

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to determine the impact on public benefits associated with the expiration of ratepayer charges pursuant to Public Utilities Code Section 399.8.

FILED
PUBLIC UTILITIES COMMISSION
OCTOBER 6, 2011
LOS ANGELES, CALIFORNIA
RULEMAKING 11-10-003

ORDER INSTITUTING RULEMAKING

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ORDER INSTITUTING RULEMAKING

1. Summary

Funding authorized in Public Utilities Code § 399.8, which currently governs the system benefits charge (also known as the public goods charge), expires as of January 1, 2012. Public benefits provided by the expiring funding are in the areas of energy efficiency, renewables, and research development, and demonstration (RD&D).

This rulemaking will address funding and program issues related to the renewables and RD&D portions of the expiring system benefits or public goods charge funding. Issues related to the expiration of the energy efficiency funding will be handled in the Commission's ongoing proceedings related to energy efficiency, currently Rulemaking 09-11-014.

2. System Benefits (Public Goods) Charge Purpose and History

Beginning with the deregulation of the electricity industry in California in 1996 under Assembly Bill 1890 (Brulte), the concept of a "system benefits" or "public goods" charge was introduced in statute. Conceptually, the Legislative purpose was to guarantee funding for activities that may not otherwise be supported during a move toward competitive wholesale and retail markets for electricity. Under the theory that retail providers were likely to compete for customers based on lowest-cost service, policymakers reasoned that certain activities and funds needed to be protected as in the public interest, in case individual electricity providers might not find it in their individual economic interests to continue such activities.

Originally, covered activities included energy efficiency, low-income energy efficiency, low-income rate discounts, renewables investments, and research, development, and demonstration (RD&D) investments.

Intervening statutory changes have resulted in removal of low-income energy efficiency and rate discount programs from system benefits charge funding (low-income programs and discounts are now funded and covered under separate statutory requirements); the renewables and RD&D provisions have also been modified several times since 1996. The most significant change was the termination of the Supplemental Energy Payments program for renewables in 2007, transferring responsibility from the Energy Commission to the Commission for administration of “above market funds” for renewables projects.

The current system benefits charge requirements are embodied in Public Utilities (Pub. Util.) Code § 399.8, covering only energy efficiency, renewables, and RD&D activities.

Since the inception of the charges, funds have been collected on a volumetric basis from all customers, with a flat fee per kilowatt-hour (kWh) of electricity usage paid by each customer, with the surcharge level determined by customer class.

The funds specified in Pub. Util. Code § 399.8 are collected from customers of the three largest electricity investor-owned utilities (IOUs) regulated by this Commission: Pacific Gas and Electric (PG&E) Company, San Diego Gas & Electric (SDG&E) Company, and Southern California Edison (SCE) Company. Local publicly owned electric utilities also have similar but separate requirements under Pub. Util. Code § 385, which are not the subject of this rulemaking.

In general, for the IOUs covered by the system benefits charge, the energy efficiency funds have been collected and held by the utilities, and then spent on programs for their customers under the oversight authority of the Commission. The renewables and RD&D funds have been remitted to the Energy Commission to oversee and administer on behalf of the IOUs and their customers.

The funding provisions of Pub. Util. Code § 399.8 sunset as of January 1, 2012. Several proposals were considered by the Legislature in 2011 to extend funding collections and make various modifications to the program oversight structure. However, as of the end of the Legislative session on September 9, 2011, no new law had been passed to renew the system benefits charges for energy efficiency, renewables, or RD&D. Thus, without further action, the funding provisions will expire automatically on January 1, 2012.

On September 23, 2011, Governor Brown sent a letter to Commission President Peevey requesting that we “take action under the Commission’s authority to ensure that programs like those supported by the Public Goods Charge are instituted – and hopefully at their current levels. As the Commission goes forward, please take into account the constructive ideas for program reform that were identified during the legislative process as well as ways to create jobs swiftly through investment in energy savings retrofits. We cannot afford to let any of these job-creating programs lapse.”

