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

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

R.21-03-011

**CALIFORNIA COMMUNITY CHOICE ASSOCIATION'S REPLY
COMMENTS ON THE PROPOSED DECISION SETTING GUIDELINES
FOR PROVIDER OF LAST RESORT APPLICATIONS**

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January 7, 2026

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SUMMARY OF RECOMMENDATIONS¹

- SDG&E’s recommendation that the Proposed Decision be modified to define “POLR service” should be rejected.

¹ Acronyms used herein are defined in the body of this document.

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The California Community Choice Association² (CalCCA) submits these reply comments pursuant to Rule 14.3 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure³ on the proposed *Decision Setting Guidelines for Provider of Last Resort Applications*⁴ (Proposed Decision), dated December 12, 2025.

I. INTRODUCTION

California Public Utilities Code section 387⁵ requires the Commission to establish parameters for a load-serving entity (LSE) other than an investor-owned utility (IOU) to serve as

² California Community Choice Association represents the interests of 24 community choice electricity providers in California: Apple Valley Choice Energy, Ava Community Energy, Central Coast Community Energy, Clean Energy Alliance, Clean Power Alliance of Southern California, CleanPowerSF, Desert Community Energy, Energy For Palmdale's Independent Choice, Lancaster Energy, Marin Clean Energy, Orange County Power Authority, Peninsula Clean Energy, Pico Rivera Innovative Municipal Energy, Pioneer Community Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Santa Barbara Clean Energy, Silicon Valley Clean Energy, Sonoma Clean Power, and Valley Clean Energy.

³ *State of California Public Utilities Commission, Rules of Practice and Procedure, California Code of Regulations Title 20, Division 1, Chapter 1* (May 2021), <https://webproda.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/rules-of-practice-and-procedure-may-2021.pdf>.

⁴ Proposed *Decision Setting Guidelines for Provider of Last Resort Applications*, Rulemaking (R.) 21-03-011 (Dec. 12, 2025),

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M590/K884/590884359.PDF>.

⁵ All subsequent code sections cited herein are references to the California Public Utilities Code unless otherwise specified.

the Provider of Last Resort (POLR). The Proposed Decision adopts an application process for any non-IOU seeking POLR status in which the applicant must include information responsive to “threshold questions” that will be used to ensure the applicant meets the section 387 requirements.⁶

Party Opening Comments⁷ demonstrate near consensus support for the Proposed Decision’s application process and situation-specific criteria for non-IOU POLR eligibility. Parties acknowledge that there are no non-IOU LSEs currently interested in providing POLR service, and the Proposed Decision provides a reasonable path forward by preserving the Commission’s and party resources until an application is filed.⁸ In addition, as stated by PG&E, the framework allows for “a case-by-case review” as “each such application is likely to be unique in important aspects.”⁹ CalCCA continues to support the Proposed Decision with one proposed modification to ensure applicants can receive definitive guidance from the Commission on threshold questions, as set forth in its Opening Comments.¹⁰

While SDG&E generally supports the Proposed Decision, SDG&E requests modification to the Proposed Decision to address what constitutes “POLR service.” *First*, SDG&E asserts that the Commission should address this question *now*, prior to any application being filed. *Second*, SDG&E states that if the question is not being addressed now, the Commission should include a question in the Proposed Decision, Appendix A, regarding “POLR service” in the threshold questions to be answered in a non-IOU POLR application. As set forth below, CalCCA has no

⁶ Proposed Decision, Ordering Paragraph 1.

⁷ See CalCCA Opening Comments, at 2; Pacific Gas and Electric Company (PG&E) Opening Comments, at 2; Southern California Edison Company Opening Comments, at 1; San Diego Gas & Electric Company (SDG&E) Opening Comments, at 1-2; Shell Energy North America (US), L.P. Opening Comments, at 2; and Small Business Utility Advocates Opening Comments, at 1. References to Opening Comments refer to those filed on or about January 2, 2026, in R.21-03-011.

⁸ See CalCCA Opening Comments, at 2; PG&E Opening Comments, at 2; and SDG&E Opening Comments, at 2.

⁹ PG&E Opening Comments, at 2.

¹⁰ See CalCCA Opening Comments, at 3-4.

objection to amending Appendix A with a question regarding POLR service. However, the Proposed Decision should not be modified to attempt to define “POLR service” now consistent with SDG&E’s Opening Comments.¹¹ Parties continue to have differing views on how to define POLR service, and the POLR services each applicant seeks to provide and its ability to provide those services will be case-specific.

II. SDG&E’S RECOMMENDATION TO DEFINE “POLR SERVICE” IN THE PROPOSED DECISION SHOULD BE REJECTED

SDG&E’s recommendation to define “POLR service” now in the Proposed Decision should be rejected. Instead, to the extent the Commission addresses SDG&E’s Opening Comments, it can simply add the question of how to define “POLR service” to the Proposed Decision, Appendix A, so that an applicant can address this question with its fact-specific situation.

SDG&E’s Opening Comments generally support the Proposed Decision, but also provide extensive analysis of how the Commission *should* define POLR service, and hints that this “central” issue should be considered “in the instant Phase 2.”¹² SDG&E states that “...before determining whether a non-IOU LSE meets the criteria to provide ‘POLR service’ to customers in a given service territory, the Commission must expressly define what ‘POLR service’ involves....”¹³

SDG&E acknowledges that parties’ have “differing views on how to define ‘POLR service.’”¹⁴ The Commission should reject SDG&E’s definition of POLR service for the reasons

¹¹ See SDG&E Opening Comments, at 3.

¹² *Id.* at 6.

¹³ *Id.* at 3-4.

¹⁴ *Id.* at 6.

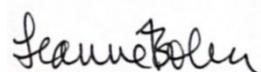
described by CalCCA in the record,¹⁵ which CalCCA does not repeat here. Indeed, CalCCA provided extensive analysis of its position on the definition of “POLR service.” As recognized by the Proposed Decision, however, this issue is more appropriately addressed in the application process, as the POLR services each applicant seeks to provide and its ability to provide those services will be case-specific.

SDG&E alternatively states that “if the Commission elects not to consider this issue in the instant Phase 2,” it should modify Appendix A, Section I of the Proposed Decision to include a threshold question for an applicant to provide its basis for its definition of POLR service.¹⁶ CalCCA does not oppose adding this question to the list of threshold questions to be answered by a non-IOU POLR applicant.

III. CONCLUSION

CalCCA appreciates the opportunity to submit these reply comments and respectfully requests adoption of the recommendations proposed herein.

Respectfully submitted,



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January 7, 2026

¹⁵ See *California Community Choice Association’s Reply Comments on Threshold Questions*, R.21-03-011 (Jan. 24, 2025), at 7-16,

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M555/K445/555445541.PDF>.

¹⁶ SDG&E Opening Comments, at 6.