

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Regarding Transportation
Electrification Policy and
Infrastructure

FILED
PUBLIC UTILITIES COMMISSION
DECEMBER 14, 2023
SAN FRANCISCO, CALIFORNIA
RULEMAKING 23-12-008

(NOT CONSOLIDATED)

Order Instituting Rulemaking to
Continue Development of Rates and
Infrastructure for Vehicle
Electrification.

Rulemaking 18-12-006

**ORDER INSTITUTING RULEMAKING REGARDING TRANSPORTATION
ELECTRIFICATION POLICY AND INFRASTRUCTURE
AND CLOSING RULEMAKING 18-12-006**

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**ORDER INSTITUTING RULEMAKING REGARDING TRANSPORTATION
ELECTRIFICATION POLICY AND INFRASTRUCTURE
AND CLOSING RULEMAKING 18-12-006**

Summary

This rulemaking continues the Commission's oversight of the development of infrastructure to support the acceleration of transportation electrification. This rulemaking also establishes a venue for considering future transportation electrification policy matters. This proceeding may consider the development of rates if a substantial need arises. This proceeding is the successor to Rulemaking (R.) 18-12-006.

This order closes R.18-12-006 for the purposes of Public Utilities Code Section 1701.5. Comments on preliminary matters pertaining to the scope, schedule, and administration of this proceeding are due no later than 30 days after the issuance of this Order Instituting Rulemaking. Reply comments shall be filed no later than 15 days after the deadline for filing opening comments.

R.18-12-006 is closed.

1. Background

The Commission opened its first rulemaking related to alternative-fueled vehicles in 2009. Since then, the Commission has increased its efforts in response to directives from the Governor's office and the California Legislature.

By way of background, in 2012, Governor Edmund G. Brown Jr. issued an executive order that included the goal of having 1.5 million zero-emission vehicles on California's roads and highways by 2025. In response to the adoption of this target, among others, the Commission launched Rulemaking (R.) 13-11-007 to identify and address issues related to investor-owned utility (IOUs) investments supporting the infrastructure necessary to meet the state's zero-emission vehicle targets.

In 2015, Governor Brown signed Senate Bill (SB) 350 which enacted Public Utilities (Pub. Util.) Code Section 740.12.¹ Section 740.12 requires the Commission, in consultation with the California Energy Commission (CEC) and the California Air Resources Board (CARB), to support the acceleration of widespread transportation electrification.

In October 2017, Sections 740.13 and 740.14 were added to the Public Utilities Code pursuant to Assembly Bills (AB) 1082 and 1803. Sections 740.13 and 740.14 authorize the IOUs to propose pilot programs to install electric vehicle infrastructure at school facilities and at state parks and state beaches.

In January 2018, Governor Brown signed Executive Order B-48-18 setting a state goal of five million zero-emission vehicles on California's roads by 2030, and 250,000 public charging stations operating by 2025, including 10,000 direct current fast charging stations.² Also in 2018, the Legislature enacted SB 1000 and AB 2127. SB 1000 directed the Commission to consider rate design issues related to electric vehicle-specific tariffs, submetering, and other grid integration technologies. AB 2127 directed the Commission to support the CEC's development of a statewide assessment of the zero-emission vehicle charging infrastructure needed to support the state's vehicle adoption and greenhouse gas emission goals.

In 2019, the Legislature enacted SB 676. SB 676 required the Commission to establish metrics to maximize the use of feasible and cost-effective electric vehicle grid integration by 2023.

¹ All subsequent section references refer to the Pub. Util. Code unless otherwise specified.

² Direct current fast charging is defined as: a charging station that rapidly charges a car's high-voltage battery by connecting it directly to a high power, direct current source.

In 2020, Governor Gavin Newsom signed Executive Order N-79-20 establishing a goal for all in-state sales of new passenger vehicles to be zero-emission by 2035. Executive Order N-79-20 also establishes a goal that all medium- and heavy-duty vehicles be zero-emission by 2045 for all operations where feasible, all drayage trucks be zero-emission by 2035, and all off-road vehicles and equipment be zero-emission by 2035 where feasible.