The majority share of the public goods charge funding (approximately \$250 million per year) goes to support IOU energy efficiency programs. Those funds are combined with IOU “procurement” funds to support cost-effective

energy efficiency investments overseen by the Commission.¹ The current rulemaking for energy efficiency policies is Rulemaking (R.) 09-11-014. The Commission has previously authorized a three-year (2010-2012) portfolio of energy efficiency programs that included the assumption that system benefits funding would continue. In R.09-11-014 the Commission is already grappling with decisions associated with the loss of natural gas public purpose program funding in the 2011-2012 state budget process. Thus, that rulemaking is also the logical venue in which we should consider whether and how to replace the expiration of the electric system benefits charge for energy efficiency on January 1, 2012.

On our own motion, we are opening this new rulemaking to determine whether and how the Commission should act to preserve funding for the public benefits associated with renewables and RD&D activities previously provided by the electric system benefits charges that will expire on January 1, 2012.

There has also been some initial policy discussion about the possibility of funding certain public benefits if and when revenues become available from allowance auction under a cap-and-trade program.²

¹ There are additional natural gas funds utilized to support natural gas energy efficiency programs from the parallel gas public purpose program (PPP) fund. Together, the three sources of funds have been combined to support portfolios of energy efficiency programs offered by the natural gas and electric IOUs and overseen by the Commission. All funds and expenditures for energy efficiency programs are being considered in R.09-11-014.

² See, for example, "objective 5" in the attachment to the scoping ruling in Commission R.11-03-012 (Order Instituting Rulemaking to Address Utility Cost and Revenue Issues Associated with Greenhouse Gas Emissions) at <http://docs.cpuc.ca.gov/efile/RULC/142512.pdf>.

3. Preliminary Scoping Memo - Issues

As set forth in Commission's Rules of Practice and Procedure (Rules) Rule 7.1(d), we include a preliminary scoping memo in this Order Instituting Rulemaking. As discussed in the Sections below, this preliminary scoping memo is composed of the proposed issues, preliminary determination of category, preliminary determination of need for hearing, and proposed schedule.

We propose to handle this proceeding in two phases. The first phase will address the appropriate funding levels for the renewables and RD&D purposes, going as far as possible in the short timeframe before January 1, 2012 to specify programmatic objectives and details about how the funds should be used. Phase 1 will also address how those funds, if any, should continue to be collected from IOU ratepayers and for how long. We expect to issue a Phase 1 decision before January 1, 2012 in order to ensure continuity in funding and collections, if warranted, or a smooth transition to a new funding level, to be determined in Phase 1.

Assuming our decision in Phase 1 determines that some level of funding should continue to support the renewables and RD&D goals, in the second phase of the proceeding, we will address more detailed program design, oversight, and administrative questions related to how the funding will be allocated and by whom.

Below we lay out several options and questions to which we ask parties to respond in their initial written comments. Responses will help us further scope and organize this proceeding most effectively.

3.1. General Questions

Currently, the renewables and RD&D portions of the system benefits charges combined are approximately \$143 million annually (\$73 million for

renewables and \$70 million for RD&D). The charges are collected from customers on a volumetric (equal cents per kWh) basis from individual classes of customers. We ask parties to respond to the following general questions about these funding levels and purposes, as well as the collection methodology:

1. For respondents only: Please specify the exact annual revenue requirement for system benefits charges embedded in your rates as of December 31, 2011. Also specify the annual breakdown in system benefits charge funding for energy efficiency, renewables, and RD&D programs separately.

For all parties:

2. Is it appropriate for the Commission to continue the funding for renewables and RD&D purposes at approximately current levels beyond December 31, 2011? Why or why not? What funding levels do you recommend for each of the existing programs and any new programs you recommend? Be as specific and detailed in your recommendations as possible.
3. If you recommend funding be continued, what public benefits are at risk if funding is discontinued?
4. If you recommend certain programs to be eliminated or reduced in scope, provide a rationale for your recommendations.
5. If you recommend certain programs be increased in scope or new programs be created, provide a rationale for your recommendations.
6. If funding is continued for renewables and RD&D programs at any level, should collections continue to come from customers on a volumetric, equal cents per kWh, basis? Why or why not?
7. Should any changes be made to the way funding is currently collected by customer class? Why or why not?

