

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Agenda Item# 3
Agenda ID: 20158**

ENERGY DIVISION

**RESOLUTION E-5174 (Rev.1)
January 13, 2022**

R E S O L U T I O N

Resolution E-5174. Revises Energy Division Advice Letter Submission process to implement electronic-only-submission.

PROPOSED OUTCOME:

- This Resolution modifies the Energy Division's (ED) Advice Letter (AL) submission process to eliminate hard copy submission requirements and implements electronic only submission.

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with this resolution.

ESTIMATED COST:

- There are no costs associated with this resolution.
-

SUMMARY

E-5174 Resolution modifies the Energy Division's Advice Letter (AL) submission process to eliminate hard copy submission and delivery of energy advice letters and associated documents and implements electronic only submission and delivery. It also authorizes Energy Division Staff to make future similar, minor submission procedural changes via letters or notices emailed to Utilities and parties and posted on the California Public Utilities Commission (CPUC or Commission) public website.

[General Order \(G.O.\) 96-B](#), Energy Industry Rule 2, shall be revised to reflect this resolution's order.

Utilities, as defined in GO 96-B, shall indicate in their advice letters that protests may be submitted to the Energy Division only in electronic form.

BACKGROUND

On March 4, 2020, a Statewide Emergency was declared by the Governor to address the spread of Covid-19 in California, and on March 19, 2020, the Governor issued a shelter-in-place order. In accordance with the shelter-in-place order, Commission management directed Staff to work from home. Most CPUC staff have not worked in their respective offices since March 2020 and continue to work from home. In order to efficiently process advice letters while away from the office, the CPUC Energy Division (ED) began to informally require, on an interim basis, that all energy-related advice letters and all documents associated with energy Advice Letter submission be submitted electronically. Even before March 2020, the Energy Division had gained significant positive experience with electronic submission of advice letter-related documents.

Energy Advice Letter Processing Prior to March 2020

The Advice Letter process is an informal process that enables the Commission to consider requests by a utility or person, as defined in GO 96-B, subject to the jurisdiction of the Commission which are typically ministerial and noncontroversial. Advice Letters are typically submitted in compliance with Commission Decisions, Resolutions and General Orders to modify Utility information, file an agreement, submit a report, or to request approval of changes in rates, charges, terms, or conditions from those in a utility's current tariff. More than fifty Investor-owned energy Utilities (IOUs), Load Serving Entities (LSEs) and Community Choice Aggregators (CCAs) are required to file Advice Letters with the Energy Division.

CPUC General Order 96-B (GO 96-B) contains the rules that govern the procedures for advice letters and information-only submittals. This General Order includes both General Rules applicable to all utilities or persons subject to CPUC jurisdiction and Industry Rules that are applicable to utilities or persons within a certain industry, such as energy or water.

GO 96-B, General Rule 3.1 defines an Advice Letter as follows:

“Advice letter” means (1) an informal request by a utility for Commission approval, authorization, or other relief, including an informal request for approval to furnish service under rates, charges, terms or conditions other than those contained in the utility’s tariffs then in effect, and (2) a compliance submittal by a load-serving entity pursuant to Public Utilities Code Section 380.

GO 96-B, Energy Industry Rule 2 describes how advice letters, information-only submission, and associated documents are to be submitted to the Energy Division:

The Energy Division Submission Room will process documents submitted to the Energy Division for submission, including information-only submission and advice letters and associated documents (such as protests, responses, replies, and supplements). A document may be submitted in person, by delivery service, or by mail to the Energy Division Submission Room, 505 Van Ness Ave., 4th Floor, San Francisco, CA 94102-3298.

A Utility submitting an advice letter shall provide an original and five copies of the advice letter, one copy of the workpapers (if any), and an original and five copies of each affected tariff sheet. A Utility submitting an information-only submission shall submit an original and one copy, and shall cite the statute or Commission order requiring the submission.

GO 96-B, General Rule 7.1 authorizes Industry Division Staff to accept electronic submission.

An Industry Division may accept the submittal of advice letters and related documents by electronic mail when the Division determines that it has the capacity to receive and process advice letters and related documents in this fashion.

