

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



FILED

06/14/22
04:59 PM
A2205002

Application of Pacific Gas and Electric Company
(U39E) for Approval of its Demand Response
Programs, Pilots and Budgets for Program Years
2023-2027.

Application 22-05-002
(Filed May 2, 2022)

And Related Matters.

Application 22-05-003
Application 22-05-004

JOINT PREHEARING CONFERENCE STATEMENT

Roger A. Cerda
8330 Century Park Court, CP32D
San Diego, CA 92123-1530
Telephone: (858) 654-1781
Facsimile: (619) 699-5027
Email: rcerda@sdge.com

Attorney for:
SAN DIEGO GAS & ELECTRIC COMPANY

June 14, 2022

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

Application of Pacific Gas and Electric Company (U39E) for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023-2027.

Application 22-05-002
(Filed May 2, 2022)

And Related Matters.

Application 22-05-003
Application 22-05-004

JOINT PREHEARING CONFERENCE STATEMENT

Pursuant to the *Administrative Law Judges’ Ruling Consolidating Proceedings and Setting a Prehearing Conference* dated May 25, 2022 (“ALJ Ruling”), San Diego Gas & Electric Company (“SDG&E”), Pacific Gas and Electric Company (“PG&E”), Southern California Edison Company (“SCE”), the Public Advocates Office (“Cal Advocates”), CPower and Enel X North America, Inc. (“Joint DR Parties”), Polaris Energy Services, Center for Energy Efficiency and Renewable Technologies (“CEERT”), California Efficiency + Demand Management Council (the “Council”), Google LLC (“Google Nest”), the California Large Energy Consumers Association (“CLECA”), Leapfrog Power, Inc. (“Leap”), California Energy Storage Alliance (“CESA”), Marin Clean Energy, and Vehicle Grid Integration Council (“VGIC”) (collectively referred to as the “Parties”) hereby jointly submit this prehearing conference (“PHC”) statement summarizing the Parties’ meet-and-confer efforts in advance of the PHC scheduled for June 16, 2022 at 10:00 a.m.¹

I. THE JUNE 8TH MEET AND CONFER

Per the ALJ Ruling, the Parties were directed to meet-and-confer before the PHC to resolve, to the extent possible, conflicts in proposed schedules, the scope of issues, and other matters parties

¹ Pursuant to Rule 1.8(d), Counsel for SDG&E certifies that he has been fully authorized by PG&E, SCE, Cal Advocates, the Joint DR Parties, Polaris Energy Services, the Council, Google Nest, CLECA, Leap, CESA, Marin Clean Energy and VGIC to submit this joint statement on their behalf.

wish to address at the PHC. Specifically, the ALJ Ruling stated that the Parties should meet and confer regarding:

- Procedural schedule for Phase 1 and Phase 2;
- Scope of issues to be considered in Phase 1 and Phase 2 identified separately for each phase; We want to hear from the parties if there are any overlapping issues between Phase 1 and Phase 2 and how to scope these issues, taking into consideration the request for an expedited procedural schedule for Phase 1;
- Identification of the material disputed facts and legal issues that the Commission needs to decide in this case;
- Need for evidentiary hearings;
- Discovery issues; and
- List and description of any other matters parties wish to discuss at the PHC.²

On June 8, 2022, representatives for each of the Parties participated in a telephonic meet and confer hosted by SDG&E.³ The Parties engaged in a good faith discussion as to how best to proceed with the scope and schedule of this consolidated proceeding and report as follows:

II. PROCEDURAL SCHEDULE

The Parties have agreed to bifurcate this proceeding into two phases and propose the following procedural schedules for each phase.

A. Phase 1 – 2023 Bridge Funding

The Parties have reached agreement on the following proposed expedited schedule for Phase 1 of this proceeding:

² ALJ Ruling, pp. 4-5.

³ A representative for Marin Clean Energy was unable to attend the call. However, Marin Clean Energy has participated in the follow up meet and confer efforts to develop this Joint Statement.

