

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



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Application of Association of Bay Area  
Governments (CPUC ID 941) for  
Approval of the Bay Area Regional  
Energy Network 2028-2031 Portfolio Plan  
and 2028-2035 Business Plan.

Application 26-03-009

And Related Matters.

Application 26-03-010  
Application 26-03-011  
Application 26-03-012  
Application 26-03-013  
Application 26-03-014  
Application 26-03-015  
Application 26-03-017  
Application 26-03-018  
Application 26-03-019  
Application 26-03-020  
Application 26-03-021  
Application 26-03-028

**PROTEST OF THE PUBLIC ADVOCATES OFFICE**

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May 1, 2026

## I. INTRODUCTION

Pursuant to the Rule 2.6 of the California Public Commission’s (Commission) Rules of Practice and Procedure (Rules) and the April 15, 2026 *Administrative Law Judge’s Ruling Consolidating Proceedings and Confirming Final Dates to File Protests, Responses and Replies* (ALJ Ruling), the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) timely submits<sup>1</sup> this Protest to the applications of energy efficiency (EE) Portfolio Administrators (PA) for approval of their Program Years (PYs) 2028–2035 Strategic Business Plans and PY 2028–2031 Portfolio Plans for the PAs’ EE program portfolios. This Protest addresses the following PA applications (collectively, the Applications):

- Application of Association of Bay Area Governments (CPUC ID 941) for Approval of the Bay Area Regional Energy Network 2028-2031 Portfolio Plan and 2028-2035 Business Plan (BayREN Application).<sup>2</sup>
- Application of Southern California Edison Company (U 338-E) for Approval of its Energy Efficiency 2028-2031 Portfolio Plan and 2032-2035 Business Plan (SCE Application).<sup>3</sup>
- Application of County of Ventura (CPUC ID 220) for Approval of the Tri-County Regional Energy Network 2028-2031 Portfolio Plan and 2028-2035 Business Plan (3C-REN Application).<sup>4</sup>

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<sup>1</sup> The ALJ Ruling states that the deadline to file protests on the consolidated applications is May 1, 2026, which was previously set via ruling, dated March 18, 2026, in Rulemaking (R.) 25-04-010, the Energy Efficiency (EE) policy Rulemaking proceeding. *Administrative Law Judge’s Ruling Consolidating Proceedings and Confirming Final Dates to File Protests, Responses and Replies*, Application (A.) 26-03-009 et al., April 15, 2026 at 3 (ALJ Ruling).

<sup>2</sup> Application (A.) 26-03-009, *Application of Association of Bay Area Governments (CPUC ID 941) for Approval of the Bay Area Regional Energy Network 2028-2031 Portfolio Plan and 2028-2035 Business Plan*, filed March 16, 2026. (BayREN Application).

<sup>3</sup> A.26-03-010, *Application of Southern California Edison Company (U 338-E) for Approval of its Energy Efficiency 2028-2031 Portfolio Plan and 2032-2035 Business Plan*, filed March 16, 2026. (SCE Application).

<sup>4</sup> A.26-03-011, *Application of County of Ventura (CPUC ID 220) for Approval of the Tri-County Regional Energy Network 2028-2031 Portfolio Plan and 2028-2035 Business Plan*, filed March 16, 2026. (3C-REN Application).

- Application of San Diego Gas & Electric Company (U 902 M) to Adopt 2028-2035 Energy Efficiency Rolling Portfolio Business Plan Application (SDG&E Application).<sup>5</sup>
- Application of Northern California Rural Regional Energy Network for Approval of 2028-2031 Portfolio Plan and 2032-2035 Business Plan (NREN Application).<sup>6</sup>
- Application of Marin Clean Energy for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2032-2035 Energy Efficiency Portfolio Plan (MCE Application).<sup>7</sup>
- Application of Southern California Regional Energy Network for Approval of 2028-2035 Strategic Business Plan and 2028-2031 Energy Efficiency Portfolio Plan (SoCalREN Application).<sup>8</sup>
- Application of Pacific Gas and Electric Company (U 39 M) for Approval of Energy Efficiency 2028-2035 Business Plan and 2028-2031 Portfolio Plan (PG&E Application).<sup>9</sup>
- Application of SOUTHERN CALIFORNIA GAS COMPANY (U904G) for Approval of 2028-2031 Portfolio Plan and 2032-2035 Business Plan (SoCalGas Application).<sup>10</sup>
- Application of San Diego Community Power for Approval of the San Diego Regional Energy Network (CPUC ID U 4001-E) 2028-2031 Portfolio Plan and 2028 2035 Business Plan (SDREN Application).<sup>11</sup>

