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

In the Matter of the Application of  
PacifiCorp for Approval of the 2012-2014  
California Alternate Rates for Energy and  
Energy Savings Assistance Programs and  
Budgets. (U901E).

Application 11-06-016  
(Filed June 15, 2011)

And Related Matters.

Application 11-06-018  
Application 11-06-019  
Application 11-06-020  
Application 11-06-021  
Application 11-07-015

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S  
JOINT SCOPING MEMO AND RULING**

This scoping memo and ruling follows the prehearing conference in the above-captioned consolidated proceeding (Consolidated Proceeding), held and conducted by (ALJ) Kimberly H. Kim on October 6, 2011. This ruling establishes the scope and schedule for the Consolidated Proceeding, and addresses other procedural matters.

This Consolidated Proceeding relates to the 2012-2014 Energy Saving Assistance Program (ESAP) (formerly referred to as Low Income Energy Efficiency (LIEE)) and California Alternate Rates for Energy (CARE) Program budget applications of PacifiCorp, Golden State Water Company on behalf of Bear Valley Electric, Southwest Gas Corporation, California Pacific Electric

Company, LLC (formerly Sierra Pacific Power Company), West Coast Gas Company and Alpine Natural Gas Operating Company (collectively, small multijurisdictional utilities or SMJUs).

## **1. Scope of Issues**

The following issues are within the scope of the Consolidated Proceeding, in no particular order and should reflect major issues before the Commission for consideration in the Consolidated Proceeding:

- A. Consideration of SMJUs' proposed CARE Program budgets, and underlying assumptions and estimates;
- B. Consideration of SMJUs' proposed ESAP budgets, and underlying assumptions and estimates;
- C. Review of CARE income eligibility guideline;
- D. Review of issues relating to the CARE penetration rate;
- E. Any other issues triggering changes to SMJU's ESAP and CARE Programs for 2012-2014 budget cycle; and
- F. Any other issue expressly added by the assigned ALJ or Commissioner following this scoping memo ruling.

Parties are also advised that some issues of general relevance to the ESAP and CARE programs that are noncontroversial, minor or otherwise uncontested and not listed above may still be addressed in the upcoming decision on the 2012-2014 ESAP and CARE budget decision in less detailed manner, if supported by necessary record.

## **2. Issues Outside Scope**

Generally, unless expressly added by the assigned ALJ or Commissioner, any major issue not set forth in the foregoing section of this ruling will be outside the scope or are issues that will not be addressed in upcoming decision on the SMJUs' 2012-2014 ESAP and CARE budgets. Specifically, the following issues are not within the scope of the Consolidated Proceeding:

- A. Consideration of any augmentation to CARE discount rate design, which should be reviewed in appropriate rate design proceeding; and
- B. Consideration of proposals for CARE program changes relating to disconnection issues and assisting CARE customers by preventing disconnections or managing arrearages are outside the scope of the Consolidated Proceedings. Such issues are currently before the Commission's review in a related rulemaking proceeding, Rulemaking 10-02-005 (Disconnection Proceeding).

Specific recommendations or directives by the Commission resulting from the Disconnection Proceeding may later require the scope of the Consolidated Proceeding to be amended to include certain recommended disconnection related CARE program changes to be incorporated in this Consolidated Proceeding.

Likewise, the Commission is presently reviewing several significant issues in the context of its large investor-owned utilities' (Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company or IOUs) 2012-2014 ESAP and CARE budget applications<sup>1</sup> (IOUs' Consolidated Proceeding) which may to some degree inform the Commission and therefore affect the Commission's approach, to Consolidated Proceeding. During the October 6, 2011 prehearing conference, SMJUs were notified of and invited to monitor and participate, as needed, in various workshops in the IOUs' Consolidated Proceeding held in October 2011. Specific recommendations or directives by the Commission resulting from the IOUs' Consolidated Proceeding could later require the scope of this Consolidated

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<sup>1</sup> See A.11-05-017, et. al.

Proceeding to be amended to include certain issues to be incorporated in this Consolidated Proceeding.

### 3. Proceeding Schedule

The below is the schedule for the Consolidated Proceeding. It envisions potential changes that may affect the future of ESAP and CARE programs, such as the Disconnection Proceeding and the IOUs' Consolidated Proceeding.

