



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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February 27, 2025

Agenda ID #23352
Quasi-Legislative

TO PARTIES OF RECORD IN RULEMAKING 18-07-005:

This is the proposed decision of Commissioner Houck. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's April 3, 2025 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ AVA TRAN for
Michelle Cooke
Chief Administrative Law Judge

MLC:jnf
Attachment

Decision **PROPOSED DECISION OF COMMISSIONER DARCIE L. HOUCK**
(mailed 2/27/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Consider New Approaches to
Disconnections and Reconnections to
Improve Energy Access and Contain
Costs.

Rulemaking 18-07-005

**DECISION DENYING PETITION FOR MODIFICATION OF
PACIFIC GAS AND ELECTRIC COMPANY,
SAN DIEGO GAS & ELECTRIC COMPANY,
SOUTHERN CALIFORNIA GAS COMPANY, AND
SOUTHERN CALIFORNIA EDISON COMPANY**

Summary

This decision denies the Petition for Modification of Decision 23-08-049, jointly filed by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company, (together, the Large IOUs), on August 23, 2024. The issues the Large IOUs raised would properly have been the subject of an application for rehearing of the decision. The Large IOUs did not file such an application. A petition for modification is appropriate when a party asserts that unanticipated events arose after the decision was issued, but that is not the case here. Therefore, we deny the Petition for Modification. This proceeding remains open.

1. Procedural Background

On July 12, 2018, the Commission approved the Order Instituting Rulemaking for this proceeding pursuant to Senate Bill (SB) 598 (Hueso), Stats. 2017, ch. 362 to address residential disconnection rates across California's electric and gas investor-owned utilities (IOUs). The primary goal of this proceeding is to reduce residential disconnections and improve reconnection processes.

On September 6, 2023, the Commission issued Decision (D.) 23-08-049 that, among other things, directed Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) (together, the Large IOUs) to offer 24-month payment plans to residential customers until October 1, 2026. The decision did not authorize the Large IOUs to record incremental costs to implement their payment plans in a memorandum account.

On August 23, 2024, the Large IOUs jointly filed a Petition for Modification of D.23-08-049 (PFM). The Large IOUs request that the Commission modify the decision to allow them to record the incremental costs in a memorandum account.

On September 23, 2024, The Utility Reform Network (TURN) and the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) filed responses to the PFM, and on October 3, 2024, with the permission of the assigned Administrative Law Judge, the Large IOUs filed a joint reply to those responses.

2. Compliance with Rules 16.1 and 16.4

Cal Advocates' and TURN's responses to the PFM both argue that Rule 16.4(b) of the Commission's Rules of Practice and Procedure (Rules) require that any claim of new or changed facts must be supported by a declaration or

affidavit and note that the PFM contains neither.¹ Cal Advocates and TURN both assert that the Large IOUs are trying to relitigate an issue already considered and settled by the Commission. In response, the Large IOUs argue that:

a petition for modification does not strictly require legal error: “[A] petition for modification... seeks reconsideration of the policy or other discretionary content of a Commission decision or order” and the disposition of any such petition for modification represents an “exercise of the Commission's discretion based on the facts of each situation.” Such a case-specific review is sought here.²

Cal Advocates and TURN are correct that the Large IOUs are rearguing an issue that the Commission rejected in the decision. In D.23-08-049, the Commission agreed with TURN that the implementation costs do not meet the Commission’s criteria for cost recovery through a memorandum account.³ Therefore, this issue was already considered and decided by the Commission. The Large IOUs could have filed an application for rehearing within 30 days of the decision’s issuance, but did not do so. They may not avoid the bar of the 30-day time limit by characterizing their claim as one properly subject to a petition for modification.⁴ Petitions for modification are allowed when facts, legal changes, or other circumstances arise after the decision’s issuance that could not have been anticipated at the time of the issuance. Here, the Large IOUs do not allege any new circumstances, but simply reargue a point already settled in the decision. Thus, it is not appropriate to change the decision via a petition for modification.

¹ Cal Advocates Response at 3, TURN Response at 1.

² Large IOUs Reply at 2.

³ D.23-08-049 at 28.

⁴ *See, e.g.*, D.08-01-019 at 3.

3. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No public comments relevant to the PFM appeared on the Docket Card.

4. Comments on Proposed Decision

The proposed decision of Commissioner Darcie L. Houck in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission’s Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

5. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Andrew Dugowson is the assigned Administrative Law Judge in this proceeding.

Finding of Fact

1. The Petition for Modification of D.23--08--049, jointly filed by PG&E, SDG&E, SCE, and SoCalGas on August 23, 2024 requested that the Commission revisit topics already considered and decided in the decision.

Conclusion of Law

1. A petition for modification is not an appropriate procedural vehicle to request substantive changes to D.23-08-049.

O R D E R

IT IS ORDERED that:

1. The petition for modification jointly filed by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company on August 23, 2024, is denied.
2. Rulemaking 18-07-005 remains open.

This order is effective today.

Dated _____, at San Francisco, California