

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



FILED
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IN ATTENDANCE: COMMISSIONER MARTHA GUZMAN ACEVES

ADMINISTRATIVE LAW JUDGE GARRETT TOY, presiding

)	PREHEARING
)	CONFERENCE
Application of Southern California)	
Edison Company (U338E) for Authority)	
to Increase Rates for its Class C)	
Catalina Water Utility and Recover)	
Costs from Water and Electric)	Application
Customers.)	20-10-018
)	
)	

REPORTER'S TRANSCRIPT
Telephonic Proceeding
January 7, 2021
Pages 1 - 59
Volume 1

Reported by: Doris Huaman, CSR No. 10538

TELEPHONIC PROCEEDING

JANUARY 7, 2021 - 10:02 A.M.

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ADMINISTRATIVE LAW JUDGE TOY: We'll be
on the record.

The Commission will come to order.
Good morning, everyone. It is 10:00 a.m.
on -- 10:02 a.m. on January 7th, 2021.

This is the time and place for the
telephonic prehearing conference for
Application 20-10-018 filed by Southern
California Edison Company.

My name is Garrett Toy. I am the
assigned administrative law judge assigned to
this proceeding. The assigned Commissioner
is Martha Guzman Aceves. I will be inviting
the Commissioner to make opening comments in
just a little bit.

The purpose of a prehearing
conference is to discuss the category, scope
and schedule of the proceeding. As such, my
agenda for today is to first go over the
service list, then discuss the categorization
of this proceeding followed by the scope of
issues and potential phasing, and then
discuss the need for hearings and the
schedule for the remainder of the proceeding.

Nothing will be decided today, and

1 any final determinations will be made in the
2 scoping memo issued by Commissioner Guzman
3 Aceves.

4 A reminder for everyone to please
5 speak slowly and clearly for the benefit of
6 our court reporter and to not interrupt or
7 speak over one another.

8 At this time, I'd like to invite
9 Commissioner Guzman Aceves to make her
10 opening comments.

11 COMMISSIONER GUZMAN ACEVES: Thank you,
12 Judge Toy.

13 Really just want to welcome
14 everyone. I look forward to hearing if there
15 are other elements we should be considering
16 in this GRC. I know I do want to acknowledge
17 that the application does propose pretty
18 severe rate increases, and we'll be obviously
19 deliberating on that. But I look forward to
20 everyone's comments and hopefully how we can
21 best resolve them into a timely manner.

22 Okay. Thank you very much, Judge
23 Toy.

24 ALJ TOY: Thank you, Commissioner.

25 The first order of business is to
26 take appearances from the parties in
27 attendance via conference line followed by
28 taking motions for party status, if there are

1 any. Please spell out your full name the
2 first time you speak and give your last name
3 before speaking every time thereafter.

4 Turning to the applicant, Southern
5 California Edison Company, which I will now
6 refer to as Edison, do I have Mr. Sung in
7 attendance?

8 MR. SUNG: Good morning, your Honor.
9 Yes, you do. Paul Sung, P-A-U-L S-U-N-G,
10 counsel for Edison.

11 ALJ TOY: Is there anyone else in
12 attendance for Edison that will be
13 participating today?

14 (No response.)

15 ALJ TOY: Thank you. Moving on. On
16 behalf of the Public Advocates Office, which
17 I will now refer to as Cal Advocates, do I
18 have Emily Fisher in attendance?

19 MS. FISHER: Good morning, your Honor.
20 That's correct. Emily Fisher, F-I-S-H-E-R,
21 for Cal Advocates.

22 ALJ TOY: Thank you. And you'll be
23 representing Cal Advocates in this matter?

24 MS. FISHER: Yes, your Honor.

25 ALJ TOY: Is there anyone else in
26 attendance for Cal Advocates today that will
27 be participating?

28 (No response.)

1 ALJ TOY: Moving on. On behalf of The
2 Utility Reform Network, which I will now
3 refer to as TURN, do I have Mr. Finkelstein
4 in attendance?

5 MR. FINKELSTEIN: You do, your Honor.
6 Robert Finkelstein, spelled F, as in Frank,
7 I-N-K-E-L-S-T-E-I-N, and I'll be representing
8 TURN in this matter. And there's no one else
9 who's going to be on for TURN.

10 ALJ TOY: Thank you, Mr. Finkelstein.
11 On behalf of the Catalina Parties,
12 do I have Mr. Bishton in attendance?

13 MR. BISHTON: Yes, your Honor. Norris
14 J. Bishton, B-I-S-H-T-O-N, on behalf of the
15 City of Avalon, Catalina Island Chamber of
16 Commerce, Santa Catalina Island Company,
17 Santa Catalina Island Conservancy, Guided
18 Discoveries, and the Hamilton Cove Homeowners
19 Association.

20 ALJ TOY: Thank you, Mr. Bishton. And
21 you'll be representing the Catalina Parties
22 in this matter?

23 MR. BISHTON: Yes, I will.

24 ALJ TOY: Great.

25 And is there anyone else in
26 attendance for the Catalina Parties that will
27 be participating today?

28 MR. BISHTON: No, there is not.

1 ALJ TOY: Thank you.

2 Anyone else on the line that plans
3 to participate today?

4 (No response.)

5 ALJ TOY: Moving on. The next order of
6 business is to develop the service list. The
7 applicant and those who have filed protests
8 or responses are automatically added to the
9 service list.

10 Is there anyone on the line wishing
11 to become a party to the proceeding that is
12 not already a party?

13 MR. BISHTON: Judge Toy, this is Norris
14 Bishton.

15 We are not on the service list. We
16 were left off the service list. We request
17 to be added to the service list.

18 ALJ TOY: I believe that's probably a
19 clerical error on our part since you did file
20 a protest. You should be a party, but that
21 is noted.

22 Seeing no one else, or hearing no
23 one else, the service list is complete.

24 It is the practice of the Commission
25 to designate one party representative on the
26 service list to communicate on behalf of the
27 parties. Others wishing to follow the
28 proceeding may add themselves as information

1 only on the service list. As you may know,
2 the Commission encourages electronic service
3 and requires all documents served
4 electronically go to everyone on the list.
5 That includes those who are listed as
6 information only.

7 As this is a telephonic prehearing
8 conference, I remind everyone to speak slowly
9 and clearly for the benefit of the court
10 reporter. You should not interrupt or speak
11 over one another. I will provide
12 opportunities for the parties to speak on all
13 of the issues, and I request that parties not
14 speak until I call on them.

15 Anyone who would like an expedited
16 transcript of today's status conference,
17 please email reporting@cpuc.ca.gov as soon as
18 possible.

19 In this application, Edison proposed
20 categorizing this proceeding as ratesetting.
21 Resolution ALJ-176-3475 -- 3475 preliminarily
22 categorized this proceeding as ratesetting.
23 No party objected to the proposed category,
24 which it was required to do under Rule 2.6(d)
25 if it had any objections or proposed
26 alternatives.

27 Accordingly, I agree that the
28 ratesetting categorization is appropriate for

1 this case and will be recommending that to
2 Commissioner Guzman Aceves.

3 Normally with a ratesetting
4 categorization, ex-parte communications with
5 the Commissioners and their advisors are
6 permitted with restrictions and reporting
7 requirements pursuant to Article 8 of the
8 Commission's Rules of Practice and Procedure.

9 However, I note here that Cal
10 Advocates, as well as TURN and the Catalina
11 Parties, support a ban on individual ex-parte
12 communications, meaning all communications
13 with decision makers would be limited to
14 all-party meetings.

15 I'd like to give the parties an
16 opportunity to provide any further comments
17 on this issue starting with Edison.

18 MR. SUNG: Thank you, your Honor. Paul
19 Sung from Edison.

20 SCE maintains its position that here
21 there really is no need for the Commission to
22 depart from its already established ex-parte
23 requirements. The ex-parte requirements were
24 deliberated upon and established a default
25 framework upon which the parties should be
26 operating under. And here there really are
27 no special or extenuating circumstances that
28 warrant that kind of departure from the

1 already existing rules. SCE submits those
2 already existing rules provide for clear
3 transparency through the required advance and
4 ex-post notices. And the Commission's
5 requirement to base this decision on the
6 record, it remains the same whether ex-parte
7 communications are individual, all-party or a
8 combination of both.

9 Our position is that requiring only
10 all-party meetings would actually work
11 against deficiencies given the logistics and
12 the time to coordinate all the parties to
13 gather together in one meeting.

14 So our position is that there really
15 in no need to depart from the already
16 established rules on this.

17 ALJ TOY: Thank you, Mr. Sung.

18 Cal Advocates, any comments?

19 MS. FISHER: Thank you, your Honor.

20 This is Emily Fisher.

21 Cal Advocates reiterates its request
22 that individual ex-parte meetings be
23 prohibited in this proceeding for reasons
24 we've stated in our protests and in the joint
25 statement, essentially that as far as
26 logistics are concerned, in this time of
27 virtual meetings, that's not as much of an
28 issue as -- that might -- that may in other

1 circumstances for coordinating meetings and
2 their -- prohibiting individual ex-parte
3 meetings will greatly enhance transparency.
4 Even with the notice requirements that would
5 apply to individual meetings, those pre- and
6 post-notices never fully capture the full
7 content of those meetings. And I believe
8 it's in the best interest of all the parties
9 and the Commission and the proceeding
10 generally to require all-party ex-parte
11 meetings.

12 Thank you.

13 ALJ TOY: Thank you.

14 TURN, any comments?

15 MR. FINKELSTEIN: Thank you, your
16 Honor. Bob Finkelstein for TURN.

17 We support the Cal Advocates'
18 request to restrict ex-parte communications
19 to all-party meetings, and I would add to
20 what Ms. Fisher just described in two ways.
21 One is this is not a typical Class C water
22 utility that we're dealing with here. Edison
23 has the resources of its electric utility to
24 bring to bear on its ex-parte communications.
25 And it puts them at a huge advantage as
26 compared to a typical Class C water utility
27 where ex-parte restrictions may not be so
28 necessary.

1 The second point is that in TURN's
2 experience and from what we've seen from
3 various Commissioners offices all-party
4 meetings are actually far more efficient and
5 far more effective because it gives the
6 Commission an opportunity to hear from the
7 parties with the back-and-forth of testing
8 and probing each other's positions rather
9 than just a canned presentation of a single
10 party without anybody else in the room. So
11 we think that all party -- to the extent
12 there are ex-parte communications at all, we
13 think all-party meetings are a far more
14 effective way to support and promote the
15 decision made by the Commission.

16 Thank you.

17 ALJ TOY: Thank you.

18 Catalina Parties, any comments?

19 MR. BISHTON: Yes, I do. Norris
20 Bishton.

21 Yes, I support the Cal Advocates'
22 position. I reiterated that in -- or sent
23 that out in our protest, and I support it in
24 the joint statement. I represented the same
25 parties in the previous GRC that went on for
26 four years. As I indicated in the joint
27 statement, we experienced people on behalf of
28 Edison communicating to Commissioners and

1 their staff and not even reporting to us that
2 they had these unilateral communications and
3 was told by an employee of Edison what was
4 going on. We strongly feel that all
5 communications -- ex-parte communications
6 should be all-party.

7 ALJ TOY: Thank you.

8 Okay. Thank you, everyone, for your
9 comments. I will discuss the matter with the
10 assigned Commissioner.

11 Finally, any party wishing to
12 communicate with me should limit their
13 communications to procedural matters only and
14 do so via email, cc'g the entire service
15 list. Let's go ahead and move on to the
16 scope of issues in this application. I have
17 before me Edison's application, the protest
18 filed by the parties and the prehearing
19 conference statements served by Edison. I'm
20 going to go through each numbered set of
21 issues separately as laid out in the PHC
22 statement filed by Edison, and then I will
23 address the proposed changes that were in the
24 PHC statement before moving on to the next
25 set. I'll also ask whether other parties
26 have comments on any of the proposed issues
27 within each numbered set after I've gone
28 through the proposed changes that we see in

1 the PHC statement.

2 No. 1, whether SCE's requested
3 revenue requirement for Catalina Water is
4 reasonable.

5 Subsection (a), whether SCE's
6 forecast of its operation and maintenance and
7 administration and general expenses is
8 reasonable.

9 Section (b), whether Edison's
10 proposed additions to plant are necessary,
11 accurate, reasonable and justified.

12 Section (c), whether Edison's
13 forecast of rate base is reasonable.

14 Section (d), whether Edison's costs
15 recorded in two drought-related memorandum
16 accounts (The Catalina Water Rationing
17 Memorandum Account and the Catalina Water
18 Lost Revenue Memorandum Account) are
19 reasonable.

20 And Section (e), whether Edison has
21 established the reasonableness of the
22 historical water capital expenditures it
23 seeks to recover.