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<sup>5</sup> A.26-03-012, *Application of San Diego Gas & Electric Company (U 902 M) to Adopt 2028-2035 Energy Efficiency Rolling Portfolio Business Plan Application*, filed March 16, 2026. (SDG&E Application).

<sup>6</sup> A.26-03-013, *Application of Northern California Rural Regional Energy Network for Approval of 2028-2031 Portfolio Plan and 2032-2035 Business Plan*, filed March 16, 2026. (NREN Application).

<sup>7</sup> A.26-03-014, *Application of Marin Clean Energy for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2032-2035 Energy Efficiency Portfolio Plan*, filed March 16, 2026. (MCE Application).

<sup>8</sup> A.26-03-015, *Application of Southern California Regional Energy Network for Approval of 2028-2035 Strategic Business Plan and 2028-2031 Energy Efficiency Portfolio Plan*, filed March 16, 2026. (SoCalREN Application).

<sup>9</sup> A.26-03-017, *Application of Pacific Gas and Electric Company (U 39 M) for Approval of Energy Efficiency 2028-2035 Business Plan and 2028-2031 Portfolio Plan*, filed March 16, 2026. (PG&E Application).

<sup>10</sup> A.26-03-018, *Application of SOUTHERN CALIFORNIA GAS COMPANY (U904G) for Approval of 2028-2031 Portfolio Plan and 2032-2035 Business Plan*, filed March 16, 2026. (SoCalGas Application).

<sup>11</sup> A.26-03-019, *Application of San Diego Community Power for Approval of the San Diego Regional Energy Network (CPUC ID U 4001-E) 2028-2031 Portfolio Plan and 2028 2035 Business Plan*, filed March 16, 2026. (SDREN Application).

- Application of Central California Rural Regional Energy Network for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2028-2035 Business Plan (CCR REN Application).<sup>12</sup>
- Application of Peninsula Clean Energy for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2028-2035 Business Plan (PCE Application).<sup>13</sup>
- Application of the Western Riverside Council of Governments for Approval of the Inland Regional Energy Network (CPUC ID 246) 2028-2031 Portfolio Plan and 2032-2035 Business Plan (I-REN Application).<sup>14</sup>

On April 15, 2026, the assigned Administrative Law Judge (ALJ) issued the ALJ Ruling that consolidated the applications of Bay Area Regional Energy Network (BayREN), Southern California Edison Company (SCE), County of Ventura on behalf of the Tri-County Regional Energy Network (3C-REN), San Diego Gas & Electric Company (SDG&E), Northern California Rural Regional Energy Network (NREN), Marin Clean Energy (MCE), Southern California Regional Energy Network (SoCalREN), Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SoCalGas), San Diego Community Power on behalf of San Diego Regional Energy Network (SDREN), Central California Rural Energy Network (CCR REN), Peninsula Clean Energy (PCE), and the Western Riverside Council of Governments on behalf of the Inland Regional Energy Network (I-REN). In that same ruling, the assigned ALJ also confirmed the May 1, 2026 deadline for filing protests or responses to the Applications.

This Protest discusses Cal Advocates’ recommendations for the scope and schedule for review of the Applications, which collectively request approximately \$4 billion dollars in ratepayer funding for the PAs’ EE Programs for PYs 2028-2031. The

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<sup>12</sup> A.26-03-020, *Application of Central California Rural Regional Energy Network for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2028-2035 Business Plan*, filed March 16, 2026. (CCR REN Application).

<sup>13</sup> A.26-03-021, *Application of Peninsula Clean Energy for Approval of 2028-2031 Energy Efficiency Portfolio Plan and 2028-2035 Business Plan*, filed March 16, 2026. (PCE Application).

