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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Assess
Peak Electricity Usage Patterns and
Consider Appropriate Time Periods for
Future Time-of-Use Rates and Energy
Resource Contract Payments.

Rulemaking 15-12-012
(Filed December 17, 2015)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND
ASSIGNED ADMINISTRATIVE LAW JUDGE**

Summary

Pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rules),¹ this Scoping Memo and Ruling (Scoping Memo) addresses the scope and schedule of this proceeding, as well as other procedural matters, following the prehearing conference (PHC) held on April 12, 2016.

1. Background

This Order Instituting Rulemaking (OIR) was opened on December 17, 2015 to address a framework for designing, implementing, and modifying time periods for use in future time-of-use (TOU) rates. These TOU periods must appropriately reflect actual and near-term expected electricity supply and demand. The decision in this proceeding will not set new TOU periods; rather, it

¹ All references to Rules are to the Commission's Rules of Practice and Procedure, which are available on the Commission's website at: <http://www.cpuc.ca.gov/General.aspx?id=1620>.

will establish a methodology for setting TOU periods in the future, including identifying appropriate data sources and principles.

The needs of California's electricity grid are an important element of setting TOU periods. Historically, utilities have used marginal generation cost to set TOU periods in general rate cases (GRCs). This OIR recognizes that the California Independent System Operator (CAISO) also has important information to contribute to the process. This proceeding will consider whether and how to incorporate this "grid perspective" into determination of TOU periods.

As described in the OIR, this proceeding seeks input from the CAISO, the major utilities, and other parties to create a robust record for determining when electric load and supply trends indicate that changes to "target" time periods are necessary. By "target" time periods, we mean time periods during which it would be helpful to the California power grid for customers to modify their level of energy use. These target time periods can then be used as a starting point for utility-specific TOU rates. This proceeding will also consider how to incorporate specific, illustrative TOU period proposals into rates that are consistent with Commission rate design principles.

Consistent with the procedural schedule set forth in the OIR, the following parties filed comments on January 15, 2016: Environmental Defense Fund, California Large Energy Consumers Association (CLECA), Green Power Institute, California Farm Bureau Federation, California Energy Storage Alliance, Shell Energy North America (US), L.P., and Solar Energy Industries Association (SEIA). San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SCE), and Pacific Gas and Electric Company (PG&E) filed joint

comments on January 15, 2016 (Joint Investor-Owned Utility (IOU) Comments). eMeter, a Siemens Business, filed comments on January 19, 2016.

One of the essential goals of this proceeding is develop a methodology for considering time of use (TOU) periods from the perspective of the CAISO/wholesale grid. To start this inquiry, the OIR included a TOU rate period proposal from the CAISO. As requested by the OIR, on January 22, 2016, the CAISO filed a report explaining the TOU periods analysis assumptions and analytical methods underlying the CAISO proposal (CAISO TOU Report).

A workshop to discuss the CAISO proposal and other aspects of TOU period analysis was scheduled for February 26, 2016. Prior to the workshop, parties filed comments to assist in shaping the agenda at the workshop. At the workshop, parties had the opportunity to ask questions of the CAISO regarding the CAISO proposal and discuss other factors that could be or should be considered in identifying time periods during which increased or decreased energy use is desirable. A PHC was also held on February 26, 2016.

Following the workshop, by ruling on March 17, 2016, PG&E, SDG&E and SCE (the IOUs) were directed to file a list of existing time varying rates (TVR) no later than April 6, 2016. As of the date of this Scoping Memo, the TVR supplemental information has been served on the service list but has not been accepted for filing. The IOUs are directed to work with Docket Office to ensure that the supplemental information is added to the Docket Card.

A second PHC was held on April 12, 2016. At the second PHC, the assigned Administrative Law Judge (ALJ) circulated a proposed scope for the proceeding. Parties discussed the proposed scope and procedural schedule at the PHC and parties were invited to file written comments on the proposed scope.

