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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2017. (U39M)

Application 15-09-001
(Filed September 1, 2015)

E-MAIL RULING DENYING WITHOUT PREJUDICE THE MOTION FOR PARTY STATUS OF THE CITY OF HAYWARD

Dated August 11, 2016, at San Francisco, California.

/s/ STEPHEN C. ROSCOW

Stephen C. Roscow
Administrative Law Judge

From: Roscow, Stephen C.

Sent: Thursday, August 11, 2016 5:59 PM

To: james@utilityadvocates.org; klr@a-klaw.com; mdjoseph@adamsbroadwell.com; VidhyaPrabhakaran@dwt.com; JPong@SempraUtilities.com; Douglass@EnergyAttorney.com; McNultFA@sce.com; Apak@AlPakLaw.com; jpacheco@semprautilities.com; liaison@CGNP.org; RobertGnaizda@gmail.com; folk@smwlaw.com; Tudisco, Laura J.; william.sanders@sfgov.org; hayley@turn.org; ajohnson@edf.org; NJohnson@Consumercal.org; MSomogyi@GoodinMacBride.com; SWF5@pge.com; rafferty@gmail.com; bstrottoman@meyersnave.com; jwiedman@kfwlaw.com; TLindl@kfwlaw.com; service@cforat.org; blaising@braunlegal.com; smn@dwgp.com; RL@eslawfirm.com; atrowbridge@daycartermurphy.com; fwahl@solarcity.com; barbara@barkovichandyap.com; RegRelCPUCCases@pge.com; Cathy@BarkovichAndYap.com; csong@mcecleanenergy.org; CManzuk@semprautilities.com; cjgf@pge.com; DDDR@pge.com; DMarcus2@sbcglobal.net; dpaz@wolfereasearch.com; David@a4nr.org; EAHC@pge.com; EmilySangi@dwt.com; grc2017@pge.com; gregg.orrill@barclays.com; gdj@dwgp.com; jimross@r-c-s-inc.com; Rahman, Junaid; katiejorrie@dwt.com; kc@dwgp.com; lauren.duke@db.com; MDJoseph@AdamsBroadwell.com; regulatory@mceCleanEnergy.org; mcox@calplg.com; mrp@dwgp.com; nmk@dwgp.com; nes@a-klaw.com; ppatterson2@nyc.rr.com; rochelle@a4nr.org; StephanieC@greenlining.org; SLudwick@zimmerpartners.com; TGondai@NAACoalition.org; t3m3@pge.com; mrw@mrwassoc.com; dwtcpucdockets@dwt.com; filings@a-klaw.com; Will.Zhang@LNZCapital.com; jonathan.arnold@db.com; fkerman@visiumfunds.com; Paul.Fremont@nexus-cap.com; Arman.Tabatabai@MorganStanley.com; jessie.crozier@baml.com; Jim.Kobus@morganstanley.com; Gregory.Reiss@mlp.com; sfleishman@wolfereasearch.com; DMoglen@foe.org; greencowboysdf@gmail.com; bbudish@jefferies.com; bkm@dwgp.com; CPUCdockets@eq-research.com; klatt@energyattorney.com; case.admin@sce.com; kris.vyas@sce.com; Shinjini.Menon@sce.com; gshimansky@semprautilities.com; cdietrick@slocity.org; sue.mara@RTOAdvisors.com; Austin.yang@sfgov.org; ETorres@turn.org; marcel@turn.org; nsuetake@turn.org; TLong@turn.org; lkoehler@edf.org; m2h9@pge.com; ppv1@pge.com; SSM3@pge.com; troberts@consumercal.org; egilfenbaum@solarcity.com; nusbaum@pacbell.net; epoole@adplaw.com; jsqueri@goodinmacbride.com; nextgridstrategies@gmail.com; CEM@newsdata.com; jleesq@yahoo.com; smeyers@meyersnave.com; dwooley@kfwlaw.com; John@DicksonGeesman.com; JWaen@mceCleanEnergy.org; PhilM@SCDenenergy.com; DEmerison@SonomaCleanPower.org; GSyphers@SonomaCleanPower.org; garrick@jbsenergy.com; jeff@jbsenergy.com; Rmccann@umich.edu; Stough@BraunLegal.com; kmills@cfbf.com; wmc@a-klaw.com; dcohen@navigant.com; dng6@pge.com; Kane, Hal; Shapson, Mitchell; Murtishaw, Scott; Kao, Valerie; Sellden, You-Young (Clover); Baker, Amy C.; O'Donnell, Arthur J.; Gatti, Belinda; Hammond, Christine J.; Parkes, Christopher; Tang, Clayton K.; Naylor, Cody; Peck, David B.; Zizmor, David; Charkowicz, Ed; Lau, Elaine; Loewen, James; Bromson, Jonathan; Martin, Laura A.; Ghadessi, Maryam; Pocta, Robert M.; Roscow, Stephen C.; Roberts, Thomas; Lynn.Marshall@Energy.Ca.Gov
Cc: ALJ_Support ID; ALJ Docket Office; ALJ Process; Michael.Lawson@hayward-ca.gov; Joseph.Brick@hayward-ca.gov; Kelly.McAdoo@hayward-ca.gov; Morad.Fakhrai@hayward-ca.gov
Subject: A.15-09-001: E-Mail Ruling Denying Without Prejudice the Motion for Party Status of the City of Hayward