<sup>14</sup> A.26-03-028, *Application of the Western Riverside Council of Governments for Approval of the Inland Regional Energy Network (CPUC ID 246) 2028-2031 Portfolio Plan and 2032-2035 Business Plan*, filed March 16, 2026. (I-REN Application).

proposed scope and schedule detailed in Sections III and IV of this Protest are necessary to provide parties and the Commission the opportunity to review the PAs' proposed EE portfolios for compliance with applicable EE rules, standards, and policies. As such, the Commission should adopt Cal Advocates' proposed scope and schedule for the Applications discussed herein.

## II. BACKGROUND AND DISCUSSION

In Decision (D.) 21-05-031, the Commission adopted a four-year cycle for EE Portfolio Plans which began in PY 2024 and every four years thereafter.<sup>15</sup> In particular, the Decision requires PAs to file Applications every four years which contain an eight-year Business Plan and a four-year Portfolio Plan.<sup>16</sup> The PAs' Business Plans must contain strategic plans, sector-level strategies, metrics, and eight-year budgets while the Portfolio plans must contain detailed sector and program strategies, annual budgets, cost-effectiveness, and implementation plans for all programs.<sup>17</sup> The current EE portfolio cycle began in PY 2024 and will end in PY 2027 with the next cycle expected to begin in PY 2028 and end in PY 2031.<sup>18</sup> The EE Portfolios for the current cycle, PY 2024-2027, were approved by the Commission in D.23-06-055.<sup>19</sup>

On October 30, 2024, the Governor of California issued Executive Order (EO) N-5-24 which, among other things, instructs the Commission to modify or sunset any underperforming or underutilized programs whose costs exceed the value and benefits to ratepayers.<sup>20</sup>

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<sup>15</sup> Decision (D.) 21-05-031, *Assessment of Energy Efficiency Potential and Goals and Modification of Portfolio Approval and Oversight Process*, R.13-11-005, May 20, 2021, Ordering Paragraph (OP) 5 at 81.

<sup>16</sup> D.21-05-031, OP 5 at 81.

<sup>17</sup> D.21-05-031, OP 5 at 81.

<sup>18</sup> D.21-05-031, OP 5 at 81.

<sup>19</sup> D.23-06-055, *Decision Authorizing Energy Efficiency Portfolios for 2024-2027 and Business Plans for 2024-2031*, A.22-02-005 et al., June 29, 2023, OPs 1 and 5 at 119-120.

<sup>20</sup> Executive Order N-5-24 at 2.

(continued on next page)

In March 2025, the California State Auditor recommended that the Commission end underperforming and non-cost-effective programs.<sup>21</sup> On April 24, 2025, the Commission opened R.25-04-010 to serve as the forum for regulatory issues related to the ongoing oversight and administration of EE programs by the Commission.<sup>22</sup> The scope of R.25-04-010 includes policy guidance for the four-year Portfolio Plan Applications, portfolio oversight and cost-effectiveness, and numerous other issues.<sup>23</sup> Subsequently, in D.25-08-034, the Commission adopted Energy Efficiency goals for PYs 2026-2037<sup>24</sup> which serve as goals for the PAs' PY 2028-2031 Portfolio Plans included within their Applications.

Then, on March 16, 2026, the PAs filed their respective Applications. As shown in Table 1 below, the sum of the PAs' budgetary requests for the PYs 2028-2031 cycle amounts to four billion dollars.<sup>25</sup> This equals an average of one billion dollars per year of ratepayer funding.

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The Commission is obligated “to take immediate action under existing authorities to modify or sunset any underperforming or underutilized programs or orders whose costs exceed the value and benefits to electric ratepayers.”

<sup>21</sup> California State Auditor, *2023-127 The California Public Utilities Commission: Without Improving Its Oversight, the Benefits of Energy Efficiency Programs May Not Be Worth Their Cost to Ratepayers* (the State Audit), March 18, 2025, at 75 (The State Audit recommends the Commission “[e]nd efficiency programs that consistently fail to meet cost-effectiveness or energy savings goals, such as by issuing a CPUC decision prohibiting utilities from using such programs in their program portfolios.”). Accessed at: <https://www.auditor.ca.gov/reports/2023-127/>

<sup>22</sup> R.25-04-010, *Order Instituting Rulemaking for Oversight of Energy Efficiency Portfolios, Policies, Programs, and Evaluation*, filed April 24, 2025 at 1.

