



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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A2409010

Application of Liberty Utilities (CalPeco Electric) LLC (U 933-E) for Authority to Among Other Things, Increase Its Authorized Revenues for Electric Service, Establish Marginal Costs, Allocate Revenues, And Design Rates, as of January 1, 2025`

Application 24-09-010
(October 4, 2024)

**TAHOE SPARK'S MOTION TO FREEZE LIBERTY UTILITIES' PROPOSED RATE
INCREASES PENDING INDEPENDENT DEMAND MODELING, REGIONAL
REPRESENTATION, AND REGULATORY REFORM**

Submitted by: Tahoe Spark, a 501(c)(4) social welfare nonprofit dedicated to oversight, energy equity, climate resilience, and lawful ratemaking in Liberty Utilities' California service territory

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Date: August 21, 2025

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2 **I. INTRODUCTION**

3 The Commission is constitutionally and statutorily obligated to ensure rates are just and
4 reasonable. Pub. Util. Code § 451; Bluefield Water Works & Improvement Co. v. Public Serv.
5 Comm’n, 262 U.S. 679 (1923); FPC v. Hope Natural Gas Co., 320 U.S. 591 (1944). Since
6 Liberty acquired its California assets, the Commission has ceded its core oversight: no
7 independent modeling; no independent affordability analysis; no independent wildfire prudence
8 review; and a record marred by procedural defects. Proceeding on this record would be arbitrary
9 and capricious, contrary to law, and vulnerable on judicial review. Duquesne Light Co. v.
10 Barasch, 488 U.S. 299 (1989); Topanga Assn. for a Scenic Community v. Cty. of Los Angeles,
11 11 Cal.3d 506 (1974).

12 **II. RELIEF REQUESTED**

- 13 1. Freeze all proposed rate increases in A.24-09-010 pending completion of independent,
14 localized demand modeling for the Liberty service territory. Tahoe Spark will coordinate
15 performance and contracting of this modeling with CPUC/CEC staff.
- 16 2. Direct CPUC Staff to convene an in-person regional listening session in Liberty’s territory,
17 hosted by Tahoe Spark, with participation from CEC, CARB, OPR/LCI, tribal governments,
18 local agencies, and stakeholders.
- 19 3. Direct CPUC Staff to work with Tahoe Spark to collect appropriate data sources for energy
20 demand and rate modeling by appropriate rate classification that is just and reasonable.
- 21 4. Open a formal investigation into Liberty’s wildfire liability cost recovery, including
22 insurance strategy, transparency, and equity impacts, consistent with § 451.1 (AB 1054).
- 23 5. Establish a standing advisory committee for customers of multijurisdictional utilities (MJUs),
24 chaired by Tahoe Spark, to ensure durable representation across statewide proceedings.

25 **III. OVERSIGHT FAILURE AND REGULATORY ABDICATION**

26 The Commission’s plenary duty is codified in Pub. Util. Code §§ 701, 728 and § 380(b)(5). Yet
27 the State’s own frameworks exclude Liberty: the CPUC Affordability Metrics Working Group
28 Report (R.18-07-006) concedes “Small or multijurisdictional utilities are not included.” The
29 CPUC’s DER Action Plan v2.0 repeats “Smaller and multijurisdictional utilities are not
30 included...” The CEC Demand Forecast (CEC-200-2023-002-SD) omits Liberty from the base
31 case. CARB’s 2022 Scoping Plan (Appendix D) focuses on the five major utilities and removed
32 ESJ cross-walk tables. OPR/LCI’s ICARP relies on CAISO datasets, rendering Liberty invisible.
33 This is urban-centric policy masquerading as “statewide” modeling. By deferring to those
34 frameworks, the Commission has abandoned oversight in violation of §§ 451, 701, 728,
35 380(b)(5). *Calvert Cliffs’ Coordinating Comm. v. AEC*, 449 F.2d 1109 (D.C. Cir. 1971).

36 **IV. WILDFIRE LIABILITY RECOVERY CANNOT PROCEED ABSENT INVESTIGATION**

37 TURN proposes placing all wildfire insurance expense into WEMA and deeming it subject to
38 refund. The A-3 Customer Coalition’s rebuttal (Geoffrey B. Inge) explains why this is unlawful:
39 Liberty’s WEMA tariff limits entries to incremental costs and excludes expenses previously
40 authorized in base rates; rewriting the tariff in this GRC would be improper; and using WEMA
41 to displace the GRC’s core ratemaking function would postpone and fragment prudence review.
42 (Exh. Inge Rebuttal, pp. 3–4). Commission precedent (I.15-08-019 Butte Fire; I.19-06-015 Camp
43 Fire) requires investigation prior to recovery. § 451.1 further conditions recovery on “reasonable
44 conduct.” No independent modeling + opaque insurance strategy ≠ prudence.

