

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. Application No. 15-09-001 (Filed September 1, 2015)

U 39 M

JOINT MOTION TO EXTEND HEARING SCHEDULE AND RELATED DEADLINES BY THE OFFICE OF RATEPAYER ADVOCATES, THE UTILITY REFORM NETWORK AND PACIFIC GAS AND ELECTRIC COMPANY (U39M)

MICHELLE L. WILSON STEVEN W. FRANK

Pacific Gas and Electric Company

77 Beale Street

San Francisco, CA 94105

Telephone: (415) 973-6976 Facsimile: (415) 973-5520 E-Mail: SWF5@pge.com

Attorneys for

Dated: June 20, 2016 PACIFIC GAS AND ELECTRIC COMPANY

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.

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The Office of Ratepayer Advocates (ORA), The Utility Reform Network (TURN), and Pacific Gas and Electric Company (PG&E) hereby request an extension of the schedule for evidentiary hearings and related deadlines in the above-captioned matter in order to allow settlement discussions to continue. This request is made pursuant to Rule 11.6 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission) and the June 17, 2016 email from Administrative Law Judge (ALJ) Roscow.

Specifically, ORA, TURN and PG&E seek to postpone the nine days of evidentiary hearings that are scheduled to take place from June 27 - July 8, 2016. On June 15, 2016, the parties discussed this request during an all-party settlement conference call. No party opposed the request during the call.

Also, in order to plan for the possibility that settlement discussions may not prove successful, ORA, TURN and PG&E request the scheduling of additional days for hearings beyond the August 3 – August 12, 2016 dates currently scheduled. ORA, TURN and PG&E request that a total of 15 days of hearings should be scheduled in order to match the number of

days that were originally scheduled for this proceeding in the Assigned Commissioner's Ruling and Scoping Memo dated December 1, 2015.

ORA, TURN and PG&E also seek delays in the deadlines for the submission of parties' cross-examination estimates and the case management statement. The current deadlines are June 20 and June 22, 2016, respectively. ORA, TURN and PG&E request that the new deadlines for these items be July 25 and July 27, 2016. Since the current dates for these two items are immediately upon the parties, ORA, TURN and PG&E respectfully seek an email ruling from the ALJ today – pursuant to Rule 11.1(g) – postponing the dates for these two items, with a formal ruling on the remaining scheduling matters to follow.

I. BACKGROUND

On June 16, 2016, ORA, TURN and PG&E made an email request to extend the evidentiary hearing dates, as well as the deadlines for cross-examination estimates and the case management statement, via email to ALJ Roscow, copying the service list. This extension request is the second such request made in this proceeding to allow settlement discussions to continue. The first request, made by ORA, TURN and PG&E on June 2, 2016, was granted by the ALJ on June 3, 2016, via email ruling (Appendix A).

In response to the June 16 request for another extension, the ALJ responded via email on June 17, 2016, suggesting that the requesting parties file this Motion and directing the requesting parties to address certain questions and issues. The remainder of this Motion addresses those questions and issues.

II. RULE 12.1(B)

The ALJ's June 17 email expresses concern regarding compliance with Rule 12.1(b) and asks the requesting parties to summarize "how the notice of the 6/15/2016 all-party settlement conference call was served, and provide documentation of that service."

Since receiving the ALJ's June 3, 2016 email ruling extending the hearing dates, there have been two all-party settlement conferences. One took place on June 7, 2016. The other took

place on June 15, 2016. These calls were intended to further negotiations, not to discuss signature of any agreements. These calls were thus neither intended, nor noticed, as Rule 12.1(b) settlement conferences.

PG&E provided the notice of these calls to the formal party representative for each party listed on the service list. PG&E did not serve the notice for these calls to the entire service list, as PG&E would normally do for a Rule 12.1(b) notice. PG&E understands the 7-day Rule 12.1(b) notice is required "prior to signing any settlement," however, PG&E does not understand 7-day Rule 12.1(b) notices to be required for all settlement discussions such as those that took place on June 7 and 15.

The email notices for these calls are attached as Appendices B and C.

III. INVOLVEMENT OF OTHER PARTIES

The ALJ's June 17 email seeks clarification regarding the requesting parties' representation that "no party opposed [this] request." The ALJ asks, "Did all parties participate in the call? Did all parties affirmatively *support* the request?"

PG&E counts 25 parties in this proceeding (including PG&E), 14 of which have submitted testimony. Of the 14 submitting testimony, 13 parties either participated in the call or contacted PG&E for a briefing afterward. (The one missing party with testimony previously contacted PG&E to state that the party supported the settlement process but was unlikely to attend future calls.) Of the 11 parties not providing testimony, three participated in the call.