2. Scope of Proceeding

This proceeding addresses the narrow topic of how TOU periods should be set and used in rate designs, as well as time-of-delivery (TOD) periods in certain resource procurement contracts.² To properly address this subject, we must start with a more general survey of available information and data sources so that we can identify existing ones that are relevant as well as new ones that should be developed. This inquiry covers a wide subject area, including issues that are typically addressed in GRCs and rate design windows. Setting clear boundaries for the scope of this proceeding in a manner that avoids any relitigation of GRC issues has been challenging.

In addition, although the OIR anticipated that the CAISO would be able to provide updated analysis on current and forecast load shapes, we have subsequently learned that there is a significant lead time for the CAISO to provide these updates. At this time, the CAISO TOU Report is the only information on wholesale grid needs under discussion in this proceeding. The CAISO TOU Report originated out of a joint project between CAISO, California Energy Commission (CEC) and the Commission's Energy Division, and is based on 2014 data. At the February workshop, parties identified several weaknesses with the study such as: (1) the assumptions for behind-the-meter (BTM) generation are significantly lower than more recent forecasts from the CEC, (2) the report was completed before Senate Bill 350 changed the RPS

² For example, the Commission adopts TOD factors for the IOUs' Renewables Portfolio Standard (RPS) procurement activities. TOD factors are used as part of the least-cost, best-fit resource evaluation process, and are included in power purchase agreements (PPAs) to determine how much a generator is paid in each hour of delivery. Though the terms of existing contracts will remain in place, this proceeding may inform the terms of new PPAs.

requirements, and (3) the report used 2014 data which does not reflect the start of the energy imbalance market. Although CAISO will provide an update using 2015 data at the May 2016 workshop, a full update, using assumptions developed for the Commission's integrated resource planning proceeding (Rulemaking (R.) 16-02-007) will not be available until later this summer.

Energy Division staff, with input from the workshop and parties, has identified the following five types of load data that could serve as the basis for determining TOU target periods.

Table 1: Types of Loads

Nick Name	Data Basis
L1	Hourly Consumption
L2	Hourly metered load (net of "behind the meter" generation)
L3	Hourly load, net of Customer- and Distribution-connected DERs, measured at the substations (transmission interface)
L4	Hourly "net load" as defined by CAISO: "forecasted load and subtracting the forecasted electricity production from variable wind and solar resources."
L5	Adjusted net load (as proposed by PG&E): CAISO net load, net of nuclear and minimum flow hydro.

Several months have passed since this OIR was opened and the Commission expects PG&E and SCE will soon apply to change the TOU periods used in their TVR designs. Meanwhile, SDG&E has an existing application to change TVR designs in its Phase 2 GRC. It is therefore important for the

Commission to promptly establish a consistent methodology for the analysis of TOU rate periods. In particular, the lack of guidelines for incorporating wholesale data into TOU rates has raised the following significant concerns.

First, there is uncertainty around what minimum data and analysis the IOUs and parties must provide when proposing a TOU period change either in an application or by settlement. To avoid a situation where a TOU rate period change cannot be approved simply because the parties have not provided sufficient supporting data, the IOUs, parties and the Commission must develop a shared understanding of the minimum data required to support TOU period changes.

Second, there is also uncertainty around what types of data and methodologies are appropriate for this analysis. Data sources and analytical approaches that have been relied on in previous GRCs to set TOU target periods or time-varying rates, such as marginal generation cost (MGC) or Loss of Load Expectation may or may not be appropriate given the changing needs of the grid. In particular, because adopted rate designs are often the result of settlements, the rates may achieve an agreed upon allocation of costs but may result in TOU periods that do not comport with the optimum periods indicated by analysis from the grid perspective. In contrast, the CAISO proposal focuses on the grid perspective, but does not address cost allocation among customer classes or customer acceptance. While electricity rates should be cost-based, they must also take into account other rate design principles necessary to achieve just and reasonable rates as required by law.

