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

Application of PacifiCorp (U901E), an Oregon Company, to Continue its Energy Efficiency Programs and the Surcharge to Fund Public Purpose Programs.

Application 20-12-018

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

**Summary**

This Scoping Memo and Ruling (Scoping Memo) determines the scope, schedule, category, and need for hearing in this proceeding pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rule or Rules);<sup>1</sup> and designates the presiding officer pursuant to Rule 13.2.

**1. Applicant**

PacifiCorp is a multi-jurisdictional utility providing electric service to retail customers in six states, including California. PacifiCorp's California service territory spans 11,292 miles and serves approximately 45,000 customers in Del Norte, Modoc, Shasta and Siskiyou counties. All PacifiCorp customers are rural and include California Native American Tribes in each county.<sup>2</sup> Many of its customers satisfy the geographic criteria of "hard-to-reach" customers set forth

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<sup>1</sup> Unless otherwise noted, all subsequent citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

<sup>2</sup> "California Native American Tribe" means a Native American Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. See Public Resource Code 21073.

in Decision (D.) 18-05-041. Per D.18-05-041, if geographic criteria is met, only one other criteria need be met to be “hard to reach.” PacifiCorp proposes/claims approximately forty percent of their residential customers in two of their counties are hard-to-reach by a second criteria of CARE income qualified<sup>3</sup>.

## **2. Procedural Background**

On November 23, 2020 in D.20-11-032, the Commission authorized PacifiCorp to: 1) continue its energy efficiency programs through 2021; 2) collect \$1.9 million to administer its programs during program year 2021; 3) expend up to \$2.4 million in energy efficiency portfolio expenditures during program year 2021, and 4) to file an application no later than December 31, 2020 to continue its energy efficiency programs beyond 2021.

On December 31, 2020, PacifiCorp filed this Application (A.) 20-12-018 as directed by D.20-11-032. PacifiCorp’s A.20-12-018 requests:

- 1) authorization to continue operating its energy efficiency programs from 2022 through 2026;
- 2) approval to continue the Surcharge to Fund Public Purpose Programs, with a decrease to its Public Purpose Program surcharge (Surcharge), tariff Schedule S-191, designated for the programs under Public Utilities (Pub. Util.) Code Section (PUC §) 381; and
- 3) authorization to continue to request adjustments to the Surcharge collection rates via a Tier 2 advice letter.

PacifiCorp offers two energy programs within California which are authorized to operate through the end of 2021, under Commission D.20-11-032 in A.17-09-010. These are the Home Energy Savings (Schedule D-118) and Wattsmart Business (Schedule A-140). The programs were revised in 2020 to align with statewide workpapers consistent with the energy efficiency

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<sup>3</sup> Application at 4.

framework utilized by the state's large investor-owned utilities (IOUs).

PacifiCorp contends that the programs are projected to be cost-effective for the five-year period from 2022 through 2026.

Notice of A.20-12-018 appeared in the Commission's Daily Calendar on February 8, 2021. The Commission received no protests or responses to the application.

On February 12, 2021, the assigned Administrative Law Judge (ALJ) issued a ruling setting a prehearing conference (PHC) for March 1, 2021. The applicant, PacifiCorp, was the only party to the proceeding as of the date of the PHC.

On March 24, 2021, the assigned ALJ issued a ruling ordering PacifiCorp to provide additional information pertaining to the application to the Commission's Energy Division.

### **3. Scope of Issues**

The scope of this proceeding shall be to determine whether it is reasonable and consistent with Commission policy to grant PacifiCorp's requests by considering:

- a) Whether PacifiCorp's proposed budget is reasonable and should be established.
- b) Whether PacifiCorp's proposed energy efficiency (EE) programs are reasonable and should be established.
- c) Whether the PacifiCorp/AEG analysis for incremental measure costs, energy savings, cost-effectiveness, and budget expenditures to achieve/exceed targets are just and reasonable.
- d) Whether there are rate impacts to customers, if so, are they reasonable.
- e) Whether proposed additions to the programs, such as fuel switching measures for Home Energy Savings and/or

Wattsmart and Home Energy Reports for residential, are reasonable and should be established.

- f) Whether PacifiCorp should be permitted to maintain the 1.0 TRC and PAC or required to further align with the large IOUs' EE portfolios, which require a 1.25 threshold starting in 2023.<sup>4</sup>
- g) Whether PacifiCorp should be required to have a 10% administrative cap on budget expenditures.
- h) Whether PacifiCorp incorporated the CPUC's Environmental Social Justice Action Plan objectives in the design of the two EE programs.

#### **4. Schedule**

In accordance with Section 1701.5(a), the statutory deadline for completion of this proceeding is June 30, 2022. This deadline may be extended by an amended scoping memo or by order of the Commission. (Section 1701.5.)