45 **V. PROCEDURAL DEFECTS IN PUBLIC PARTICIPATION**

46 Exhibit A (PPH Notice and screenshot) shows an incorrect passcode and “in-person only”
47 participation, followed by repeated platform failures. This violates Pub. Util. Code §§ 321.1(a)
48 (meaningful public participation) and 1701.1(a) (fair, accessible, efficient proceedings). Where
49 access defects corrupt the record, agency action fails under Topanga because it cannot lawfully
50 bridge the analytical gap from evidence to decision. See also Scenic Hudson Preservation Conf.
51 v. FPC, 354 F.2d 608 (2d Cir. 1965).

52 **VI. REGULATORY OVERLOAD AND DENIAL OF PARTICIPATION**

53 Liberty customers are buried under fragmented, simultaneous proceedings that directly affect
54 rates and credits while providing no coherent participation pathway:

- 55 • A.24-09-010 (Liberty GRC): Rate hikes without independent modeling.
- 56 • R.25-01-005 (Residential Demand Fee): Demand-based charges that penalize winter-peaking
57 residents while ignoring visitor-driven load.
- 58 • R.20-05-003 (Climate Credit): Redistribution of Liberty customers’ climate credit to
59 “high-heat” IOU territories.
- 60 • R.22-07-005 (Wildfire Cost Recovery): Cost recovery without transparent investigation.
- 61 • R.18-07-006 (Affordability Metrics): Liberty omitted from equity tracking.
- 62 • R.21-06-017 (Microgrid Incentive Program): Liberty excluded from resilience funding.
- 63 • R.23-01-007 (Demand Flexibility): Liberty excluded from pilots.
- 64 • R.22-06-005 (IRP): Liberty excluded from base case resource modeling.
- 65 • R.19-01-011 (Transportation Electrification): Liberty excluded from TE infrastructure
66 incentives.

67 • R.20-08-020 (Energy Efficiency Reform): Liberty excluded from cost-effectiveness modeling
68 and equity targets.

69 Further exclusion has occurred through scoping of this General Rate Case (GRC) and the
70 systematic elimination of social and environmental justice concerns from both the evidentiary
71 record and deliberative framework. By narrowly defining eligible issues and restricting
72 participation, the process has marginalized the voices and interests of communities most affected
73 by Liberty’s rates and policies—particularly those historically disadvantaged or at heightened
74 risk from wildfire, energy insecurity, or inequitable service allocation. These omissions
75 perpetuate a pattern of regulatory insularity, undermining California’s statutory commitments to
76 equity and meaningful public engagement under Pub. Util. Code §§ 321.1 and 380(b)(5).

77 Without explicit integration of social and environmental justice considerations, the resulting
78 record cannot claim to represent the public interest or lawfully guide long-term decision-making.

79 Even the Public Advocates Office (Cal Advocates) acknowledges capacity constraints: Exhibit C
80 documents staff stating they are “extremely busy,” facing retirements and leave, and unable to
81 promptly engage on Liberty’s 2025 GRC. If the State’s own ratepayer advocate cannot track
82 these dockets, ordinary ratepayers cannot meaningfully participate. This is constructive exclusion
83 and a denial of due process.

84 **VII. REMEDY: STRUCTURAL REFORM LED BY TAHOE SPARK**

85 Order a rate freeze; require independent Liberty-territory demand modeling; convene an
86 in-person regional session in the service territory; collect appropriate data, and establish a
87 standing MJU Advisory Committee chaired by Tahoe Spark. These actions fall squarely within
88 §§ 701, 728, 380(b)(5), and the Commission’s inherent authority to ensure a lawful record.

89 **IX. SETTLEMENT MORATORIUM**

90 Settlement cannot substitute for statutory oversight. Rule 12.1 requires that any settlement be
91 reasonable in light of the whole record, consistent with law, and in the public interest. San Diego
92 Gas & Electric Co. v. CPUC, 13 Cal.4th 893, 912 (1996). There is no lawful record here: no
93 independent modeling; a defective public hearing (Exh. A); no effective representation (Exh. C);
94 and no accountability on wildfire costs (Exh. B). Approving settlement would be arbitrary,
95 capricious, and contrary to §§ 451, 701, 728, 321.1(a), and Topanga. Tahoe Spark therefore
96 moves to suspend all settlement negotiations and approvals in A.24-09-010 until (1) independent
97 localized modeling is complete; (2) a wildfire cost investigation is concluded; and (3) a regional
98 in-person session is held.

