agree at any time to remove the “Protected Materials” designation from any materials of such party if, in its opinion, confidentiality protection is no longer required. In such a case, the Disclosing Party will notify all other parties that the Disclosing Party believes are in possession of such materials of the change of designation.

17. Interpretation. Titles are for convenience only and may not be used to restrict the scope of this Protective Order.

Entered: _____
Administrative Law Judge

Date: _____

APPENDIX A TO PROTECTIVE ORDER

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Request for Budget Transfer for VGI Dynamic
Rate Implementation

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Advice 6909-E

NON-DISCLOSURE CERTIFICATE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in connection with the above referenced Advice Letter, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials, any notes or other memoranda, or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of California Public Utilities Commission.

By: _____
Title: _____
Representing: _____
Date: _____

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

**DECLARATION SUPPORTING CONFIDENTIAL DESIGNATION
ON BEHALF OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)**

1. I, Lydia Krefta, am a/the Director, Clean Energy Transportation of Pacific Gas and Electric Company (“PG&E”), a California corporation. Aaron August, the VP of Utility Partnerships & Innovation of PG&E, delegated authority to me to sign this declaration. My business office is located at:

Pacific Gas and Electric Company
300 Lakeside Dr
Oakland, CA 94612-3534

2. PG&E will produce the information identified in paragraph 3 of this Declaration to the California Public Utilities Commission (“CPUC”) or departments within or contractors retained by the CPUC in response to a CPUC audit, data request, proceeding, or other CPUC request.

Name or Docket No. of CPUC Proceeding (if applicable): 18-12-006

3. Title and description of document(s):

Title: Dynamic Rate Requirements:V2G Pilot

Description: Response to Scoping Document

File Name: Confidential Attachment for 6909-E.PDF

4. These documents contain confidential information that, based on my information and belief, has not been publicly disclosed. These documents have been marked as confidential, and the

basis for confidential treatment and where the confidential information is located on the documents are identified on the following chart, with further detail provided in Appendix A, which is incorporated into this declaration:

Check	Basis for Confidential Treatment	Where Confidential Information is located on the documents
<input type="checkbox"/>	<p>Customer-specific data, which may include demand, loads, names, addresses, and billing data</p> <p>(Protected under PUC § 8380; Civ. Code §§ 1798 <i>et seq.</i>; Govt. Code § 6254; Public Util. Code § 8380; Decisions (D.) 14-05-016, 04-08-055, 06-12-029)</p>	
<input type="checkbox"/>	<p>Personal information that identifies or describes an individual (including employees), which may include home address or phone number; SSN, driver’s license, or passport numbers; education; financial matters; medical or employment history (not including PG&E job titles); and statements attributed to the individual</p> <p>(Protected under Civ. Code §§ 1798 <i>et seq.</i>; Govt. Code § 6254; 42 U.S.C. § 1320d-6; and General Order (G.O.) 77-M)</p>	
<input type="checkbox"/>	<p>Physical facility, cyber-security sensitive, or critical energy infrastructure data, including without limitation critical energy infrastructure information (CEII) as defined by the regulations of the Federal Energy Regulatory Commission at 18 C.F.R. § 388.113</p> <p>(Protected under Govt. Code § 6254(k), (ab); 6 U.S.C. § 131; 6 CFR § 29.2)</p>	
<input checked="" type="checkbox"/>	<p>Proprietary and trade secret information or other intellectual property and protected market sensitive/competitive data</p> <p>(Protected under Civ. Code §§3426 <i>et seq.</i>; Govt. Code §§ 6254, <i>et seq.</i>, e.g., 6254(e), 6254(k), 6254.15; Govt. Code § 6276.44; Evid. Code §1060; D.11-01-036)</p>	<p>The entire document contains confidential information provided by the third party vendor</p>
<input type="checkbox"/>	<p>Corporate financial records</p> <p>(Protected under Govt. Code §§ 6254(k), 6254.15)</p>	