GO 96-B, General Rule 1.4, authorizes amendments to Industry Rules by resolution under certain circumstances:

Each Industry Division's Industry Rules may be amended independently of these General Rules or the Industry Rules of the other Industry Divisions. Whenever any part of the Industry Rules must be amended to ensure consistency with applicable statutes and Commission orders, the appropriate Industry Division will draft amendments to those rules. The Commission may adopt the amendments by resolution, with such modifications as the Commission deems appropriate, following notice and an opportunity to comment on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

Under the submission process prior to March 2020, an original version and five hard copies of Advice Letters were mailed or delivered to the Energy Division Tariff Unit. A copy of the advice letter was also emailed to the Energy Division Tariff Unit at edtariffunit@cpuc.ca.gov. To allow for public notice, energy Advice Letters must also be sent to the appropriate Energy Division Advice Letter service list. Finally, notice of all advice letters is published on the Commission's web site. The major CPUC-regulated energy utilities also provide all of their advice letter submittals on their respective web sites.

Various other documents associated with an advice letter might also be submitted or delivered by a utility, Industry Staff or other parties during the course of the Energy Division's processing of an advice letter. These documents include supplemental advice letters, substitute sheets, protests of the advice letter, replies to protests, responses to data requests, suspensions, disposition letters, draft resolutions, comments on a draft resolution, procedural requests, and other documents.

Once advice letter processing was completed, the Energy Division formerly maintained a hard copy record of the advice letter and all of the main associated documents, such as protests, replies to protests, disposition letters, and resolutions. Periodically, the Energy Division needed to send boxes of the older hard copy files to a records maintenance warehouse.

For a number of years, the Energy Division also began to electronically record all such documents. When the Energy Division receives the electronically emailed copy of the Advice Letter, it is uploaded and saved electronically to a file in the CPUC internal system. Other associated electronic documents are then added to this file as they are received.

Energy Division Development of Electronic Submission Process for Advice Letter Documents

The Energy Division (ED) had begun to investigate the possibility of electronic submission before March 2020. After March 2020, ED began to require that all documents associated with an advice letter, such as supplemental advice letters, substitute sheets, protests, replies to protests, and comments to draft resolutions be submitted electronically.

Prior to March 2020, the Energy Division Tariff Unit had already begun to investigate the viability of electronic submissions of advice letter-related documents. Well prior to 2020, Energy Division had already ceased mailing hard copies of any advice letter-related documents such as suspension notices, draft resolutions, or disposition letters. In addition, beginning roughly two years ago, the Energy Division Tariff Unit began to gain extensive experience with electronic submissions, delivery, and recording of advice letter-related documents, with the specific intent of determining whether electronic-only processing was feasible. Staff studied the old submission process to determine areas that could be improved, researched Advice Letter submission processes used by the Communications and Water Divisions and have performed electronic only Advice Letter submission simulations since 2019.

Once Energy Division Staff began working from home in March 2020, Energy Division Staff informally initiated the electronic-only process for all energy-related Advice Letter

submission and associated documents on an interim basis. Effective March 2020, the Energy Division Tariff Unit issued a notice on the CPUC web site stating that all utilities or persons should submit advice letters and associated documents in electronic form only. The Energy Division Tariff Unit also began to require submittals of other advice letter-related documents from outside parties (such as protests and comments on draft resolutions) in electronic form only. THIS NOTICE WAS ALSO COMMUNICATED THROUGH THE CPUC website in March of 2020.¹ In addition, after March 2020, as it was no longer receiving hard copies, the Energy Division ceased maintaining hard copy records of new advice letters and associated documents. The Energy Division now records these documents in electronic form only.

The electronic submission process was tested before and especially after March 2020. Energy Division experience confirmed that electronic processing was feasible and efficient, for both internal CPUC and external stakeholders. Energy Division found that electronic submissions and deliveries are far more efficient than hard copy submissions and deliveries and are much more easily recorded and stored. As far as Energy Division is aware, no significant problems have been encountered. The tariff unit received positive feedback on this experience from utilities, who have requested that electronic submission be continued.

Energy Division determined that the electronic only process has been successful and demonstrated that electronic submission and delivery have the potential to increase efficiency and reduce waste not only for the Commission but also for the Commission's external stakeholders.

Energy Division Request to Eliminate Hard Copy Submissions, Require Electronic Submissions, and Make Future Minor Changes to Its Advice Letter Procedures

GO 96-B Energy Industry Rule 2 requires hard copy submissions of energy utility advice letters and information submission. The Energy Division requests Commission approval to modify its AL submission process to eliminate the hard copy submission requirement of Industry Rule 2. The Energy Division also requests approval to require electronic delivery of energy advice letters and associated documents. Finally, Energy Division Staff requests approval to make future similar, minor submission procedural changes via letters or notices emailed to Utilities and parties and posted on the Commission's public website.