Additionally, Governor Newsom and the Legislature enacted AB 841 in 2020, and AB 2061 in 2022. AB 841 creates several changes to the deployment of, and investment in, infrastructure on the IOU's side of the meter to support electric vehicle charging infrastructure. Specifically, AB 841 directs the IOUs to establish new tariffs or rules that authorize each electric corporation to design and deploy all electrical distribution infrastructure on the IOU's side of the meter for all customers installing separately metered vehicle charging infrastructure and to treat that work as the IOUs' core business. AB 2061 requires the CEC, in consultation with the Commission, to develop recordkeeping and reporting standards for electric vehicle chargers and charging stations, and limits applicability to certain chargers and stations that receive state funding or ratepayer money.

On October 7, 2023, Governor Newsom signed two new pieces of legislation into law. First, AB 50 requires the Commission to establish criteria for customers to receive timely energization. Under AB 50, energization is considered as the timely receipt of electricity service when a request is made for new service connections or upgraded service. AB 50 proposes several policies to address delays in connecting customers to the electrical grid, including improved information sharing with local governments, reporting by the IOUs, and other measures. Second, SB 410 requires the Commission to establish, by September

2024, reasonable average and maximum target energization time periods in order to connect new customers and upgrade the service of existing customers to the electrical grid.

The Commission's transportation electrification proceeding, R.18-12-006, was initiated in 2018. R.18-12-006 furthered the Commission's implementation and administration of transportation electrification programs, tariffs, and policies for California by adopting an array of decisions. These decisions: (1) developed policies, guidelines, and implementation strategies to accelerate widespread adoption of transportation electrification;³ (2) implemented cost-effective strategies to implement transportation electrification programs and investments;⁴ (3) investigated new strategies related to access to electric vehicle charging rates;⁵ and (4) explored transportation electrification charging investment ownership models.⁶

³ Decision (D.) 20-12-027 adopted low carbon fuel standard holdback revenue utilization. D.20-12-028 adopted implementation rules for vehicle to grid integration strategies. *See also* D.20-09-025, which clarified that providers of medium- and heavy-duty electric vehicle charging services, and off-road electric vehicle or off-road electric equipment charging services, are not public utilities. *See also* D.20-12-029, which adopts vehicle to grid integration strategies.

⁴ D.22-11-040 adopts a long-term transportation electrification policy framework that established funding cycles, including a third-party administered statewide transportation electrification infrastructure rebate program for the first five-year cycle starting in 2025, and holds that the IOUs shall no longer own behind-the-meter infrastructure.

⁵ D.22-08-024 adopts plug-in electric vehicle submetering protocol for the IOUs and requires the IOUs to implement the submetering protocol for all customers with plug-in electric vehicles and customer-owned submeters. *See also* D.20-12-029, adopting vehicle-grid integration strategies pursuant to SB 676.

⁶ D.21-07-028 adopts a process to streamline near-term transportation electrification investments, addresses equity concerns, and provides guidance to the electrical corporations for transportation electrification investments.

2. Context for Opening a New Rulemaking

2.1. Resolution of Certain Transportation Electrification Issues in R.18-12-006

Since the issuance of R.18-12-006, the Commission has faced three key transportation electrification issues. These issues were: (1) funding for behind-the-meter charging infrastructure; (2) a lack of checks and balances to IOU spending on behind-the-meter transportation electrification programs and the associated administrative expenses; and (3) a lack of clarity on the IOU role in transportation electrification. Through R.18-12-006, the Commission and its stakeholders have resolved these issues by ensuring funding for behind-the-meter charging infrastructure in the near-term, creating checks and balances to IOU spending on behind-the-meter transportation electrification programs, and clarifying the role of the IOU within the realm of transportation electrification.

