



ALJ/CR2/jds 11/07/2023

FILED

11/07/23

04:59 PM

R1909009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Regarding Microgrids Pursuant to
Senate Bill 1339 and Resiliency
Strategies.

Rulemaking 19-09-009

**EMAIL RULING GRANTING IN PART, AND DENYING IN PART, THE
OCT. 31, 2023 MOTION FILED BY THE CENTER FOR BIOLOGICAL
DIVERSITY, ET AL.**

Dated November 7, 2023, at San Francisco, California.

/s/ COLIN RIZZO

Colin Rizzo

Administrative Law Judge

From: Rizzo, Colin <Colin.Rizzo@cpuc.ca.gov>

Sent: Tuesday, November 7, 2023 5:12 PM

To: JArmstrong@seia.org; IAC@CPowerEnergyManagement.com; Einhorn, Michael <Michael.Einhorn@cpuc.ca.gov>; RegAffairs@FormEnergy.com; David.Giordano@Doosan.com; PFukumoto@fce.com; Baird@eco-n-law.net; Katherine@AEM-alliance.org; ASchaeffer@DieselForum.org; bpatterson@emergealliance.org; PCAlbuqu@SouthernCo.com; SLipton@EnchantedRock.com; samantha.reifer@scalemicrogridsolutions.com; Jason.Smith@BrightCanyonEnergy.com; CSong@CleanPowerAlliance.org; SLee5@SoCalGas.com; MSLe@ISD.LAcounty.gov; Olivia.Samad@sce.com; Josh@ConnCA.com; Sephra.ninow@EnergyCenter.org; Lee@ucan.org; John.Leslie@Dentons.com; CFaber@SempraUtilities.com; CHooven@SanDiego.gov; GBarnes@sdge.com; Marc.Burns@Sunnova.com; Paul@newworld.energy; CBonner@AppliedMedical.com; WMG@NFCRC.uci.edu; Ben@Clean-Coalition.org; Kathy@calchoice.org; RShaw@MBCommunityPower.org; adam.simpson@Mainspring.com; poonum.agrawal@enel.com; DDesai@AdamsBroadwell.com; Hilary.Staver@SVCleanEnergy.org; Matthew@TURN.org; Jennifer@UtilityAdvocates.org; hcurlee@wsgr.com; MSomogyi@DowneyBrand.com; NSheriff@Buchalter.com; NSheriff@Buchalter.com; walker.wright@sunrun.com; NSheriff@Buchalter.com; AnnaFero@dwt.com; VidhyaPrabhakaran@dwt.com; steven@moss.net; MeganMMyers@yahoo.com; Rachel@ChongLaw.net; jstagner@stanford.edu; tim.lukes@unisonenergy.com; AnSchwartz@Tesla.com; [VipulGore@Grid-Scape.com](mailto: VipulGore@Grid-Scape.com); HGolub@BBKlaw.com; KChelminski@Ameresco.com; April@WildTree.org; Policy@CEDMC.org; Margaret.Miller@Engie.com; EHunter@GridAlternatives.org; Grady.Mathai-Jackson@pge.com; Katherine.Ramsey@SierraClub.org; RLin@BiologicalDiversity.org; Susannah@VoteSolar.org; Service@c4at.org; CESA_Regulatory@StorageAlliance.org; vgicregulatory@vgicouncil.org; GMorris@emf.net; Regulatory@GHCoalition.org; JLevin@BioEnergyCa.org; Tyler@cbecal.org; FrankRichLindh@gmail.com; jkopyciok-lande@mcecleanenergy.org; Ken@350BayArea.org; Luisa.Elkins@SanJoseCa.gov; cao.main@SanJoseCa.gov; Arthur.Haubenstock@BloomEnergy.com; Woody@TheClimateCenter.org; NReardon@SonomaCleanPower.org; Ken@kenzmyth.com; Christiana@Clereinc.net; Barbara@BarkovichAndYap.com; ACissna@RedwoodEnergy.org; JimZ@Humboldt.edu; Christiana@Clereinc.net; DOKBrown@UCDavis.edu; wilson1224@gmail.com; JPinjuv@caiso.com; BWeaver@Caiso.com; BWeaver@Caiso.com;