Third, forecasts will play an essential role in successful development of TOU rates. TOU rates must be designed to accommodate increased use of self-generation, energy efficiency, storage and other technologies, as well as

changes to the CAISO market. With these changes come new challenges for forecasting load and sales under different tariffs. Historically, in analyzing proposed rate changes, parties and the Commission have considered bill impacts. Without reasonably accurate sales forecasts, these bill impact analyses are of little value. If forecasting is not accurate as we move to time-varying rates, the risk of collecting more or less than the utility's approved revenue requirement will grow. Currently, there is not a consistent mechanism for treating under/over collections: on some tariffs it is allocated to all customer classes in the next GRC and on other tariffs it is allocated only within the customer class. In addition, because the current approaches do not take into account the magnitude of the under/over collection, they may not be adequate to encourage more accurate forecasting in the future. In approving TOU rates, the Commission must base its decision on the evidentiary record, and reliable forecasts are an important part of that record.

Fourth, TOU rate periods have historically reflected the cost to serve total peak loads, generally with higher-priced periods during the day and lower-priced periods at night. Changing load shapes due to BTM generation, excess zero-marginal cost generation from solar energy (particularly in the spring), and the cost of providing flexible capacity are factors that may alter the calculus for allocating costs to various time periods. For example, there has been considerable discussion recently about "reverse demand response" or "matinee rates" for times when available generation may exceed load. These rates would set low energy prices to encourage demand.

Fifth, consideration of customer acceptance is essential in TOU rate design. Designing TOU rates solely on the basis of cost may not be desirable. Rate design also encompasses customer acceptance. For example, a 4 – 9 evening

peak might be the right time period to set the peak based on grid needs or the cost-to-serve, but, for the rate to be effective and fair, customers must be able to understand it and respond to it. Thus, for purposes of this proceeding, the term customer acceptance is intended to capture, at a minimum, the following:

- a. The extent to which customers understand TOU rates generally.
- b. The time and education required for customers to transition to a new TOU rate period.
- c. The ability of customers to respond at a specific time of day or over a given period of time.
- d. The customer need for predictable TOU periods when they make investment decisions in energy efficiency, storage, photovoltaics and other forms of distributed generation.
- e. The appropriate treatment of different customer classes, as necessary, in light of the fact that customer needs and sophistication may vary by customer class.

In light of these immediate concerns, and keeping with this proceeding's goal of developing a methodology for use in other proceedings, the procedural schedule sets a comment-based decision to be issued this summer.

The decision will address:

- (I) In the near-term, what are the minimum requirements for data, analysis and information to support a request to change TOU time periods?
- (II) What methodology should be used to incorporate minimum data requirements into analysis of proposed changes in TOU time periods?
- (III) What other steps, if any, should be taken when evaluating proposed TOU rate changes to ensure rates appropriately address grid needs, cost causation, customer acceptance and other legal requirements of rate design?

The decision will be based on the responses to the questions in Section 3 below and other party filings. Issues of disputed fact can then be addressed in subsequent testimony and evidentiary hearings if necessary.

As discussed at the PHC, the analysis to be done in this proceeding has three separate components:

- (a) Methodology for setting and updating TOU periods that takes into account the grid perspective.
- (b) Framework for incorporating data into rate design in a manner that reflects marginal costs and the grid perspective while adhering to rate design principles and statutory requirements.
- (c) Assessment and evaluation of components (a) and (b) using illustrative time-varying rate designs.

The role of rate designs in this proceeding is limited. Several parties, including TURN, SCE and CLECA, expressed concern that discussion of example rate design elements, such as the ratios between rates charged in different time periods, would inappropriately expand the scope of this proceeding. Rate designs vary by utility territory, customer class, and other factors. We agree with the parties that designing new rates must take into account these variations and design of specific rates is better addressed in individual utility rate proceedings. We also agree that this is not the proceeding to develop and approve new TVR rates with attributes such as fixed charges.

