

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

03/12/26

02:42 PM

A2602001

Application of San Diego Gas & Electric
Company (U902E) for Approval of Demand
Flexibility Rates in Compliance with D.25-08-
049.)

Application 26-02-001

**MOTION OF THE ALLIANCE FOR RETAIL ENERGY MARKETS
TO LATE FILE PROTEST**

Daniel W. Douglass
DOUGLASS, LIDDELL & KLATT
5737 Kanan Road, #610
Agoura, California 91301
Telephone: (818) 961-3001
Email: douglass@energyattorney.com

Attorneys for the
ALLIANCE FOR RETAIL ENERGY MARKETS

March 12, 2026

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

Application of San Diego Gas & Electric Company (U902E) for Approval of Demand Flexibility Rates in Compliance with D.25-08-049.

Application 26-02-001

**MOTION OF THE ALLIANCE FOR RETAIL ENERGY MARKETS
TO LATE FILE PROTEST**

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission, (“Commission”), the Alliance for Retail Energy Markets (“AReM”)¹ files this motion to late file a protest in the above captioned proceeding. In support of this motion AReM states as follows:

San Diego Gas & Electric Company filed Application 26-02-001 on February 2, 2026. Unusually, the Application was noticed in the Commission’s Dailly Calendar twice, first on February 3, 2026, and then again on February 5, 2026. Commission Rule 2.6 states “a protest or response must be filed within 30 days of the date the notice of the filing of the application first appears in the Daily Calendar.” The next business day that is thirty days from February 3, 2026, is March 5, 2026, and several parties correctly filed protests or responses on that day.

Going by the second, February 5 posting date, the next business day would be March 9 (as the 30th day would be Saturday, March 7). As March 7, 2026, was a Saturday, in accordance with Rule 1.15 the filing date fell to the next business day, March 9, 2026. Accordingly, on March 9, 2026, AReM incorrectly filed its protest to the SDG&E application and served it on

¹ AReM is a California non-profit mutual benefit corporation formed by electric service providers (“ESPs”) that are active in the California’s direct access market.

the service list (a copy is attached). Subsequently, AReM received a rejection of its filing from the docket office as being untimely. The notice stated that all protest and responses were due by March 5, 2026. As explained above, AReM counsel incorrectly used the second posting date for calculating when the protest was due. Therefore, AReM is filing this Motion to Late File Protest. No party to the proceeding will be prejudiced as the protest was served to all parties and the proceeding has not gone forward procedurally past the date for protests or responses.

For the above stated reasons AReM requests that the protest filed on March 9, 2026, in this proceeding be accepted as timely filed.

Respectfully submitted,



Daniel W. Douglass
DOUGLASS, LIDDELL & KLATT
5737 Kanan Road, #610
Agoura, California 91301
Telephone: (818) 961-3001
Email: douglass@energyattorney.com

Attorneys for the
ALLIANCE FOR RETAIL ENERGY MARKETS

March 12, 2026

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

Application of San Diego Gas & Electric
Company (U902E) for Approval of Demand
Flexibility Rates in Compliance with D.25-08-
049.)

Application 26-02-001

**PROTEST OF THE ALLIANCE FOR RETAIL ENERGY MARKETS TO THE
APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY FOR
APPROVAL OF DEMAND FLEXIBILITY RATES**

Mark Fulmer
MRW & ASSOCIATES
1736 Franklin St, Ste 700
Oakland CA 94612
Telephone: (510) 834-1999
Email: mef@mrwassoc.com

Consultant to the
ALLIANCE FOR RETAIL ENERGY MARKETS

Daniel W. Douglass
DOUGLASS, LIDDELL & KLATT
5737 Kanan Road, #610
Agoura, California 91301
Telephone: (818) 961-3001
Email: douglass@energyattorney.com

Attorneys for the
ALLIANCE FOR RETAIL ENERGY MARKETS

March 9, 2026

TABLE OF CONTENTS

I. SDG&E MUST PERMIT DEPARTED LOAD TO PARTICIPATE IN THE TRANSMISSION AND DISTRIUBTION PORTIONS OF THE RATE1

II. PROPOSED CATEGORIZATION, NEED FOR HEARINGS, ISSUES TO BE CONSIDERED, AND PROPOSED SCHEDULE2

 A. Categorization2

 B. There May Be a Need for Hearings2

 C. Schedule2

III. REQUEST FOR PARTY STATUS3

IV. CONCLUSION3

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

Application of San Diego Gas & Electric Company (U902E) for Approval of Demand Flexibility Rates in Compliance with D.25-08-049.