Alexiar@PioneerCommunityEnergy.ca.gov; Christiana@ClereInc.net;
Christiana@ClereInc.net; Peffer@BraunLegal.com; jgibson@DowneyBrand.com;
Jerome@calbroadband.org; JKennedy@RCRCnet.org;
Fernandez@BraunLegal.com; sfitzsimon@californiahydrogen.org;
ATrowbridge@DayCarterMurphy.com; ATrowbridge@DayCarterMurphy.com;
Jeff.Morris@se.com; regulatory@sdcommunitypower.org;
AMagallanes@sdge.com; A3PC@pge.com; Bemis, Alina
<Alina.Bemis@cpuc.ca.gov>; A3PM@pge.com; angela.gould@energy.ca.gov;
bwaymire@socalgas.com; RegrelcpucCases@pge.com; cford@energycoalition.org;
dct4@pge.com; diane.fellman@cpuc.ca.gov; FCraig@isd.lacounty.gov;
CPUCR1909009@fastmail.com; fchoi@cleanpoweralliance.org;
internetmck@gmail.com; GStaples@MendotaGroup.com; Ian.D.White@shell.com;
IXG8@pge.com; jennifer.pezda@sce.com;
jgreco@GrecoEnergyConsulting.onmicrosoft.com; jkevles@concentricpower.com;
jonathan.frost@energysafety.ca.gov; Joy.Mastache@smud.org; Enis, Julian
<Julian.Enis@cpuc.ca.gov>; Regnier, Justin <Justin.Regnier@cpuc.ca.gov>;
Kavya@UtilityDive.com; kmiller@mbcommunitypower.org; Lee@ConnCA.com;
AppRhg <AppRhg@cpuc.ca.gov>; L2WG@pge.com; mcosta@energycoalition.org;
Mariko@LumenEnergyStrategy.com; regulatory@mceCleanEnergy.org;
MGanji@willdan.com; nspoelman@clinical.law.berkeley.edu;
nathan.barnett@unisonenergy.com; PATRICKN@LINCUS.COM;
Qing.Tian@energy.ca.gov; rachel@storagealliance.org; rachel@storagealliance.org;
regulatory@braunlegal.com; ryates@clinical.law.berkeley.edu;
RMagana@socalgas.com; Ratkiewich, Rosanne
<Rosanne.Ratkiewich@cpuc.ca.gov>; info@communitychoicepartners.com;
Scott@iepa.com; serj.berelson@mainspringenergy.com; sazizi@Lincus.com;
ssj3@pge.com; SDoherty@PeninsulaCleanEnergy.com;
Stephen.Gunther@EnergyCenter.org; suestephens@msn.com;
Tam.Hunt@gmail.com; ted@utilityadvocates.org;
tmcduffie@smartergridsolutions.com; william@verdantassoc.com;
Regulatory@ebce.org; mrw@mrwassoc.com; r1909009@olivineinc.com;
dwtcpucdockets@dwt.com; jwilson@gridstrategiesllc.com;
PChernick@ResourceInsight.com; BBorcherding@fce.com; FWolak@fce.com;
jennifer.hunt@UnisonEnergy.com; Emil.Barth@BakerBotts.com; RUmoff@seia.org;
sdoyle@seia.org; christopher.berendt@faegredrinker.com;
khojasteh.r.davoodi.civ@us.navy.mil; jsmith@theconcoursegroup.com;
CPUCdockets@EQ-research.com; Delaine.bacon@emeratechnologies.com;
Katrina@KM Fritz.com; ecardella@ques.com; ASchurr@EnchantedRock.com;
JYu@EnchantedRock.com; KFox@kfwLaw.com; BTheaker@mrpgenco.com;

