

Decision PROPOSED DECISION OF ALJ DeANGELIS (Mailed 2/13/2026)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition to Adopt, Amend, or Repeal a
Regulation Pursuant to Pub. Util. Code
§ 1708.5

Petition 25-09-009

**DECISION DENYING PETITION TO OPEN A RULEMAKING TO
ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT
TO PUBLIC UTILITIES CODE SECTION 1708.5**

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**DECISION DENYING PETITION TO OPEN A RULEMAKING TO
ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT
TO PUBLIC UTILITIES CODE SECTION 1708.5**

Summary

This decision denies the Petition to open a rulemaking filed pursuant to Section 1708.5 of the Public Utilities Code. No statutory directive or other authority requires the Commission to open a proceeding now. Petition 25-09-009 is closed.

1. Background

On September 11, 2025, pursuant to Public Utilities Code (Pub. Util. Code) Section 1708.5,¹ the Center for Biological Diversity, the Center on Race, Poverty & the Environment, the Central California Asthma Collaborative, and the Leadership Counsel for Justice & Accountability (Petitioners)² filed a *Petition to Implement Remaining Provisions of Public Utilities Code § 783.5 (Phase III of the San Joaquin Valley Proceeding)* (Petition for Rulemaking).³

¹ All Section references herein are to the Pub. Util. Code. Section 1708.5 provides, in part, as follows: “(a) the commission shall permit interested persons to petition the commission to adopt, amend, or repeal a regulation....”

² Petition for Rulemaking at 1. Petitioners state that three of the Petitioners, Center on Race, Poverty & the Environment, the Central California Asthma Collaborative, and the Leadership Counsel for Justice & Accountability, are members of the Building Energy, Equity, & Power (BEEP) Coalition along with other entities that do not join the filing, the Alliance of Californians for Community Empowerment, Central Valley Air Quality Coalition, Communities for a Better Environment, Emerald Cities Northern California, Local Clean Energy Alliance, Physicians for Social Responsibility - Los Angeles, and People Organizing to Demand Environmental and Economic Rights.

³ All pleadings filed in this proceeding are available on the Commission’s website at *Docket Card* by searching *P2509009*. Petitioners first submitted the Petition for Rulemaking for filing on September 3, 2025 and the filing was rejected for filing compliance reasons by the Commission’s Docket Office and the Petition was later re-filed and accepted.

On October 2, 2025, the Petition for Rulemaking was formally assigned to an Administrative Law Judge (ALJ).

On October 8, 2025, Southern California Edison Company (SCE) requested clarification of the response date due to irregularities in the filing and service of the Petition for Rulemaking.

On October 13, 2025, Richard Heath & Associates, Inc. (RHA) filed a response to the Petition for Rulemaking.⁴ In this response, RHA states it “takes no position on whether the Petition should be granted. However, in their efforts to justify their Petition for Rulemaking, RHA states the Petitioners make several erroneous factual statements that directly affect the professional reputation of RHA.”⁵

On October 14, 2025, the ALJ issued a ruling that directed the Petitioners to correct the service irregularities by serving the Petition for Rulemaking on the service list for the Rulemaking (R.) 15-03-010, *Order Instituting Rulemaking to Identify Disadvantaged Communities in the San Joaquin Valley and Provide Economically Feasible Options for Affordable Energy* and further directed responses to be filed within 15 days from the new date of service.⁶ R.15-03-010 is closed.

On October 15, 2025, Petitioners served the Petition for Rulemaking on the service list for this proceeding and on the service list for R.15-03-010.

⁴ October 13, 2025, *Response of Richard Heath & Associates to the Petition for Rulemaking*.

⁵ October 13, 2025, *Response of Richard Heath & Associates to the Petition for Rulemaking* at 1.

⁶ October 14, 2025, ALJ Ruling, *Email Ruling Directing Service of Petition and Setting Response Date*.