However, we believe the analysis of specific, illustrative rate design is necessary to understand how TOU periods can be successfully used in rate designs that take into account both customer acceptance and grid needs. Other parties, such as Utility Consumers' Action Network (UCAN) and SEIA, suggest that a general examination of rate designs will provide useful guidance in utility-specific rate design proceedings. For example, UCAN recommends this

proceeding “strive for a methodology that can yield multiple sets of target time periods defined by subgroup, rather than a methodology that yields only a single set of target time period hours.” (UCAN Comments April 15, 2016 at 2.)

Similarly, SEIA’s list of TOU rates includes the concept of TOU rates with moderately differentiated time periods (“TOU-lite”) and event-based discount days.

To avoid misinterpretation, we are referring to these rate designs as Illustrative Time-Varying Rates (the PHC ruling referred to them as “model” rate designs which may have caused parties to think we intend to develop idealized, preferred rate designs in this proceeding). We agree with the parties that each utility has different load profiles and needs and thus this proceeding will leave actual rate designs to individual utility proceedings.

The IOUs expressed the belief that TOD factors, which are expressly included in the OIR and the caption of this proceeding, do not easily fit in the scope of this proceeding. The IOUs argue that TOD factors (or periods) are already addressed in RPS annual filings and related proceedings. The current approach allows IOUs to refer to more updated and often confidential market data. The IOUs also argue that because TOD factors must be set for the duration of a contract, typically 20 years, the interplay between TOU periods and TOD factors is more complicated.³ It is true that resource procurement and rate design are generally reviewed and evaluated in different proceedings at the Commission, and that different parties may be interested in the supply-side as opposed to demand-side aspects of Commission proceedings. We think that the

³ Joint IOU Comments at 7-10.

methodology for setting TOD factors may also be relevant to the methodology we are developing for identifying TOU periods. For these reasons we will not evaluate TOD factors in the immediate phase of this proceeding, but we will take comments on this issue and we may revisit it later in the proceeding.

At the PHC and in comments filed April 15, 2016, TURN and CLECA expressed concern that including the distribution system in the analysis of TOU periods would cause delays and would significantly and unnecessarily complicate this OIR. Distribution load profiles vary by circuit. We do agree with TURN and CLECA that developing geographically deaveraged retail rates that vary by circuit should not be within the immediate scope of this proceeding. But, the timing of circuit peaks may provide useful input for defining TOU time periods. For example, a cluster of circuit peaks near the system peak could help in determining the beginning and end of the cluster of hours constituting a target peak period. For that reason, we are not excluding time differentiation of distribution costs from this proceeding at this time.

3. Questions

Parties are instructed to address the following questions related to the issues scoped above. These questions address a broad subject matter area, including questions about rate design. Our goal is to ensure that we have sufficient context in which to make a decision on the relatively narrow area that is within scope. The questions are based on the list in the OIR, as modified by party comments. In addition, the list of questions has been trimmed for this first round of comments to the extent possible to limit the amount of time and resources parties will need to expend answering them.

The first group of questions, Group A, focuses on development of a methodology and data sources for identifying target TOU periods. Group A

includes minimum data needs for IOU applications as well as ideal data parties would like to see developed in the future.

The second group of questions, Group B, focuses on other aspects of TOU rate design. In particular, Group B invites parties to focus on the customer acceptance aspects of TOU rate design. Parties may reference illustrative TOU rate designs when answering these questions.

a. Methodology for Setting TOU Periods

1. The OIR, and parties commenting on the OIR, suggested the following data to support the development of a methodology for identifying target TOU periods. Which data are relevant to setting TOU periods from a grid perspective? What existing studies and data sources provide data you recommend? If you recommend that load profile data should play a role in setting TOU periods, specify the type of load you propose using, referring to Table 1 above, and explain why that approach to measuring is preferable. If the data is not currently available, would you propose developing this data for setting future TOU periods? If so, what steps would you recommend taking to develop the data?

