

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



**FILED**

01/20/23

04:59 PM

K2103005

Appeal of San Diego Community Power  
from Citation No. E-4195-0098 issued  
February 3, 2021, by Consumer Protection  
and Enforcement Division

K. 21-03-005

**JOINT REPORT**

This Joint Report was originally served on September 12, 2022, and is now being filed at the direction of Administrative Law Judge Debbie Chiv's January 17, 2023 email ruling.

David Gibbs  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (213) 576-7301  
E-mail: david.gibbs@cpuc.ca.gov

*Attorney for Consumer Protection and  
Enforcement Division*

Ty Tosdal  
Tosdal, APC  
845 15<sup>th</sup> Street, Suite 103  
San Diego, CA 92101  
Telephone: (858) 252-6416  
E-mail: [ty@tosdalapc.com](mailto:ty@tosdalapc.com)

*Attorney for San Diego Community Power*

January 20, 2023

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

Appeal of San Diego Community Power  
from Citation No. E-4195-0098 issued  
February 3, 2021, by Consumer Protection  
and Enforcement Division

K. 21-03-005

**JOINT REPORT**

**DANIEL ZARCHY**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (415) 696-7337  
E-mail: [daniel.zarchy@cpuc.ca.gov](mailto:daniel.zarchy@cpuc.ca.gov)

*Attorney for Consumer Protection and  
Enforcement Division*

**TY TOSDAL**  
Tosdal APC  
845 15th Street, Suite 103  
San Diego, CA 92101  
Telephone: (858) 252-6416  
E-mail: [ty@tosdalapc.com](mailto:ty@tosdalapc.com)

*Attorney for San Diego Community Power*

September 12, 2022

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

Appeal of San Diego Community Power  
from Citation No. E-4195-0098 issued  
February 3, 2021, by Consumer Protection  
and Enforcement Division

K. 21-03-005

**JOINT REPORT**

Pursuant to Administrative Law Judge (“ALJ”) Peter Wercinski’s email ruling dated August 24, 2022, San Diego Community Power (“SDCP”) and the California Public Utilities Commission’s Consumer Protection and Enforcement Division (“CPED”) submit this joint report on the following two subjects: (1) admission into evidence of confidential resource adequacy solicitation materials from the Investor-Owned Utilities (“IOUs”) at CPED’s request, and (2) any other matters before issuance of a draft resolution on the merits for comment by the parties.

**I. BACKGROUND**

This appeal by SDCP of Citation No. E-4195-0098 for a resource adequacy deficiency has been fully briefed and has now reached the advanced stages.<sup>1</sup> An evidentiary issue was all that remained to be addressed before the case can be submitted on the merits, namely, the review by SDCP of confidential IOU resource adequacy solicitation materials that CPED seeks to admit into evidence in this case:

- EX. CPED\_02: Pacific Gas and Electric Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only)

---

<sup>1</sup> See, e.g., *Opening Brief of San Diego Community Power*, K. 21-03-005, September 20, 2021; *Second Opening Brief of San Diego Community Power*, K. 21-03-005, December 10, 2021.

- EX. CPED\_03: Southern California Edison Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only)
- EX. CPED\_04: San Diego Gas and Electric Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only)<sup>2</sup>

As further explained below, the review has now been completed, and SDCP has communicated to CPED in writing that all objections to admissibility of the exhibits have been withdrawn.

## **II. REPORT**

### **1. Admission of Confidential IOU Resource Adequacy Solicitation Materials**

To review the confidential exhibits that CPED seeks to introduce, SDCP followed the Commission-approved process in D. 06-06-066 and subsequent decisions. SDCP nominated a third-party reviewing representative, entered into non-disclosure agreements (NDAs) with each of the three IOUs (and in at least one case, a customized NDA for the express purpose of the review), requested the reviewing representative conduct the review, and communicated with the reviewing representative about the findings of the review.

SDCP's representative reviewed EX. CPED\_02: Pacific Gas and Electric Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only), EX. CPED\_03: Southern California Edison Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only), and EX. CPED\_04: San Diego Gas and Electric Company Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only). SDCP has communicated to CPED via email that it has removed its objection to admission of these exhibits.

---

<sup>2</sup> *Joint Motion to Admit Evidence*, K. 21-03-005, April 22, 2022. A fourth exhibit listed in the joint motion to admit evidence, EX. CPED\_05: Western Community Energy Response to CPED Data Request, Set One (Confidential – CPED and ALJs Only), has been withdrawn by CPED.

**2. Other Matters that Need to Be Addressed Before the Commission Issues a Draft Resolution on the Merits**

The admission of confidential IOU resource adequacy solicitation materials is the sole remaining issue in this case before it can be submitted on the merits. Now that the issue has been resolved, the parties agree that no additional issues need to be addressed.

**III. CONCLUSION**

SDCP and CPED conclude the report and appreciate the attention and consideration paid to the matters raised above.

Respectfully submitted,

/s/ Daniel Zarchy

Daniel Zarchy  
California Public Utilities  
Commission  
San Francisco, CA 94102  
Telephone: (415) 696-7337  
[daniel.zarchy@cpuc.ca.gov](mailto:daniel.zarchy@cpuc.ca.gov)

*Attorney for Consumer Protection  
and Enforcement Division*

/s/ Ty Tosdal

Ty Tosdal  
Tosdal APC  
845 15th Street, Suite 103  
San Diego, CA 92101  
Telephone: (858) 252-6416  
[ty@tosdalapc.com](mailto:ty@tosdalapc.com)

*Attorneys for San Diego Community  
Power*

September 12, 2022