8. For how long should your recommended level of funding be continued? Should there be a periodic reevaluation of these public benefits questions and, if so, how often?
9. Is it reasonable to continue to collect funds in rates in January 2012 and beyond, even if programmatic details on priority expenditures are not yet settled, possibly subject to refund if actual expenditure levels are lower? Why or why not?
10. How would your answers to any of the above questions change if funding were to be made available from allowance revenues as part of a cap and trade program? Could or should system benefits funding and programs be augmented, continued, scaled back, or eliminated if additional revenues become available from cap and trade or other sources?

3.2. Renewable Energy

Currently, the renewable energy portion of the system benefits charge amounts to approximately \$73 million annually collected from customers of all three electric IOUs. Funding supports the following general program areas, overseen by the Energy Commission using funds remitted on a quarterly basis from IOU ratepayers:³

- Existing Renewable Facilities. The majority of the funding in this program supports payments to existing biomass facilities.
- Emerging Renewables. This program includes payments to small fuel cell, wind, and solar facilities, as well as supporting the New Solar Homes Partnership (NSHP).

³ More detail on the Energy Commission's renewable activities and spending was presented at a Senate Hearing in March, 2011 and can be viewed at: <http://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/03-29-11CEC.pdf>.

- Consumer Education. Provision of information for consumers about the value of renewable energy. This area also includes assistance to local governments and workforce training.

For these general renewable energy program areas, we ask parties to respond to the following questions:

1. Given the vibrant market activities in renewables in California today, what is the unique added value or distinct rationale for state-level administration of renewables programs, as distinguished from utility procurement activities, RD&D investments, or other similar activities (if any)?
2. For existing renewable facilities, particularly biomass, should the existing program be continued as-is? Why or why not?
3. Could the existing facilities be supported in a different way, such as via current competitive RPS procurement by IOUs? If so, how?
4. Could and/or should the Commission or Energy Commission develop a set-aside program for projects that provide certain energy and non-energy (environmental) benefits to the state? What could a different programmatic approach look like? How would it be administered?
5. What is the best approach to supporting new facilities with the same energy and non-energy benefits characteristics as the current facilities supported under the existing renewables program? Is the distinction between “existing” and “new” facilities important to maintain? Why or why not?
6. Should biogas projects or facilities be included in a continued or new program? If so, how, and in what applicable category of renewable energy? Is there a need to treat on-site generation from biogas differently than export of biogas to the gas transmission system?

7. Should the New Solar Homes Partnership (NSHP) continue to be funded by an order of the Commission? Why or why not?
8. Does the Commission have the authority to order continued funding for the NSHP, given the separate statutory limits on funding for that program and the Commission's California Solar Initiative (CSI) program established by Senate Bill 1 (Murray)? Please include specific citations to appropriate code sections in your response to this question.
9. Should the Commission defer to the Energy Commission to continue to provide guidelines for oversight of the NSHP going forward? If so, how?
10. If NSHP is continued, should the current investor-owned utility administration of the program via contract be transitioned to come under general Commission regulatory oversight, for example as part of or parallel to the Commission's CSI program? If so, how should this arrangement be structured?
11. Besides NSHP, is additional and separate funding needed to support "emerging renewables" that are currently covered by Energy Commission programs? If so, how much and why?
12. Can and should the Commission's Self-Generation Incentive Program cover funding support and administration for the other emerging renewables beyond the NSHP Program, such as for small wind projects and renewable fuel cells? Why or why not?
13. What other aspects of the Energy Commission's current program activities warrant continuation (such as local government assistance, consumer education, workforce training, etc.)? Why? At what funding levels?
14. If such current activities as local government assistance, consumer education, and workforce training continue, what is the proper administrative structure for those activities?

15. Should the Energy Commission continue to administer these ancillary program activities? If so, how would the Energy Commission receive funding to continue those activities and in what amounts?

