



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of Southern California Edison
Company (U338E) for Approval of its Smart
Grid Deployment Plan.

Application 11-07-001
(Filed July 1, 2011)

**MOTION OF THE DIVISION OF RATEPAYER ADVOCATES TO
CONSOLIDATE SMART GRID DEPLOYMENT PLAN APPLICATIONS; AND
PROPOSED ORDER**

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July 7, 2011

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I. INTRODUCTION

Pursuant to Rule 11.1(a), 11.6, and 7.4 of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”), the Division of Ratepayer Advocates (“DRA”), respectfully moves the Commission to consolidate the following proceedings filed recently with the Commission:

- Application of San Diego Gas & Electric Company (“SDG&E”) for Adoption of its Smart Grid Deployment Plan (A.11-6-006);
- Application of Pacific Gas and Electric Company (PG&E”) for Adoption of its Smart Grid Deployment Plan (A.11-06-026); and
- Application of Southern California Edison Company (“SCE”) for Approval of its Smart Grid Deployment Plan (A.11-07-001).

The three investor-owned utilities (“IOU”) were directed by the Commission to submit Smart Grid deployment plans by July 1, 2011.¹ SDG&E filed this application on June 6, 2011, and it was noticed on the Commission’s Daily Calendar on June 8, 2011. PG&E filed its application on June 30, 2011, and SCE followed suit on July 1, 2011. These applications appeared on the Daily Calendar on July 5, 2011. In accordance with Rule 2.6² of the Commission’s Rules of Practice and Procedure, protests to SDG&E’s application are due filed on July 8, 2011, while protests to PG&E’s and SCE’s applications are due filed on August 4, 2011.

In this motion, DRA respectfully requests the Commission: (1) consolidate all three applications into a single proceeding, so that interested parties may protest all three applications in one filing; and (2) issue an immediate ruling that parties may submit protests to all three applications on August 4, 2011, thereby extending SDG&E’s protest due date of July 8, 2011.³

II. ARGUMENT

A. DRA’s Request For An Extension For Protests Is Unopposed By SDG&E

Rule 11.6 states,

Motions for extension of time limits established in these rules...may be made orally, by e-mail, or by letter to the Administrative Law Judge. If other parties to the proceeding are affected by the extension, the party requesting the extension must first make a good-faith effort to ask such parties to agree to the extension. The party requesting the extension must report the results of this effort when it makes its request.

¹ Decision 10-06-047, p. 138 (Ordering Paragraph No. 1).

² Pursuant to Rule 2.6, the protest period is due within 30 days of the date the notice of the filing first appears on the Daily Calendar.

³ Concurrently with this motion, DRA filed a motion for an immediate ruling that protests to the SDG&E application be due filed on August 4, 2011.

Per Rule 11.6, DRA made a good faith effort to contact SDG&E on its request for extension for protests to SDG&E's application. On July 6, 2011, DRA sent an e-mail and voicemail request to SDG&E's counsel on its intention to seek an extension for protests to its application. That same day, SDG&E responded that it would not raise any objections to DRA's request to postpone the Rule 2.6(b) due date for filing a protest or response to SDG&E's application to the due date for PG&E and SCE's Smart Grid deployment plan applications.

Given SDG&E's agreement to the extension, DRA respectfully requests the Commission issue an immediate ruling on extension of time for protests or responses to SDG&E's application to August 4, 2011, and that parties submit consolidated protests or responses addressing all three IOU applications.

B. The SDG&E Protest Should Be Delayed Because The Commission Intends to Consolidate The Deployment Plan Applications Into One Proceeding

The Commission anticipated consolidating deployment plan applications to allow a comparative evaluation of all three IOU requests. In Decision (D.) 10-06-047, the Commission states:

A single proceeding involving consolidated consideration of SCE, PG&E and SDG&E's application will ensure the most efficient and thorough review of the initial Smart Grid Deployment Plans. Not only will a single proceeding process "help ensure some congruity" in the Commission's consideration of baselines, plans, and technologies, but it will also allow interested parties to participate more easily. We therefore reject separate review of each utility's deployment plan. While each utility is required to file a separate application submitting its Smart Grid Deployment Plan, we expect to review the plans in a consolidated proceeding.⁴

⁴ D.10-06-047, pp. 88-89

Allowing SDG&E's application to proceed on a separate track disturbs the Commission's approach to "ensure some congruity" between the applications. Parties are in the midst of reviewing the recently filed applications of PG&E and SCE, and would be hard pressed to conduct a meaningful analysis of the three IOU applications should a separate protest for SDG&E be filed this week.⁵ Additional time is necessary to compare the scope of SDG&E's request, as compared to the two, larger IOUs.