Mona.Tierney-Lloyd@Enel.com; PDeang@SoCalGas.com; Rizzo, Colin
<Colin.Rizzo@cpuc.ca.gov>; CSierzant@SoCalGas.com;
KHuliganga@SoCalGas.com; IBautista@SoCalGas.com; JimTomlinson@dwt.com;
aleon@votesolar.org; CPUCfilings@jenner.com; Dan.Marsh@LibertyUtilities.com;
Sharon.Yang@LibertyUtilities.com; FredYanney@gmail.com;
Douglass@EnergyAttorney.com; CC3840@ftr.com; Alex.Gutierrez@sce.com;
Anna.Valdberg@sce.com; John.Minnicucci@sce.com; wildfires@sce.com;
NQuan@GSwater.com; josh@33N.energy; jeff.cox@siemens.com;
acissna@sdcommunitypower.org; ColtonC@sandiego.gov;
Chasity@TosdalAPC.com; Meghan.OBrien@Stoel.com;
timothy.lyons@bbklaw.com; Liddell@EnergyAttorney.com; Courtney@ucan.org;
Jane@ucan.org; Kristen.Camuglia@cox.com; Christa.Lim@shell.com;
JMcCawley@sdge.com; KChong@sdge.com; KRagas@sdge.com;
ZBranum@sdge.com; CentralFiles@SemptraUtilities.com; CSummers@sdge.com;
SWoldegiorgis@sdge.com; jonathan.hart@powerflex.com;
Paul.Marconi@bves.com; Ryan.Baron@bbklaw.com;
Jeff.Malin@AppliedMedical.com; JB@nfcrc.uci.edu; BKimball@3CE.org;
ted.ko@stem.com; district-energy@google.com;
JWaen@PeninsulaCleanEnergy.com; MRutherford@PeninsulaCleanEnergy.com;
RKoss@AdamsBroadwell.com; EMoreno5@SoCalGas.com; ifuss@sfgwater.org;
Stanfield@SMWLaw.com; ase@cpuc.ca.gov; Younes, Amin
<Amin.Younes@cpuc.ca.gov>; Durvasula, Anand
<Anand.Durvasula@cpuc.ca.gov>; Dugowson, Andrew
<Andrew.Dugowson@cpuc.ca.gov>; Klutey, Andrew
<Andrew.Klutey@cpuc.ca.gov>; ats@cpuc.ca.gov; Fogel, Cathleen A.
<cathleen.fogel@cpuc.ca.gov>; Lukins, Chloe <chloe.lukins@cpuc.ca.gov>; Tutt,
Daniel <Daniel.Tutt@cpuc.ca.gov>; Lee, David K. <david.lee@cpuc.ca.gov>;
Petrofsky, Erica <Erica.Petrofsky@cpuc.ca.gov>; McElvain, Frank
<Frank.McElvain@cpuc.ca.gov>; Chang, Jack <Jack.Chang@cpuc.ca.gov>;
Ormond, Jamie <Jamie.Ormond@cpuc.ca.gov>; Roschen, Jane
<Jane.Roschen@cpuc.ca.gov>; Ortego, Jason <Jason.Ortego@cpuc.ca.gov>;
jmo@cpuc.ca.gov; Tse, Jessica <Jessica.Tse@cpuc.ca.gov>; jws@cpuc.ca.gov;
Peterson, Kaj <Kaj.Peterson@cpuc.ca.gov>; Shea, Karen M.
<Karen.Shea@cpuc.ca.gov>; kl5@cpuc.ca.gov; Rounds, Kristin
<Kristin.Rounds@cpuc.ca.gov>; Tesfai, Leuwam <leuwam.tesfai@cpuc.ca.gov>;
Gordon, Miles <Miles.Gordon@cpuc.ca.gov>; Worhach, Paul
<Paul.Worhach@cpuc.ca.gov>; Khoe, Richard <Richard.Khoe@cpuc.ca.gov>;
sg8@cpuc.ca.gov; Neal, Stephen <Stephen.Neal@cpuc.ca.gov>; Shoemaker, Steven
<Steven.Shoemaker@cpuc.ca.gov>; js8@cpuc.ca.gov; Casazza, Suzanne