Third-Party information subject to non-disclosure or confidentiality agreements or obligations
(Protected under Govt. Code § 6254(k); see, e.g., CPUC D.11-01-036)

The entire document contains confidential information provided by the third party vendor

Other categories where disclosure would be against the public interest (Govt. Code § 6255(a) [NEED TO EXPLAIN HOW THE PUBLIC INTEREST SERVED BY NOT DISCLOSING THE RECORD CLEARLY OUTWEIGHS THE PUBLIC INTEREST SERVED BY DISCLOSURE]):

5. The importance of maintaining the confidentiality of this information outweighs any public interest in disclosure of this information. This information should be exempt from the public disclosure requirements under the Public Records Act and should be withheld from disclosure.
6. I declare under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.
7. Executed on this April 7, 2023 at San Francisco, California.

/S/
Lydia Krefta
Director, Clean Energy Transportation
Pacific Gas and Electric Company

PACIFIC GAS AND ELECTRIC COMPANY (U 39 E)

RULEMAKING 18-12-006
ATTACHMENT TO DECLARATION

April 7, 2023

<u>ATTACHMENT NAME</u>	<u>DOCUMENT NAME</u>	<u>CATEGORY OF CONFIDENTIALITY</u>	<u>LOCATION</u>
Confidential Attachment for 6909-E.PDF	Dynamic Rate Requirements: V2G Pilot	Proprietary and confidential information submitted by the third party as a part of the competitive bidding process	The entire document contains confidential information provided by the third party vendor

Confidential Attachment 1

**PG&E Gas and Electric
Advice Submittal List
General Order 96-B, Section IV**

AT&T
Albion Power Company

Alta Power Group, LLC
Anderson & Poole

Atlas ReFuel
BART

Barkovich & Yap, Inc.
Braun Blaising Smith Wynne, P.C.
California Cotton Ginners & Growers Assn
California Energy Commission

California Hub for Energy Efficiency
Financing

California Alternative Energy and
Advanced Transportation Financing
Authority
California Public Utilities Commission
Calpine

Cameron-Daniel, P.C.
Casner, Steve
Center for Biological Diversity

Chevron Pipeline and Power
City of Palo Alto

City of San Jose
Clean Power Research
Coast Economic Consulting
Commercial Energy
Crossborder Energy
Crown Road Energy, LLC
Davis Wright Tremaine LLP
Day Carter Murphy

Dept of General Services
Don Pickett & Associates, Inc.
Douglass & Liddell
Downey Brand LLP
Dish Wireless L.L.C.

East Bay Community Energy Ellison
Schneider & Harris LLP
Engineers and Scientists of California

GenOn Energy, Inc.
Green Power Institute
Hanna & Morton
ICF

iCommLaw
International Power Technology
Intertie

Intestate Gas Services, Inc.

Johnston, Kevin
Kelly Group
Ken Bohn Consulting
Keyes & Fox LLP
Leviton Manufacturing Co., Inc.

Los Angeles County Integrated
Waste Management Task Force
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McClintock IP
McKenzie & Associates

Modesto Irrigation District
NLine Energy, Inc.
NRG Solar

OnGrid Solar
Pacific Gas and Electric Company
Peninsula Clean Energy

Pioneer Community Energy

Public Advocates Office

Redwood Coast Energy Authority
Regulatory & Cogeneration Service, Inc.

Resource Innovations

SCD Energy Solutions
San Diego Gas & Electric Company

SPURR
San Francisco Water Power and Sewer
Sempra Utilities

Sierra Telephone Company, Inc.
Southern California Edison Company
Southern California Gas Company
Spark Energy
Sun Light & Power
Sunshine Design
Stoel Rives LLP

Tecogen, Inc.
TerraVerde Renewable Partners
Tiger Natural Gas, Inc.

TransCanada
Utility Cost Management
Utility Power Solutions
Water and Energy Consulting Wellhead
Electric Company
Western Manufactured Housing
Communities Association (WMA)
Yep Energy