

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Expedited Application of San Diego Gas &
Electric Company (U 902 E) Under the Power
Charge Indifference Adjustment Account
Trigger Mechanism.

Application 20-07-009
(Filed on July 10, 2020)

**JOINT STATEMENT REGARDING DISPUTED MATERIAL FACTS AND
EVIDENTIARY HEARINGS**

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October 9, 2020

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Pursuant to Administrative Law Judge (“ALJ”) Thomas J. Glegola’s September 18, 2020 *Ruling Ordering Parties to Meet and Confer, Among Other Items* (“Ruling”), San Diego Gas & Electric Company (“SDG&E”), the Public Advocates Office (“Cal Advocates”), California Community Choice Association (“CalCCA”), San Diego Community Power (“SDCP”), Clean Energy Alliance (“CEA”), Solana Energy Alliance (“SEA”), Alliance for Retail Energy Markets, and Direct Access Customer Coalition (“AReM/DACC”), Shell Energy North America (US) L.P. (“Shell Energy”) and the California Alliance for Community Energy (“the Alliance”) (collectively “the Parties”) jointly submit this statement.¹

The ALJ’s Ruling directed the parties to meet and confer to identify and propose effective and efficient measures to move this proceeding towards resolution. To that end, the Ruling directed the Parties file by no later than October 9, 2020, a joint statement addressing the following: (1) Identify all stipulations regarding previously disputed material facts, if any stipulation is reached; and (2) Identify all materially disputed facts that will require evidentiary hearing, if there are any remaining.

¹ Pursuant to Commission Rule of Practice and Procedure 1.8(d), counsel for SDG&E confirms that counsel for each of the respective Parties have authorized SDG&E to file this Joint Statement on behalf of all Parties.

In the event parties are unable to resolve disputed material facts and whether evidentiary hearings are needed, the parties were directed to: (1) Identify the methods of streamlining the evidentiary hearing, as well as a preferred manner in which to conduct them remotely (*e.g.*, by teleconference, using WebEx, etc.); (2) Identify the witnesses that will need to appear at the evidentiary hearing, the order of presentation of witnesses and issues (with citations to testimony) for cross-examination and an estimate of time required for cross examination of each witness; and (3) Identify and serve the additional documents (if any) that the witnesses will be presented and questioned about during cross examination or redirect; (4) If proposing evidentiary hearings using WebEx, each party must indicate that they have sufficient bandwidth, proper equipment and technical knowledge to participate in the remote video hearings; and (5) Identify and propose any and all other ideas or proposals to streamline this proceeding.

I. SDG&E, CAL ADVOCATES, THE ALLIANCE, SHELL ENERGY AND AREM/DACC AGREE THAT THERE ARE NO MATERIAL DISPUTED FACTS THAT REQUIRE EVIDENTIARY HEARINGS

On September 24, 2020, SDG&E hosted a telephonic meet and confer call to address the issues set forth in the ALJ's Ruling. Representatives for each of the Parties participated in the meet and confer. SDG&E, Cal Advocates, the Alliance, Shell Energy and AREM/DACC do not contend that there are material issues of disputed fact that will require evidentiary hearings.

II. CALCCA AND THE SAN DIEGO CCAS CONTEND THAT THERE ARE MATERIAL ISSUES OF DISPUTED FACT THAT CAN BE ADDRESSED THROUGH DISCOVERY

The California Community Choice Association ("CalCCA") and San Diego Community Power, Clean Energy Alliance, and Solana Energy Alliance (collectively, the "San Diego CCAs") contend that there are material issues of disputed fact concerning SDG&E's ability to accommodate an extended amortization period and issue CAPBA refunds. Pursuant to the September 18, 2020 Ruling, SDG&E submitted an update on its CAPBA balance and a report on

its accounting and billing systems on October 1, 2020 (“Report”).² SDG&E contends that amortization cannot extend beyond Calendar Year 2020 since system and billing constraints prevent proper tracking of and accounting for collections and reimbursements. To overcome these constraints, SDG&E proposes that it may be able to accommodate a longer amortization period if bundled customers who depart during Calendar Year 2021 agree to forfeit the remainder of their CAPBA refund.³ Specifically, CalCCA and the San Diego CCAs dispute SDG&E’s inability to accommodate a longer amortization period on the condition of forfeiture of the CAPBA refund, and whether there are viable and lawful alternatives that may accommodate both a longer amortization period and implementation of the CAPBA refund. Resolution of disputed issues of fact related to the constraints on SDG&E’s ability to properly refund or credit ratepayers and CCA program customers over an extended amortization period can be addressed through discovery. As such, CalCCA and the San Diego CCA programs are not requesting evidentiary hearings.

III. SCHEDULING ISSUES

The Commissioner’s October 7 Scoping Memo set October 20, 2020 for Opening Briefs, October 30, 2020 for Reply Briefs, and November 2020 for a Proposed Decision. However, it did not set specific dates for the Proposed Decision or Opening and Reply Comments on the Proposed Decision.

Parties jointly request that the time to file Reply Briefs be extended to November 3, 2020 to afford more time for review and drafting. In addition, parties request that a Proposed Decision

² San Diego Gas & Electric Company’s (U 902-E) Update on CAPBA Balance and Report RE Accounting and Billing Systems Pursuant to ALK’s September 18, 2020 Ruling, Application (“A.”) 20-07-009, Oct. 1, 2020.

³ SDG&E Report at 5.

be issued by November 13, 2020, with due dates for Opening Comments on December 4, 2020 and Reply Comments on December 11, 2020. These dates are consistent with the Scoping Memo and Rule 14.3, which gives parties 20 days to file opening comments and five days to file reply comments. Given the significant and novel issues raised in the application, parties request that the Commission at least provide the number of days for opening and reply comments to the Proposed Decision consistent with Rule 14.3.

Therefore, for the Commission’s consideration, the parties submit the following proposed schedule:

EVENT	DATE
PHC	August 27, 2020
Meet and Confer	September and October 2020
Concurrent Opening Briefs	October 20, 2020
Concurrent Reply Briefs	November 3, 2020
Proposed Decision	November 13, 2020
Comments on Proposed Decision	December 4, 2020
Reply Comments on Proposed Decision	December 11, 2020
Commission Decision Adopted (at final CPUC meeting for 2020)	December 17, 2020
Implementing Advice Letter	December 31, 2020
PCIA Trigger Rates Implemented	January 1, 2021

For its part, SDG&E has no objections to slight modifications of the proposed schedule to accommodate the ALJ and the Commissioner’s availability and calendar constraints. SDG&E’s only request is that any schedule which is ultimately established allows for the Commission to

adopt a final decision at its December 17 meeting, so that SDG&E can implement rates on January 1.

Respectfully submitted,

/s/ Roger A. Cerda

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