

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298FILED  
07/08/21  
08:54 AM

June 22, 2021

Agenda ID #19625  
Ratesetting

TO PARTIES OF RECORD IN INVESTIGATION 00-11-001:

This is the proposed decision of Administrative Law Judge Hallie Yacknin. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 5, 2021 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:sgu

Attachment

Decision **PROPOSED DECISION OF ALJ YACKNIN** (Mailed 6/22/2021)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constraints, and related matters affecting the reliability of electric supply.

Investigation 00-11-001

**DECISION DENYING SAN DIEGO GAS & ELECTRIC COMPANY EXEMPTION FROM REPORTING REQUIREMENTS OF DECISION 06-09-003****Summary**

This decision denies San Diego Gas & Electric Company's petition to modify Decision 06-09-003 to exempt it from the requirement to submit quarterly reports concerning its transmission projects.

This proceeding is closed.

**1. Background**

In September 2000, the Legislature enacted Assembly Bill (AB) 970 which, among other things, required this Commission to undertake certain actions to reduce or remove constraints on the electrical transmission and distribution system to facilitate the development of generating resources. The Commission instituted this proceeding to implement AB 970 and, in Decision (D.) 06-09-003, ordered the utilities to submit quarterly reports concerning "all transmission

projects starting from the time each is first presented as a transmission project in the periodic stakeholder meetings of the California Independent System Operator (CAISO) leading up to the Annual Transmission Expansion Plan for the utility, or successor planning document.”<sup>1</sup>

On August 17, 2020, the Federal Energy Regulatory Commission (FERC) approved Pacific Gas and Electric Company’s (PG&E) partial settlement in its Transmission Owner rate case that includes a Stakeholder Transmission Asset Review (STAR) Process, under which PG&E reports, twice yearly, information on its transmission projects planned for the following five years and costing over one million dollars. In anticipation of FERC’s approval of the partial settlement, on April 1, 2020, PG&E filed a petition to modify D.06-09-003 to exempt PG&E from the AB 970 reporting requirements on the basis that the information reported under the STAR Process is far more extensive than and duplicative of that required under the AB 970 reporting requirements. By D.20-11-027, the Commission modified D.06-09-003 to grant PG&E the exemption.

On September 23, 2020, FERC approved Southern California Edison Company’s (SCE) Transmission Owner formula rate case settlement that similarly includes a Stakeholder Review Process (SRP), under which SCE reports, twice yearly, information on its transmission projects planned in the following five years and costing over one million dollars. On December 22, 2020, SCE filed a petition to modify D.06-09-003 to suspend its AB 970 reporting requirements on the same bases as provided in D.20-11-027. By D.21-03-010, the Commission modified D.06-09-003 to grant SCE the exemption.

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<sup>1</sup> D.06-09-003, Ordering Paragraph 2.

By Letter Order issued on March 23, 2020, FERC approved a settlement of San Diego Gas & Electric Company's (SDG&E) Fifth Transmission Owner formula rate case in FERC Docket No. ER19-221 (TO5 Settlement). Pursuant to Article II of the TO5 Settlement, SDG&E will annually report specified data on all planned transmission projects for the next five years, as well on all transmission capital additions made in the previous five years. By petition filed February 24, 2021, SDG&E seeks modification of D.06-09-003 to exempt it from the AB 970 quarterly reporting requirements while the TO5 Settlement remains in effect.

The Public Advocates Office (Cal Advocates) and Center for Energy Efficiency and Renewable Technologies (CEERT) filed protests to the petition on March 26, 2021, and SDG&E and SCE filed replies on April 5, 2021, upon which the matter was submitted.

## **2. Discussion**

SDG&E's reporting requirements under the TO5 Settlement include reporting on all transmission projects, not just those that are subject to the CAISO transmission planning process and/or Commission siting review as under D.06-09-003. It also includes reporting of specific project cost projections and not just a range as under D.06-09-003.

However, SDG&E's reporting requirements under the TO5 Settlement do not require all of the information that is required by D.06-09-003. As Cal Advocates tallies, pursuant to D.06-09-003, SDG&E currently reports information in 11 different project data fields.<sup>2</sup> In contrast, under the TO5 Settlement, SDG&E will report information in only four different project data

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<sup>2</sup> The data fields are (1) Project Name, (2) Location Name, (3) Description, (4) Voltage, (5) Project ID, (6) Budget Code, (7) Approval Status, including utility approval, ISO approval and date of approval, and Commission approval and date of approval, (8) Project Status with respect to phase of construction, (9) In-Service Date, (10) Range (\$Million), and (11) Purpose and Benefit.

fields.<sup>3</sup> Furthermore, under the TO5 Settlement, SDG&E will report this information only annually rather than quarterly as required by D.06-09-003.