<sup>23</sup> R.25-04-010, *Order Instituting Rulemaking for Oversight of Energy Efficiency Portfolios, Policies, Programs, and Evaluation*, filed April 24, 2025 at 1-8.

<sup>24</sup> D.25-04-010, *Decision Adopting Energy Efficiency Goals for 2026-2037*, R.25-04-010, August 28, 2025, OP 1 at 27.

<sup>25</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031. Accessed at: <https://cedars.cpuc.ca.gov/reports/record-level/all/>

**Table 1: PAs’ Budgetary Requests for Each Program Year and the Full Cycle<sup>26</sup>**

Portfolio Administrator (PA)	Proposed Budgets				
	PY 2028	PY 2029	PY 2030	PY 2031	Total PY 2028-2031
SCE	\$ 263 M	\$ 278 M	\$ 197 M	\$ 217 M	\$ 955 M
PG&E	\$ 226 M	\$ 227 M	\$ 227 M	\$ 228 M	\$ 909 M
SoCalGas	\$ 150 M	\$ 150 M	\$ 150 M	\$ 150 M	\$ 600 M
SoCalREN	\$ 79 M	\$ 90 M	\$ 98 M	\$ 108 M	\$ 375 M
SDG&E	\$ 68 M	\$ 68 M	\$ 69 M	\$ 72 M	\$ 277 M
BayREN	\$ 45 M	\$ 46 M	\$ 48 M	\$ 48 M	\$ 187 M
SDREN	\$ 41 M	\$ 43 M	\$ 45 M	\$ 46 M	\$ 175 M
Central California REN	\$ 31 M	\$ 40 M	\$ 47 M	\$ 52 M	\$ 170 M
Tri-County REN	\$ 24 M	\$ 26 M	\$ 27 M	\$ 28 M	\$ 105 M
Rural REN North	\$ 19 M	\$ 20 M	\$ 24 M	\$ 27 M	\$ 90 M
Inland REN	\$ 19 M	\$ 20 M	\$ 20 M	\$ 22 M	\$ 81 M
MCE	\$ 16 M	\$ 16 M	\$ 17 M	\$ 17 M	\$ 65 M
PCE	\$ 7 M	\$ 9 M	\$ 10 M	\$ 11 M	\$ 36 M
<b>Total</b>	<b>\$ 989 M</b>	<b>\$ 1,034 M</b>	<b>\$ 977 M</b>	<b>\$ 1,025 M</b>	<b>\$ 4,024 M</b>

Cal Advocates is reviewing the Applications, testimony, exhibits, and is engaged in discovery. Cal Advocates’ preliminary analysis of these PYs 2028-2031 budget filings reveals a wide range of cost-effectiveness results, in terms of the Total Resource Cost (TRC) scores, across the proposed portfolios. Table 2 below shows the portfolio-level TRC scores of each PA’s proposed portfolios, sorted in descending order of the dollar amount of the proposed budgets.<sup>27</sup>

<sup>26</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031.

<sup>27</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031. Accessed at: <https://cedars.cpuc.ca.gov/reports/record-level/all/>

**Table 2: Projected Portfolio-Level TRC and Budgets of PAs’ Proposed PY 2028-2031 EE Portfolios<sup>28</sup>**

PA	Portfolio-Level TRC	Proposed Budgets (in Descending Order)
All PAs <sup>29</sup>	-	\$ 4,024 M
SCE	1.43	\$ 955 M
PG&E	1.56	\$ 909 M
SoCalGas	1.52	\$ 600 M
SoCalREN	0.75	\$ 375 M
SDG&E	1.51	\$ 277 M
BayREN	0.22	\$ 187 M
SDREN	0.27	\$ 175 M
Central California Rural REN	1.08	\$ 170 M
Tri-County REN	0.23	\$ 105 M
Rural REN North	0.48	\$ 90 M
Inland REN	0.03	\$ 81 M
MCE	1.00	\$ 65 M
PCE	0.89	\$ 36 M

In addition, as stated previously, EO N-5-24 directs the Commission to end or modify underperforming and non-cost-effective programs.<sup>30</sup> Timely action by the Commission on these directives and recommendations will be crucial, as underperforming and non-cost-effective programs proposed in these Applications further exacerbate the ongoing utility rates affordability crisis by adding to ratepayer costs without requisite benefits. In particular, if the Commission approves the Applicants’

<sup>28</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031.

