



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Application of Pacific Gas and Electric Company for Approval of Its Proposals and Cost Recovery for Improvements to the Click-Through Authorization Process Pursuant to Ordering Paragraph 29 of Resolution E-4868. (U39E)	A.18-11-015 (filed November 26, 2018)
And Related Matters.	A.18-11-016 A.18-11-017

JOINT OBJECTION OF CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT COUNCIL, CALIFORNIA ENERGY STORAGE ALLIANCE, HOME ENERGY ANALYTICS, MISSION:DATA COALITION AND OHMCONNECT, INC.

TO THE JOINT IOUs' MOTION TO RESPOND AND TO SUSPEND THE SCOPING RULING SCHEDULE; AND, IN THE ALTERNATIVE, MOTION FOR OPPORTUNITY TO RESPOND

1. Introduction

Pursuant to Rule 11.1(e) of the Commission's Rules of Practice and Procedure, Mission:data Coalition ("Mission:data"), on behalf of itself and the California Efficiency + Demand Management Council ("CEDMC"), California Energy Storage Alliance ("CESA"), Home Energy Analytics ("HEA") and OhmConnect, Inc. ("OhmConnect"; together, the "Joint Responders") hereby respectfully submit this Joint Objection to the Joint Motion of Pacific Gas & Electric ("PG&E"), Southern California Edison ("SCE") and San Diego Gas & Electric ("SDG&E"; together, the "Joint IOUs") filed July 15, 2020 (the "Joint IOU Motion"). The Joint

IOU Motion asks the Commission for permission to file a response to the Joint Responders' Response¹ by July 22, 2020, and to suspend the procedural schedule until a decision has been issued concerning the inclusion of Issue #12 in the present docket. The Joint Responders object to the motion because it would permit the Joint IOUs to re-argue their initial pleading; distort a movant's burden of proof to demonstrate why a change should be made to a Scoping Memo issued by the Assigned Commissioner; and would further postpone the procedural schedule and harm parties' interests in a matter that has already been long-delayed.

2. Discussion

The Joint IOU Motion states:

On July 13, 2020, a response was filed by the Joint Responders that raises substantive arguments which misinterpret the Applicants' position on Issue 12, conflict with Commission proceedings and decisions on the subject and erroneously claim that virtually all other issues for determination in the proceeding hinge on the Commission's determination of Issue 12. Applicants now request permission to file a response to the Joint Responders' Response so that the Commission may have briefing from both respective sides to fairly evaluate the parties' positions and resolve this scoping matter.²

The Joint IOUs' first point is that the Applicants' position on Issue #12 has been "misinterpreted" by the Joint Responders. However, in the Joint IOUs' Case Management

¹ The Joint Responders' Response refers to the *Joint Response of California Efficiency + Demand Management Council, California Energy Storage Association, Home Energy Analytics, Mission:Data Coalition and OhmConnect, Inc.* filed July 13, 2020.

² Joint IOU Motion at 4.

Statement dated June 9, 2020, only one page discusses the severance of Issue #12; and within that page, the Joint IOUs provide only two sentences arguing in favor of such severance.³ Given the two sentences provided in the Joint IOUs' pleading at that time, the Joint Responders diligently reviewed the arguments, considered their implications, and responded in detail. It is a movant's responsibility, and not other parties' responsibility, to articulate persuasively why Issue #12 should be severed from the docket. The Joint IOUs' best opportunity to prevent their argument from being "misinterpreted" was to have provided a more detailed justification in their case management statement on June 9, 2020. To now take further time and resources from the Commission merely so that the Joint IOUs can fully flesh out an argument that was not adequately detailed the first time would be inappropriate.

Second, the Joint IOUs state that the Joint Responders' argument "conflicts with Commission proceedings and decisions." The Joint Responders disagree, and we noted in detail that, in fact, the reverse is true: The Joint IOUs' proposed severance of Issue #12 is what conflicts with Commission decisions, as described in the Joint Responders' Response. In any event, the Joint Responders emphasize that the burden of proof is on the movant to argue that severance is necessary, consistent with Commission decisions, and would serve the public

³ The two sentences are: "While Applicants agree that the use of Click-Through as a means for third party energy service providers to obtain access to utility and customer data is within scope, the Applicants believe there are questions about what types of information should be available to different types of third-party energy service providers, the issue of indemnification for the Utilities, and the larger concern that the broader questions about who should be eligible to access those different types of data and at customer expense have been raised in numerous Commission proceedings. To avoid the potential for inconsistent guidance on these issues, Applicants believe issue twelve should be the subject of a proceeding specifically focused on the broader questions of data access for third party energy service providers to support the expansion of distributed energy resources (DERs)."

interest. The Joint IOUs' disagreement with the Joint Responders is not, and should not, be a sufficient justification for the Joint IOUs to merely re-argue an initial pleading.

Third, the Joint IOUs state that the Joint Responders "erroneously claim" that many other issues in the present docket hinge upon resolution of Issue #12, and that a response from the Joint IOUs is necessary so that the Commission may "have briefing from both sides." In fact, the Commission has *already* heard from both sides equally: First by the movant for severance – the Joint IOUs – and second by the Joint Responders. Granting the Joint IOU Motion would give the Joint IOUs an *additional* pleading that would result in unequal opportunities for argument before the Commission: Two for the Joint IOUs, and only one for the Joint Responders. For this reason alone, the Commission should deny the Joint IOU Motion.

Fourth, granting the Joint IOU Motion would further delay the procedural schedule, harming many parties' interests in this matter. Already, some 18 months has passed since the Joint IOUs' applications were originally filed, and a complete procedural schedule has yet to be issued. Moreover, as the Joint Responders described, this docket can finally and definitively address the topics concerning DER access to customer data that have been outstanding since the time advanced meters were first approved in California over a decade ago. Given the lengthy procedural history of these topics to date, it is all the more inappropriate to grant further postponements simply so that the Joint IOUs may have another "bite at the apple."

3. In the Alternative, If the Joint IOU Motion is Granted, the Joint Responders Move for Opportunity to Respond to the Joint IOUs' Response

Finally, should the Commission grant the Joint IOU Motion – despite the strenuous objections from the Joint Responders, as detailed above – then the Joint Responders move for

opportunity to respond to the Joint IOUs' response, which is expected July 22, 2020. Given the asymmetric pleadings before the Commission that would result from granting the Joint IOU Motion, it is only fair for the Joint Responders to be permitted a response so that each party is afforded an equal number of pleadings on the topic of severance of Issue #12. The Joint Responders propose a response date of July 29, 2020.

4. Conclusion

For all the reasons stated above, the Joint IOU Motion should be denied. If, however, the Joint IOU Motion is granted, then the Joint Responders move for opportunity to respond to the Joint IOUs' response, expected July 22, 2020. The Joint Responders propose a response date of July 29, 2020.

Dated: July 20, 2020

Respectfully submitted,

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