DATE	EVENT
October 1, 2011	Prehearing Conference Statement (served and filed)
October 6, 2011	Prehearing Conference Commission Hearing Room 10 a.m.
October 2011	IOUs' ESAP and CARE Program Workshop set for on Attachment 1 to this ruling
November 2011	Scoping Memo Ruling
October/November 2011	Proposed Decision on Bridge Funding
*March 2012	<i>Projected</i> Proposed Decision on Extending the Bridge Funding (if a lag time is deemed necessary following the final proposed decision in IOUs' Consolidated Proceeding, this projected date will have to be changed.)
*April-June 2012	<i>Projected</i> Final Proposed Decision

\* These dates are subject to change following the IOUs' October 2011 workshops and November-December 2011 testimonies. A subsequent ALJ ruling will confirm these dates.

The Commission is committed to resolving this Consolidated Proceeding as soon as practicable; we anticipate that the resolution will not exceed 18 months from issuance of the scoping memo that will issue, following the prehearing conference, pursuant to Pub. Util. Code § 1701.5. The assigned ALJ and Commissioner may alter the schedule for this Consolidated Proceeding as they see fit.

#### **4. Intervenor Compensation**

Any party who has been granted party status in the Consolidated Proceeding, may file their Notice of Intent to Claim Intervenor Compensation (NOI) within 30 days of the prehearing conference in compliance with Article 17 of the Commission's Rules of Practice and Procedure. Each NOI should describe the intervenor's planned participation and interest. If more than one organization or individual intends to participate in this proceeding, each should coordinate its work with other parties to avoid duplication of effort.

Requests for compensation in this proceeding must comply with all Commission Rules and Pub. Util. Code § 1801 et seq. Generally, each must demonstrate: (1) a substantial contribution to a Commission order, decision, or proceeding by an advocate or expert witness; (2) that the intervenor avoided duplication of effort, or contributed, supplemented or complemented the work of another party and that; and (3) the compensable work conducted in the proceeding benefited ratepayers.

Requests must allocate hours to each of the specific issues addressed. Parties who have questions about how to qualify for intervenor compensation or the process for doing so should contact the Commission's Public Advisor at (415) 703-2074, or (866) 849-8390, or email [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **5. Category of Proceeding and Hearings**

This proceeding has been categorized as ratesetting. Examination of the filings in the Consolidated Proceeding to date does not demonstrate that hearings are necessary.

## **6. Presiding Officer**

Pursuant to Commission Rule 13.2(b), assigned Commissioner Timothy Alan Simon designates ALJ Kimberly H. Kim as the presiding officer for this Consolidated Proceeding.

## **7. Communications with Decision Makers (Ex Parte Communication)**

Pursuant to Pub. Util. Code § 1701.1, *ex parte* communications are prohibited in this proceeding except under the following circumstances. Oral *ex parte* communications may be permitted at any time by any Commissioner if all interested parties are invited and given not less than three days' notice.

Written *ex parte* communications are permitted by any party provided that copies of the communication are transmitted to all parties on the same day.

Commission Rule 8.1 et seq. explains the *ex parte* rules in more detail. The Commission's rules are available on the [www.cpuc.ca.gov](http://www.cpuc.ca.gov) website at [http://docs.cpuc.ca.gov/published/RULES\\_PRAC\\_PROC/70731.htm](http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/70731.htm).

## **8. Discovery Issues**

If the parties experience discovery disputes they are unable to resolve by meeting and conferring, they shall contact the assigned ALJ Kimberly H. Kim to determine whether a written or oral motion is required.

## **9. Service List/Filing and Service of Documents**

The official service list for this proceeding is attached to this ruling. The parties shall notify the Commission's Process Office of any address, telephone, or electronic mail (email) change to the service list.

Parties shall file and serve all pleadings as set forth in Article 1 of the Commission's Rules of Practice and Procedure. All documents shall be served electronically, as set forth in Rule 1.10.

### **IT IS RULED that:**

1. The scope and schedule for the consolidated proceeding are as set forth in this ruling, unless subsequently modified by assigned Commissioner or assigned Administrative Law Judge (ALJ) directive.
2. Consistent with Pub. Util. Code § 1701.5, the deadline for the conclusion of this proceeding is 18 months from the date of this ruling.
3. The categorization is ratesetting and hearings are not necessary.
4. ALJ Kimberly H. Kim is the presiding officer in this proceeding.
5. Parties shall monitor or participate in the large investor-owned utilities' (Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company or IOUs) 2012-2014 ESAP and CARE budget applications (Application A.11-05-017 *et al.*) IOUs' Consolidated Proceeding) October 2011 workshops and related activities. Those workshops have been previously scheduled and noticed and are reflected in Attachment 1 to this ruling.
6. All Notices of Intent to Claim Intervenor Compensation shall be filed within 30 days of the prehearing conference.