24 Catalina Parties stated and would
25 like to make adjustments to this section.

26 Mr. Bishton, can you clarify for me
27 the proposed changes in the PHC statement --

28 MR. BISHTON: Yes, I can.

1 ALJ TOY: -- a little bit.

2 MR. BISHTON: Yes, I can. In the
3 application, they make no -- Edison does not
4 request that they recover the costs that are
5 enumerated in subparagraph 1(d) as part of
6 their revenue requirement. The sole request
7 that I quoted in the joint statement from the
8 application where they simply said that they
9 were seeking those costs from the alternative
10 service, in their case, their electrical
11 customers, this is a total change from their
12 application. As I indicated in the joint
13 statement, the item 1(d) should be 2(a),
14 which is solely -- 2 solely deals with the
15 28.969 million dollars in (inaudible) costs,
16 which is not part of -- it should not be a
17 proper part of the first scope -- first scope
18 item.

19 ALJ TOY: Okay. I think I see the
20 issue. Would it be easier to simply change
21 the title of Section 1 so that it no longer
22 says "revenue requirement," instead states
23 that SCE's requested costs for recovery are
24 reasonable as opposed to revenue requirement?

25 MR. BISHTON: All the rest of the items
26 are revenue requirement items in 1. I say it
27 would be less confusing if 1(d) was moved to
28 No. 2.

1 ALJ TOY: Okay. Okay. I will take
2 that into account. In any case, the issue
3 will remain the same. Thank you.

4 Additionally, Catalina Parties would
5 like to add a completely new section with
6 other costs that Edison may incur in the near
7 future including COVID-19 costs and
8 decommissioning pipeline costs.
9 Preliminarily, Edison is not seeking recovery
10 for these costs, and they likely do not need
11 be addressed at this time. Taking a look at
12 the other proceeding in which these costs are
13 being analyzed, it seems fairly speculative
14 at this time. But I will discuss the issue
15 with the Commissioner, and tentatively, I
16 will add issue 1(f), whether any other costs
17 should be added to SCE's rate revenue
18 requirement or otherwise addressed in this
19 proceeding.

20 I'll repeat that just because I went
21 over it pretty quick, whether any other costs
22 should be added to SCE's rate revenue
23 requirement or otherwise addressed in this
24 proceeding. Again, I'm not inclined at this
25 time to go ahead with that issue.

26 Any comments from the parties
27 starting with Catalina Parties?

28 MR. BISHTON: Yes, your Honor. My

1 concern is that the size of -- we already
2 know, yes, they estimated 28.9 million
3 dollars. This ratesetting will last for a
4 number of years. During that period of time,
5 they add another 28.9 million to be recovered
6 from the ratepayers. It certainly is
7 something that the Commission should be fully
8 aware of during this proceeding, and if over
9 the course of the proceeding Edison should be
10 able to --

11 (Interruption by reporter.)

12 MR. BISHTON: -- should be able to
13 identify and more specifically what those
14 costs are, it is clear, I believe from what
15 has already been filed, was information on
16 Application 116-W as well as an advice letter
17 that these are items that has to be done.
18 This is not discretionary items that they
19 have to do in the near term. They are
20 environmental remediations that must be done.
21 So these are costs that are not speculative.
22 They are going to come down the pike. I
23 think they should be either -- if not fully
24 addressed in this GRC, the Commission should
25 be aware of them.

26 ALJ TOY: Thank you, Mr. Bishton.

27 Does Edison have any comments on
28 this issue?

1 MR. SUNG: Thank you, your Honor. Paul
2 Sung for Edison.

3 Edison believes that the tentatively
4 proposed scoping issue 1(f) would adequately
5 capture and strike the right balance between
6 potential costs that could be added to the
7 scope of this proceeding. Our position is
8 that as the applicant we are not including
9 these costs. So we're not seeking
10 authorization to recover any of these costs
11 in our current application.

12 As the applicant, we have the
13 discretion to apply for cost recovery when
14 the time is right. And as the -- as you
15 noted, your Honor, the costs at this point
16 are too speculative to include. And it
17 doesn't make sense to seek recovery for them.
18 There are alternative proceedings currently
19 open that could potentially be the right
20 avenue, but for now, your Honor, because SCE
21 is not seeking to recover these costs, our
22 contention is that it's outside of the scope
23 of this proceeding and should be excluded.

24 ALJ TOY: Thank you.

25 Does Cal Advocates have any comments
26 on this issue?

27 MS. FISHER: Yes. Thank you, your
28 Honor. This is Emily Fisher.

1 I believe the proposed wording that
2 your Honor suggested for considering whether
3 the other cost should be added to the scope
4 is helpful. Our understanding of these
5 issues are that, yes, that the actual amounts
6 of these costs are still -- it sounds like
7 that they are -- sounds like they are still
8 speculative, but it's fairly clear that they
9 will be significant. And it would merit
10 considering them or at least acknowledging
11 that they exist in this proceeding and taking
12 them into consideration even if a full
13 reasonableness revenue is not -- is not
14 practical or possible within the scope of the
15 proceeding. So we support adding the
16 additional issue to the scope as your Honor
17 proposed.

18 ALJ TOY: Thank you.

19 Does TURN have any comments on this
20 issue?

21 MR. FINKELSTEIN: Thank you, your
22 Honor. Bob Finkelstein for TURN.

23 I think it's important for you and
24 for the assigned Commissioner to keep in mind
25 that there are two separate categories of
26 costs that are very substantial from the
27 perspective of Catalina Water Utility
28 customers. There's the 29 million dollars

1 approximately that Edison has proposed in
2 this application be subsidized by its
3 electric customers, and then there's a
4 separate coincidentally approximately 29
5 million dollar figure that is an initial
6 estimate for these projects that a sufficient
7 system is raised regarding assessment in
8 decommissioning a number of pipelines that
9 need to happen on the island.

10 The second 29 million dollar
11 increment of cost will present cost recovery
12 issues that are very similar, if not
13 identical, to the cost recovery issues that
14 are teed up in this proceeding for the 29
15 million dollars that Edison has proposed to
16 have its electric customer subsidize. So
17 even if we are not dealing with a specific
18 review of the reasonableness of these project
19 costs, certainly there will be alternative
20 cost recovery issues that are sufficiently
21 similar that they ought to be addressed here.
22 Parties ought to have the option to address
23 them here as well.

24 ALJ TOY: Thank you. I will discuss
25 the matter with the assigned Commissioner.

26 Are there any other comments
27 regarding anything else related to the issues
28 just presented starting with Edison?

1 MR. SUNG: Thank you, your Honor. Paul
2 Sung for Edison.

3 Just one final note on this issue.
4 You know, as a utility, and any company,
5 frankly, has ongoing costs that are -- that
6 are being incurred every day of operation.
7 And there has to be a cutoff point in which
8 the applicant submits an application to
9 recover current costs or the costs that it
10 has a number on, and that's exactly what
11 happened here, your Honor. And, you know,
12 the future costs right now are speculative.
13 They are preliminary. And the 28, 29 million
14 dollar figure, that's an outdated figure,
15 your Honor, and that's still subject to
16 further analysis and change.

17 So even that number -- that
18 preliminary number we're uncomfortable with
19 just kind of adding and corroborating the
20 fact that this really isn't right for
21 discussion in this proceeding, but your
22 Honor's proposed scoping issue, I think,
23 would be the right balance to potentially
24 capture that in this proceeding.

25 ALJ TOY: Thank you. Just to be clear,
26 when I asked about any of those issues --
27 comments on any of these issues, I'm
28 referring to subsection (1) in it's entirety.

1 Cal Advocates, any comments on
2 subsection 1?

3 MS. FISHER: No other comments at this
4 time, your Honor. Thank you.

5 ALJ TOY: Thank you.

6 TURN.

7 MR. FINKELSTEIN: Not at this time,
8 your Honor.

9 ALJ TOY: Thank you.

10 Catalina Parties.

11 MR. BISHTON: No further comments at
12 this time, your Honor.

13 ALJ TOY: Thank you.

14 Moving on to Section 2. With
15 respect to Edison's proposal to recover 29
16 million dollars in water utility costs from
17 its electric utility customers, subsection
18 (a), does the Commission have the authority
19 to charge SCE's electric utility customers
20 the costs that do not have a sufficient nexus
21 to SCE providing those customers with
22 electric utility service?

23 Section (b), if the Commission does
24 have the authority to charge these water
25 utility service costs to electric utility
26 customers that do not receive said water
27 service, should the Commission allow Edison
28 to charge its electric utility customers for

1 Catalina Island's water service and what
2 amount?

3 Section (c), what alternative
4 approaches are there to recovering water
5 utility costs from sources other than
6 Catalina Island Water Utility customers and
7 SCE electric utility customers?

8 Section (d), has SCE established
9 that it adequately considered or pursued
10 alternative approaches to recover water
11 utility costs from sources other than its
12 water utility electric utility customers?

13 Section (e), whether SCE's proposed
14 deferred revenue requirement tracking
15 account, the five-year phased-in recovery
16 mechanism is reasonable.

17 Edison proposes a strikethrough of
18 Sections 2(c) and 2(d). I note that 2(c) and
19 2(d) are the only issues that mention
20 alternatives to the proposal to charge
21 Edison's electric customers. Edison stated
22 in the PHC statement that it would be filing
23 supplemental testimony with an alternative
24 proposal for revenue allocation and rate
25 design. With at least two different
26 proposals, I would expect that we would need
27 to scope some sort of issue that compares at
28 least these two proposals. Preliminarily,

1 issue 2(c) will be -- likely be slightly
2 edited to say, "What alternative approaches
3 are there to recovering the proposed water
4 utility costs from sources other than
5 Catalina Island Water Utility customers and
6 SCE's electric utility customers?" Issue
7 2(d) will likely be edited to state, "Which
8 cost recovery approach for Catalina Island
9 Water Utility costs should be adopted?"

10 Comments starting with Edison.

11 MR. SUNG: Thank you, your Honor. Paul
12 Sung for Edison.

13 I believe your Honor's proposed
14 edits to subsection (c) and (d), SCE would
15 not object to those changes. The biggest
16 issue that SCE foresees with subsection (d)
17 in particular is the "adequately considered"
18 portion which creates, we believe, a
19 dangerous precedent as to applicants having
20 to now have a burden of proof regarding all
21 other potential alternatives that exist.
22 SCE, as it's stated in its protest and its
23 PHC statement, is open to discussing these
24 alternative cost recovery approaches. We are
25 planning to file supplemental testimony with
26 an alternative proposal to clarify that
27 alternative proposal with the -- what the
28 costs would look like and the revenue

1 requirement would look like if there was no
2 cross-subsidization of the 29 million dollar
3 costs to the electric customers. So we'll --
4 as requested, we'll certainly be filing that
5 promptly.

6 Okay. I should probably go over Cal
7 Advocates' proposed addition to the scope of
8 whether SCE's supplemental testimony should
9 include a proposal for revenue allocation and
10 rate design that does not rely on a subsidy
11 by SCE electric customers as well before we
12 take comments from all the other parties who
13 no doubt will bring this up.

14 Edison's PHC statement at this time
15 gives a time frame of February 2021 for the
16 filing of supplemental testimony, which would
17 then -- which, when filed, would address this
18 issue.

19 Cal Advocates, given that Edison
20 plans to propose this alternative, do you
21 still foresee the need for this issue to be
22 scoped given the proposed changes to 2(c) and
23 2(d)?

24 (No response.)

25 ALJ TOY: No comments from Cal
26 Advocates?

27 MS. FISHER: Thank you, your Honor. I
28 had to unmute myself there. This is Emily

1 Fisher with Cal Advocates.

2 Our concern is that our
3 understanding from SCE is, from Edison is
4 that the content of the supplemental
5 testimony they intend to file would not
6 actually present an alternative proposal for
7 rate recovery, rather, it will present the
8 alternative of no -- of recovering the full
9 amount from Catalina customers. So in that
10 sense, it would almost be an impact analysis
11 rather than an alternative proposal for rate
12 recovery. And given the importance, the
13 significance of this issue in this
14 proceeding, it's really the 2,000-pound
15 gorilla in this case. The supplemental
16 testimony needs to address a reasonable or a
17 reasonable -- alternative or alternatives to
18 the rate recovery that SCE has currently
19 proposed.

20 So whether the issues -- the revised
21 issues (c) and (d) are -- basically, as long
22 as the end result requires Edison to present
23 an analysis of actual alternatives, proposals
24 to transferring costs to electric customers,
25 which the Commission made very clear in the
26 last GRC, that was intended to be a unique
27 isolated occurrence, our concern is just that
28 SCE be required to present meaningful

1 alternatives to that recovery option.

