



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

FILED

01/23/26

04:59 PM

A2412001

Application of Southern California Edison Company (U338E) to Require a Customer-Financed Added Facilities Agreement for Replacement Added Facilities to Serve the THUMS Islands Consistent with Decision No. 70659 and Tariff Rule 2.

Application 24-12-001

(Filed December 4, 2024)

JOINT MEDIATION STATEMENT

LAURIE EDELSTEIN
JENNER & BLOCK LLP
525 Market Street, 29th Floor
San Francisco, CA 94105
Telephone: (628) 267-6800
E-mail: LEdelstein@jenner.com

Counsel for Southern California Edison Company

NORA SHERIFF
Buchalter, a Professional Corporation
425 Market Street, 29th Floor
San Francisco, CA 94105
Telephone: (415) 227-3551
Email: nsheriff@buchalter.com

Counsel for THUMS Long Beach Company

DAWN MCINTOSH, City Attorney
ADAM JACOBS, Deputy City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, California 90802
Telephone: (562) 570-2200
Email: adam.jacobs@longbeach.gov

Counsel for the City of Long Beach

JENNIFER SHIGEKAWA
ANNA VALDBERG
JOEL MALLORD

Attorneys for
SOUTHERN CALIFORNIA EDISON
COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 9170
Telephone: (626) 302-1058
E-mail: Jennifer.Shigekawa@sce.com
Anna.Valdberg@sce.com
JoelMallord@sce.com

MICHAEL EINHORN
NICHOLAS VANGRIN
Attorneys

Public Advocates Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-4852
Email: Michael.Einhorn@cpuc.ca.gov
Email: Nicholas.Vangrin@cpuc.ca.gov

Dated: January 23, 2026

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

Application of Southern California Edison Company (U338E) to Require a Customer-Financed Added Facilities Agreement for Replacement Added Facilities to Serve the THUMS Islands Consistent with Decision No. 70659 and Tariff Rule 2.

Application 24-12-001

(Filed December 4, 2024)

JOINT MEDIATION STATEMENT

Pursuant to the Assigned Commissioner’s Ruling, dated December 12, 2025, Southern California Edison Company (SCE), THUMS Long Beach Company (THUMS), the City of Long Beach (Long Beach or the City), and the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) (collectively, the Parties) respectfully submit this Joint Mediation Statement.¹

SCE, THUMS, and Long Beach²

SCE, THUMS, and Long Beach participated in a confidential full-day mediation before the Honorable Lesley Green (Ret.) of Signature Resolutions on July 17, 2025 concerning the potential sale by SCE of the THUMS Added Facilities to THUMS. As SCE, THUMS, and Long Beach reported in the Joint Mediation Status Statement filed on November 14, 2025 and at the Mediation Status Conference held on November 17, 2025, since the mediation, SCE, THUMS,

¹ Pursuant to Rule 1.8(d), SCE confirms that counsel for THUMS Long Beach, and Cal Advocates have authorized SCE to file this Joint Mediation Status Statement on their behalf.

² Cal Advocates does not join the section of this Joint Mediation Statement presented by SCE, THUMS and Long Beach (collectively, the Mediating Parties).

and Long Beach have engaged in ongoing productive discussions concerning the sale of the THUMS Added Facilities.

Since the November 17, 2025 Mediation Status Conference, SCE, THUMS, and Long Beach have made additional substantial progress towards reaching an agreement on a potential sale. SCE and THUMS participated in two site visits to inspect the facilities at Pico Substation to develop a plan to separate the THUMS Added Facilities from the SCE facilities at the site as part of a sale of the Added Facilities. SCE, THUMS and Long Beach have held multiple phone calls and engaged in email correspondence; SCE, THUMS and Long Beach have exchanged terms for the sale and are diligently working on a term sheet for the sale. SCE, THUMS, and Long Beach also met on January 15, 2026 to continue their negotiations and discuss outstanding issues.

SCE, THUMS, and Long Beach are prepared to discuss the status of their confidential negotiations at the Mediation Status Conference scheduled for January 29, 2026; however, due to the confidential nature of the ongoing negotiations, they do not anticipate being able to offer further detail than that provided here.

SCE, THUMS, and Long Beach propose to submit a further Joint Mediation Status Statement on Friday, February 27, 2026.

Cal Advocates

Pursuant to the *Administrative Law Judge's Ruling Setting a Mediation Status Conference and Directing Parties to File a Joint Mediation Statement*, dated December 12, 2025 (Status Conference Ruling),³ Cal Advocates respectfully submits this Status Conference Statement (Status Statement). For the reasons discussed below, as a matter of law the California Public Utilities Commission (Commission) should dismiss SCE's request to recover from ratepayers with prejudice.