On October 30, 2025, SCE and Pacific Gas and Electric Company (PG&E) submitted responses to the Petition the Rulemaking.⁷

On November 10, 2025, Petitioners filed a reply to the responses of PG&E and SCE.⁸

2. Submission Date

This matter was submitted on November 10, 2025 upon the filing of the reply by the Petitioners.

3. Jurisdiction

Pub. Util. Code. Section 1708.5 provides as follows: “(a) the commission shall permit interested persons to petition the commission to adopt, amend, or repeal a regulation; (b)(1) the commission shall consider a petition and, within six months from the date of receipt of the petition, either deny the petition or institute a proceeding to adopt, amend or repeal the regulation; (b)(2) the commission may extend the six month period to allow public review and comment pursuant to subdivision (g) of Section 311; (c) if the commission denies the petition, the order or resolution of the commission shall include a statement of the reasons of the commission for that denial.”

⁷ Rule 6.3(d) of the Commission’s Rules of Practice and Procedure permit responses to Section 1708.5 petitions for rulemaking and, in addition, replies to the responses.

⁸ November 10, 2025, *Reply Comment to Responses to Petition Center for Biological Diversity, Center on Race, Poverty & The Environment, Central California Asthma Collaborative, and Leadership Counsel for Justice & Accountability.*

Petitioners filed the Petition for Rulemaking under Section 1708.5(a) as “interested persons,” and the Commission considers the Petition for Rulemaking pursuant to Section 1708.5(b)(1).

In addition, Rule 6.3 of the Commission’s Rules of Practice and Procedure (Rules) set forth certain requirements for petitions for rulemaking filed under Section 1708.5, which include in subsection (b) the following:

“A petition must concisely state the justification for the requested relief, and if adoption or amendment of a regulation is sought, the petition must include specific proposed wording for that regulation. In addition, a petition must state whether the issues raised in the petition have, to the petitioner's knowledge, ever been litigated before the Commission, and if so, when and how the Commission resolved the issues, including the name and case number of the proceeding (if known). A petition that contains factual assertions must be verified. Unverified factual assertions will be given only the weight of argument.”⁹

4. Petition for Rulemaking

The Petition for Rulemaking requests the Commission to initiate and complete phase III of the now closed proceeding, R.15-03-010, or open a new proceeding to “fulfill its [the Commission’s] statutory obligations under Section 783.5.”¹⁰

In support of this request, the Petition for Rulemaking provides that, in the absence of opening a proceeding, the Commission fails to comply with the following: (1) the directives in R.15-03-010, (2) certain scoping rulings issued in

⁹ Rule. 6.3(b) of the Commission’s Rules of Practice and Procedure.

¹⁰ Petition for Rulemaking at 7.

that proceeding under Section 1701.1, (3) a decisions issued in R.15-03-010, Decision (D.) 18-12-015, (4) the statutory deadlines for proceedings under Pub. Util. Code 1701.5(a) and, (5) generally, the state's climate and energy laws and policy goals.¹¹

The Commission provides a summary of Pub. Util. Code Section 783.5 and the R.15-03-010 below. Then, the Commission addresses the Petitioners' arguments in support of opening another phase of the now-closed proceeding, R.15-03-010, or opening a new proceeding.

4.1. Pub. Util. Code Section 783.5

Assembly Bill (AB) 2672 (Perea, Ch. 616, Stat. 2014), effective January 1, 2015, added Section 783.5 to the Pub. Util. Code and directs, among other things, the Commission to analyze economically feasible options to increase access to affordable energy in specified disadvantaged communities in the San Joaquin Valley where many residents lack access to natural gas and rely on propane and wood for their cooking and heating needs.¹²

¹¹ Petition for Rulemaking at 7, stating "The Commission's failure to initiate and complete Phase III before closing the SJV Proceeding amounts to a failure to carry out a statutory mandate, is a significant departure from the proceeding scoping memos, and contravenes SB 100 and California's other climate and energy policy goals."

