

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



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Application of Pacific Gas and Electric  
Company (U 39 E) for Approval of Electric  
Rule No. 30 for Transmission-Level Retail  
Electric Service

(U 39 E)

Application 24-11-007  
(Filed November 21, 2024)

**JOINT COMMENTS OF THE ALLIANCE FOR RETAIL ENERGY MARKETS AND  
SHELL ENERGY NORTH AMERICA (US), L.P. ON THE JOINT MOTION FOR  
ADOPTION OF PARTIAL SETTLEMENT AGREEMENT FILED BY PACIFIC GAS  
AND ELECTRIC COMPANY (U 39 E), THE PUBLIC ADVOCATES OFFICE, THE  
CALIFORNIA COMMUNITY CHOICE ASSOCIATION, AND SIERRA CLUB**

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May 29, 2026

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In accordance with Rule 12.2 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the Alliance for Retail Energy Markets (“AReM”),<sup>1</sup> and Shell Energy North America (US), L.P. (“Shell”)<sup>2</sup> file these joint comments on the partial settlement agreement (“Partial Settlement Agreement”) filed on May 7, 2026, by Pacific Gas and Electric Company (“PG&E”), the California Community Choice Association (“CalCCA”), the Public Advocates Office at the California Public Utilities Commission, and Sierra Club (collectively, the “Settling Parties”).

On May 11, 2026, AReM filed a motion requesting party status in Application 24-11-007. On May 20, 2026, an email ruling by Administrative Law Judge Garrett Toy granted the AReM motion and directed that AReM should submit its comments by May 29, 2026, addressing only issues resolved in the Partial Settlement Agreement. Therefore, these comments are timely filed.

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<sup>1</sup> 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. This filing represents the position of AReM, but not necessarily that of a particular member or any affiliates of its members with respect to the issues addressed herein.

<sup>2</sup> Shell was made a party to the proceeding in an April 21, 2025, email ruling by Administrative Law Judge Manisha Lakhanpal. Pursuant to Rule 1.8(d) of the Commission’s Rules of Practice and Procedure, Shell has authorized AReM’s counsel to file this document on its behalf.

## **I. BACKGROUND**

The Partial Settlement Agreement is characterized as a resolution of certain issues in PG&E's Application for Approval of Electric Rule No. 30 for Transmission-Level Retail Electric Service in this Application (A.) 24-11-007. The Partial Settlement Agreement provides that PG&E will provide the other parties to the Settlement Agreement (1) information regarding interconnection inquiries provided in PG&E's submissions to the California Energy Commission; (2) quarterly reports on transmission-level customers who have applied for transmission-level retail interconnection but have not yet been energized; and (3) annual reports on transmission-level customers who have been energized (collectively referred to as the "Information").

The Partial Settlement Agreement includes only two classes of load-serving entities ("LSEs"); i.e., the utility itself, who will gather and dispense the Information, and community choice aggregators ("CCAs"). It excludes, however, the third class of LSEs that compete to serve customers in the PG&E service territory - ESPs. Of note, the Partial Settlement Agreement contemplates that information will be shared with a number of other parties, including the Sierra Club, which have no role in serving customers.

It is unclear whether the parties to the Partial Settlement Agreement intended to exclude ESPs from Information sharing. But, at the very least, they failed to consider the significant competitive implications of such an exclusion. This exclusion should be remedied, as AReM and Shell propose herein, by allowing them to be granted the same Information rights that are given to the other parties to the Partial Settlement Agreement. Therefore, approval of the Partial Settlement Agreement should be conditioned on granting the AReM and Shell request to become parties to the Partial Settlement Agreement.

**II. BOTH THE LEGISLATURE AND THIS COMMISSION HAVE REPEATEDLY DIRECTED THAT ALL CLASSES OF LOAD-SERVING ENTITIES SHOULD BE TREATED FAIRLY AND EQUITABLY**

AReM members and Shell all provide retail energy service to direct access customers within the PG&E service territory and directly compete for retail energy service both with PG&E and with the members of CalCCA that are located therein. It is notable that both the Legislature and this Commission have directed that all classes of LSEs should be treated in a nondiscriminatory manner.

