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

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Application of Southern California Gas Company (U904G) for Authority, Among Other Things, to Update its Gas Revenue Requirement and Base Rates Effective on January 1, 2024	Application 22-05-015 (Filed May 16, 2022)
	CONSOLIDATED
Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Update its Electric and Gas Revenue Requirement and Base Rates Effective on January 1, 2024	Application 22-05-016 (Filed May 16, 2022)

**PETITION FOR MODIFICATION OF DECISION 24-12-074
OF THE JOINT PETITIONERS**

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PETITION FOR MODIFICATION OF DECISION 24-12-074
OF THE JOINT PETITIONERS

I. INTRODUCTION AND SUMMARY OF REQUESTED MODIFICATION

Pursuant to Rule 16.4 of the California Public Utilities Commission's ("Commission" or "CPUC") Rules of Practice and Procedure, the Natural Resources Defense Council ("NRDC"), CALSTART, Inc. ("CALSTART"), Powering America's Commercial Transportation ("PACT"), Advanced Energy United ("United"), Tesla, Inc. ("Tesla"), Walmart Inc. ("Walmart"), the City of San Diego ("City"), Electrify America, LLC ("Electrify America"), EVgo Services, LLC ("EVgo"), and the Electric Vehicle Charing Association ("EVCA") (collectively, "Joint Petitioners") respectfully submit this Petition for Modification ("Petition") of Decision D.24-12-074 ("Decision") in San Diego Gas & Electric Company's ("SDG&E") 2024 General Rate Case ("GRC")[1] to strike the funding cap established for the Electric Rule 45 ("Rule 45") Electric

[1] *Decision Addressing the 2024 Test Year General Rate Cases of Southern California Gas Company and San Diego Gas & Electric Company* (dated effective December 19, 2024) in Application ("A.") 22-05-016.

Vehicle Infrastructure Memorandum Account (“EVIMA”) and confirm that Rule 45 must remain open to all eligible applications through at least the current rate-case cycle.

The Legislature, through Assembly Bill (“AB”) 841 (Ting, 2020), AB 2700 (McCarty, 2022), and Senate Bill (“SB”) 410 (Becker, 2023), has clearly directed that utility-side investments supporting transportation electrification are not discretionary pilot activities but core utility business that are authorized and recoverable on an ongoing basis. Public Utilities Code § 740.19(c) explicitly prohibits the Commission from revising this policy until after completion of the GRC cycle following the one during which the AB 841 advice letter was filed and only if necessary to ensure just and reasonable rates. SDG&E filed its AB 841 advice letter in 2021, and its subsequent GRC cycle, covering years 2024-2027, will not conclude until December 31, 2027.

The funding cap contravenes governing law, is inconsistent with normal regulatory practice associated with memorandum accounts, creates inequities across utility service territories, and is not an effective means of reining in electric rates as expanding electrified transportation puts downward pressure on electric rates. Synapse Energy Economics has documented that between 2011 and 2021: “EV drivers in California contributed approximately $2.2 billion more than their associated costs, driving rates down for all customers.”[2]

The consequences of setting an EVIMA funding cap below market demand are tangible and immediate as SDGE now seeks to close its Rule 45 through Advice Letter 4705-E. Rule 45 provides an essential mechanism through which charging developers, fleets, transit agencies, and property owners obtain timely utility-side service for electric vehicle (“EV”) infrastructure. This mechanism was intended to support the state’s broader electrification and decarbonization goals through legal and regulatory framework, which seeks to accelerate grid readiness for EV charging, not constrain it. The Rule 45 EVIMA cap has caused SDG&E to put over 100 charging projects in limbo, slow energization timelines, and disrupt both public and private investment. For companies with multi-site electrification plans, such unpredictability imposes numerous costs: sunk engineering expenses, idle equipment, and delays that ripple through construction

[2] Synapse Energy Economics: *Electric Vehicles Are Driving Rates Down for All Customers; California*, May 2024, available at: https://www.synapse-energy.com/sites/default/files/Electric%20Vehicles%20Are%20Driving%20Rates%20Down%20for%20All%20Customer%20California%20May%202024%2024-023.pdf

contractors and supply chains. These additional costs jeopardize California's ability to meet the state's zero-emission vehicle ("ZEV") policies and commitments that help provide certainty and predictability for public and private infrastructure developers.

For these reasons, the Joint Petitioners respectfully petition the Commission to strike the cap on SDG&E's EVIMA in the Decision, allowing the CPUC to reject SDG&E Advice Letter 4705-E and continue Rule 45 for at least the remainder of the current GRC cycle, while still ensuring that the reasonableness of costs booked to the EVIMA will be reviewed in the next GRC.

In granting this Petition, the Commission would ensure statutory compliance, align Commission practice with legislative direction, and reaffirm California's commitment to timely, proactive, and equitable electrification.

II. LEGAL STANDARD

Rule 16.4(b) of the Commission's Rules of Practice and Procedure provides:

> A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.

As discussed herein and in the accompanying declarations (**Appendix B**), new and materially changed facts have arisen since the Decision was adopted. Specifically, on August 22, 2025, SDG&E filed Advice Letter 4705-E "closing its Rule 45 tariff to new applications and terminating Rule 45 contracts for any projects for which SDG&E has not yet issued a Notice to Proceed ("NTP") as of August 20, 2025" due to the funding cap. Concurrently with the filing of AL 4705-E, SDG&E sent Rule 45 Agreement Termination letters summarily terminating all Rule 45 contracts that had not yet reached SDG&E's self-designated Notice to Proceed milestone as of August 20, 2025, and all pending Rule 45 applications. By these actions, SDG&E significantly altered the regulatory and factual landscape and created immediate and significant impacts on customers, developers, and public agencies that relied on Rule 45 continuing through at least the

2024–2027 GRC cycle. The Joint Petitioners had no prior knowledge that SDG&E would rely upon the EVIMA funding cap to terminate all Rule 45 contracts for which it had not yet issued its designated Notice to Proceed as of August 20, 2025, cancel all pending Rule 45 applications, and close Rule 45 to new applications prior to December 31, 2027. The resulting circumstances are significantly different than what the Joint Petitioners could have anticipated when the funding cap was imposed, and therefore, a Petition for Modification is merited.

Additionally, under Rule 16.4(d), a petition must be filed and served within one year of the effective date of the decision proposed to be modified, absent other justification. This Petition complies with Rule 16.4(d), as it has been filed within one year of the December 19, 2024 effective date of the Decision.