First, the Commission has ensured there is funding for behind-the-meter charging infrastructure. D.22-11-040 established a program to fund targeted light-, medium-, and heavy-duty electric vehicle charging infrastructure with \$600 million starting in 2025, with the potential to access up to \$1 billion in funding. In addition to substantial ratepayer investments, billions of dollars in approved federal and state funds will be directed towards behind-the-meter electric vehicle charging infrastructure. This funding includes funding from the federal Infrastructure Investment and Jobs Act of 2021, California's 2021 Budget Act, and the federal Inflation Reduction Act.

Second, the Commission established checks and balances to IOU spending on behind-the-meter transportation electrification programs and administrative burdens for ongoing program application proposals. Specifically, D.22-11-040 established a funding cycle approach to IOU transportation electrification spending on behind-the-meter programs. The aim of the decision was to reduce

the administrative burden on stakeholders, IOUs, and Commission staff, rein in unnecessary spending, and establish checkpoints to reevaluate the need for, and scale of, IOU support for behind-the-meter transportation electrification programs.

Third, the Commission clarified the role of the IOU within the realm of transportation electrification. While some aspects of the IOUs' role in transportation electrification may evolve, the Commission adopted D.22-11-040 which reduced the ambiguity of the IOUs' role in transportation electrification. Specifically, D.22-11-040 held: (1) the IOUs' core role in transportation electrification is supporting and enabling the transportation electrification market by acting as utility-side of-the-meter infrastructure and fuel providers; (2) given the immensity and importance of the core IOU responsibilities, the role of ratepayers in subsidizing behind-the-meter transportation electrification infrastructure requires careful and ongoing consideration; and (3) although indefinite ratepayer support may not be warranted, the Commission found merit in authorizing ratepayer funding for transportation electrification investments through Funding Cycle 1.⁷

2.2. Current Zero Emission Vehicle Market Dynamics

Since the initiation of R.18-12-006, California has seen significant growth in the adoption of zero-emission vehicles and charging infrastructure. Recently, cumulative sales of light-duty electric vehicles in California surpassed 1.6

⁷ Funding Cycle 1 refers to the three funding cycles adopted in D.22-11-040 for transportation electrification investments. Funding Cycle 1 refers to the period, beginning in 2025 through the end of 2029, that covers a statewide rebate program for behind-the-meter make-readies and electric vehicle supply equipment, as well as marketing, education, and outreach and technical assistance programs. *See* D.22-11-040, Appendix C.

million.⁸ For 2022, zero-emission vehicles made up 18.8 percent of all light-duty vehicles sold in California.⁹ In the second quarter of 2023, zero-emission vehicles reached approximately 25.4 percent of all light-duty vehicle sales in the state.¹⁰ This means that one in four vehicles sold in California were zero-emission vehicles, of which an overwhelming majority are electric vehicles.¹¹ Given the growth in sales of zero-emission vehicles, California has also seen an increase in public and private refueling infrastructure. However, more refueling infrastructure is needed to support the anticipated increase in the adoption of zero-emission vehicles, specifically plug-in electric vehicles.

As California continues implementing its transportation electrification policies, the number of electric vehicles and required charging infrastructure is expected to grow significantly over the next 10 years. The growth of zero-emission vehicles, and the deployment of new charging infrastructure to support the growing pace of zero-emission vehicle adoption, will have varying impacts on local distribution systems and will require significant grid upgrades.

2.3. Emerging Transportation Electrification Issues

Considering the anticipated growth of electric vehicles, and the implications of such growth on the electric grid, the Commission now faces issues regarding how the IOUs will effectively and affordably support the pace and scale of transportation electrification growth required to achieve California's

⁸ California Energy Commission's Dashboard on New Zero Emissions Vehicle Sales in California, available at <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/new-zev-sales> (November 5, 2023).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

zero-emission vehicle goals. The emerging transportation electrification issues the Commission, the IOUs, and stakeholders face include:

1. Timely energization of electric vehicle charging sites;
2. Grid planning for transportation electrification;
3. Rate affordability;
4. Vehicle-Grid Integration that is oriented to evolving business models, market strategies, and vehicle support of grid needs; and
5. Deployment of behind-the-meter charging infrastructure to support statewide charging infrastructure goals.

