



COM/DH7/asf 1/27/ 2026

**FILED**

01/27/26  
11:46 AM

A2509016

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

Application of Pacificorp (U901e) to Continue its Energy Efficiency Programs, the Surcharge to Fund Public Purpose Programs, and Bridge Funding For Program Year 2027.

Application 25-09-016

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This scoping memo and ruling sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.

**1. Procedural Background**

This proceeding was initiated by the filing of an application by PacifiCorp (doing business as Pacific Power) for approval (1) to redesign and continue operating its energy efficiency programs from 2027 through 2030 with a budget of \$7.17 million; (2) of a continuation of the Surcharge to Fund Public Purpose Programs (Surcharge) to continue operation and funding of its existing programs through 2027; (3) to continue to request adjustments to the Surcharge collection rates via a Tier 2 advice letter; and (4) of bridge funding for 2027.

A prehearing conference was held on November 24, 2025 to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. After considering the application, protest, reply, and discussion at the prehearing conference, I

have determined the issues and initial schedule of the proceeding to be set forth in this scoping memo.

## **2. Issues**

The issues to be determined or otherwise considered are:

1. Should the Commission approve the proposed portfolio and associated budget for 2028 – 2030 energy efficiency programs?
  - a. Is the proposed exemption of the portfolio from cost-effectiveness requirements appropriate? Is the proposed portfolio appropriately aligned with Commission policy on equity segment programs, per guidance adopted in Decision (D.) 21-12-034, D.21-05-031, and other relevant directives listed in prior Commission decisions and rulings and applicable statutes?
  - b. Are the proposed budget and expenditure allocation just and reasonable?
  - c. Do the proposed portfolio and budget negatively or positively impact achievement of the Commission's Environmental and Social Justice Action Plan, and how?
2. Is the proposed bridge year funding for 2027 just and reasonable?
3. Should the Commission approve the proposal to continue making future changes to the Public Purpose Programs Surcharge using a Tier 2 advice letter process as outlined in General Order 96-B?

## **3. Need for Evidentiary Hearing**

No party identified disputed issues of material fact during the prehearing conference. However, one party expressed a desire to reserve the right to request hearings, should material factual disputes arise during discovery or after review of testimony. Accordingly, we will set a preliminary schedule for one day of evidentiary hearings and allow a date by which parties must file a motion identifying the disputed factual issues and requesting evidentiary hearings. The

need for evidentiary hearing will be determined by the assigned Commissioner and Administrative Law Judges (ALJ) following any motion(s) for evidentiary hearing. If no such motion is filed, the evidentiary hearings will be cancelled.

#### 4. Schedule

The following schedule is adopted here and may be modified by the Assigned Commissioner or ALJs as required to promote the efficient and fair resolution of the application:

Event	Date
Intervenors' prepared direct testimony filed and served	April 17, 2026
Prepared rebuttal testimony filed and served	May 11, 2026
Final date to file a motion to request evidentiary hearings, detailing disputed issues of material fact	May 18, 2026
Ruling confirming need for evidentiary hearings	May 25, 2026
<i>If evidentiary hearings are not held:</i>	
Opening briefs	July 3, 2026
Reply briefs (matter submitted)	August 3, 2026
Proposed decision published for party comments	no later than 90 days after submission
<i>If evidentiary hearings are held:</i>	
Evidentiary hearing	June 10, 2026
Opening briefs	July 27, 2026
Reply briefs (matter submitted)	August 26, 2026
Proposed decision published for party comments	no later than 90 days after submission

The purpose of the May 18, 2026 motion(s) for evidentiary hearings are to provide parties an opportunity to identify the specific disputed issues of material fact. The assigned Commissioner and ALJs will review any such motions and a ruling will be issued confirming evidentiary hearings and issuing instructions for preparation, or alternatively, cancelling the hearings.

The proceeding will stand submitted upon the filing of reply briefs, unless the assigned Commissioner or ALJs requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 18 months as required by Public Utilities Code Section 1701.5.

## **5. Alternative Dispute Resolution (ADR) Program and Settlements**

The Commission's Alternative Dispute Resolution (ADR) program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer this proceeding to the Commission's ADR Coordinator. Additional ADR information is available on the Commission's website.<sup>1</sup>

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules of Practice and Procedure and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

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<sup>1</sup> <https://www.cpuc.ca.gov/PUC/adr/>

**6. Category of Proceeding and Ex Parte Restrictions**

This ruling confirms the Commission's preliminary determination<sup>2</sup> that this is a ratesetting proceeding. Accordingly, ex parte communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

**7. Public Outreach**

Pursuant to Public Utilities Code Section 1711(a), where feasible and appropriate, before determining the scope of the proceeding, the Commission sought the participation of those likely to be affected, including those likely to derive benefit from, and those potentially subject to, a decision in this proceeding. This matter was noticed on the Commission's daily calendar. Where feasible and appropriate, this matter was incorporated into engagements conducted by the Commission's External Affairs Division with local governments and other interested parties.

**8. Intervenor Compensation**

Pursuant to Public Utilities Code Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by December 24, 2025, 30 days after the prehearing conference.

**9. Response to Public Comments**

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

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<sup>2</sup> Resolution ALJ-3571 at page 3.

## **10. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office> or contact the Commission's Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **11. Filing, Service, and Service List**

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.<sup>3</sup>

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents unless the ALJ orders otherwise.

The assigned ALJs order parties to provide only electronic service of filed or served documents on the ALJs.

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<sup>3</sup> The form to request additions and changes to the Service list may be found at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

## **12. Receiving Electronic Service from the Commission**

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission. Please add "@cpuc.ca.gov" to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

## **13. Assignment of Proceeding**

Darcie L. Houck is the assigned commissioner and Valerie U. Kao and Julie A. Fitch are the assigned ALJs and presiding officers for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearing is potentially needed.
4. The presiding officers are Administrative Law Judges Valerie U. Kao and Julie A. Fitch.
5. The category of the proceeding is ratesetting.

Dated January 27, 2026, at San Francisco, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck

Assigned Commissioner