III. DESCRIPTION OF JOINT PETITIONERS

NRDC is a national, non-profit environmental organization with more than 3 million members and activists, including over 300,000 in California. NRDC works to advance clean energy, reduce harmful air pollution, and expand equitable access to the benefits of clean transportation. In accordance with CPUC Rules of Practice and Procedure Rule 16.4(e), NRDC joins this Petition despite not being a party to A.22-05-016. NRDC did not participate earlier because the specific issue raised here – the effect of the EVIMA funding level on the continued operation of Rule 45 – was not reasonably anticipated prior to D.24-12-074 and SDG&E's subsequent actions. NRDC is affected by SDG&E's de facto closure of Rule 45 because it delays customer energization, disrupts transportation electrification projects, and undermines statewide clean energy and air quality goals central to NRDC's mission and its members' interests.

CALSTART, headquartered in California, is a globally renowned 501(c)3 nonprofit organization dedicated to the advancement of zero-emission vehicle and infrastructure technology. With a global member consortium of over 200 technology, government, industry, and community partners, CALSTART has worked for 30+ years to accelerate the commercialization and deployment of advanced technologies and solutions. Through policy development, incentive program administration, and first-of-its-kind deployment partnerships, CALSTART drives the market toward clean transportation technologies to transform the transportation sector and reduce greenhouse gas and criteria pollutant emissions. CALSTART did not participate in this proceeding in advance of this Petition because the issues raised here were not reasonably anticipated prior to D. 24-12-074. CALSTART now participates in this Petition because our mission to develop clean transportation solutions as well as the interests of our members, who include other petitioners listed here, are both impacted by the proposed closure of Rule 45.

The City of San Diego is the largest municipality in SDG&E territory with approximately 40% of all IOU accounts. The City adopted its updated Climate Action Plan in 2022 that sets a target of 25% e-Vehicle Miles Traveled for all light duty vehicles citywide and a target of 100% light-duty and 75% medium- and heavy-duty zero emissions vehicles in the City's fleet.[3] In 2023, the City launched its Public EV Charging Program to install public EV chargers at all City parking lots – anticipated to add up to 3,000 new charging ports of various levels to communities across the City. At the same time, the City started its planning and procurement activities to rapidly expand fleet-dedicated charging infrastructure across 35+ City sites where fleet vehicles dwell, many of which are capacity constrained in some way and would rely on AB 841 and the EV Infrastructure Rule (Rule 45) when calculating costs to fully electrify the fleet to meet the Advance Clean Fleet requirements of the California Air Resources Board requirements. In early 2025, the City and SDG&E updated their Energy Cooperation Agreement, a corollary to SDG&E franchises with the City, to include much more robust language on support from SDG&E for the EV charging infrastructure.[4] The City is a member of the service list for Phase 1 (A.22-05-016) to ensure it was kept informed during its participation as a Party to the General Rate Case Phase 2 (A.23-01-008), but did not request full Party status in A.22-05-016 to participate in Phase 1 as it did not anticipate significant changes, such as a funding cap, to the EVIMA structure or program.

PACT is a coalition dedicated to accelerating the deployment of accessible and reliable charging infrastructure to support the medium- and heavy-duty ("M/HD") vehicle market. PACT is focused on closing the gap between availability of new vehicle technologies and grid readiness. Our membership is comprised of stakeholders across the transportation electrification ecosystem, including leading truck manufacturers, charging infrastructure technology providers and developers, commercial fleets, fleet management companies, and utilities. PACT is committed to promoting productive, cross-sector collaboration to advance policies that improve access to and reduce barriers for M/HD infrastructure. In accordance with CPUC Rules of

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[3] City of San Diego Climate Action Plan, Strategy 2.2 and 2.3.
[4] Energy Cooperation Agreement, Section 7.h.

Practice and Procedure Rule 16.4(e), PACT joins this Petition although the organization was not a party to A.-22-05-016. PACT did not participate in this proceeding in advance of this Petition because the issues raised here were not anticipated at the time of Decision 24-12-074. PACT now participates in this Petition because its members across the transportation electrification ecosystem, including leading truck manufacturers, charging infrastructure technology providers and developers, commercial fleets and fleet management companies, have electrification projects that are directly affected by SDG&E's proposed closure of Rule 45 and contract terminations.

Advanced Energy United is a national business association of over 100 companies across the advanced energy and transportation sectors, many of which are headquartered in California. Our membership includes electric vehicle manufacturers, charging infrastructure technology providers, commercial fleet operators, and retail charging service providers. In accordance with CPUC Rules of Practice and Procedure Rule 16.4(e), Advanced Energy United joins this Petition despite the fact that United was not a party to A.22-05-016. United did not participate in this proceeding earlier because A.22-05-016 encompassed a very broad range of issues beyond the scope of United, and furthermore the specific issue raised in this Petition (the funding level established for the EVIMA memorandum account) was not anticipated at the time of D.24-12-074 to result in the current proposal by SDG&E to close Rule 45. United is affected by this aspect of D.24-12-074 because United members have experienced project terminations or are currently prevented from moving forward with Rule 45 projects, due to SDG&E's proposed (and currently de facto) closure of Rule 45 and termination of pending projects.

Tesla is a manufacturer of electric vehicles, energy storage equipment, EV charging equipment, and is also a charging network owner and operator. Tesla's mission is to accelerate the world's transition to sustainable energy through the development, manufacture and sale of all-electric vehicles and clean energy products, including photovoltaic solar and battery storage. All Tesla vehicles sold in the United States are currently manufactured in Fremont, CA and Austin, TX. Tesla's vehicle line-up includes the Model S sedan, Model X crossover vehicle, Model 3 sedan, Model Y crossover vehicle, and Cybertruck pickup truck. The vehicles have an all-electric range of up to 405 miles per charge (Model S) and industry-leading performance and safety ratings. In 2024, Tesla delivered more than 1.7 million vehicles globally and in December 2022, the company began deliveries of its all-electric Class 8 Semi trucks. Tesla does not normally intervene in General Rate Cases ("GRC") and did not anticipate this issue to be part of SDG&E's GRC. Multiple Tesla Supercharger projects have been affected by the unexpected closing of Rule 45 which will result in delays and additional costs to these Supercharger projects.

EVgo is one of the nation's leading public fast charging providers. With more than 1,100 fast charging stations across 47 states, EVgo strategically deploys localized and accessible charging infrastructure by partnering with leading businesses across the U.S., including retailers, grocery stores, restaurants, shopping centers, gas stations, rideshare operators, and autonomous vehicle companies. EVgo did not participate in this proceeding earlier because A. 22-05-016 encompassed a very broad range of issues which were not a core concern of EVgo, and furthermore the specific issue raised in this Petition (the funding level established for the EVIMA memorandum account) was not anticipated at the time of the Decision to result in the current proposal by SDG&E to close Rule 45. EVgo is affected by this aspect of D. 24-12-074 because EVgo had multiple projects under development that were impacted by SDG&E's proposed (and currently de facto) closure of Rule 45. This will result in additional costs for these projects as well as significant delays, as sites have to be redesigned.