First, the acceleration of electric vehicle adoption, coupled with new CARB zero-emission vehicle regulatory timelines, has created a significant increase in energization requests from customers, particularly electric vehicle service providers. These energization requests are often large in scale and require electric distribution capacity additions and/or distribution line extensions as well as service line extensions. This can add to the time it takes for site energization. As new zero-emission vehicle regulations accelerate timelines for transportation electrification over the next decade, it is critical that the Commission assess how the IOUs can support this accelerated need within the electric vehicle market while ensuring investments are affordable for ratepayers. Consequently, this may necessitate examination of: (1) the IOUs' current processes to align with the expected transportation electrification load growth; (2) consideration of responsibilities for preparing the grid for the market's widespread adoption of zero emission vehicles that may lie outside of the IOUs' control; and (3) coordination with other Commission proceedings and IOU processes that impact energization. Reforms may be necessary to adapt existing IOU processes and accommodate current market growth, including

improvements to the IOUs' electric vehicle infrastructure rules and coordination with Tariff Rules 15 and 16.

Second, in addition to improving the response process to customer requests for electric vehicle charging energization, the increased pace and scale of the distribution and transmission infrastructure needed to support this transition will require reforms to grid planning as they relate to transportation electrification. This may include improved early identification of future transportation electrification load to support existing electric grid planning processes, and development of priority regions for transportation electrification load. An objective for this proceeding is to improve long-term grid planning inputs, outputs, and process alignment as they relate to transportation electrification. This will help ensure that the IOUs and other Commission led proceedings appropriately plan for the expected increase in transportation electrification load growth. Effective coordination between the various Commission proceedings impacting grid planning and electrification readiness will also be key to streamlining the deployment of infrastructure.

Third, accelerated spending on transportation electrification has the potential to impact affordability for ratepayers. For example, the IOUs have spent more than \$300 million¹² on ratepayer infrastructure programs to support different segments of the electric vehicle market. The Commission also authorized IOUs to spend up to \$1 billion in ratepayer funds for the statewide transportation electrification Funding Cycle 1 rebate program.¹³ Additionally,

¹² See *Charging Infrastructure Deployment and Incentives* available at: <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/transportation-electrification/charging-infrastructure-deployment-and-incentives> (November 5, 2023).

¹³ D.22-11-040 at 89.

the Legislature authorized ratebasing any accrued service upgrade costs for residential and separately metered commercial electric vehicle charging projects into IOU rates.¹⁴ Additional capital investments will be needed to accommodate transportation electrification loads. Collectively, this level of behind-the-meter and utility-side of-the meter spending on accelerating transportation electrification has the potential to impact rate affordability. Therefore, this new rulemaking will continue our efforts to address rate impacts associated with increased transportation electrification and infrastructure spending. This rulemaking will also coordinate with other efforts that support rate affordability.

Fourth, this new rulemaking will continue to address vehicle-grid integration policy, planning, and technology enablement. D.20-12-029 adopted initial vehicle-grid integration strategies and metrics pursuant to SB 676. D.22-11-040 built upon this to adopt a foundation for the next phase of vehicle-grid integration strategy and execution by establishing three strategic focus areas. The strategic areas include: (1) rates and demand flexibility programs; (2) technology enablement; and (3) planning.¹⁵ The decision directed that these areas be explored in-depth at an annual Vehicle-Grid Integration Forum. This rulemaking will further these strategic vehicle-grid integration focus areas, coordinate with the CEC, and coordinate across various Commission

¹⁴ AB 841 adds section 740.19 to the Pub. Util. Code which states the Commission shall allow the residential service facility upgrade costs incurred as a result of the adoption of home-based electric vehicle charging for basic charging arrangements that exceed the utility's Electric Tariff Rule 15 (distribution line extensions) and Rule 16 (service line extensions) allowances to be treated as a common facility cost, to be recovered from all residential ratepayers. AB 841 also approved a new tariff or rule that authorizes each electrical corporation to design and deploy all electrical distribution infrastructure on the utility side of the customer's meter for all customers installing separately metered infrastructure to support charging stations, other than those in single-family residences.

