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

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| Application of San Diego Gas & Electric Company (U 902 M) to Revise its 2024-2031 Energy Efficiency Rolling Portfolio Business Plan. | A.25-04-014<br>(Filed April 25, 2025) |

# MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 M) FOR LEAVE TO FILE A SUR-REPLY TO RESPOND TO REPLY BRIEFS

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August 5, 2026

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OF THE STATE OF CALIFORNIA**

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## I. INTRODUCTION

Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission or CPUC) Rules of Practice and Procedure, San Diego Gas & Electric Company (SDG&E) hereby submits this Motion in response to the Reply Briefs of San Diego Community Power (SDCP) on behalf of the San Diego Regional Energy Network (SDREN), Clean Energy Alliance (CEA), and the City of San Diego (the City), the Western Riverside Council of Governments on behalf of the Inland Regional Energy Network, the County of Ventura on behalf of the Tri-County Regional Energy Network, and the Redwood Coast Energy Authority on behalf of the Northern California Rural Regional Energy Network (collectively, Joint RENs), and the California Efficiency + Demand Management Council (CEDMC).

SDG&E urges the Commission to:

1. Disregard new arguments raised in Reply Briefs, as described further below; or
2. If the Commission intends to entertain the new information introduced in Reply Briefs, SDG&E respectfully requests an opportunity to file a Sur-Reply. If permitted, SDG&E will file a Sur-Reply no later than August 14, 2026.

Pursuant to Rule 11.1(e), Responses to written motions must be filed and served within 15 days of the date that the motion was served, except as otherwise provided in the Rules or unless the Administrative Law Judge sets a different date. Given the forthcoming Proposed Decision in this proceeding, SDG&E respectfully requests that the Commission expedite consideration of this Motion and shorten the response period to August 10, 2026, as requested in SDG&E's concurrently filed Motion to Shorten Response Time.

## II. NEW ARGUMENTS RAISED IN REPLY BRIEFS ARE IMPROPER AND SHOULD BE DISREGARDED BY THE COMMISSION

SDREN, CEA, and the City's Reply Brief contains significant, new, and substantive arguments. Specifically, they refer to the Small Business Utility Advocates' (SBUA) recommendation for a gap analysis prior to SDG&E's regional withdrawal,[1] and "offer several targeted modifications to improve the overall efficiency of the transition process for successor PAs looking to serve the region."[2] In particular, they improperly introduce new arguments and recommend "the Commission require SDG&E to continue administration of its regional programs through the end of the current portfolio cycle in 2031."[3]

Similarly, the Joint RENs contend "any resulting withdrawals or applications for expanded portfolios should occur at the intervals established in D.21-05-031 for the four-year application process"[4] and in the same vein, CEDMC recommends "[a] transition period through the current portfolio cycle."[5]

As the Commission has explained, "introducing evidence with a reply brief 'fails to provide' adverse parties 'an opportunity to either respond or test the reliability or validity of this

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[1] Reply Brief of San Diego Community Power on Behalf of San Diego Regional Energy Network, Clean Energy Alliance, and the City of San Diego (July 15, 2026) (SDREN, CEA, the City Reply Brief) at 11. Specifically, "SBUA recommends that SDG&E file a Tier 2 or 3 Advice Letter prior to withdrawal taking effect; this gap analysis filing should identify each regional EE program or measure that would be discontinued, the affected customer segments, whether small commercial, diverse, hard-to-reach, or underserved customers are affected, the replacement program administrator or program (if any), and any remaining or related service gaps. For any discontinued program or measure, there should be accompanying documentation explaining why replacement is unnecessary, and its effects on small business customers."

[2] *Id.* at 11 – 12.

[3] *Id.* at 12.

[4] Reply Brief of the Inland Regional Energy Network, Tri-County Regional Energy Network, Bay Are Regional Energy Network, and Northern California Rural Regional Energy Network (July 15, 2026) (Joint RENs Reply Brief) at 13 – 14.

[5] Reply Brief of the California Efficiency + Demand Management Council (July 15, 2026) (CEDMC Reply Brief) at 10.

evidence' and is 'inherently unfair.'"[6] Further, the California Superior Court has held that "points raised in the reply brief for the first time will not be considered, unless good reason is shown for failure to present them before."[7] The submission of this new information in Reply Briefs gives SDG&E no opportunity to respond, and its consideration by the Commission would accordingly be "inherently unfair." Similarly, the Parties did not show good cause for failing to present these ideas at any point in this evidentiary record, preceding Reply Briefs.

