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**FILED**

08/16/22

09:11 AM

R1705010

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

Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters.

Rulemaking 17-05-010

**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 Commission’s Rules of Practice and Procedure (Rules).

**1. Procedural Background**

On May 11, 2017, the Commission opened this rulemaking to consider revisions to the undergrounding programs operating pursuant to Electric Rule 20 of California’s investor-owned electric utilities.

The assigned Administrative Law Judge (ALJ) held a prehearing conference (PHC) on September 11, 2017 to discuss the issues in scope and the schedule for resolving the rulemaking. On November 9, 2018, the assigned Commissioner issued a scoping memo and ruling for the first phase of the proceeding, noting that an additional phase of the proceeding may be required.

In Decision (D.) 21-06-013, the Commission revised Electric Rule 20 as follows: (a) discontinued new work credit allocations for Electric Rule 20A projects, (b) clarified Electric Rule 20A project eligibility criteria and work credit transfer rules, and (c) enhanced program oversight. This decision concluded

Phase 1 of the proceeding and extended the statutory deadline to consider additional changes to the Electric Rule 20 program in Phase 2 of the proceeding.

On May 20, 2022, the Commission approved D.22-05-019, which extended the statutory deadline of this proceeding to June 3, 2023.

After considering the direction provided in D.21-06-013 for Phase 2 of this proceeding, I have determined the issues and initial schedule of Phase 2 to be set forth in this scoping memo.

## **2. Issues**

In accordance with D.21-06-013, Phase 2 of this proceeding will consider the following issues:

1. Whether to take additional steps to support the completion of active Rule 20A projects in underserved communities and/or disadvantaged communities;
2. Whether to modify or discontinue the Rule 20D program;
3. Whether to add Rule 20A project eligibility criteria for wildfire safety and emergency-related undergrounding or otherwise modify Rule 20A project eligibility criteria;
4. Whether to modify the Rule 20 program to support future projects in underserved, tribal, and/or disadvantaged communities or otherwise advance the goals of the Commission's Environmental and Social Justice Action Plan;<sup>1</sup> and
5. Whether the Commission or utilities should enhance engagement with local governments to inform utility investments in undergrounding for safety, resilience, or emergency-related purposes.

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<sup>1</sup> The Commission's Environmental and Social Justice Action Plan is available at <https://www.cpuc.ca.gov/news-and-updates/newsroom/environmental-and-social-justice-action-plan>.

### 3. Questions for Party Comments

Parties are encouraged to respond to the following questions relating to above identified Issues 1 and 2 in comments in response to this scoping memo:

1. Please review Attachment A. Should the Commission direct any of the investor-owned utilities to reallocate unused Rule 20A work credits of inactive communities to active projects with insufficient work credits in underserved and/or disadvantaged communities? If so, how should underserved communities and/or disadvantaged communities be defined and prioritized?
2. Are there any barriers to the conversion of Rule 20A projects with insufficient work credits to Rule 20B or Rule 20C projects? Should there be other mechanisms to enable local jurisdictions and individuals to contribute to the costs of Rule 20A projects with insufficient work credits?
3. What barriers have prevented the completion of projects through the Rule 20D program? Should the Rule 20D program be modified or discontinued?

### 4. Need for Evidentiary Hearing

Phase 2 of this proceeding will address policy issues. We do not expect any material issues of disputed fact to arise. Accordingly, no evidentiary hearing is needed.

### 5. Schedule

The following schedule is adopted here and may be modified by the assigned ALJ as required to promote the efficient and fair resolution of the rulemaking.

Event	Date
Comments in response to this scoping memo	Within 30 days of this scoping memo

Reply comments	Within 40 days of this scoping memo
Workshop	Quarter 4 of 2022
Ruling on Issues 3, 4, and 5	Quarter 4 of 2022
Proposed decision	No later than 90 days after submission of the record
Final decision	No sooner than 30 days after proposed decision

The proceeding will stand submitted upon the filing of reply comments to the ruling requesting comments on Issues 3, 4, and 5 unless the ALJ requires further evidence or argument. Based on this schedule, this proceeding will be resolved by the statutory deadline.

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

The Commission preliminarily determined in the Order Instituting Rulemaking (OIR) for this proceeding that this is a quasi-legislative proceeding. This ruling confirms that this proceeding is quasi-legislative. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Rules.

However, parties should not communicate with the assigned ALJ about non-procedural issues outside of a public forum that has been noticed to the service list of this proceeding. Parties with procedural questions may e-mail the ALJ.

#### **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 serving the OIR on the following proceedings: Rulemaking (R.) 17-03-009,

Investigation (I.) 15-11-007, and Application (A.) 16-09-001, A.15-09-001, A.17-04-010 and A.14-11-003 et al. In addition, the OIR was served on the investor-owned energy utilities, and the Facilities-Based Competitive Local Exchange Carriers as respondents. The Commission's News and Outreach Office also sought the participation of those likely to be affected by this matter by conducting targeted outreach to local government officials in most impacted areas.

### **8. Intervenor Compensation**

Pursuant to Pub. Util. Code Section 1804(a)(1), a customer who intends to seek an award of compensation must have filed and served a notice of intent to claim compensation within 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 1-866-849-8390 or 1-866-836-7825 (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>2</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.

Rule 1.10 requires only electronic service on any person on the official service list, other than the assigned ALJ. Parties are instructed to *not* send hard copies of documents to the assigned ALJ, the Commissioners, or the Commissioners' 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 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.

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<sup>2</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>



# **ATTACHMENT A**



Attachment A

Summary of Rule 20A Work Credit Short Shortfall and Inactive  
Community Work Credits (1)

Utility	Total Active Project Work Credit Shortfall (2)	Total Inactive Community Work Credits (3)
Pacific Gas and Electric Company (PG&E)	\$397,700,987	\$77,417,347
Southern California Edison Company (SCE)	\$5,539,689	\$63,860,438
San Diego Gas & Electric Company (SDG&E)	\$92,792,582.79	\$7,437,903.40

- (1) This data is current as of the following dates for each utility: PG&E (4/12/2022), SCE (4/20/2022), and SDG&E (4/21/2022).
- (2) Source: Response to Energy Division data request to PG&E, SCE, and SDG&E on work credit shortfall for active projects. This data reflects all Rule 20A projects with a signed resolution that is either “active” or on “hold” status due to the community not possessing sufficient work credits to fund the entire project. The forecasted remaining work credits at completion are based on project estimates which may be subject to change.
- (3) Source: 2022 Active and Inactive Community Work Credit Balance Lists, submitted by PG&E, SCE, and SDG&E in accordance with D.21-06-013 Ordering Paragraph 3(b) and 3(c).

**(END OF ATTACHMENT A)**