ACTION	DATE
Application filed	May 2, 2022
Protest to Application	June 6, 2022
Reply to Protests	June 13, 2022
Prehearing / Status Conference	June 16, 2022
Scoping Memo	TBD
Intervenor Testimony	July 15, 2022
Rebuttal Testimony	August 3, 2022
Meet and Confer deadline (Rule 13.9) Parties inform the ALJ whether hearings are necessary and identify the specific disputed issues of material fact, witness lists and cross-examination estimates.	August 10, 2022
Evidentiary Hearing and Discovery Cutoff	TBD (If hearing deemed necessary)
Concurrent Opening Briefs	August 26, 2022
Concurrent Reply Briefs	September 7, 2022
Proposed Decision	October 7, 2022
Opening Comments	October 27, 2022
Reply Comments	November 1, 2022
Final Decision	November 17, 2022

B. Phase 2 – 2024-2027 DR Programs

The Parties have made a good faith effort to propose a schedule for Phase 2 of this proceeding, recognizing that many of these action items will not take place until next year after the conclusion of Phase 1. Accordingly, the Parties reserve their rights to seek a reasonable modification of the Phase 2 schedule as may become necessary.

ACTION	DATE
Status Conference Following Completion of Phase 1	November 30, 2022
Amended Scoping Memo (identifying issues that remain in scope for Phase 2). Discovery begins for Phase 2 at the time of issuance of the Amended Scoping Memo.	December 2022
Workshop Period	January 16 – March 25, 2023
Intervenor Testimony	February 10, 2023
Rebuttal Testimony	March 31, 2023
Meet and Confer deadline (Rule 13.9) Parties inform the ALJ whether hearings are necessary and identify the specific disputed issues of material fact, witness lists and cross-examination estimates.	April 14, 2023
Discovery Cutoff	April 21, 2023
Evidentiary hearings (if necessary)	TBD
Concurrent Opening Briefs	May 26, 2023
Concurrent Reply Briefs	June 23, 2023
Proposed Decision	August 28, 2023
Opening Comments on Proposed Decision	September 18, 2023
Reply Comments on Proposed Decision	September 25, 2023
Final Decision	October 2023

III. SCOPE OF ISSUES TO CONSIDERED

A. Phase 1 – 2023 Bridge Funding

The Parties have agreed that the following issues should be considered in Phase 1 of this proceeding:

1. Whether each IOU’s proposed DR programs, budgets, and revenue requirements for the 2023 program year are reasonable.
2. Whether the specific proposals identified in each respective IOUs’ applications for the 2023 program year are reasonable.

3. Whether PG&E's proposed program changes and Rule 24 program IT system enhancements in the 2023 program year are reasonable.

The IOUs made a deliberate effort in their applications to minimize the issues presented in Phase 1 to avoid overlapping issues between the two phases and to allow for an expedited and streamlined review and approval of the IOUs request for 2023 bridge funding. With the possible exception of some of PG&E's proposed enhancements to the Capacity Bidding Program (CBP),⁴ the Parties do not see any significant overlap between the two phases. As to PG&E's modifications to the CBP, Polaris Energy Services requests that any changes made to CBP in Phase 1 consider impacts on the agricultural programs that might not otherwise be addressed by new or modified programs in the 2024-2027 proceeding.

B. Phase 2 – 2024-2027 DR Programs

The Parties met-and-conferred in good faith to identify and reach agreement on the specific issues to be addressed in Phase 2. However, given the number of Parties, the various scoping issues being proposed, and the early juncture of this proceeding, the Parties felt that it was premature to reach a final agreement on which issues should ultimately be scoped into Phase 2. Each Party has submitted pleadings (*i.e.*, Applications, Protests, Responses, and/or Replies) that set forth their respective positions on issues to be included (and excluded) from Phase 2. Given the quick turnaround between the filing of protests, replies and the submission of this PHC statement, the

⁴ PG&E proposed enhancements to the CBP program in 2023 are intended to optimize the utilization of economically bid DR capacity and deliver firm and targeted load curtailment during times of greatest grid need, while enhancing Aggregator and customer experience to ensure increased participation. A number of PG&E's proposals were put forward under the assumption that the Commission would order the IOUs to represent their DR portfolios in RA supply plans beginning in the 2023 RA compliance year. However, subsequent to the filing of PG&E's DR Application, the Commission signaled that it will not require DR to be included on RA supply plans before RA compliance year 2025. (*Proposed Decision Adopting Local Capacity Obligations For 2023 - 2025, Flexible Capacity Obligations For 2023, And Reform Track Framework*, R. 21-10-002, pp. 40-41. Should the Commission's final decision in this proceeding reaffirm this intent, PG&E proposes that the relevant CBP enhancement proposals be considered in Phase 2 of the 2023-2027 DR Application proceeding.