Electrify America, LLC, operator of the largest open Direct Current ("DC") Fast Charging ("DCFC") network in the United States, has built a coast-to-coast network of over 1000 locations with over 5,000 individual DC fast chargers in total. Electrify America joins this Petition for Modification despite it not participating in A.22-05-016, as permitted by the CPUC Rules of Practice and Procedure, Section 16.4(e). Electrify America did not participate in A.22-05-016 earlier as it could not have anticipated at the outset of the proceeding that one of the issues to be addressed within the proceeding's exceedingly broad scope was the establishment of a funding cap for the EVIMA. As described elsewhere in this Petition, the establishment of a funding cap on the EVIMA in D.24-12-074 led to SDG&E cancelling over 100 projects proceeding through the Rule 45 process, including six Electrify America projects. Thus, Electrify America is specifically affected by the Decision, and did not and could not have anticipated the potential consequences that the Commission's final order in A.22-05-016 would have on its interests at the outset of the proceeding. Accordingly, Electrify America supports the relief requested in this Petition, and urges the Commission to adopt the recommendations laid out herein.

The Electric Vehicle Charging Association ("EVCA") is a nonprofit industry association representing public charging networks, charging service providers, and technology companies deploying EV infrastructure across California. In accordance with Rule 16.4(e), EVCA joins this Petition despite not being a party to A.22-05-016. EVCA did not participate earlier because A.22-05-016 covered a wide range of issues that did not appear likely to affect core charging-infrastructure programs, and the establishment of an EVIMA funding cap—and SDG&E's subsequent proposal to close Rule 45—were not reasonably anticipated at the time of D.24-12-074. EVCA is affected by this aspect of the Decision because multiple EVCA member companies have experienced project delays, termination of pending Rule 45 applications, and increased uncertainty regarding utility-side upgrades necessary to support public and private EV charging deployment in SDG&E territory. Accordingly, EVCA supports the relief requested in this Petition.

As discussed herein and in the accompanying Declaration of Dr. Jaime Lyndsey McGovern (**Appendix B**), Walmart is an international retailer with retail units located in all fifty states. Within California, Walmart operates 303 retail units and 13 supply chain facilities. Walmart is a large commercial customer of SDG&E, owning and operating approximately 29 retail units and related facilities in SDG&E's service territory. Walmart has established aggressive and significant companywide renewable energy goals, including zero carbon emissions in its transportation fleet vehicles and all other operations, without the use of offsets, by 2040. As part of its renewable energy and carbon reduction efforts, Walmart is committed to supporting the EV industry by building its own EV fast-charging network at thousands of Walmart and Sam's Club locations across the United States that not only serves EV customers who reside and/or work nearby but also advances the nationwide EV infrastructure as a whole. Due to its size and the locations of its operations, Walmart is uniquely situated to further the availability of EV infrastructure in safe and convenient locations. Walmart was not a party to A.22-05-016 and did not participate in this proceeding earlier because it did not anticipate (1) the establishment of a funding cap for the Rule 45 EVIMA; (2) that, once established, the funding cap would be reached only eight months into the three-year GRC cycle; or (3) that SDG&E would rely upon the funding cap to terminate all Rule 45 contracts for which it had not yet issued its designated NTP as of August 20, 2025, cancel all pending Rule 45 applications, and close Rule 45 to new applications. Walmart is affected by D.24-12-074 because SDG&E relied upon the Rule 45 EVIMA funding cap to terminate all of Walmart's Rule 45 contracts and cancel all of Walmart's pending Rule 45 applications and close Rule 45 to new applications. The resulting circumstances are materially different than what Walmart could have anticipated at any point prior to August 22, 2025.

IV. BACKGROUND

A. Legislative Context: AB 841 and the Establishment of Rule 45

Prior to 2020, the Commission authorized utility-side EV charging infrastructure through case-by-case applications. This piecemeal approach produced inconsistent results, limited scale, and delays. Recognizing that transportation electrification required a durable, integrated framework, the Legislature enacted AB 841 in 2020.

AB 841 added Public Utilities Code § 740.19, which directs the Commission to change its practice of authorizing the electrical distribution infrastructure "on a case-by-case basis" to one that considers such work "as core utility business, treated the same as other distribution infrastructure authorized on an ongoing basis in the electrical corporation's general rate case." In other words, AB 841 codified that the design, engineering, and construction of utility-side infrastructure needed for EV charging are not optional investments, but standard utility functions essential to the state's decarbonization strategy.

To implement AB 841, § 740.19(c) required each investor-owned utility ("IOU") to file an advice letter establishing a tariff or rule that authorized the utility to design and deploy all electrical distribution infrastructure on the utility side of the meter necessary to serve EV charging. SDG&E complied by filing Advice Letter 3562-E, which the Commission approved on October 8, 2021, thereby creating Electric Rule 45, commonly known as the "EV Infrastructure Rule."

The Rule 45 tariff replaced outdated line-extension rules and formalized the process for providing make-ready infrastructure to support EV charging stations. It was designed to ensure consistency, fairness, and predictability for customers seeking to electrify. The Commission's approval of Rule 45 marked a significant step toward integrating EV-charging infrastructure into SDG&E's core distribution business in accordance with the legislative intent.

B. General Rate Case Phase 1 (A.22-05-015) Decision D.24-12-074

On December 19, 2024, the Commission adopted D.24-12-074 in A.22-05-015 to establish SDG&E's revenue recovery for 2024-2027. SDG&E originally requested that the Commission close its EVIMA, which was established to track Rule 45 costs in a memorandum account, and establish a new two-way Electric Vehicle Infrastructure Rule Balancing Account ("EVIBA") with a $20 million funding level in capital costs for the GRC cycle.[5] The Public Advocates Office at the California Public Utilities Commission ("Cal Advocates") (and others) raised concerns with SDG&E's historical over-projection of costs in new pilots or programs and supported the EVIBA with a lower funding level of $7.58 million, but did not reference any cap applying to the EVIMA were it to remain in place. In fact, no party proposed capping the EVIMA. In its Opening Brief, SDG&E aligned with the recommendation of Cal Advocates by requesting a $7.58 million funding level for the EVIBA.[6] SDG&E also proposed that if costs and customer participation exceed the forecasted amount, it would seek to recover the EVIBA balance before the next GRC cycle to avoid a large undercollection.[7]

The Decision rejected the transition from a Rule 45 memorandum account to a two-way balancing account. However, in doing so, the Decision took the proposed $7.58 million funding level for the EVIBA (i.e., the amount up to which funding is presumed reasonable for the purpose of a balancing account) and applied it to the existing EVIMA. By setting a capital funding level for the EVIMA, SDG&E Rule 45 projects are limited to $7.58 million regardless of whether expenses for additional Rule 45 projects may be found to be reasonable during the EVIMA review in the next GRC cycle – a situation unique only to SDG&E.