¹² Section 783.5 provides, in full, as follows: "(a) For purposes of this section, the following terms have the following meanings: (1) "Disadvantaged community" means a San Joaquin Valley community that meets all of the following criteria: (A) At least 25 percent of residential households with electrical service are enrolled in the CARE program pursuant to Section 739.1. (B) Has a population greater than 100 persons within its geographic boundaries as identified by the most recent United States Census or a community survey. (C) Has geographic boundaries no farther than seven miles from the nearest natural gas pipeline operated by a gas corporation. (2) "San Joaquin Valley" means the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

Footnote continued on next page.

Petitioners state that the Commission has complied with some of the provisions of Section 783.5, stating that on March 26, 2015, the Commission initiated R.15-03-010 in compliance with the timeline in subsection (b), which requires the Commission to initiate a proceeding by March 31, 2015 on the topics in subsection (b). According to Petitioners, the Commission met this deadline by, among other things, issuing a rulemaking on March 26, 2015, R.15-03-010 and subsequent decisions.¹³

However, the Petitioners state, the Commission must complete implementation of subsection (c) of Section 783.5, which directs that the Commission “shall determine whether any of the options analyzed in the proceeding would increase access to affordable energy in a cost-effective manner... [and] take appropriate action and determine appropriate funding sources.”¹⁴

(b) No later than March 31, 2015, the commission shall initiate a new proceeding to do all of the following: (1) Identify disadvantaged communities based on the criteria specified in subdivision (a). (2) Analyze the economic feasibility of the following options: (A) Extending natural gas pipelines to those disadvantaged communities. (B) Increasing subsidies for electricity for residential customers in those disadvantaged communities. (C) Other alternatives that would increase access to affordable energy in those disadvantaged communities that the commission deems appropriate.

(c) The commission shall determine whether any of the options analyzed in the proceeding would increase access to affordable energy in a cost-effective manner. For these options, the commission shall take appropriate action and determine appropriate funding sources.”

¹³ Petition for Rulemaking at 4, *citing to* R.15-03-010, *Order Instituting Rulemaking to Identify Disadvantaged Communities in the San Joaquin Valley and Analyze Economically Feasible Options to Increase Access to Affordable Energy in those Disadvantaged Communities* (March 26, 2015).

¹⁴ Petition for Rulemaking at 4, *citing to* Pub. Util. Code Section 783.5(c).

Petitioners state that the Commission must grant this Petition for Rulemaking to complete implementation of Section 783.5 by re-opening R.15-03-010 or initiating a new rulemaking proceeding on the topics in subsection (c).

4.2. R.15-03-010 - Rulemaking on Disadvantaged Communities in the San Joaquin Valley

The Commission summarized the general purpose of R.15-03-010 as follows: “This Rulemaking is opened to identify Rulemaking disadvantaged communities in the San Joaquin Valley and to evaluate economically feasible options for affordable access to energy in those communities as required by Pub. Util. Code Section 783.5.”¹⁵

As described by the Petitioners, the Commission in R.15-03-010 evaluated some of the issues presented in Section 783.5 over approximately 5 years, during which time the Commission issued several decisions.¹⁶ The Petitioners state that on May 15, 2017, the Commission issued D.17-05-014, which concluded Phase I of the proceeding, adopted a methodology for identifying disadvantaged communities under Section 783.5(b)(1), and provided guidance on the future economic feasibility study.¹⁷ Based on this decision, Petitioners state the Commission established a process that subsequently identified 178

¹⁵ R.15-03-010 at 1 (*Summary* Section).

¹⁶ Petition for Rulemaking at 4.