2 ALJ TOY: Thank you.

3 TURN, any comments? I know in your
4 PHC statement you have raised -- pushed
5 keeping Section 2(c) and 2(d) as is.

6 MR. FINKELSTEIN: Thank you, your
7 Honor. Bob Finkelstein for TURN.

8 I'll try not to reiterate material
9 that's already in the prehearing conference
10 statement. But I think what Ms. Fisher for
11 Cal Advocates has touched on is extremely
12 important. First, this alternative cost
13 recovery issue is a central issue, if not the
14 central issue in this proceeding. So it
15 needs clear and focused attention throughout.

16 I also would agree with her that
17 what SCE is describing for its supplemental
18 testimony is not a meaningful alternative.
19 It's merely saying, "Fine, if we don't
20 recover" -- as I understand it -- "If we
21 don't recover any of these Catalina Water
22 Island" -- I'm sorry -- "Catalina Water
23 Utility costs from any source other than
24 Catalina Water Utility customers, these will
25 be the impact on those customers." And given
26 that Edison's application and testimony are
27 premised on that not being an acceptable
28 alternative, I'm not sure how it's

1 meaningfully useful for them to put forward
2 that as an alternative. I see it, frankly,
3 as more of a scare tactic than anything else.
4 This is Edison's application. Edison has the
5 burden of putting forward a reasonable
6 alternative, and in our view, it hasn't done
7 so yet. And it's critical, we think, that,
8 A, the issue of what's a reasonable
9 alternative or a range of reasonable
10 alternatives get addressed and, B, that --
11 just to preview an upcoming topic, that it
12 get addressed earlier rather than later in
13 the proceeding.

14 ALJ TOY: Thank you.

15 Catalina Parties, any comments on
16 these issues?

17 MR. BISHTON: Yes, sir. We have some
18 comments. Earlier --

19 ALJ TOY: Mr. Bishton --

20 MR. BISHTON: Norris Bishton --

21 ALJ TOY: -- speak up a little bit.
22 It's hard to hear you right now.

23 MR. BISHTON: Catalina -- it's Norris
24 Bishton for the Catalina Parties.

25 I have Frontier Telephone Company
26 lines, and they are the worst.

27 ALJ TOY: Please speak a little bit
28 slower too. You're going, I think, a little

1 bit fast.

2 MR. BISHTON: I will -- I will try.

3 First of all, as I just mentioned
4 earlier, I thought 1(d) has to become 2(a) so
5 that the reasonableness of the costs sought
6 for the alternative -- for the alternative
7 source are determined, because that makes a
8 big difference in evaluating the alternative
9 sources that -- it's how much is going to be
10 passed on to an alternative source.

11 Secondly, as I pointed out earlier,
12 in their application, this is the only place
13 they sought these costs from, in other words,
14 from an alternative source. So to confuse it
15 as being part of what their revenue
16 requirement is is not in line with what they
17 have applied for in their application. They
18 solely -- Edison solely points to alternative
19 sources to bear these costs. And that's why
20 I suggested earlier 1(d) should become 2(a).

21 ALJ TOY: Thank you. Do you have any
22 comments on the alternative discussion that's
23 being going on?

24 MR. BISHTON: A full presentation on
25 all issues will benefit all parties and the
26 Commission. So I support Cal Advocates'
27 position.

28 ALJ TOY: Okay. Thank you.

1 Edison, any comments on the
2 discussion so far?

3 MR. SUNG: Yeah. Thank you, your
4 Honor. Paul Sung from Edison.

5 I think it's important for your
6 Honor and the parties to kind of get a
7 better -- reset our thinking on this. The
8 costs that SCE is seeking to recover in this
9 present application in totality represent the
10 costs. Just the unfortunate reality that
11 this is what it costs for us to operate water
12 operations in Catalina Island, and the costs
13 are high. And the default proposal could
14 have been, and maybe even should have been,
15 that all of the costs begin to start -- would
16 be -- would be added to -- would be borne out
17 by the water customers. And that's not what
18 SCE wanted. The costs already, we recognize
19 fully, are extremely high and significant,
20 and it would be difficult for our customers
21 to bear. So that's why we believe that the
22 most reasonable alternative here, given the
23 options, is a cross-subsidization of the 29
24 million dollar cost to our electric
25 customers, and that is the most reasonable
26 proposal that we came up with, your Honor.
27 And I think our application bears that out,
28 and we support our cost recovery proposal in

1 full with that in mind.

2 And while SCE is open to certainly
3 considering alternative costs proposals, we
4 think that a scoping issue or a requirement
5 that our supplemental testimony is required
6 to delve into other options that really would
7 not serve the most -- the most reasonable and
8 strikes the right balance between this
9 difficult issue is unnecessarily unwarranted.

10 So that's our position on this, your
11 Honor. We don't -- we have supported our
12 cost recovery proposal, and we believe that
13 it is the most reasonable and just -- it
14 strikes the best balance currently as things
15 are.

16 ALJ TOY: Thank you.

17 Are there any other comments from
18 the parties relating to the issue in Section
19 2 starting with Edison?

20 MR. SUNG: Not at this time, your
21 Honor. Paul Sung for Edison. Thank you.

22 ALJ TOY: Thank you.

23 Cal Advocates.

24 MS. FISHER: Thank you, your Honor.
25 Just one other comment responding to Mr.
26 Sung. The support that Edison has provided
27 for their proposal is sufficient in a
28 couple -- a couple aspects as far as the

1 justification for the cross-subsidy. There
2 are some -- there are some gaps in that
3 analysis that would clearly tie -- create a
4 nexus between electric customers and Catalina
5 Water -- basically who should bear the burden
6 of Catalina Water costs. So that's just
7 one -- one reason why the supplemental
8 testimony needs to address some of those
9 issues and provide analysis of a meaningful
10 alternative to the cross-subsidy.

11 Thank you.

12 ALJ TOY: Thank you.

13 TURN, any comments?

14 MR. FINKELSTEIN: Your Honor, Bob
15 Finkelstein for TURN.

16 I don't -- I don't mean to be
17 jumping ahead to a phasing discussion that I
18 know is upcoming, but I think what counsel
19 for Edison just described highlights the need
20 for either a broader directive to the utility
21 on what it needs to cover in its supplemental
22 testimony or holding off on that supplemental
23 testimony until after the Commission
24 determines whether or not a subsidy of
25 Catalina Water Utility costs by Edison
26 electric utility customers where the
27 Commission would be saying Edison's electric
28 CARE customers ought to be subsidizing costs

1 of residents and businesses on Catalina
2 Island, that addressing that first to see if
3 that's even a viable alternative would, in
4 TURN's view, highlight the need for Edison,
5 as the applicant, to push towards some other
6 meaningful and potentially effective
7 alternatives other than just trying to load
8 all the costs on Catalina Water customers.

9 So I agree with what Ms. Fisher just
10 described. I think it's important that these
11 be within the scope, and like I said, not to
12 be jumping ahead, I think it's going to come
13 up again as something the Commission needs to
14 consider as it addresses the phasing issue.

15 ALJ TOY: Thank you. And I will be
16 going over the phasing issue later. So we'll
17 get back to that.

18 Catalina Parties, any comments on
19 Section 2?

20 MR. BISHTON: Nothing further as long
21 as we address my issue that you cannot
22 determine whether an alternative is
23 reasonable unless you know what is the amount
24 you're going to determine is reasonable to
25 pass on to the alternative source. Other
26 than that, I have no further comments.

27 ALJ TOY: Thank you.

28 Moving on to Section 3 -- No. 3,

1 whether SCE's proposed rates for the test
2 year and escalation years are just and
3 reasonable.

4 Subsection (a), whether SCE's
5 forecast for water sales is reasonable.

6 Subsection (b), whether SCE's
7 proposed rate design is reasonable.

8 Subsection (c), whether a proposed
9 Tier 1 breakpoint to promote affordable rates
10 is reasonable.

11 And (d), whether the proposed
12 California alternate rates for energy
13 increase from 20 percent to 32.5 percent is
14 reasonable.

15 Comments starting with Edison.

16 MR. SUNG: Paul Sung for Edison.

17 No comments, your Honor.

18 ALJ TOY: Thank you.

19 Cal Advocates, any comments?

20 MS. FISHER: Emily Fisher for Cal
21 Advocates.

22 We have no comments on this section,
23 your Honor. Thank you.

24 ALJ TOY: Thank you.

25 TURN.

26 MR. FINKELSTEIN: Bob Finkelstein for
27 TURN.

28 We have no comments on this issue.

1 ALJ TOY: Thank you.

2 Catalina Parties.

3 MR. BISHTON: Norris Bishton for
4 Catalina Parties.

5 We have no comments on paragraph 3.

6 ALJ TOY: Thank you.

7 Moving on to Section 4, whether
8 SCE's proposed transition from water revenue
9 adjustment mechanism to a Monterey-style
10 incremental cost balancing account is
11 reasonable.

12 Comments starting with Edison.

13 MR. SUNG: Paul Sung for Edison.

14 No comments, your Honor.

15 ALJ TOY: Thank you.

16 Cal Advocates, any comments?

17 MS. FISHER: Emily Fisher for Cal
18 Advocates.

19 No comments on Section 4, your
20 Honor.

21 ALJ TOY: Thank you.

22 TURN.

23 MR. FINKELSTEIN: Bob Finkelstein for
24 TURN.

25 No comments on Section 4.

26 ALJ TOY: Thank you.

27 Catalina Parties.

28 MR. BISHTON: Norris Bishton for

1 Catalina Parties.

2 No comments on Section 4.

3 ALJ TOY: Thank you.

4 Moving on now to the potential
5 phasing of the proceeding. I have a few
6 questions for the some of the parties.

7 Cal Advocates, can you please
8 elaborate a little on why you believe rate
9 design/cost recovery should take place before
10 cost/rate reasonableness?

11 MS. FISHER: Thank you, your Honor.
12 This is Emily Fisher for Cal Advocates.

13 As I said -- as I mentioned earlier
14 in the previous GRC, Catalina -- the
15 Commission made very clear that cross-subsidy
16 was to be a one-time unique occurrence and
17 sounded pretty reluctant to do it at all.
18 Though, it really -- the issue of whether
19 this form of -- this approach to recovery is
20 acceptable and within the Commission's
21 authority to approve seems to be an issue
22 that -- which needs to be addressed before we
23 go further down the road and risk ending up
24 in a similar position as the Commission did
25 in the previous GRC without a thorough
26 consideration of alternatives that may or
27 could have been feasible to the
28 cross-subsidies. So this issue really should

1 be determined before -- before the further --
2 the regular GRC issues of reasonableness
3 revenue can go forward.

4 Thank you.

5 ALJ TOY: Thank you.

6 Moving on. TURN, if I understand
7 your comments correctly, you proposed an
8 initial phase focused on generating a record
9 regarding potential alternatives for Edison's
10 proposed cost recovery from its electric
11 customers as well as the determination on the
12 legality of passing these costs to Edison's
13 electric customers. Is that correct?

14 MR. FINKELSTEIN: Your Honor, Bob
15 Finkelstein for TURN.

16 I think that is generally correct.
17 It is, we believe, an issue that could be
18 addressed thoroughly and probably based on a
19 stipulated evidentiary record of various
20 documents that Edison has submitted certainly
21 in discovery to some of TURN's requests and
22 we anticipate in response to a data request
23 set that we just served this morning. So the
24 hope is that we would be able to do a
25 largely, if not entirely, paper-based initial
26 phase to flesh out the issues associated with
27 the alternative cross-subsidization, cost
28 recovery approach that Edison has proposed

1 and why, in TURN's view at least, that the
2 Commission both lack the authority to adopt
3 it and even if has the authority shouldn't
4 adopt it under the circumstances here.

5 And we think it's essential for that
6 to be the first phase because if we get to
7 the end of the proceeding and the only
8 alternatives are Edison's cross-subsidization
9 proposal and the approach Edison described
10 earlier of having to recover the entirety of
11 the cost from the Catalina Water Utility
12 customers, that Edison has explained, it
13 would be a huge burden on those customers to
14 see their rates go up by -- the costs would
15 go up by 125 percent was the figure I
16 remember from the application testimony even
17 without some of the memorandum accounts that
18 Edison is seeking to recover in electric
19 rates.

20 We need to know earlier rather than
21 later whether or not that's even viable
22 because by the time the Commission gets to a
23 final decision here, it needs to have viable
24 alternatives in front of it. And trying not
25 to repeat myself. We don't see this one as
26 viable.

27 ALJ TOY: Okay. So this initial phase
28 does not come to a conclusion regarding which

1 cost recovery proposal is best, correct?

2 MR. FINKELSTEIN: Your Honor, as TURN
3 anticipates it -- as TURN anticipates it,
4 this phase would serve to address whether or
5 not the cost recovery proposal Edison has put
6 forward is viable. And it wouldn't
7 necessarily address any other cost recovery
8 proposal, merely have the Commission address
9 the narrower question of can it require
10 electric utility customers to bear in their
11 electric utility rates costs associated with
12 providing water utility service to Catalina
13 Island customers.