³ A.24-12-001, *Administrative Law Judge's Ruling Setting a Mediation Status Conference and Directing Parties to File a Joint Mediation Statement* (Status Conference Ruling), December 12, 2025.

A. Cal Advocates’ separate Status Statement is necessary because the Mediating Parties did not coordinate with Cal Advocates.

Despite Cal Advocates’ attempts to coordinate with other parties, Cal Advocates is unable to join the mediation statement section prepared by SCE, THUMS, and Long Beach (collectively, the Mediating Parties). On January 14, 2026, Cal Advocates emailed counsel for the Mediating Parties and asked them to circulate an initial draft of a mediation status statement because no party contacted Cal Advocates or provided Cal Advocates with information about the mediation.⁴ Cal Advocates also proposed a schedule for parties to develop a joint mediation statement.⁵ Counsel for THUMS responded by email on January 14, 2026, and stated that the Mediating Parties would “endeavor to get a draft to Cal Advocates as soon as possible.”⁶ However, the Mediating Parties did not provide a draft mediation statement until January 21, 2026. The Mediating Parties never contacted Cal Advocates to discuss the mediation. Further, the Mediating Parties’ draft mediation statement provides no substantive description of the mediation issues or scheduling to comply with the ALJ Status Conference Ruling, as Cal Advocates had reasonably requested.⁷ Since Cal Advocates has not been included in the mediation, and the Mediating Parties decline to substantively discuss issues with Cal Advocates, Cal Advocates submits this Status Statement separate from the Mediating Parties.

⁴ Cal Advocates email to Mediating Parties, subject: *A.24-12-001 (THUMS), Mediation Status Statement* (Cal Advocates 1/14/26 email to Mediating Parties), dated January 14, 2026 (“I don’t believe any party has contacted Cal Advocates yet about a Joint Mediation Statement (JMS). Since Cal Advocates lacks information about the mediation, we ask the mediating parties to circulate the initial draft the JMS.”)

⁵ Cal Advocates 1/14/26 email to Mediating Parties (“To give Cal Advocates’ management adequate time for review, we propose the following schedule: . . .”).

⁶ THUMS, email dated January 14, 2026, subject: *RE: A.24-12-001 (THUMS), Mediation Status Statement* (THUMS 1/14/26 email to Cal Advocates).

⁷ Cal Advocates 1/14/26 email to Mediating Parties, quoting Status Conference Ruling at 1 (“The parties are directed to include an informative discussion of the progression and status of the mediation as well as the future scheduling needs of the parties and the Commission.”)

B. The Commission should dismiss SCE’s request to recover from ratepayers with prejudice as a matter of law.

SCE requests authorization to recover costs from ratepayers under certain circumstances.⁸ Contrary to its request, SCE correctly relies on Commission Decision (D.) 70659 to assert that ratepayers should not be responsible for any of the costs to replace the THUMS Added Facilities.⁹ D.70659 approved the original Added Facilities Agreement on the basis that it will not burden ratepayers.¹⁰ D.70659 also mandates that ratepayers should not bear any costs in the future for the THUMS Added Facilities.¹¹ SCE’s Application acknowledges that “the Commission mandated that costs could not be borne by other customers.”¹² Therefore, SCE’s request to recover costs from ratepayers is barred based on an application of SCE’s allegations to an undisputed interpretation of D.70659, and the Commission should dismiss this request for relief with prejudice.¹³

⁸ Application at 2 (SCE asks the Commission to “Grant SCE abandoned plant protections if the Commission were to order SCE to finance replacement Added Facilities for THUMS and the facilities were abandoned prior to their in-service date and authorize SCE to recover fully the return of, return on, and cost of removal associated with any capital investments made to replace the Added Facilities through the filing of a Tier 2 Advice Letter.”)

⁹ Application at 4, quoting D.70659, 1966 WL 185074 at *2. See also SCE Reply to Protests at 2 (“Standard facilities customers [i.e., ratepayers] do not benefit from added facilities, and they are not responsible for their costs”).

¹⁰ D.70659, 1966 WL 185074 at *2 (“Applicant states that it believes the terms and conditions of the agreement can be carried out without impairing service rendered to its other customers and that said agreement will provide adequate compensation for the services to be furnished and it will not be a burden on its other customers”)

¹¹ D.70659 at *2 (“if it should appear in a future proceeding that the revenue derived from this agreement is not compensatory, such revenue inadequacy is not to be imposed on applicant’s other electric customers.”).

¹² Application at 4-5. THUMS and the City of Long Beach also rely on D.70659 to assert that ratepayers shall not bear responsibility for the THUMS Facility costs. THUMS Protest at 5-6; City of Long Beach Protest at 6.