¹⁷ Petition for Rulemaking at 5, *citing to* D.17-05-014, *Decision Adopting Methodology for Identification of Communities Eligible Under Section 783.5 and Providing Guidance on Economic Feasibility Study to Be Completed in Phase II* (May 11, 2017) at 1-2.

disadvantaged communities in the San Joaquin Valley that met the statutory definition of “disadvantaged.”¹⁸

Petitioners also state that on December 13, 2018, the Commission issued D.18-12-015.¹⁹ According to the Petitioners, the Commission in D.18-12-015, among other things, completed Phase II of the proceeding by authorizing affordable energy pilot projects in 11 communities, Allensworth, Alpaugh, Cantua Creek, Ducor, Fairmead, Lanare, Le Grand, La Vina, Seville, West Goshen, and California City.²⁰ The primary objective of the affordable energy pilot projects was, according to the Petitioners, “to provide cleaner and more affordable energy options to communities lacking natural gas access, with a focus on replacing propane and wood-burning appliances.”²¹

Several years later, on August 7, 2020, the Commission issued D.20-08-025 and closed the proceeding.²² According to the Petitioners the Commission, by closing the proceeding in D.20-08-025 before initiating a phase III of the proceeding, the Commission failed to address the “remaining obligations under

¹⁸ Petition for Rulemaking at 5, *citing to D.18-12-015, Decision Approving San Joaquin Valley Disadvantaged Communities Pilot Projects* (December 13, 2018).

¹⁹ Petition for Rulemaking at 5, *citing to D.18-12-015, Decision Approving San Joaquin Valley Disadvantaged Communities Pilot Projects* (December 13, 2018).

²⁰ Petition for Rulemaking at 5.

²¹ Petition for Rulemaking at 6, *citing to D.18-12-015, Decision Approving San Joaquin Valley Disadvantaged Communities Pilot Projects* (December 13, 2018) at 10 (note 20).

²² Petition for Rulemaking at 6, *citing to D.20-08-025, Order Denying Rehearing of Decision 18-12-015* (August 7, 2020). In D.20-08-015, the Commission addressed the Application for Rehearing filed by Cal Advocates “primarily due to a discovery dispute within the proceeding.” D.20-08-025 at 1.

Section 783.5(c).”²³ Moreover, Petitioners state that the Commission closed the proceeding “despite findings of fact and conclusions of law made in Decision 18-12-015 to conduct the economic feasibility study required by Section 783.5 and determine whether to extend affordable energy solutions to the remaining identified SJV DACs [San Joaquin Valley disadvantaged communities] in Phase III.”²⁴

The Petitioners conclude that “This premature closure has prevented the full implementation of the statute and left many SJV DACs [San Joaquin Valley disadvantaged communities] without access to the affordable energy options that the Legislature intended to provide through AB 2672.”²⁵

Finally, the Petitioners state that because a phase III was never initiated, the Commission must now reopen the R.15-03-010 and complete the phase III.²⁶

Petitioners did not file an application for rehearing of D.20-08-025 to contest the closure of R.15-03-010.

5. Issues Before the Commission

The issue before the Commission is whether pursuant to Section 1708.5 the Petitioners’ request to re-open R.15-03-010 to initiate phase III or open a new proceeding to address Section 783.5 should be granted.

²³ Petition for Rulemaking at 6-7.

²⁴ Petition for Rulemaking at 6-7.

²⁵ Petition for Rulemaking at 7. AB 2672 (Perea, Ch. 616, Stat. 2014), effective January 1, 2015, added Section 783.5 to the Pub. Util. Code.

²⁶ Petition for Rulemaking at 7.

6. Discussion

As set forth below, after reviewing the Petition for Rulemaking, the responsive pleadings, and all relevant materials, the Commission finds no basis exists to grant the Petition for Rulemaking under Section 1708.5. The Commission also notes that Petitioners challenge a prior decision, D.20-08-025, and a challenge to a Commission decision on the ground that it is unlawful or erroneous must be made through an application for rehearing under Sections 1731-1736, which Petitioners did not file.

