

**From:** Margie Gardner <mgardner@efficiencycouncil.org>

**Date:** Wednesday, October 26, 2016 at 3:49 PM

**To:** Ted Pope <TedPope@2050partners.com>

**Cc:** Kellie Smith <ksmith@efficiencycouncil.org>

**Subject:** conflict of interest comments on V2

Hi Ted,

The Efficiency Council would like to provide the following comments on the version 2 of the proposed IOU Conflict of Interest document.

We are glad to see some level of simplification in version 2, but think that it still does not go far enough. We reiterate and expand our basic points:

1. CAEECC is not a decision-making body — so it is hard to imagine anyone in the room using their decision-making authority to derive personal benefit from an action they make in their official decision-making capacity (the definition of a conflict of interest) since there are no decisions.
2. CAEECC meetings are open to the public, and no material should be brought to CAEECC that is confidential. As such, any conflict of interest policy needs to prohibit confidential information from being brought to any CAEECC event (including committees and subcommittees), rather than exclude participants. Prohibited material would include selection criteria, evaluation, scoring or ranking of services.
3. CAEECC's conflict of interest policy should not rely on undefined terms such as “high enough level” (see C. 3.).
4. We also note that the conflict policy covers actions that are not in the control of CAEECC — such as C.1, which dictates the information contained in a Business Plan. Business Plans are developed and decided by the PAs, and CAEECC is only an advisor.
5. We strongly object to C. 5. Since it seems written to limit participants' ability to provide their knowledge. As in our comment 2 above, limit the topics of the meeting rather than who participates.

I've attached our simplified, proposed conflict of interest policy as an example of a policy we believe is in line with government agency practices, and still allows for full public participation.

Finally, we have expressed from the very beginning that we would like to be present during the discussions with CPUC legal division, or conversely have CPUC legal division join us at a CAEECC meeting to discuss this issue. We have a lawyer on staff who is very familiar with government activities, public meetings and their limits. In addition, the members of the Efficiency Council are the ones most impacted by a conflict policy. If you want energy efficiency designers, implementers, and evaluators to provide their knowledge in a public forum,

they will need to have confidence that their participation does not jeopardize their future business. We would very much appreciate a meeting with the IOU and CPUC lawyers to help create a conflict of interest policy.

Regards,  
Margie