¹ <https://www.cpuc.ca.gov/covid19practitioneralert>.

DISCUSSION

Electronic submission and delivery of energy-related advice letters and associated documents should be required on a permanent basis. Hard copy submissions and delivery will no longer be accepted unless the Energy Division finds extraordinary circumstances exist.

Energy Division receives over 1,000 Advice Letter submission per year, and the number received in 2020 was over 1,400. (The number of submissions in 2021 to date is at a similar level to 2020.) It had become increasingly burdensome to process, store and maintain paper copies. The old, hard copy submission process was cumbersome, inefficient, time consuming, and wasteful for staff, utilities, and interested parties.

Energy Division Staff began to investigate the possibility of moving to electronic-only submissions of advice letters and associated documents even before the COVID pandemic. Energy Division has been informally requiring electronic submission of all advice letter-related documents after March 2020, has been delivering documents associated with advice letters electronically, and has ceased maintaining hard copy files of newly filed advice letters. Energy Division now has the capability to process and record electronic advice letters and associated documents and found that electronic submission was very beneficial to it, utilities and outside parties.

Further, we note that the Communications Division already requires submission of advice letter documents by electronic means only. The Commission has also suspended, until further notice, all hard copy service requirements of documents in formal proceedings, except as otherwise required by an Administrative Law Judge.

The Energy Division recommends modernizing the Advice Letter submission process to eliminate the hard copy submission requirements and to institute an electronic-only submission method. An electronic submission process would result in more efficient Advice Letter submission and processing, be more environmentally friendly, and be less wasteful.

Energy Division Staff recommends the Commission grant it the discretion to make future minor revisions to the Advice Letter submission process via letter or notice sent to all utilities or persons via email and posted on the Commission's public website at least 30 calendar days prior to implementation.

We will require all energy advice letters and advice letter-related documents to be submitted to the Energy Division only by electronic means. We will also authorize the Energy Division to deliver energy advice letter-related documents by electronic means only. GO 96-B allows the Energy Division to accept submissions by electronic means

once the Division determined that it has the capability to process and receive submissions in that fashion.

The Commission finds that the Energy Division staff has the capability to process and record advice letters electronically. Further, the elimination of hard copy submission and delivery of energy advice letter-related documents will significantly improve the efficiency of processing and recording these documents. Since advice letters and associated documents will be recorded electronically, this will also allow for easy transmission to the public of any non-confidential advice letter documents.

We note that the text of energy-related advice letters will typically provide for the mailing of protests to a physical mailing address at the Commission, as well as an email address. Energy-related advice letters should no longer provide for the mailing of hard copies of protests to a physical Commission mailing address; however, they shall provide email address for electronic submittal of protest.

The Energy Division may make minor submission process changes, by letter or notice, to the energy advice letter submission process such as the one authorized in this resolution, provided that such changes do not unduly or significantly contradict the requirements of GO 96-B. If such minor changes are needed, they should be authorized by the Director of the Energy Division after any appropriate or necessary public process, including notice to the appropriate service list.

This draft resolution will be served on Energy Division Tariff Unit to develop appropriate service list to advise them of the revised procedures, and to provide the opportunity for comments.

Finally, we note that GO 96-B, Energy Industry Rule 2, should be revised to reflect the requirements of this resolution. The amendment to Energy Industry Rule 2 is attached to this resolution as Appendix 1. The amendment to Energy Industry Rule 2 refers to the Energy Division's advice letter submission procedures. Those procedures are provided as Appendix 2 and Energy Division's Tariff unit website.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review. Any comments are due within 20 days of the date of its mailing and publication on the Commission's website and in accordance with any instructions accompanying the notice. Section 311(g)(2) provides that this 30-day review period and 20-day comment period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day review and 20-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

Non-substantive amendments were made to the resolution to address comments and add clarity.

Southern California Edison (SCE) timely filed comments on draft resolution E-5174 on December 20, 2021. SCE supports ~~for~~ the Draft Resolution E-5174 and urges the CPUC adopt a similar electronic-only submission process for CPUC's Rules of Practice and Procedures. Energy Division staff ~~does not dispute this fact~~ has no position on this request, but Rules of Practice and Procedures changes must be addressed in a separate manner, which is beyond the scope of this Resolution. The Commission does modify its Rules of Practice and Procedure periodically. One can sign up to be notified of future proposed changes at: <https://www.cpuc.ca.gov/proceedings-and-rulemaking/rules-of-practice-and-procedure>.