14 ALJ TOY: Okay. And so then -- so
15 would you envision the -- only one second
16 phase that then addresses all the other
17 issues together?

18 MR. FINKELSTEIN: Yes.

19 ALJ TOY: Okay.

20 Edison, I'm going to give you --
21 allow you to make comments now, but I also
22 have a specific question -- I'll ask it at
23 the end. Edison, any comments on the
24 discussion so far?

25 MR. SUNG: Thank you, your Honor. Paul
26 Sung for Edison.

27 As your Honor has asked and appears
28 to be suggesting, I think there is a

1 difference between the Commission's authority
2 as to whether cross-subsidization is
3 permitted versus what cost recovery proposal
4 should be adopted. And those are two
5 separate questions, your Honor. And SCE
6 would be open to addressing this specific
7 narrow legal question of whether or not the
8 Commission has the -- or the authority to
9 permit this type of alternative. I think
10 that would make sense, but that's different
11 than what is being proposed in terms of a
12 phased proceeding.

13 Addressing a separate narrow legal
14 question earlier in the proceeding does not
15 necessitate the adoption of a phased
16 proceeding. So SCE would be open to tackling
17 that question earlier in the proceeding. But
18 yeah, as far as the phased proceeding goes,
19 your Honor, there really is no need as set
20 forth more fully in our PHC statement and
21 reply.

22 ALJ TOY: Okay. I note that in your
23 PHC statement you stated you believe that if
24 this proceeding were to be phased that a
25 decision voted on the by the full Commission
26 would have to be issued. Are you changing
27 that statement based on the fact that it
28 would just be this narrow legal issue, or

1 would you still hold that?

2 MR. SUNG: Thank you, your Honor. Paul
3 Sung for Edison.

4 Our position would be that even on
5 the narrow legal question of whether the
6 Commission has the authority to order this
7 cost recovery proposal, we would request and
8 submit that a full Commission vote be
9 required as it would be binding precedent --
10 or it would be binding on this proceeding as
11 to how we could proceed. So we believe that
12 full Commission vote would be -- would be
13 warranted.

14 (Interruption by reporter.)

15 ALJ TOY: Okay. I will note a little
16 out of turn that TURN's schedule currently
17 proposes six weeks for Edison to file
18 supplemental testimony and following a
19 decision ruling addressing these issues.

20 Edison, does that seem feasible?

21 MR. SUNG: Paul Sung for Edison, your
22 Honor.

23 I think the answer to that really
24 depends on what really the ruling would look
25 like. Six weeks -- depending if the ruling
26 were to state -- or the Commission decision
27 were to state that the cost recovery proposal
28 is permitted, then six weeks would be

1 sufficient. But if the Commission were to
2 direct SCE on a number of issues that the
3 Commission may want to see further direction
4 on, then we reserve the right to -- we would
5 object preliminarily here and say that six
6 weeks may not be enough.

7 ALJ TOY: Okay. Thank you.

8 Catalina Parties, any comments so
9 far on this discussion?

10 MR. BISHTON: Norris Bishton for the
11 Catalina Parties.

12 First of all, passing on costs to
13 the electrical customers is only one of the
14 alternatives that's raised in the earlier
15 issues. Our position is, as stated earlier,
16 is that the Commission, before making any
17 decisions, is the allowance of money are so
18 monumental compared to the number of
19 ratepayers should have --

20 (Interruption by reporter.)

21 ALJ TOY: Mr. Bishton, Mr. Bishton,
22 hold on.

23 Off the record.

24 (Off the record.)

25 (Commissioner Guzman Aceves not
26 present.)

27 ALJ TOY: We'll go back on the record.
28 When we left off, I believe Mr.

1 Bishton was making comments regarding the
2 phasing of the proceeding.

3 MR. BISHTON: Yes. This is Norris
4 Bishton for Catalina Parties.

5 I was stating that all -- the
6 Commission should have the full record of all
7 issues before it makes decisions. This is
8 not something that can be done piecemeal. In
9 addition, we're not -- because earlier
10 issues -- scoping issues raised alternatives
11 other than electrical ratepayers. So as I
12 said now a couple of times, we need to know
13 the reasonable amount that's going to reach a
14 supplemental alternative source before we
15 could even judge whether or not that
16 alternative source is feasible. We oppose
17 any kind of piecemeal approach.

18 ALJ TOY: Okay. Thank you, Mr.
19 Bishton.

20 I will discuss with the Commissioner
21 everything we've talked about today. Right
22 now likely leaning towards some sort of --
23 maybe not phasing but certainly addressing
24 this legal issue at an earlier time. But of
25 course, all this will be made final with the
26 Commissioner's review.

27 Moving on now to the proceeding
28 schedule and the need for evidentiary

1 hearing. The application and protests all
2 foresaw the need for evidentiary hearing.
3 Accordingly, I will agree with ALJ Resolution
4 34 -- 176-3475, which preliminarily
5 determined that this matter does require an
6 evidentiary hearing and will recommend to
7 Commissioner Guzman Aceves that the scoping
8 memo include them.

9 Now moving to scheduling. I have
10 two proposed schedules:

11 Starting with Edison's supplemental
12 testimony would be filed by Edison by
13 February 26th, 2021.

14 Public participation hearings would
15 take place on March 30th, 2021.

16 Intervenor testimony filed by July
17 9, 2021.

18 Rebuttal testimony filed by August
19 9, 2021.

20 Settlement discussions would begin
21 taking place in August 2021.

22 Evidentiary hearings will take place
23 in mid-September 2021.

24 Opening briefs would take place 30
25 days after evidentiary hearing.

26 The deadline to request oral
27 argument would be the day after opening
28 briefs are due.

1 Reply briefs would be due 15 days
2 after opening briefs.

3 And the Water Division technical
4 conference would take place in October 2021.

5 Comments starting with Edison.

6 MR. SUNG: Paul Sung for Edison, your
7 Honor.

8 The dates that your Honor proposed
9 seem right and consistent with what the
10 parties submitted as a joint schedule. So no
11 further comments.

12 ALJ TOY: Thank you.

13 Cal Advocates.

14 MS. FISHER: Thank you, your Honor.
15 Emily Fisher with Cal Advocates.

16 This may be stating the obvious, but
17 as far as scheduling goes, the proposed
18 schedule just needs to -- the schedule
19 adopted needs to reflect whatever decisions
20 are made in terms of phasing or inclusion of
21 other issues in the scope.

22 ALJ TOY: Thank you. I'll now be going
23 over TURN's proposed schedule in a little
24 bit.

25 TURN, any comments on this proposed
26 schedule by Edison?

27 MR. FINKELSTEIN: Bob Finkelstein for
28 TURN.

1 It's -- I think a proposed schedule
2 by all the parties that there be a single
3 phase for the proceeding, and with that, TURN
4 doesn't have any further comments.

5 ALJ TOY: Thank you.

6 Catalina Parties.

7 MR. BISHTON: I reiterate what Cal
8 Advocates said, that depending upon this
9 phasing decision, it may be necessary to
10 adjust some of the dates as stated by your
11 Honor, but other than that, we have no
12 further comments.

13 ALJ TOY: Thank you. I also have the
14 following proposed schedule by TURN. This is
15 with the assumption that there will be a
16 limited discussion regarding the cost
17 recovery proposal presented by Edison. Is
18 that correct, TURN, the initial phased
19 portion of the proceeding? Or sorry -- yeah.
20 Is that correct, TURN?

21 MR. FINKELSTEIN: That is correct, your
22 Honor. I'm sorry. Bob Finkelstein for TURN.

23 And this is the schedule that we
24 were proposing, should the Commission agree
25 with us, that there should be an initial
26 phase that focuses on cost recovery
27 alternatives and represents our proposal for
28 folding that in and how it would affect the

1 follow-on dates.

2 ALJ TOY: When you say "cost recovery
3 alternatives," does that mean you foresee
4 that this initial phase will also ask
5 briefing by the parties on other alternatives
6 that Edison should be proposing to the
7 Commission?

8 MR. FINKELSTEIN: No, your Honor. I
9 shouldn't have said it quite so broadly.
10 What we have -- what's written in the
11 prehearing conference statement is opening
12 briefs on limits to the cost recovery
13 alternatives, and as we've discussed here, it
14 sounded like a focus on whether or not
15 Edison's alternative, as proposed in its
16 application and testimony, something that the
17 Commission could or should adopt. So it
18 would be solely on that -- that alternative.

19 ALJ TOY: Okay. Thank you.

20 Given that, the proposed schedule
21 would be:

22 Opening briefs on this limited cost
23 recovery issue by late February to early
24 March 2021 depending on when the scoping memo
25 is published.

26 Reply briefs on limits of the cost
27 recovery alternative will take place two
28 weeks after opening briefs are due.

1 Commissioner or ALJ ruling or
2 Commission decision on this limited issue to
3 be determined.

4 SCE would be asked to serve
5 supplemental testimony on initial issues six
6 weeks after the ruling or decision is issued.

7 The public participation hearing
8 will still take place March 30, 2021.

9 Intervenor testimony would take
10 place six weeks after SCE's supplemental
11 testimony is due.

12 Rebuttal testimony would be due four
13 weeks after intervenor testimony is due.

14 Settlement discussions will take
15 place four weeks after intervenor testimony.

16 Evidentiary hearings will take place
17 six weeks after rebuttal testimony is due.

18 Opening briefs would be due 30 days
19 after the last day of evidentiary hearing.

20 The deadline to request oral
21 argument would be the day after opening
22 briefs are due.

23 Reply briefs would be due 15 days
24 after opening briefs are due.

25 And the Water Division technical
26 conference would take place on October 2021.

27 Comments starting with Edison.

28 MR. SUNG: Hi, your Honor. I

1 actually just -- Paul Sung for Edison.

2 I actually experienced some
3 technical difficulty and had to disconnect
4 and rejoin. So I had missed maybe the last
5 minute and a half or two minutes or so. But
6 I caught enough of what Bob Finkelstein had
7 been providing comments on to at least
8 respond to that portion of it, your Honor,
9 and I'll provide that first. And then
10 subject to the understanding that I would
11 like to have an opportunity to comment later
12 on what I had just missed. I apologize for
13 that, your Honor.

14 ALJ TOY: Okay.

15 MR. SUNG: So I think -- I'm not
16 entirely sure exactly how TURN's comments had
17 ended, but I think it's important to keep in
18 mind that the narrow legal question of
19 whether the Commission has authority to
20 authorize this cost recovery proposal SCE
21 would be open to, but SCE would object to
22 if that -- the latter part of that question,
23 if the Commission did have authority should
24 it do so. We believe that the record is
25 incomplete at this premature stage of the
26 proceeding to go ahead with that kind of
27 determination. We also agree with the
28 Catalina Parties that determining the costs

1 first is essential to the evaluation of what
2 cost recovery proposal is reasonable, and
3 that is following the logic of other prior
4 general rate cases and just the Commission's
5 practice and consistent with that as well.
6 So that would be the comments I would provide
7 on that issue. And yeah, would appreciate an
8 opportunity to comment on what I had just
9 missed.

10 Thank you.

11 ALJ TOY: All right. What I had just
12 gone over was the schedule proposed by TURN.
13 It pretty much followed exactly what was in
14 the PHC statement. If you want to look at
15 that. I can go over it again if you like.

16 MR. SUNG: Paul Sung for Edison.

17 I have it open. Thank you, your
18 Honor.

19 ALJ TOY: Okay. I'll give you a minute
20 to take a look at it, and I'll come back to
21 you.

22 Cal Advocates, any comments on the
23 proposed schedule by TURN?

24 MS. FISHER: Emily Fisher for Cal
25 Advocates.

26 No other comments on the proposed
27 schedule. If I may, I would like to respond
28 to some of the comments that Mr. Sung has

1 made.

2 ALJ TOY: Sure.

3 MS. FISHER: The -- if the proceeding
4 is divided into phases to address the
5 narrower question, this issue is not simply a
6 legal question, and I think Mr. Sung
7 recognized that as well as TURN. If the
8 proceeding is phased, then there is a need to
9 address not only the "could," whether the
10 Commission can authorize the cross-subsidy,
11 but there's also a significant policy
12 question, which is the "should." And that
13 should be part of the scope of Phase 1 as
14 well.