**A. The Legislature Has Mandated Equal, Nondiscriminatory Treatment of LSEs**

The foundational California legislation that mandates equal, nondiscriminatory treatment for all classes of LSEs is AB 380 (Chapter 367, Statutes of 2005), which codified Public Utilities Code Section 380.<sup>3</sup> Specifically, Section 380(e) dictates that the Commission must implement and enforce its rules in a nondiscriminatory manner. It legally binds all classes of LSEs—including investor-owned utilities (IOUs), community choice aggregators (CCAs) and ESPs—to the same regulatory frameworks. As noted therein:

*"The commission shall implement and enforce the resource adequacy requirements... in a nondiscriminatory manner. Each load-serving entity shall be subject to the same requirements for resource adequacy, the renewables portfolio standard program, and the integrated resource planning process..."*

Section 453(a) directs that, “No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage.” Yet PG&E is granting a preference and advantage itself and other LSEs through the exclusion of ESPs from the Partial Settlement Agreement.

Section 365.1 states that that the Commission shall “ensure that other providers are subject to the same requirements that apply to the state's three largest electrical corporations under any programs

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<sup>3</sup> All further code sections cited herein refer to the Public Utilities Code.

or rules adopted by the commission to implement the resource adequacy provisions of Section 380, the renewables portfolio standard provisions of Article 16 (commencing with Section 399.11), the requirements for the electricity sector adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), and the requirements of the integrated resource planning process . . .” These statutes provide that all classes of LSEs should be treated fairly and equitably, and in a nondiscriminatory manner.

**B. Similarly, Commission Decisions Have Mandated Such Equal Treatment For Many Years**

For example, Decision (D.) 10-06-018<sup>4</sup> is one of the many Commission decisions that clearly emphasize equal treatment of LSEs, as it both quotes Section 380(e) and attaches all of Section 380 as an appendix to the decision. D.12-12-033 is a foundational decision that established the methodology for allocating greenhouse gas (“GHG”) allowance revenues from California’s Cap-and-Trade program. It stated that, “No party in this proceeding disagrees with the premise that DA and CCA customers should be treated equally under any GHG revenue allocation scheme.”<sup>5</sup> D. 14-02-040, which updated the Long-Term Procurement Planning (“LTPP”) program and established the Cost Allocation Mechanism (“CAM”) provides, “We are concerned with protecting all ratepayers, and need to ensure that all ratepayer groups (including DA and CCA load) are treated equally.”<sup>6</sup>

As with the directives from the California Legislature, many other decisions stand for the same principle: All classes of LSEs are to be treated equally. Yet the Partial Settlement Agreement

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<sup>4</sup> *Decision on Phase 2 – Track 2 Issues: Adoption of a Preferred Policy for Resource Adequacy*, issued June 12, 2010.

<sup>5</sup> *Decision Adopting Cap-And-Trade Greenhouse Gas Allowance Revenue Allocation Methodology for the Investor-Owned Electric Utilities*, issued December 28, 2012, at p. 128.

<sup>6</sup> *Decision Modifying Long-Term Procurement Planning Rules*, issued on February 27, 2014, at p. 58.

disadvantages ESPs by denying them access to the same Information held by their competitor PG&E and shared with their competitor CCAs.

**III. THE ANTICOMPETITIVE EXCLUSION OF ELECTRIC SERVICE PROVIDERS SHOULD BE REMEDIED**

AReM and Shell do not propose any changes to the Partial Settlement Agreement other than to be permitted to join the Partial Settlement Agreement, as parties that are entitled to the same Information sharing as granted to the other parties thereto. It is both fair and appropriate that all LSEs doing business in the PG&E service territory should be accorded the same informational rights. Accomplishing this would be a simple editorial task of adding AReM and Shell as parties.

**IV. CONCLUSION**

AReM and Shell thank the Commission for its attention to the discussion herein and ask that approval of the Partial Settlement Agreement be conditioned on granting the AReM and Shell request to become parties to the Partial Settlement Agreement.

Respectfully submitted,



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May 29, 2026