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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

**ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENT ON
RESPONDENTS AND STAKEHOLDER PROPOSALS' ALIGNMENT WITH
THE COMMISSION'S NINE ENVIRONMENTAL AND SOCIAL JUSTICE
ACTION PLAN GOALS.**

Summary

This ruling seeks comment from interested parties on Scoping Topic 4 of Track 5 for this proceeding. Respondents and stakeholders who submitted proposals into the record of Track 5 of this proceeding must file and serve a response to the directives of this ruling by April 19, 2024.

Parties who wish to provide formal comments to the April 19, 2024 response must file and serve them no later than May 3, 2024. Reply comments must be filed and served no later than May 17, 2024.

1. Background

On July 18, 2023, the assigned Commissioner issued a scoping memo and ruling for Track 5 of this proceeding.¹ The scoping memo and ruling set forth, four issues to be addressed in Track 5 of this proceeding. The fourth issue in this proceeding is:

¹ Assigned Commissioner's Scoping Memo and Ruling, July 18, 2023.

- To what extent should a single, unified microgrid multi-property tariff align with or impact environmental and social justice communities (including the extent to which it could impact achievement of any of the nine goals of the Commission's Environmental and Social Justice Action Plan Proposal)?

On August 8, 2023, respondents to this proceeding – Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (Joint IOUs) – were directed to submit a draft multi-property microgrid tariff, with any necessary utility-specific deviations, into the record of this proceeding.²

On October 23, 2023, the Assigned Commissioner and Administrative Law Judge jointly amended the schedule of activities for Track 5 of this proceeding to allow stakeholders to this proceeding who wished to submit a voluntary draft multi-property microgrid tariff of their own into the record.³ Consequently, on December 15, 2023, the following stakeholders voluntarily submitted multi-property microgrid tariff proposals: (1) Applied Medical Resources (AMR); (2) Clean Coalition; (3) Green Power Institute (GPI); (4) Microgrid Resources Coalition (MRC); (5) PearlX; and (6) Sunnova Community Microgrids California, LLC (Sunnova).

Consistent with the assigned Commissioner's Scoping Memo and Ruling, this ruling directs the Joint IOUs and the above stakeholders who submitted proposals into the record of Track 5 of this proceeding to file and serve a response to the directives of this ruling by April 19, 2024.

² Assigned Administrative Law Judge's Ruling, August 8, 2023

³ Assigned Commissioner and Administrative Law Judge's Ruling, October 23, 2023.

Parties who wish to provide formal comments to the April 19, 2024 response, must file and serve them no later than May 3, 2024. Reply comments must be filed and served no later than May 17, 2024.

2. Ruling Directives and the Commission's Environmental and Social Justice Action Plan

On February 21, 2019, the Commission adopted the ESJ Action Plan⁴ which serves to expand public inclusion in Commission decision-making and improve services to targeted communities in California, specifically communities of color and/or low-income communities. The ESJ Action Plan defines ESJ as:

ESJ seeks to come to terms with, and remedy, a history of unfair treatment of communities, predominantly communities of people of color and/or low-income residents. These communities have been subjected to disproportionate impacts from one or more environmental hazards, socioeconomic burdens, or both.

The overall goals identified by the ESJ action plans include:

- **Goal 1:** Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts.
- **Goal 2:** Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health.
- **Goal 3:** Strive to improve access to high-quality water, communications, and transportation services for ESJ communities.
- **Goal 4:** Increase climate resiliency in ESJ communities.
- **Goal 5:** Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate

⁴ CPUC Environmental and Social Justice Action Plan (February 21, 2019) Retrieval at <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M263/K673/263673090.PDF>.

in the CPUC's decision-making process and benefit from CPUC programs.

- **Goal 6:** Enhance enforcement to ensure safety and consumer protection for ESJ communities.
- **Goal 7:** Promote economic and workforce development opportunities in ESJ communities.
- **Goal 8:** Improve training and staff development related to ESJ issues within the CPUC's jurisdiction.
- **Goal 9:** Monitor the CPUC's ESJ efforts to evaluate how they are achieving their objectives.

ESJ communities are also identified as those where residents are predominantly communities of color or low-income, underrepresented in the policy setting or decision-making process, subject to a disproportionate impact from one or more environmental hazards, and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. On the ground, these targeted communities typically include but are not limited to, disadvantaged communities,⁵ all Tribal lands, and low-income households and census tracts.⁶

AMR, Clean Coalition, GPI, the Joint IOUs, MRC, PearlX, and Sunnova shall discuss, in no more than 15 pages, if and/or how their multi-property microgrid tariff proposal aligns with the above nine (9) ESJ Action Plan goals.

3. Order

IT IS RULED that:

1. Applied Medical Resources, Clean Coalition, Green Power Institute, Microgrid Resources Coalition, PearlX, and Sunnova Community Microgrids

⁵ Defined as the top 25 percent scoring areas from CalEnviroScreen.

⁶ Defined in the ESJ Action Plan as 80% or less of area or state median income.

California, LLC shall discuss, in no more than 15 pages, if and/or how their multi-property microgrid tariff proposal aligns with the Commission's Nine Environmental and Social Justice Action Plan. Responses shall be filed and served on April 19, 2024.

2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall discuss, in no more than 15 pages, if and/or how their multi-property microgrid tariff proposal aligns with the Commission's Nine Environmental and Social Justice Action Plan. Responses shall be filed and served on April 19, 2024.

3. Parties who wish to provide formal comments to the April 19, 2024 response, must file and serve them no later than May 3, 2024. Comments shall be limited to no more than 12 pages.

4. Reply comments must be filed and served no later than May 17, 2024. Reply Comments shall be limited to no more than 7 pages.

Dated March 27, 2024, at San Francisco, California.

/s/ COLIN RIZZO
Colin Rizzo
Administrative Law Judge