Setting a funding cap of $7.58 million for the EVIMA may have been based in part on a misperception of the status of Rule 45 projects at the time of the Decision. D.24-12-074 notes that "Given that SDG&E opened the EV Infrastructure Rule to customer applications in April 2022, it has yet to book significant costs in the EVIMA. At the time of filing the GRC

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[5] D.24-12-074 at p. 554; See also *Opening Brief of Southern California Gas Company (U 904 G) and San Diego Gas & Electric Company (U 902 M) in the Test Year 2024 General Rate Case* ("SDG&E's Opening Brief") at pp. 572-574.
[6] D.24-12-074 at p. 554.
[7] *Id*. at p. 555.

application, SDG&E showed a $0 balance in the EVIMA."[8] However, Joint Petitioners confirm that from 2022 through mid-2024, prior to the release of the Proposed Decision in October 2024 and final adoption of D.24-12-074, SDG&E was made aware of pending projects and received Rule 45 applications, contracts, and commitments for installation of EVSE infrastructure at over 100 locations[9, 10] throughout its territory prior to the end of the 2024-2027 GRC cycle. Although the Decision asserts that a funding level of $7.58 million "… allow[s] SDG&E to build EV infrastructure in accordance with the AB 841 EV Infrastructure Rule," it should have been clear at the time of the Proposed Decision, at least to SDG&E, that the EVIMA funding would be inadequate. Unfortunately, SDG&E did not correct this misperception in its comments on the Proposed Decision and the EVIMA funding cap was adopted.

C. SDG&E's Advice Letter 4705-E

Eight months later, on August 22, 2025, SDG&E filed Advice Letter 4705-E, seeking to close Rule 45 to new applications and to terminate all projects that had not received a Notice to Proceed as of August 20, 2025. SDG&E justified this request on administrative and budgetary grounds, citing the EVIMA cap in the GRC Decision as restricting its ability to spend any additional funds for Rule 45 projects.

D. Protests

On September 11, 2025, CUE, NRDC, CALSTART, EVCA, and EVgo submitted a Joint Protest ("Joint Protest") explaining that SDG&E's proposal was misaligned with AB 841's statutory framework and would cause significant harm to ratepayers and the public interest. The Joint Protest emphasized that AB 841 and the Commission's implementing decisions were designed to make utility-side EV infrastructure deployment routine rather than exceptions, and to ensure that Rule 45 operates without artificial constraints that slow down electrification projects. The Joint Protest further noted that modifying or limiting Rule 45 at this stage – outside the broader evaluation occurring in SDG&E's 2024-2027 GRC – would undermine the Legislature's

[8] D.24-12-074 at 563.
[9] https://www.sandiegouniontribune.com/2023/03/28/san-diego-wants-electric-vehicle-chargers-installed-soon-at-400-city-parking-lots
[10] https://www.insidesandiego.org/san-diego-approves-agreement-add-hundreds-new-electric-vehicle-chargers

intent and conflict with the newer, complementary directives in AB 2700 and SB 410, both of which require proactive grid planning and timely customer energization.

The Joint Protest emphasized three primary points:

1. **Lack of statutory authority:** Under § 740.19(c), the Commission – not an IOU – may revise an AB 841 policy only after completion of the next full GRC cycle following the filing of the original AB 841 advice letter.
2. **Conflict with subsequent legislation:** Closing Rule 45 would contravene AB 2700 and SB 410, both of which reinforce the need for proactive grid planning and timely energization of EV-related infrastructure.
3. **Undermines public policy:** Abandoning Rule 45 would undermine California's commitment to clean transportation and decarbonization, slowing the build-out of critical EV charging infrastructure.

A separate protest was filed by the City of San Diego which emphasized that:

1. **SDG&E's Request was inappropriate for an Advice Letter:** Closing the Rule 45 tariff to new applications and cancelling contracts for projects already under development is both controversial and raises significant policy questions. The sudden closure of Rule 45 in the middle of a General Rate Case ("GRC") cycle has significant implications for the implementation of statewide policies in SDG&E territory
2. **Suspending Rule 45 was counter to the intent of AB 841:** By closing the Rule 45 tariff program mid-cycle, any further expenses will not be captured accurately by SDG&E as they will either be blended into alternative tariff programs (such as Rule 16) or not accounted for at all by the utility as they will now be borne by the customer on a case-by-case basis.
3. **D-24-12-074 does not anticipate nor authorize termination of Rule 45 mid-cycle if requests reach the projected initial capital amount:** While Decision 24-12-074 ("Decision") establishes an initial EVIMA budget cap of $7.58 million for the 2024 Test Year, it does not direct SDG&E to close the Rule 45 tariff program when the initial capital amount is expended.

4. **Closing Rule 45 will have a discriminatory impact on historically disadvantaged and other low- to moderate-income communities:** The result of the relief requested by Advice Letter-4705-E would be discriminatory due to the impacts to the disadvantaged communities (DACs) and low- to moderate-income ("LMI") communities.
5. **Closing Rule 45 applications put future EV infrastructure projects at an unreasonable disadvantage for outside funding:** State and Federal governments have multiple competitive funding opportunities to support the expansion of EV infrastructure for all vehicle types. If the utility distribution upgrade costs of a project in SDG&E's territory must be included in the overall project costs being borne by developers where those in the other IOU or municipal utility areas do not, the cost-per-port comparison between these applications will be greatly skewed against San Diego area projects

Walmart also filed a separate Protest emphasizing the following:

1. **Improper termination of projects**: SDG&E improperly terminated Walmart's nine pending Rule 45 projects, including four executed contracts and five applications ("Walmart's Pending Projects"), when compliance with D.24-12-074 neither required nor contemplated the termination of executed contracts or pending applications.
2. **Lack of notice**: SDG&E summarily terminated Walmart's Pending Projects without providing any notice or indication that projects in the queue could be canceled due to the funding cap.
3. **Resulting harm:** Walmart complied in good faith with Rule 45 requirements and committed significant resources. SDG&E's improper termination of Walmart's Pending Projects caused substantial harm, including sunk costs and other financial impacts, undue delay, and uncertainty.

Additional protests were filed by Electrify America, LLC and PACT, echoing many of the same arguments summarized above, and documenting the immediate and real-world harms associated with the suspension of Rule 45.

V. GROUNDS FOR MODIFICATION

A. SDG&E's Application of the EVIMA Funding Cap has Created a Conflict with the Requirements and Intent of AB 841.

SDG&E filed its AB 841 advice letter (Advice Letter 3705-E) in 2021, during its 2019 GRC cycle. AB 841 added Section 740.19(a) of the Public Utilities Code to recognize that electrical distribution infrastructure "located on the utility side of the customer meter needed to charge electric vehicles … [be] treated the same as other distribution infrastructure authorized on an ongoing basis in the electrical corporation's general rate case…. *The commission shall continue to require each electrical corporation to provide an accurate and full accounting of all expenses related to electrical distribution infrastructure as it relates to this section….*" Further, §740.19(c) clearly states that all electrical corporations are to deploy *"all electrical distribution infrastructure on the utility side of the customer's meter for all customers"* and that the costs shall be recovered through periodic GRC proceedings. The statute was crafted to ensure continuity and stability in the early implementation of AB 841. The Legislature intended for each utility to operate its EV infrastructure rule for at least one full GRC cycle before the Commission evaluates any changes. This protected period allows data collection of costs, performance, and customer experience.

The Legislature intended that EV-related distribution upgrades be planned and funded with the same certainty as service extensions to homes or businesses by adding Section 740.19(c) *the cost shall be treated like those costs incurred for other necessary distribution infrastructure*. AB 841 also added potential penalties "to the extent an IOU is not accurately tracking all expenses".[11] Rule 45 was created to implement these requirements. Capping and closing Rule 45 effectively re-segregates EV infrastructure investment into a limited, non-routine program, which is precisely what AB 841 sought to end. Maintaining this cap re-creates the unpredictability and stop-start funding cycles that discourage utility-side planning and delays customer energization. Rather than treating these investments as core business, the funding cap has made them discretionary again, undermining both utility accountability and market confidence, contrary to California state law. By closing Rule 45 due to the application of a funding cap, it creates uncertainty in the ability to do accurate cost tracking, as costs will either be blended into

[11] CA Public Utilities Code Section 740.19(a)

alternative tariff programs (such as SDG&E Rule 16) or not accounted for at all by the utility as they will now be borne by the customer on a case-by-case basis.

While D.24-12-074 establishes an EVIMA budget cap of $7.58 million for the 2024 Test Year, it does not direct SDG&E to close the Rule 45 tariff program when the capital amount is expended. The $7.58 million EVIMA cap for 2024 was derived from SDG&E's original Rule 45 cost projections for 2022 and 2023 provided in AL-3908-E. In the GRC, neither Cal Advocates nor SDG&E proposed that the $7.58 million estimate should be used as a cap on the EVIMA. Nor did either submit Comments regarding the potential for confusion over the application of the funding cap when the Commission issued its Proposed Decision rejecting SDG&E's EVIBA proposal, maintaining the EVIMA, and adding the funding cap to the EVIMA. As discussed above, the Commission applied this funding cap on the EVIMA in response to Cal Advocates and others highlighting SDG&E's historical over-projections for required revenue in new programs such as Rule 45.

SDG&E's public notice on the "EV Infrastructure Rule" page of its website confirms the EVIMA funding cap implemented in the GRC as the rationale for closing Rule 45: "Effective August 20, 2025, SDG&E has closed Rule 45 to new applications and will terminate contracts without a Notice to Proceed (NTP), due to a funding cap established by the CPUC in the 2024 General Rate Case."[12] This sequence of events demonstrates that SDG&E applied the funding cap in a manner that curtails Rule 45 mid-cycle, contrary to the continuity envisioned by § 740.19(c) and AB 841. Accordingly, the funding cap should be eliminated so that SDG&E's Advice Letter on the closure of Rule 45 can be denied. Imposing a funding cap converts a statutory mandate into a limited program, creating exactly the "case-by-case" environment that § 740.19(a) prohibits. As the Joint Protest emphasized, "Rule 45 was designed to be ongoing, predictable, and routine – not subject to arbitrary limits or suspensions."

[12] San Diego Gas & Electric. EV Infrastructure Rule. SDG&E, online at: www.sdge.com/business/electric-vehicles/lovelectric/ev-infrastructure-rule (Accessed October 6, 2025).

B. SDG&E's Failure to Advise the Commission that it had Already Received Numerous Rule 45 Applications – and, in some cases, Entered into Rule 45 Contracts – that Would Deplete All or a Significant Portion of the Funding Cap Created the Inaccurate Impression that SDG&E had yet to Commit to Significant Rule 45 Costs.

As indicated above, SDG&E represented to the Commission that the EVIMA showed a $0 balance at the time the GRC was filed in 2022.[13] The Commission relied on this information from SDG&E in setting the $7.58 million cap for the EVIMA, noting that that amount of money would still allow stakeholders to build EV infrastructure in accordance with AB 841.[14] However, throughout the GRC review and decision period from April 2022 to December 2024, SDG&E received so many Rule 45 applications—and, in some cases, further entered into Rule 45 contracts that it knew or should have known that it had committed to expend all or a significant portion of the $7.58M cap. SDG&E failed to advise the Commission of such commitments. Thus, the CPUC had inaccurate and incomplete information when it issued the Decision. Some of the Joint Petitioners were in the process of developing EV infrastructure under Rule 45, with the number of projects in development outlined in their respective Declarations to this Petition.

As previously discussed in this Petition, SDG&E canceled certain Joint Petitioners' Rule 45 projects due to reaching the EVIMA funding cap implemented in D.24-12-074. SDG&E's failure to advise the Commission of the numerous Rule 45 applications and projects in development throughout 2022, 2023, and 2024, caused the Commission to rely on insufficient and misleading evidence when implementing the EVIMA funding cap and rejecting the EVIBA. Based on its wording in D.24-12-074, it does not appear that the Commission had any intention for all development of Rule 45 projects to cease when the funding cap was reached, yet that is exactly what occurred due to SDG&E's failure to advise the Commission of its significant Rule 45 commitments.

Rule 16.4(b) requires that factual allegations associated with a petition for modification must be supported with citations to the record in the proceeding and be accompanied by declarations supporting the new or changed facts. Here, SDG&E represented to the Commission in its original 2022 filing that it had yet to book, and therefore presumably yet to expend,

[13] *See* D.24-12-074 at 563.
[14] *Id*. at 564.

significant Rule 45 funds by not seeking recovery of such expenditures in the EVIMA. However, at the time of the proposed decision in October 2024, SDG&E was aware of a large number of projects in development, according to the declarations of certain Joint Petitioners (Appendix B), and had already booked a significant portion of the $7.58M cap in 2024. With these facts not in the record of the Decision, the Commission set the $7.58M cap for the EVIMA with the intention of providing for future development of Rule 45 projects. By this Petition, the Joint Petitioners demonstrate to the Commission that the information SDG&E presented regarding its EVIMA costs was incomplete, which directly impacted the Decision. Therefore, the Commission should remove the cap on the EVIMA because of these changed facts.

C. Once the Funding Cap was Reached, It Created a Conflict with AB 2700 and the Requirement for Proactive Grid Planning

AB 2700 reinforced AB 841 by directing the Commission to ensure that IOU distribution planning "aligns with the state's zero-emission-vehicle, air-quality, and climate goals." It requires utilities to propose investments "consistent with preparing the electrical grid for the achievement of those goals." The Legislature explicitly abandoned the 'wait-and-see' planning approach and replaced it with a requirement for proactive, forward-looking investment.

By closing the Rule 45 tariff program mid-cycle as a result of hitting the cap, any further expenses will not be captured accurately by SDG&E. The costs will either be blended into alternative tariff programs (such as Rule 16) or not accounted for at all by the SDG&E as they will now be borne by the customer on a case-by-case basis. This creates significant variation in the assumed cost of utility-side upgrades for EV charging between the three IOUs as PG&E and SCE continue to allow such upgrades and to track their EV Infrastructure Rule programs (Rule 29) in their memorandum accounts while SDG&E will not.[15] Future decisions by the Commission regarding AB 2700 requirements for proactive grid planning and appropriate cost

[15] As of the date of this petition, Rule 29 is in place and effective for both PG&E (https://www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_RULES_29.pdf) and SCE (https://www.sce.com/sites/default/files/custom-files/PDF_Files/ELECTRIC_RULES_29.pdf), with associated costs tracked in PG&E's AB 841 memorandum account (https://www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_PRELIM_IU.pdf) and SCE's EVIMA (Electric Preliminary Statements Part N: Memorandum Accounts, Section 50.)

recovery amounts should be informed by equivalent IOU data gathered in an equivalent time period for specific purposes.

The Legislature sought improvement, requiring utilities to get ahead of the curve on electrification. Closing Rule 45 does the opposite: project backlogs, stranded public charging investments that depend on timely utility-side upgrades – including National Electric Vehicle Infrastructure ("NEVI"), Charging and Fueling Infrastructure Discretionary Grant Program, and CEC Clean Transportation funding such as the California EV Infrastructure Project ("CALeVIP"), and reduced customer trust in utility processes. Removing the cap would ensure SDG&E can proactively prepare its system for oncoming EV load growth in compliance with AB 2700.

D. Public Interest and Equity Implications

Beyond statutory considerations, the funding cap and closure of Rule 45 undermine public interest and California's equity commitments. Rule 45 is the mechanism through which many public agencies, school districts, and transit operators receive utility-side service for electrification projects. It has been shown in multiple studies,[16] [17] that there is a significant inequity in the distribution of EV charging infrastructure across communities, with disadvantaged communities (DACs) having over 60% fewer public EV chargers per capita than non-DACs.[18] By maintaining the cap and rejecting new applications under Rule 45, any new EV charging installations that would decrease this inequity would now bear increased upfront costs. The DACs and low- to moderate-income ("LMI") communities in SDG&E service territory are also some of the most grid-constrained across the SDG&E system.[19] Thus, there is a greater likelihood for system upgrades needed to install EV charging in these communities, further exacerbating the inequity of charger availability, charging costs, or both.

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[16] Hsu, Chih-Wei & Fingerman, Kevin, 2021. "Public electric vehicle charger access disparities across race and income in California," Transport Policy, Elsevier, vol. 100(C), pages 59-6
[17] Yu, Q., Que, T., Cushing, L.J. *et al.* Equity and reliability of public electric vehicle charging stations in the United States. *Nat Commun* **16**, 5291 (2025). https://doi.org/10.1038/s41467-025-60091-y
[18] *Ibid.*
[19] SDG&E Integration Capacity Analysis map (Accessed online at https://www.sdge.com/more-information/customer-generation/enhanced-integration-capacity-analysis-ica).

State and Federal governments have multiple competitive funding opportunities to support the expansion of EV infrastructure for all vehicle types. These include the National Electric Vehicle Infrastructure program (NEVI), California Electric Vehicle Infrastructure Project (CALeVIP), Fast and Available Charging for All Californians (FAST 2.0), Zero-Emission Heavy-Duty Vehicle Loan Program, and more – all of which depend on utility service to remain eligible for funding.[20] Applications for these and future funding opportunities are assessed on both their costs and benefits comparatively. If the utility distribution upgrade costs of a project in SDG&E's territory must be included in the overall project costs being borne by developers where those in the other IOU or municipal utility areas do not, the cost-per-port comparison between these applications will be greatly skewed against San Diego area projects. Any projects currently under review for potential funding, or those recently awarded, will now be at risk as the costs of utility-side upgrades would not have been included in application budgets or projected costs given the assumption of the continued availability of funding per AB 841 and the EV Infrastructure Rule, creating significant risk of failure due to no fault of their own.

Maintaining an uncapped EVIMA ensures that the benefits of transportation electrification – cleaner air, lower fuel costs, and local jobs – reach all Californians, not just those with access to private capital or early utility allocations. The Rule 45 EVIMA funding cap creates inequitable outcomes and threatens to slow progress toward the state's air-quality and climate targets.

For these reasons, the Joint Petitioners urge the Commission to modify D.24-12-074 to eliminate the funding cap on Rule 45 and direct SDG&E to continue serving all eligible applications through at least the completion of its 2024-2027 GRC cycle.

VI. REQUESTED MODIFICATIONS TO D.24-12-074

Pursuant to Rule 16.4 and Public Utilities Code § 1708, the Joint Petitioners respectfully request that the Commission modify D.24-12-074 to remove the funding cap established for SDG&E's EVIMA.

As discussed above, the Decision limits expenditure under Rule 45 by capping capital spending at $7.58 million. This limitation creates a contradiction with Public Utilities Code §

[20] CEC Clean Transportation Program (Accessed online at https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program).

740.19(c), which prohibits revising or rescinding AB 841 implementation policy until completion of the next full GRC cycle following the filing of the AB 841 advice letter. SDG&E's AB 841 advice letter (Advice Letter 3562-E) was filed in 2021; therefore, the 2024-2027 GRC cycle remains within the protected period.

Further, as evidenced by SDG&E's Advice Letter 4705-E and the resulting cancellation of pending projects, the cap has introduced significant market uncertainty, stranded costs, and inequitable treatment among customers. Businesses and public agencies that relied on Rule 45's continuity now face mid-cycle project cancellations, creating operational and financial disruptions and eroding confidence in the stability of the Rule 45 framework.

For these reasons, the Commission should modify D. 24-12-074 as shown in **Appendix A,** striking the funding cap and clarifying that SDG&E shall continue recording costs in the existing EVIMA without a numerical or budgetary limit, subject to later reasonableness review.

