



FILED
03/24/20
04:59 PM

ALJ/PD1/bx1 3/24/2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Continue the Development of Rates and
Infrastructure for Vehicle Electrification.

Rulemaking 18-12-006

**E-MAIL RULING DENYING JOINT MOTION TO
STAY PROCEEDING AND RESETTING
PROCEDURAL SCHEDULE**

Dated March 24, 2020, at San Francisco, California.

/s/ PATRICK DOHERTY

Patrick Doherty
Administrative Law Judge

From: Doherty, Patrick <Patrick.Doherty@cpuc.ca.gov>

Sent: Tuesday, March 24, 2020 1:32 PM

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Subject: R.18-12-006: Email Ruling Denying Joint Motion to Stay Proceeding and Resetting Procedural Schedule

Dear members of the R.18-12-006 service list:

This email ruling 1) denies the joint motion to stay the schedule of this proceeding served on March 6, 2020, 2) clarifies the intent of the draft transportation electrification framework and the accompanying ruling of February 3, 2020, and 3) modifies the procedural schedule of this proceeding. The new schedule adopted in this email ruling supersedes the procedural schedules previously adopted in rulings of February 3, 2020, February 10, 2020, and February 14, 2020. All other elements of the February 3, 2020 ruling continue to apply unless otherwise noted by this email ruling.

The joint motion to stay the schedule of this proceeding and provide for alternate transportation electrification proposals served on March 6, 2020 (joint motion) is denied. As noted by parties to the joint motion, there is considerable urgency to achieve California's policy goals surrounding transportation electrification. Staying the schedule and adding alternative proposals for the Commission and stakeholders to digest and comment on would add considerable procedural complexity to this proceeding, add additional burden to the parties, and delay the Commission's decision-making in this critical area.

Furthermore, the premise of the joint motion that the publication of a draft staff proposal somehow suspends the ability of investor-owned utilities (IOUs) to apply for and pursue investments related to transportation electrification is incorrect. Nothing in the staff proposal prevents the IOUs from applying for Commission approval for transportation electrification investments to meet the directives of Public Utilities Code Section 740.12 before a Commission decision is rendered in this proceeding. Public Utilities Code Section 740.12, as established under Senate Bill 350 (2015, de Leon), directs the Commission to approve, or modify and approve, IOU program applications that support the widespread adoption of transportation electrification. The full legislative language is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350 and prior Commission guidance on SB 350 implementation is available at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M167/K099/167099725.PDF>. The staff proposal also does not impose, or propose to impose, any budget limitations on IOU applications until or unless any new Commission guidance is adopted.

To clarify the issue formally, this ruling also addresses an error in the text of the draft transportation electrification framework served on February 3, 2020. Text at the beginning of Section 5 of the draft transportation electrification framework suggests that new binding parameters would become effective upon the release of the draft transportation electrification framework. The draft transportation electrification framework and its recommendations have not been adopted by the Commission and currently do not place any new standards of review on IOU applications.

There is similarly no "freeze" on implementation of any Commission-authorized IOU transportation electrification program or IOU applications for transportation electrification investments, and there is no modification of existing guidance

concerning such programs or applications until the Commission makes such modification.

For these reasons, the joint motion is denied.

For the sake of clarity, while the joint motion's request to allow for alternate transportation electrification frameworks in this proceeding is denied, parties are free to propose changes to the staff's draft transportation electrification framework in their comments. Parties are asked to provide actionable alternatives to the recommendations proposed in each section of the draft transportation electrification framework, as well as provide responses to the key questions posed by staff at the beginning of each section. Those alternative recommendations and responses to specific questions will be used to create a record in this proceeding for full Commission review as a proposed decision. Parties will have the opportunity to make further comments on the record of this proceeding, in the context of their comments on a proposed decision, prior to a final Commission vote.

Parties that have spent time and energy on drafting an alternate transportation electrification framework should convert that work into comments on the staff's transportation electrification framework as applicable. If a party believes that there is insufficient scope to do so, then that party should contact staff or the assigned administrative law judges for advice on how to ensure their comments can be added to the record of the proceeding.

Parties participating in the March 23, 2020 workshop held in this proceeding expressed considerable interest in extending all of the existing procedural deadlines by one month in order to allow parties more time to reflect on the draft transportation electrification framework and provide considered comments. The procedural schedule is therefore revised as follows in response to this request. Please note that opening comments on Section 11.3 of the draft transportation electrification framework are now due on May 11, 2020 in order to advance a Commission decision on the issue of Low Carbon Fuel Standard (LCFS) holdback funds.

The page limit on reply comments outlined in the February 3, 2020 ruling (10 pages) is suspended for reply comments now due on April 27, 2020. Parties may submit reply comments up to 25 pages in length for the round of reply comments due on April 27, 2020. This is intended to allow parties that might have

otherwise submitted alternate transportation electrification frameworks to provide detail concerning their potential alternative approaches to Sections 2, 3.1, 3.2, 3.3, 4, and 5 of the draft transportation electrification framework.

This email ruling clarifies that Energy Division staff may add new substantive workshops to the schedule as necessary. If any new substantive workshops are needed, Energy Division staff shall provide no less than 10 days’ notice to the full service list ahead of the planned workshop(s). No formal ruling will be required to modify the schedule in that event.

The newly revised schedule of this proceeding is as follows:

Reply Comments on Sections 2, 3.1, 3.2, 3.3, 4, and 5	April 27, 2020
Opening Comments on Scorecards, Targets, Metrics, and Reporting Requirements (Section 3.4) and Investor Owned Utilities’ Low Carbon Fuel Standard (LCFS) Programs (Section 11.3)	May 11, 2020
Workshop on Scorecards, Targets, Metrics, and Reporting requirements (Section 3.4)	June 2020 [exact date TBD]
Reply Comments on Sections 3.4 and 11.3	June 19, 2020
Opening Comments on Safety, Technology, and Standards due (Sections 7 and 8)	July 7, 2020
Workshop on Safety, Technology, and Standards (Sections 7 and 8)	July 2020 [exact date TBD]
Reply Comments on Sections 7 and 8	July 31, 2020
Opening Comments on Equity, Rates, Cost Recovery, Alternative Financing, Partnerships, VGI, ME&O, and Emerging Trends (Sections 6, 9, 10, 11.1, 11.2, and 12)	August 14, 2020
Reply Comments on Sections 6, 9, 10, 11.1, 11.2, and 12	August 28, 2020

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IT IS SO RULED.

The Docket Office shall formally file this ruling.

Patrick Doherty

Administrative Law Judge

California Public Utilities Commission

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