

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



Order Instituting Rulemaking to Update and  
Amend Commission General Order 131-D.

R.23-05-018

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**JOINT MOTION FOR: 1) MODIFICATION OF THE SCOPING MEMO AND SETTING  
ASIDE SUBMITTAL OF THIS PROCEEDING FOR CONSIDERATION OF A PHASE 1  
SETTLEMENT PROPOSAL; AND 2) AN ORDER SHORTENING TIME FOR  
COMMENTS AND REPLY COMMENTS ON THE SETTLEMENT PROPOSAL**

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Dated: **September 29, 2023**

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**I. INTRODUCTION**

Pursuant to Rule 11 and Rule 13.15 of the California Public Utilities Commission’s (“CPUC” or “Commission”) Rules of Practice and Procedure (“Rules”), Southern California Edison Company, Pacific Gas & Electric Company, and San Diego Gas & Electric Company, (collectively, the “Moving Parties”), respectfully move for a Ruling to: 1) modify the *Assigned Commissioner’s Scoping Memo And Ruling* (“Scoping Memo”) issued in this proceeding to set aside submission of this matter for the limited purpose of allowing the submittal of a settlement proposal for Commission consideration prior to the issuance of a Phase 1 Proposed Decision in this proceeding; and 2) shorten time for parties to comment on (and reply to comments on) the proposed settlement set forth in the *Joint Motion For Adoption Of Phase 1 Settlement Agreement*, (“Settlement Motion”), which is also being filed on this date.

The Moving Parties seek this relief so that the Commission may consider a Phase 1 settlement agreement that would implement significant streamlining of the Commission’s GO 131-D permitting processes beginning January 1, 2024, and thus advance construction of electric infrastructure needed to meet California’s energy transition goals and reduce ratepayer costs.

**II. PROCEDURAL HISTORY**

On September 16, 2022, Governor Gavin Newsom signed SB 529 into law. SB 529 requires the CPUC to, no later than January 1, 2024, modify GO 131-D to incorporate certain

concepts set forth in the bill. In response, the Commission commenced this proceeding on May 23, 2023 by issuing an Order Instituting Rulemaking (“OIR”), inviting comments and replies on proposed revisions to General Order 131-D pursuant to SB 529.

Following parties’ submittal of comments and replies pursuant to that OIR, assigned commissioner Karen Douglas on July 31, 2023 issued a Scoping Memo. The Scoping Memo states, among other things, that in light of the parties’ comments and replies that raised a number of issues related to SB 529 compliance as well as other issues surrounding SB 529 more broadly, this proceeding would be divided into two phases – Phase 1 and Phase 2.<sup>1</sup> It further states that given the deadline established in the statute, Phase 1 would be considered on an expedited basis, and that Phase 1 was deemed submitted as of July 31, 2023.<sup>2</sup> It further states that a Proposed Decision would be issued within 90 days (*i.e.*, by October 29, 2023). That timing would enable the Commission to consider and vote on the Proposed Decision at its December 14, 2023 Business Meeting – the last such meeting prior to the January 1, 2024 statutory deadline set forth in SB 529.

### **III. SETTING ASIDE SUBMITTAL OF PHASE 1 TO CONSIDER A SETTLEMENT PROPOSAL AND SHORTENING TIME FOR SUCH CONSIDERATION IS WARRANTED.**

Rule 13.15(b) provides that where a matter has been submitted, a motion may be filed to set aside such submission for consideration of a settlement under Article 12 of the Rules, and such motion shall specify facts justifying reopening and a brief statement about additional evidence not previously adduced. Setting aside submittal is warranted here because a significant number of parties wish to submit a proposed settlement that includes a number of revisions each

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<sup>1</sup> Scoping Memo, at pp. 4, 6.

<sup>2</sup> *Id.*

of the settling parties agree should be considered by the Commission in this Phase 1 so that the benefits of such permit streamlining are realized in 2024. To provide the Commission time to fully evaluate those recommendations and still meet SB 529's deadline, the Settling Parties also believe that modifications to timeframes governing comments on the proposed settlement are warranted in light of these unique circumstances.

Although the Scoping Memo deemed Phase 1 to be submitted, the parties continued to negotiate and discuss (pursuant to Article 12 of the Rules), a variety of issues related to both SB 529 compliance as well as other broader issues relating to GO 131-D identified in parties' comments and replies. Informal discussions continued through August and September 2023 and pursuant to Rule 12.1(b), a Settlement Conference (notice of which was served on the Service List as well as other entities) was held on September 20, 2023. Thereafter, further negotiations were held and proposals were vetted in light of the discussions at the Settlement Conference, and for completeness, transparency and inclusivity, those discussions included entities that were not yet parties at the time comments and replies were submitted. As a result of those discussions, a number of parties have agreed to jointly propose a settlement containing recommendations for Phase 1 modifications to GO 131-D and have today filed the Settlement Motion per Rule 12.1(a). The Settling Parties respectfully request that the submission of Phase 1 be set aside to facilitate consideration of the proposed Phase 1 Settlement Agreement, which contains provisions that Settling Parties believe should be considered by the Commission as part of Phase 1.

To enable time for the Commission to consider and evaluate all positions relative to the Settlement Motion, the Settling Parties also request a shortening of time for comments and replies on the settlement. Rule 12.2 provides that parties have 30 days to comment on any proposed settlement, and replies to such comments are due 15 days from the last day comments

are permitted. Therefore, based on today's filing of the Settlement Motion, all parties would typically have until October 29, 2023 to file comments on the settlement, and until November 13, 2023 to file any replies. However, that typical process would extend beyond the October 29, 2023 date set forth in the Scoping Memo for issuance of a Proposed Decision, and would provide little time for the Commission to consider the proposed settlement before a Proposed Decision must be issued to be considered at the December 14, 2023 Business Meeting. Therefore, the Moving Parties respectfully request that the Commission alter the Scoping Memo to extend the date by which a Proposed Decision is to be issued, and also to shorten time for comments and reply comments regarding the settlement to provide the Commission sufficient time to consider those comments and replies prior to issuance of a Proposed Decision, consistent with the dates set forth in Section IV below.

#### **IV. REQUEST FOR RELIEF**

In light of the foregoing, the Moving Parties propose and request that: 1) the Scoping Memo be revised, or alternatively modified by ruling, to set aside submission of this matter and permit submittal of the Settlement Motion and accompanying settlement agreement; 2) the date by which a Proposed Decision may be issued be extended through **November 13, 2023**; 3) the applicable 30-day comment period on the proposed settlement under Rule 12.2 be reduced to 21 days from the date the Settlement Motion is filed (*i.e.*, until **October 20, 2023**); and 4) the reply period be reduced to seven days thereafter (*i.e.*, until **October 27, 2023**).<sup>3</sup>

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<sup>3</sup> Pursuant to Rule 11.1(e), any party wishing to respond to this motion typically would have 15 days from the date of this filing to do so. Any party wishing to file a reply would have 10 days from that final day to respond, if permission to file a reply were granted by an Administrative law Judge. Given the urgency of this matter and the need to complete the record on the proposed settlement to allow the CPUC sufficient time to consider these various motions, the Moving Parties also respectfully request that the time period for responses to this Motion under Rule 11 be shortened to

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Respectfully submitted,

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five (5) days (*i.e.*, until **October 4, 2023**), with any replies due two (2) days thereafter (*i.e.*, **October 6, 2023**), with any such responses or replies being limited to procedural issues only; substantive matters dealing with the contents of the Settlement Motion and settlement agreement should be reserved for the comment period thereon.