6.1. Pub. Util. Code Section 783.5 Does Not Require the Opening of a Proceeding Now

The directives in Section 783.5 do not require the Commission to re-open R.15-03-010 to initiate a phase III or open a new proceeding now. Section 783.5(b) directed the Commission to initiate a proceeding by a specified deadline, March 31, 2015, for the purpose of identifying disadvantaged communities based on the criteria specified in Section 783.5(a) and to analyze the economic feasibility of extending natural gas pipelines to those communities, increasing subsidies for electricity for residential customers in those disadvantaged communities, or other alternatives that would increase access to affordability energy in those communities.²⁷

Petitioners acknowledge that the Commission complied with the March 31, 2015 deadline in Section 783.5(b) when it initiated R.15-03-010 on March 26,

²⁷ Pub. Util. Code Section 783.5(b)(1) and (b)(2); Petition for Rulemaking at 7.

2015.²⁸ Beyond the deadline to initiate the proceeding, Section 783.5 includes no deadlines. For instance, Section 783.5 has no deadline to complete implementation of the remaining directives in the statute.²⁹

Petitioners assert here that the Commission is required to address the matters set forth subdivision (c) of Section 783.5 by a specific deadline. However, no deadline applies to the matters set forth in subdivision (c) and the deadline found in subsection (b) does not apply.

In short, no requirement in Section 783.5 exists for the Commission to act now or by any other deadline, as alleged by Petitioners, to open another phase or otherwise initiate a formal proceeding on the matters set forth in Section 783.5(c). Instead, the Commission has discretion as to when and how to consider the matters set forth in Section 783.5(c), whether in a proceeding or through continued studies and analyses.

6.2. Pub. Util. Code Section 1701.1 Does Not Require the Opening of a Proceeding Now

Pub. Util. Code Section 1701.1 sets forth certain requirements pertaining to assigned Commissioner scoping rulings issued in Commission proceedings. According to Petitioners, a phase III was “scoped” in R.15-03-010.³⁰ On this basis, Petitioners state that the Commission violated Section 1701.1 by not issuing a

²⁸ Petition for Rulemaking at 7 (“Phases I and II of the SJV Proceeding satisfied Sections 783.5(b)(1) and (b)(2) by identifying qualifying communities and piloting affordable energy solutions.”).

²⁹ Pub. Util. Code Section 783.5(b); *see also*, SCE October 30, 2025 Response at 8.

³⁰ Petition for Rulemaking at 11.

phase III scoping ruling in R.15-03-010.³¹ Petitioners request that the Commission to correct this violation of Section 1701.1, the Commission by reopening R.15-03-010 or a proceeding now to address the outstanding matters related to Section 783.5.

However, a phase III was not scoped pursuant to Pub. Util. Code Section 1701.1 in R.15-03-010. Petitioners cite to the following statement in the Phase II scoping ruling to support its position: “A separate scoping memorandum will be issued for Phase III.”³² The language cited by Petitioners merely states an intention and is not a commitment, which is clear when the Phase II scoping ruling is considered in its entirety. When read in its entirety, the Phase II scoping ruling provides that a “Phase III of this proceeding will be opened *at a later date....*”³³ This language clarifies that the timeline for any additional phase of the proceeding or a new proceeding is at the discretion of the Commission at a later point in time and not governed by a scoping ruling under Pub. Util. Code Section 1701.1.

Petitioners also claim that the Commission issued a phase III scoping ruling in R.15-03-010 and subsequently failed to follow the scoped schedule or

³¹ Petition for Rulemaking at 11. Petitioners state that a phase III was a “scoped issue” in *Assigned Commissioner’s Scoping Memorandum and Ruling for Phase II* (December 6, 2017) in R.15-03-010. Based on this assumption, Petitioners assert that: “Parties were not fairly informed that the scope of the proceeding included the Commission electing to end the program without evaluation or party comment.” Petition for Rulemaking at 11.

³² Petition for Rulemaking at 9, *citing to R.15-03-010 Phase II Assigned Commissioner’s Scoping Memorandum and Ruling* at 3. (Petition incorrectly cites to R.15-03-010 at 9 fn. 38.)

