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FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

2:14 PM

A2112006

Application of San Diego Gas & Electric Company (U902E) for Approval of Real Time Pricing Pilot Rate.

Application 21-12-006

And Related Matter.

Application 21-12-008

**ADMINISTRATIVE LAW JUDGE’S RULING
ON SAN DIEGO AIRPORT PARKING COMPANY’S
NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

Customer (party intending to claim intervenor compensation): San Diego Airport Parking Company	
Assigned Commissioner: Genevieve Shiroma	Administrative Law Judge: Stephanie Wang

**PART I: PROCEDURAL ISSUES
(Completed by the party intending to claim intervenor compensation)**

A. Status as “customer” (see Pub. Util. Code § 1802(b)).¹ The party claims “customer” status because the party is (check one):	Applies (check)
1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. (See, for example, D.08-07-019 at 5-10.)	<input checked="" type="checkbox"/>
2. A Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.	<input type="checkbox"/>

¹ All “Section” and “§” references are to California Public Utilities Code, unless indicated otherwise.

<p>3. A Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation (§ 1802(b)(1)(C)). Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. (See D.98-04-059, footnote at 30.)</p>	<input type="checkbox"/>
<p>4. The party's detailed explanation of the selected customer category.</p> <p><u>The party's explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party's own interest in the proceeding and show how the customer's participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility's bill.</p> <p><u>The party's explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p><u>The party's explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding's docket number and the date of filing) to such filings needs to be made.</p>	
<p>SAN DIEGO AIRPORT PARKING COMPANY (SDAP) is a small commercial SDGE customer. SDAP is an electric vehicle (EV) fleet shuttle operator at the San Diego International Airport and has been in business since June 1991, and at this same time, SDAP became a small commercial business customer of SDG&E. In 2015, SDAP became an early adopter of the Transportation Electrification (TE) vehicles that are medium duty commercial vehicles and specifically are operated as commercial buses for people mobility in a Class 2b at 8,800 lbs. to Class 4 Shuttles at up to 14,500 lbs. GVWR when moving into an Electric Shuttle bus. SDAP intends to support rate design impacting clean transportation technologies. SDAP will be an active party and sees a gap in the small commercial customer participation. It is necessary that the commercial fleet interest is accurately comprehended in order to pave the way for commercial EV adoption by fleets and to be sure that demand and distribution cost in rates are fairly recovered without cost shifting. The rate design is a locational rate which will create the effects of higher rates depending on the circuit location and its congested use. SDAP is in a very unique position to contribute to this proceeding as it relates to a commercial real time rate. SDAP began service on the Public GIR tariff in November 2019 which</p>	

incorporates the Caiso hourly rate. SDAP also began taking service on the VGI PYD service at this same time for EV passenger car charging for its customers. SDAP’s transition into an EV fleet is valuable as consequently SDAP would be subject to demand fees under traditional rate design with EV Charging. The charger power level from vehicle charging triggers demand fees the same as a large commercial customer would, even though SDAP’s own facility load use since 1991 has never been over 18 kW; thereby SDAP has a strong interest in rates and optional rates as it relates to EV’s. SDAP’s experience on various service rates under SDGE’s existing TOU rates & EV pilot real time rates will be invaluable to the scope of issues in this proceeding.

SDAP’s seeks to include choices to be considered that are equitable and fair for small to medium commercial operations and fleet transportation businesses in the SDGE territory which are likely to transition into an EV fleet. For the purposes of this proceeding, SDAP will continue to focus and represent the small to medium size business and EV fleets. SDAP will represent on road transportation mobility for small to medium size businesses including for airport shuttle operations and any other transportation vehicle fleet in the San Diego territory or Southern California that can be impacted by rates and rate design when adopting EV’s. Currently in the SDGE territory 85% of business commercial customers are small business’ according to SDGE’s definition and the same holds true for the transportation industry, over 80% of the industry is made up of small private fleets.

* SDG&E defines “Small” Commercial customer as one whose maximum demand is under 20 kW. However, a previously “Small” customer who acquires an EV fleet will almost always exceed SDG&E’s 20 kW limit because EV chargers range from 6 kW (Level 2) to upwards of 350 kW (for DC Fast Charging). For the purpose of this NOI, SDAP defines a “Medium” commercial customer as one whose maximum load falls between 20 kW and 200 kW. The Commission has used this definition in other contexts, e.g., see D.08-07-045, pg.22. SDAP itself was previously a “Small” commercial customer but will now fall in the “Medium” category due to the acquisition of EV fleet charging capability. As such, SDAP purports to represent the interests of small and medium commercial EV fleet customers (defined as those with maximum demand, including EV charging, of under or equal to 200 kW).