99 **X. [PROPOSED] ORDER**

100 IT IS ORDERED that:

- 101 1. Liberty Utilities (CalPeco Electric) LLC’s proposed rate increases in A.24-09-010 are frozen
102 pending completion of independent, localized demand modeling for the Liberty service territory,
103 led by Tahoe Spark in coordination with CPUC and CEC staff.
- 104 2. CPUC Staff shall, within 30 days, notice and schedule an in-person regional listening session
105 in Liberty’s service territory with participation from Tahoe Spark, CEC, CARB, OPR/LCI, tribal
106 governments, local agencies, and stakeholders.
- 107 3. Direct CPUC Staff to work with Tahoe Spark to collect appropriate data sources for energy
108 demand and rate modeling by appropriate rate classification that is just and reasonable.
- 109 4. The Commission initiates a formal investigation into Liberty’s wildfire liability cost recovery,
110 including its insurance strategy, risk modeling, transparency, and equity impacts on ratepayers.

111 5. The Commission establishes a standing advisory committee for multijurisdictional utility
112 customers, chaired by Tahoe Spark, to ensure representation across statewide proceedings
113 affecting affordability, planning, and equity.

114 5. No settlement negotiations or stipulations shall be approved in A.24-09-010 until the above
115 conditions are satisfied.

116
117 This order is effective immediately.

118
119 Dated: _____, 2025

120 _____

121 Administrative Law Judge

122 _____

123 Assigned Commissioner

124 **XI. CONCLUSION**

125 The record establishes no oversight, no independent modeling, and no accountability for Liberty
126 Utilities. To proceed would be arbitrary, capricious, and contrary to law. The Commission
127 should grant this Motion in full.

128
129 Respectfully submitted,

130 *Danielle Hughes* 8/21/2025

131 Danielle Hughes

132 President, Tahoe Spark

133 A 501(c)(4) Social Welfare Nonprofit

134 EXHIBIT A – PUBLIC PARTICIPATION HEARING NOTICE (WRONG PASSCODE /
135 IN-PERSON ONLY)

California - California Public Utilities Commission - Hearing

21
AUG
2025 Hearing At 02:00 PM



Click Here For Live Closed Caption

Public Participation Hearing in Liberty Utilities (CalPeco Electric) LLC application to increase its authorized revenues for electric service, establish marginal costs, allocate revenues, and design rates, as of January 1, 2025 Public Comment: 800-857-1917, passcode: 1673482#

Agenda not posted at this time.

136

137

138 **EXHIBIT B – REBUTTAL TESTIMONY OF GEOFFREY B. INGE (A-3 CUSTOMER COALITION)**

139 Key excerpt (pp. 3–4): “Only incremental costs may be recorded in the WEMA... [and costs]
140 shall exclude costs that have previously been authorized for recovery in rates... TURN’s
141 proposal to ‘record the total recorded wildfire liability insurance expense in the WEMA’ is
142 clearly contrary to the authorized WEMA tariff language.”

143

144 Full exhibit on file in A.24-09-010; see “Rebuttal Testimony of Geoffrey B. Inge” (July 24,
145 2025).

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147

148

149 **EXHIBIT C– LIBERTY NOTICE**

150

Notice of Public Forum

Para más información sobre esta reunión pública, y cómo este cambio impactará su factura, llame al [800-782-2506].

**NOTICE OF PUBLIC FORUMS (PUBLIC PARTICIPATION HEARING) FOR
LIBERTY UTILITIES (CALPECO ELECTRIC) LLC'S General Rate Case
APPLICATION A.24-09-010**

How can I participate?

Liberty Utilities (CalPeco Electric) LLC (Liberty) and the California Public Utilities Commission (CPUC) would like to hear from you. You are invited to participate in a Public Forum, also called a Public Participation Hearing (PPH), about Liberty's General Rate Case (GRC) Application (A.24-09-010) request to increase rates.

These Public Forums are part of a formal proceeding. They will be transcribed and placed into the formal record so the CPUC can make an informed and robust decision about Liberty's request. You can make comments and raise concerns to the CPUC Administrative Law Judge overseeing this proceeding.

Where, when, and how will these Public Forums be held?

As part of the CPUC's efforts to provide the greatest access, the PPHs will be held remotely and in person. A quorum of commissioners may attend, but no decisions will be made or voted on at these PPHs.