VII. CONCLUSION

For the reasons explained herein, the Joint Petitioners respectfully request that the Commission grant this Petition for Modification of Decision 24-12-074 and reaffirm Rule 45's continued operation until at least December 31, 2027. In addition to restoring statutory compliance, lifting the EVIMA funding cap will provide the certainty and predictability necessary for businesses, public agencies, and developers to continue investing in California's electrification future.

Respectfully submitted,

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Date: November 25, 2025

APPENDIX A – PROPOSED MODIFICATIONS TO D.24-12-074

Page 562-3: Instead, SDG&E is ordered to continue recording costs incurred from the EV Infrastructure Rule in the existing EVIMA until the next GRC cycle. ~~This decision also sets a capital funding level of $7.58 million for the memorandum account.~~

Page 563-4: ~~According to SDG&E and Cal Advocates, it is difficult to project costs associated with a brand-new EV Infrastructure Rule. The Commission agrees with Cal Advocates that although Advice Letter 3908-E pertains to the years 2022 and 2023, it acts as a better guideline for future funding, considering the present uncertainties and lack of any EV infrastructure sites built. The uncertainty of costs and past cost overruns in similar pilot programs make it reasonable to set a funding level of $7.58 million for EVIMA s capital expenses. Therefore, it is reasonable to adopt proposal of establishing a funding level that SDG&E has forecasted in its Advice Letter 3908-E, pursuant to Resolution E-5167. The proposed funding level is approximately $7,580,000, and it allows SDG&E to build EV infrastructure in accordance with the AB 841 EV Infrastructure Rule. Generally, memorandum accounts do not have a cap, but in this instance, since SDG&E has agreed to set a funding level, we find it reasonable to limit cost spending and recovery in rates at their proposed funding level.~~ SDG&E shall record costs in the memorandum account pursuant to E-5167 and a reasonableness review of these costs will take place in the next GRC cycle.

Page 998: ~~233. Generally, memorandum accounts do not have spending limits. However, establishing a funding cap provides cost certainty, which is warranted by San Diego Gas & Electric Company s history of cost overruns in pilot programs.~~

Page 1066: ...given San Diego Gas & Electric Company's history of cost overruns in pilot programs and the lack of a reasonableness review ~~for EVIMA~~, it is appropriate to maintain the EVIMA account. ~~with a spending cap.~~

APPENDIX B – DECLARATIONS

DECLARATION OF DR. JAIME LYNDSEY MCGOVERN

I, Jaime Lyndsey McGovern, declare as follows:

1. I am employed by Walmart Inc. ("Walmart") as Senior Manager, Utility Partnerships - Regulatory.
2. Walmart is an international retailer with retail units located in all fifty states. Within California, Walmart operates 303 retail units and 13 supply chain facilities. Walmart is a large commercial customer of SDG&E, owning and operating approximately 29 retail units and related facilities in SDG&E's service territory. Walmart has established aggressive and significant companywide renewable energy goals, including zero carbon emissions in its transportation fleet vehicles and all other operations, without the use of offsets, by 2040. As part of its renewable energy and carbon reduction efforts, Walmart is committed to supporting the EV industry by building its own EV fast-charging network at thousands of Walmart and Sam's Club locations across the United States that not only serves EV customers who reside and/or work nearby but also advances the nationwide EV infrastructure as a whole. Due to its size and the locations of its operations, Walmart is uniquely situated to further the availability of EV infrastructure in safe and convenient locations.
3. Since the California Public Utilities Commission ("Commission") issued Decision ("D.") 22-12-054,[1] which approved a $7.58 million funding cap on the Electric Rule 45 ("Rule 45") Electric Vehicle Infrastructure Memorandum Account ("EVIMA"), SDG&E filed Advice Letter 4705-E ("AL 4705-E") on August 22, 2025 in which it relied on the funding cap to close Rule 45 to new applications and terminate all projects that had not yet reached SDG&E's designated Notice to Proceed milestone as of August 20, 2025.
4. Concurrently with the filing of AL 4705-E, SDG&E summarily terminated Walmart's nine pending Rule 45 projects, including four executed contracts and five applications.[2]
5. Walmart filed a Protest of AL 4705-E detailing, among other things, the resulting harm.[3]
6. Walmart was not a party to A.22-05-016 and did not participate in this proceeding earlier because it did not anticipate (1) the establishment of a funding cap for the Rule 45 EVIMA; (2) that, once established, the funding cap would be reached only eight months into the three-year GRC cycle; or (3) that SDG&E would rely upon the funding cap to terminate all Rule 45 contracts for which it had not yet issued its designated Notice to Proceed as of August 20, 2025, cancel all pending Rule 45 applications, and close Rule 45 to new applications. The resulting circumstances are materially different than what Walmart could have anticipated at any point prior to August 22, 2025.
7. In this Petition for Modification, Walmart respectfully requests that the Commission strike the Rule 45 EVIMA funding cap and clarify that Rule 45 must remain open to all eligible applications through at least SDG&E's current rate-case cycle.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21st day of November 2025 in Bentonville, Arkansas.

/s/ Jaime L. McGovern
Jaime L. McGovern, PhD

DECLARATION OF RENEE SAMSON

I, Renee Samson, declare as follows:

1. I am employed by EVgo as Senior Manager, Market Development and Public Policy.
2. EVgo is one of the nation's leading public fast charging providers. With more than 1,100 fast charging stations across 47 states, EVgo strategically deploys localized and accessible charging infrastructure by partnering with leading businesses across the U.S., including retailers, grocery stores, restaurants, shopping centers, gas stations, rideshare operators, and autonomous vehicle companies. At its dedicated Innovation Lab, EVgo performs extensive interoperability testing and has ongoing technical collaborations with leading automakers and industry partners to advance the EV charging industry and deliver a seamless charging experience.
3. Since the California Public Utilities Commission ("Commission") issued Decision ("D.") 22-12-054,[1] which approved a $7.58 million funding cap on the Electric Rule 45 ("Rule 45") Electric Vehicle Infrastructure Memorandum Account ("EVIMA"), SDG&E filed Advice Letter 4705-E ("AL 4705-E") on August 22, 2025 in which it relied on the funding cap to close Rule 45 to new applications and terminate all projects that had not yet reached SDG&E's designated Notice to Proceed milestone as of August 20, 2025.
4. EVgo signed onto the Joint Protest of AL 4705-E detailing, among other things, the resulting harm.
5. EVgo was not a party to A.22-05-016 and did not participate in this proceeding earlier because it did not anticipate (1) the establishment of a funding cap for the Rule 45 EVIMA; (2) that, once established, the funding cap would be reached only eight months into the three-year GRC cycle; or (3) that SDG&E would rely upon the funding cap to terminate all Rule 45 contracts for which it had not yet issued its designated Notice to Proceed as of August 20, 2025, cancel all pending Rule 45 applications, and close Rule 45 to new applications. The resulting circumstances are materially different than what EVgo could have anticipated at any point prior to August 22, 2025.
6. In this Petition for Modification, EVgo respectfully requests that the Commission strike the Rule 45 EVIMA funding cap and clarify that Rule 45 must remain open to all eligible applications through at least SDG&E's current rate-case cycle.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of November 2025 in San Francisco, California.