The submission date for this proceeding shall be 90 days after the Commission receives required information to complete its review, whether requested via ruling or by data request from the Commission's Energy Division. The proposed decision is expected to be filed no later than 90 days after the date of submission. If the proposed decision grants the uncontested requested relief, public review and comment shall be waived pursuant to Rule 14.6(c)(2).

The assigned Commissioner or assigned ALJs may modify this schedule as necessary to promote the efficient management and fair resolution of this proceeding.

If any workshops are scheduled in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the

public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

## **5. Categorization and Need for Hearing**

Resolution ALJ 176-3479, issued on February 11, 2021, preliminarily determined that this proceeding is categorized as ratesetting, as defined by Rule 1.3(e). This determination is subject to appeal as specified in Rule 7.6.

Resolution ALJ 176-3479 also determined that evidentiary hearings are necessary. Although there are no protests to the application, the Commission's review has just begun. Therefore, it is plausible that disputes regarding material facts could arise. For this reason, we will not disturb the preliminary determination that evidentiary hearings will be necessary until such time as we are certain that no such disputes will arise.

We affirm herein the preliminary determination that the proceeding is categorized as ratesetting and requires hearings.

## **6. Ex Parte Communications**

In a ratesetting proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors and the ALJs are only permitted as described at Pub. Util. Code § 1701.1 and 1701.3 and Article 8 of the Rules.

## **7. Intervenor Compensation**

Any party that expects to request intervenor compensation for its participation in this proceeding must file its notice of intent to claim intervenor compensation in accordance with Rule 17.1 and Pub. Util. Code § 1801-1812.

## **8. Assigned Commissioner and Presiding Officer**

Genevieve Shiroma is the assigned Commissioner and Patricia B. Miles is the assigned Administrative Law Judge. Pursuant to Rule 13.2 and Pub. Util. Code § 1701.3, Patricia B. Miles is designated as the Presiding Officers.

## **9. Filing, Service and Service List**

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process office, the service list, and the ALJs. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Parties are reminded, when serving copies of documents, the document format must be consistent with the requirements set forth in Rules 1.5 and 1.6.

Service of documents tendered for filing in this proceeding must be served on the assigned ALJs and assigned Commissioner by electronic copy only and not by paper copy.

Rules 1.9 and 1.10 govern service of documents only and do not change the Rules regarding the tendering of documents for filing. Parties can find information about electronic filing of documents at the Commission's Docket Office at [www.cpuc.ca.gov/PUC/efiling](http://www.cpuc.ca.gov/PUC/efiling). All documents formally filed with the Commission's Docket Office must include the caption approved by the Docket Office and this caption must be accurate.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

## **10. Discovery**

In the event a motion for party status is granted following the issue date of this Scoping Memo, discovery may be conducted by the parties consistent with Article 10 of the Commission's Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJs. Deadlines for responses may be determined by the parties. Motions to compel or limit discovery shall comply with Rule 11.3.

## **11. Public Outreach**

Pursuant to Pub. Util. Code Section 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on communities and business that subscribe to it and posted on the Commission's website.

## **12. Public Advisor**

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 is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **13. Settlement and Alternative Dispute Resolution**

As of issue date of this Scoping Ruling, the application is uncontested. In the event that the Commission grants party status to an interested person who contests the application, the parties may seek to resolve disputed issues by

settlement or Alternative Dispute Resolution (ADR) or other informal means. While the schedule does not include specific dates for settlement conferences, it does not preclude parties from meeting at other times provided notice is given consistent with our Rules.

The Commission offers ADR services consisting of mediation, facilitation, or early neutral evaluation. Use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs serve as neutrals. The parties are encouraged to visit the Commission's ADR webpage at <http://www.cpuc.ca.gov/adr>, for more information. If requested, the assigned ALJs will refer this proceeding, or a portion of it, to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at [adr\\_program@cpuc.ca.gov](mailto:adr_program@cpuc.ca.gov).

**IT IS RULED that:**

1. The scope of issues and schedule set forth above are hereby adopted for this proceeding, with the understanding that additional scheduling may be necessary to address any issues in this proceeding that are not currently scheduled.
2. Application 20-12-018 is categorized as ratesetting.
3. Evidentiary hearings are not scheduled at this time but may be held if needed.
4. Commissioner Genevieve Shiroma is the assigned Commissioner and Administrative Law Judge Patricia B. Miles is the Presiding Officer for this proceeding.



5. With limited exceptions that are subject to reporting requirements, *ex parte* communications are prohibited. (Public Utilities Code Section 1701.3(h); Article 8 of the Commission's Rules of Practice and Procedure.)

Dated April 19, 2021, at San Francisco, California.

/s/ PATRICIA B. MILES

Patricia B. Miles  
Administrative Law Judge

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma  
Assigned Commissioner