



**California
Statewide
Deemed
Measures**

eTRM Governance Plan

Version 2.0

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1. PURPOSE OF THE eTRM GOVERNANCE PLAN

The purposes of this eTRM Governance Plan are to:

- Define role of and participation in the eTRM Governance Committee
- Define decision-making processes for the eTRM Governance Committee
- Establish agreement on key governance issues

2. OVERVIEW AND BACKGROUND

The California electronic technical reference manual, eTRM, is a relational database that contains statewide measures approved by the California Public Utilities Commission (CPUC) Staff for use in the investor-owned utility (IOU) energy efficiency portfolios, as well as measures for use in publicly-owned utility (POU) programs.¹ The eTRM was funded by the four California investor-owned utilities (IOUs): Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCG), the Southern California Edison Company (SCE) and the San Diego Gas & Electric Company (SDG&E) and the two largest publicly-owned utilities: Sacramento Municipal Utility District (SMUD) and Los Angeles Department of Water and Power (LADWP). The eTRM is jointly owned by these six utility “eTRM Funders”.

The eTRM was conceived and framed through the California Technical Forum (Cal TF).² The structure and development of the eTRM was overseen by eight “Core eTRM Stakeholders”, which includes the eTRM Funders listed above and two State regulatory agencies – the CPUC and the California Energy Commission (CEC).³ Cal TF Staff provided day-to-day project management of the eTRM development, and currently have administrator roles administers the eTRM database.⁴ The database code was developed by the subcontractor team of SBW Consulting and OMBU.

The eTRM Funders determined that future eTRM management and development should be governed by an “eTRM Governance Plan.” Input from the eight Core eTRM Stakeholders identified key elements that should be covered and addressed in the Governance Plan.

¹ The statewide measures can be used by both IOUs and POUs. Some measures are not approved by the CPUC for the IOU portfolios but are approved for use by the POUs.

² California Technical Forum (Cal TF). 2015. *Cal TF Technical Position Paper No. 2: Electronic TRM Proposal*. November 12.

California Technical Forum (Cal TF). (n.d.). *Cal TF Technical Position Paper No. 6: Overlapping Measure Consolidation Process (Prior to eTRM Placement)*.

³ The eight Core eTRM Stakeholders refined the business and technical requirements for the eTRM, reviewed the RFP issued to select an eTRM vendor, participated on the bid evaluation committee and final vendor selection, then participated in the eTRM development sprints, and testing and acceptance periods.

⁴ Cal TF Staff drafted the eTRM RFP, coordinated input and built consensus from the eight core stakeholders on the eTRM development, bidding, and development, and now serve as eTRM Administrators.

The California Public Utilities Commission (CPUC) adopted the eTRM as the “Data Source of Record” in E-5152, Ordering P.____. Thus, the eTRM is now used statewide for planning, energy efficiency filings, and claims by the California investor-owned utilities (IOUs), implementers, and the CPUC. In addition, it is also used as a reference by many California publicly-owned utilities and the California Energy Commission (CEC), although the values in the eTRM are not mandated for POUs as they are for IOUs.

3. eTRM GOVERNANCE COMMITTEE: PARTICIPATION AND PROCESS

Role of eTRM Governance Committee

The role of the eTRM Governance Committee is to provide governance oversight of the eTRM administration and future development, including:

1. *Ongoing eTRM Administration:* Monitor performance, use, security, or other issues associated with the eTRM administration and implementation.
2. *Future eTRM Development:* Monitor and guide future development of and enhancements to the eTRM.
3. *eTRM Funding:* Ensure funding is adequate to effectively administer and maintain the eTRM and ensure that funding of enhancements and future developments are reasonable and prudent and provides benefit to regulators, funders, and other California users.
4. *Ensure Regulatory Compliance:* Ensure eTRM complies with CPUC and CEC regulatory requirements.

Participating Organizations and Designated Representatives

The following organizations have guided the development of the eTRM since its inception, and shall have representation on the eTRM Governance Board:

State Regulatory Agencies

- California Public Utilities Commission
- California Energy Commission

Publicly-Owned Utilities

- Los Angeles Department of Water and Power
- Sacramento Municipal Utility District

Investor-Owned Utilities (IOUs)

- Pacific Gas and Electric Company
- Southern California Edison Company
- Southern California Gas Company
- San Diego Gas & Electric Company

The POU and IOU representatives shall be those who serve on the California Technical Forum Policy Advisory Committee (PAC). The CPUC and CEC shall designate representatives from their respective organizations.

Process

Meeting Frequency: The eTRM Governance Committee shall meet quarterly. If in-person meetings are feasible, one meeting per year shall be in person. The remaining three meetings shall be conducted via teleconference/online.

