

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



FILED

10/28/22

10:17 AM

A2205015

Application of Southern California Gas Company (U904G) for Authority, Among Other Things, to Update its Gas Revenue Requirement and Base Rates Effective on January 1, 2024.

Application 22-05-015
(Filed May 16, 2022)

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Update its Electric and Gas Revenue Requirement and Base Rates Effective on January 1, 2024.

Application 22-05-016
(Filed May 16, 2022)

**RESPONSE OF THE UTILITY REFORM NETWORK TO THE JOINT MOTION OF
SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) AND SAN DIEGO GAS &
ELECTRIC COMPANY (U 902 M) TO SHORTEN TIME FOR RESPONSES**



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October 28, 2022

**RESPONSE OF THE UTILITY REFORM NETWORK TO THE JOINT MOTION OF
SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) AND SAN DIEGO GAS &
ELECTRIC COMPANY (U 902 M) TO SHORTEN TIME FOR RESPONSES**

I. Introduction

On October 27, 2022, San Diego Gas & Electric Company (“SDG&E”) and Southern California Gas Company (“SoCalGas”) (together, “Sempra Utilities”) filed a Joint Motion to Amend the Assigned Commissioner’s Scoping Memorandum and Ruling and a Joint Motion to Shorten Time for Responses. Pursuant to Rule 11.1(e) of the Commission’s Rules of Practice and Procedure, The Utility Reform Network (“TURN”) provides this response to both motions generally but also specifically to Sempra Utilities’ Joint Motion to Shorten Time for Responses.

II. Sempra Utilities’ Frivolous Motion to Amend the Assigned Commissioner’s Scoping Memorandum and Ruling Should Be Summarily Denied Because It Repeats the Same Arguments Already Rejected by the Assigned Commissioner’s Scoping Memo, and It Could Set a Dangerous and Harmful Precedent

Sempra Utilities’ Joint Motion to Amend the Assigned Commissioner’s Scoping Memorandum and Ruling seeks to revise the schedule in order to benefit Sempra Utilities and disadvantage opposing parties – 43 fewer days for intervenors to draft testimony, 11 more days for Sempra Utilities to draft rebuttal, 3 fewer days for intervenors to prepare for evidentiary hearings, and 8 total days between Update Testimony and evidentiary hearings on Update Testimony.¹

As an initial matter, Sempra Utilities’ Joint Motion to Amend the Assigned Commissioner’s Scoping Memorandum and Ruling should be summarily denied because it repeats arguments previously made by Sempra Utilities in their reply to protests and at the

¹ Sempra Utilities Joint Motion to Amend the Assigned Commissioner’s Scoping Memorandum and Ruling, Appendix A.

Prehearing Conference.² The Commission has already considered those arguments prior to issuing the Assigned Commissioner's Scoping Memorandum and Ruling. Asking parties to address the same arguments again would be a waste of resources for the Commission and for the parties. Furthermore, it would also render meaningless the parties' protests and the efforts put into preparing for and holding the Prehearing Conference, which involved numerous parties.

Second, Sempra Utilities' request is unprecedented, and if not summarily denied by the Commission, risks setting a dangerous and harmful precedent. To TURN's knowledge, the Commission has *never* granted a motion to shorten the time of opposing parties to serve testimony after a Scoping Memo has been issued. Neither were Sempra Utilities able to cite to a single instance. The CPUC Rules of Practice requires parties to make a good-faith effort to ask other parties to agree to an extension of time, presumably in order to promote collaboration among parties and efficiency.³ The CPUC Rules of Practice does not even contemplate the possibility of seeking a shortening of time for opposing parties, presumably because opposing parties would all oppose. Sempra Utilities attempted to gloss over the fact that all parties except one opposed their proposal by not mentioning the names of the opposing parties.⁴ The list is lengthy — Public Advocates Office at the California Public Utilities Commission, TURN, Climate First: Replacing Oil & Gas, Small Business Utility Advocates, San Diego Community Power, Clean Energy Alliance, City of Long Beach, Community Legal Services, National Diversity Coalition, Southern California Generation Coalition, Mussey Grade Road Alliance,

² Reply of Southern California Gas Company and San Diego Gas & Electric Company to Protests and Responses, pp. 9-10.