- Hourly metered load, net load, and usage data, disaggregated by location, customer class.
- Hourly wholesale supply data, disaggregated by location and type of generation.
- Estimated hourly load and supply for years through 2020.
- Wholesale price data, by location and time, and estimates for the future.
- MGC hourly forecasts.
- Bill impact data for various customer classes and segments of customer classes.
- Data on customer engagement with and understanding of various TOU structures. Customer understanding of key rate features (TOU periods, relative prices), customer persistence

on the rate, customer acceptance based on different segments of customer class. Effect of technology on customer acceptance of and engagement with TOU rates, effect of automation on TOU goals of load shifting and customer satisfaction, effect of technology and automation on customer acceptance and load shifting response to complex TOU rates.

- Impacts on distribution system usage compared to transmission system impacts. Should TOU periods consider (net) loads at the customer's meter (which drive distribution usage) as opposed to (or in addition to) net loads measured further upstream?
 - Distribution system peak hours by circuit and/or by substation.
 - Other measurements to identify hours that are operationally challenging for the system.
 - Forecast changes to market prices and load shapes under an expanded CAISO market.
 - Greenhouse gas emissions intensity associated with changing load shapes.
2. If you recommend using marginal generation capacity costs developed in IOU GRCs as an appropriate basis on which to set TOU periods, how should those costs be allocated to time periods? If by loads (e.g., Peak Cost Allocation Factors), which type of loads (see Table 1 above)? At what point should MGC data be considered stale (even if it was used in a prior GRC)?
 3. Using the data sources discussed in response to question 1, what analytical methods should be used to determine appropriate TOU time periods? Please provide a detailed response.
 4. What data, assumptions, and analytical methods should be used to determine the TOU time periods from the grid perspective during which it would be helpful for customers to modify their level of energy use? Ideally, what data should be obtained from CAISO to determine these periods? How often should this data be updated? What data is it feasible for CAISO to provide?

5. Based on the data and methods you recommend in response to Questions [1 – 4], how many seasons should be defined for the purpose of setting TOU rates and which months should be included in which seasons? Please provide detailed support for your response. If applicable, describe the potential benefits of defining additional seasons for TOU rates and TOD factors.
6. Based on your response to the previous questions, is the CAISO TOU Report (as described in Attachment 1 to the OIR and presented at the February 26, 2016 workshop), reasonable, either as proposed or with modifications? If you generally agree with the CAISO methodology, are the new TOU periods proposed by CAISO reasonable and consistent with their methodology or do you reach different conclusions?
7. Are alternative methodologies necessary for identifying target time periods when an increase in electricity use is desired?
8. In the future, should TOD factors used in evaluating and paying generation sources be related to the TOU periods in place at the time of contract execution? Why or why not? Does it make a difference if the TOU period is a “reverse demand” time period (time when excess generation is likely) or a peak time period?

b. Other Considerations for Designing TOU Rates

1. What principles, should the Commission use in setting the TOU periods? Specifically, what factors would lead the Commission to adopt TOU periods that depart from the TOU periods that result from your recommended methodology? Possible principles and factors may include, but may not be limited to, those included in the Residential Rates Design OIR.⁴
2. Should TOU rate periods remain fixed for some period of time before they can be modified or should change be triggered by the appearance of certain factors or thresholds? If so, what is a reasonable timeframe or what factors or thresholds should be considered to trigger a change? In the future, should a process

⁴ See Decision (D.) 14-04-029 at 12-13, and Ordering Paragraph 4, and D.15-07-001 at 27-28.

- other than rate design window or general rate case applications be put in place to evaluate and update TOU periods? Explain your rationale, including how it is consistent with the data, ratemaking principles or factors, and existing law⁵ identified in this proceeding.
3. If TOU rate periods change in the future, should customers served on existing TOU schedules be able to remain on those TOU periods for a set amount of time? If so, for how long? Or, should customers currently enrolled in TOU rates be required to change if new TOU periods are adopted? How do customers react to changes in TOU rate periods? How often should TOU periods be changed in light of customer reaction?
 4. Should a menu of TOU rate period options be available to any or all customers, or should there be a single set of TOU rate periods for all customers? If a menu of options should be available, what factors would support Commission adoption of TOU periods that differ from the results of the load and/or marginal cost analysis?
 5. Should TOU rate periods be consistent across different utilities, or should they be utility specific? Should TOU rate periods ever differ by geographic areas within an IOU's service territory? Should TOU rate periods differ by customer class or segment?
 6. Other than pilots, how do you recommend testing TOU rates for levels of complexity (in terms of price ratio, number of periods, length of peak period) that will ensure the needed level of customer engagement to achieve the TOU goals?
 7. Should TOU differentiation be applied only to variable energy costs or to composite energy costs that include all fixed and variable components?