Meeting Process: The eTRM Administrator shall manage and facilitate the eTRM Governance Committee meetings. The eTRM Administrator will circulate agendas and documents for review prior to the meeting; high-level notes and key agreements/action items will be circulated after the meeting.

eTRM Governance Committee meetings are not open to the public. However, agendas, meeting documents (unless confidential or sensitive information is contained in the documents), and key agreements/action items from the meeting (as long as not confidential or sensitive) shall be posted to the eTRM website after the meeting.

Voting: The votes needed to affirm any agreements will depend on the nature of the agreement, as set forth below. Voting does not require a quorum. Voting can occur either at an eTRM Governance Committee or via e-mail sent to the eTRM Governance Committee Members by the eTRM Administrator with five (5) business days to respond.

eTRM Governance Committee Voting Protocols

eTRM Enhancements Funded through Regular Enhancements Process/Timeline	<ul style="list-style-type: none"> Majority of votes is yes However, CPUC Staff retains authority to determine final funding priorities funded by CPUC-Staff authorized EM&V funds.
eTRM Enhancements Funded by Individual Core eTRM Stakeholders Outside of Enhancement Process/Timeline	<ul style="list-style-type: none"> Ten days' notice and opportunity to comment by other eTRM Governance Committee Members
Funding Commitments	<ul style="list-style-type: none"> All funders must agree.
Connecting Governance Committee Member Software Modules or Tools to eTRM Examples include CET, CEDARs, and the POU CET tool	<ul style="list-style-type: none"> All Governance Committee Members shall be notified with five (5) business days for notice and comment.
Connecting Other Software Modules or Tools to eTRM	<ul style="list-style-type: none"> Majority of votes is yes

Other eTRM-related issues	<ul style="list-style-type: none"> • Majority of votes is yes.
Changes to eTRM Governance Plan	<ul style="list-style-type: none"> • Five votes are yes. • CPUC Staff and CEC Staff shall affirm in writing.

4. AGREEMENTS REGARDING KEY GOVERNANCE ISSUES

eTRM Tool Ownership and Licensing Model

Overview: eTRM tool ownership refers to the ownership of the eTRM software, not the contents of the eTRM (such as the workpapers and their associated references). Ownership of the eTRM tool allows the joint owners to determine who can use, copy, distribute and modify the eTRM software. The joint owners are allowed to grant “licenses” to others, such as the regulatory agencies, to use, copy, and/or modify the eTRM tool.

Current Ownership: The eTRM is owned by the six funders by operation of the co-funding agreement.⁵ Individual funders are permitted to transfer their ownership interests in the eTRM to other funders and/or the CPUC or CEC, as appropriate, without the approval of all funders. Individual funders may not transfer their ownership interests in the eTRM to entities who are not current owners.

Licensing: The IOUs and POU grant the CPUC and CEC the right to make a copy and use the eTRM on CPUC and CEC servers. No other licenses may be granted to other parties without the signed written consent of all joint eTRM owners, with signed affirmation by CPUC and CEC.

Transfer of Ownership Interest: By December 1 of each year, any eTRM joint owner may exercise its right to transfer its ownership interest either to the other owners or to its respective regulatory agency, which shall be the CPUC for the IOUs, or the CEC for the POU. The ownership transfer shall be via written agreement and shall be effective one month later (January 1). The ownership transfer shall be at no cost to the recipient of the ownership interest. Once the ownership transfer is effective, the original owner has no further funding obligations for eTRM costs.

If either the CPUC or CEC requires transfer of eTRM ownership on a different date, the regulatorily mandated transfer date shall apply.

⁵ Co-Funding Agreement, Section VIII “Ownership of the Deliverables, Developments and Reports” in relevant part states:

1) Joint Ownership by Parties: [T]he parties shall jointly own and control all proprietary rights, including, but not limited to, all exclusive copyright, patent rights and other intellectual property rights . . .”

eTRM Content Ownership (Ownership of CPUC-Approved Workpapers)

All IOU-funded workpapers, including those developed prior to this eTRM Governance Plan, shall be owned by the CPUC. Ownership of workpapers developed by third-parties uses ratepayer funds that an IOU submits to CPUC Staff for review and approval is also transferred to the CPUC.

