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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison (U338E) For Approval Under Public Utilities Code Section 851 To Sell The Lower Tule Hydroelectric Power Plant To Lower Tule Hydro LLC.

Application 25-03-001

ADMINISTRATIVE LAW JUDGE'S RULING ORDERING APPLICANT SOUTHERN CALIFORNIA EDISON COMPANY TO SUBMIT SUPPLEMENTAL ASSET PURCHASE AGREEMENT INFORMATION

Summary

This Ruling reopens the evidentiary record and orders Applicant Southern California Edison Company to supplement the record regarding the terms and conditions for its proposed sale of its Lower Tule Hydroelectric Power Plant to Lower Tule Hydro LLC.

Background

On March 4, 2025, Southern California Edison Company (SCE) filed Application (A.) 25-03-001 seeking California Public Utilities Commission (Commission or CPUC) approval to sell its Lower Tule Hydroelectric Power Plant (Lower Tule Project) and its associated electric facilities to proposed Buyer Lower Tule Hydro LLC, a Utah limited liability company (Lower Tule Hydro)¹

¹ Proposed Buyer Lower Tule Hydro is located in Ivins, Utah. See also Application at 18.

(A.25-03-001 or Application).² The Application also seeks corresponding ratemaking, cost recovery, and revenue allocation treatment for the proposed transaction, not previously reflected in SCE's 2025 General Rate Case (GRC) forecast.³

SCE's Lower Tule Project, located in Tulare County, California is part of SCE's Tulare Hydroelectric Project Portfolios (Tulare Portfolios) comprised of 1) the Lower Tule Project and 2) Kaweah Hydroelectric Project 1, 2, and 3 (FERC License 298) (Kaweah Project).⁴ The Tulare Portfolios have a combined generating capacity of 11.4 MW. Applicant's Lower Tule Project accounts for 2.25 MW aggregate capacity of the total 11.4 MW generating capacity of the Tulare Portfolios. The Kaweah Project accounts for 8.85 MW aggregate capacity of the total 11.4 MW generating capacity of the Tulare Portfolios.⁵

Consummation of the sale of the Lower Tule Project is, in part, conditioned on Proposed Buyer Lower Tule Hydro execution and delivery of an Asset Purchase Agreement (APA) for SCE's Kaweah Project⁶ The Lower Tule APA

² See Application [25-03-001] of Southern California Edison (U 338-E) For Approval Under Public Utilities Code Section 851 To Sell The Lower Tule Hydroelectric Power Plant To Lower Tule Hydro LLC and its attached Public Version Appendix A (Asset Purchase Agreement), Appendix B (Letters Sent by SCE to the Native American Heritage Committee), Appendix C (Initial Offer Letters), Appendix D (Final Offer Letters), and Appendix E (Financial Statements, including Balance Sheet and Statement of Income for December 31, 2024).

³ See Application at 5-6. See also Application [23-05-010] of SCE for Authority to Increase its Authorized Revenues for Electric Service in 2025, Among Other Things, and to Reflect that Increase in Rates and Decision 25-09-030.

⁴ See Exhibit SCE-0002: Appendices A-B of Southern California Edison Company (U338E) In Support of Its Application for Approval Under Public Utilities Code Section 851 To Sell Its Lower Tule Hydroelectric Power Plant To Lower Tule Hydro LLC. at Bates p. SCE-0035.

⁵ See Exhibit SCE-0002 at Bates pp. SCE-00043 to SCE-00045.

⁶ See Application, at 4, and 14-15. See also Application at Appendix A (Asset Purchase Agreement) at A-Page 15 to A-Page 16 and A-Page-21 to A-Page 22.

also withholds tender of the transfer payment for the Lower Tule Project from Seller SCE to Buyer Lower Tule Hydro until receipt of an executed Kaweah Project APA. Authority to sell the Kaweah Project is not the subject of this A.25-03-001 proceeding however, the Transfer Payment for the proposed sale of the Lower Tule Project is inextricably linked to APAs for both the Lower Tule Project and the Kaweah Project.⁷

Pursuant to June 30, 2025 *Administrative Law Judge's Ruling Regarding Document Only Evidence Process and Briefing Schedule*, the Parties timely submitted concurrent opening briefs and concurrent reply briefs on September 15, 2025 and October 10, 2025, respectively in support of a document only prove-up process.⁸ Final stipulated exhibits were entered in the record on December 18, 2025 pursuant to *Administrative Law Judge's Ruling Entering Stipulated Exhibits into the Evidentiary Record* was issued.⁹

The Commission is informed and believes that A.25-03-001 and the current record are incomplete regarding the terms and conditions for the sale of the Lower Tule Project's transfer payment information.¹⁰

⁷ See Application at 4 and Footnote 2.

⁸ See Southern California Edison Company (U338E)'s Opening Brief (September 15, 2025). See also Reply Brief of the Public Advocates Office (October 10, 2025).

⁹ Exhibit SCE-0001: *Testimony of Southern California Edison Company (U338E) In Support Of Its Application for Approval Under Public Utilities Code Section 851 To Sell Certain Hydroelectric Power Plants to Lower Tule Hydro LLC*

Exhibit SCE-0002: *Appendices A-B of Southern California Edison Company (U338E) In Support of Its Application for Approval Under Public Utilities Code Section 851 To Sell Its Lower Tule Hydroelectric Power Plant To Lower Tule Hydro LLC.*

¹⁰ See Application at 14. See also Application at Appendix A (*Asset Purchase Agreement*) at Appendix A-Page 15-16 (*Project Asset Definition*); Exhibit A to Asset Purchase Agreement (*Form of Bill of Sale*) [Bill of Sale for Project Assets] at Appendix A-Page 64-67; Exhibit C to Asset Purchase Agreement (*Form of Grant Deed*) [Grant Deed for Real Property and Water Rights] at

Footnote continued on next page.

RULING

Good cause appearing, the record in this Application 25-03-001 proceeding is hereby re-opened for the limited purpose of receiving the below specified supplemental information into the record.

Applicant Southern California Edison Company (SCE) is Ordered to supplement the record regarding the following matters:

1. Has a separate asset purchase agreement been executed by and between SCE and Lower Tule Hydro for the sale of the Kaweah Project (Kaweah APA) and delivered to SCE?
 - a. If no, has the Lower Tule APA Section 2.2 (*Transfer Payment*) term withholding tender of the Lower Tule Project transfer payment, by Seller SCE to Buyer Lower Tule Hydro until execution and delivery of a Kaweah APA, been waived.
 - b. If yes, does the executed Kaweah APA require an additional transfer payment from Seller SCE to Buyer Lower Tule Hydro for the proposed sale of Kaweah Project that is separate and distinct from the Lower Tule Project APA transfer payment term.

Deadline: Applicant shall comply with this Order **on or before May 18, 2026.** Applicant's filing must be titled "Response to Administrative Law Judge Ruling Requesting Supplemental Asset Purchase Agreement Information."

Docket Office: The Commission Docket Office is authorized to accept Applicant's Response to the Order herein **on or before May 18, 2026.**

If necessary, the Commission may modify these instructions as needed to facilitate efficient resolution of the proceeding.

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Appendix A-Page 79-83; and Schedule 1.1(g) (*Project Owned Real Property*) at Appendix A-Page 222-224.

IT IS SO ORDERED

Dated May 6, 2026, at San Francisco, California.

/s/ ANDREA D MCGARY

Andrea D. McGary
Administrative Law Judge