7. Pursuant to Pub. Util. Code § 1701.1, *ex parte* communications are prohibited except as set forth above and in Commission Rule 8.1 et seq.

8. If the parties experience any discovery dispute they are unable to resolve by meeting and conferring, they shall contact ALJ Kimberly H. Kim to determine whether a written or oral motion is required.

Dated November 10, 2011, at San Francisco, California.

/s/ TIMOTHY ALAN SIMON

Timothy Alan Simon  
Assigned Commissioner

/s/ KIMBERLY H. KIM

Kimberly H. Kim  
Administrative Law Judge

**ATTACHMENT 1**

Large investor-owned utilities'  
(Pacific Gas and Electric Company, Southern California Edison Company, San  
Diego Gas & Electric Company, and Southern California Gas Company)  
2012-2014  
ESAP and CARE Workshop Framework and Schedule

**Energy Savings Assistance Program (ESAP) and California Alternate Rates for Energy (CARE) Program Workshop Framework and Schedule**

**Core Working Groups**

The core working group for each workshop has been pre-assigned by the assigned Administrative Law Judge (ALJ) based on expertise and interest on the subject matter of the workshop and are reflected on the schedule column below under title "Working Group and Lead/Co-Leads." The core working group will collaborate as a team, assist the lead or co-lead and decide as a group to choose more and/or different lead or co-lead for the workshop.

**Lead or co-leads**

A lead or co-lead for each workshop is pre-assigned by the ALJ for each of the workshops, but maybe changed by the core working group. The Utilities will confer, designate one or more Utilities representative(s) for each of the scheduled workshop, as appropriate, and contact the lead or co-lead for each workshop of those representative designations. The Energy Division has the option to designate different representative(s) for each of the scheduled workshop, as appropriate, and contact the lead or co-lead for each workshop of those representative designations. Lead or co-lead, will take the lead in:

1. Generally coordinating and leading pre-workshop planning discussion including:
  - logistical issues (technology, etc.) leading to and carrying out the workshops;
  - help framing the purpose and objectives of the workshop;
  - help pre-workshop discussion on developing a general format and framework for the workshop to manage informational flow (e.g., flip charts, etc.);
  - identifying ways to constructively and meaningfully agendize, discuss and explore ways to address parties' and Commission's potentially relevant concerns, including operational, legal, policy issues; and
  - identifying any goals or workshop deliverable products to result from the workshop.
2. Receiving and incorporating requests from all interested parties to prepare an agenda and agendize relevant agenda items, consistent with the scope of the proceeding.

3. By no later than 15 days before any given scheduled workshop, prepare and submit a proposed agenda to the ALJ.
4. Once approved by the ALJ, distributing the approved agenda to all parties confirming necessary agenda items.
5. Present as a lead or as co-leads, in a panel format with others, or any other format/manner approved by the ALJ, an overview of the workshop issue or issues to set the stage for a meaningful discussion on the subject matter of the workshop.
6. Assist the ALJ or any other facilitator of the workshop as needed.

### **Facilitator**

The ALJ will facilitate each of the workshops, unless otherwise noted in the final approved agenda for each of the workshop. As the facilitator, the ALJ's role is neutral in the parties' workshops to maintain order and to manage a fair, respectful, and open process and forum for the parties. As the facilitator, the ALJ will not rule, signal or otherwise participate in the workshops in her decision making capacity.

### **Agenda**

Proposed agenda for each workshop will be prepared and submitted to the ALJ for review and approval by the workshop lead or co-leads, at least 15 days prior to each scheduled workshop, and once approved, the final agenda for each workshop will be distributed to all parties before each workshop. The ALJ and the lead/co-leads for each workshop will make all reasonable efforts to provide the parties as much notice of the agenda for each workshop as practicable by finalizing and distributing the final agenda as soon as practicable.

### **Public Accessibility and Telephone and Video-Conference**

All persons interested in the subject matter of the workshops are welcome to attend and participate. The only requirement is that the person attends and participates in an orderly and respectful manner and in good faith. To encourage and foster candid dialogue, the workshops will not be recorded. To maximize opportunities for participation of all of the stakeholders throughout the State, all reasonable efforts will be made to video-conference or telephone conference each of the workshops where possible with workshops held in San Francisco, California, and possible satellite location in Los Angeles, California. The final approved agenda for each of the workshops will further confirm the specifics of which workshop will be telephone-conferenced and which will be video-conferenced as well as the specific time, date, and location(s) information.