¹⁵ D.22-11-040 at 45.

proceedings that interact with vehicle-grid integration topics. With respect to vehicle-grid integration, rates, and demand flexibility, this rulemaking should coordinate with one of the Commission's existing proceedings, R.22-07-005, which concerns demand flexibility.¹⁶

Fifth, and as discussed above, while California has made significant progress toward installing chargers, more deployment is needed to meet the state's 2030 goals. This proceeding will continue to evaluate the need for ratepayer support for behind-the-meter infrastructure as California strives toward its 2030 zero-emission vehicle targets. This proceeding will also ensure that ratepayer programs are coordinated with non-ratepayer programs to maximize the impact of money spent to support California's transportation electrification laws and market targets.

Finally, the scope of this proceeding may include all transportation electrification policy issues that arise within the Commission's regulatory authority as well as new laws regarding advancement of transportation electrification.

3. Preliminary Scoping Memo

This rulemaking will be conducted in accordance with the Commission's Rules of Practice and Procedure (Rules). As required by Rule 7.1(d), this rulemaking includes a preliminary scoping memo as set forth below, and preliminarily determines the category of this proceeding and the need for hearings.

¹⁶ R.22-07-005 seeks to enable widespread demand flexibility through electric rates. This proceeding considers demand flexibility policies and modifications to electric rates to, among other things, enable widespread electrification of buildings and transportation to meet the state's climate goals. As such, this rulemaking's efforts on VGI, rates, and demand flexibility should be aligned with the ongoing efforts within R.22-07-005.

3.1. Issues

While the above sections touch on the broad objectives that will shape the contours of this proceeding, the precise issues to be addressed and the process for addressing those issues will be set forth in an Assigned Commissioner's Scoping Memo and Ruling.

The Assigned Commissioner's Scoping Memo and Ruling will be issued after this proceeding's prehearing conference (PHC). The scope of this proceeding broadly includes all issues related to transportation electrification. For clarity, the preliminary scope of issues for this proceeding include:

1. **Timely Energization of Electric Vehicle Charging.** This topic area includes:
 - a. *Electric Vehicle Charging Station Energization:* continue the implementation of the IOUs' Electric Vehicle Infrastructure Rules (Rule 29 and Rule 45), transportation electrification energization timelines, Plug-in Electric Vehicle Common Treatment Policy, and coordinated policy with the implementation of Rules 15 and 16.
 - b. *IOU Resource Needs:* assess IOU resource needs, policies and/or process solutions, and coordination with other Commission proceedings to support timely energization.
 - c. *Consider Impacts on Ratepayers :* assess how IOU side-of-the meter transportation electrification investments and policies, including those related to implementation of Electric Vehicle Infrastructure Rules 15 and 16, impact affordability and rates.
2. **Transportation Electrification Grid Planning to Support Charging Infrastructure Deployment.** This topic area may include an array of issues, including the following:
 - a. *Zero Emissions Freight Infrastructure Planning:* establish an electric infrastructure planning framework to develop inputs, assumptions, and other necessary

parameters to be incorporated into long-term planning (distribution, transmission, and generation) and forecasting processes for freight and related loads (e.g., light-duty fast charging, non-freight medium- and heavy-duty use cases (e.g. agriculture, ports), off-road vehicles and equipment, building or other non-transportation loads, etc.). In particular, the Commission will address electrification planning for medium- and heavy-duty vehicles that is critical for reducing emissions from communities disproportionately burdened by pollution in areas that are highly trafficked. This planning framework includes consideration of necessary investments to support the State's zero-emission vehicle policy goals while balancing the need for reducing ratepayer burden and the achievement of other state policy goals (e.g., electric sector decarbonization, building decarbonization, wildfire mitigation, and reducing emissions in disadvantaged and underserved communities).