Parties believe it is in the interest of due process to allow more time for them to confer regarding the scoping issues that will be addressed in Phase 2.

As noted in Section II above, the Parties have included two milestones – *i.e.*, a Status Conference following the completion of Phase 1 and an Amended Scoping Memo (identifying issues that remain in scope for Phase 2) – in which scoping issues for Phase 2 can be addressed. The Parties recommend that the Commission address the Phase 2 scoping issues at this subsequent Status Conference following the completion of Phase 1. This would allow the Parties more time to continue their discussions on scoping for Phase 2 and allow for a more meaningful consideration of the various issues and positions raised.

IV. IDENTIFICATION OF MATERIAL DISPUTED FACTS AND LEGAL ISSUES

A. Phase 1 – 2023 Bridge Funding

The Parties view Phase 1 of this proceeding as a relatively straightforward process intended to authorize DR programming for 2023, where the Commission already has addressed many of the factual and legal questions underlying 2023 DR programming in D.21-12-015 as part of R.20-11-003. At this early juncture, the Parties have not identified any specific material disputed facts or issues of law that will require an evidentiary hearing in Phase 1. However, the Parties expect to engage in discovery and submit intervenor and rebuttal testimony that may identify such issues. Accordingly, the Parties have included in their proposed schedule for Phase 1 a Rule 13.9 deadline by which the Parties will identify any disputed issues of fact and law that exist and inform the ALJ as to whether evidentiary hearings are necessary.

B. Phase 2 – 2024-2027 DR Programs

At this early juncture, the Parties have not completed their review of the various proposals for Phase 2 to provide a comprehensive list of specific material disputed facts or issues of law that will need to be addressed by the Commission in Phase 2. However, once Phase 1 has been

completed, the Parties expect to engage in discovery and submit intervenor and rebuttal testimony that may identify and/or resolve such issues for Phase 2. Accordingly, the Parties have included in their proposed schedule for Phase 1 a Rule 13.9 deadline by which the Parties will identify any disputed issues of fact and law that exist and inform the ALJ as to whether evidentiary hearings are necessary.

V. NEED FOR EVIDENTIARY HEARINGS

A. Phase 1 – 2023 Bridge Funding

Given the limited scope of Phase 1, the Parties have not identified any specific material disputed facts that warrant evidentiary hearings in Phase 1. However, the Parties expect to engage in discovery and submit intervenor and rebuttal testimony that may identify such issues.

Accordingly, the Parties have included in their proposed schedule for Phase 1 a Rule 13.9 deadline by which the Parties will identify any disputed issues of fact that exist and inform the ALJ as to whether evidentiary hearings are necessary.

B. Phase 2 – 2024-2027 DR Programs

At this early juncture, the Parties have not completed their review of the various proposals for Phase 2 to provide a comprehensive list of specific material disputed facts that warrant evidentiary hearings in Phase 2. However, once Phase 1 has been completed, the Parties expect to engage in discovery and submit intervenor and rebuttal testimony that may identify such issues.

Accordingly, the Parties have included in their proposed schedule for Phase 2 a Rule 13.9 deadline by which the Parties will identify any disputed issues of fact that exist and inform the ALJ as to whether evidentiary hearings are necessary.

VI. DISCOVERY ISSUES

With the exception of Cal Advocates who retains its right under Pub. Util. Code Section 309.5(e) to seek any information it deems necessary to perform its duties, the remaining Parties have

agreed to bifurcate discovery between the two phases such that Phase 1 discovery will be limited to only those issues in scope for Phase 1. Upon the completion of Phase 1, and issuance of an amended scoping memo formally identifying issues in scope for Phase 2, the Parties will commence discovery into Phase 2 issues.

VII. MISCELLANEOUS ISSUES TO BE ADDRESSED AT PHC

None at this time.

VIII. CONCLUSION

The Parties look forward to working with one another and Commission staff in resolving this proceeding in an efficient manner. The Parties are glad to address any additional questions at the upcoming Prehearing Conference.

Respectfully submitted,

/s/ Roger A. Cerda

Roger A. Cerda
8330 Century Park Court, CP32D
San Diego, CA 92123-1530
Telephone: (858) 654-1781
Facsimile: (619) 699-5027
Email: rcerda@sdge.com
Attorney for:
SAN DIEGO GAS & ELECTRIC COMPANY

June 14, 2022