With respect to the question of which parties supported the request during the June 15 call, PG&E did not conduct a roll call of who would support the request. Although a few parties did affirmatively support the request during the call, for the remainder, PG&E asked them to reply by close of business on June 15 with any concerns or opposition. PG&E received no concerns or opposition. As of the filing of this Motion, the requesting parties are still unaware of any opposition to this request.

IV. REVISED SCHEDULES

The ALJ's June 17 email requests two proposals for revised schedules: one that assumes no settlement and one that assumes that a settlement motion is filed. ORA, TURN and PG&E propose the schedules set forth below, with the caveat that the Scenario 2 schedule assumes a timeline for the filing of a settlement motion that may or may not be achievable.

SCENARIO 1: NO SETTLEMENT

Date	Activity
July 25, 2016	Cross examination estimates
July 27, 2016	Case management statement
Aug. 3 – 12 and Aug. 25 – Sept. 2, 2016	Evidentiary hearings
Sept. 23, 2016	Joint Comparison Exhibit submitted
Oct. 3, 2016	Opening brief
Oct. 17, 2016	Reply brief
Jan. 5, 2017	Proposed decision
Feb. 9, 2017	Final decision

SCENARIO 2: SETTLEMENT MOTION IS FILED

Date	Activity
July 1, 2016	Rule 12.1(b) notice provided
July 11, 2016	Settlement Conference
July 11, 2016	Motion to Adopt Settlement, including Joint Comparison Exhibit
Aug. 10, 2016	Comments on Motion
Aug. 22, 2016	Reply Comments on Motion
Aug. 29 – Sept. 2, 2016	Workshop and hearings

Oct. 3, 2016	Opening brief on contested issues (if necessary)
Oct. 17, 2016	Reply brief on contested issues (if necessary)
Jan. 5, 2016	Proposed decision
Feb. 9, 2017	Final decision

The proposed dates in Scenario 2 work backward from the assumed workshop/hearing dates starting on August 29. That is, Scenario 2 assumes seven days between reply comments and the workshop/hearings, 15 days for reply comments (Rule 12.2), and 30 days for opening comments (Rule 12.2). If the parties are unable to reach a settlement on July 11, the subsequent dates may need to be revised. However, it may still be possible to meet the targeted workshop/hearing dates by shortening the comment and reply comment deadlines pursuant to Rule 1.2, depending on the nature and scope of any settlement agreement.

V. "BLACK BOX" SETTLEMENTS

Regarding the nature of settlements, the ALJ's June 17 email states, "it will be challenging to find reasonable a settlement that resolves the differences already documented in the Draft Joint Comparison Exhibit by means of a 'black box' settlement, rather than resolving these differences on an item-by-item basis as the Commission typically does when GRCs are not settled." While it is premature to say whether a settlement will be reached, let alone what its terms might be, ORA, TURN and PG&E can say that it is currently our objective to resolve our differences item-by-item and not through a "black box" settlement.

VI. CONCLUSION

As described above, ORA, TURN and PG&E seek a delay in the evidentiary hearings and related deadlines in order to continue settlement discussions. We also request that seven additional days of evidentiary hearings be added to the calendar, including August 25 through September 2, 2016, to preserve the same number of hearing days originally scheduled for this proceeding in the event that settlement negotiations do not result in a proposed settlement

agreement.

Because there are deadlines for the parties today and in two days' time, ORA, TURN and

PG&E respectfully seek an immediate email ruling – pursuant to Rule 11.1(g) – postponing the

dates for cross-examination estimates and the case management statement, with a formal ruling

on the remaining scheduling matters to follow.

Pursuant to Rule 1.8(d), counsel for ORA and TURN have authorized PG&E to execute

this document on their behalf.

