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A2108017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Protect Our Communities Foundation for Award of Intervenor Compensation for Substantial Contribution to Resolution ESRB-9.

Application 21-08-017

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This Scoping Memo and Ruling 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 Commission's Rules of Practice and Procedure (Rules).

1. Procedural Background

The California Public Utilities Commission's (Commission) General Order (GO) 167 sets forth standards for the maintenance and operation of electric generating facilities. Under the previous language of GO 167, Commission staff could issue citations only for certain specified violations of GO 167. Resolution ESRB-9 modified the scope of violations for which the Commission staff may issue citations to include any violation of GO 167 and modified the GO 167 citation process to align with the Commission's other existing electric citation processes more closely.

On August 14 and 15, 2020 as the result of an extreme heat storm, the California Independent System Operator (CAISO) implemented rolling outages in response to inadequate electric generation to meet the demand on the system.

Hundreds of thousands of Californians lost power as a result. Looking at just Commission-jurisdictional customers, 491,600 were affected by rolling outages on August 14, 2020, and 321,000 were affected by rolling outages on August 15, 2020. In response to these rolling outages, the Commission's Safety and Enforcement Division (SED) conducted in-person inspections at a select number of electric generating facilities that experienced outages during the August 2020 heatwave and shared its findings with the Commission. At the Commission's public meeting on January 14, 2021, the Commissioners generally expressed support for the concept of expanding Commission staff's authority to issue citations for violations of GO 167, including violations of maintenance and operation standards. Resolution ESRB-9 implements that policy directive.

A preliminary draft Resolution, with proposed changes to GO 167 was served via e-mail on April 8, 2021, to all generating asset owners and to the service lists in the following Commission proceedings: Emergency Reliability (Rulemaking (R.) 20-11-003), Resource Adequacy (R.19-11-009), Integrated Resource Planning (R.16-02-007) and the prior GO 167 proceeding (R.02-11-039). Comments on the draft were due on April 27, 2021, and reply comments were due on May 4, 2021.

Sections 1801-1812 define the requirements for compensation provided to intervenors that significantly contribute to decisions or other formal actions that are ratified by the full Commission. On August 24, 2021, Protect Our Community Foundation (PCF or Applicant) filed Application (A.) 21-08-017 seeking compensation for its contribution to the final Resolution ESRB-9.

A prehearing conference (PHC) was held on January 18, 2022, 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

A.21-08-017, the supporting documents filed by PCF, the draft and final versions of Resolution ESRB-9 and discussion at the prehearing conference, 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 determined or otherwise considered are:

1. Does Application (A.) 21-08-017 from Protect Our Communities Foundation satisfy all the requirements of Public Utilities Code Sections 1801 through 1812?
2. Assuming that the above sections of the Public Utilities Code are satisfied, did Protect Our Communities Foundation make a significant contribution to Resolution ESRB-9 as adopted by the Commission?
3. Are Protect Our Communities Foundation's claimed costs and expenses reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services?

3. Need for Evidentiary Hearing

There are no issues of material disputed fact. Accordingly, evidence is not needed.

4. Schedule

The decision will be issued 90 days from the submission of the proceeding. As the Administrative Law Judge (ALJ) is not awaiting responsive documents or filings from the Applicant, the proceeding will stand submitted upon the issuance of the Scoping Memo and Ruling and determination that no further information or evidence is needed to adequately inform and evaluate the issues in this proceeding and the ALJ issues a ruling closing the record. Based on this, the proceeding will be resolved within 18 months as required by Pub. Util. Code § 1701.5(a).

5. Category of Proceeding and Ex Parte Restrictions

This ruling confirms the Commission's preliminary determination¹ that this is a ratesetting proceeding. Accordingly, ex parte communications are restricted and must be reported pursuant to Article 8 of the Rules.

6. Public Outreach

Pursuant to Public Utilities 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.

7. Intervenor Compensation

This proceeding is solely focused on intervenor compensation requested by the applicant. PCF is the only party and is representing its own interests, rather than a utility customer as defined in Public Utilities Code Section 1802. Since this proceeding is solely focused on intervenor compensation requested by the applicant, I will not be entertaining any requests for intervenor compensation associated with PCF's participation in this proceeding.

8. 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.

¹ Resolution ALJ 176-3493

9. 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.

10. Filing, Service, and Service List

The official service list has been created and is on the Commission's website and on the docket card of this proceeding. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process office at process_office@cpuc.ca.gov, the service list, and the assigned ALJ. 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 and docket card.

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. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents and only electronic service on any person on the official service list, other than the ALJ.

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 to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

11. Service of Documents on Commissioners and Their Personal Advisors

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.

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 email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

13. Assignment of Proceeding

Commissioner Alice Reynolds is the assigned Commissioner and Margery L. Melvin is the assigned ALJ 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 is not needed.

4. The category of the proceeding is ratesetting.

This order is effective today.

Dated May 13, 2022, at San Francisco, California.

/s/ ALICE REYNOLDS

Alice Reynolds
Assigned Commissioner