Ownership of workpapers developed by third parties, including publicly-owned utilities and/or their consultants, shall not transfer to CPUC. Third party workpapers that will not be owned by the CPUC must grant approval, through a license, to the eTRM Administrator and other joint-owners

Funding Stream, Commitment, and Costs

Funding Principles

- eTRM funding shall be established, with funding commitments secured and authorized, every four years. Stable funding shall cover:
 - Annual maintenance and hosting
 - Annual “enhancements” which will be determined year-to-year through a process described herein
 - Annual warranty
 - Contingency budget that will cover unforeseen needs. The contingency budget is used to further develop the eTRM outside of the regular “enhancement” planning process based on general agreement from the eTRM Core Stakeholders that additional software development is needed.
- “Special” eTRM projects that are larger and more costly than a typical “enhancements” which are funded through the regular, stable eTRM three-year allocation budget. Special projects may be funded and developed with approval of all eTRM Governance Committee members. For the “Special” eTRM projects, funding may come from other sources outside the “stable” eTRM funding. Funding for special projects shall not confer any ownership rights to the eTRM.

eTRM Annual Maintenance Costs: Annual maintenance costs are those associated with ongoing activities needed to responsively and effectively manage a software tool used by a broad range of CA stakeholders to ensure security, performance, adequate training, responsiveness to user questions, needs and requests and changing CA regulatory agency requirements and/or requests, including (but not limited to):

- Website hosting, website security services offered through the website hosting company
- Host maintenance agreement for regularly updating eTRM security patches and monitoring website activity for usual activity
- Monitoring and fixing software “bugs” or other performance issues that arise that are included or outside of warranty
- Upgrading existing features and/or creating new low-cost features based on requests and input from eTRM Core Stakeholders
- Modifying user roles, security roles, and/or workflow paths based on direction from CA regulatory staff
- Connecting software tools, modules or software systems owned and/or managed by the eTRM Core Stakeholders through eTRM APIs
- Updating the eTRM Administrator Guide, User Guide, and/or materials and/or eTRM schema, as needed
- Monitoring and responding to user comments and questions through eTRM comment porthole
- Providing regular training in response to CA eTRM user requests
- Managing all software modifications to ensure business and technical requirements are satisfactorily addressed and that eTRM Core Stakeholders are given the opportunity to test/accept all software modifications

Annual “Enhancement” Costs: The annual enhancement costs pertain to the costs for improvements to existing features, the addition of new features (or enhancements), and new modules for the eTRM. The process to identify and fund enhancements will occur pursuant to the following timeline:

- *Collect and Track Proposed Enhancements (Q1 – Q3):* eTRM Administrative Staff will collect all suggestions for enhancements during the calendar year from representatives of the eight eTRM Core Stakeholders and other eTRM users that conduct business in California, including POU representatives.
- *eTRM Core Stakeholder All-Day Charette (early Q4):* eTRM Administrative Staff shall host a one-day in-person (if permissible) “charette” with the eTRM Core Stakeholders and the software developers to review, refine and prioritize all suggested software enhancements. Non-core stakeholders may be invited by eTRM Administrative Staff on a case-by-case basis (such as POU representatives). eTRM Administrative Staff will then work with the software developers to make sure each proposed enhancement is clearly and succinctly described such that the software developers can provide prices for each proposed enhancement. eTRM Administrative Staff will then work with the eTRM Core Stakeholders and software developers to finalize the rank order of the proposed enhancements and associated prices.
- *eTRM Administrative Staff Provide Ranked Enhancement List and Prices to CPUC and CEC Staff (by November 15):* CPUC and CEC Staff will review the ranked enhancement list.
- *CPUC and CEC Staff Provide Any Modifications to Enhancement List (by December 1):* CPUC Staff may, at its sole discretion, alter the order or list of enhancements up to amount of funding from CPUC Staff-approved EM&V funds (the total funding from the IOUs). Similarly, CEC Staff will be afforded the opportunity to identify which enhancements are highest priority from CEC Staff’s perspective, and the eTRM Core Stakeholders agree to give careful consideration to CEC Staff’s enhancement funding requests.
- *Cal TF Provides Scope of Work to Software Developers with Final List of Enhancements in Rank Order (January 1):* The Scope of Work will cover the calendar year.

5. IOU CERTIFICATIONS TO CPUC

The IOUs agree to the following:

eTRM Cost Funding and Balancing Account Mechanism

- To make a four-year funding commitment (2023 – 2026) for eTRM costs.
- That eTRM expenses for maintenance, enhancements and contingency budgets will be included in annual EM&V budgets.

eTRM Ownership and Licensing: Workpaper Ownership

- **Workpaper Ownership:** IOUs agree that all past and future IOU-funded workpapers (WP) are owned by the CPUC. IOUs agree they will ensure ownership of third party workpapers funded by ratepayer dollars that they submit for review and approval to the CPUC will be transferred to the CPUC.

CPUC Regulatory Authority

- The CPUC Staff has sole discretion to alter which enhancements are prioritized each year up to funding level provided by IOUs, and also to authorize additional funding during the four-year funding commitment period.

6. SIGNATORIES

The undersigned co-owners of the eTRM hereby agree to the terms of this eTRM Governance Plan: