



ALJ/PPE/jds/jnf 12/29/2025

FILED

12/29/25

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CPUC PM
A2409010

Application of Liberty Utilities (CalPeco Electric) LLC (U-933E) 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

**ADMINISTRATIVE LAW JUDGE'S RULING ON
TAHOE ENERGY RATEPAYERS GROUP'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP AND MOTION FOR
LEAVE TO FILE UNDER SEAL CONFIDENTIAL INFORMATION**

Party intending to claim intervenor compensation: Tahoe Energy Ratepayers Group (Tahoe ERG)

(NOTE: Parts I- IV of this Notice of Intent (NOI) to claim intervenor compensation are completed by the party intending to claim intervenor compensation. The Administrative Law Judges' ruling on this NOI begins on page 7.)

PART I: PROCEDURAL ISSUES
(Completed by the party intending to claim intervenor compensation)

A. Status as "customer" (see Pub. Util. Code § 1802(b))¹ The party claims "customer" status because the party is (check one):		Applies (check)
1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. (See, for example, D.08-07-019 at 5-10).		<input type="checkbox"/>
2. A Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers		<input type="checkbox"/>

¹ All statutory references are to California Public Utilities Code (Pub. Util. Code) unless indicated otherwise.

A. Status as “customer” (see Pub. Util. Code § 1802(b))¹ The party claims “customer” status because the party is (check one):		Applies (check)
selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.		
3. A Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation (§ 1802(b)(1)(C)). Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. (See D.98-04-059, footnote at 30.)		<input checked="" type="checkbox"/>
4. The party’s detailed explanation of the selected customer category. Tahoe ERG was created for the purpose of representing the interests of residential energy customers before the California Public Utilities Commission (CPUC). Tahoe ERG advocates for energy rates that unite the interests of Lake Tahoe residential energy users in seeking fair, reasonable and non-discriminatory electric rates and to ensure that rates are based on principles of cost causation. Tahoe ERG has been granted party status in this proceeding and intends to advocate for rates that do not discriminate between (i) permanent, full-time, primary, or owner-residents of Lake Tahoe on the one-hand, and (ii) temporary, part-time, seasonal, renter, or second home-owner residents of Lake Tahoe on the other-hand. Tahoe ERG’s members are utility ratepayers in Liberty’s service area and are therefore directly affected by the outcome of this proceeding. They have a direct interest in Liberty Energy’s proposal to modify its rate design to have a single category of residential ratepayers that would replace the prior rate design that consisted of two categories: Residential-Permanent and Residential-Non-Permanent, which were subject to differential usage rates and a non-allocation of baseline for Residential Non-Permanent customers for identical energy usage. Tahoe ERG is a California unincorporated Association, (Attachment 1), and as stated in the “Articles of Association - Tahoe Energy Ratepayers Group” (Attachment 2), Tahoe ERG’s official mission is to represent the interests of residential energy utility customers in Lake Tahoe. Tahoe ERG meets the definition of a Category 3 customer, as		

A. Status as “customer” (see Pub. Util. Code § 1802(b))¹ The party claims “customer” status because the party is (check one):		Applies (check)
set forth in Pub. Util. Code Section 1802(b). The Commission held that Tahoe ERG was eligible for Category 3 customer status and was awarded intervenor compensation for substantial contribution in Liberty Utility’s prior rate case in D.24-03-029.		
Do you have any direct economic interest in outcomes of the proceeding?² If “Yes”, explain:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. Conflict of Interest (§ 1802.3)		Check
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission? N/A		<input type="checkbox"/> Yes <input type="checkbox"/> No
C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):		
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 1/16/2025. This Notice is timely filed because the 30 th day after the PHC was 2/15/25, which fell on a Saturday. Under Rule 1.15, the deadline moves to the next business day when the day for an act falls on a Saturday, Sunday or holiday. Due to the federal holiday on February 17, 2025, the deadline for filing this Notice was re-set to February 18, 2025.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(Completed by the party intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)):
<p>1. What is the nature of your planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed)? On what issues do you plan to participate?</p> <p>Tahoe ERG, if granted party status, intends to be an active participant in the proceeding and plans to conduct discovery, participate in the evidentiary hearing, prepare testimony, defend its testimony, cross-examine witnesses, and prepare briefs.</p>

² See Rule 17.1(f) of the Commission’s Rules of Practice and Procedure.

There are currently four additional parties in this proceeding: “Small Business Utility Advocates” representing small business customers; “A-3 Customer Coalition” representing commercial customers; “Cal Advocates” representing customers in general; and, “The Utility Reform Network” representing consumer interests. All parties listed the issues they intend to address in the Joint Prehearing Conference Statement filed on January 9, 2025. None of the stated issues are duplicative of the issues being raised by Tahoe ERG. However, it is possible that as parties’ positions develop, Cal Advocates and/or TURN may have some complimentary interests with Tahoe ERG. We will coordinate with other parties to avoid any duplication of effort. Tahoe ERG anticipates that it will play a major role in identifying, obtaining and representing evidence to assist with the Commission’s analysis. A scoping memo has not yet been issued, but Tahoe ERG anticipates that it will present evidence on all of the following issues.

- Whether Liberty Utilities’ proposed rate design to revise the residential customer class to a single ratepayer class is just and reasonable and based on principles of cost causation.
- Whether Liberty Utilities’ proposed single ratepayer class design is non-discriminatory and whether the rate design may have elements that are a proxy to achieve an unreasonable distinction between various customers such as occupancy, age of the home, TOU, peak usage, volume of energy usage.
- Whether Liberty Utilities’ proposed rate increase is just and reasonable.
- Whether Liberty Utilities’ substantial proposed rate increase is grounded in verifiable data demonstrating that the rates adhere to principles of cost causation and are reasonably necessary to provide safe and reliable electric service.

Tahoe ERG reserves the right to amend the scope of its participation after issuance of the Scoping Memo and after receipt of all discovery in this proceeding.

B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§1804(a)(2)(A)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Anita Raff-Rice	150	\$590.00	\$88,500	
[Attorney 2]				
Unidentified Experts			\$20,500	
[Expert 2]				
[Advocate 1]				
			<i>Subtotal: \$109,100.00</i>	

OTHER FEES				
[Person 1]				
Subtotal: \$0.00				
COSTS				
Copying				\$250.00
Travel				\$700.00
Subtotal: \$950.00				
TOTAL ESTIMATE: \$110,050.00				
<p>Estimated Budget by Issues:</p> <ol style="list-style-type: none"> 1. Rate design and recovery: 50% 2. Just and reasonableness of rates: TY 2025 O&M: 35% 3. Just and reasonableness of increase of fixed charge: 10% 4. Other issues that may arise in the proceeding: 5% <p>Estimates of attorney and expert witness fees are preliminary and Tahoe ERG reserves the right to adjust the estimates depending on developments in the case, including discovery issues and scope/length of evidentiary hearings.</p>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(Completed by party intending to claim intervenor compensation)

A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:	Applies (check)
1. The customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation (§1802(h).)	<input type="checkbox"/>
2. In the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding (§1802(h).)	<input checked="" type="checkbox"/>
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship (§1803.1(b).)	<input type="checkbox"/>
4. A §1802(h) or §1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§1804(b)(1).)	<input checked="" type="checkbox"/>

Commission's finding of significant financial hardship made in proceeding number: A.21-05-017	
Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: D.24-03-029.	
B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOD):	
<p>The cost of Tahoe ERG's participation in CPUC proceedings, which is estimated to be \$110.050, substantially outweighs the benefit to the individual members it represents. Tahoe ERG's members are residential energy customers whose individual interests in the amount of their monthly electric bills. Accordingly, these economic interests are small relative to the costs of participation. It is substantially certain that Tahoe ERG's members will see financial benefits that exceed their costs of intervention.</p>	

**PART IV: ATTACHMENTS DOCUMENTING
SPECIFIC ASSERTIONS MADE IN THIS NOTICE**

(The party intending to claim intervenor compensation identifies and attaches documents)

Attachment No.	Description
1	Articles of Association "Tahoe Energy Ratepayers Group"
2	Secretary of State Filing of "Statement by Unincorporated Association – Tahoe Energy Ratepayers Group"
3	Certificate of Service

ADMINISTRATIVE LAW JUDGE'S RULING

This ruling finds that Tahoe Energy Ratepayers Group (Tahoe ERG) qualifies as a Category 3 customer and has demonstrated significant financial hardship pursuant to Public Utilities Code (Pub. Util. Code) §1802. Tahoe ERG is eligible to claim intervenor compensation in this proceeding. The eligibility to claim intervenor compensation does not guarantee an award. To receive compensation, Tahoe ERG must demonstrate that their participation made a substantial contribution to the proceeding's outcome.

1. Procedural Background

Tahoe ERG filed a timely Notice of Intent to Claim Intervenor Compensation (NOI) in this proceeding. On June 13, 2025, the Administrative Law Judge (ALJ) issued a ruling on the NOI (Ruling). The Ruling found that there was not a prior finding of Tahoe ERG's eligibility that could apply to this proceeding to invoke the rebuttable presumption rule codified in Pub. Util. Code §1804(b)(1). The Ruling requested Tahoe ERG to file additional information to help ascertain the group's customer status and significant financial hardship. On July 14, 2025, Tahoe ERG filed a supplement to the NOI and a motion to file Attachment 3 to the supplement under seal.

2. Information Provided in the Supplement

To help ascertain the appropriate customer category and the significant financial hardship standard, the Ruling requested Tahoe ERG to file current copies of its documents, provide a list of its voting members, describe their interests in this proceeding, and state how many non-voting members it has. The Ruling also requested the most recent annual financial information.

Tahoe ERG responded to the Ruling by providing a statement of unincorporated association filed with the Secretary of State; minutes of the joint

organizational meeting of Tahoe ERG's members from September 3, 2021 (Minutes); and articles of association dated September 3, 2021 (Articles of Association). These documents are the same documents Tahoe ERG submitted on September 21, 2021, to support a NOI in another proceeding, Application (A.) 21-05-017.

The Minutes were signed by the group's five voting members. Among other things, the Minutes authorized the elected president Joanne H. Kerbavaz to engage attorney Anita Taff-Rice and requested her to represent the group's interests in A.21-05-017. In a declaration attached to the supplement to this current NOI, Joanne H. Kerbavaz states that she requested Anita Taff-Rice to also represent Tahoe ERG in this proceeding.

3. Customer Status

In this NOI, Tahoe ERG identifies itself as a Category 3 customer, or an "organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers." Pursuant to Pub. Util. Code §1802(b)(1)(C), the Commission defines a Category 3 customer as a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation.

It is noted that Tahoe ERG also claimed rebuttable presumption because a ruling issued in A.21-05-017 established Tahoe ERG's Category 3 customer status. However, more than a year has passed between the date of that ruling issued on December 22, 2021, and September 20, 2024, the date when this

proceeding was initiated.³ Pursuant to Pub. Util. Code §1804(b)(1), the rebuttable presumption of eligibility established in A.21-05-017 has expired. Therefore, it is necessary that this ruling reassess Tahoe ERG's customer status eligibility.

Tahoe ERG has clarified that it is an unincorporated association and not a corporate entity. Because Tahoe ERG is not a corporation, it does not have articles of incorporation and instead provided Articles of Association which cite California Corporations Code (Cal. Corp. Code) §18000 *et seq.* addressing unincorporated associations. Cal. Corp. Code §18008 defines the governing document of an unincorporated association as its "constitution, articles of association, *bylaws*, or other writing that governs the purpose or operation of an unincorporated association or the rights or obligations of its members." Based on this, Tahoe ERG's Articles of Association as "articles of incorporation or bylaws" are acceptable for the purpose of determining its customer status eligibility. This determination is limited to Tahoe ERG and does not assert that all articles of associations can be accepted in lieu of articles of incorporation or bylaws. This determination will be made on a case-by-case basis based on the record in the proceeding.

Based on a review of Tahoe ERG's Articles of Association, it is found that Tahoe ERG has the authority to represent the interests of Lake Tahoe's residential energy customers and therefore qualifies as a Category 3 customer.

4. Significant Financial Hardship

Pursuant to Pub. Util. Code §1802(h), Category 3 customers must demonstrate significant financial hardship by showing that the "the economic interest of the individual members of the group or organization is small" as

³ See, the Ruling of June 13, 2025, and reference in Part IV(1) above.

compared against the reasonable costs of participation. Tahoe ERG estimates that it will cost it approximately \$110,000 to challenge the proposed rate increase, and that if approved, it will result in an approximate increase of \$37.51 per month (approximately \$450 per year) for an average customer. Tahoe ERG contends that the economic interest of the intervenor's individual members is small in comparison to the estimated cost of participation. Tahoe ERG also provides a detailed explanation of how this group is funded.

Based on a review of the information, this ruling finds that Tahoe ERG has demonstrated significant financial hardship as a Category 3 customer.

5. Motion for Leave to File Under Seal

Tahoe ERG submitted a Motion for Leave to File Under Seal Confidential information (Motion) with its 2024 statement of income and expenses. The Motion describes this information as sensitive, and requests that these documents be treated as confidential. Having reviewed the Motion, there is good cause to grant the Motion. This ruling finds that financial information filed by TERG shall be treated as confidential. This Motion is granted.

The information shall not be made accessible or disclosed to anyone other than Commission staff except upon the further order or ruling of the Commission, the assigned Commissioner, the assigned ALJ, or the ALJ then designated as Law and Motion Judge.

IT IS RULED that:

1. Tahoe Energy Ratepayers Group qualifies as a Category 3 customer pursuant to Pub. Util. Code §1802(b).
2. Tahoe Energy Ratepayers Group has demonstrated significant financial hardship pursuant to Pub. Util. Code §1802(h).

3. Tahoe Energy Ratepayers Group's Motion for Leave to File Under Seal Confidential Attachment 3 to the Supplement filed on July 14, 2025, is granted.

4. Tahoe Energy Ratepayers Group is eligible to claim intervenor compensation in this proceeding; however, eligibility to claim intervenor compensation does not guarantee an award. To receive compensation, Tahoe Energy Ratepayers Group must demonstrate that their participation made a substantial contribution to the proceeding's outcome.

Dated December 29, 2025, at San Francisco, California.

/s/ W. ANTHONY COLBERT for

Patrick Petersen
Administrative Law Judge