

Decision **PROPOSED DECISION OF ALJ TOY (Mailed 8/18/25)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39E) for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023-2027.

Application 22-05-002

And Related Matters.

Application 22-05-003

Application 22-05-004

**DECISION DENYING PETITION FOR
MODIFICATION OF DECISION 22-12-009**

Summary

This decision denies the Petition for Modification filed on February 19, 2025, by Clean Energy Alliance, San Diego Community Power, and Mission:data Coalition, Inc. seeking to modify Decision 22-12-009. This proceeding is closed.

1. Background

SDG&E's smart meter 1.0 devices utilize ZigBee technology as the basis for sending meter data to management systems to provide potential Demand Response (DR), load shifting, and energy cost savings benefits. San Diego Gas &

Electric Company (SDG&E) uses smart meters that are only capable of connecting with customers' Home Area Network (HAN)¹ via ZigBee technology.

On May 2, 2022, Pacific Gas and Electric Company (PG&E) filed Application (A.) 22-05-002, SDG&E filed A.22-05-003, and Southern California Edison Company (SCE) filed A.22-05-004, seeking approval for their respective 2023-2027 DR portfolio applications. The utilities included proposals for their Demand Response Auction Mechanism Pilot (DRAM) programs in the applications.

On December 6, 2022, the Commission issued Decision (D.) 22-12-009, resolving Phase I and approving 2023 DR Bridge Year Funding for PG&E, SCE, and SDG&E. The decision found it reasonable for SDG&E to discontinue funding ZigBee technology support.

On February 19, 2025, San Diego Community Power (SDCP), Clean Energy Alliance (CEA), and Mission:data Coalition, INC (Mission:data) (collectively, Petitioners) submitted the instant joint Petition for Modification of D.22-12-009 (Petition). The Petitioners allege that D.22-12-009 must be modified to require SDG&E to reinstate ZigBee connections and to enable new ZigBee connections until SDG&E provides new smart meters that provide near real-time energy usage data access.

¹ The HAN is a network contained within a customer's home or business that connects a customer's qualified energy monitoring device to a smart meter. This connection allows the customer to observe their real-time energy usage through the energy monitoring device.

2. Petition for Modification

The Petition argues that the approval to discontinue funding ZigBee technology support in D.22-12-009 was premised on the near-term rollout of new smart meters that would utilize Wi-Fi instead of ZigBee connectivity.² The Petition further argues that D.22-12-009 does not authorize SDG&E's failure to reconnect and refusal to make new connections between existing smart meters and customers' HAN devices.³ Petitioners assert that SDG&E customers who lose ZigBee connectivity are unable to reconnect their HAN devices and are therefore unable to collect or provide near real-time energy usage data.⁴ Petitioners state that without access to near-real time data, customers are not afforded the benefits of smart meters in SDG&E's distribution territory.⁵

The Petition asserts that D.22-12-009 failed to address SDG&E compliance with providing real-time energy usage data for customers as required by the "Real Time Usage Data Access Orders."⁶ The Petition argues that if SDG&E testimony was included in D.22-12-009, this would have partially addressed SDG&E's noncompliance.⁷ Moreover, Petitioners state that because D.24-12-074 requires SDG&E to file a separate application for the smart meter 2.0 project,

² Petition at 28.

³ Petition at 8-9.

⁴ Petition at 10.

⁵ Petition at 11.

⁶ Petition at 13-16.

⁷ Petition at 22, *citing* Prepared Direct Testimony of E Bradford Mantz – Chapter 1A on behalf of San Diego Gas & Electric Company, at 20:1, stating that "devices that are connected via ZigBee will still remain connected until the customers' future new meters are replaced with a new meter not carrying ZigBee." *See also* Petition at 27.

SDG&E's existing smart meters will likely not be replaced for several more years. In the interim, SDG&E customers who lose connectivity will not have access to near-real time data.⁸

To remedy this issue, the Petition asks that modifications be made to D.22-12-009 to explicitly require SDG&E to reinstate existing ZigBee disconnections and enable new ZigBee connections until SDG&E provides new smart meters that provide near real-time energy usage data access.