<sup>29</sup> This row shows all PAs’ proposed budgets for PYs 2028-2031. See, CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031.

<sup>30</sup> Executive Order (EO) N-5-24, October 30, 2024, Ordering Paragraph 3 (“The California Public Utilities Commission is requested to take immediate action under existing authorities to modify or sunset any underperforming or underutilized programs or orders whose costs exceed the value and benefits to electric ratepayers. The commission is requested to return any unused funds collected from ratepayers for underperforming programs and utility investments in the form of a bill credit, if it identifies such funds.”). Accessed at: <https://www.gov.ca.gov/wp-content/uploads/2024/10/energy-EO-10-30-24.pdf>

proposed budgets for the next cycle, over 60 percent of the budgets would be allocated for programs which are not cost-effective, as Table 3 shows below.<sup>31</sup> For every dollar budgeted for cost-effective programs, close to two dollars would go to non-cost-effective programs.<sup>32</sup>

**Table 3: Proposed Budgets PY 2028-2031 for Cost-Effective and Non-Cost-Effective Programs<sup>33</sup>**

<b>Programs</b>	<b>Proposed Budgets PYs2028-2031</b>	<b>Percentage of Total Proposed Budgets</b>
Cost-effective	\$ 1,481 M	37%
Non-cost-effective	\$ 2,544 M	63%
Total	\$ 4,024 M	100%

Due to the ongoing affordability crisis and the State Audit’s finding that “Without Improving Its Oversight, the Benefits of Energy Efficiency Programs May Not Be Worth Their Cost to Ratepayers,”<sup>34</sup> the Commission must address issues of underperforming and non-cost-effective programs in this proceeding to ensure that the PAs’ Applications are consistent with just and reasonable rates.<sup>35</sup> Consistent with the Commission’s obligation to protect ratepayers from unreasonable costs and rates, Cal Advocates identifies a list of preliminary issues to be considered in this proceeding in Section III below.

### **III. ISSUES TO BE ADDRESSED IN THIS PROCEEDING**

Cal Advocates has preliminarily identified the following issues that the Commission should consider within the scope of this proceeding. Cal Advocates reserves the right to identify additional issues based on its ongoing discovery and

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<sup>31</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031. Accessed at: <https://cedars.cpuc.ca.gov/reports/record-level/all/>

<sup>32</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031.

<sup>33</sup> CEDARS, Budget Filings for PYs 2028, 2029, 2030, and 2031. For the purposes of this table, “Cost-effective” programs are those with TRC at or above 1.0 and “Non-cost-effective” programs are those with TRC below 1.0, as filed in CEDARS.

<sup>34</sup> The State Audit at 1.

<sup>35</sup> See Pub. Util. Code Sections 451 and 454.

analysis. Notwithstanding Cal Advocates' reservation to amend or identify additional issues, the following issues should be addressed within the scope of this proceeding:

- Whether the Applicants' 2028-2031 portfolio proposals and the 2028-2035 business plan proposals are reasonable.
- Whether the Applicants' proposed budgets are just and reasonable.
  - Whether the proposed budgets for the PY 2028-2031 cycle comply with Executive Order N-5-24 and the State Audit.
  - What requirements related to underperforming and non-cost-effective programs must be established or modified pursuant to Executive Order N-5-24 and the State Audit, when approving budgets for the Applicants' PY 2028-2031 cycle of portfolios.
  - Whether it is reasonable to approve budgets for potentially overlapping programs before substantial cross-program coordination takes place for the PY 2028-2031 cycle.
  - Whether the proposed budgets are reasonably calibrated to achieve the PAs' TSB goals.
  - Whether the Applicants should leverage non-ratepayer funds for the proposed programs.
- Whether SCE's and PG&E's proposed policy changes to adopt cost control mechanisms for non-utility PAs and to hold non-utility PA(s) operated programs to the same cost effectiveness standards as programs operated by utility PAs for the PY 2028-2031 cycle are reasonable and in accordance with the Executive Order N-5-24 and the State Audit.<sup>36</sup>
- Whether the other proposed policy changes by the Applicants are reasonable and help achieve the Commission's EE objectives.