Respectfully Submitted,

MICHELLE L. WILSON STEVEN W. FRANK

By: /s/ Steven W. Frank

STEVEN W. FRANK

Pacific Gas and Electric Company

77 Beale Street

San Francisco, CA 94105

Telephone: (415) 973-6976

Facsimile: (415) 973-5520

E-Mail: SWF5@pge.com

Attorneys for

PACIFIC GAS AND ELECTRIC COMPANY

Dated: June 20, 2016

Appendix A

Warmuth, Martie Way

From: Sent: To:

Roscow, Stephen C. <Stephen.Roscow@cpuc.ca.gov>

Friday, June 03, 2016 3:59 PM

james@utilityadvocates.org; JMauldin@AdamsBroadwell.com; klr@a-klaw.com;

VidhyaPrabhakaran@dwt.com; JPong@SempraUtilities.com;

Douglass@EnergyAttorney.com; McNultFA@sce.com; Apak@AlPakLaw.com;

ipacheco@semprautilities.com; RobertGnaizda@gmail.com; folk@smwlaw.com; Tudisco,

Laura J.; william.sanders@sfgov.org; hayley@turn.org; ajohnson@edf.org; NJohnson@Consumercal.org; Frank, Steven (Law); rafferty@gmail.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;

Cathy@BarkovichAndYap.com; csong@mcecleanenergy.org; CManzuk@semprautilities.com; Gleicher, Cliff; DeRosa, Darleen; DMarcus2@sbcglobal.net; dpaz@wolferesearch.com;

David@a4nr.org; Howe, Elvira; EmilySangi@dwt.com; GRC 2017; 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; Carlberg, Tessa;

dwtcpucdockets@dwt.com; mrw@mrwassoc.com; filings@a-klaw.com;

Will.Zhang@LNZCapital.com; fkerman@visiumfunds.com; Paul.Fremont@nexus-cap.com; jessie.crozier@baml.com; Jim.Kobus@morganstanley.com; sfleishman@wolferesearch.com; DMoglen@foe.org; greencowboysdf@gmail.com; bkm@dwgp.com; kcraridall@kfwlaw.com;

klatt@energyattorney.com; case.admin@sce.com; kris.vyas@sce.com;

Shinjini.Menon@sce.com; gshimansky@semprautilities.com; sue.mara@RTOAdvisors.com;

Austin.yang@sfgov.org; marcel@turn.org; nsuetake@turn.org; TLong@turn.org; Ikoehler@edf.org; Han, Minci; Van Mieghem II, Peter (Law); Sharp, Shelly; troberts@consumercal.org; egilfenbaum@solarcity.com; nusbaum@pacbell.net; epoole@adplaw.com; nextgridstrategies@gmail.com; CEM@newsdata.com; jleesq@yahoo.com; dwooley@kfwlaw.com; John@DicksonGeesman.com;

JWaen@mceCleanEnergy.org; PhilM@SCDenergy.com;

DEmerson@SonomaCleanPower.org; GSyphers@SonomaCleanPower.org;

garrick@jbsenergy.com; jeff@jbsenergy.com; Rmccann@umich.edu; kmills@cfbf.com; wmc@a-klaw.com; dcohen@navigant.com; Adams, Dionne; Kane, Hal; Shapson, Mitchell; 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; Charkowicz, Ed; Lau, Elaine; Loewen, James; Bromson, Jonathan; Martin, Laura A.; Ghadessi, Maryam;

ram@cpuc.ca.gov; Pocta, Robert M.; Roscow, Stephen C.; Roberts, Thomas;

Lynn.Marshall@Energy.Ca.Gov

ALJ Support ID; ALJ Docket Office; ALJ Process

Cc: Subject:

A.15-09-001: E-Mail Ruling Granting 2-week Delay in Hearing Schedule and related

procedural deadlines

This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. ************

To the Service List in A.15-09-001:

This E-Mail Ruling grants the joint request of Pacific Gas and Electric Company (PG&E), the Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN) for a two-week delay in evidentiary hearings. Other procedural deadlines dependent on the commencement of hearings are also extended by two weeks.

The Joint Request

Evidentiary hearings in this proceeding had been scheduled to begin on Monday, June 13, 2016 and proceed for 3 weeks, ending Friday, July 1. On June 2, 2016 PG&E, ORA and TURN sent an e-mail to the assigned ALJ and the Service List, jointly seek a two-week delay in the commencement of hearings in order to continue

settlement discussions. TURN and PG&E provided advance notice of this request to all parties in the case that have submitted testimony.

Opposition to the Joint Request

On June 3, 2016 the Alliance for Nuclear Responsibility (A4NR) sent an e-mail to the assigned ALJ and the Service List, opposing and objecting to the joint request for several reasons:

- the proposed postponement prejudices A4NR's preparations for hearings, particularly the scheduling
 of its witnesses and supporting experts which was based upon the schedule in the December 1, 2015
 Scoping Memo; and
- the uncertain extent of the postponement sought of "at least" two weeks may pose additional prejudice to A4NR if the rescheduled hearings can only be held during a period when A4NR's participants may be unavailable.