⁵ We note, for example, that Public Utilities Code Section 745(c)(3) directs the Commission to "strive for time-of-use rate schedules that utilize time periods that are appropriate at least the following five years."

4. Proposed Proceeding Schedule

At the April 12, 2016 PHC, parties spent considerable time arguing that updated CAISO data is necessary for a decision in this proceeding. We disagree. The purpose of this proceeding is to set a methodology. Although we agree that updated CAISO data would be a useful tool for comparing different measurements of load, it is not essential to developing a methodology. In addition, as discussed above, the CAISO data is difficult and time-consuming to produce. This limitation on CAISO data must be taken into consideration as we develop a methodology.

Finally, we do not want this preoccupation with updated CAISO data to eclipse the purpose of this proceeding. For these reasons, the procedural schedule eliminates the requirement for CAISO to provide updated data using the R.16-02-007 assumptions.

EVENT	DATE
IOU filing describing existing time-differentiated rates and, served and filed (see March 17, 2016 Ruling, Section 2)	April 6, 2016
Party comments on types of time-differentiated rates that should be considered, served and filed (see March 17, 2016 Ruling Section 2)	April 6, 2016
PHC Statements, served and filed	April 8, 2016
PHC #2, held	April 12, 2016 @ 10: 00 a.m. Commission Courtroom State Office Building 505 Van Ness Avenue San Francisco, CA 94102
Comments on draft scoping issues & schedule	April 15, 2016

EVENT	DATE
IOU MGC TOU Period Forecast and Analysis, served and filed	April 29, 2016
Alternative TOU Period Forecast and Analyses, served and filed	April 29, 2016
Comments on April 6 illustrative time varying rates, served and filled	April 29, 2016
Presentation of TOU Period Analysis Workshop (1) CAISO presentation of updates incorporating 2015 recorded loads (2) IOU presentation of MGC Data (3) Comparison of CAISO/IOU forecasts of energy use intensity (forecasts of hourly load and energy cost shapes)	May 5, 2016 @ 10: 00 a.m. Commission Auditorium 505 Van Ness Avenue San Francisco, CA 94102
Opening Comments Responding to Scoping Questions, served and filed	May 27, 2016
Reply Comments Responding to Scoping Questions, served and filed	June 17, 2016
Proposed Decision on Methodology and Minimum Information Requirements for TOU Period Change Applications ⁶	September 2016

This proceeding will be submitted upon the filing of reply briefs, unless the assigned ALJ or assigned Commissioner directs further evidence or argument.

The schedule may be modified by the assigned ALJ or assigned Commissioner as required to promote the efficient and fair resolution of the

⁶ Additional procedural steps will be determined in Decision.

proceeding. Consistent with Pub. Util. Code § 1701.5, it is anticipated that this proceeding will be completed within 18 months of the issuance of this Scoping Memo.

Although the schedule does not anticipate the need for workshops other than as scheduled for May 5, 2016, and anticipated for September 2016, if there are any other workshops conducted in this proceeding, notices of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decisionmaker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

5. Discovery

The parties may immediately engage in discovery. Parties will make discovery materials and data request responses available to any party that requests such materials. The goal of sharing this information is to reduce the need for inefficient multiple data requests from different parties. We direct parties to make these materials available in an efficient manner, to be determined at their discretion, drawing on their experience with these matters in other multi-party proceedings.

Pursuant to Rule 11.3, parties should meet and confer and attempt to resolve any discovery disputes before contacting the assigned ALJ.