FINDINGS

1. The Commission uses Advice Letters to informally dispose of ministerial and noncontroversial utility, Load Serving Entities and Community Choice Aggregators requests.
2. Advice letters are typically submitted in compliance with Commission Decisions and Orders, to make changes to a utility company's information, to file an agreement, or to request tariff change approval.
3. General Order 96-B governs the procedures related to matters submitted to the Commission outside a formal proceeding including Advice Letter submission.
4. General Order 96-B includes General Rules and Energy Industry Rules.
5. The current GO 96-B Energy Industry Rule 2 requires submission of hard copies of advice letters and information-only submission.
6. General Order 96-B authorizes Staff to modify the Advice Letter process to accept electronic submission.
7. General Order 96-B Industry Rules may be amended by Commission order in a resolution.

8. The Energy Division receives well over 1,000 Advice Letter submission per year from approximately fifty Investment Owned energy Utilities (IOUs), Load Serving Entities (LSEs) and Community Choice Aggregators (CCAs) that are required to submit Advice Letters.
9. The current submission process is cumbersome, inefficient, time consuming, and wasteful given the proliferation of electronic means of communication such as email.
10. The Energy Division's experience with electronic-only advice letter submission and other associated documents has been successful and has increased efficiency. Utility companies are requesting that the electronic process be continued, and for the hard copy requirements to be eliminated.
11. The Energy Division recommends that all utilities, Load Serving Entities, Community Choice Aggregators, and other persons that are required to submit Advice Letter submission for advice letters, do so via electronic means only.
12. The Energy Division recommends that the Commission grant Staff the discretion to make minor submission process changes to Advice Letter submission process revisions via letter or notice sent to utilities, persons and other affected parties and posted on the California Public Utilities Commission public website at least 30 calendar days prior to implementation.

THEREFORE, IT IS ORDERED that:

1. ~~1.~~The Energy Division's Advice Letter submittal processes shall be modified. Energy advice letters and informational submission, and any documents associated with such submission, shall be by electronic means only submission. Hard copy submissions and delivery will no longer be accepted unless the Energy Division finds extraordinary circumstances exist. **Energy Division should update the CPUC's internet website to reflect these modifications.**

2. **Current GO 96-B, Energy Industry Rule 2 is replaced in full with the following language:**

*The Energy Division Tariff Unit will process documents submitted to the Energy Division for submission, including information-only submission and advice letters and associated documents (such as protests, responses, replies, and supplements). A document may be submitted in electronic form only, to EDTariffUnit@cpuc.ca.gov. **Hard copy submissions and delivery***

will no longer be accepted unless the Energy Division finds extraordinary circumstances exist.

Instructions for submitting an advice letter can be found on the CPUC Energy Division Tariff Unit web page. A Utility submitting an information-only submission shall follow the same instructions, and shall cite the statute or Commission order requiring the submission.

~~3. 2-~~ The Commission authorizes Staff to make future minor Advice Letter submission process revisions to respond to in the event of an emergency circumstances situations. where extraordinary circumstances measures needed to be implemented. These measures could prevent which do not unduly or significantly conflict with GO 96-B as set forth in this Resolution. parties from being able to digitally receive and/or send material. If such extraordinary circumstances exist, Energy Division staff will address on an as-needed a case by case basis and take necessary action in order to ensure that parties have ability to submit hard copy comment and/or /protest and/or receive proper hard copy notice via Advice Letter and/or resolution. .- Future revisions must not

~~3. In the event of an emergency where staff were unable to physically be in the office to retrieve extraordinary circumstances hard copy material sent by parties in place of digital material (i.e. comments or protests) copies, Energy Division staff may request an alternate mailing address for such material to be sent If staff have to make minor changes to the Advice Letter processing submission , in order to retrieve process, they will be able to do so without affecting the GO 96-B be inconsistent with the General Rules of General Order 96-B., there being no need in the future to go through the resolution process. .-~~

~~3. The Energy Division shall inform utilities or persons of submission instructions and future submission process revisions via letter or notice sent by email and posted on the California Public Utilities Commission (CPUC or Commission) public website at least 30 calendar days prior to implementation.~~

~~444.~~ In their ~~A~~ advice ~~L~~ letter submission, utilities ~~shall no lshould no~~ longer indicate that hard copy protests ~~may~~ be sent to a physical address at the Commission. Instead, utilities ~~shallhould~~ indicate that protests must be submitted electronically to the Energy Division.