³³ R.15-03-010 *Phase II Assigned Commissioner’s Scoping Memorandum and Ruling* at 3. (Emphasis added.)

address the scoped issues. The Commission clarifies here that a phase III scoping memo was not issued in R.15-03-010.³⁴

Lastly, Petitioners rely upon *Golden State Water Company v. Public Utilities Commission* to support the granting of this Petition for Rulemaking.³⁵ In *Golden State Water*, the Court addressed certain requirements that apply to scoping rulings issued in Commission proceedings. However, the issue presented in *Golden State Water* is different than the issue presented here. In *Golden State Water*, the Commission failed to identify in the initial and amended scoping rulings certain key issues that the Commission later addressed in that proceeding.³⁶ The Court found that the lack of notice in the scoping ruling unduly prejudiced certain parties by depriving them of an adequate opportunity to present their case before the Commission ruled on the issue. In contrast, the Commission here never scoped the issues Petitioners seek to address or ruled on them in a decision.

6.3. D.18-12-015 Does Not Require the Opening of a Proceeding Now

The Petitioners claim that the Commission in D.18-12-015 agreed to initiate a phase III of R.15-03-010 to further implement Section 783.5.³⁷

³⁴ SCE October 30, 2025 Response at 9.

³⁵ See, *Golden State Water Co. v. Public Util. Com.*, 16 Cal. 5th 380, 395-96 (Cal. 2024) (hereinafter *Golden State Water*).

³⁶ SCE October 30, 2025 Response at 8-9.

³⁷ Petition for Rulemaking at 9-10 (fn. 39) citing to D.18-12-015, *Decision Approving San Joaquin Valley Disadvantaged Communities Pilot Projects* (December 13, 2018) at 161 (fn.20) and Conclusion of Law 30.

The Commission in D.18-12-015 stated an intention to hold a phase III, and Commission also has the discretion to act, not act on an intention. In this case, the Commission decided to close the proceeding on August 7, 2020 in D.20-08-025, an action that was an appropriate exercise of the Commission's discretion. In a proceeding lasting multiple years, as with R.15-03-010, it is reasonable for the Commission to adjust the process in accordance with its discretion.

6.4. The 18-month Statutory Deadline in Pub. Util. Code Section 1701.5(a) Does Not Require the Opening of a Proceeding Now

The Petitioners state that reopening R.15-03-010 for a phase III is required based on the statutory deadline for completing proceedings set forth in Pub. Util. Code Section 1701.5(a).³⁸ This code section includes certain timelines for resolution of issues raised in an assigned Commissioner's scoping ruling. Petitioners state that the Commission must open a phase III of R.15-03-010 now because the Commission in R.15-03-010 failed to resolve "all issues raised in the [Phase II] Scoping Memo within 18 months or provide written determination that the deadline cannot be met."³⁹

In R.15-03-010, the Commission complied with Section 1701.5(a) by resolving the issues scoped in the Phase II Assigned Commissioner's Scoping Ruling within the designated statutory timeline, as extended by D.19-12-026 to December 31,

³⁸ Section 1701.5(a) provides, in pertinent part, as follows: "[I]n a ratesetting or quasi-legislative case, the commission shall resolve the issues raised in the scoping memo within 18 months of the date the proceeding is initiated, unless the commission makes a written determination that the deadline cannot be met,"³⁸

³⁹ Petition for Rulemaking at 11.

2021.⁴⁰ The issues that the Petitioners seek to address were not scoped into the proceeding. Thus, section 1701.5(a) does not require the granting of this Petition for Rulemaking.

6.5. Progress Continues on Pub. Util. Code Section 783.5 Outside of the Proceeding, R.15-03-010

As stated in the responses filed by SCE and PG&E, work continues on the matters set forth in Section 783.5 and R.15-03-010 even though R.15-03-010 is closed.⁴¹ For the past approximately five years since R.15-03-010 has been closed, the Commission's staff, interested parties, and stakeholders have continued to work on the matters set forth in Section 783.5 and R.15-03-010. While not detailed by Petitioners, SCE and PG&E explain that work is progressing on the matters presented in Section 783.5.⁴² The Commission confirms that this work continues and has been ongoing since R.15-03-010 closed.⁴³ For instance, since R.15-03-010 closed, the following activities have occurred:

- Opinion Dynamics published its SJV DAC Data Gathering Plan, Findings Report (August 2021).⁴⁴

⁴⁰ D.19-12-026, *Order Extending Statutory Deadline* (December 12, 2019), Finding of Fact 5.