<Suzanne.Casazza@cpuc.ca.gov>; Roberts, Thomas
<thomas.roberts@cpuc.ca.gov>; zap@cpuc.ca.gov; Holzschuh, Tyler
<Tyler.Holzschuh@cpuc.ca.gov>; Baldwin, Vanessa
<vanessa.baldwin@cpuc.ca.gov>; EBorden@turn.org;
James@UtilityAdvocates.org; JKantor@KeyesFox.com;
rbird@forefrontpower.com; SPauker@KeyesFox.com; andrew.ace@pge.com;
ctermyn@perkinscoie.com; ServiceList.cpuc@PerkinsCoie.com;
MCade@Buchalter.com; Monica.Schwebs@morganlewis.com;
pejman.moshfegh@morganlewis.com; sphillips@wsgr.com;
FJackson.Stoddard@MorganLewis.com; ZZankel@Jenner.com;
andy.umana@att.com; JM6347@att.com; steven.berenbaum@att.com;
david@dwassociates.us; BCragg@GoodinMacBride.com; DavidHuang@dwt.com;
david.siddiqui@oracle.com; Allie@Reimagine-Power.com; nick@reimagine-power.com;
SSMyers@att.net; Rita.M.Liotta.Civ@us.navy.mil; M3PU@pge.com;
Jin@Decodees.com; Petra.Bruggisser@sonoma-county.org;
jeffrey.brax@countyofnapa.org; thomas.zeleny@countyofnapa.org;
GALamberg@PetersonPower.com; LXNN@Pge.com; jbaak@pakbell.net;
AHarron@HarronLLC.com; SCampbell@GRIDalternatives.org;
zbadi@gridalternatives.org; mawan@usc.edu; Brian@ohmConnect.com;
Charles.Middlekauff@pge.com; EOCommitments@pge.com;
Leah.Bahramipour@sierraclub.org; LMB@wblaw.net; meghan.dewey@pge.com;
Nihal.Shrinath@SierraClub.org; Rebecca@LozeauDrury.com;
Renee.Johnson@pge.com; SWeaver@EBCE.org; Sean@BRBLawGroup.com;
CVBroome@gmail.com; LGG2@comcast.net; jean@custompowersolar.com;
TomB@CrossBorderEnergy.com; acheung@clinical.law.berkeley.edu;
lsteinmetz@clinical.law.berkeley.edu; ssnyder@clinical.law.berkeley.edu;
cpolsky@clinical.law.berkeley.edu; Tam@CommunityRenewables.biz;
JKim@cbecal.org; BWashington@marincounty.org; PhilM@SCDenergy.com;
KLC@Alcantar-Law.com; JNA@sustnrg.com; keith@kdwhiteconsulting.com;
cc2sahm@gmail.com; cc2sahm@gmail.com; alipanovich@estriatuslaw.com;
Elisa.Tolentino@SanJoseCa.gov; Leslie.Park@sanjoseca.gov;
Taylor.Knecht@SanJoseCa.gov; Yue-Han.Chow@SanJoseCa.gov;
Kari.Smith@SanJoseCa.gov; Berlin@SusieBerlinLaw.com;
abbie.laughtug@bloomenergy.com; cory.odonnell@sonoma-county.org;
Joe@JFWiedman.com; jhcaldwelljr@gmail.com; dboudreau@redwoodenergy.org;
REngel@RedwoodEnergy.org; LKristov@cal.net; akilduff@caiso.com;
csanada@caiso.com; DHou@caiso.com; dhagan@caiso.com;
ELagerquist@caiso.com; IGuan@caiso.com; JPowers@caiso.com; e-recipient@caiso.com; PKlauer@caiso.com; Steve@PacificEA.com;

Peffer@PefferLegal.com; cmkehrein@ems-ca.com; CPUCfilings@Wellhead.com; cpucfilings@wellhead.com; AHartmann@SWMconsult.com; ben.wender@energy.ca.gov; Carleigh@ceert.org; cbermel@politico.com; Darcie.Houck@energy.ca.gov; David.Erne@Energy.ca.gov; Peffer@BraunLegal.com; Dunton, Drucilla "Dru" <Drucilla.Dunton@cpuc.ca.gov>; Joseph.Omoletski@Energy.ca.gov; katelynn.dinius@energy.ca.gov; le-quyen.nguyen@energy.ca.gov; Nava@BraunLegal.com; Betru, Messay <Messay.Betru@cpuc.ca.gov>; Saxton, Patrick <Patrick.Saxton@cpuc.ca.gov>; Peterson, Robert <Robert.Peterson@cpuc.ca.gov>; Samantha.Holdstock@Stoel.com; SSoor@LGC.org; Blaising@BraunLegal.com; sr6@cpuc.ca.gov; Terra.Weeks@energy.ca.gov; abb@eslawfirm.com; jdh@eslawfirm.com; manal@caliberstrat.com; elsi@caliberstrat.com; zeenat.hassan@disabilityrightsca.org; ABB@ESLawFirm.com; BSB@esLawFirm.com; JMelms@ESLawFirm.com; LMH@esLawFirm.com; RL@eslawfirm.com; James.Frasher@SMUD.org; Patrick.McCoy@SMUD.org; Derek.Olijar@libertyutilities.com

Cc: ALJ Docket Office <ALJ_Docket_Office@cpuc.ca.gov>; ALJ Process <alj_process@cpuc.ca.gov>; ALJ_Support ID <alj_supportid@cpuc.ca.gov>
Subject: R:19-09-009: Email Ruling granting in part, and denying in part, the Oct. 31, 2023 Motion filed by the Center for Biological Diversity, et al.

To the Parties of Record to Rulemaking 19-09-009:

Summary

This assigned Administrative Law Judge's Ruling grants in part, and denies in part, the October 31, 2023, motion filed by the Center for Biological Diversity, The Climate Center, the Local Government Sustainability Energy Coalition, the Green Power Institute, and the Microgrid Resources Coalition (Joint Parties).