Do you have any direct economic interest in outcomes of the proceeding?²

If “Yes”, explain:

SDAP does have an economic interest in that SDG&E’s current commercial rates are not tailored to small business that use over 20 kW of EV Charging. SDAP is interested in understanding how small fleets will benefit. Specifically, SDAP plans to benefit from its early adoption of EV’s with innovative EV commercial rates and when rate design considers the EV technology, advancements in the technology, low load use, reduced Carbon Intensity (CI) hours, high energy consumption, daytime over-generation incentives, sub-metering, battery storage interconnection, and consideration on load diversity when circuits are shared with other small, medium

- Yes
- No

² See Rule 17.1(f) of the Commission’s Rules of Practice and Procedure.

<p>and large commercial customers – the small commercial customer will have more equity in rate design choices & EV charging rates. The results of this proceeding directly and economically have an impact on SDAP and will determine whether SDAP can participate in this rate and if others in this territory can economically expand their EV Fleet and would due to this rate.</p> <p>The interest for SDAP includes the cost of fueling our EV fleet, rate design to support the MHD EV technology, small commercial TOU rate design comparison, real time rate design, user friendly billing that comports the adjusted kWh rate or the out the door total kWh rate. For EV fleet transition, there must be an economic benefit when compared to diesel and this would be the same for other small to medium size private commercial fleets. Our participation in the proceeding is vital to support commercial fleets and small to medium size business’. The outcome of this proceeding is of great economic interest to SDAP as we have already had to consider the cost of demand fees and adder event fees in the Public GIR rate after adopting Zero Emission Airport Shuttle Buses. Therefore, we see the value in this application and the impacts and choices that should fairly include small commercial customers.</p> <p>SDAP intends to show, in this proceeding, impacts of EV charging on cost per mile, it’s experience in the real time Public GIR rate schedule. Billing and meter impacts of real time rate design with EV chargers.</p> <p>SDAP has been granted customer status and intervenor compensation for contributions in other cases before the California Public Utilities Commission, including in A.17-01-020 and A.18-01-012.</p>	
<p>B. Conflict of Interest (§ 1802.3)</p>	<p>Check</p>
<p>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</p>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 3-7-22</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	

2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time:

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(Completed by the party intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)):				
SDAP intends to review and comment on all filings, conduct discovery, participate in any workshops, file briefs and other necessary pleadings, and, if necessary, participate in any evidentiary hearings that will take place.				
B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)):				
Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Lisa McGhee	100	\$150.00	\$15,000	1
Technical Expert	50	\$350.00	\$17,500	2
Other Expert Assistance	10	\$250.00	\$2,500	3
			<i>Subtotal: \$35,000.00</i>	
OTHER FEES				
			<i>Subtotal: \$0.00</i>	
COSTS				
			<i>Subtotal: \$0.00</i>	
			TOTAL ESTIMATE: \$35,000.00	
Estimated Budget by Issues:				
<p>At this early period of time, it is difficult to predict the exact allocation of time to each issue and the total hours required; however, SDAP will diligently track and document all expenses and hours related to this proceeding. SDAP estimates a budget by issue as follows:</p> <p>(1) Rate design & circuit location: 40%</p> <p>(2) Participation Eligibility: 30%</p> <p>(3) EV Policy: 10%</p>				

(4) Cost Recovery, allocation and cost shifting: 20%

SDAP anticipates fully being active by participating, submitting comments, testimony and briefs. SDAP will address in our Request for Compensation the reasonableness of the time we ultimately devote to this proceeding and the hourly rates ultimately requested.

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(Completed by party intending to claim intervenor compensation)**

A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:	Applies (check)
<p>1. The customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation. (§ 1802(h))</p> <p>The Commission’s most recent past finding of significant financial hardship has been made in proceeding number: A.17-01-020/021/022.</p> <p>Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: ALJ Ruling on August 9, 2018.</p> <p>SDAP is requesting to defer its financial hardship as described below.</p>	<input checked="" type="checkbox"/>
<p>2. In the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. (§ 1802(h))</p>	<input type="checkbox"/>
<p>3. The eligible local government entities’ participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)</p>	<input type="checkbox"/>
<p>4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).</p>	<input type="checkbox"/>
B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI:	
<p>The Commission has previously ruled that SDAP qualifies for significant financial hardship pursuant to § 1802(h), most recently in A.17-01-020 et. al in the ALJ’s Ruling on San Diego Airport Parking Company’s Showing of Significant Financial Hardship, issued on August 9, 2019 by Judges Cooke and Goldberg. This is outdated and thereby SDAP prefers the following:</p>	

SDAP request the following alternative, SDAP would prefer to make the required showing of significant financial hardship in the “Request” for Intervenor Compensation; therefore, SDAP request for the option to defer the showing of significant financial hardship at this time. SDAP believes the information will be more factual at the alternative time as some of the work will have been accomplished and task and hours etc. will be more available. If for some reason, this request would be denied without SDAP preparing and submitting the financial statements, SDAP would prefer the opportunity to avoid rejection of this filing; as such, SDAP would respectfully request the opportunity to do so.

