



**FILED**  
5-15-15  
08:41 AM

CAP/ek4 5/15/2015

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

Application of Pacific Gas and Electric Company for Approval of 2013-2014 Statewide Marketing, Education and Outreach Program and Budget. (U39M)

Application 12-08-007  
(Filed August 2, 2012)

And Related Matters.

Application 12-08-008  
Application 12-08-009  
Application 12-08-010

**AMENDED SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

This Ruling amends the March 6, 2015 Scoping Memo and Ruling of assigned Commissioner Peterman and Administrative Law Judge (ALJ) Roscow (March 6 Scoping Memo) in order to reflect information elicited at the April 16, 2015 Prehearing Conference (PHC) and the prehearing filings made by parties in this proceeding.

The March 6 Scoping Memo divided this proceeding into two concurrent phases, and determined the scope and schedule for each phase. Phase 1 will develop a record for a Commission decision regarding possible funding sources and program administrators for the Flex Alert program beginning in 2016. Phase 2 will consider bridge funding and activities for statewide marketing, education and outreach including what activities will take place, by whom they will be implemented, how they will be funded and for what duration. To this end, for Phase 1, parties were invited to to file and serve PHC statements providing responses to certain questions regarding the Flex Alert program; for Phase 2, the March 6 Scoping Memo also invited the Center for Sustainable

Energy (CSE) to provide preliminary information, to be commented upon by parties in their PHC statements, regarding the possibility of providing bridge funding for continuation of the statewide marketing, education and outreach activities currently administered by CSE.

Based on my review of the PHC statements, as well as discussion of the issues and schedule at the PHC, I determine that the scope and schedule of this proceeding should be modified as described below.

**1. Scope of Phase 1: Flex Alert**

Parties were encouraged to file and serve PHC statements providing responses to the following questions:

1. Suggest a detailed outline for a report to the Commission that comprehensively “explores possible post-2015 funding sources and program administrators for the Flex Alert program”;
2. Is the existing factual record sufficient for the report outlined in response to Question 1? Why or why not? If not, what additional information is necessary for the report and subsequent Commission decision; and
3. Provide a proposed procedural schedule for development of the record, preparation of the report, and any necessary subsequent procedural steps, that will allow for a Commission decision by the end of 2015 on whether to continue ratepayer funding of the Flex Alert program in 2016.

At the PHC, CAISO updated its position in this proceeding to provide its opinion that funding for paid media would not be necessary beginning in 2016 (Reporter’s Transcript [RT] 62-63). Therefore, there is no need to explore Post-2015 funding and the only issues remaining for the Commission to decide in Phase 1 are the administrative aspects of continuing the program. Parties also indicated that a workshop would be of value in refining the remaining

information needed in order to provide support for a Commission decision on administration of the Flex Alert program in 2016. I agree with this approach, and appreciate the commitment expressed by parties to provide recommendations to the Commission for an approach that fully resolves all outstanding issues regarding the future of the program. The scope and schedule of Phase 1 of this proceeding is modified as follows:

1. The utilities shall schedule and facilitate a workshop, after notice to all parties in this proceeding, by July 1, 2015;
2. The CAISO shall file and serve a workshop report no later than 30 days following the workshop;
3. Opening Comments on the report may be filed and served 14 days following the workshop report;
4. Reply comments may be filed and served 7 days following the Opening Comments; and
5. The assigned ALJ shall prepare a draft decision on Phase 1 issues by October 6, 2015.