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<sup>36</sup> SCE Application at 8 (“The Commission should apply the same cost effectiveness standards (currently a TRC ratio of 1.0 or above for Resource Acquisition programs) and other EE regulatory requirements to all PAs, as a condition of using ratepayers funds to administer EE programs.”).

PG&E, *Energy Efficiency 2028-2035 Business Plan and 2028-2031 Portfolio Plan, Prepared Testimony* (Exhibit PG&E-1), Chapter 11, at 11-3 (“Develop Cost Controls for REN Budgets to Ensure Budget Controls Across All PA Portfolios in Alignment with Commission Affordability Goals”).

Exhibit PG&E-1, Chapter 11, at 11-4 (“The Commission currently has policy mechanisms in place to limit the magnitude of ratepayer-funded budgets for all EE PA budgets, except for RENs. The Commission should ensure it implements budget control mechanisms that rationalize the level of each PA's EE budget that is appropriate to meet the Commission's affordability goals, as well as other policy goals.”).

- What rules, requirements, or policy changes must be established or modified to:
  - End underperforming or non-cost-effective programs, pursuant to the Executive Order N-5-24 and the State Audit, during the PY 2028-2031 cycle.
  - Make certain that any budget reductions resulting from the ending programs during the PY 2028-2031 cycle are realized in a reduction in retail rates rather than being reallocated to programs that are less cost-effective or less well performing pursuant to the Executive Order N-5-24.<sup>37</sup>
  - Ensure that the proposed programs will not be duplicative of, or overlap with, other programs and reduce waste of ratepayers' dollars on overlapping programs for PY 2028-2031 to mitigate the affordability concern in the Executive Order N-5-24.<sup>38</sup>
- Whether the Applicants' proposed performance goals, standards, or levels are reasonable.
  - Whether the Applicants' proposed energy savings estimates or goals, total system benefits (TSB), cost-effectiveness scores for portfolios and programs are reasonable.
  - Whether the Applicants' proposed indicators, metrics and targets for the portfolio, segments, and programs show progress towards the state's climate goals pursuant to Public Utilities Code Sections 454.5, 454.55, and 454.56 as well as Public Resource Code 25310.<sup>39</sup>
  - Whether the proposed program segmentation is reasonable given the programs' primary objectives or intended outcomes.
- Whether the proposed policy changes are reasonable including, but not limited to:

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EO N-5-24, Ordering Paragraph 3 (“The California Public Utilities Commission is requested to take immediate action under existing authorities to modify or sunset any underperforming or underutilized programs or orders whose costs exceed the value and benefits to electric ratepayers. The commission is requested to return any unused funds collected from ratepayers for underperforming programs and utility investments in the form of a bill credit, if it identifies such funds.”).

<sup>38</sup> EO N-5-24 at 1 (“WHEREAS California's over four decades of work to advance appliance and building energy efficiency standards has kept electric bills lower on average in California than many other states, but Californians have seen their electric bills rise in recent years, outpacing the rate of inflation.”).

<sup>39</sup> Public Resource Code Section 25310 (The state shall “achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses of retail customers by January 1, 2030.”).

- Ratepayer funded fuel switching (non-regulated fuel to a regulated fuel) to natural gas and/or electric end-use in energy efficiency portfolios.
- A cost control policy such as budget caps or cost-effectiveness requirements for RENs and all PAs.
- A moratorium on new RENs for 2028 and beyond absent a cost control policy.
- Modifications to the 60% 3rd-party implementation requirement.
- Changing the definition of third-party programs.
- Eliminating the statewide program percentage requirement.
- Providing incentives for natural gas generators.
- Accrual of TSB generated by non-IOU PAs in the IOU territory to the IOU.

#### **IV. CATEGORIZATION OF PROCEEDING, NEED FOR HEARINGS, AND PROPOSED SCHEDULE.**

##### **A. Categorization and Hearings.**

Cal Advocates believes that this Application should be categorized as ratesetting. Evidentiary hearings may be necessary but are not anticipated at this time.