Responses were filed by SDG&E and California Efficiency + Demand Management Council (the Council) on March 21, 2025. A reply to the responses was filed by Petitioners on April 1, 2025.

3. Comments on the Petition

Responses to the Petition were filed by SDG&E and the Council. SDG&E opposed the Petition, while the Council supported it. SDG&E stated that the Petition should be denied, as it does not allege new or changed facts. SDG&E states that D.22-12-009 had authorized SDG&E to discontinue HAN pairing and support for ZigBee technology for two reasons, both of which continue to be valid and reasonable. First, the meter market is moving towards Wi-Fi device communications and, second, vendors are no longer supporting ZigBee technology.⁹

Additionally, SDG&E asserts that the Commission did not condition its decision to terminate funding for ZigBee support on whether SDG&E's proposed

⁸ Petition at 7.

⁹ SDG&E Response to Petition, March 21, 2025 (SDG&E Response), at 3.

roll out of their smart meter 2.0 project was approved in SDG&E's Test Year 2024 General Rate Case. Moreover, the possible denial of SDG&E's smart meter 2.0 project was likely a fact or circumstance that the Commission had already considered.¹⁰ SDG&E argues that it is neither feasible nor practical to reinstate ZigBee support or offer new ZigBee/HAN connections as none of the major smart meter vendors utilize ZigBee technology today,¹¹ and SDG&E does not have the in-house capabilities to remotely pair ZigBee devices.¹² SDG&E also argues that the Petition mistakenly asserts that SDG&E guaranteed the availability of smart meter 2.0 technology. SDG&E noted in testimony that it had issued a request for proposal for new smart meters, but did not make guarantees as to the technology's availability.¹³ Also, SDG&E states that it already provides near real-time billing data to the Community Choice Aggregators (CCAs), within two to three days of the meter read, and SDG&E has not received any feedback concerning whether the level of data access was insufficient since this program started in 2023.¹⁴

In reply, Petitioners reassert that SDG&E's plan to replace existing smart meters with Wi-Fi enabled meters was a key assumption based on SDG&E's testimony and D.22-12-009's text.¹⁵ Petitioners argue that SDG&E's testimony

¹⁰ SDG&E Response at 4.

¹¹ SDG&E Response at 5.

¹² SDG&E Response at 5.

¹³ SDG&E Response at 5-6.

¹⁴ SDG&E Response at 6-7.

¹⁵ Petitioners' Reply to Response to Petition, April 1, 2025, (Petitioners' Reply), at 9, *citing* D.22-12-009 at 28-29.

included references to smart meter upgrades that indicate discontinuing ZigBee service was premised on those upgrades.¹⁶ Petitioners also contend that SDG&E's existing smart meters are enabled to perform manual pairing services without the need of a new vendor,¹⁷ and, in the alternative, automated pairing of ZigBee devices is supported by some vendors.¹⁸ Lastly, Petitioners argue that providing billing quality data to the CCAs within two to three days of the meter read is not equivalent to real-time energy usage data access.¹⁹

The Council argues that approval of the Petition is essential to achieving state load management policies. The Council also argues that the Commission could not have intended to leave SDG&E customers without access to real-time data necessary to implement dynamic rates under the Flexible Unified Signal for Energy in California (CalFUSE) framework, California Energy Commission's Load Management Standards, and California's goal of shifting seven gigawatts of electrical load by 2030.²⁰

This matter was submitted upon the filing of the response to reply comments on April 1, 2025.

¹⁶ Petitioners' Reply at 8-9.

¹⁷ Petitioners' Reply at 13.

¹⁸ Petitioners' Reply at 11-14.

¹⁹ Petitioners' Reply at 15, *citing*, D.09-12-046 at 52; Resolution E-4527 at 3, 6; *see also* Senate Bill 18 (Padilla, ch. 327, Statutes of 2009), P.U.C. § 8360(e) (requiring "[d]eployment of cost-effective smart technologies, including real time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices for metering, communications concerning grid operations and status, and distribution automation.")

²⁰ The Council's Response to Petition, March 21, 2025, (Council Response) at 2-3.

4. Issues Before the Commission

The Commission must determine whether to grant the Petition and make modifications to D.22-12-009 as requested, make some of the modifications requested, or deny the Petition.