15 Thank you.

16 ALJ TOY: Thank you.

17 TURN, any comments on the proposed
18 schedule or the discussion that just took
19 place?

20 MR. FINKELSTEIN: Bob Finkelstein for
21 TURN.

22 I would echo what Ms. Fisher just
23 said. I think that the Commission is best
24 served by a determination early on as to
25 whether or not Edison's alternative goes
26 forward, and that could be both on the
27 grounds of the Commission's (inaudible)
28 authority to even consider it or take action

1 of that type. And is also includes, even if
2 the Commission has the authority, should it
3 do so under the circumstances here. So I
4 think there is some risk of an unduly narrow
5 description of this first phase, and it
6 would -- let me illustrate it this way, your
7 Honor. If we were to limit the first phase
8 or the briefing to a limited question of
9 whether the Commission has the authority to
10 go forward with Edison's proposal and the
11 Commission decided early on that it has the
12 authority to do so and then we postpone until
13 very late in the proceeding whether or not
14 the Commission should do so and the
15 Commission were to decide that it shouldn't
16 do so under the circumstances here, I
17 think -- I think that creates a fair amount
18 of potential chaos if we have a bunch of
19 costs authorized and no meaningful cost
20 recovery mechanism on the record.

21 So I think it's important that we
22 address that up front to maximize the
23 opportunity to then develop a record --
24 should the Commission make clear this
25 proposal won't work, that we maximize the
26 opportunity to have Edison present other
27 alternatives on the record earlier in the
28 proceeding rather than later.

1 A second much shorter comment would
2 be on the question of, as I heard you
3 describe what was listed as item 5 on the
4 TURN proposed schedule the assigned
5 Commissioner ALJ ruling, you added "or
6 proposed decision," and that certainly would
7 be, I think, a determination for you and the
8 assigned Commissioner to make. But I don't
9 think there's any basis for saying a proposed
10 decision or a formal final decision would be
11 required on those points. I think -- I don't
12 have specific examples I could cite. But in
13 my experience, the Commission has often
14 addressed preliminary issues in a proceeding
15 through an assigned Commissioner ruling or
16 even through an ALJ's ruling where it's
17 necessary to achieve a smoother processing of
18 the proceeding into even where it addresses
19 some of the key issues in the proceeding.

20 So if you and the assigned
21 Commissioner decide that it ought to be done
22 through a formal decision, TURN wouldn't
23 object. We just wanted to be on the record
24 that we don't see that as required under the
25 circumstances.

26 ALJ TOY: Thank you.

27 Catalina Parties, any comment?

28 MR. BISHTON: Yes. Norris Bishton for

1 the Catalina Parties.

2 First of all, I am totally confused.
3 Are we talking about a single alternative;
4 namely, the electrical ratepayers, or are we
5 talking about all the alternatives? In the
6 application, Edison focused on one
7 alternative but mentioned that there were
8 other alternatives and that that issue was
9 raised by -- in the various protests of
10 whether or not other alternatives other than
11 electrical ratepayers are feasible.

12 I think you first have to have
13 testimony that supports what Edison seeks or
14 the other alternatives. So how you can have
15 supplemental testimony about cost recovery
16 alternatives after a decision already has
17 been made. So under No. 5 then, the
18 schedule, I still strongly oppose any kind of
19 piecemeal going at this. This is a -- the
20 Commission needs to look at the entire
21 situation. And, yes, they will ultimately
22 have to determine whether they have authority
23 to authorize one of the alternatives, but the
24 Commission needs the entire situation before
25 it -- all the evidence before it in making
26 its final decision.

27 Thank you.

28 ALJ TOY: Thank you, Mr. Bishton.

1 Just for clarity, the proposed
2 decision in the file would be on the limited
3 matter of potentially the legality of
4 charging SCE's electric customers as well as
5 potentially, as proposed by Cal Advocates and
6 TURN, whether the Commission should actually
7 go ahead with that alternative -- or consider
8 that alternative.

9 Edison, as I said, I would come back
10 to you for further comment on the schedule.

11 MR. SUNG: Paul Sung for Edison.

12 Thank you, your Honor. To start, if
13 there is a true phasing -- a phased
14 proceeding, then a full Commission vote would
15 be required to determine the question of
16 whether Edison should move forward with the
17 cost recovery proposal in its current
18 application. If it's a narrow question of
19 could the Commission have the authority to
20 order the cross-subsidization, then an
21 assigned Commissioner ALJ ruling could make
22 sense here in and of itself. But here, your
23 Honor, it doesn't make sense to us to have a
24 phased proceeding and determine the overall
25 ultimate question of should Edison move
26 forward with its cost recovery proposal,
27 because there is no record upon which to base
28 that. The intervenor testimony has not been

1 filed. Rebuttal testimony has not been
2 filed. It really is -- we have to have a
3 phased proceeding with all of that or we
4 don't, your Honor.

5 And to that point, there has to be a
6 logical ordering SCE submits in which the
7 cost -- the reasonableness of SCE's costs
8 should be determined first or else we really
9 cannot determine if the cost recovery
10 proposal comes after. There's a logic and a
11 reason and a consistent pattern that's
12 followed in the electric GRCs for that exact
13 reason, your Honor.

14 If -- for instance, if the total
15 cost is a million dollars, that's a much
16 difficult question that it's the total cost
17 of the hundred million dollars. We need to
18 know first what the costs are to properly
19 evaluate the reasonableness of putting the
20 hundred million or one million upon 2,000
21 ratepayers or 2 million ratepayers, your
22 Honor. That's the logic. And that's why if
23 there is any phasing at all, your Honor, the
24 reasonableness of SCE's costs must come
25 first, and then the cost recovery and rate
26 design must come second.

27 ALJ TOY: Okay.

28 Any comments on the schedule?

1 MR. SUNG: Paul Sung for Edison.

2 No, your Honor. Thank you.

3 ALJ TOY: Okay. Thank you. Thank you
4 for the discussion, everyone. I will take
5 this back to discuss with the -- with
6 Commissioner Guzman Aceves' office.

7 Finally, as stated earlier, we have
8 tentatively scheduled public participation
9 hearings for March 30th, 2021. The current
10 plan is to have 2 public participation
11 hearings taking place at 1:30 p.m. and at
12 6:00 p.m. on the same date, March 30th. I
13 may ask the parties to provide short
14 presentations of their position at the
15 beginning of the PPH.

16 Any comments on this starting with
17 Edison?

18 MR. SUNG: Paul Sung for Edison.

19 No comments on this issue, your
20 Honor.

21 ALJ TOY: Thank you.

22 Cal Advocates.

23 MS. FISHER: Emily Fisher with Cal
24 Advocates.

25 No comments. Thank you, your Honor.

26 ALJ TOY: Thank you.

27 TURN.

28 MR. FINKELSTEIN: Bob Finkelstein for

1 TURN.

2 No comments, your Honor.

3 ALJ TOY: Thank you.

4 Catalina Parties.

5 MR. BISHTON: Norris Bishton for
6 Catalina Parties.

7 I only have a question how public
8 participation hearings are going to be done
9 in this day and age of COVID-19? Are we
10 going to do them by remote? By Zoom? By --
11 it is -- currently the Island has gone from
12 41,000 of cases before Thanksgiving to 122-
13 as of this morning. And it's a very small
14 community. And I can't envision, unless, by
15 March, that we're going to be under the
16 circumstances where people can physically
17 get together in one of the -- in the few
18 places that have allowed where people could
19 physically get together.

20 ALJ TOY: Right. No. It will be
21 remote at this time, Mr. Bishton. There will
22 be a call-in number for commenters to call
23 into and a conference line for people to
24 listen in on as well. But it will not be in
25 person. The current plan is for it to be
26 remote.

27 Given that, do you have any other
28 comments?

1 MR. BISHTON: I have no further
2 comments. Thank you.

3 ALJ TOY: Thank you. Okay. I will
4 discuss everything today with Commissioner
5 Guzman Aceves who will then issue a scoping
6 memo for this proceeding. That's it for
7 today. I want to conclude by thanking all of
8 you for your participation.

9 Going off the record for a second.

10 (Off the record.)

11 ALJ TOY: Back on the record.

12 There being nothing further, we are
13 adjourned and off the record.

14 (Whereupon, at the hour of 11:32
15 a.m., the Commission then adjourned.)

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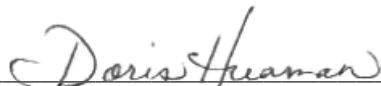
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING

I, DORIS HUAMAN, CERTIFIED SHORTHAND REPORTER
NO. 10538, IN AND FOR THE STATE OF CALIFORNIA, DO
HEREBY CERTIFY THAT THE PAGES OF THIS TRANSCRIPT
PREPARED BY ME COMPRISE A FULL, TRUE, AND CORRECT
TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN
THIS MATTER ON JANUARY 7, 2021.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS JANUARY 12, 2021.


DORIS HUAMAN
CSR NO. 10538

(20-10-018 2:11	9	adjourned 58:13,14
(1) 20:28	2021 2:2,8 24:15 43:13, 15,17,19,21,23 44:4 46:24 47:8,26 56:9	9 43:17,19	adjust 45:10
(a) 13:5 21:18 33:4	26th 43:13	A	adjustment 34:9
(b) 13:9 21:23 33:6	28 20:13		adjustments 13:25
(c) 13:12 22:3 23:14 25:21 33:8	28.9 16:2,5	a.m. 2:2,7,8 58:14	administration 13:7
(d) 13:14 22:8 23:14,16 25:21 33:11	28.969 14:15	acceptable 26:27 35:20	administrative 2:4,14
(e) 13:20 22:13	29 18:28 19:4,10,14 20:13 21:15 24:2 29:23	account 13:17,18 15:2 22:15 34:10	adopt 37:2,4 46:17
1	3	accounts 13:16 37:17	adopted 23:9 39:4 44:19
1 13:2 14:21,26 21:2 33:9 50:13	3 32:28 34:5	accurate 13:11	adoption 39:15
1(d) 14:5,13,27 28:4,20	30 43:24 47:8,18	Aceves 2:16 3:3,9,11 8:2 41:25 43:7 58:5	advance 9:3
1(f) 15:16 17:4	30th 43:15 56:9,12	Aceves' 56:6	advantage 10:25
10:00 2:7	32.5 33:13	achieve 52:17	advice 16:16
10:02 2:2,8	34 43:4	acknowledge 3:16	advisors 8:5
116-W 16:16	3475 7:21	acknowledging 18:10	Advocates 4:16,17,21, 23,26 8:10 9:18,21 17:25 21:1 24:19,26 25:1 26:11 30:23 33:19, 21 34:16,18 35:7,12 44:13,15 45:8 49:22,25 54:5 56:22,24
11:32 58:14	4	action 50:28	Advocates' 10:17 11:21 24:7 28:26
122- 57:12	4 34:7,19,25 35:2	actual 18:5 25:23	affect 45:28
125 37:15	41,000 57:12	add 6:28 10:19 15:5,16 16:5	affordable 33:9
15 44:1 47:23	5	added 6:8,17 15:17,22 17:6 18:3 29:16 52:5	age 57:9
176-3475 43:4	5 52:3 53:17	adding 18:15 20:19	agenda 2:22
1:30 56:11	6	addition 24:7 42:9	agree 7:27 26:16 32:9 43:3 45:24 48:27
2	6:00 56:12	additional 18:16	ahead 12:15 15:25 31:17 32:12 48:26 54:7
2 14:14,28 21:14 30:19 32:19 55:21 56:10	7	Additionally 15:4	ALJ 3:24 4:11,15,22,25 5:1,10,20,24 6:1,5,18 9:17 10:13 11:17 12:7 14:1,19 15:1 16:26 17:24 18:18 19:24 20:25 21:5,9,13 24:25 26:2 27:14,19,21,27 28:21,28 30:16,22 31:12 32:15,27 33:18, 24 34:1,6,15,21,26 35:3 36:5 37:27 38:14,19 39:22 40:15 41:7,21,27 42:18 43:3 44:12,22 45:5,13 46:2,19 47:1
2(a) 14:13 28:4,20	7 2:2	address 12:23 19:22 24:17 25:16 31:8 32:21 38:4,7,8 50:4,9 51:22	
2(c) 22:18 23:1 24:22 26:5	7th 2:8	addressed 15:11,18, 23 16:24 19:21 27:10, 12 35:22 36:18 52:14	
2(d) 22:18,19 23:7 24:23 26:5	8	addresses 32:14 38:16 52:18	
2,000 55:20	8 8:7	addressing 32:2 39:6, 13 40:19 42:23	
2,000-pound 25:14		adequately 17:4 22:9 23:17	
2.6(d) 7:24			
20 33:13			

