

CAP/mph 3/2/2018



FILED
03/02/18
09:27 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Review,
Revise, and Consider Alternatives to the
Power Charge Indifference Adjustment.

Rulemaking 17-06-026

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

Summary

This amended scoping memo modifies the schedule of this proceeding. As shown in the table herein, the due date for parties' testimony is extended by three weeks, with matching extensions of the remaining milestones in the schedule. A due date is also established for a "data matrix" that will document a number of attributes of the utility contracts that are an underlying issue in this proceeding.

On February 7, 2018 the California Community Choice Association, Commercial Energy of California, Direct Access Customer Coalition/Alliance for Retail Energy Markets and the Energy Users Forum (Joint Parties) filed a Joint Motion to Extend the Procedural Schedule and Request to Shorten Time for Replies (Joint Motion). In the Joint Motion, Joint Parties request a 5-week extension of the procedural schedule for Track 2 of this proceeding, as determined by the Scoping Memo and Ruling of the Assigned Commissioner

issued on September 25, 2017 (Scoping Memo).¹ At the request of Joint Parties the assigned Administrative Law Judge (ALJ) shortened the time for parties to respond to the Joint Motion to five days.

On February 12, 2018 Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) (Joint Utilities) responded in opposition to the Joint Motion, but suggested a compromise on a shorter extension.

With permission from the assigned ALJ, Joint Parties replied to the Joint Utilities' response on February 14, 2018.

Discussion

Based on review of the pleadings of Joint Parties and Joint Utilities, the schedule in this proceeding is revised as shown in the table below.

¹ Track 1 of this proceeding concerns exemptions from the Power Charge Indifference Adjustment (PCIA) for CARE and Medical Baseline customers. Track 2 is scoped to examine the current PCIA methodology and consider alternatives to that mechanism.

Schedule for Track 2: Evaluation and Possible Modification of the PCIA Methodology				
Event	Original Schedule	Joint Parties' Request	Joint IOUs' Compromise	Revised Schedule
Utility production of ALJ-requested data template		2/22/18		3/2/18
Testimony served and submitted to Supporting Documents	3/12/18	4/16/18	3/26/18	4/2/18
Concurrent rebuttal testimony served	4/2/18	5/7/18	4/23/18	4/23/18
Evidentiary Hearings Commission Courtroom 505 Van Ness Avenue San Francisco, California	4/16/18	5/21/18	5/7/18	5/7/18
Hearings end	4/20/18	5/25/18	5/11/18	5/11/18
Concurrent opening briefs/ Request for final oral argument filed and served	5/11/18	6/15/18	6/1/18	6/1/18
Concurrent reply briefs	5/25/18	6/29/18	6/15/18	6/15/18
Proposed Decision mailed for comment	July, 2018	8/10/18	7/20/18	Late July, 2018

This revised schedule reflects the limited options available at this point in this expedited proceeding. As discussed at the August 31, 2017 Prehearing Conference (PHC) this comprehensive proceeding will require the best efforts of parties, including maintaining the proceeding schedule. Discussion at the PHC also noted that while the Commission intends to resolve this proceeding with due haste, this must be balanced with the need for a durable resolution of the issues and a robust process. In order to meet the timelines proposed in various

parties' PHC statements, parties were strongly encouraged to cooperate on discovery and scheduling matters.²

Since the PHC, cooperation has not been perfect. Disagreements between the parties have already delayed the achievement of several important milestones established in the Scoping Memo. Exchange of confidential data that was expected to begin in October, 2017 did not begin until December, 2017. Because of this delay, the workshop designated as a forum for a data-based discussion of (1) cost responsibilities and (2) going-forward solutions was also delayed, from mid-November 2017 to mid-January 2018. At that workshop, some CCA representatives stated that the data access delays had prevented them from preparing the data-based presentation that they had intended.

In the Joint Motion reviewed in this ruling the Joint Parties request a revision of the schedule for similar reasons, while the Joint Utilities – who themselves created the delay regarding data access – oppose that request because it would unreasonably delay resolution of the issues in this proceeding.³ Joint Parties state that the delay in obtaining data access has materially slowed the Joint Parties' individual analyses and development of solutions. For that reason, Joint Parties suggest that allowing additional time for preparation of testimony

² Reporters Transcript at 4 – 5.

³ See November 22, 2017 *Assigned Commissioner and Assigned Administrative Law Judge Ruling Confirming Scoping Memo Issues and Modifying Schedule* at 5: “The Joint Report does not comply with the directive in the Scoping Memo that parties should “prepare a joint filing that lays out the areas of agreement and disagreement.” That ruling ordered the parties in this proceeding to continue to meet and confer regarding data access issues, which were ultimately resolved and subsequently endorsed by an additional ruling dated December 20, 2017.

would benefit all parties by ensuring a reasonable opportunity to employ the data provided by the utilities. The Joint Parties request a five-week extension of the due date for intervenor testimony, with all subsequent milestones in the proceeding shifted out by the same five weeks.

In their response to the Joint Motion, Joint Utilities oppose extending the schedule because delays in the proceeding will unfairly delay adoption and implementation of policies to address what they assert are unwarranted cost shifts between bundled customers and departing load customers. The Joint Parties respond to these arguments regarding customer harm by noting, correctly, that “the fact remains that this Commission has not yet examined the accuracy of this [cost shift] claim, as cost shifts and the Joint Utilities’ claims will be examined within the scope of this proceeding.”

The revised schedule adopted in this ruling seeks to balance the continued need for a timely resolution of the issues – in order to provide certainty about the PCIA to all stakeholders – with the need to ensure that those issues are thoroughly reviewed and due process is provided to all participants. The revised schedule preserves timely resolution, but still retains sufficient time to develop a long-term solution of the issues. Nevertheless, the parties, especially the Joint Utilities, are cautioned that any further delay will make a timely resolution of this proceeding impossible.

The revised schedule extends the due date for service of testimony by three weeks, rather than the five weeks sought by the Joint Parties. The remaining dates are revised as suggested by the Joint Utilities (the proposed compromise dates in the Joint Utilities’ response actually reflect a three-week extension of all dates except the due date for testimony, and those dates are adopted in the revised schedule).

The revised schedule also reflects the suggestion of Joint Parties that a due date be set for the utilities to produce the ALJ-requested data template.⁴ A copy of that template was provided as Appendix B to the Joint Status Update filed and served on January 31, 2018. The Joint Utilities state that they offered in October, 2017 to make “substantially similar information available to intervenors on an expedited basis.” PG&E, SCE and SDG&E should now complete that task. This information is needed not only by the other parties as they prepare testimony, but also by Commission staff in the event that further procedural delays make it impossible for the Commission to complete this proceeding as contemplated in the Scoping Memo.

Parties are reminded that this schedule may be adjusted, as necessary, by the ALJ or the assigned Commissioner.

⁴ In their February 12, 2018 response, the Joint Utilities refer to this document as “the contract data template ALJ Roscow requested for hearing purposes” but the ALJ did not discuss a timeframe for its production.

IT IS RULED that:

1. The schedule for Track 2 of this proceeding is revised as shown in the body of this ruling.

2. No later than March 2, 2018, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall each, consistent with the confidentiality provisions adopted in this proceeding, make available their respective versions of the data matrix according to the template attached as Appendix B to the Joint Status Update filed and served on January 31, 2018.

Dated March 2, 2018, at San Francisco, California.

/s/ CARLA J. PETERMAN

Carla J. Peterman
Assigned Commissioner