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R2502005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Update and Reform Energy Resource Recovery Account and Power Charge Indifference Adjustment Policies and Processes.

Rulemaking 25-02-005

**ADMINISTRATIVE LAW JUDGE’S RULING PROVIDING
NOTICE OF EVIDENTIARY HEARING**

This ruling provides official notice of an evidentiary hearing to be held on June 2, 2026, concerning Track Two issues in Rulemaking (R.) 25-02-005, the Rulemaking to Update and Reform Energy Resource Recovery Account and Power Charge Indifference Adjustment Policies and Processes. This ruling also provides instructions for parties to prepare for the evidentiary hearing.

1. Background

On April 24, 2026, an Administrative Law Judge (ALJ) issued a ruling modifying the R.25-02-005 Track Two schedule adopted in the Assigned Commissioner’s Amended Scoping Memo and Ruling (scoping memo).¹ Among other modifications, the April 24, 2026, Ruling did the following (below):

¹ The April 26, 2026, Ruling was issued in response to two events: first, on April 15, 2026, California Community Choice Association (CalCCA), Pacifica Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), The Public Advocates Office at the California Public Utilities Commission (Cal Advocates), Direct Access Customer Coalition and Alliance for Retail Markets (DACC/AReM) (collectively, the Parties) emailed the assigned administrative law judges requesting that the Track Two schedule be modified. The proceeding schedule was not modified at that time. Then, on April 21, 2026, the Parties filed a Joint Case Management Statement which contained

Footnote continued on next page.

- Cancelled the then-scheduled April 28, 2026, evidentiary hearing;
- Allowed for parties to serve testimony (instead of comments) responding to the Staff Report and Proposals on Pre-2019 Banked Renewable Energy Credits (Staff Report) prior to briefing; and
- Tentatively scheduled a June 2, 2026, evidentiary hearing so that parties could cross examine witnesses that sponsored testimony on the Staff Report.

The April 24, 2026, Ruling set a May 26, 2026, deadline for parties to request the June 2, 2026, hearing. If parties do not request the evidentiary hearing by this date, the assigned administrative law judge (ALJ) may cancel the hearing noticed by this ruling.

The instructions below are similar to those provided in the April 8, 2026, Ruling providing notice of the April 28, 2026, hearing. However, parties should pay attention to the times and dates by which certain actions are required, as these have been updated. The log-in and phone access information has also changed.

2. Notice of Evidentiary Hearing

Pursuant to the amended schedule adopted in the April 24, 2026, Ruling, notice is hereby provided of evidentiary on Track Two issues, as detailed below.

Date: June 2, 2026

Time: 9:00 a.m. – 4:00 p.m.

Location: Virtual hearing to be conducted via Webex

Join link: <https://cpuc.webex.com/cpuc/j.php?MTID=md01968344b8fd56ead9dcf1a86727996>

additional proposed schedule modifications. A summary of these requests is provided in the April 26, 2026, Ruling.

Webinar number: 2499 453 7462

Webinar password: 062026

Join by phone: 1-855-282-6330 United States (toll-free)

1-415-655-0002 United States (toll)

Phone Access code: 2499 453 7462

3. Participant Information

The log-in information for party participants is different than the log-in information for the public provided above. To receive participant log-in information, each party that anticipates actively participating in the hearing must provide the information listed below via email entitled "R.25-02-005 Evidentiary Hearing" to Eleanor Uillman (Eleanor.Uillman@cpuc.ca.gov) and the ALJ (Eileen.Odell@cpuc.ca.gov) by May 28, 2026.

- Name of party;
- Name(s) of party's speakers (please also indicate the lead representative, preferred pronouns, if desired, and/or correct pronunciation of name);
- The role of each speaker (*e.g.*, lead attorney, attorney, witness);
- The email address of each speaker; and
- The telephone number of each speaker.

Prior to the hearing, participants should ensure that they have sufficient audio and visual equipment, and sufficient connectivity required for uninterrupted participation. Participants should log into the Webex event at least 30 minutes in advance of the hearing to address technical issues and housekeeping matters.

For technical issues with Webex or the telephone line during the evidentiary hearing or with any general technical questions regarding the hearing, parties may email Eleanor Uillman.

Parties should anticipate a hearing day that begins promptly at 9:00 a.m. with a 10-minute break in the morning. A one-hour lunch will begin at 12:00 p.m. with everyone returning at 1:00 p.m. Cross-examination will end at approximately 3:30 p.m. with one 10-minute afternoon break. Procedural issues will be addressed from approximately 3:30 p.m. to 4:00 p.m.