~~5. GO 96-B, Energy Industry Rule 2, should be revised as indicated in Appendix 1 to this resolution.~~

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on January ~~13~~13, 2022, the following Commissioners voting favorably thereon:

Rachel Peterson
Executive Director

Appendix 1:

Proposed revision to General Order 96-B, Energy Industry Rule 2

GO 96-B, Energy Industry Rule 2 currently reads:

The Energy Division Submission Room will process documents submitted to the Energy Division for submission, including information-only submission and advice letters and associated documents (such as protests, responses, replies, and supplements). A document may be submitted in person, by delivery service, or by mail to the Energy Division Submission Room, 505 Van Ness Ave., 4th Floor, San Francisco, CA 94102-3298.

A Utility submitting an advice letter shall provide an original and five copies of the advice letter, one copy of the workpapers (if any), and an original and five copies of each affected tariff sheet. A Utility submitting an information-only submission shall submit an original and one copy, and shall cite the statute or Commission order requiring the submission.

~~With Commission approval, †The amended~~Upon approval of this Resolution, GO 96-B Energy Industry Rule 2 will be modified to shall read:

*The Energy Division Tariff Unit will process documents submitted to the Energy Division for submission, including information-only submission and advice letters and associated documents (such as protests, responses, replies, and supplements). A document may be submitted in electronic form only, to EDTariffUnit@cpuc.ca.gov. **Hard copy submissions and delivery will no longer be accepted unless the Energy Division finds extraordinary circumstances exist.***

Instructions for submitting an advice letter can be found on the CPUC Energy Division Tariff Unit web page. A Utility submitting an information-only submission shall follow the same instructions, and shall cite the statute or Commission order requiring the submission.

Appendix 2

Instructions for Advice Letter and Related Submission

The Energy Division Tariff Unit (EDTU) Advice Letter and Related Submission process is:

1. All utilities or persons shall file Advice Letters (and all related documents) electronically via e-mail only to EDTariffUnit@cpuc.ca.gov. We no longer accept hard copy advice letter submissions.
2. For PG&E, SCE, SoCalGas and SDG&E, upload the document to our [CPUC Advice Letter database](#).

Requirements for a NEW Advice Letter

1. Advice Letter -Rules for submission Advice Letters are available in [General Order \(G.O.\) 96-B](#). For references, view previous advice letters by searching the [CPUC Advice Letter database](#). Advice Letters must be in searchable PDF format.
2. Advice Letter Summary Form Complete the AL summary form. Failure to submit a complete AL Summary Form may result in the EDTU rejecting the AL submission.
 - o A utility or a person's AL submission must be numbered sequentially, beginning with number 1 for the first AL filed. The utility or a person may send an email to 'EDTariffUnit@cpuc.ca.gov' to verify or request information about the next available number to be used in the AL submission.
 - o The CPUC Utility Reference Number (will be assigned to you by CPUC Energy Division Tariff Unit, if are a new utility) to the Advice Letter.
 - o Specify the Advice Letter Tier - refer to G.O. 96-B if you need help determining the tier.
 - o The required fields on this form are Company name/CPUC Utility No., Utility Type, Contact Person, Advice Letter (AL) #, Tier Designation, Keywords, Requested Effective Date and No. of tariff sheets. Other fields are required if it is applicable to your Advice Letter.
3. Service List-All AL submission (including supplements) must be served on the appropriate [service list](#).

Requirements for an EXISTING Advice Letter

1. Send documents associated with the existing Advice Letter electronically via email to EDTariffUnit@cpuc.ca.gov and reference the existing Advice Letter Number. Relevant documents can include supplements, substitute sheets, protests, replies to protests, comments, comments on resolutions, workpapers and all Advice Letter related documents sent to the service list.
 - o If submission a supplement, use the same AL number of the original submission and affix the letter "A", "B", 'C' and so on after the number. For example, if the AL is sequentially on AL 5-E, it will be AL 5-E-A [for the first supplement] or AL 5-E-B [for the second supplement, and so on].
2. For PG&E, SCE, SoCalGas and SDG&E, upload the documents to our CPUC Advice Letter database, and be sure to reference the CPUC Utility Reference Number.
3. Send the Advice Letter and Related Submission to the applicable Service List