**Workshop Schedule**

The workshop schedule is below and may be revised by the ALJ with reasonable notice to the parties. If at any time before or during the course of any of the workshop, the ALJ, the facilitator, and/or the workshop working group determines that a workshop is unproductive or counter-productive, the workshop facilitator will determine whether it is necessary to terminate the workshop, and upon determination by the facilitator, the workshop may be terminated, with notice to the parties.

<b>Date, Time, Location</b>	<b>Workshop Subject</b>	<b>Working Group and Lead/Co-Leads</b>
<p><b>October 17, 2001</b>                      10 a.m. – 4 p.m.                      Commission Auditorium                      505 Van Ness Avenue                      San Francisco, CA                      (Teleconferenced and video-conferenced with Los Angeles satellite location)</p>	<p><b>Workshop #1 [Overview of Lessons Learned]:</b>                      Review of major ESAP and CARE Program related studies, pilots and reports since D.08-11-031, including (1) Final Report on Low Income Energy Efficiency Program, 2009-2010 Process Evaluation, and (2) Final Report on Impact Evaluation of the 2009 California Low Income Energy Efficiency Program.</p>	<p>DRA* and Utilities representatives, and Energy Division Staff (Staff) Tim Drew and Peter Franzese.</p>
<p><b>October 19, 2011</b>                      10 a.m. – 4 p.m.                      Commission Auditorium                      505 Van Ness Avenue                      San Francisco, CA                      (Teleconferenced)</p>	<p><b>Workshop #2 [Review of ESAP]:</b>                      Review of overall effectiveness of the ESAP in reaching the energy saving Strategic Plan goals, and cost effectiveness of ESAP, including examination of potential barriers to energy savings, methods of removing barriers to energy savings and review of delivery models.</p>	<p>NRDC* and Utilities representatives, and Staff Ava Tran and Joy Morgenstern.</p>

<b>Date, Time, Location</b>	<b>Workshop Subject</b>	<b>Working Group and Lead/Co-Leads</b>
<b>October 20, 2011</b> 10 a.m. – 4 p.m. Golden Gate Room 505 Van Ness Avenue San Francisco, CA (Teleconferenced)	<b>Workshop #3 [Cost Effectiveness Methodology and Measures]:</b> Discussion and review of cost effectiveness at the measure level, including discussion on cost effectiveness methodology and what and how measures are added, deleted, etc.	NRDC*, TELACU* and Utilities representatives, and Staff Ava Tran and Joy Morgenstern.
<b>October 21, 2011</b> 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA (Teleconferenced and Videoconferenced with Los Angeles satellite location)	<b>Workshop #4 [Multi-Family Sector Issues]:</b> Review of multi-family sector needs, proposals, and any related operational and legal concerns.	NCLC*, CHPC*, Utilities representatives and Staff Tory Francisco.
<b>October 26, 2011</b> 10 a.m. – 4 p.m. Golden Gate Room 505 Van Ness Avenue San Francisco, CA (Teleconferenced) <i>Call-in number: 1-866-812-4996; Participant's Code 6404767#</i>	<b>Workshop #6 [Outreach and Enrollment]:</b> Review of current ESAP outreach and enrollment practices/efforts and ways to improve them to reach the Strategic Plan goals, including any energy education proposal.	SCE*, EEC, and Utilities representatives and Staff Tory Francisco.
<b>October 28, 2011</b> 10 a.m. – 4 p.m. Sempra Community Room 601 Van Ness Avenue San Francisco, CA (Teleconferenced) <i>Call-in number: 1-866-812-4996; Participant's Code 6404767#</i>	<b>Workshop #7 [Review of CARE Program]:</b> Review of current CARE Program, including recertification, categorical eligibility, high usage customers and CARE Program complaint and oversight.	SFPCP* and Utilities representatives and Staff Tory Francisco.
<b>October 31, 2011</b> 10 a.m. – 4 p.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA	<b>Workshop #8 [Working Groups, Pilots and Studies]:</b> Review of potential ongoing working groups, pilots and studies to improve the ESAP and CARE	DRA* and Utilities representative and Staff Syreeta Gibbs.

<b>Date, Time, Location</b>	<b>Workshop Subject</b>	<b>Working Group and Lead/Co-Leads</b>
(Teleconferenced and Video-conferenced with Los Angeles satellite location) <i>Call-in number: 1-866-812-4996; Participant's Code 6404767#</i>	Program in the near-term and longer term, including standardizing Utilities' various reports.  <b>Workshop #5 [Workforce, Education and Training]:</b> Review of workforce, education and training issues, including review of current contractor selection and bidding process.	Green For All* and Utilities representatives, and Staff Tory Francisco.

\* Pre-assigned lead/co-leads.

(END OF ATTACHMENT 1)