48:14 49:11,19 50:2,16 52:5,26 53:28 54:21 55:27 56:3,21,26 57:3, 20 58:3,11	26:26 27:4 28:12,17 29:9,27 37:16 43:1 46:16 53:6 54:18	back-and-forth 11:7	broader 31:20
ALJ's 52:16	applied 28:17	balance 17:5 20:23 30:8,14	broadly 46:9
ALJ-176-3475 7:21	apply 10:5 17:13	balancing 34:10	bunch 51:18
all-party 8:14 9:7,10 10:10,19 11:3,13 12:6	approach 23:8 35:19 36:28 37:9 42:17	ban 8:11	burden 23:20 27:5 31:5 37:13
allocation 22:24 24:9	approaches 22:4,10 23:2,24	base 9:5 13:13 54:27	business 3:25 6:6
allowance 41:17	approve 35:21	based 36:18 39:27	businesses 32:1
allowed 57:18	approximately 19:1,4	basically 25:21 31:5	
alternate 33:12	argument 43:27 47:21	basis 52:9	C
alternative 14:9 17:18 19:19 22:3,10,23 23:2, 24,26,27 24:20 25:6,8, 11,17 26:12,18,28 27:2, 6,9 28:6,8,10,14,18,22 29:22 30:3 31:10 32:3, 22,25 36:27 39:9 42:14, 16 46:15,18,27 50:25 53:3,7 54:7,8	Article 8:7	bear 10:24 28:19 29:21 31:5 38:10	Cal 4:17,21,23,26 8:9 9:18,21 10:17 11:21 17:25 21:1 24:6,19,25 25:1 26:11 28:26 30:23 33:19,20 34:16,17 35:7, 12 44:13,15 45:7 49:22, 24 54:5 56:22,23
alternatives 7:26 22:20 23:21 25:17,23 26:1 27:10 32:7 35:26 36:9 37:8,24 41:14 42:10 45:27 46:3,5,13 51:27 53:5,8,10,14,16, 23	aspects 30:28	bears 29:27	California 2:12 4:5 33:12
amount 22:2 25:9 32:23 42:13 51:17	assessment 19:7	begin 29:15 43:20	call 7:14 57:22
amounts 18:5	assigned 2:14,15 12:10 18:24 19:25 52:4, 8,15,20 54:21	beginning 56:15	call-in 57:22
analysis 20:16 25:10, 23 31:3,9	Association 5:19	behalf 4:16 5:1,11,14 6:26 11:27	canned 11:9
analyzed 15:13	assumption 45:15	believes 17:3	capital 13:22
anticipate 36:22	attendance 3:27 4:7, 12,18,26 5:4,12,26	benefit 3:5 7:9 28:25	capture 10:6 17:5 20:24
anticipates 38:3	attention 26:15	big 28:8	CARE 31:28
apologize 48:12	August 43:18,21	biggest 23:15	case 8:1 14:10 15:2 25:15
appearances 3:26	authority 21:18,24 35:21 37:2,3 39:1,8 40:6 48:19,23 50:28 51:2,9,12 53:22 54:19	binding 40:9,10	cases 49:4 57:12
appears 38:27	authorization 17:10	Bishton 5:12,13,14,20, 23,28 6:13,14 11:19,20 13:26,28 14:2,25 15:28 16:12,26 21:11 27:17, 19,20,23,24 28:2,24 32:20 34:3,28 41:10,21 42:1,3,4,19 45:7 52:28 53:28 57:5,21 58:1	Catalina 5:11,15,16,17, 21,26 8:10 11:18 13:3, 16,17,24 15:4,27 18:27 21:10 22:1,6 23:5,8 25:9 26:21,22,24 27:15, 23,24 29:12 31:4,6,25 32:1,8,18 34:2,4,27 35:1,14 37:11 38:12 41:8,11 42:4 45:6 48:28 52:27 53:1 57:4,6
applicant 4:4 6:7 17:8, 12 20:8 32:5	authorize 48:20 50:10 53:23	bit 2:18 14:1 27:21,27 28:1 44:24	categories 18:25
applicants 23:19	authorized 51:19	Bob 10:16 18:22 26:7 31:14 33:26 34:23 36:14 44:27 45:22 48:6 50:20 56:28	categorization 2:23 7:28 8:4
application 2:11 3:17 7:19 12:16,17 14:3,8,12 16:16 17:11 19:2 20:8	automatically 6:8	borne 29:16	categorized 7:22
	Avalon 5:15	breakpoint 33:9	categorizing 7:20
	avenue 17:20	briefing 46:5 51:8	
	aware 16:8,25	briefs 43:24,28 44:1,2 46:12,22,26,28 47:18, 22,23,24	
	B	bring 10:24 24:13	
	B-I-S-H-T-O-N 5:14		
	back 32:17 41:27 49:20 54:9 56:5 58:11		

category 2:20 7:23	Commerce 5:16	confused 53:2	critical 27:7
caught 48:6	Commission 2:6 6:24 7:2 8:21 10:9 11:6,15 16:7,24 21:18,23,27 25:25 28:26 31:23,27 32:13 35:15,24 37:2,22 38:8 39:8,25 40:6,8,12, 26 41:1,3,16 42:6 45:24 46:7,17 47:2 48:19,23 50:10,23 51:2,9,11,14, 15,24 52:13 53:20,24 54:6,14,19 58:14	confusing 14:27	cross-subsidies 35:28
cc'g 12:14		Conservancy 5:17	cross-subsidization 24:2 29:23 36:27 37:8 39:2 54:20
central 26:13,14		consideration 18:12 35:26	cross-subsidy 31:1, 10 35:15 50:10
Chamber 5:15		considered 22:9 23:17	current 17:11 20:9 54:17 56:9 57:25
change 14:11,20 20:16		consistent 44:9 49:5 55:11	customer 19:16
changing 39:26		content 10:7 25:4	customers 14:11 18:28 19:3 21:17,19,21, 26,28 22:6,7,12,21 23:5,6 24:3,11 25:9,24 26:24,25 29:17,20,25 31:4,26,28 32:8 36:11, 13 37:12,13 38:10,13 41:13 54:4
chaos 51:18	Commission's 8:8 9:4 35:20 39:1 49:4 50:27	contention 17:22	cutoff 20:7
charge 21:19,24,28 22:20	commissioner 2:15, 17 3:2,9,11,24 8:2 12:10 15:15 18:24 19:25 41:25 42:20 43:7 47:1 52:5,8,15,21 54:21 56:6 58:4	coordinate 9:12	
charging 54:4	Commissioner's 42:26	coordinating 10:1	D
circumstances 8:27 10:1 37:4 51:3,16 52:25 57:16	Commissioners 8:5 11:3,28	correct 4:20 36:13,16 38:1 45:18,20,21	dangerous 23:19
cite 52:12	communicate 6:26 12:12	correctly 36:7	data 36:22
City 5:15	communicating 11:28	corroborating 20:19	date 56:12
clarify 13:26 23:26	communications 8:4, 12 9:7 10:18,24 11:12 12:2,5,13	cost 17:13 18:3 19:11, 13,20 23:8,24 26:12 29:24,28 30:12 34:10 36:10,27 37:11 38:1,5,7 39:3 40:7,27 45:16,26 46:2,12,22,26 48:20 49:2 51:19 53:15 54:17, 26 55:7,9,15,16,25	dates 44:8 45:10 46:1
clarity 54:1	community 57:14	cost/rate 35:10	day 20:6 43:27 47:19,21 57:9
Class 10:21,26	company 2:12 4:5 5:16 20:4 27:25	costs 13:14 14:4,9,15, 23 15:6,7,8,10,12,16,21 16:14,21 17:6,9,10,15, 21 18:6,26 19:19 20:5, 9,12 21:16,20,25 22:5, 11 23:4,9,28 24:3 25:24 26:23 28:5,13,19 29:8, 10,11,12,15,18 30:3 31:6,25,28 32:8 36:12 37:14 38:11 41:12 48:28 51:19 55:7,18,24	days 43:25 44:1 47:18, 23
clear 9:2 16:14 18:8 20:25 25:25 26:15 35:15 51:24	compared 10:26 41:18	counsel 4:10 31:18	deadline 43:26 47:20
clerical 6:19	compares 22:27	couple 30:28 42:12	dealing 10:22 19:17
coincidentally 19:4	complete 6:23	court 3:6 7:9	deals 14:14
combination 9:8	completely 15:5	Cove 5:18	decide 51:15 52:21
comment 30:25 48:11 49:8 52:1,27 54:10	concern 16:1 25:2,27	cover 31:21	decided 2:28 51:11
commenters 57:22	concerned 9:26	COVID-19 15:7 57:9	decision 8:13 9:5 11:15 37:23 39:25 40:19,26 45:9 47:2,6 52:6,10,22 53:16,26 54:2
comments 2:17 3:10, 20 8:16 9:18 10:14 11:18 12:9,26 15:26 16:27 17:25 18:19 19:26 20:27 21:1,3,11 23:10 24:12,25 26:3 27:15,18 28:22 29:1 30:17 31:13 32:18,26 33:15,17,19,22,28 34:5, 12,14,16,19,25 35:2 36:7 38:21,23 41:8 42:1 44:5,11,25 45:4,12 47:27 48:7,16 49:6,22, 26,28 50:17 55:28 56:16,19,25 57:2,28 58:2	conclude 58:7	create 31:3	decisions 41:17 42:7 44:19
	conclusion 37:28	creates 23:18 51:17	decommissioning 15:8 19:8
	conference 2:10,20 3:27 7:8,16 12:19 26:9 44:4 46:11 47:26 57:23		
	confuse 28:14		

default 8:24 29:13	discretionary 16:18	44:5,6,26 45:17 46:6	error 6:19
deferred 22:14	discuss 2:20,23,26	47:27 48:1 49:16 51:26	escalation 33:2
deficiencies 9:11	12:9 15:14 19:24 42:20	53:6,13 54:9,11,16,25	essential 37:5 49:1
deliberated 8:24	56:5 58:4	56:1,17,18	essentially 9:25
deliberating 3:19	discussed 46:13	Edison's 12:17 13:9,	established 8:22,24
delve 30:6	discussing 23:23	12,14 21:15 22:21	9:16 13:21 22:8
depart 8:22 9:15	discussion 20:21	24:14 26:26 27:4 31:27	estimate 19:6
departure 8:28	28:22 29:2 31:17 38:24	36:9,12 37:8 43:11	estimated 16:2
depending 40:25 45:8	41:9 45:16 50:18 56:4	46:15 50:25 51:10	evaluate 55:19
46:24	discussions 43:20	edited 23:2,7	evaluating 28:8
depends 40:24	47:14	edits 23:14	evaluation 49:1
describe 52:3	divided 50:4	effective 11:5,14 32:6	everyone's 3:20
describing 26:17	Division 44:3 47:25	efficient 11:4	evidence 53:25
description 51:5	documents 7:3 36:20	elaborate 35:8	evidentiary 36:19
design 22:25 24:10	dollar 19:5,10 20:14	electric 10:23 19:3,16	42:28 43:2,6,22,25
33:7 55:26	24:2 29:24	12,21 23:6 24:3,11	47:16,19
design/cost 35:9	dollars 14:15 16:3	25:24 29:24 31:4,26,27	ex-parte 8:4,11,22,23
designate 6:25	18:28 19:15 21:16	36:10,13 37:18 38:10,	9:6,22 10:2,10,18,24,27
determination 36:11	55:15,17	11 54:4 55:12	11:12 12:5
48:27 50:24 52:7	doubt 24:13	electrical 14:10 41:13	ex-post 9:4
determinations 3:1	drought-related 13:15	42:11 53:4,11	exact 55:12
determine 32:22,24	due 43:28 44:1 46:28	electronic 7:2	examples 52:12
53:22 54:15,24 55:9	47:11,12,13,17,18,22,	electronically 7:4	excluded 17:23
determined 28:7 36:1	23,24	elements 3:15	exist 18:11 23:21
43:5 47:3 55:8	<hr/>	email 7:17 12:14	existing 9:1,2
determines 31:24	E	Emily 4:18,20 9:20	expect 22:26
determining 48:28	earlier 27:12,18 28:4,	17:28 24:28 33:20	expedited 7:15
develop 6:6 51:23	11,20 35:13 37:10,20	34:17 35:12 44:15	expenditures 13:22
difference 28:8 39:1	39:14,17 41:14,15 42:9,	49:24 56:23	expenses 13:7
difficult 29:20 30:9	24 51:27 56:7	employee 12:3	experience 11:2 52:13
55:16	early 46:23 50:24 51:11	encourages 7:2	experienced 11:27
difficulty 48:3	easier 14:20	end 25:22 37:7 38:23	48:2
direct 41:2	echo 50:22	ended 48:17	explained 37:12
direction 41:3	Edison 2:12 4:5,6,10,	ending 35:23	extent 11:11
directive 31:20	12 7:19 8:17,19 10:22	energy 33:12	extenuating 8:27
disconnect 48:3	11:28 12:3,19,22 13:20	enhance 10:3	extremely 26:11 29:19
Discoveries 5:18	14:3 15:6,9 16:9,27	entire 12:14 53:20,24	
discovery 36:21	17:2,3 19:1,15,28 20:2	entirety 20:28 37:10	
discretion 17:13	21:27 22:17,21 23:10,	enumerated 14:5	
	12 24:19 25:3,22 27:4	environmental 16:20	
	28:18 29:1,4 30:19,21,	envision 38:15 57:14	
	26 31:19,25 32:4 33:15,		
	16 34:12,13 36:20,28		
	37:9,12,18 38:5,20,23,		
	26 40:3,17,20,21 43:12		
			<hr/>
			F
			<hr/>
			F-I-S-H-E-R 4:20