3.3. Research, Development, and Demonstration

Currently, RD&D investments are funded at approximately \$70 million annually out of the system benefits charge and administered as the Public Interest Energy Research (PIER) Program by the Energy Commission. The Energy Commission, by decision of the Commission, also administers a natural gas RD&D program funded by approximately \$24 million per year in natural gas public purpose program funds. The rationale for selection of the Energy Commission for administering the natural gas RD&D funds was, at least in part, ease of coordination and synergy with the electric RD&D program. Electric RD&D funds are remitted to the Energy Commission quarterly from IOU ratepayers. Historically, grants and investments for electric RD&D have fallen into the following general categories:

- Energy efficiency and demand response
- Renewables
- Advanced electricity generation
- Transmission and distribution
- Climate/environmental
- Transportation

Legislative discussions about continuing the RD&D/PIER program have focused on such issues as program oversight structure, accountability and transparency, independent evaluation, ratepayer vs. societal benefits, and ensuring a nexus with electricity-related benefits. In addition, some IOUs have expressed a desire for an explicit role, including perhaps funding set aside, to

support RD&D as well as deployment investments (e.g. funds used to spur initial or scaled-up commercialization) that will serve to benefit their ratepayers and/or the public interest in general.

In the area of RD&D as well as deployment, we ask parties to respond to the following questions:

1. What makes state-level investment in RD&D appropriate and unique, and how should it be distinguished from federal government, philanthropic, or industry RD&D activities?
2. Should a program such as PIER or similar to PIER continue to be funded? Describe any preferred changes or improvements to the existing program or why you would recommend eliminating the program altogether.
3. What is the appropriate level of funding for RD&D efforts to be continued, if any?
4. Should the Energy Commission continue to administer an RD&D program (PIER or similar)? If yes, how could such an administrative structure be set up under CPUC regulatory and funding oversight (assuming no statutory requirements are extended or recreated)?
5. Alternatively, if you recommend continuing RD&D funding with a different administrative structure, please describe your preferred structure.
6. If a program like PIER or similar is continued, describe your preferred governance structure, process for allocation of funds, and selection methodology for projects.
7. Should a new oversight board be created? What would be its role? How would membership be determined and governed?
8. Would there be a need for any additional structures such as technical advisory committee or other structures that might facilitate participation from the federal or other state RD&D organizations, private

investors, industry, environmental or other advocacy organizations, and/or other research institutions?

9. Do any program changes need to be made on the issue of intellectual property rights?
10. If an RD&D program is continued, what are the appropriate metrics for evaluating success or failure of the program?
11. How frequently should any RD&D program be evaluated? By whom?
12. Should RD&D investments be focused on projects with an explicit connection to electricity, or should more general environmental and climate change research be funded? Provide a rationale for your response.
13. If RD&D funding is continued, what are your suggested methods for ensuring and maximizing ratepayer benefits?
14. Should this structure be open to the voluntary participation and contributions of publicly-owned utilities in California? If so, with what roles and financial contributions? Are there other models to ensure that ratepayers served by publicly-owned utilities are able to share in the gains of a state RD&D function?
15. Are there any model approaches in other jurisdictions that could or should inform our consideration of future RD&D funding structures and programs?
16. What suggestions do you have for increasing transparency and accountability in RD&D program spending? How can costs be controlled or reduced, particularly in the administrative area?
17. Should there be an explicit role or set aside for utilities to invest in RD&D, particularly in the areas of demonstration and deployment or commercialization activities? If so, for what explicit purposes, and what is

the appropriate level of funding? How would/should such a program be administered and overseen?

18. If utilities have a more explicit role in the future, are there competitiveness considerations that we should be concerned about? If so, please explain.
19. How should we coordinate any utility RD&D program or expenditures in this context with similar requests that may be made in general rate cases?

4. Proceeding Category and Need for Hearings

Rule 7.1(d) of the Commission's Rules of Practice and Procedure provides that a rulemaking order "shall preliminarily determine the category and need for hearing, and shall attach a preliminary scoping memo." The preliminary scoping memo was covered in Section 3 above. This rulemaking is preliminarily determined to be ratesetting, as that term is defined in Rule 1.3(e). Rule 1.3(e) states "ratesetting proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities)." This rulemaking will focus first on the funding necessary to accomplish the appropriate levels of investment in certain types of renewables and research, development, demonstration and deployment. Thus, "ratesetting" is the appropriate designation for this rulemaking.