- b. *Continuous Assessment of Transportation Electrification Infrastructure Planning Needs*: assess grid planning process inputs, assumptions, and other necessary planning parameters needs for transportation electrification market segments, beyond freight, that are dependent on long lead time infrastructure (e.g., light-duty vehicle charging plazas, port equipment, heavy-duty depot charging, transit, etc.) to facilitate coordinated policy development, procurement, and cost-recovery processes in other proceedings (e.g., High DER, General Rate Cases, etc.).
- c. *Charging Infrastructure Support*: leverage electric system planning to assess needs and set targets and priorities for infrastructure support.
- d. *IOU Resource Needs*: assess IOU resource needs, policies and/or process solutions, and coordination with other Commission proceedings for electric system

investments to support transportation electrification between general rate case windows.

- e. *Consider Impacts on Ratepayers:* assess how utility-side of-the-meter transportation electrification investments related to distribution and system planning level costs impact rates.
3. **Deployment of Behind-the-Meter Charging Infrastructure to Support State Goals.** This topic area includes targeted behind-the-meter charging infrastructure deployed through utility programs to support near-term State charging needs, with consideration for affordability and equity. It may cover Funding Cycle 0 implementation, Funding Cycle 1 implementation, and establishing priorities and potential targets for Funding Cycle 2, if warranted.¹⁷
4. **Vehicle-Grid Integration.** This topic area may establish goals and targets for the advancement of vehicle-grid integration, assess programmatic and policy interventions, and affordability considerations with a focus on the following strategic areas: (a) technology enablement; (b) rates and demand flexibility programs; and (c) transportation electrification grid planning.
5. **Ongoing Transportation Electrification Policy Development and Collaboration.** This topic area would address ongoing transportation electrification policy development and/or implementation of new transportation electrification laws.

¹⁷ Funding Cycle refers to the three funding cycles adopted in D.22-11-040 for transportation electrification investments. Funding Cycle 0 represents the current array of IOU transportation electrification programs, pending applications and advice letters, and forthcoming near-term priority proposals. Funding Cycle 0 concludes at the end of 2024, with a two-year grace period concluding at the end of 2026. Funding Cycle 1 refers to the period, beginning in 2025 through the end of 2029, that covers a statewide rebate program for behind-the-meter make-readies and electric vehicle supply equipment, as well as marketing, education, and outreach and technical assistance programs. Funding Cycle 2 begins in 2023, after Funding Cycle 1 completes and is based upon an assessment of Funding Cycle 1 and an analysis of the policy and market needs. See D.22-11-040, Appendix C.

3.1.2. Invitation to Comment on Preliminary Scoping Memo

This Order Instituting Rulemaking (OIR) solicits party comment on the Preliminary Scoping Memo and issues identified in this document. We invite parties to comment on:

- Whether there are additional issues that should be included in the scope of this proceeding;
- The prioritization or sequencing of topics and activities that should be handled in this proceeding leading to Commission decision(s); and
- Any specific issues previously addressed or underway in other Commission proceedings that require coordination with this rulemaking.

Initial comments shall be filed and served no later than 30 days after issuance of this OIR, with reply comments filed and served 15 days later. The Commission will use parties comments and a PHC, to be scheduled, as a basis to identify areas that need clarification, and may consider the addition of specific issues or questions related to the items described in Section 3.1 on the scope of this proceeding, pursuant to the guidance set forth herein. We direct parties to limit their comments to the specific issues set forth in OIR as well as to objections to the preliminary determinations below. Comments are limited to no more than 15 pages per party, with replies limited to no more than 10 pages per party.

