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

Order Instituting Rulemaking to Implement  
Senate Bill 520 and Address Other Matters  
Related to Provider of Last Resort.

Rulemaking 21-03-011  
(filed March 18, 2021)

**OPENING COMMENTS OF SMALL BUSINESS UTILITY ADVOCATES  
ON PROCEDURAL PATHWAY**

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June 13, 2025



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**I. INTRODUCTION**

Pursuant to the May 28, 2025 Administrative Law Judge’s Ruling Seeking Comment on Procedural Pathway to Address Applications for Provider of Last Resort Status, Small Business Utility Advocates (SBUA) submits the following comments regarding guidance needed at this time.

**II. SBUA’s COMMENTS**

In comments on the threshold questions posed earlier this year, Question 1 asked whether any investor-owned utility (IOU) is interested in non-IOU load-serving entities (LSE) serving as Provider of Last Resort (POLR) in their respective territories. Question 2 focused on if any non-IOU LSEs was interested in serving as the POLR within a territory.

In opening comments, none of the IOU’s answered in the affirmative to Question 1 that it is interested in transferring POLR responsibilities to a non-IOU LSE within its service territory.<sup>1</sup> As to Question 2, only Shell Energy North America (US), L.P. (Shell Energy) expressed that it “is

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<sup>1</sup> See PG&E Opening Comments; SDG&E Opening Comments; and SCE Opening Comments on Threshold Issues, dated January 24, 2025.

potentially interested in becoming a non-IOU POLR within the service territories of Pacific Gas and Electric Company, Southern California Edison and San Diego Gas and Electric Company, subject to the conditions.”<sup>2</sup> Shell Energy conditioned its willingness to serve as a POLR on limiting service for only commercial and industrial (C&I) customers.<sup>3</sup> However, Shell Energy did not define which C&I customers they were referring to.

As previously stated in our response to threshold issues and reiterated with respect to potential pathway forward, SBUA believes it would not be an efficient use of the Commission’s time or resources to proceed with the procedural questions at this time.<sup>4</sup> SBUA does not believe the Commission, parties and intervenors should undertake the expense and time to address the issue presented when no IOU is interested in a non-IOU LSE serving as the POLR in its territory. At this point in the proceeding, with the lack interest by IOUs, SBUA recommends the docket be closed with a final decision stating any remaining issues will be resolved in any Application proceeding filed by a non-IOU LSE seeking full POLR status in a territory. Until that occurs, SBUA contends it is premature and an efficient use of all stakeholder resources to continue down this path.

### **III. CONCLUSION**

Given the lack of IOU interest in transferring POLR responsibilities and the absence of comprehensive non-IOU LSE interest in assuming those duties, the Commission should defer consideration of the remaining issues to a new proceeding. SBUA recommends the Commission

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<sup>2</sup> Shell Energy Opening Comments on Threshold Questions at 1.

<sup>3</sup> See Pathway ruling, p. 2.

<sup>4</sup> See Scoping Memo Threshold Question 11.

close this docket with a final decision stating that any remaining issues will be resolved if and when a non-IOU LSE files an Application seeking full POLR status in a territory..

Respectfully Submitted,

By: /s/ Jennifer Weberski

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