5. Legal Standard and Discussion

Public Utilities Code (Pub. Util. Code) Section 1708 authorizes the Commission to “rescind, alter, or amend any order or decision made by it” after providing proper notice to the parties and an opportunity to be heard. By its very nature, the Commission’s authority under Section 1708 is an extraordinary remedy. It must be exercised with care, justified by extraordinary circumstances, and remain consistent with the fundamental principles of res judicata because “Section 1708 represents a departure from the standard that settled expectations should be allowed to stand undisturbed.”²¹ Rule 16.4 of the Commission’s Rules of Practice and Procedure (Rules)²² governs the process for the filing and consideration of petitions for modification. Rules 16.4(b), 16.4(d), and 16.4(e) govern the justification, timing, and party status requirements of petitions for modification and must be satisfied in order to find that the Petition is procedurally sufficient.

5.1. Rule 16.4(b)

Rule 16.4(b) requires that a petition for modification concisely states the justification for the proposed relief, and that it proposes specific wording for all

²¹ D.92058 (1980) 4 CPUC 2d 139 at 149-150; *see also* D.15-05-004 at 6.

²² Unless otherwise specified, all references to a Rule are to the Commission’s Rules of Practice and Procedure.

requested modifications. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.

In Exhibit D of the Petition, Petitioners propose specific language that should be inserted into D.22-12-009 to clarify that SDG&E must continue to provide its customers with real-time (or near real-time) energy usage data from SDG&E's Advanced Metering Infrastructure (AMI).²³ The Petition also included three declarations providing factual support for DR program effectiveness, ZigBee feasibility and connectivity, and the fact that SDG&E is not reconnecting customers' ZigBee disconnections.²⁴ The Petition includes appropriate declarations as required by Rule 16.4(b).

The Petition asserts that D.24-12-074, which denied SDG&E's application for new smart meter program, is a new fact that warrants modification of D.22-12-009. Specifically, Petitioners argue that "[t]he delayed upgrade to Smart Meters 2.0 that can provide real-time energy usage data access to customers via WiFi constitutes a new fact and circumstance warranting modification of D.22-12-009."²⁵ Accordingly, Petitioners assert that SDG&E is not connecting customers' smart meters via ZigBee and as a result, customers cannot access real-

²³ Petition Exhibit D.

²⁴ Attachment A to the Petition is a Declaration of Kaitlin McGee, Key Accounts and Program Manager for CEA. Attachment B to the Petition is a Declaration of Timothy Treadwell, Senior Program Manager for SDCP. Attachment C to the Petition is a Declaration of Michael Murray, President of Mission:data.

²⁵ Petitioners' Reply at 8.

time energy usage data using the HAN device of the customer's choice as required by the "Real Time Usage Data Access Orders."²⁶

In opposition, SDG&E argues that the Petitioners failed to assert a new or changed fact. SDG&E argues that D.24-12-074 does not warrant modification of D.22-12-009 because that decision was premised on the meter market and not on whether new smart meters would ever replace their existing meters.

However, Rule 16.4(b) requires that when a petitioner alleges a new or changed fact, they must include a declaration or affidavit. Whether the fact is actually new does not determine whether Rule 16.4(b) is satisfied.

Here, the Petition included multiple declarations supporting the alleged new fact and, therefore, Petitioners satisfied Rule 16.4(b).

5.2. Rule 16.4(d)

Rule 16.4(d) requires that a petition for modification must be filed and served within one year of the effective date of the decision. If more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision. If the late submission has not been sufficiently justified, the Commission may on that ground issue a summary denial of the petition.