³ CPUC Rules of Practice, Rule 11.6.

⁴ Sempra Utilities Joint Motion to Amend the Assigned Commissioner's Scoping Memorandum and Ruling, p. 15.

Protect Our Communities Foundation, California Environmental Justice Alliance, Environmental Defense Fund, Indicated Shippers, Clean Energy, Utility Consumers' Action Network, Patagonia, and possibly others.⁵ Thus, the Commission should summarily deny Sempra Utilities' motion to deter future frivolous motions by parties to gain advantage by shortening opposing parties' time to submit testimony or pleadings, which would result in wasted Commission and public resources.

Lastly, even though Sempra Utilities claim that its modified schedule follows the Rate Case Plan ("RCP"), Sempra Utilities omit and misrepresent details of the RCP as well as PG&E's 2023 GRC when those details do not support Sempra Utilities' proposed schedule. For example, even though the actual number of days between the Scoping Memo and intervenor testimony in PG&E's 2023 GRC is 255 days (which is much longer than the timeframe adopted in this case), Sempra Utilities arbitrarily modified the number to 95 days (days between amended application and intervenor testimony) in an attempt to misrepresent the timing.⁶ If the Commission does not summarily deny Sempra Utilities' motion, TURN is prepared to respond fully to Sempra Utilities' omissions and misrepresentations by November 14, 2022 pursuant to Rule 11.1(e).⁷

⁵ These are the parties that included TURN in their email response to Sempra Utilities. There may be other opposing parties that TURN is not aware of.

⁶ Sempra Utilities Joint Motion to Amend the Assigned Commissioner's Scoping Memorandum and Ruling, Appendix B.

⁷ 15 days after Sempra Utilities' motion would be November 11, 2022, but that is a state holiday (Veterans Day).

III. Sempra Utilities’ Motion to Shorten Time for Responses Should Be Denied Because They Failed to Show Good Cause

Sempra Utilities also submitted a Joint Motion to Shorten Time for Responses, requesting that responses be due by October 28, 2022 and November 4, 2022.⁸ Sempra Utilities’ request illustrates precisely why it would be against the public interest to adopt Sempra Utilities’ proposed schedule – they propose that responses to their frivolous motion be due on November 4, the *same day* that Opening Briefs for PG&E’s 2023 GRC are due. If Sempra Utilities’ Joint Motion to Shorten Time for Responses is granted, parties would have to divert resources to respond to Sempra Utilities’ frivolous motion instead of addressing the substantive issues in PG&E’s GRC. Similarly, if Sempra Utilities’ proposed schedule is adopted, public interest would not be served because parties would not be able to devote sufficient attention and resources to both the PG&E GRC and the Sempra GRC.

Furthermore, Sempra Utilities’ justification for a shortened response time is bizarre and nonsensical. They claim that public interest would be served as a result of a shorter time to respond because their motion “would modify the amount of time that parties would have to timely respond to event dates set forth in the Scoping Memo, including the filing of Cal Advocates and intervenors’ direct testimony.”⁹ In other words, Sempra Utilities argue that since they are potentially creating a situation where parties would have less time to file intervenor testimony, the Commission should grant their request for a shortened response time. This is nonsensical because they are the one creating the potential problem – their creation of a potential problem cannot be used to justify their own request. If Sempra Utilities’ argument were true, it

⁸ Sempra Utilities Joint Motion to Shorten Time for Responses, pp. 3-4.

⁹ Sempra Utilities Joint Motion to Shorten Time for Responses, p. 3.

must necessarily mean that their modified schedule is adverse to the public interest. This is more reason why Sempra Utilities' Joint Motion to Amend the Assigned Commissioner's Scoping Memorandum and Ruling should be summarily denied.

Thus, since Sempra Utilities are not able to articulate a reason for why the time to respond should be shortened, Sempra Utilities' Joint Motion to Shorten Time for Responses should be denied.

IV. Conclusion

For the reasons set forth above, TURN respectfully urges the Commission to summarily deny Sempra Utilities' Joint Motion to Amend the Assigned Commissioner's Scoping Memorandum and Ruling. The Commission should also deny Sempra Utilities' Joint Motion to Shorten Time for Responses.

Date: October 28, 2022

Respectfully submitted,

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