

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

Application of Pacific Gas and Electric  
Company (U39E) for Approval of Demand  
Response Programs, Pilots and Budgets  
for 2012-2014.

Application 11-03-001  
(Filed March 1, 2011)

And Related Matters.

Application 11-03-002  
Application 11-03-003

**COMMENTS OF THE CALIFORNIA ENERGY STORAGE ALLIANCE  
ON PROPOSED DECISION DENYING CALIFORNIA ENERGY STORAGE  
ALLIANCE'S PETITION FOR MODIFICATION OF DECISION 12-04-045**

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The California Energy Storage Alliance (“CESA”)<sup>1</sup> hereby submits these comments on the *Proposed Decision Denying the California Energy Storage Alliance’s Petition for Modification of Decision 12-04-045*, issued April 17, 2014 (“Proposed Decision”).

**I. INTRODUCTION.**

The Commission should reject the Proposed Decision and should instead approve CESA’s Petition for Modification of Decision 12-04-024 (“Petition”) because (i) the Petition

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<sup>1</sup> The California Energy Storage Alliance consists of 1 Energy Systems, A123 Energy Solutions, Advanced Rail Energy Storage, AES Energy Storage, American Vanadium, Aquion Energy, Beacon Power, Bosch Energy Storage Solutions, Bright Energy Storage, Brookfield Renewable Energy Group, CALMAC, ChargePoint, Clean Energy Systems Inc., CODA Energy, Consolidated Edison Development Inc., Customized Energy Solutions, DN Tanks, Duke Energy, Eagle Crest Energy, EaglePicher, East Penn Manufacturing Co., Ecoult, EDF Renewable Energy, EnerSys, EnerVault, EVGrid, FAFCO Thermal Storage Systems, FIAMM Group, FIAMM Energy Storage Solutions, Flextronics, Foresight Renewable Systems, GE Energy Storage, Green Charge Networks, Greensmith Energy Management Systems, Gridscape Solutions, Gridtential Energy, Halotechnics, Hitachi Chemical Co. America, Hydrogenics, Ice Energy, Imergy Power Systems, ImMODO Energy Services, Innovation Core SEI, Invenergy, K&L Gates LLP, KYOCERA Solar, LG Chem Ltd., LightSail Energy, LS Power Development, NextEra Energy Resources, NRG Energy, OCI Company Ltd., OutBack Power Technologies, Panasonic, Parker Hannifin, PDE Total Energy Solutions, Powertree Services, Primus Power, RES Americas, Rosendin Electric, S&C Electric Co., Saft America, Samsung SDI, SeaWave Battery Inc., Seo Inc., Sharp Labs of America, Silent Power, SolarCity, Sovereign Energy Storage LLC, Stem, Stoel Rives LLP, TAS Energy, Tri-Technic, UniEnergy Technologies, and Wellhead Electric Co. The views expressed in these Comments are those of CESA, and do not necessarily reflect the views of all of the individual CESA member companies. <http://storagealliance.org>

merits the Commission’s approval in order to begin providing a very long overdue and badly needed clarification of an increasingly important point of Commission policy, and (ii) unfortunately, the Proposed Decision completely misses the point of the Petition.

**II. THE COMMISSION SHOULD REJECT THE PROPOSED DECISION AND APPROVE THE CALIFORNIA ENERGY STORAGE ALLIANCE’S PETITION FOR MODIFICATION OF DECISION 12-04-024.**

The Proposed Decision would deny the Petition for Modification filed by the California Energy Storage Alliance (“CESA”) to clarify categorization of certain defined small thermal energy storage systems from “mature” technology to “emerging technology.” The *only* reason given in the Proposed Decision for denying the Petition is that it did not comply with Section 16.4 of the Commission’s Rules of Practice and Procedure in that it “did not adequately support its allegations of new or changed facts.” (p. 2)<sup>2</sup> An allegation of new or changed facts is *not* a requirement to justify granting the Petition.

CESA did not allege new or changed facts as a reason for the Commission to grant its Petition for Modification. By the same token, the Proposed Decision did not attempt to address the merits of CESA’s requested statement of Commission policy at all. Rule 16.4(a) provides: “A petition for modification asks the Commission to make changes to an issued decision.” *CESA’s Petition does exactly that.* Rule 16.4 (b) provides: “A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision.” *CESA’s Petition does exactly that.*

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<sup>2</sup> Rule 16.4(c) provides: “If more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision.” The Proposed Decision accepts CESA’s explanation that the Petition was filed timely because the PLS program was not implemented within one year of its date of authorization by the Commission. (p. 6).

Rule 16.4(b) also provides: “Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.” CESA’s Petition was not required to – and did not attempt to – allege any new or changed facts. Declarations were not submitted for that purpose at all. The purpose of the Declarations CESA submitted was to provide factual support for a clear statement of Commission policy needed to facilitate market acceptance of two related but different incentive programs to promote deployment of energy storage technology.

**III. CONCLUSION.**

CESA thanks the Commission for the opportunity to submit these comments on the Proposed Decision.

Respectfully submitted,



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