**2. Scope of Phase 2: Statewide Marketing, Education, and Outreach in 2016**

In the March 6 Scoping Memo, I anticipated that this matter could be resolved by proceeding to a proposed decision based on information provided in the PHC statements and at the PHC itself; to this end, parties were encouraged to file and serve PHC statements providing responses to the following questions:

1. Should the Commission direct the CSE to continue to be responsible for implementing the currently-effective statewide marketing, education, and outreach plan throughout 2016 or until a decision on statewide Marketing, Education and Outreach (ME&O) is adopted in Rulemaking 14-10-003, whichever comes later? Why or why not?
2. Should the Commission provide additional interim funding for implementation of statewide marketing,

- education, and outreach, set at the level adopted by the Commission in Decision (D.) 13-12-038? Why or why not?
3. Should the Commission leave in place the current oversight and approval process for statewide marketing, education and outreach activities as adopted in D.13-12-038? Why or why not?
  4. Please provide a proposed procedural schedule for development of the record, and any necessary subsequent procedural steps, that will allow for a Commission decision by September 2015 on what statewide ME&O activities will take place post-2015, how they will be implemented, and how they will be funded.

Unfortunately, in several PHC statements and in further conversation at the PHC, it became clear that some parties misunderstood the term “bridge funding” to mean more than simply providing funds to CSE so that CSE may continue to do what it has already been authorized to do by D.13-12-038: implement the Statewide Marketing and Outreach Plan authorized in that decision, in the same manner and under the same governance structure as authorized in that decision. In fact, bridge funding is not meant to be anything more than implied by the term: a temporary bridge to remain in place long enough to allow the Commission to consider and possibly adopt an alternative approach (or, conversely, of course, to leave the current approach in place). With this clarification in mind, I do not see the need to engage in the additional procedural steps suggested by some parties in their comments, some of which would likely have the result of delaying a Commission decision beyond the expiration date of the current program. In their PHC statements and in further discussion at the PHC, parties did not present convincing arguments regarding the necessity of further record development to support a Commission decision

on whether or not to grant one year of additional bridge funding to CSE, at the currently-approved average annual funding level of \$21.4 million.

Other parties noted the value of providing continuity and certainty to stakeholders in the program at this time, so that progress made to date is not lost. CSE also described the importance of Commission action earlier in 2015 than had been anticipated in the schedule provided in the March 6 scoping memo: CSE makes a reasonable case for accelerating the schedule toward an earlier Commission decision. Therefore, the schedule in this proceeding shall be modified to direct the assigned ALJ to proceed directly to drafting a proposed decision by July 27, 2015 based on the record as it stands today.

### 3. Procedural Schedule

The schedule provided in the March 6, 2015 Scoping Memo is hereby modified as shown below. This schedule may be modified by the assigned Commissioner or ALJ. I continue to anticipate that this proceeding will conclude within 18 months of the issuance of this Scoping Memo, pursuant to Pub. Util. Code § 1701.5.

<i>Phase 1: Post-2015 Funding Sources and Program Administrators for the Flex Alert Program</i>	
<b>Event</b>	<b>Date</b>
PHC Statements filed and served	April 6, 2015
PHC	April 16, 2015
Utilities-scheduled and facilitated workshop	No later than July 1, 2015
The CAISO shall file and serve a Workshop Report	30 days following workshop
Opening Comments on the report may be filed and served	14 days following workshop report
Reply Comments may be filed and served	7 days following Opening Comments
ALJ proposed decision issued	October 6, 2015

Phase 1 decision on Commission agenda	November 5 , 2015
<b><i>Phase 2: Statewide Marketing, Education, and Outreach in 2016</i></b>	
<b>Event</b>	<b>Date</b>
Preliminary information from CSE filed and served	March 20, 2015
PHC Statements filed and served	April 6, 2015
PHC	April 16, 2015
ALJ proposed decision issued	July 28, 2015
Phase 2 decision on Commission agenda	August 27, 2015

**IT IS RULED** that:

1. The scope of this proceeding is amended as stated in Sections 1 and 2.
2. The schedule for this proceeding is modified as stated in Section 3 and may be further modified by the assigned Commissioner or assigned Administrative Law Judge.

Dated May 15, 2015, at San Francisco, California.

          /s/ CARLA J. PETERMAN            
Carla J. Peterman  
Assigned Commissioner