



Liberty Utilities (CalPeco Electric) LLC  
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South Lake Tahoe, CA 96150  
Tel: 800-782-2506  
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June 1, 2022

**VIA EMAIL ONLY**

**Advice Letter 193-E  
(U 933-E)**

California Public Utilities Commission  
Energy Division, Tariff Unit  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102-3298

**Subject: Liberty's Practices for Energy Savings Assistance Program Contractor Selection and/or Contract Amendments**

**Purpose**

Pursuant to Decision (D.) 21-10-023, Liberty Utilities (CalPeco Electric) LLC (U 933-E) ("Liberty") requests California Public Utilities Commission ("Commission") approval of this Tier 1 Advice Letter identifying solicitation and contracting practices and processes for contractor selection and/or contract amendments for the 2022-2026 Energy Savings Assistance ("ESA") Program.

**Background**

On October 22, 2021, the Commission issued D.21-10-023 approving budgets for, and directing administration of, the Small and Multi-jurisdictional Utilities' (SMJUs) California Alternate Rates for Energy (CARE) and ESA programs for the 2021-2026 program cycle. Ordering Paragraph (OP) 25 requires each SMJU to submit an informational Tier 1 advice letter "disclosing discussion of its solicitation and contracting practices."

**Discussion**

Per D.21-10-023, Liberty provides in this advice letter, information on the following ESA program contractor practices and processes:

- 1. When the ESA contractor was selected and what selection process was used (e.g., open competitive bidding, bids from a limited or invited pool).**

Liberty's ESA contractor, Richard Heath & Associates ("RHA"), has been contracted with Liberty since 2011 and was originally contracted through Sierra Pacific Power Company ("Sierra Pacific") in 2004 prior to the acquisition by Liberty. RHA was selected under Sierra Pacific's selection process at that time. Liberty continued contracting with RHA as its prime administrative contractor to provide technical and administrative ESA program services in 2011 to current.

**2. What efforts were taken to identify potential qualified entities to perform the work and build awareness of the opportunity to bid for the ESA contract.**

Sierra Pacific originally contracted with RHA in 2004 and the initial efforts to identify potential qualified entities are unknown to the current ESA program Administrator at Liberty. Liberty continues to contract with RHA to provide technical and administrative ESA program services. Liberty has experienced challenges and limitations to accessible qualified contractors. Due to the widespread and mountainous territory, there are also challenges for qualified out-of-area contractors with access during certain times of the year.

Liberty's current contractor RHA, works with other CA utilities such as Southwest Gas, creating leveraging opportunities to serve customers with both natural gas and electric services in some overlapping areas of both SMJUs' service territories. The annual Low-income programs public workshop and other public community events that Liberty attends/hosts helps build awareness of Liberty's ESA program.

**3. What practices were used to ensure a fair, unbiased, transparent, and rigorous selection process, from the request for offer/proposal design, through bidder evaluation, to contract negotiation.**

Sierra Pacific originally selected RHA to perform the ESA program work, and the selection process including the request for offer/proposal design, bidder evaluation and contract negotiation are unknown. For reasons stated above, Liberty continues to contract with RHA. Liberty has a current supplier diversity policy that is committed to creating an inclusive procurement process that is accessible and fair to all suppliers based on their ability to meet the company's performance, price and quality requirements. Employees of Liberty are responsible for identifying, qualifying, selecting and managing the procurement process for goods and services to assure that qualified, diverse suppliers are appropriately included. Liberty employees must comply fully with all company policies and practices relating to the inclusion of diverse suppliers.

**4. What amendments, if any, were made to existing contracts to ensure compliance with this decision.**

An Amendment to the existing contract included modifications that allow Liberty to request a change order to meet requirements for compliance with Decision 21-10-023.

**5. Identify all contract terms and conditions that can be standardized across all contracts and/or all the SMJUs, such as those in D.18-01-004 Attachment A**

**Standard Contract Terms for finalized Energy Savings Assistance program contracts.**

The SMJUs met on several occasions regarding the Standard Contract Terms and Conditions adopted for the large investor-owned utilities (included as Attachment A to D.18-10-008<sup>1</sup>). Through this collaboration, it was determined that with some required modification, many of the Attachment A Terms and Conditions may be standardized across the SMJUs. These are listed below:

Eligibility:

1. Licensing
2. Performance Assurance; Bonding
3. Insurance
4. Good Standing

Safety Requirements:

1. Safety
2. Background Checks
3. Fitness for Duty

Dispute Resolution Process

1. Disputes
2. Governing Law
3. Venue

Termination Process:

1. Event of Default
2. Termination for Cause
3. Termination/Modification by CPUC Order
4. Conclusion of Work

**Effective Date**

Liberty requests that this Tier 1 advice filing become effective **June 1, 2022**.

**Protests**

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or by email, any of which must be received no later than **June 21, 2022**, which is 20 days after the date of this filing. The protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. There is no restriction on who may file a protest. Protests should be mailed to:

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<sup>1</sup> On May 4, 2022, Energy Division Staff confirmed that D.18-01-004 referenced in D.21-10-023 was incorrect and should have been D.18-10-008.