Further, we preliminarily determine that evidentiary hearings are not needed in this proceeding. In addition to written comments, the record for this proceeding may be developed through workshops.

Any person who objects to the preliminary categorization of this rulemaking or the determination that hearings are not required shall state their objections in their initial comments and reply comments. The assigned

Commissioner will issue a scoping memo making a final category determination. The final determination as to category is subject to appeal, as set forth in § 1701.5 and Rule 7.6(a).

5. Proposed Schedule

Initial comments and reply comments shall be filed and served on the schedule stated below. Comments shall state any objections to the preliminary scoping memo regarding the issues, category, need for hearing, or schedule. (Rule 6.2.) Comments shall also address any matter a party believes should be considered now for the purpose of scoping this rulemaking, and anything else necessary for the efficient, effective and equitable conduct of this proceeding.

In particular, each party should clearly state and describe the issues it recommends be considered by the Commission in this proceeding, the priority for taking up these issues, and the party's preferred schedule for addressing the issues over 18 months. Active parties should coordinate with other active parties to determine whether or not there is agreement on the issues, priorities, schedule and any other matters to be considered in this proceeding. If so, parties should file one joint comment statement reflecting consensus on issues, priorities, schedule and related matters, along with separate comments on other matters to the extent necessary. In addition, parties should respond to any or all of the questions posed in this document, in the order in which they are posed, in their initial comments.

Proposed Schedule

OIR Issued	October 6, 2011
Notice of Intent to Claim Intervenor Compensation	Filed according to instructions in Section 12 herein
Opening Comments on OIR and Preliminary Scoping Memo	October 20, 2011

Reply Comments on OIR and Preliminary Scoping Memo	October 25, 2011
Final Phase 1 Scoping Memo Issued	November 4, 2011
Phase 1 Proposed Decision Issued for Comments	November 15, 2011
Phase 1 Proposed Decision on Commission Public Agenda	December 15, 2011
Phase 2 Prehearing Conference	First Quarter 2012
Phase 2 Scoping Memo	First Quarter 2012
Workshops, Further Comments on Phase 2 issues	To Be Determined (TBD)
Further Schedule	TBD

No further detailed schedule is set here. Rather, the assigned Commissioner will issue a scoping memo after considering comments and reply comments on the rulemaking, including parties' views on issues, identified priorities, and recommendations on the schedule for addressing the substance of issues. Consistent with § 1701.5, we anticipate this rulemaking will be resolved within 18 months or less from the issuance of the scoping memo. The assigned Commissioner or Administrative Law Judge (ALJ) may modify the schedule set forth in this rulemaking.

6. Coordination with Other State Agencies, Entities, and Local Agencies

The Commission invites comments and encourages participation from other entities with interests related to the scope of this proceeding. These entities include especially the California Energy Commission.

Since the Energy Commission has administered the programs in question in this rulemaking for a number of years, we expect to include Energy Commission staff as our partners on the decision-making side, rather than as party litigants. We invite the Energy Commission to join us in this proceeding as collaborative staff, using the approaches we have utilized in the long-term

procurement proceeding rulemakings (R.10-05-006 and R.05-12-013) among other proceedings. We expect their staff will participate with us in discussing the policy questions, reviewing party comments, hosting workshops (as needed), and any other activities conducted by staff of both agencies.

Other state agencies actively involved in energy and environmental policymaking may also be interested in this proceeding, such as the California Air Resources Board and the California Department of Food and Agriculture, and we welcome their participation. In addition, we encourage formal intervention by publicly-owned utilities, local governments, and any other interested governmental organizations.

7. Respondents

Respondents for this proceeding shall be PG&E, SCE, and SDG&E. These entities are designated as parties this proceeding pursuant of Rule 1.4(d) of the Commission's Rules of Practice and Procedure.

8. Parties and Creation of Official Service List

The Commission will create an official service list for this proceeding, which will be available at http://www.cpuc.ca.gov/published/service_lists. We anticipate that the official service list will be posted before the first filing deadline in this proceeding. Before serving documents at any time during this proceeding, parties shall ensure they are using the most up-to-date official service list by checking the Commission's website prior to each service date.