SDAP’s income, expenses, and balance sheet will be shown by filing and attaching SDAP’s financial documents that SDAP will plan to share via a motion that SDAP will concurrently file to request to share this information under seal. When taking into account the time and expenses to support this proceeding SDAP will incur a negative impact on our overall net income and for this reason SDAP is seeking intervenor compensation as this creates a hardship on the company.

The “comparison test” to establish significant financial hardship found in § 1802(h) requires that “the economic interest of the individual cannot be afforded without hardship and the cost is small in comparison to the cost of effective participation in the proceeding.”

The cost of SDAP’s participation in this CPUC proceeding is estimated based on the number of hours necessary for effective participation. The estimated cost of participation substantially outweighs the small financial benefits that individually SDAP, as a customer, and other MHD fleets and small and medium size commercial business customers will benefit and includes the following: rate design, cost shifting, circuit location, added event pricing and tariff choices and simplified billing. SDAP’S individual interest in its small commercial business also includes EV shuttle transportation use and EV real time pricing that other business and transportation users that are small to medium size commercial fleets could be willing to consider and SDAP’s participation will provide others an economic benefit to do so. Accordingly, these economic interests are small relative to the costs of participation.

**PART IV: ATTACHMENTS DOCUMENTING
SPECIFIC ASSERTIONS MADE IN THIS NOTICE**

Attachment No.	Description
1	Certificate of Service
2	SDGE Billing Statement

ADMINISTRATIVE LAW JUDGE RULING

<p>1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by San Diego Airport Parking Company has demonstrated the party’s status as a “customer” for the following reason:</p> <p>San Diego Airport Parking Company (SDAP) claims that it is a “Category 1” customer and is eligible to claim intervenor compensation in this proceeding. Section 1804(b)(1)(A) defines this customer category as a participant representing utility customers. The Commission has explained that a participant representing utility customers is “an actual customer who represents more than his own narrow self-interest; a self-appointed representative.”³ The Commission has also explained that a business</p> <p style="padding-left: 40px;">...squarely meets the definition of customer, for purposes of intervenor compensation, when it pursues issues relating to its status as a consumer of utility services. The clearest example is that of a business advocating for changes to a tariff under which the business takes service.⁴</p> <p>We find that SDAP has demonstrated that it is eligible as a Category 1 customer pursuant to Section 1802(b)(1)(A) in that it represents its own interests as an airport parking company and the interests of the similarly situated electric utility’s customers.</p>	<input checked="" type="checkbox"/>
<p>2. The NOI has not demonstrated significant financial hardship for the following reason(s):</p> <p>Section 1804(a)(2)(B) allows intervenors to defer a showing of significant financial hardship to intervenor compensation claims. SDAP prefers to follow this procedure.</p>	<input checked="" type="checkbox"/>
<p>3. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</p> <p>In the NOI, SDAP mentions its economic interest in the Commission proceedings as a commercial electric customer providing airport parking service. SDAP also asserts significant financial hardship.⁵ In an intervenor compensation claim⁶ SDAP must support these assertions by providing the following:</p> <ol style="list-style-type: none"> 1. SDAP’s annual financial documents (income and expense statement and balance sheet) for the year 2019 and for the most recent budget year; and 	<input checked="" type="checkbox"/>

³ D.98-04-059 at 30.

⁴ D.00-04-026, Cal. PUC LEXIS 203, *18.

⁵ Section 1802(h).

⁶ Section 1804(c).

<p>2. A monetary estimate of the annual economic benefits of adoption of SDAP’s opening proposal in full compared with SDG&E’s opening proposal, regardless of whether SDAP’s proposal was adopted. SDAP should provide a spreadsheet that includes its calculations and assumptions for this estimate.</p> <p>Information the filer considers confidential may be submitted under seal pursuant to Rules 1.1 and 11.4 of Rules of Practice and Procedure.⁷</p>	
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IT IS RULED that:

<p>1. San Diego Airport Parking Company has satisfied the eligibility requirements of Public Utilities Code Section 1804(a).</p>	<input checked="" type="checkbox"/>
<p>2. San Diego Airport Parking Company has demonstrated its status as an eligible customer pursuant to Public Utilities Code Section 1802(b)(1)(A).</p>	<input checked="" type="checkbox"/>
<p>3. Additional guidance is provided to San Diego Airport Parking Company regarding a showing of financial hardship in an intervenor compensation claim, as set forth above.</p>	<input checked="" type="checkbox"/>

Dated January 24, 2023, at San Francisco, California.

/s/ STEPHANIE WANG

Stephanie Wang
Administrative Law Judge

⁷ The Commission’s Rules of Practice and Procedure can be downloaded from the Commission’s website at www.cpuc.ca.gov at [Proceedings and Rulemaking](#), [Rules of Practice and Procedure](#). Instructions on formatting and submitting confidential and redacted documents can be found on the Commission’s website at [Proceedings and Rulemaking](#), [Practitioner’s Page](#), [Filing Confidential Documents Under Seal \(Motion to File Under Seal\)](#).