Here, the Petitioners did not file and serve the Petition within one year of the effective date of D.22-12-009. Petitioners state that the Petition's untimely filing is sufficiently justified because new information has come to light that was not available within one year following the decision. Namely, Petitioners argue

²⁶ Petition at 13-16.

that the Commission's denial of SDG&E's smart meter 2.0 project could not have been known prior to D.24-12-074.²⁷ Petitioners argue that D.22-12-009 relied on the assumption that SDG&E's smart meter 2.0 project request would be approved during SDG&E's 2024 General Rate Case and would eliminate the need for ZigBee technology. Petitioners argue this fact pattern could not have been presented within one year of the effective date of D.22-12-009, because the Petitioners could not have known before D.24-12-074 was issued that SDG&E's smart meter 2.0 project request would be denied and the smart meters would not be operational in a timely manner.²⁸

While we agree that Petitioners could not have known about the outcome of SDG&E's smart meter 2.0 project request until 2024, we disagree that the Petitioners have sufficiently justified the late filing. We agree with SDG&E that the Commission based its decision to approve ending ZigBee support on the meter market and not whether new smart meters would replace existing meters. In D.22-12-009, the Commission found that, "[g]iven the move towards Wi-Fi and lack of vendors supporting ZigBee, it is reasonable to end funding for ZigBee support as proposed by SDG&E."²⁹ While the decision acknowledged that SDG&E had plans to solicit new smart meters in the future,³⁰ the Commission did not base its approval on the assumption that this plan would be

²⁷ Petition at 7.

²⁸ Petition at 7.

²⁹ D.22-12-009 at 42, "For SDG&E customers, there has been decreasing use of ZigBee technology among new customers for communicating meter data."

³⁰ SDG&E Reply at 4, *citing* D.22-12-009 at 28.

approved.³¹ Additionally, the possible denial of SDG&E's Smart Meter 2.0 application is an outcome that could have been considered at the time of the D.22-12-009, and the decision did not condition the end of ZigBee funding on the outcome of SDG&E's request. Further, D.22-12-009 explicitly stated that SDG&E will end new ZigBee device connections in 2023.³² As the Petition notes, ZigBee/HAN device disconnections can sometimes occur due to various, unknown issues with the customer's HAN device or the SDG&E meter.³³ It is reasonable to conclude that ZigBee/HAN device disconnections could occur at any time after ZigBee support ends.

Therefore, the Commission finds that the Petitioners failed to sufficiently justify why the petition could not have been presented within one year of the effective date of the decision.

The Petition fails to sufficiently justify the Petition's late filing and thus fails to satisfy Rule 16.4(d).

5.3. Rule 16.4(e)

Rule 16.4(e) states that if a petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically how the petitioner is affected by the decision and why they did not participate in the proceeding earlier.

The Petition included multiple declarations explaining why SDCP, CEA, and Mission:data were not parties to the proceeding and how each party is

³¹ D.22-12-009 at 42.

³² D.22-12-009 at 28.

³³ Petition at 8, *citing* Exhibit C at 4-5; *See also* Petition Appendix 1.

affected. Rule 16.4(e) only requires that petitioners who were not parties to the proceeding specifically state how the petitioner is affected by the decision and why the petitioner did not participate earlier. Because we summarily deny the Petition based on Rule 16.4(d), we do not address compliance with Rule 16.4(e).

5.4. Conclusion

The Petitioners have not sufficiently satisfied the requirements of Rule 16.4(d) and thus the Petition is summarily denied.

6. Substantive Analysis of the Petition

Even if the Petition had satisfied the procedural requirements of Rule 16.4, we find the arguments made by Petitioners unpersuasive and would have denied the Petition.

Petitioners argue that the approval to discontinue funding ZigBee technology support in D.22-12-009 was premised on the near-term rollout of new smart meters that would utilize Wi-Fi instead of ZigBee connectivity.³⁴ Moreover, Petitioners argue the decision does not authorize SDG&E's failure to reconnect and refusal to make new connections between existing smart meters and customers' HAN devices.³⁵ The Petition cites various Commission decisions and state and federal code to argue SDG&E is required to provide energy usage data to customers at a specific frequency.³⁶ Petitioners also state that existing smart meters will potentially not be replaced for several more years because D.24-12-074 requires SDG&E to file a separate application for the smart meter 2.0

³⁴ Petition at 28.

³⁵ Petition at 8-9.

³⁶ Petition at 13-16.

project.³⁷ As detailed below, we find the arguments made by Petitioners unpersuasive.