Background

On October 23, 2023, the assigned Commissioner and assigned Administrative Law Judge issued a joint ruling modifying the schedule to Track 5 of Rulemaking 19-09-009 to allow stakeholders to voluntarily submit a draft microgrid multi-property tariff into the record of this proceeding. The assigned Commissioner and assigned Administrative Law Judge ruled that stakeholders who wish to submit a draft microgrid multi-property tariff shall form such a draft tariff in accordance with the Guiding Principles and Tariff Requirements that were previously set forth in the August 8, 2023 *Assigned Administrative Law Judge's Ruling Ordering Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company to Draft a Microgrid Multi-Property Tariff*. The assigned Commissioner and assigned Administrative

Law Judge also ruled that stakeholders who wish to submit a draft microgrid multi-property tariff shall file and serve their proposal on November 9, 2023.

The Instant Motion

On October 31, 2023, the Joint Parties filed a motion to amend the Track 5 schedule and re-introduce the Commission's Energy Division Staff Tariff Proposal into Track 5's schedule of activities. The Joint Parties assert that the time frame allowed for stakeholders to develop and file their draft multi-property tariff is too short.

At the time of this ruling, no party filed a response to the Joint Parties' motion.

Order

This ruling grants, in part, the request to modify the schedule for Track 5 as outlined below. This ruling denies the request to reintroduce the Commission's Energy Division Staff Tariff proposal into the schedule of activities for Track 5 of this proceeding.

Parties are reminded that prior requests for schedule modification have been previously granted. By order of this ruling, parties are put on notice that this third schedule modification is the last and final voluntary schedule modification. Parties are reminded that schedule changes cause delay, and adversely impact the ability of the Commission to complete resolution of the matter that must adhere to statutory deadline.

Track 5 Modified Schedule

EVENT	Original Date	October 23 Ruling Date	Modified date
PG&E Submittal of its Community Microgrid Enablement Tariff into the Record	July 31, 2023	No Change	No Change
ALJ Ruling: Ordering PG&E, SCE, and SDG&E to Develop and Submit a Pro-Forma Standard Microgrid Multi-Property Tariff, and Any Necessary Utility-Specific Deviations, that is Based on PG&E's Community Microgrid Enablement Tariff, into the Record	August 9, 2023	No Change	No Change
PG&E, SCE, and SDG&E Submit Pro-Forma Standard Microgrid Multi-Property Tariff, and Any Necessary Utility-Specific Deviations, into the Record	October 9, 2023	No Change	No Change
Opening Comments, limited to no more than 20 pages, to IOU Pro-Forma Standard Microgrid Multi-Property Tariff, and Any	October 27, 2023	No Change	No Change

EVENT	Original Date	October 23 Ruling Date	Modified date
Necessary Utility-Specific Deviations, filed and served			
Reply Comments, limited to no more than 10 pages, to IOU Pro-Forma Standard Microgrid Multi-Property Tariff, and Any Necessary Utility-Specific Deviations, filed and served	November 10, 2023	No Change	No Change
Voluntary Activity: Stakeholder Pro-Forma Standard Microgrid Multi-Property Tariff, into the Record, filed and served		November 9, 2023	December 15, 2023
Opening Comments, limited to no more than 20 pages, to Voluntary Stakeholder Pro-Forma Standard Microgrid Multi-Property Tariff, filed and served		December 8, 2023	January 12, 2024
Reply Comments, limited to no more than 10 pages, to Voluntary Stakeholder Pro-Forma Standard Microgrid Multi-Property Tariff, filed and served		December 22, 2023	January 26, 2024
ALJ Ruling: Energy Division Staff Proposal on Microgrid Multi-Property Tariffs	January 22, 2023	Event Removed	No Change
Energy Division Public Workshop on Stakeholder Proposals for Microgrid Multi-Property Tariffs	March 2024	Date Change	No Change
Opening Comments to Energy Division Staff Proposal on Microgrid Multi-Property Tariffs, filed and served	February 19, 2024	Event Removed	No Change
Reply Comments to Energy Division Staff Proposal on Microgrid Multi-Property Tariffs, filed and served	March 11, 2024	Event Removed	No Change
Proposed Decision	Within 90 days from submission of Track 5 record	No Change	No Change

It is so **RULED**.

The Docket Office Shall Formally File This Email Ruling.

Colin Rizzo (he/him/his)
Administrative Law Judge
California Public Utilities Commission
colin.rizzo@cpuc.ca.gov

Notice: This communication may contain confidential and/or legally privileged information for the use of the intended recipient(s). Unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.