The respondents are parties to this rulemaking.

All persons or entities seeking to be added to the service list shall inform the Commission's Process Office of the below noted information no later than October 14, 2011 via electronic mail (Process_Office@cpuc.ca.gov) or by postal

mail (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102):

- Name and party represented, if any;
- Address;
- Telephone number;
- Email address;
- Request for one of the following: (1) Party status, (2) State Service, or (3) Information-Only status; and⁴
- Specify the docket number of this rulemaking in the subject line of the email or letter.

Upon receipt of your information, the Process Office will place your name on the official service list posted on the Commission's website as soon as practicable.

In addition, you may be added to the official service list after October 14, 2011 but you will only receive service of documents that are filed subsequent to your addition to the service list. You can become a party beyond October 14, 2011 by filing comments in response to this rulemaking pursuant to Rule 1.4(a)(2) or by making a motion to become a party pursuant to Rule 1.4(a)(3) or (a)(4). A person seeking party status pursuant to Rule 1.4(a)(3) or (a)(4) shall comply with Rule 1.4(b). You also may have your name added to the official service list, either as State Service or Information-Only, after October 14, 2011 by making a request to the Process Office (Rule 1.9(e)).

⁴ The Party status designation is for those planning to actively participate in this rulemaking through, at a minimum, submission of written comments on the questions raised herein. State Service status is for employees of the State of California who will not be submitting comments. Information-Only status is for those who intend to follow the proceeding and receive electronic service of documents associated with it, but who will not be actively participating.

A person or entity may change the mailing address or e-mail address for service or the designation of a person for service by sending a written notice to the Process Office and serving a copy of the notice on each person on the official service list.

9. Service of the Rulemaking

The Executive Director shall serve a copy of this rulemaking on the respondents, PG&E, SCE and SDG&E, identified at Attachment A. In addition, the Executive Director shall serve a copy of this rulemaking on the existing service lists for the following Commission proceedings:

- Rulemaking (R.) 11-05-005 (*Order Instituting Rulemaking to Continue Implementation and Administration of California Renewable Portfolio Standard Program*);
- R.11-03-012 (*Order Instituting Rulemaking to Address Utility Cost and Revenue Issues Associated with Greenhouse Gas Emissions*);
- R.10-05-004 (*Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues*);
- R.10-05-006 (*Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans*);
- R.09-11-014 (*Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues*);
- R. 08-06-024 (*Order Instituting Rulemaking on the Commission's Own Motion into Combined Heat and Power Pursuant to Assembly Bill 1613*);
- Application (A).11-07-008 (*Application of Pacific Gas and Electric Company (U39M), San Diego Gas & Electric Company (U902E), and Southern California Edison Company (U338E) for Authority to Increase Electric Rates and Charges to Recover*

Costs of Research and Development Agreement with Lawrence Livermore National Laboratory for 21st Century Energy Systems).

Service and receipt of this order does not confer party status on any entity or person, with the exception of the named respondents, and does not result in that entity or person being placed on the official service list for this proceeding. You must follow the procedures explained above to become a party and/or to have your name placed on the official service list.

10. Service of Documents

We anticipate that an official service list will be available before the first filing deadline in this proceeding.

After the official service list is issued, parties must use the most up-to-date official service list on the Commission's website when serving documents. In addition, service of all documents filed with the Commission's Docket Office must be done consistent with Rule 1.9 and Rule 1.10. These rules permit electronic mail (e-mail) service of documents, in searchable format. In this proceeding, parties shall provide concurrent e-mail service to all persons on the official service list for whom an e-mail address is available, including "Party," "State Service," and "Information-Only" designations.

We encourage electronic filing and e-mail service in this proceeding. Parties can find information about electronic filing of documents at <http://www.cpuc.ca.gov/PUC/efiling>. E-mail service should be made according to Rule 1.10. Parties providing e-mail service should also provide a paper copy to the assigned Commissioner and ALJ. The electronic copy should be in Microsoft Word or Excel formats to the extent possible. The paper copy should be double-sided. E-mail service of documents should occur no later than 5:00 p.m. on the date that service is scheduled to occur.