Consolidation of all three IOU Smart Grid Deployment Plans in a single proceeding also offers several administrative efficiencies.⁶ A consolidated proceeding will: (1) allow for a comparative review of all three utility applications at the same time, (2) streamline the protests, testimony, and comments for all interested parties, and (3) allow for uniformity of Commission approval. The Commission also may consolidate proceedings pursuant to Rule 7.4, which provides that "[p]roceedings involving related questions of law or fact may be consolidated." Related questions of law or fact will be at issue in all three Smart Grid Deployment plans, given the utilities may propose similar Smart Grid technologies or approaches, and that each utility must provide a showing that it conforms to the Commission's Smart Grid deployment plan guidelines approved in D.10-06-047.

Therefore, DRA respectfully requests that the Commission immediately issue a ruling that protests and responses for all three Smart Grid Deployment Plan applications can be filed in a single document, to further streamline parties' comments.

⁵ Concurrently with this motion, DRA also filed a motion for an immediate ruling.

⁶ Finding of Fact 63 of D.10-06-047 (at 131): also states: "The consideration of all utility Smart Grid Deployment Plans in a single proceeding offers administrative efficiencies."

C. An Extension Of Time Is Necessary Because Interested Parties Likely Will Have Constrained Resources Due To The Ongoing General Rate Case Proceedings

Granting of this motion will also provide an opportunity for key members of DRA's general rate case ("GRC") team to participate in the Smart Grid deployment plan proceedings, and provide a thorough review of the individual plans. Due to multiple GRC proceedings in progress, DRA resources are already extremely limited with minimal availability from our GRC team. DRA's GRC experts are likely to be key witnesses to the applications, since it is necessary to have close knowledge of an IOU's existing baselines, plans, and technologies, which will be modified and upgraded to meet the Smart Grid policy goals of the Commission. An IOU's adopted smart grid deployment plans are also meant to feed into future GRC proceedings (or separate application) for cost recovery review.⁷

Several ongoing GRC proceedings are demanding a majority of DRA's GRC staff time: DRA is currently drafting prepared testimony for the Sempra utilities⁸ GRC, and preparing for evidentiary hearings for SCE's GRC, starting on July 25, 2011. Delaying the protest period for SDG&E's application to August 4, 2011 would be the most efficient use of parties' limited resources, and does not prejudice SDG&E in any way.

III. CONCLUSION

WHEREFORE, DRA respectfully moves the Commission consolidate all three Smart Grid Deployment Plan applications into a single proceeding. DRA proposes that the 30 day protest period be triggered upon notice of SCE's and PG&E's Smart Grid Deployment Plan filings in the Commission's Daily Calendar, pursuant to Rule 2.6 of the

⁷ The GRC process is used by the Commission to determine the reasonableness of investments and is used by the utilities to seek recovery and approval of investment costs. In D.10-06-0147, the Commission states: "we conclude that a utility may seek approval for Smart Grid investments either in its GRC and/or through separate applications."

⁸ SDG&E and Southern California Gas Company ("SoCalGas").

Commission's Rules of Practice and Procedure. This will result in a protest deadline for all three applications on August 5, 2011.

For the reasons set forth above, DRA requests that the Commission expeditiously grant this motion and adopt the Proposed Ruling.

Respectfully submitted,

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[PROPOSED] RULING

In accordance with Rule 11.6 of the Rules of Practice and Procedure, the California Public Utilities Commission (Commission) has considered the MOTION OF THE DIVISION OF RATEPAYER ADVOCATES TO CONSOLIDATE SMART GRID DEPLOYMENT PLAN APPLICATIONS.

The motion of DRA is granted. In Decision (D.) 10-06-047, the Commission required each of the utilities to file Smart Grid Deployment Plan applications by July 1, 2011. In response to this decision, the utilities filed the applications captioned above.

Rule 7.4 of the Commission's Rules of Practice and Procedure (Rules) provides that "[p]roceedings involving related questions of law or fact may be consolidated."² By this ruling, I am consolidating these applications into a single proceeding; consolidation of these applications is reasonable because they address the Smart Grid Deployment Plans of each utility.

Applications (A.) 11-06-006, 11-06-026, and 11-07-001 are hereby consolidated. By this ruling, protests and responses to the consolidated applications are due filed on August 4, 2011.

Dated _____, 2011

Administrative Law Judge

² http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/105138.htm.