##### **B. Schedule.**

The Commission should coordinate the EE Application proceeding schedule with the proceeding schedule for the California Alternative Rates for Energy (CARE), Family Electric Rate Assistance (FERA), and Energy Savings Assistance (ESA) programs Applications (A.26-01-003 et al.) to ensure that deadlines do not overlap and that common stakeholders have sufficient time to participate in all proceedings.<sup>40</sup> Like EE programs, CARE, FERA, and ESA are programs that deliver benefits to customers which are overseen by the Commission and as such have a similar group of interested stakeholders, including Cal Advocates, that may wish to participate in both sets of proceedings. In the April 23, 2026 *Administrative Law Judge's Ruling Modifying*

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<sup>40</sup> *Administrative Law Judge's Ruling Modifying Schedule*, A.26-01-003 et al. (Pacific Gas and Electric Company's (U-39 M) Application for Approval of its 2028-2033 Income-Qualified Programs and Related Matters), April 23, 2026.

*Schedule*, the Commission set the schedule for the CARE, FERA, and ESA Applications with Intervenor Testimony due on September 14, 2026, Rebuttal Testimony due on October 16, 2026, Opening Briefs due December 18, 2026, and Reply Briefs due January 22, 2027, among other dates.<sup>41</sup> In consideration of these dates, Cal Advocates’ proposed schedule for the EE application proceeding, below, avoids deadlines that overlap and will give interested stakeholders fair opportunity to participate in all proceedings.

As such, the Commission should adopt the following schedule which will provide intervenors with sufficient time to evaluate the Applications, review the PA’s comments and testimony, conduct discovery, develop testimony, potentially hold evidentiary hearings, and engage in other activities that the proceeding requires:

<u>Event</u>	<u>Cal Advocates Proposal</u>
Application filed	March 16, 2026
Responses/ Protest Due	May 1, 2026
Reply to Responses and Protests	May 18, 2026
Prehearing Conference	May 2026
Scoping Memo	June 2026
Workshops, if needed	June – July 2026
Intervenor Testimony	November 2, 2026 <sup>42</sup>
Rebuttal Testimony	January 15, 2027 <sup>43</sup>

<sup>41</sup> *Administrative Law Judge’s Ruling Modifying Schedule*, A.26-01-003 et al., April 23, 2026 at 3.

<sup>42</sup> Rebuttal Testimony for the CARE, FERA, ESA Application proceedings are due on October 16, 2026. The November 2, 2026 proposed deadline for Intervenor Testimony here allows for a modest two-week buffer between deadlines which is necessary to ensure stakeholders have the opportunity to participate in both sets of proceedings.

*Administrative Law Judge’s Ruling Modifying Schedule*, A.26-01-003 et al., April 23, 2026 at 3.

<sup>43</sup> Opening Briefs and Reply Briefs for the CARE, FERA, ESA Application proceedings are due December 18, 2026 and January 22, 2027, respectively. The January 15, 2027 proposed deadline for Rebuttal Testimony here provides a one-week buffer between the CARE, FERA, ESA Application deadline for Reply Briefs while offering a 10-week period between Intervenor and Rebuttal Testimony. 10-weeks is a reasonable amount of time for Rebuttal Testimony to account for several major holidays between November 2 and January 15

*Administrative Law Judge’s Ruling Modifying Schedule*, A.26-01-003 et al., April 23, 2026 at 3.

Meet and Confer/Deadline to file motion for Evidentiary Hearings	January 25, 2027
Evidentiary hearing, if needed	February – March 2027
Concurrent Opening Briefs	April 1, 2027
Concurrent Reply Briefs	May 3, 2027
Proposed Decision	June 2027
Final Decision	August 2027

**V. CONCLUSION**

The issues and scope proposed above will help ensure that the Commission will consider the affordability and cost-benefit issues raised by EO N-5-24 and the State Audit, such as the State Auditor’s recommendation that the Commission should “[e]nd efficiency programs that consistently fail to meet cost-effectiveness or energy savings goals.”<sup>44</sup> Accordingly, Cal Advocates respectfully submits this Protest and requests that the Commission classify this proceeding as ratesetting, include the issues identified in this Protest within the scope of this proceeding, and adopt Cal Advocates’ proposed schedule.

Respectfully submitted,

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May 1, 2026

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<sup>44</sup> State Audit at 75. <https://www.auditor.ca.gov/reports/2023-127/>