¹³ D.23-04-005, *Decision Granting the Public Advocates Office of the California Public Utilities Commission Motion to Dismiss Sunnova Community Microgrids California, LLC’s Application* at 15, quoting D.99-11-023, *Application of Western Gas Resources-California, Inc. for a Certificate of Public Convenience and Necessity to Provide Public Utility Gas Transmission and Distribution Services* (the Commission applies the facts alleged to its own law and policy).

Even if SCE and THUMS reach a settlement, ratepayer issues will likely resurface again under less clear circumstances.¹⁴ As SCE and THUMS negotiate over project scope and their respective costs, roles, and responsibilities,¹⁵ the parties' positions and contract terms that may affect ratepayers could be less obvious than they are in the current procedural posture.¹⁶ As such, it is far more efficient and reasonable for the Commission to properly dispose of the issue of ratepayer recovery for THUMS Facilities now to resolve this stagnant proceeding than it is for the Commission to wait for the outcome of a mediation.¹⁷

It would be unfair, inefficient, and contrary to due process to disregard intervenors' efforts to address the issues that SCE's Application raises, and to instead allow the Mediating Parties, the parties with financial interests in the mediation and Application, to address unknown issues without intervenors' participation. The California Public Utilities Commission's Rules of Practice and Procedure (Rules) provide intervenors with the rights to participate in the proceeding.¹⁸ SCE's Application contains numerous legal defects that intervenors identified in their protests,¹⁹ in the Joint Prehearing Statement,²⁰ and at the Prehearing Conference.²¹ THUMS and the City of

¹⁴ See Prehearing Conference Transcript at 55.

¹⁵ See Prehearing Conference Transcript at 34-35 (discussing potential memorandum of understanding to define project scope, roles, and responsibilities).

¹⁶ See Prehearing Conference Transcript at 52.

¹⁷ See D.24-06-024, *Decision Dismissing With Prejudice The Application Of AT&T California To Withdraw As A Carrier Of Last Resort* at 13-14, citing D.94-04-082, *Westcom Long Distance, Inc. v. Pacific Bell et al.*, 54 CPUC2d 244 at 249 (dismissals promotes and protects the administration of justice and expedites litigation by the elimination of needless trials).

¹⁸ See Rules 2.6 (protests to applications), 11.1 (motions), and 11.2 (motions to dismiss based on the pleadings).

¹⁹ See A.24-12-001, *Protest Of The Public Advocates Office*, January 8, 2025; THUMS Protest at 3-6; City of Long Beach Protest at 3-6.

²⁰ See A.24-12-001, *Joint Prehearing Conference Statement Of Southern California Edison Company (U 338-E), Thums Long Beach Company, The City Of Long Beach, And The Public Advocates Office*, April 1, 2025 (see positions stated by Cal Advocates, THUMS, and City of Long Beach).

²¹ See Prehearing Conference Transcript at 33.

Long Beach filed a motion to dismiss based on ripeness and jurisdictional deficiencies.²² Cal Advocates filed its own motion to dismiss SCE's deficient request to recover costs from ratepayers.²³ Thus, the intervenors have devoted significant resources to the allegations in SCE's Application with the expectation that the Commission will consider intervenors' issues. The lengthy stay in the proceeding and the Mediating Parties' lack of coordination with intervenors are inefficient and contrary to due process that the Rules provide to intervenors because it disregards intervenors' objections to SCE's Application.

For the reasons discussed above, the Commission should dismiss, with prejudice, SCE's request to recover costs from ratepayers based on SCE's own Application and D.70659.

Respectfully submitted,

JENNIFER SHIGEKAWA
ANNA VALDBERG
JOEL MALLORD

/s/ Jennifer Shigekawa
By: Jennifer Shigekawa

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 302-1058
E-mail: Jennifer.Shigekawa@sce.com
Anna.Valdberg@sce.com
Joel.Mallord@sce.com

²² THUMS Long Beach Company and City of Long Beach Motion to Dismiss Application of Southern California Edison Company to Require a Customer-Financed Added Facilities Agreement For Replacement Added Facilities to Serve the THUMS Islands Consistent with Decision No. 70659 and Tariff Rule 2 (Motion to Dismiss), at 4.

²³ See A.24-12-001, Public Advocates Office's Motion To Dismiss With Prejudice Southern California Edison Company's Request To Recover Costs And Returns From Ratepayers, April 28, 2025, at 3-4.

Laurie Edelstein
JENNER & BLOCK LLP
525 Market Street, 29th Floor
San Francisco, CA 94105
Telephone: (628) 267-6800
E-mail: LEdelstein@jenner.com

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

January 23, 2026