To the service list in A.15-09-001:

This E-Mail Ruling denies without prejudice the Motion for Party status of the City of Hayward.

On August 10, 2016, the City of Hayward (Hayward or the City) filed a Motion for Party Status in this proceeding.

Rule 1.4 of the Commission's Rules of Practice and Procedure addresses participation in Commission proceedings. Pursuant to Rule 1.4 (b), a person seeking party status by motion shall:

- (1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and
- (2) state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

Rule 1.4 (c) states that the assigned Administrative Law Judge may, where circumstances warrant, deny party status or limit the degree to which a party may participate in the proceeding.

With respect to Rule 1.4(b)(1), the City states that Hayward is one of approximately 256 cities and counties in PG&E's service territory. Per PG&E's Rule 20 Tariff, the City of Hayward is considered an "applicant" when requesting electric underground conversion work. As such, the City of Hayward is directly impacted by decisions made in this rate case that pertain to Tariff Rule 20 issues.

With respect to Rule 1.4(b)(2), Hayward states that it intends to show the unreasonableness of PG&E's request for a continued reduction in allocations, which represents the credits available to cities and counties pursuing electric undergrounding projects. The City strongly believes a reduction of these credits and ultimately the projects, which are necessary for the safety, reliability and aesthetic appeal of the electric distribution system within the City, will have a negative impact on its community.

Pursuant to Rule 1.4(c), the City's Motion is denied without prejudice. The City may file an amended motion as explained below.

As noted above, Rule 1.4 (c) states that the assigned Administrative Law Judge may, **where circumstances warrant**, deny party status or limit the degree to which a party may participate in the proceeding (emphasis added). The City's motion broadly addresses the requirements of Rule 1.4 (b), but it ignores the particular circumstances of this proceeding: on August 3, 2016, one week before the City filed this motion, PG&E and all parties that submitted testimony in this proceeding filed a motion for adoption of a comprehensive settlement that resolves all but two of the many contested issues in the proceeding. On August 10, 2016, the assigned Commissioner issued a revised Scoping Ruling that established a shortened schedule for comments and reply comments on the settlement, and scheduled a workshop to review the settlement on August 30, 2016, followed by—if necessary—three days of evidentiary hearings on August 31 – September 2, 2016.

Given the schedule outlined above, the City's motion should not be granted until it clarifies how it intends to participate in the proceeding at this advanced point in the procedural calendar, and "show the unreasonableness of PG&E's request for a continued reduction in allocations" without, as the City claims, prejudicing any party or delaying the schedule of the proceeding. For these reasons, the City's Motion is denied without prejudice. Any amended motion submitted by the City will be promptly considered.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

Stephen C. Roscow
Administrative Law Judge
California Public Utilities Commission
415-703-1053