6. Proceeding Category, Need for Hearing, and *Ex Parte* Rules

The OIR preliminarily categorized this proceeding as ratesetting, and preliminarily determined that hearings are necessary. At the second PHC, numerous parties asserted that the scope of this proceeding could require evidentiary hearings to fully evaluate data and methodologies. Based on discussion at the second PHC and filings by the parties, this Scoping Memo finds there may be significant material issues of fact in dispute that will likely require

evidentiary hearings. This Scoping Memo confirms the categorization as ratesetting and finds that evidentiary hearings are necessary. However, the decision is scoped to exclude issues of disputed fact that would require hearings.

Ex parte communications are prohibited in ratesetting proceedings, except as allowed by Pub. Util. Code § 1701.3(c) and Article 8 of the Rules.

An *ex parte* communication is a written or oral communication that (1) concerns any substantive issue in a formal proceeding, (2) takes place between an interested person and a decision-maker, and (3) does not occur in a public hearing, workshop or other public forum noticed by ruling or order in the proceeding, or on the record of the proceeding. Communications regarding the schedule, location, or format for hearings, filing dates, identity of parties, and other such nonsubstantive information are procedural inquiries, are not *ex parte* communications.⁷

7. Presiding Officer

Pursuant to Rule 13.2(b), ALJ Jeanne M. McKinney is designated as the Presiding Officer.

8. Filing, Service, and Service List

In this proceeding, there are several different types of documents participants may prepare. Each type of document carries with it different obligations with respect to filing and service.

Parties must file certain documents as required by the Commission Rules or in response to rulings by either the assigned Commissioner or the assigned ALJ. All formally filed documents must be filed with the Commission's Docket

⁷ Rules of Practice and Procedure Rule 8.1(c).

Office and served on the service list for the proceeding. Article 1 of the Rules contains all of the Commission's filing requirements. Parties must file and serve all pleadings and serve all testimony, as set forth in Article 1 of the Commission's Rules. Parties are encouraged to file and serve electronically, whenever possible, as it speeds processing of the filings and allows them to be posted on the Commission's website. More information about electronic filing is available at <http://www.cpuc.ca.gov/puc/efiling>.

This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is required. Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: R.15-12-012. In addition, the party sending the e-mail should briefly describe the attached communication; for example, Opening Brief.

Both an electronic and a hard copy of all filed and served documents should be served on the assigned ALJ.

The official service list for this proceeding is available on the Commission's web page. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process Office. Prior to serving any document, each party must ensure that it is using the most

up-to-date service list. The list on the Commission's website meets that definition.

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures should contact the Commission's Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to public.advisor@cpuc.ca.gov.

9. Electronic Submission and Format of Supporting Documents

The Commission's web site now allows electronic submittal of supporting documents (such as testimony). Parties are directed to submit their testimony in this proceeding through the Commission's electronic filing system.⁸

Parties must adhere to the following:

- The Instructions for Using the "Supporting Documents" Feature, (<http://docs.cpus.ca.gov/SearchRes.aspx?docformat=ALL&DocID=158653546>); and
- The Naming Convention for Electronic Submission of Supporting Documents.

Proceeding number (without punctuation)
Party (acronyms are acceptable the shorter the better because docs will have long titles.).
(Proposed Exhibit Number) Note that this is intentionally in parentheses.

⁸ These instructions are for submitting supporting documents such as testimony and work papers in formal proceedings through the Commission's electronic filing system. Parties must follow all other rules regarding serving testimony. Any document that needs to be formally filed such as motions, briefs, comments, etc., should be submitted using Tabs 1 through 4 in the electronic filing screen.

Subject
Witness last name (if more than 1 witness, use last name of witness appearing first in the written testimony and add et al to signify multiple witnesses.).

