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**FILED**

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

Application of San Diego Gas & Electric Company (U902M) to Update Rate Design to Include a Residential Untiered Time-of-Use Rate with a Fixed Charge.

Application 21-09-001

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This Scoping Memo and Ruling (Scoping Memo) sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities (Pub. Util.) Code Section 1701.1 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

**1. Procedural Background**

Application (A.) 21-09-001 was filed by San Diego Gas & Electric Company (SDG&E) on September 1, 2021, seeking approval of its proposed Residential Untiered Time-of-Use (TOU) Rate with a Fixed Charge (referred to as TOU-ELEC) and approval of its Marketing, Education, and Outreach Strategy for the TOU-ELEC rate.

A.21-09-001 was filed in response to the directives of the Commission. In Decision (D.) 20-03-003 at Ordering Paragraph (OP) 10, the Commission directed SDG&E to propose an opt-in, un-tiered residential time-of-use rate with a fixed

charge. In D.21-07-010, the Commission directed SDG&E to submit this Application no later than September 1, 2021.<sup>1</sup>

On October 1, 2021, protests to the application were received from California Solar & Storage Association, Center for Accessible Technology, and Utility Consumers' Action Network. On October 4, 2021, protests to the application were received from Public Advocates Office, Solar Energy Industries Association, and The Utility Reform Network; a joint response was filed by San Diego Community Power and Clean Energy Alliance. In addition, Sierra Club filed a motion for party status, which was denied without prejudice on October 22, 2021. Sierra Club's amended motion for party status was granted on October 25, 2021.

Notice of the application appeared on the Commission's Daily Calendar on September 3, 2021. Resolution ALJ 176-3492 was adopted on September 9, 2021, and preliminarily categorized this proceeding as ratesetting.

A telephonic prehearing conference (PHC) was held on October 28, 2021 to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

After considering the application, protests, reply, discussion at the PHC, and comments on the proposed scope and schedule, I have determined the issues and initial schedule of the proceeding to be set forth in this Scoping Memo.

## **2. Issues**

The issues to be considered are:

- 1) Whether SDG&E's rate design proposal for TOU-ELEC is reasonable and consistent with the Commission's Rate

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<sup>1</sup> D.21-07-010 at 32.

- Design Principles and complies with the directives of D.20-03-003 and D.21-07-010;
- 2) Whether SDG&E's rate design proposal for TOU-ELEC poses risks of revenue shortfalls and imposes costs on non-participating ratepayers;
  - 3) Whether SDG&E's rate design proposal for TOU-ELEC supports the Commission's goals for residential electrification and reduces greenhouse gas emissions;
  - 4) Whether the proposed TOU-ELEC rate aligns with the nine goals in the Commission's Economic and Social Justice Action Plan;
  - 5) Whether SDG&E rate design for TOU-ELEC should include a discount for medical baseline customers;
  - 6) Whether SDG&E's Marketing, Education, and Outreach proposal to encourage potentially eligible customers to take advantage of TOU-ELEC is reasonable; and
  - 7) What, if any, reporting or analysis requirements the Commission should adopt regarding the implementation of SDG&E's rate design proposal, *e.g.*, customer participation and cost shifting.

### **3. Need for Evidentiary Hearing**

A potential hearing date has been placed on the schedule for this proceeding in the event evidentiary hearings are necessary.

### **4. Schedule**

The following schedule is adopted here and may be modified by the assigned Commissioner or Administrative Law Judge (ALJ) as required to promote the efficient and fair resolution of the application:

Event	Date
Intervenors' prepared direct testimony served	January 14, 2022
Prepared rebuttal testimony served	February 11, 2022
List of Stipulated and Disputed Facts and Report of Meet and Confer	February 25, 2022
Evidentiary hearing (if necessary)	March 2022
Opening briefs	April 6, 2022
Reply briefs	April 27, 2022
Proposed decision	July 2022
Commission decision	[no sooner than 30 days after proposed decision]

According to Rule 13.9, parties must meet and confer no later than 10 calendar days after the submission of rebuttal testimony. At the meet and confer, parties should consider, in addition to the guidelines set in Rule 13.9, whether parties stipulate to the receipt of prepared testimony into evidence without direct or cross examination or other need to convene an evidentiary hearing, pursuant to Rule 13.8(c), or in the alternative, the parties' resources, readiness and needs for the effective remote conduct of the evidentiary hearing. Parties shall jointly file a Report of the Meet and Confer, as well as a List of Stipulated and Disputed Facts, according to the schedule set above. In the Report of the Meet and Confer, parties shall indicate whether evidentiary hearing is still needed at the time. If evidentiary hearing is still needed, the List of Stipulated and Disputed Facts shall include a list of anticipated exhibits, a list of witnesses requested for cross examination, and estimates of time requested for cross-examination of each witness.

The proceeding will stand submitted upon the filing of reply briefs, unless the assigned Commissioner or ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 18 months as required by Pub. Util. Code Section 1701.5.

## **5. Alternative Dispute Resolution (ADR) Program and Settlements**

The Commission's ADR program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer this proceeding to the Commission's ADR Coordinator. Additional ADR information is available on the Commission's website.<sup>2</sup>

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

## **6. Category of Proceeding and *Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination in Resolution ALJ 176-3492 that this is a ratesetting proceeding. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Rules.

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<sup>2</sup> See D.07-05-062, Appendix A, § IV.O.

## **7. 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.

## **8. Intervenor Compensation**

Pursuant to Pub. Util. Code Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by November 29, 2021, 30 days after the PHC.

## **9. Response to Public Comments**

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

## **10. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or 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 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **11. 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 ALJ. Persons may become a party pursuant to Rule 1.4<sup>3</sup>.

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 protocol 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.

In view of the COVID-19 pandemic, Rule 1.10 (e) requirement to serve paper copies of all e-filed documents to the ALJs is suspended for the duration of this proceeding. Therefore, when serving documents on the ALJ, whether or not, they are on the official service list, parties must only provide electronic service.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

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).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each

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<sup>3</sup> The form to request additions and changes to the Service list may be found at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

## **12. Receiving Electronic Service from the Commission**

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your e-mail safe sender list and update your e-mail screening practices, settings and filters to ensure receipt of e-mails from the Commission.

## **13. Assignment of Proceeding**

Commissioner Genevieve Shiroma is the assigned Commissioner and Nilgun Atamturk is the assigned ALJ and presiding officer for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearing may be needed.
4. The presiding officer is Administrative Law Judge Nilgun Atamturk.
5. The category of the proceeding is ratesetting.

This order is effective today.

Dated November 5, 2021, at San Francisco, California.

/s/ GENEVIEVE SHIROMA  
Genevieve Shiroma  
Assigned Commissioner