fact 20:20 39:27	foresee 24:21 46:3	58:5	
fair 51:17	foresees 23:16		I
fairly 15:13 18:8	form 35:19	H	
fast 28:1	formal 52:10,22	half 48:5	I-N-K-E-L-S-T-E-I-N 5:7
feasible 35:27 40:20 42:16 53:11	forward 3:14,19 27:1,5 36:3 38:6 50:26 51:10 54:16,26	Hamilton 5:18	identical 19:13
February 24:15 43:13 46:23	frame 24:15	happen 19:9	identify 16:13
feel 12:4	framework 8:25	happened 20:11	illustrate 51:6
figure 19:5 20:14 37:15	Frank 5:6	hard 27:22	impact 25:10 26:25
file 6:19 23:25 25:5 40:17 54:2	frankly 20:5 27:2	hear 11:6 27:22	importance 25:12
filed 2:11 6:7 12:18,22 16:15 24:17 43:12,16, 18 55:1,2	front 37:24 51:22	heard 52:2	important 18:23 26:12 29:5 32:10 48:17 51:21
filing 22:22 24:4,16	Frontier 27:25	hearing 3:14 6:22 43:1, 2,6,25 47:7,19	inaudible 14:15 50:27
final 3:1 20:3 37:23 42:25 52:10 53:26	full 4:1 10:6 18:12 25:8 28:24 30:1 39:25 40:8, 12 42:6 54:14	hearings 2:26 43:14,22 47:16 56:9,11 57:8	inclined 15:24
Finally 12:11 56:7	fully 10:6 16:7,23 29:19 39:20	helpful 18:4	include 17:16 24:9 43:8
Fine 26:19	future 15:7 20:12	high 29:13,19	includes 7:5 51:1
Finkelstein 5:3,5,6,10 10:15,16 18:21,22 21:7 26:6,7 31:14,15 33:26 34:23 36:14,15 38:2,18 44:27 45:21,22 46:8 48:6 50:20 56:28	G	highlight 32:4	including 15:7 17:8
Fisher 4:18,19,20,24 9:19,20 10:20 17:27,28 21:3 24:27 25:1 26:10 30:24 32:9 33:20 34:17 35:11,12 44:14,15 49:24 50:3,22 56:23	gaps 31:2	highlights 31:19	inclusion 44:20
five-year 22:15	Garrett 2:13	historical 13:22	incomplete 48:25
flesh 36:26	gather 9:13	hold 40:1 41:22	increase 33:13
focus 46:14	general 13:7 49:4	holding 31:22	increases 3:18
focused 26:15 36:8 53:6	generally 10:10 36:16	Homeowners 5:18	increment 19:11
focuses 45:26	generating 36:8	Honor 4:8,19,24 5:5,13 8:18 9:19 10:16 15:28 17:1,15,20,28 18:2,16, 22 20:1,11,15 21:4,8,12 23:11 24:27 26:7 29:4, 6,26 30:11,21,24 31:14 33:17,23 34:14,20 35:11 36:14 38:2,25,27 39:5,19 40:2,22 44:7,8, 14 45:11,22 46:8 47:28 48:8,13 49:18 51:7 54:12,23 55:4,13,22,23 56:2,20,25 57:2	incremental 34:10
folding 45:28	give 4:2 8:15 38:20 49:19	Honor's 20:22 23:13	incur 15:6
follow 6:27	Good 2:7 4:8,19	hope 36:24	incurred 20:6
follow-on 46:1	gorilla 25:15	hour 58:14	individual 8:11 9:7,22 10:2,5
forecast 13:6,13 33:5	GRC 3:16 11:25 16:24 25:26 35:14,25 36:2	huge 10:25 37:13	information 6:28 7:6 16:15
foresaw 43:2	GRCS 55:12	hundred 55:17,20	initial 19:5 36:8,25 37:27 45:18,25 46:4 47:5
	Great 5:24		instance 55:14
	greatly 10:3		intend 25:5
	grounds 50:27		intended 25:26
	Guided 5:17		interest 10:8
	Guzman 2:16 3:2,9,11 8:2 41:25 43:7 56:6		interrupt 3:6 7:10
			interruption 16:11 40:14 41:20

intervenor 43:16 47:9, 13,15 54:28	<hr/> K <hr/>	35:15 42:25 44:20 50:1 53:17	mind 18:24 30:1 48:18
invite 3:8	keeping 26:5	maintains 8:20	minute 48:5 49:19
inviting 2:16	key 52:19	maintenance 13:6	minutes 48:5
island 5:15,16,17 19:9 22:6 23:5,8 26:22 29:12 32:2 38:13 57:11	kind 8:28 20:19 29:6 42:17 48:26 53:18	make 2:17 3:9 13:25 14:3 17:17 38:21 39:10 51:24 52:8 54:21,23	missed 48:4,12 49:9
Island's 22:1	<hr/> L <hr/>	makers 8:13	money 41:17
isolated 25:27	lack 37:2	makes 28:7 42:7	Monterey-style 34:9
issue 8:17 9:28 14:20 15:2,14,16,25 16:28 17:4,26 18:16,20 20:3, 22 22:27 23:1,6,16 24:18,21 25:13 26:13, 14 27:8 30:4,9,18 32:14,16,21 33:28 35:18,21,28 36:17 39:28 42:24 46:23 47:2 49:7 50:5 53:8 56:19 58:5	laid 12:21	making 41:16 42:1 53:25	monumental 41:18
issued 3:2 39:26 47:6	largely 36:25	manner 3:21	morning 2:7 4:8,19 36:23 57:13
issues 2:25 7:13 12:16, 21,26 18:5 19:12,13,20, 27 20:26,27 22:19 25:20,21 27:16 28:25 31:9 36:2,26 38:17 40:19 41:2,15 42:7,10 44:21 47:5 52:14,19	late 46:23 51:13	March 43:15 46:24 47:8 56:9,12 57:15	motions 3:28
item 14:13,18 52:3	law 2:4,14	Martha 2:16	move 12:15 54:16,25
items 14:25,26 16:17, 18	leaning 42:22	material 26:8	moved 14:27
<hr/> J <hr/>	left 6:16 41:28	matter 4:23 5:8,22 12:9 19:25 43:5 54:3	moving 4:15 5:1 6:5 12:24 21:14 32:28 34:7 35:4 36:6 42:27 43:9
January 2:2,8	legal 39:7,13,28 40:5 42:24 48:18 50:6	matters 12:13	<hr/> N <hr/>
joint 9:24 11:24,26 14:7,12 44:10	legality 36:12 54:3	maximize 51:22,25	narrow 39:7,13,28 40:5 48:18 51:4 54:18
judge 2:4,14 3:12,22 6:13 42:15	letter 16:16	meaning 8:12	narrower 38:9 50:5
July 43:16	limit 12:12 51:7	meaningful 25:28 26:18 31:9 32:6 51:19	necessarily 38:7
jumping 31:17 32:12	limited 8:13 45:16 46:22 47:2 51:8 54:2	meaningfully 27:1	necessitate 39:15
justification 31:1	limits 46:12,26	mechanism 22:16 34:9 51:20	Network 5:2
justified 13:11	lines 27:26	meeting 9:13	nexus 21:20 31:4
	list 2:23 6:6,9,15,16,17, 23,26 7:1,4 12:15	meetings 8:14 9:10,22, 27 10:1,3,5,7,11,19 11:4,13	Norris 5:13 6:13 11:19 27:20,23 34:3,28 41:10 42:3 52:28 57:5
	listed 7:5 52:3	memo 3:2 43:8 46:24 58:6	note 8:9 20:3 22:18 39:22 40:15
	listen 57:24	memorandum 13:15, 17,18 37:17	noted 6:21 17:15
	load 32:7	mention 22:19	notice 10:4
	logic 49:3 55:10,22	mentioned 28:3 35:13 53:7	notices 9:4
	logical 55:6	merit 18:9	number 16:4 19:8 20:10,17,18 41:2,18 57:22
	logistics 9:11,26	mid-september 43:23	numbered 12:20,27
	long 25:21 32:20	million 14:15 16:2,5 18:28 19:5,10,15 20:13 21:16 24:2 29:24 55:15, 17,20,21	<hr/> O <hr/>
	longer 14:21		object 23:15 41:5 48:21 52:23
	Lost 13:18		
	<hr/> M <hr/>		
	made 3:1 11:15 25:25		

objected 7:23	28:15 48:22 50:13	phasing 2:25 31:17 32:14,16 35:5 42:2,23 44:20 45:9 54:13 55:23	pre- 10:5
objections 7:25	participate 6:3		precedent 23:19 40:9
obvious 44:16	participating 4:13,27 5:27	PHC 12:21,24 13:1,27 22:22 23:23 24:14 26:4 39:20,23 49:14	prehearing 2:10,19 7:7 12:18 26:9 46:11
occurrence 25:27 35:16	participation 43:14 47:7 56:8,10 57:8 58:8	physically 57:16,19	preliminarily 7:21 15:9 22:28 41:5 43:4
October 44:4 47:26	parties 3:26 5:11,21,26 6:27 7:12,13 8:11,15,25 9:12 10:8 11:7,18,25 12:18,25 13:24 15:4,26, 27 19:22 21:10 24:12 27:15,24 28:25 29:6 30:18 32:18 34:2,4,27 35:1,6 41:8,11 42:4 44:10 45:2,6 46:5 48:28 52:27 53:1 56:13 57:4,6	piecemeal 42:8,17 53:19	preliminary 20:13,18 52:14
office 4:16 56:6		pike 16:22	premature 48:25
offices 11:3		pipeline 15:8	premised 26:27
one-time 35:16		pipelines 19:8	present 19:11 25:6,7, 22,28 29:9 41:26 51:26
ongoing 20:5		place 2:9 28:12 35:9 43:15,21,22,24 44:4 46:27 47:8,10,15,16,26 50:19 56:11	presentation 11:9 28:24
open 17:19 23:23 30:2 39:6,16 48:21 49:17	party 3:28 6:11,12,20, 25 7:23 11:10,11 12:11	places 57:18	presentations 56:14
opening 2:17 3:10 43:24,27 44:2 46:11,22, 28 47:18,21,24	pass 32:25	plan 56:10 57:25	presented 19:28 45:17
operate 29:11	passed 28:10	planning 23:25	pretty 3:17 15:21 35:17 49:13
operating 8:26	passing 36:12 41:12	plans 6:2 24:20	preview 27:11
operation 13:6 20:6	pattern 55:11	plant 13:10	previous 11:25 35:14, 25
operations 29:12	Paul 4:9 8:18 17:1 20:1 23:11 29:4 30:21 33:16 34:13 38:25 40:2,21 44:6 48:1 49:16 54:11 56:1,18	point 11:1 17:15 20:7 55:5	prior 49:3
opportunities 7:12	people 11:27 57:16,18, 23	pointed 28:11	probing 11:8
opportunity 8:16 11:6 48:11 49:8 51:23,26	percent 33:13 37:15	points 28:18 52:11	procedural 12:13
oppose 42:16 53:18	period 16:4	policy 50:11	Procedure 8:8
opposed 14:24	permit 39:9	portion 23:18 45:19 48:8	proceed 40:11
option 19:22 26:1	permitted 8:6 39:3 40:28	position 8:20 9:9,14 11:22 17:7 28:27 30:10 35:24 40:4 41:15 56:14	proceeding 2:1,15,21, 24,27 6:11,28 7:20,22 9:23 10:9 15:12,19,24 16:8,9 17:7,23 18:11,15 19:14 20:21,24 25:14 26:14 27:13 35:5 37:7 39:12,14,16,17,18,24 40:10 42:2,27 45:3,19 48:26 50:3,8 51:13,28 52:14,18,19 54:14,24 55:3 58:6
options 29:23 30:6	person 57:25	positions 11:8	proceedings 17:18
oral 43:26 47:20	perspective 18:27	post-notices 10:6	processing 52:17
order 2:6 3:25 6:5 40:6 54:20	phase 36:8,26 37:6,27 38:4,16 45:3,26 46:4 50:13 51:5,7	postpone 51:12	prohibited 9:23
ordering 55:6	phased 39:12,15,18,24 45:18 50:8 54:13,24 55:3	potential 2:25 17:6 23:21 35:4 36:9 51:18	prohibiting 10:2
other's 11:8	phased-in 22:15	potentially 17:19 20:23 32:6 54:3,5	project 19:18
outdated 20:14	phases 50:4	PPH 56:15	projects 19:6
<hr/>			
P			
<hr/>			
P-A-U-L 4:9		practical 18:14	
p.m. 56:11,12		practice 6:24 8:8 49:5	
paper-based 36:25			
paragraph 34:5			
part 6:19 14:5,16,17			