Cal Advocates recommends that the Commission condition SDG&E's exemption from its reporting requirements under D.06-09-003 on SDG&E's agreement to providing its report twice yearly and to include the data fields that are missing from SDG&E's TO5 report. SDG&E does not respond to Cal Advocates' call for twice-annual reporting; however, it commits to include the missing data fields in its future TO5 reports.

We conclude that the incremental reporting under SDG&E's TO5 Settlement does not justify relieving SDG&E of its quarterly reporting requirements under D.06-09-003, even if SDG&E commits to include the missing data fields required by D.06-09-003. The incremental reporting on transmission projects beyond those subject to the CAISO transmission planning process and/or Commission siting review is beyond the scope of AB 970. The incremental reporting on specific project cost projections does not in itself justify reducing SDG&E's reporting requirement from quarterly to annually. Accordingly, we deny SDG&E's petition.

In its protest to the petition, Cal Advocates recommends that the Commission undertake a rulemaking to review the AB 970 reporting requirements to which the electric utilities will revert when their temporary reporting requirements under their FERC tariffs expire, which could be as soon as 2023. That matter is beyond the scope of this proceeding at this juncture. This

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<sup>3</sup> The data fields are (1) Description of the project, (2) Purpose of the project, (3) Justification for the need of the project including but not limited to (a) Standards/requirements/policies encroached upon or expected to be violated, (b) Age, (c) Fire threat, and (d) alternatives considered, and (4) budget estimation and methodology for the next three-year period.

proceeding is reopened only for purposes of addressing the SDG&E petition to modify D.06-09-003. The procedural vehicle for requesting a rulemaking is a petition for rulemaking pursuant to Rule 6.3.

In its protest to the petition, CEERT alleges that, contrary to PG&E's representations in the April 1, 2020 petition to modify D.06-09-003 that its reporting under its STAR process will provide all of the information required by D.06-09-003 and more (and the Commission's findings and conclusions in D.20-11-027 relying on those representations), PG&E's reporting under its STAR process omits critical public information on transmission construction status that has been required under D.06-09-003 and does not report information in a transparent, easy to read format as required under D.06-09-003. CEERT therefore recommends that the Commission revisit D.20-11-027 and, in anticipation of similar circumstances arising with respect to SCE's reporting under its SRP, D.21-03-010, to remove the exemptions that were granted by those decisions.

That matter is beyond the scope of this proceeding at this juncture. This proceeding is reopened only for purposes of addressing the SDG&E petition to modify D.06-09-003. The procedural vehicle to seek modification of other decisions granting PG&E and SCE exemptions from D.06-09-003 is by a petition to modify those decisions pursuant to Rule 16.4.

### **3. Comments on Proposed Decision**

The proposed decision of Administrative Law Judge (ALJ) Hallie Yacknin in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_.

**4. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

**Findings of Fact**

1. SDG&E's reporting requirements under the TO5 Settlement include reporting on all transmission projects, not just those that are subject to the CAISO transmission planning process and/or Commission siting review as under D.06-09-003 and includes reporting of specific project cost projections, not just a range as under D.06-09-003.
2. SDG&E is required to report information in only four different project data fields under the TO5 Settlement as compared to its requirement to report information in 11 data fields under D.06-09-003.
3. SDG&E will report the required information only annually under the TO5 Settlement rather than quarterly as required by D.06-09-003.
4. SDG&E commits to include in its future TO5 reports the data fields that are required by D.06-09-003 but not by the TO5 Settlement.
5. The incremental reporting on transmission projects beyond those subject to the CAISO transmission planning process and/or Commission siting review is beyond the scope of AB 970.

**Conclusions of Law**

1. The incremental reporting on specific project cost projections does not in itself justify reducing SDG&E's reporting requirement from quarterly to annually.
2. The petition should be denied.
3. This proceeding should be closed.

**O R D E R**

**IT IS ORDERED** that:

1. San Diego Gas & Electric Company's petition to modify Decision 06-09-003 to exempt it from the requirement to submit quarterly reports concerning its transmission projects is denied.

2. Investigation 00-11-001 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.