⁴¹ All filing in R.15-03-010 are available on the Commission's website at *Docket Card* by searching *R1503010*.

⁴² PG&E October 30, 2025 Response and SCE October 30, 2025 Response at 8 (fn. 25), stating "This ongoing work is fully described above in the Section II (Background) at pp. 2-4 and in Section III (title), pp. 5-6."

⁴³ The docket card of this proceeding provides evidence of this continued work as the utilities have made numerous filings of reports and other documentation.

⁴⁴ SCE October 30, 2025 Response at 3, *citing to* R.18-08-019, Ordering Paragraph 1-3.

- Evergreen Economics published its SJV DAC Pilot Projects Process Evaluation (October 2022).⁴⁵
- SCE, PG&E, RHA, and Southern California Gas Company (SoCalGas) completed their approved SJV pilots (completed June 2023- January 2024).⁴⁶
- SCE, PG&E, RHA and SoCalGas assessed compliance with each of their approved pilot Safety Plans and filed their conclusions with the Commission via Advice Letter (September 2023-May 2024).⁴⁷
- The Commission and Evergreen Economics held a Bill Protection Analysis Methods workshop to collaborate on a methodology to model pilot bill impacts (February 2024).⁴⁸
- Evergreen Economics completed Bill Protection Analyses for each of the three electrification pilots, and the two billing utilities (SCE and PG&E) filed the results with the Commission via Advice Letter (December 2024-February 2025).⁴⁹

In light of the ongoing work, PG&E states that initiating phase III now would be premature and points to *The Economic Feasibility Framework* ordered in D.18-12-015, which is not yet complete and must inform any eventual phase III.⁵⁰ SCE adds that *The Economic Feasibility Framework* analysis is the last step needed

⁴⁵ SCE October 30, 2025 Response at 3, *citing to* D.18-12-015 at Ordering Paragraph 21.

⁴⁶ SCE October 30, 2025 Response at 3, *citing to* D.18-12-015 at Ordering Paragraph 3, 5 and 6.

⁴⁷ SCE October 30, 2025 Response at 3, *citing to* D.18-12-015 at Ordering Paragraph 12(i).

⁴⁸ SCE October 30, 2025 Response at 3, *citing to* CPUC Resolution E-5034 at Ordering Paragraph 4.

⁴⁹ SCE October 30, 2025 Response at 3, *citing to* CPUC Resolution E-5034 at Ordering Paragraph 5.

⁵⁰ PG&E October 30, 2025 Response at 3-4.

before the economic analysis sought by Petitioners can be conducted.⁵¹ This is an important step that could consider non-ratepayer forms of funding to support economic feasibility. Since the closing of R.15-03-010, additional non-ratepayer sources of funding have potentially become available, such as the California Energy Commission's Existing Building Decarbonization program.

For these reasons, the Commission finds that, outside of an open proceeding, progress continues to be made on the matters set forth in Section 783.5 and agrees with PG&E and SCE that, while progress continues to be made, certain pertinent information is not yet available, and, as a result, opening a proceeding now, as requested by Petitioners, is premature.

7. Summary of Public Comment

Rule 1.18 of the Commission's Rules allows members of the public to submit written comments in a Commission proceeding in a number of different ways, including via the *Public Comment* tab, which is found at the online *Docket Card* on the Commission's website. Rule 1.18(b) requires that comments by the public submitted in a proceeding be summarized in the decision issued in that proceeding. No public comments were submitted in this proceeding.

8. Categorization and Need for Hearings

This proceeding is categorized as a petition for rulemaking. There is no hearing for such proceedings.