promote 11:14 33:9	put 27:1 38:5	receive 21:26	remediations 16:20
promptly 24:5	puts 10:25	recognize 29:18	remember 37:16
proof 23:20	putting 27:5 55:19	recognized 50:7	remind 7:8
proper 14:17		recommend 43:6	reminder 3:4
properly 55:18	Q	recommending 8:1	remote 57:10,21,26
proposal 21:15 22:20, 24 23:26,27 24:9 25:6, 11 29:13,26,28 30:12, 27 37:9 38:1,5,8 39:3 40:7,27 45:17,27 48:20 49:2 51:10,25 54:17,26 55:10	question 38:9,22 39:7, 14,17 40:5 48:18,22 50:5,6,12 51:8 52:2 54:15,18,25 55:16 57:7	record 2:5 9:6 36:8,19 41:23,24,27 42:6 48:24 51:20,23,27 52:23 54:27 58:9,10,11,13	repeat 15:20 37:25
proposals 22:26,28 25:23 30:3	questions 35:6 39:5	recorded 13:15	reply 39:21 44:1 46:26 47:23
propose 3:17 24:20	quick 15:21	recover 13:23 14:4 17:10,21 20:9 21:15 22:10 26:20,21 29:8 37:10,18	reporter 3:6 7:10 16:11 40:14 41:20
proposed 7:19,23,25 12:23,26,28 13:10,27 17:4 18:1,17 19:1,15 20:22 22:13 23:3,13 24:7,22 25:19 33:1,7,8, 11 34:8 36:7,10,28 39:11 43:10 44:8,17,23, 25 45:1,14 46:15,20 49:12,23,26 50:17 52:4, 6,9 54:1,5	quoted 14:7	recovered 16:5	reporting 8:6 12:1
proposes 22:17 40:17	R	recovering 22:4 23:3 25:8	reporting@cpuc.ca.gov 7:17
proposing 45:24 46:6	raised 19:7 26:4 41:14 42:10 53:9	recovery 14:23 15:9 17:13,17 19:11,13,20 22:15 23:8,24 25:7,12, 18 26:1,13 29:28 30:12 35:9,19 36:10,28 38:1, 5,7 39:3 40:7,27 45:17, 26 46:2,12,23,27 48:20 49:2 51:20 53:15 54:17, 26 55:9,25	represent 29:9
protest 6:20 11:23 12:17 23:22	range 27:9	refer 4:6,17 5:3	representative 6:25
protests 6:7 9:24 43:1 53:9	rate 3:18 13:13 15:17, 22 22:24 24:10 25:7,11, 18 33:7 35:8 49:4 55:25	referring 20:28	represented 11:24
provide 7:11 8:16 9:2 31:9 48:9 49:6 56:13	ratepayers 16:6 41:19 42:11 53:4,11 55:21	reflect 44:19	representing 4:23 5:7, 21
provided 30:26	rates 33:1,9,12 37:14, 19 38:11	Reform 5:2	represents 45:27
providing 21:21 38:12 48:7	ratesetting 7:20,22,28 8:3 16:3	regular 36:2	request 6:16 7:13 9:21 10:18 14:4,6 36:22 40:7 43:26 47:20
public 4:16 43:14 47:7 56:8,10 57:7	Rationing 13:16	reiterate 26:8 45:7	requested 13:2 14:23 24:4
published 46:25	reach 42:13	reiterated 11:22	requests 36:21
purpose 2:19	reality 29:10	reiterates 9:21	require 10:10 38:9 43:5
pursuant 8:7	reason 31:7 55:11,13	rejoin 48:4	required 7:24 9:3 25:28 30:5 40:9 52:11, 24 54:15
pursued 22:9	reasonable 13:4,8,11, 13,19 14:24 22:16 25:16,17 27:5,8,9 29:22,25 30:7,13 32:23, 24 33:3,5,7,10,14 34:11 42:13 49:2	related 19:27	requirement 9:5 13:3 14:6,22,24,26 15:18,23 22:14 24:1 28:16 30:4
push 32:5	reasonableness 13:21 18:13 19:18 28:5 35:10 36:2 55:7,19,24	relating 30:18	requirements 8:7,23 10:4
pushed 26:4	reasons 9:23	reluctant 35:17	requires 7:3 25:22
	rebuttal 43:18 47:12,17 55:1	rely 24:10	requiring 9:9
		remain 15:3	reserve 41:4
		remainder 2:27	reset 29:7
		remains 9:6	residents 32:1
			Resolution 7:21 43:3
			resolve 3:21

resources 10:23	schedule 2:21,27 40:16 42:28 44:10,18, 23,26 45:1,14,23 46:20 49:12,23,27 50:18 52:4 53:18 54:10 55:28	shorter 52:1	stage 48:25
respect 21:15		significance 25:13	start 29:15 54:12
respond 48:8 49:27		significant 18:9 29:19 50:11	starting 8:17 15:27 19:28 23:10 30:19 33:15 34:12 43:11 44:5 47:27 56:16
responding 30:25	scheduled 56:8	similar 19:12,21 35:24	state 23:7 40:26,27
response 4:14,28 6:4 24:24 36:22	schedules 43:10	simply 14:8,20 50:5	stated 9:24 13:24 22:21 23:22 39:23 41:15 45:10 56:7
responses 6:8	scheduling 43:9 44:17	single 11:9 45:2 53:3	statement 9:25 11:24, 27 12:22,24 13:1,27 14:7,13 22:22 23:23 24:14 26:4,10 39:20,23, 27 46:11 49:14
rest 14:25	scope 2:20,24 12:16 14:17 17:7,22 18:3,14, 16 22:27 24:7 32:11 44:21 50:13	sir 27:17	
restrict 10:18		situation 53:21,24	
restrictions 8:6 10:27	scoped 24:22	size 16:1	
result 25:22	scoping 3:2 17:4 20:22 30:4 42:10 43:7 46:24 58:5	slightly 23:1	
revenue 13:3,18 14:6, 22,24,26 15:17,22 18:13 22:14,24 23:28 24:9 28:15 34:8 36:3	section 13:9,12,14,20, 25 14:21 15:5 21:14,23 22:3,8,13 26:5 30:18 32:19,28 33:22 34:7,19, 25 35:2	slower 27:28	
review 19:18 42:26		slowly 3:5 7:8	statements 12:19
revised 25:20	Sections 22:18	small 57:13	states 14:22
risk 35:23 51:4	seek 17:17	smoother 52:17	stating 42:5 44:16
road 35:23	seeking 14:9 15:9 17:9, 21 29:8 37:18	sole 14:6	status 3:28 7:16
Robert 5:6	seeks 13:23 53:13	solely 14:14 28:18 46:18	stipulated 36:19
room 11:10	sense 17:17 25:10 39:10 54:22,23	sort 22:27 42:22	strike 17:5
Rule 7:24	separate 18:25 19:4 39:5,13	sought 28:5,13	strikes 30:8,14
rules 8:8 9:1,2,16	separately 12:21	sounded 35:17 46:14	striketrough 22:17
ruling 40:19,24,25 47:1,6 52:5,15,16 54:21	serve 30:7 38:4 47:4	sounds 18:6,7	strongly 12:4 53:18
	served 7:3 12:19 36:23 50:24	source 26:23 28:7,10, 14 32:25 42:14,16	subject 20:15 48:10
	service 2:23 6:6,9,15, 16,17,23,26 7:1,2 12:14 14:10 21:22,25,27 22:1 38:12	sources 22:5,11 23:4 28:9,19	submit 40:8
	set 12:20,25,27 36:23 39:19	Southern 2:11 4:4	submits 9:1 20:8 55:6
	Settlement 43:20 47:14	speak 3:5,7 4:2 7:8,10, 12,14 27:21,27	submitted 36:20 44:10
	severe 3:18	speaking 4:3	subparagraph 14:5
	short 56:13	special 8:27	subsection 13:5 20:28 21:2,17 23:14,16 33:4, 6,8
		specific 19:17 38:22 39:6 52:12	subsidize 19:16
		specifically 16:13	subsidized 19:2
		speculative 15:13 16:21 17:16 18:8 20:12	subsidizing 31:28
		spell 4:1	subsidy 24:10 31:24
		spelled 5:6	substantial 18:26
		staff 12:1	sufficient 19:6 21:20 30:27 41:1
			sufficiently 19:20
			suggested 18:2 28:20

suggesting 38:28	testing 11:7	transferring 25:24	
Sung 4:6,8,9 8:18,19 9:17 17:1,2 20:1,2 23:11,12 29:3,4 30:20, 21,26 33:16 34:13 38:25,26 40:2,3,21 44:6 47:28 48:1,15 49:16,28 50:6 54:11 56:1,18	thanking 58:7	transition 34:8	V
supplemental 22:23 23:25 24:8,16 25:4,15 26:17 30:5 31:7,21,22 40:18 42:14 43:11 47:5, 10 53:15	Thanksgiving 57:12	transparency 9:3 10:3	versus 39:3
support 8:11 10:17 11:14,21,23 18:15 28:26 29:28 30:26	things 30:14	true 54:13	viable 32:3 37:21,23,26 38:6
supported 30:11	thinking 29:7	turn 5:3,8,9 8:10 10:14, 16 18:19,22 21:6 26:3,7 31:13,15 33:25,27 34:22,24 36:6,15 38:2,3 40:16 44:25,28 45:3,14, 18,20,22 49:12,23 50:7, 17,21 52:4,22 54:6 56:27 57:1	view 27:6 32:4 37:1
supports 53:13	thought 28:4	TURN's 11:1 32:4 36:21 37:1 40:16 44:23 48:16	virtual 9:27
system 19:7	tie 31:3		vote 40:8,12 54:14
T	Tier 33:9	U	voted 39:25
tackling 39:16	time 2:9 3:8 4:2,3 9:12, 26 15:11,14,25 16:4 17:14 21:4,7,12 24:14, 15 30:20 37:22 42:24 57:21	ultimate 54:25	W
tactic 27:3	timely 3:21	Turning 4:4	wanted 29:18 52:23
taking 3:28 15:11 18:11 43:21 56:11	times 42:12	type 39:9 51:1	warrant 8:28
talked 42:21	title 14:21	typical 10:21,26	warranted 40:13
talking 53:3,5	today 2:22,28 4:13,26 5:27 6:3 42:21 58:4,7		water 10:21,26 13:3,16, 17,22 18:27 21:16,24, 26 22:1,4,6,10,12 23:3, 5,9 26:21,22,24 29:11, 17 31:5,6,25 32:8 33:5 34:8 37:11 38:12 44:3 47:25
technical 44:3 47:25 48:3	today's 7:16	ultimately 53:21	ways 10:20
teed 19:14	told 12:3	uncomfortable 20:18	weeks 40:17,25,28 41:6 46:28 47:6,10,13, 15,17
Telephone 27:25	topic 27:11	understand 26:20 36:6	wishing 6:10,27 12:11
telephonic 2:1,10 7:7	total 14:11 55:14,16	understanding 18:4 25:3 48:10	wording 18:1
tentatively 15:15 17:3 56:8	totality 29:9	unduly 51:4	words 28:13
term 16:19	totally 53:2	unfortunate 29:10	work 9:10 51:25
terms 39:11 44:20	touched 26:11	unilateral 12:2	worst 27:26
test 33:1	Toy 2:4,13 3:12,23,24 4:11,15,22,25 5:1,10, 20,24 6:1,5,13,18 9:17 10:13 11:17 12:7 14:1, 19 15:1 16:26 17:24 18:18 19:24 20:25 21:5, 9,13 24:25 26:2 27:14, 19,21,27 28:21,28 30:16,22 31:12 32:15, 27 33:18,24 34:1,6,15, 21,26 35:3 36:5 37:27 38:14,19 39:22 40:15 41:7,21,27 42:18 44:12, 22 45:5,13 46:2,19 48:14 49:11,19 50:2,16 52:26 53:28 55:27 56:3, 21,26 57:3,20 58:3,11	unmute 24:28	written 46:10
testimony 22:23 23:25 24:8,16 25:5,16 26:18, 26 30:5 31:8,22,23 37:16 40:18 43:12,16, 18 46:16 47:5,9,11,12, 13,15,17 53:13,15 54:28 55:1	tracking 22:14	unnecessarily 30:9	Y
	transcript 7:16	unwarranted 30:9	year 33:2
		upcoming 27:11 31:18	years 11:26 16:4 33:2
		utility 5:2 10:22,23,26 18:27 20:4 21:16,17,19, 22,25,28 22:5,6,7,11,12 23:4,5,6,9 26:23,24 31:20,25,26 37:11 38:10,11,12	Z
			Zoom 57:10