To ensure a complete and accurate record, parties are directed to adhere to the following ground rules during the Webex hearings:

- Mute your device when not speaking;
- Speak only when addressed by the ALJ or when it is your turn;
- Identify yourself for the reporter when beginning examination of a witness, when beginning testifying as a witness, when continuing these activities after a break, when making an objection, or when asked to do so by the ALJ or reporter;
- Speak slowly and clearly;
- Do not use a speaker phone when speaking; and
- Do not interrupt or speak over one another. The exception is for an objection during the examination of a witness. If such an objection is made, the witness must pause before responding to provide time for the ALJ to address the pending objection and to account for any lags due to audio delay. To the extent that counsel or parties have an issue or question that they would like to raise, but that is not time-sensitive, they may pose the issue or question in the Q&A chat function of Webex. The ALJ will set aside time to address these questions at the ALJ's discretion.

During the evidentiary hearing, the Commission prohibits all private communications (e.g., telephone, text, and email) relevant to the subject matter of the proceeding with witnesses while they are being examined. We therefore require both the witnesses and the attorneys to affirm, while on the record, that

they will not engage in any private communications relevant to the subject matter of the proceeding during the witness' examination.

Parties who want expedited or daily transcripts should advise the Chief Hearing Reporter via email at reporting@cpuc.ca.gov, no later than three days prior to the initial date of the hearing.

4. Cross Examination Estimate Matrix

If parties request and an ALJ grants the request for evidentiary hearing, parties must provide a proposed cross examination estimate matrix. The matrix should include the witnesses each party intends to cross examine, in order of proposed appearance, and an estimate of the amount of time each party would like to cross examine each witness. Parties should anticipate the need for redirect examination and work together to prepare a proposed order of cross examination and cross examination schedule that will allow the hearing to be completed on June 2, 2026. Parties shall use table in Attachment A as a guide to structure their proposed cross examination matrix. Parties shall email this matrix to the service list no later than 5:00 p.m. on May 28, 2026.

5. Confidential Materials

Parties should endeavor to avoid referring to confidential materials in the evidentiary hearing. If any party anticipates the need to refer to confidential materials during the hearing, the requesting party intending to refer to confidential materials shall email a notice to the ALJ, Eleanor Uillman, and the service list at least one business day in advance to ensure the necessary arrangements can be made for a confidential session. The requesting party shall consult with other parties to compile a list of the names, email addresses, and phone numbers of persons who wish to participate in the confidential session

and are authorized access to the confidential materials to be referenced and shall include the list in its notice.

6. Advanced Distribution of Exhibits, Exhibit Log, and Motions for Admission of Evidence

Final exhibits other than impeachment exhibits shall be served on the service list and uploaded to the Supporting Documents Platform not later than 5:00 p.m. on May 28, 2026. Exhibits shall be pre-marked with a short acronym, the name of the sponsoring witness, the date served, the proceeding number, and a notation that the exhibit is for “Track Two” or “Track 2.”

Exhibits intended for use as impeachment exhibits must be served on the service list and uploaded to the Supporting Documents Platform not later than 8:30 a.m. on June 2, 2026. If this deadline is missed and a party still wants to use the impeachment exhibit, the party will be required to show good cause why they could not have met the 8:30 a.m. deadline. Such requests may still be denied if the delay is deemed prejudicial.

Partial documents or excerpts from documents must include a title page or first page from the source document; excerpts from lengthy documents should include a table of contents page covering the excerpted material. It may be helpful to include language before and after the excerpt to provide clarity or context.

If corrections to an exhibit are needed, the corrected exhibit and a redline exhibit should be served on the service list immediately following identification of the need for correction; the corrected exhibit shall be labelled as “errata.” The corrected exhibit and the red-line version showing the corrections should be uploaded to the Supporting Documents Platform. Generally, corrections to an

exhibit should be made in advance and not while the witness is under oath and testifying.

During the hearing, Pacific Gas and Electric Company (PG&E) shall update the exhibit log submitted with parties' April 21, 2026, joint case management statement by noting the exhibit numbers and brief names/descriptions of cross examination exhibits as they are used. PG&E shall email a copy of the final proposed exhibit log at the end of the hearing to the service list by 5:00 p.m. on June 2, 2026. If PG&E will be unable to maintain an exhibit log, I request that PG&E find an alternate party to maintain the exhibit log and inform the service list of this party no later than May 28, 2026.

Written motions for admission of exhibits are due by 5:00 p.m. on June 5, 2026, and should include exhibit logs that have been updated with any additional exhibits submitted by the moving party. The exhibit log shall include links to final, corrected versions of exhibits, if any, not to previous versions, and to their redline versions. I will not entertain motions for admission of unused cross exhibits. All objections to admission of exhibits should happen in response to these motions and must be received by 5:00 p.m. on June 10, 2026, to allow time for the motions to be ruled upon prior to submission of opening briefs. To maximize the time available for cross-examination, I will not entertain oral objections to admission of exhibits at the evidentiary hearing.

7. Other Matters

If necessary, I may modify these instructions during the hearing as needed to facilitate an efficient and effective hearing. If parties have additional procedural questions prior to commencement of the evidentiary hearing, parties shall send an email to the entire service list. I will respond to the entire service list.

Attachment A