As such, SDG&E urges the Commission to disregard the new information and proceed to submit the case for the forthcoming Proposed Decision. This correction will avoid unnecessary additional delay in the proceeding, which is primed for a decision based on the extensive record already before the Commission. However, if the Commission intends to entertain this new information, SDG&E respectfully requests leave to file a Sur-Reply.

## III. IF THE COMMISSION CONSIDERS THE NEW INFORMATION, THE FILING OF A SUR-REPLY SHOULD BE PERMITTED BECAUSE SDG&E HAS NOT HAD A CHANCE TO RESPOND TO NEW ARGUMENTS

If the Commission ultimately determines that it will entertain the new information, SDG&E respectfully requests an opportunity to file a Sur-Reply to address the recommendation to continue regional program administration through 2031, beyond the natural sunsetting of contracts already contemplated in SDG&E's Application.

With respect to administration through 2031, the evidentiary record does not support such an extension, which would merely perpetuate unnecessary administrative costs and eliminate the substantial customer bill savings and efficiencies expected to result if SDG&E's Application is approved. Specifically, at the time of filing, SDG&E's Application requested a budget reduction of approximately $300 million for 2026-2031.[8] SDG&E's continued program administration would delay customer benefits and frustrate the objectives underlying this proceeding.

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[6] *See* Application (A.) 05-07-024, Administrative Law Judge's Ruling Granting SBC California's Motion to Strike at 1 (citing, *In re Southwest Gas Company*, D.02-08-064, at 37-38 (Cal. PUC Aug. 22, 2002); *see In re McCanna Ranch Water Company*, D.99-08-016, 1999 WL 702274, at *16 (Cal. PUC Aug. 5, 1999)); *see also* D.02-08-064 at 37 – 38 (noting, "introducing this evidence during the reply brief fails to provide the County and ORA an opportunity to either respond or test the reliability or validity of this evidence. Thus, it would be inherently unfair to accept this additional evidence without reopening the record.").

[7] *Holmes v. Quintilone*, 2021 Cal. Super. LEXIS 138617 (2021) at *3.

[8] *See* Application of San Diego Gas & Electric Company to Revise its 2024-2031 Energy Efficiency Rolling Portfolio Business Plan (April 25, 2025) at 2.

The recommendation effectively conditions SDG&E's withdrawal from regional program administration on the future expansion of other Program Administrator (PA) activities in the region. While other PAs may wish to assume a larger role, the record does not establish that such expansion can be accomplished in a cost-effective manner or in a way that preserves the customer bill savings and operational efficiencies anticipated under SDG&E's Application. Moreover, the record, and prior Commission precedent, reflects diminishing cost-effective EE opportunities,[9] reducing any demonstrated need for expanded administrative responsibilities. In the absence of evidentiary support for these underlying assumptions, extending SDG&E's regional administration through 2031 would be speculative and unsupported by the record.

Furthermore, there are several administrative concerns with respect to a transition period that SDG&E expects to raise in a Sur-Reply, if necessary. For example, an extended transition period could place SDG&E in the position of either extending contracts beyond their originally contemplated terms or conducting solicitations for programs that it may not ultimately administer long-term. Neither outcome promotes efficient program administration. Allowing contracts to conclude according to their terms provides a cleaner path to program closure, maintains procurement integrity, and avoids unnecessary administrative activity that may not provide incremental customer benefits.

In its Sur-Reply, SDG&E will demonstrate that extending regional program administration through 2031 is neither justified by the record nor consistent with the Commission's obligation to ensure efficient, cost-effective program administration for the benefit of ratepayers.

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[9] *See* SDG&E Application SDG&E-01 at HB-4-HB-5, *see also,* SDG&E Reply Brief at 11 (September 26, 2025), *see also* SDG&E-04 at HB-14, *see also* SDG&E-05 at HB-2-HB-3. *See also* D.21-05-031 at 20 – 21.

## IV. CONCLUSION

For the reasons set forth herein, SDG&E respectfully urges the Commission to:

1. Disregard new arguments raised in Reply Briefs; or
2. Shorten the Response time to the instant Motion to August 10, 2026 and permit SDG&E to file a Sur-Reply no later than August 14, 2026.

Respectfully submitted,

*/s/ Siobhán E. Murillo*

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