

Decision 24-07-018 July 11, 2024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design.

Application 23-01-008

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline for completion of Application 23-01-008 to November 7, 2024.

1. Background and Justification

Public Utilities (Pub. Util) Code Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met and issues an order extending that deadline. The current deadline for completion of Application (A.) 23-01-008 is July 17, 2024.

Applicant San Diego Gas & Electric Company (SDG&E) is an investor-owned-utility engaged in the business of generating, purchasing, transmitting, distributing, and selling electric energy and gas for light, heat, and power in portions of Southern California. SDG&E is regulated by this California Public Utilities Commission (Commission), License No. U902E.

SDG&E filed an application and direct testimony in A.23-01-008 on January 17, 2023, seeking Commission for authority to update marginal costs, cost allocation, and electric rate design.

Commissioner Genevieve Shiroma and Administrative Law Judge (ALJ) Rajan Mutialu were assigned to A.23-01-008 on February 24, 2023. Protests to the application were timely filed on February 27, 2023, by San Diego Community Power and Clean Energy Alliance, collectively the “Joint CCAs”, Utility Consumers’ Action Network (UCAN), The Utility Reform Network (TURN), the Public Advocates Office of the California Public Utilities Commission (Cal Advocates), Solar Energy Industries Association (SEIA), and California Farm Bureau (CFBF). A reply to protests was filed by SDG&E on March 9, 2023.

Thereafter, the assigned ALJ issued a notice to set the prehearing conference (PHC) on May 1, 2023. On May 10, 2023, the PHC was held to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

An assigned Commissioner’s Scoping Memo and Ruling was issued by Commissioner Genevieve Shiroma on June 5, 2023, to set the issues and schedule of the proceeding.

On June 23, 2023, the assigned ALJ issued a ruling that directed SDG&E to file supplemental testimony with approved 2023 sales forecasts on or before June 30, 2023. An ALJ ruling was issued on July 21, 2023, that revised the procedural schedule, including an extension for SDG&E to file supplemental testimony with approved 2023 sales forecasts on or before September 29, 2023. In response to a joint request from SDG&E and Cal Advocates, an ALJ ruling was issued on August 2, 2023, that further amended remaining events on the procedural schedule.

On September 29, 2023, an ALJ ruling noticed and set an in-person public participation hearing (PPH) to be held on November 6, 2023, and a remote PPH to be held on November 20, 2023. A second ALJ ruling was issued on September 29, 2023, that revised the procedural schedule.

On December 8, 2023, Cal Advocates served direct testimony. The Joint CCAs, SEIA, TURN, UCAN, CFBF, Small Business Utility Advocates (SBUA), Center for Accessible Technology (CforAT), California City County Street Light Association (CalSLA), and the Federal Executive Agencies (FEA) served direct testimony on January 8, 2024. On February 7, 2024, SDG&E, the City of San Diego, the Joint CCAs, SEIA, Cal Advocates, TURN, UCAN, CFBF, SBUA, CforAT, CalSLA, and the Federal Executive Agencies (FEA), collectively referred to as "Parties," filed rebuttal testimony.

On February 16, 2024, an ALJ ruling was issued that noticed a Status Conference on Settlement Talks and the Need for Hearings (Status Conference). On February 23, 2024, a Joint Status Report on Settlement Talks and the Need for Hearing was filed and served. On February 26, 2024, the Status Conference was held.

Based on discussion at the Status Conference, an ALJ ruling was issued on March 5, 2024, that amended the procedural schedule, including setting a date for a Second Status Conference on Settlement Talks and the Need for Evidentiary Hearings (Second Status Conference), and revised dates for evidentiary hearings, and opening and reply briefs.

On April 11, 2024, proceeding A.23-01-008 was reassigned from Commissioner Genevieve Shiroma to President Alice Reynolds.

On April 15, 2024, an ALJ ruling was issued that noticed the Second Status Conference. On April 25, 2024, the Second Status Conference was held.

Based on discussion at the Second Status Conference, an ALJ ruling was issued that required the Joint CCAs to respond to their request for evidentiary hearings. The Joint CCAs filed a response on May 17, 2024. On May 20, 2024, SDG&E filed a reply to the Joint CCAs' response. An ALJ ruling was issued on May 20, 2024 that denied the Joint CCAs' request for evidentiary hearings and removed them from the proceeding schedule.

On May 20, 2024, Parties filed a joint motion to admit their exhibits into the evidentiary record and the Joint CCAs filed a separate joint motion to move their exhibits into evidence and admit exhibits into the evidentiary record.

On May 24, 2024, SDG&E filed a response to the Joint CCAs' May 20, 2024 motion and filed a motion to seal the evidentiary record pursuant to Rule 11.5.

On May 28, 2024, SDG&E, SBUA, UCAN, Cal Advocates, FEA, TURN, the City of San Diego, CALSLA, CFBF (Marginal Cost Settling Parties) filed a joint motion for adoption of a marginal cost settlement agreement and SDG&E, SBUA, UCAN, Cal Advocates, FEA, TURN, SEIA, the City of San Diego, CALSLA, and CFBF (Settling Parties) filed a joint motion for adoption of a partial settlement agreement.

On May 29, 2024, the Joint CCAs filed a reply to SDG&E's response to the Joint CCAs' motion to move exhibits into evidence and admit exhibits into the evidentiary record.

On June 5, 2024, SDG&E, Cal Advocates, and TURN filed a joint motion for adoption of a medical baseline settlement agreement.

On June 7, an ALJ ruling granted the Parties' joint motion to admit their exhibits into the evidentiary record.

The deadline established by Pub. Util. Code Section 1701.5 for resolution of this proceeding is currently July 17, 2024. Due to resource constraints and the

recent reassignment of the proceeding to a new Commissioner, it will not be possible to complete this proceeding by the previously scheduled deadline. It is expected that a proposed decision addressing the issues in this proceeding will be issued in the near future. With that expectation, we find that an extension of at least 120 days beyond the current July 17, 2024, deadline, is necessary to afford the Commission adequate time to thoughtfully deliberate and issue its final decision. The statutory deadline for this proceeding therefore should be extended to November 7, 2024.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 18-month deadline set forth in Pub. Util. Code Section 1701.5. Under the circumstances of this proceeding, it is appropriate to waive the 30-day period for public review and comment.

3. Assignment of Proceeding

President Reynolds is the assigned Commissioner and Rajan Mutialu is the assigned ALJ and the presiding officer in this proceeding.

Findings of Fact

1. The current statutory deadline for resolving A.23-01-008 is July 17, 2024.
2. A.23-01-008 cannot be completed by July 17, 2024.
3. An extension of the statutory deadline to November 7, 2024, is necessary to allow adequate time to complete this proceeding.

Conclusion of Law

1. Pursuant to the authority granted to the Commission under Pub. Util. Code Section 1701.5(a), the statutory deadline should be extended to November 7, 2024.

IT IS ORDERED that the statutory deadline for completion of this proceeding is extended to November 7, 2024.

This order is effective today.

Dated July 11, 2024, at San Francisco, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
Commissioners

Commissioner Matthew Baker recused himself from this agenda item and was not part of the quorum in its consideration.