



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Pacific Gas and Electric Company's (U39M)
Application for Approval of its 2028-2033
Income-Qualified Programs.

Application 26-01-003

CONSOLIDATED

AND Related Matters.

Application 26-01-005

Application 26-01-010

Application 26-01-011

**PUBLIC ADVOCATES OFFICE'S REPLY BRIEF
ON DEFINITIONAL QUESTIONS**

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I. INTRODUCTION

The Public Advocates Office (Cal Advocates) at the California Public Utilities Commission (Commission) submits this Reply Brief pursuant to the April 7, 2026 *Assigned Commissioners Scoping Memo and Ruling*.¹ This Reply Brief responds to the Pacific Gas and Electric Company's (PG&E), San Diego Gas and Electric Company's (SDG&E), Southern California Edison Company's (SCE), and Southern California Gas Company's (SoCalGas) (collectively, the IOUs) Opening Briefs on Definitional Questions, filed on May 15, 2026.

A. The IOU's narrow interpretation of "substantially the same" should be rejected.

Each IOU proposes that the Commission narrowly interpret Public Utilities Code section 739.1(f)(1)'s "substantially the same" language as a ceiling. The Commission should reject each IOU's proposal.

For its part, PG&E notes that eligibility for the California Alternate Rates for Energy (CARE) program is income-based and that income eligibility requirements for other low-income programs can vary. Therefore, according to PG&E, eligibility for CARE can vary "so long as the income does not exceed the statutory limit of 200 percent of the FPL in order to be substantially the same as CARE."² In effect, PG&E argues that the 200 percent of the Federal Poverty Level (FPL) is a ceiling. Aside from these linguistic contortions, nothing in PG&E's Opening Brief supports the claim that the Legislature intended this interpretation.

As was the case with PG&E, SCE argues that the CARE statute's mention of 200 percent FPL represents a ceiling that cannot be exceeded.³ SCE however argues that allowing programs to meet CARE eligibility above 200 percent FPL would blur the lines between CARE and the Family Electric Rate Assistance Program (FERA).⁴ However,

¹ *Assigned Commissioners Scoping Memo and Ruling*, April 7, 2026 at 6-8.

² PG&E Opening Brief at 6.

³ SCE Opening Brief at 4.

⁴ SCE Opening Brief at 4-5.

SCE's argument falls flat.⁵ Lawmakers chose "substantially the same" rather than alternate words like "equal to or less than" when the Legislature passed the CARE legislation. If the Legislature wanted 200 percent FPL to be a ceiling, as SCE argues, the statute would not include language that indicates the possibility of exceeding the 200 percent FPL, evident in the plain meaning of "substantially the same."

For its part, in its Opening Brief SDG&E argues that treating programs "substantially the same" would "create misalignment with CARE's statutory framework. As support for this contention, SDG&E cites a hypothetical example in which separate households living together could potentially exclude individual incomes to qualify for programs like Medi-Cal, so that the "full household may significantly exceed the income threshold for CARE."⁶ SDG&E argues that this hypothetical example demonstrates that treating programs "substantially the same" would "create misalignment with CARE's statutory framework, which is explicitly based on total household income."⁷ However, like its example, SDG&E's claim is entirely hypothetical. SDG&E does not offer any evidence to that what it theorizes is actually occurring.

Finally, in its Opening Brief SoCalGas identifies the plain meaning of "substantially the same" as "to a great extent."⁸ SoCalGas correctly argues that "the statute's plain use of the word 'substantially' rather than 'exactly' to modify 'the same' clearly demonstrates the Legislature's tolerance for some degree of imperfect overlap in eligibility criteria"⁹ The Commission should accept SoCalGas's interpretation of "substantially the same" as consistent with the plain meaning of the statutory language. Therefore, the Commission should not require the income thresholds of categorical eligibility programs to perfectly align with the income threshold of the income-qualified program for the purposes of categorical eligibility.

⁵ SCE Opening Brief at 3.

⁶ SDG&E Opening Brief at 8.

⁷ SDG&E Opening Brief at 8.

⁸ SoCalGas Opening Brief at 5.

⁹ SoCalGas Opening Brief at 5.

II. CONCLUSION

For the reasons described above, the Commission should adopt Cal Advocates' recommendations.

Respectfully submitted,

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