Again, we agree with SDG&E's argument that the decision to approve ending ZigBee support was based on the meter market and not on the assumption that Wi-Fi enabled smart meters would be rolled out in the near future. In D.22-12-009, the Commission found that, "[g]iven the move towards Wi-Fi and lack of vendors supporting ZigBee, it is reasonable to end funding for ZigBee support as proposed by SDG&E."³⁸ Although the Decision acknowledged that SDG&E had plans to solicit new smart meters in the future,³⁹ the Commission did not base its approval on the assumption that this plan would be approved. Thus, the denial of SDG&E smart meter 2.0 program in D.24-12-074 is not a new fact or circumstance that justifies the relief requested by Petitioners.

Moreover, it is not clear that SDG&E is providing customer energy use data in an untimely manner. Petitioners rely on various Commission decisions, and state and federal codes to argue that near real-time data must be provided to customers at a specified latency.⁴⁰ However, the "Real Time Usage Data Access Orders" do not clearly identify "real-time" or "near real-time" in terms of data

³⁷ Petition at 7.

³⁸ D.22-12-009 at 42, "For SDG&E customers, there has been decreasing use of ZigBee technology among new customers for communicating meter data."

³⁹ SDG&E Response at 4, *citing* D.22-12-009 at 28.

⁴⁰ Petition at 13-16.

latency,⁴¹ and customers have access to their energy use data via Green Button or the customer's own account on SDG&E's website.⁴²

Further, while Petitioners accurately cite D.11-07-056 and Resolution E-4527 directing SDG&E to implement support for communication between smart meters and on-site HAN devices,⁴³ considering ZigBee technology is becoming decreasingly prevalent in SDG&E territory, it is reasonable to end that support. Petitioners cite Resolution E-4527 in support of their argument that part of the initial justification for smart meters was the compatibility with HAN devices.⁴⁴ However, D.22-12-009 has now determined that current market conditions and future outlook do not support the continued maintenance of ZigBee technology. D.22-12-009 did not specifically state that its reasoning for ending Zigbee technology support was contingent upon the installation of smart meter 2.0 technology.

Additionally, SDG&E and the Petitioners both note that SDG&E will be filing an application for the smart meter 2.0 program in the near future.⁴⁵ Waiting until the next application cycle when a record can be developed and other alternatives can be proposed is the appropriate course of action.

The Petition is therefore denied.

⁴¹ D.09-12-046 at COL 14.

⁴² Petition Appendix 1.

⁴³ Petition at 14-18.

⁴⁴ Petitioners Reply at 2-3.

7. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No public comments have been received related to the Petition.

8. Comments on Proposed Decision

The proposed decision of Administrative Law Judge (ALJ) Toy in this matter was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Commission’s Rules of Practice and Procedure. Comments were filed on September 8, 2025 by the Petitioners and reply comments were filed on September 15, 2025 by SDG&E. Petitioners comments’ re-iterated concerns raised in the Petition, particularly highlighting concerns that the proposed decision was inappropriately overturning Commission precedent related to customer data access. SDG&E’s comments were supportive of the proposed decision.

The proposed decision does not overturn any previous Commission decisions related to data access. As noted, SDG&E remains in compliance with decisions cited by Petitioners. Customers with Zigbee devices are not being actively removed from connectivity, but to the extent that some customers are losing connectivity, those customers still have access to data in compliance with prior Commission decisions. No changes have been made to the proposed decision in response to comments.

9. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Garrett Toy is the assigned ALJ in this proceeding.

Findings of Fact

1. The Petition was not filed within one year of the effective date of D.22-12-009.
2. The Petitioners were not parties to the proceeding in which D.22-12-009 was issued.
3. The Petitioners allege a new or changed fact that was supported by declaration as required by Rule 16.4(b).
4. The Petitioners did not sufficiently justify the filing of the Petition more than one year after the effective date of D.22-12-009 as required by 16.4(d).

Conclusions of Law

1. The Petition for Modification failed to satisfy the requirements of Rule 16.4(d).
2. The Petition should be denied.

O R D E R

IT IS ORDERED that:

1. The Petition for Modification of Decision 22-12-009 is denied.
2. Application 22-05-002, et al., is closed.

This order is effective today.

Dated September __, 2025, at San Francisco, California