4. Initial Schedule

A PHC will also be scheduled after comments and replies are submitted. The preliminary schedule is captured in the table, below:

Preliminary Schedule

Proceeding Milestone	Date
Comments on OIR, limited to no more than 15 pages, filed and served	30 days after OIR issuance
Reply Comments on OIR, limited to no more than 10 pages, filed and served	15 days after OIR issuance
PHC	No later than 180 days after filing and service of Reply Comments
Assigned Commissioner's Scoping Memo and Ruling	No later than 60 days after PHC

Each of the issue areas outlined in the Preliminary Scoping Memo will likely require different types and degrees of public participation. Therefore, we delegate further definition of procedure and schedule for each issue area to the assigned Commissioner and Administrative Law Judges (ALJs) as determined in the Assigned Commissioner's Scoping Memo and Ruling or a later ruling.

We leave open the possibility that issue areas may be decided upon individually in interim decisions, if necessary. In addition, we authorize the assigned Commissioner and ALJs to organize issues within the proceeding, including creating tracks or phases for organization. The assigned Commissioner or ALJs have the authority to make changes to the above schedule.

This proceeding will conform to the statutory case management deadline for quasi-legislative matters set forth in Section 1701.5. It is our intention to resolve all relevant issues within 36 months of the date this OIR is adopted. In using the authority granted in Section 1701.5(b) to set a time longer than 18 months, we consider the number and complexity of the tasks and the need to coordinate with multiple other proceedings.

In addition, there will likely be workshops in this proceeding. Notice of such workshops will be posted on the Commission's Daily Calendar and will inform the public if a decision maker or an advisor to a Commissioner may be present at those meetings or workshops. Parties should check the Daily Calendar regularly for such notices.

5. Category of Proceeding; *Ex Parte* Communications; and Need for Hearing

The Commission's Rules require that an OIR preliminarily determine the category of the proceeding. As a preliminary matter, we determine that this proceeding is quasi-legislative because our consideration and approval of this matter would establish policy or rules affecting a class of regulated utilities. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Rules. We note that specific tracks of the proceeding may be designated as ratesetting if deemed appropriate.

The Commission's Rules require that an order instituting rulemaking preliminarily determine the need for hearing. We anticipate many of these issues can be addressed by filed comments or in public meetings or workshops. Therefore, we preliminarily determine that no hearings will be needed. The Assigned Commissioner's Scoping Memo and Ruling, after considering the comments and recommendations of parties, will make a final determination of the need for hearing.

6. Respondents

Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric) LLC, Bear Valley Electric Service, and PacifiCorp d/b/a Pacific Power are named as respondents to this proceeding.

7. Service List

This OIR shall be served to all respondents.

In addition, in the interest of broad notice, this OIR will be served on the official service lists for the following proceedings:

	Docket Name	Proceeding Number
1.	Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification.	R.18-12-006
2.	Order Instituting Rulemaking to Modernize the Electric Grid for a High Distributed Energy Resources Future.	R.21-06-017
3.	Order Instituting Rulemaking to Advance Demand Flexibility Through Electric Rates.	R.22-07-005
4.	Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.	R.16-02-007

In addition, in the interest of broad notice, this OIR will be served on following state and local agencies:

- California Air Resources Board
- California Energy Commission
- California Independent System Operator
- California Infrastructure and Economic Development Bank
- California Native American Heritage Commission and the tribal contacts list maintained by the Native American Heritage Commission
- Governor's Office of Business Development

- California Office of Emergency Services
- California Office of Research and Planning
- California State Association of Counties
- League of California Cities
- Office of Energy Infrastructure Safety
- Rural County Representatives of California
- State Board of Forestry and Fire Protection
- California State Transportation Agency
- California Transportation Commission
- California Alternative Energy and Advanced Transportation Financing Authority

Service of the OIR does not confer party status or place any person who has received such service on the official service list for this proceeding, other than respondents. Instructions for obtaining party status or being placed on the official service list are given below.

Addition to the official service list is governed by Rule 1.9(f).

Respondents are parties to the proceeding (*see* Rule 1.4(d)).