A4NR requests that PG&E should still be required to file its Case Management Statement on June 8th, albeit with additional information "describing the discussions it has held, the issues which have been discussed, the nature of the settlement reached among the three parties, the manner in which it proposes to involve other parties in settlement discussions, if at all, and the manner in which it proposes to have the Commission consider the settlement." The question of postponement could then be discussed by parties at the originally-scheduled Day 1 of hearings, June 13.

Discussion

The December 1, 2015 Scoping Memo in this proceeding anticipated that parties would engage in settlement discussions during May and June 2016, so this request for a delay in hearings is consistent with the direction provided in the Scoping Memo.

A4NR's objections do not provide sufficient basis to deny the joint request, with the exceptions noted below. PG&E, ORA and TURN have acted consistently with the Commission's Rules of Practice and Procedure regarding settlements (Article 12, "Settlements") and those rules protect the procedural rights of other parties in this proceeding. For example, the Rules provide for a formal settlement conference with notice and opportunity to participate provided to all parties; filing of comments and reply comments on any settlement that may be filed; and hearings on the settlement. Finally, the Rules provide that the Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest.

Therefore, evidentiary hearings shall now be scheduled to begin 2 weeks later than originally scheduled. The first day of hearings is now set as Monday, June 27. This week was already included in the schedule adopted in the December 1, 2015 Scoping Memo. A second week of hearings shall now be scheduled for the following week, Tuesday July 5 through Friday July 8, 2016. Due to existing commitments on the Commission's Hearing Calendar as well as the Public Participation Hearings previously scheduled in this proceeding, the next available dates for evidentiary hearings are August 3 – 12. Those dates have been reserved for evidentiary hearings in this proceeding as well.

To acknowledge the concerns expressed by A4NR, and given that these changes to the schedule will impact the summer months and possibly overlap with vacations planned by parties and witnesses in this proceeding, the assigned ALJ and active parties shall make every effort to flexibly accommodate the scheduling needs of parties and witnesses, should such issues present themselves.

Finally, the deadlines determined in the December 1, 2015 Scoping Memo for (1) submission of parties' cross-examination estimates to PG&E and (2) filing and service of the case management statement by PG&E are adjusted to match the new hearing schedule determined in this Ruling:

- Submission of parties' cross-examination estimates to PG&E: June 20, 2016
- PG&E files and serves case management statement: June 22, 2016

PG&E is not required to provide the additional information requested by A4NR in the case management statement, only the information required by the Scoping Memo.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

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

Appendix B

Warmuth, Martie Way

From:

Frank, Steven (Law)

Sent:

Monday, June 06, 2016 12:27 PM

To:

'james@utilityadvocates.org'; 'JMauldin@AdamsBroadwell.com'; 'klr@a-klaw.com';

'VidhyaPrabhakaran@dwt.com'; 'JPong@SempraUtilities.com';

'Douglass@EnergyAttorney.com'; 'McNultFA@sce.com'; 'Apak@AlPakLaw.com'; 'jpacheco@semprautilities.com'; 'RobertGnaizda@gmail.com'; 'folk@smwlaw.com'; 'william.sanders@sfgov.org'; 'ajohnson@edf.org'; 'NJohnson@Consumercal.org'; 'rafferty@gmail.com'; 'jwiedman@kfwlaw.com'; 'TLindl@kfwlaw.com'; 'service@cforat.org';

'blaising@braunlegal.com'; 'smn@dwgp.com'; 'RL@eslawfirm.com';

'atrowbridge@daycartermurphy.com'

Cc:

'lit@cpuc.ca.gov'; hayley@turn.org; Sharp, Shelly; Han, Minci

Subject:

A.15-09-001 -- PG&É 2017 GRC Phase I -- All-Party Call to Discuss Settlement Process

Parties to PG&E's 2017 GRC Phase I:

On behalf of ORA, TURN and PG&E, we would like to invite you to an all-party settlement discussion, scheduled for tomorrow, Tuesday, June 7 at 1:00 pm. The call-in information is as follows:

Call-in Number: 1-866-652-7690 Conference Code: 968-512-8511

The purpose of the call will be to discuss next steps in pursuing settlement with all interested parties. The call will be conducted under Rule 12.6 of the CPUC's Rules of Practice and Procedure governing settlements.

This invitation is being sent to only the emails on the service list associated with formal party representatives. We do intend to restrict this call to only parties in the case, however, we do not intend to restrict the invitation to only those individuals receiving this notice. Therefore, please feel free to forward this invitation to your colleagues if you are unable to participate. Further, if nobody from your party is able to participate, please reach out to me below and I would be pleased to brief you on the call and include you in future invitations.