Example of file name:

A1707015 - CWS - (1) General Report – Duncan

- Documents containing confidential information must not be submitted to the Supporting Document feature.
- The Supporting Document feature does not change or replace the Commission’s Rules. Parties must continue to adhere to all rules and guidelines in the Commission’s Rules including but not limited to rules for participating in a formal proceeding, filing and serving formal documents and rules for written and oral communications with Commissioners and advisors (i.e. “*ex parte* communications”) or other matters related to a proceeding.
- The Supporting Document feature is intended to be solely for the purpose of parties submitting electronic public copies of testimony (unless instructed otherwise by the assigned ALJ), and does not replace the requirement to serve documents to other parties in a proceeding.
- Unauthorized or improper use of the Supporting Document feature will result in the removal of the submitted document by the Commission.
- Supporting Documents should not be construed as the formal files of the proceeding. The documents submitted through the Supporting Document feature are for information only and are not part of the formal file (i.e. “record”) unless accepted into the record by the Assigned ALJ.

All documents submitted through the “Supporting Documents” Feature shall be in PDF/A format. The reasons for requiring PDF/A format are:

- Security – PDF/A prohibits the use of programming or links to external executable files. Therefore, it does not allow malicious codes in the document.

- Retention – The Commission is required by Resolution L-204, dated September 20, 1978, to retain documents in formal proceedings for 30 years. PDF/A is an independent standard and the Commission staff anticipates that programs will remain available in 30 years to read PDF/A.
- Accessibility – PDF/A requires text behind the PDF graphics so the files can be read by devices designed for those with limited sight. PDF/A is also searchable.

Currently, the “Supporting Documents” do not appear on the “Docket Card.” In order to find the supporting documents that are submitted electronically, go to:

- Online documents, choose: “[E-filed Documents](#),”
- Select “Supporting Document” as the document type, (do not choose testimony), and
- Type in the proceeding number and hit search.

Please refer all technical questions regarding submitting supporting documents to:

- Kale Williams (kale.williams@cpuc.ca.gov) 415 703- 3251, and
- Ryan Cayabyab (ryan.cayabyab@cpuc.ca.gov) 415 703-5999.

10. Intervenor Compensation

As a means to compensate intervening parties for their substantial contributions, and as emphasized during the PHC, the Commission hereby underscores the importance of coordination between the parties as to avoid potential duplication of efforts. Parties are to note that no waiver on the deadline for filing a Notice of Intent can be granted.

Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by May 12, 2016, 30 days after the PHC.

11. Final Oral Argument

A party in a ratesetting proceeding in which a hearing is held has the right to make a Final Oral Argument before the Commission, if the argument is requested within the Closing Brief. (Rule 13.13.) Any such request must be made in opening briefs and must be clearly identified under a separate section heading.

IT IS RULED that:

1. The scope, issues, and schedule are as set forth in the body of this ruling. The schedule may be amended by a subsequent ruling or order of the Presiding Officer or assigned Commissioner.
2. Pursuant to Rule 13.2(b) of the Commission's Rules (Rules), Administrative Law Judge Jeanne M. McKinney is designated as the Presiding Officer.
3. The preliminary categorization of this proceeding as ratesetting is confirmed. The preliminary determination that there is need for evidentiary hearings is confirmed. This ruling, as to category (only), is appealable pursuant to Rule 7.6.
4. *Ex Parte* communications are prohibited in ratesetting proceedings, except as allowed by Public Utilities Code Section 1701.3(c) and Article 8 of the Rules.
5. Southern California Edison Company, San Diego Gas & Electric Company and Pacific Gas and Electric Company are directed to work with the Commission's Docket Office to ensure that the documents due for filing on April 6, 2016 are added to the docket card no later than May 6, 2016.
6. A party shall submit request for Final Oral Argument in its opening briefs, but the right to Final Oral Argument ceases to exist if hearing is not needed.

7. Parties shall adhere to the instructions provided in Section 9 of this ruling for submitting supporting documents.

Dated May 3, 2016, at San Francisco, California.

/s/ JEANNE M. MCKINNEY

Jeanne M. McKinney
Administrative Law Judge

/s/ MICHAEL PICKER

Michael Picker
Assigned Commissioner