Application 26-02-001

**PROTEST OF THE ALLIANCE FOR RETAIL ENERGY MARKETS TO THE
APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY FOR
APPROVAL OF DEMAND FLEXIBILITY RATES**

Pursuant to Rule 2.6 of the Commission’s Rules of Practice and Procedure, the Alliance for Retail Energy Markets (“AReM”)² submits this protest to the Application of San Diego Gas & Electric Company (“SDG&E”) for Approval of Demand Flexibility Rates in Compliance with D.25-08-049, filed on February 2, 2026, in the above-captioned docket (“Application”) and noticed in the Commission’s Daily Calendar on February 5, 2026. Therefore, this protest is timely filed.

I. SDG&E MUST PERMIT DEPARTED LOAD TO PARTICIPATE IN THE TRANSMISSION AND DISTRIUBTION PORTIONS OF THE RATE

Nowhere in the Application nor any of its supporting testimony does SDG&E even mention Direct Access (“DA”), SDG&E only mentions Community Choice Aggregators (“CCAs”) in its Application, and then only twice in passing. First, SDG&E states that “approximately 80% of SDG&E’s customers receive commodity from a CCA, less than 20% of SDG&E’s customers” are bundled.³ While not relevant to any arguments, this statement is clearly erroneous, as approximately 22% of SDG&E’s load is served via DA by Electricity Service Providers (“ESPs”).⁴

² AReM is a California non-profit mutual benefit corporation formed by electric service providers (“ESPs”) that are active in the California’s direct access market.

³ Application at 2.

⁴ ESPs provide nearly 4 million kilowatt-hours annually out of a total of 17.4 million in SDG&E’s territory.

Second, SDG&E notes that CCAs in territory “have indicated that they will not offer” dynamic commodity rates,⁵ and from this justifies not offering dynamic transmission and distribution rates to CCAs.

Whether or not CCAs intend to offer dynamic commodity rates is irrelevant. As proposed, by not offering the non-commodity portion of the rate to departed load customers SDG&E’s dynamic rate is unduly discriminatory and anticompetitive. The proposed tariff calls for additional dynamism in the pricing of transmission and distribution (“T&D”) rate elements. Currently, those rate elements are billed either per kilowatt-hour by energy usage or on the basis of a demand charge (\$/kW) when the customer or the system is at its peak usage. These latter rate designs are the rates that DA customers and CCA customers *must* take service under.

These customers would have no ability to take service under the T&D rates that SDG&E proposes here, because the proposed rate is only available to bundled customers. By requiring bundled service as a precondition to taking service under these T&D rates, the rate proposal is unduly discriminatory. (AReM also notes that insult is added to injury by requiring DA and CCA customers, who cannot take the rate, to pay for it via the PPP charge).

II. PROPOSED CATEGORIZATION, NEED FOR HEARINGS, ISSUES TO BE CONSIDERED, AND PROPOSED SCHEDULE

A. Categorization

AReM concurs with SDG&E that this proceeding be categorized as ratesetting.

B. There May Be a Need for Hearings

AReM believes that hearings may be required.

C. Schedule

AReM currently takes no position on SDG&E’s proposed procedural schedule.

⁵ Application at 2.

III. REQUEST FOR PARTY STATUS

Pursuant to Rule 1.4 of the Commission’s Rules, AReM requests active party status in this proceeding. The interests of AReM are not represented by any party to this proceeding, and their comments herein are directly relevant to the issues raised by the Application.

IV. CONCLUSION

AReM thanks the Commission for its attention to this response to this Application.

Respectfully submitted,



Mark Fulmer
MRW & ASSOCIATES
1736 Franklin St, Ste 700
Oakland CA 94612
Telephone: (510) 834-1999
Email: mef@mrwassoc.com

Consultant to the
ALLIANCE FOR RETAIL ENERGY MARKETS

March 9, 2026



Daniel W. Douglass
DOUGLASS, LIDDELL & KLATT
5737 Kanan Road, #610
Agoura, California 91301
Telephone: (818) 961-3001
Email: douglass@energyattorney.com

Attorneys for the
ALLIANCE FOR RETAIL ENERGY MARKETS