With thanks,

Steve Frank

Steven Frank Law Department Pacific Gas and Electric Company 77 Beale Street San Francisco, CA 94105 (415) 973-6976 swf5@pge.com

Appendix C

Warmuth, Martie Way

From:

Frank, Steven (Law)

Sent:

Thursday, June 09, 2016 5:03 PM

To:

'james@utilityadvocates.org'; 'JMauldin@AdamsBroadwell.com'; 'klr@a-klaw.com';

'VidhyaPrabhakaran@dwt.com'; 'JPong@SempraUtilities.com';

'Douglass@EnergyAttorney.com'; 'McNultFA@sce.com'; 'Apak@AlPakLaw.com'; 'ipacheco@semprautilities.com'; 'RobertGnaizda@gmail.com'; 'folk@smwlaw.com'; 'william.sanders@sfgov.org'; 'ajohnson@edf.org'; 'NJohnson@Consumercal.org'; 'rafferty@gmail.com'; 'jwiedman@kfwlaw.com'; 'TLindl@kfwlaw.com'; 'service@cforat.org';

'blaising@braunlegal.com'; 'smn@dwgp.com'; 'RL@eslawfirm.com';

'atrowbridge@daycartermurphy.com'; Amie Burkholder (ack@a-klaw.com);

'TGondai@NAACoalition.org'

Cc: Subject: 'lit@cpuc.ca.gov'; hayley@turn.org; Sharp, Shelly; Han, Minci

A.15-09-001 -- PG&E 2017 GRC Phase I -- Second All-Party Call to Discuss Settlement

Process

CONFIDENTIAL SETTLEMENT COMMUNICATION - CPUC RULE 12.6

Parties:

This email confirms the follow-up call agreed upon during Tuesday's settlement discussion. That is, we will be conducting our second all-party call on Wednesday, June 15, at 1:00 pm. The conference call information is the same as for the prior call:

Call-in Number: 1-866-652-7690 Conference Code: 968-512-8511

The purpose of the call will be to discuss (i) overall progress on settlement, (ii) matters of general interest to the parties and (iii) whether evidentiary hearings should be postponed beyond June 27 to continue settlement discussions.

We look forward to speaking with the group on Wednesday.

With thanks,

Steve Frank

+++++++++

Steven Frank Law Department Pacific Gas and Electric Company 77 Beale Street San Francisco, CA 94105 (415) 973-6976 swf5@pge.com

From: Frank, Steven (Law)

Sent: Monday, June 06, 2016 12:27 PM

To: james@utilityadvocates.org; JMauldin@AdamsBroadwell.com; klr@a-klaw.com; VidhyaPrabhakaran@dwt.com; JPong@SempraUtilities.com; Douglass@EnergyAttorney.com; McNultFA@sce.com; Apak@AlPakLaw.com; jpacheco@semprautilities.com; RobertGnaizda@gmail.com; folk@smwlaw.com; william.sanders@sfgov.org; ajohnson@edf.org; NJohnson@Consumercal.org; rafferty@gmail.com; jwiedman@kfwlaw.com; TLindl@kfwlaw.com; service@cforat.org; blaising@braunlegal.com; smn@dwgp.com; RL@eslawfirm.com; atrowbridge@daycartermurphy.com Cc: <u>ljt@cpuc.ca.gov</u>; <u>hayley@turn.org</u>; Sharp, Shelly; Han, Minci Subject: A.15-09-001 -- PG&E 2017 GRC Phase I -- All-Party Call to Discuss Settlement Process

Parties to PG&E's 2017 GRC Phase I:

On behalf of ORA, TURN and PG&E, we would like to invite you to an all-party settlement discussion, scheduled for tomorrow, Tuesday, June 7 at 1:00 pm. The call-in information is as follows:

Call-in Number: 1-866-652-7690 Conference Code: 968-512-8511

The purpose of the call will be to discuss next steps in pursuing settlement with all interested parties. The call will be conducted under Rule 12.6 of the CPUC's Rules of Practice and Procedure governing settlements.

This invitation is being sent to only the emails on the service list associated with formal party representatives. We do intend to restrict this call to only parties in the case, however, we do not intend to restrict the invitation to only those individuals receiving this notice. Therefore, please feel free to forward this invitation to your colleagues if you are unable to participate. Further, if nobody from your party is able to participate, please reach out to me below and I would be pleased to brief you on the call and include you in future invitations.

With thanks,

Steve Frank

Steven Frank
Law Department
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
(415) 973-6976
swf5@pge.com