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California Public Utilities Commission  
June 1, 2022  
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California Public Utilities Commission  
Energy Division, Tariff Unit  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102-3298  
Facsimile: (415) 703-2200  
Email: edtariffunit@cpuc.ca.gov

The protest also should be sent via email and U.S. Mail (and by facsimile, if possible) to Liberty at the addresses show below on the same date it is mailed or delivered to the Commission.

Liberty Utilities (CalPeco Electric) LLC  
Attn.: Advice Letter Protests  
933 Eloise Avenue  
South Lake Tahoe, CA 96150  
Email: Cindy.Fisher@libertyutilities.com

**Notice**

In accordance with General Order 96-B, Section 4.3, a copy of this advice letter is being sent electronically to parties shown on the attached list.

If additional information is required, please do not hesitate to contact me.

Sincerely,

/s/ Cynthia M. Fisher  
Cynthia Fisher  
Manager, Rates and Regulatory Affairs

Attachments

cc: Liberty Utilities General Order 96 –B Advice Letter Service List

Liberty Utilities (CalPeco Electric) LLC  
Advice Letter Filing Service List  
General Order 96-B, Section 4.3

**VIA EMAIL**

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sharon.yang@libertyutilities.com;  
ginge@regintluc.com



# ADVICE LETTER SUMMARY

## ENERGY UTILITY

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

Company name/CPUC Utility No.: Liberty Utilities (CalPeco Electric) LLC (U-933-E)

Utility type:

- ELC       GAS       WATER  
 PLC       HEAT

Contact Person: Cindy Fisher

Phone #: 530-721-5191

E-mail: Cindy.Fisher@libertyutilities.com

E-mail Disposition Notice to: AnnMarie.Sanchez@libertyutilities.com

EXPLANATION OF UTILITY TYPE

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

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 193-E

Tier Designation: 1

Subject of AL: Liberty's Practices for Energy Savings Assistance Program Contractor Selection and/or Contract Amendments

Keywords (choose from CPUC listing): Agreements, Contracts

AL Type:  Monthly  Quarterly  Annual  One-Time  Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.21-10-023

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:

Confidential treatment requested?  Yes  No

If yes, specification of confidential information:

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:

Resolution required?  Yes  No

Requested effective date: 4/29/22

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 proposed<sup>1</sup>:

Pending advice letters that revise the same tariff sheets:

<sup>1</sup>Discuss in AL if more space is needed.

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

CPUC, Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102  
Email: [EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

Name: Cindy Fisher  
Title: Manager, Rates and Regulatory Affairs  
Utility Name: Liberty Utilities (CalPeco Electric) LLC  
Address: 9750 Washburn Road  
City: Downey State: California  
Telephone (xxx) xxx-xxxx: 530-721-5191  
Facsimile (xxx) xxx-xxxx:  
Email: [Cindy.Fisher@libertyutilities.com](mailto:Cindy.Fisher@libertyutilities.com)

Name: AnnMarie Sanchez  
Title: Coordinator  
Utility Name: Liberty Utilities (California)  
Address: 9750 Washburn Road  
City: Downey State: California  
Telephone (xxx) xxx-xxxx: 562-805-2052  
Facsimile (xxx) xxx-xxxx:  
Email: [AnnMarie.Sanchez@libertyutilities.com](mailto:AnnMarie.Sanchez@libertyutilities.com)

## ENERGY Advice Letter Keywords

Affiliate	Direct Access	Preliminary Statement
Agreements	Disconnect Service	Procurement
Agriculture	ECAC / Energy Cost Adjustment	Qualifying Facility
Avoided Cost	EOR / Enhanced Oil Recovery	Rebates
Balancing Account	Energy Charge	Refunds
Baseline	Energy Efficiency	Reliability
Bilingual	Establish Service	Re-MAT/Bio-MAT
Billings	Expand Service Area	Revenue Allocation
Bioenergy	Forms	Rule 21
Brokerage Fees	Franchise Fee / User Tax	Rules
CARE	G.O. 131-D	Section 851
CPUC Reimbursement Fee	GRC / General Rate Case	Self Generation
Capacity	Hazardous Waste	Service Area Map
Cogeneration	Increase Rates	Service Outage
Compliance	Interruptible Service	Solar
Conditions of Service	Interutility Transportation	Standby Service
Connection	LIEE / Low-Income Energy Efficiency	Storage
Conservation	LIRA / Low-Income Ratepayer Assistance	Street Lights
Consolidate Tariffs	Late Payment Charge	Surcharges
Contracts	Line Extensions	Tariffs
Core	Memorandum Account	Taxes
Credit	Metered Energy Efficiency	Text Changes
Curtable Service	Metering	Transformer
Customer Charge	Mobile Home Parks	Transition Cost
Customer Owned Generation	Name Change	Transmission Lines
Decrease Rates	Non-Core	Transportation Electrification
Demand Charge	Non-firm Service Contracts	Transportation Rates
Demand Side Fund	Nuclear	Undergrounding
Demand Side Management	Oil Pipelines	Voltage Discount
Demand Side Response	PBR / Performance Based Ratemaking	Wind Power
Deposits	Portfolio	Withdrawal of Service
Depreciation	Power Lines	