Any person will be added to the “Information Only” category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly to ensure timely service of comments and other documents and correspondence in the proceeding (*see* Rule 1.9(f)). The request must be sent to the Commission’s Process Office by email (Process_Office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102). Please include the Docket Number of this Rulemaking in the request.

Persons who file responsive comments become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the “Parties” category of the official

service list upon such filing. To assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. **Therefore, all parties to this proceeding shall serve documents and pleadings using electronic mail only, transmitted no later than 5:00 p.m. on the date scheduled for service to occur.**

When serving documents on the ALJ, the Commissioner, or her personal advisors, whether they are on the official service list, **parties must only provide electronic service. Parties must not send hard copies of documents to the assigned Administrative Law Judges, or the assigned Commissioner, or their personal advisors, unless specifically instructed to do so.**

8. Subscription Service

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at: <http://subscribecpuc.cpuc.ca.gov/>.

9. Intervenor Compensation

Intervenor compensation is permitted in this proceeding. Any party that expects to claim intervenor compensation for its participation in this rulemaking must file a timely notice of intent to claim intervenor compensation (*see* Rule 17.1(a)). Intervenor compensation rules are governed by Section 1801 et seq. of

the Pub. Util. Code. Parties new to participating in Commission proceedings may contact the Commission's Public Advisor.

10. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390, or email public.advisor@cpuc.ca.gov. The TTY number is (866) 836-7825.

O R D E R

IT IS ORDERED that:

1. This Order Instituting Rulemaking is adopted pursuant to Rule 6.1 of the Commission's Rules of Practice and Procedure.
2. The preliminary categorization is quasi-legislative.
3. The preliminary determination is that hearings are not needed.
4. The preliminary scope of issues is as stated above in Section 3.1.
5. The time and place for a prehearing conference in this proceeding will be noticed via ruling within 180 days of the date of issuance of today's Rulemaking. The schedule for the remainder of the proceeding will be adopted in the Assigned Commissioner's Scoping Memo and Ruling.
6. Unless changed by the assigned Commissioner or the assigned Administrative Law Judges, the schedule stated in Section 4 of this order is adopted. It is the Commission's intent to resolve the full proceeding within 36 months of the date the rulemaking is issued.
7. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric) LLC, Bear Valley Electric Service, and PacifiCorp d/b/a Pacific Power are respondents to this Order Instituting Rulemaking.

8. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric) LLC, Bear Valley Electric Service, and PacifiCorp d/b/a Pacific Power shall, and any other person may, file comments responding to this Rulemaking within 30 days of the date of issuance of this Order Instituting Rulemaking. Reply comments are due within 15 days from the last day for opening comments.

9. The Executive Director will cause this Order Instituting Rulemaking to be served on all respondents and on the service lists for the following Commission proceedings: Rulemaking (R.) 21-06-017, R.22-07-005, R.18-12-006, and R.16-02-007. In addition, the Executive Director will cause this Order Instituting Rulemaking to be served on the following agencies:

- California Air Resources Board
- California Energy Commission
- California Independent System Operator
- California Infrastructure and Economic Development Bank
- California Native American Heritage Commission and the tribal contacts list maintained by the Native American Heritage Commission
- Governor's Office of Business Development
- California Office of Emergency Services
- California Office of Research and Planning
- California State Association of Counties
- League of California Cities
- Office of Energy Infrastructure Safety
- Rural County Representatives of California
- State Board of Forestry and Fire Protection
- California State Transportation Agency
- California Transportation Commission
- California Alternative Energy and Advanced Transportation Financing Authority

10. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must file its notice of intent to claim intervenor

compensation within 30 days of the filing of reply comments, except that notice may be filed within 30 days of a prehearing conference if one is held (*see* Rule 17.1(a)(2)).

11. Rulemaking 18-12-006 is closed.

This order is effective today.

Dated December 14, 2023 at San Francisco, California.

ALICE REYNOLDS

President

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

Commissioner Genevieve Shiroma, being necessarily absent, did not participate.