If you have questions about the Commission's filing and service procedures, contact the Commission's Docket Office.

11. Commission's Public Advisor's Office

Any person interested in participating in this rulemaking and who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor's Office in San Francisco at (866) 849-8390 or (415) 703-2074 or in Los Angeles at (866) 849-8391 or (213) 576-7055, or send an e-mail to public_advisor@cpuc.ca.gov. More information about the Public Advisor's Office is available at the Commission's website, <http://www.cpus.ca.gov>.

12. Intervenor Compensation

A party that expects to request intervenor compensation for its participation in this rulemaking shall file its notice of intent to claim intervenor compensation in accordance with Rule 17.1. Because no prehearing conference currently is set in this order, the notice of intent should be filed within 30 days of the date this rulemaking is mailed.⁵ The notice of intent may be amended within 15 days after the issuance of the Scoping Memo. (Rule 17.1(b).)

13. Ex Parte Communications

This proceeding is subject to Article 8 of the Rules of Practice and Procedure, which specifies standards for engaging in ex parte communications and the reporting of such communications.

IT IS ORDERED that:

1. The Commission hereby institutes this rulemaking to consider whether and how to continue funding to produce the public benefits associated with the

⁵ If a prehearing conference is held, the Notice of Intent may be filed within 30 days of the date of the prehearing conference. (Rule 17.1(a)(1).)

expiring system benefits charge in Public Utilities Code Section 399.8 in the areas of renewables and research, development, demonstration, and deployment.

2. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are named as respondents and are parties to this proceeding pursuant of Rule 1.4(d) of the Commission's Rules of Practice and Procedure.

3. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company each shall file a response by October 20, 2011, providing the following information:

- The exact annual revenue requirement for system benefits charges embedded in rates as of December 31, 2011; and
- The annual breakdown in system benefits charge funding for energy efficiency, renewables, and research development, and demonstration programs separately.

4. The assigned Commissioner or Administrative Law Judge may modify the schedule identified herein.

5. The Executive Director shall cause this Order Instituting Rulemaking to be served on the following: all respondents identified at Attachment A, and the service lists for Rulemaking (R.) 11-05-005, R.11-03-012, R.10-05-004, R.10-05-006, R.09-11-014, R.08-06-024, and Application 11-07-008.

6. An official service list for this proceeding shall be created by the Commission's Process Office and posted on the Commission's website (www.cpuc.ca.gov) as soon as practicable. Parties may also obtain the official service list by contacting the Process Office at (415) 703-2021.

7. Interested persons shall follow the directions in Section 8 of this Order Instituting Rulemaking to become a party or be placed on the official service list.

Initial requests to be added to the service list should be made to the Process Office by October 14, 2011.

8. The category of this rulemaking is preliminarily determined to be “ratesetting” as that term is defined in Rule 1.3(e) of the Commission’s Rules of Practice and Procedure.

9. Persons and entities may file comments no later than October 20, 2011 and reply comments no later than October 25, 2011 on this rulemaking, including, but not limited to, the proposed scope, detailed questions, schedule, and other procedural issues included in Sections 3, 4 and 5, herein. Parties serving documents in this proceeding shall comply with Rule 1.10 of the Commission’s Rules of Practice and Procedure regarding electronic mail (e-mail) service. Parties providing e-mail service shall also provide a paper copy to the assigned Commissioner and Administrative Law Judge.

10. A party that expects to request intervenor compensation for its participation in this rulemaking shall file its notice of intent to claim intervenor compensation in accordance with the instructions set forth in Section 12, herein, no later than 30 days after the date this rulemaking is mailed.

11. Ex parte communications in this rulemaking are governed by Rule 8.3(c) of the Commission's Rules of Practice and Procedure.

This order is effective today.

Dated October 6, 2011, at Los Angeles, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

**ATTACHMENT A
(RESPONDENTS)**

***** PARTIES *****

***** SERVICE LIST *****

Last Updated on 16-SEP-2011 by: JVG

***10673 NOPOST1**

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