9. Procedural Matters

This decision affirms all rulings made by the assigned ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

⁵¹ SCE October 30, 2025 Response at 4.

10. Comments on Proposed Decision

The proposed decision in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on March 5, 2026 by Petitioners. No reply comments were filed. No revisions have been made to the proposed decision in response to comments.

11. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Regina DeAngelis is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Section 783.5 includes one deadline, to initiate a proceeding on the matters set forth in subsection (b) by March 31, 2015, and the Commission complied with this deadline when it initiated R.15-03-010 on March 26, 2015.
2. Section 783.5 has no deadline to complete implementation of the matters in subsection (c) and the deadline found in subsection (b) does not apply.
3. A phase III was not a "scoped issue" in the *Assigned Commissioner's Scoping Memorandum and Ruling for Phase II* (December 6, 2017) in R.15-03-010.
4. The facts of *Golden State Water* are distinguishable from the facts presented here because, among other things, while the Commission in *Golden State Water* addressed issues outside the scoped issued, no phase III scoping memo was issued here and, therefore, no issues outside the scope exist.
5. D.18-12-015 stated an intention to hold a phase III, and Commission has the discretion to act or not act on an intention.

6. In D.20-08-025, the Commission decided to close the proceeding on August 7, 2020, approximately 5 years after opening the proceeding, an action that was an appropriate exercise of the Commission's discretion.

7. In R.15-03-010, the Commission complied with Section 1701.5(a) by resolving the issues raised in the *Assigned Commissioner's Scoping Memorandum and Ruling for Phase II* (December 6, 2017) in R.15-03-010 within the designated statutory timeline, as extended by D.19-12-026 to December 31, 2021.

8. Outside of a proceeding, the Commission's staff, interested parties, and stakeholders continue to work on the matters addressed in R.15-03-010 and Section 783.5.

Conclusions of Law

1. No legal requirement exists for the Commission to open another phase of R.15-03-010.

2. Beyond the deadline in Section 783.5(b), no requirement in Section 783.5 exists for the Commission to act now or by any other deadline to open another phase of R.15-03-010 or otherwise initiate new proceeding on matters in Section 783.5.

3. The Commission has discretion as to when to initiate consideration of the remaining matters set forth in Section 783.5.

4. The timeline for additional phases of R.15-03-010 or new proceeding is at the discretion of the Commission and not governed by a scoping memo under Pub. Util. Code Section 1701.1.

5. In *Golden State Water*, the Court found that the lack of notice in the scoping ruling unduly prejudiced certain parties by depriving them of an adequate

opportunity to present their case but here the Commission never scoped the issues that Petitioners seek addressed.

6. In D.20-08-025, the Commission decided to close the proceeding on August 7, 2020, approximately 5 years after opening the proceeding, an action that was an appropriate exercise of the Commission's discretion.

7. The Commission's decision to not open a phase III in R.15-03-010 is consistent with D.18-12-015.

8. In R.15-03-010, the Commission complied with Section 1701.5(a) by resolving the issues raised in the Phase II Assigned Commissioner's Scoping Ruling within the designated statutory timeline, as extended by D.19-12-026 to December 31, 2021.

9. Progress continues to be made on the matters set forth in Section 783.5, outside of a proceeding, and it is premature to open a new proceeding based on those pending developments.

10. This decision affirms all rulings made by the assigned ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

O R D E R

IT IS ORDERED that:

1. The request by Center for Biological Diversity, the Center on Race, Poverty & the Environment, the Central California Asthma Collaborative, and the Leadership Counsel for Justice & Accountability under Public Utilities Code Section 1708.5 to open a phase III of Rulemaking 15-03-010, which is closed, or a new proceeding is denied.

2. Petition 25-09-009, *Petition to Implement Remaining Provisions of Public Utilities Code § 783.5 (Phase III of the San Joaquin Valley Proceeding)*, is denied.

3. Petition 25-09-009 is closed.

This order is effective today.

Dated _____, at San Francisco, California.