/s/ Renee Samson
Renee Samson

Decision Addressing the 2024 Test Year General Rate Cases of Southern California Gas Company and San Diego Gas & Electric Company (dated effective December 19, 2024) in San Diego Gas & Electric Company's ("SDG&E") 2024 General Rate Case ("GRC"), Application ("A.") 22-05-016.

DECLARATION OF HEATHER WERNER

I, Heather Werner, declare as follows:

1. I am employed by the City of San Diego ("City"), Deputy Director, Energy Division, Department of General Services. The Energy Division is responsible for all municipal energy operations, building and fleet electrification, zero emissions vehicle infrastructure on City property, and oversight of SDG&E's gas and electric franchises.
2. The City is the largest municipality in SDG&E territory and represents over 35% of all SDG&E accounts. The City adopted its updated Climate Action Plan in 2022 that sets a target of 25% e-Vehicle Miles Traveled for all light duty vehicles citywide and a target of 100% light-duty and 75% medium- and heavy-duty zero emissions vehicles in the City's fleet. In 2023, the City launched its Public EV Charging Program to install public EV chargers at all City parking lots – anticipated to add up to 3,000 new charging ports of various levels to communities across the City. Concurrently, the City started planning and procurement activities to rapidly expand fleet-dedicated charging infrastructure at City facilities, many of which are capacity constrained and would rely on AB 841 and the Electric Infrastructure Rule ("Rule 45") to manage the costs in order to fully electrify the City's fleet in compliance with the Advance Clean Fleet requirements of the California Air Resources Board.
3. As part of the collaboration with SDG&E, per the Energy Cooperation Agreement between the City and SDG&E, the first tranche of 98 public EV charging sites under the Public EV Charging Program was provided to SDG&E in April 2023, and continually refined throughout the following two years. This included preliminary review of available load and updates on port counts and types for both public and fleet charging short- and medium-term needs.
4. After the California Public Utilities Commission ("Commission") issued Decision D.22-12-054, which approved a $7.58 million funding cap on the Rule 45 Electric Vehicle Infrastructure Memorandum Account ("EVIMA"), SDG&E filed Advice Letter 4705-E ("AL 4705-E") on August 22, 2025 in which it relied on the funding cap to close Rule 45 to new applications and terminate all projects that had not yet reached SDG&E's designated Notice to Proceed milestone as of August 20, 2025.
5. On September 11, 2025, the City filed a Protest of AL 4705-E detailing, among other things, the resulting impacts that will occur due to SDG&E's closure of Rule 45.
6. The City is a member of the service list for Phase 1 (A.22-05-016) to ensure it was kept informed of decisions in the Phase 1 track while it participated as a Party to the General Rate Case Phase 2 (A.23-01-008), but did not request full Party status in A.22-05-016 to participate in Phase 1 as it was not made aware and did not anticipate (1) the establishment of a funding cap for the Rule 45 EVIMA; (2) that, once established, the funding cap would be reached only eight months into the GRC cycle; or (3) that SDG&E would rely upon the funding cap to terminate all Rule 45 contracts for which it had not yet issued Notice to Proceed, cancel all pending Rule 45 applications, and close Rule 45 to new applications. The resulting circumstances were not raised in the recurring coordination meetings between the City and SDG&E and thus were not anticipated until

SDG&E informed the City of the pending Advice Letter and program closure on August 20, 2025.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of November 2025 in San Diego, California.

/s/ Heather Werner

DECLARATION OF ELECTRIFY AMERICA, LLC

I, Jigar Shah, declare as follows:

1. I am employed by Electrify America, LLC ("Electrify America") as the Director of Energy Services.
2. To date, Electrify America has built a coast-to-coast network of Direct Current ("DC") Fast Charger ("DCFC") stations across over 1000 locations and with over 5,000 individual DC fast chargers in total. Within the service territory of San Diego Gas and Electric ("SDG&E" or "Company"), Electrify America currently operates 30 stations with 143 individual DCFCs. The chargers range from 150 kW to 360 kW of power based on anticipated needs and use cases, as well as available real estate and power. The hyper-fast 360 kW chargers are among the most powerful public chargers on the market today, capable of recharging speeds close to gasoline fueling.
3. Since the California Public Utilities Commission ("Commission") issued Decision ("D.") 24-12-074, which approved a $7.58 million funding cap on the Electric Rule 45 ("Rule 45") Electric Vehicle Infrastructure Memorandum Account ("EVIMA"), SDG&E filed Advice Letter 4705-E ("AL 4705-E") on August 22, 2025 in which it relied on the funding cap to close Rule 45 to new applications and terminate all projects that had not yet reached SDG&E's designated Notice to Proceed milestone as of August 20, 2025.
4. Concurrently with the filing of AL 4705-E, SDG&E summarily terminated Electrify America's six pending Rule 45 projects, including four executed contracts and two applications.
5. Electrify America was actively engaging with SDG&E regarding these projects between 2022 and mid-2024, and SDG&E was aware that Electrify America had already incurred costs associated with their development.
6. It is Electrify America's understanding and belief that SDG&E had already incurred costs associated with Electrify America's Rule 45 projects, as well.
7. Electrify America filed a Protest of AL 4705-E detailing, among other things, the resulting harm of SDG&E's advice letter, which was a result of D.24-12-074.
8. Electrify America was not a party to A.22-05-016 and did not participate in this proceeding earlier because it did not anticipate (1) the establishment of a funding cap for the Rule 45 EVIMA; (2) that, once established, the funding cap would be reached only eight months into the three-year GRC cycle; or (3) that SDG&E would rely upon the funding cap to terminate all Rule 45 contracts for which it had not yet issued its designated Notice to Proceed as of August 20, 2025, cancel all pending Rule 45 applications, and close Rule 45 to new applications. The resulting circumstances are materially different than what Electrify America could have anticipated at any point prior to August 22, 2025.
9. As a signatory to this Petition for Modification, Electrify America respectfully requests that the Commission strike the Rule 45 EVIMA funding cap and clarify that Rule 45 must remain open to all eligible applications through at least SDG&E's current rate-case cycle.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of November 2025 in Reston, Virginia

/s/ Jigar Shah
Jigar Shah