DATE & TIME	DETAILS
August 21, 2025 2:00 p.m. and 6:00 p.m. (IN-PERSON ONLY)	North Tahoe Event Center EVERGREEN ROOM 8318 N Lake Blvd Kings Beach, CA 96143
August 22, 2025 2:00 p.m. (IN-PERSON ONLY)	South Tahoe Middle School Multipurpose Room 2940 Lake Tahoe Blvd South Lake Tahoe, CA 96150

The August 21 and 22, 2025, PPHs will be in-person only. If you wish to make a public comment, please sign up at the Public Advisor's table.

Please note: The location is ADA accessible. If you wish to attend and need specialized accommodations or a language interpreter, please contact the CPUC's Public Advisor's Office using the contact information at the end of this notice at least five business days before the Public Forum you plan to attend.

DATE & TIME	DETAILS
August 27, 2025 6:00 p.m.	Webcast: www.adminmonitor.com/ca/cpuc Phone number: 800-857-1917

(REMOTE ONLY)	Passcode: 1673482#
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The August 27, 2025, PPH will be held virtually, meaning you can listen and/or participate via internet or phone using the access details above.

Please note: If you wish to make a public comment, please participate by phone using the phone number above. After calling in and entering the passcode above, press *1, unmute your phone and record your name when prompted. You will be put into a queue in the order you dialed in.

Why am I receiving this notice?

Liberty is required to file a GRC every three years. On September 20, 2024, Liberty filed its 2025 General Rate Case Application (A.24-09-010) which covers 2025, 2026, and 2027. In the application Liberty requests a total revenue increase of \$39.773 million, or 19.1%, over currently authorized revenues.

If the CPUC approves this application, Liberty will recover forecasted costs in rates over a three-year period effective January 1, 2025. This will impact your monthly bill.

Why is Liberty requesting this rate increase?

Liberty is requesting a revenue increase for the following reasons:

- To continue operating and maintaining its distribution system to deliver safe and reliable electric service to Liberty’s customers;
- To continue implementing its wildfire mitigation plan to help reduce the risk of wildfires in Liberty’s service territory; and
- To maintain sufficient staffing to continue providing safe, reliable, and responsive service to Liberty’s customers.

How could this affect my monthly electric rates?

If Liberty’s rate request is approved by the CPUC, the average residential winter monthly bill, using 628 kWh per month, would increase by approximately \$39 or 18.6% per month each of the three years the GRC covers. The average residential summer monthly bill using 467 kWh would increase by approximately \$36 or 22.6% per month.

Rate Schedule	Projected kWh Sales / Lamps	Current kWh Sales / Lamps	Proposed (\$ per kWh / Lamp)	Current (\$ per kWh / Lamp)	Increase
Residential Permanent Non-CARE	113,663,087	111,101,768	\$ 0.4034	\$ 0.3279	23.0%
Residential Permanent CARE	23,051,393	26,823,670	0.2780	0.2742	1.4%
Residential Non-Permanent	165,609,074	164,221,777	0.4232	0.3450	22.7%
Small Commercial	98,281,303	99,057,425	0.4579	0.3812	20.1%
Medium Commercial	57,064,541	70,288,681	0.4914	0.3760	30.7%
Large Commercial	114,995,214	114,650,646	0.4338	0.3766	15.2%
Irrigation	1,109,346	1,109,346	0.3253	0.2821	15.3%
OLS	14,832	14,595	51.41	33.06	55.5%
Street Lighting	5,364	5,059	76.45	50.41	51.6%

How does the rest of this process work?

This application has been assigned to a CPUC Administrative Law Judge (ALJ) who will consider proposals and evidence presented during the formal hearing process. The ALJ will issue a proposed decision that may adopt Liberty's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Contact CPUC

Parties to the proceeding may review Liberty's application, including the Public Advocates Office. The Public Advocates is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information, please call 1-415-703-1584, email PublicAdvocatesOffice@cpuc.ca.gov, or visit PublicAdvocates.cpuc.ca.gov.

Please visit apps.cpuc.ca.gov/c/A2409010 to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. For additional information, updates on the hearings, and an information sheet about the proceeding please visit cpuc.ca.gov/pph.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

Email: Public.Advisor@cpuc.ca.gov
Phone: 1-866-849-8390 (toll-free) or 1-415-703-2074
Mail: CPUC Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102

Please reference **Liberty's GRC Application A.24-09-010** in any communications you have with the CPUC regarding this matter.

Where can I get more information?

If you have any questions regarding Liberty's request, you may contact them through the methods below.

Contact Liberty

Phone: (800)782-2506
Email: elly.odoherty@libertyutilities.com
Mail: 933 Eloise Avenue, South Lake Tahoe, CA 96150

A copy of the Application and any related documents may also be reviewed at www.libertyutilities.com