

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



**FILED**

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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, 2020. (U 39 M)

A.18-12-009  
(Filed December 13, 2018)

**OPENING COMMENTS OF THE UTILITY REFORM NETWORK  
ON THE PROPOSED DECISION**



Thomas J. Long, Legal Director

The Utility Reform Network  
785 Market Street, Suite 1400  
San Francisco, CA 94103  
(415) 929-8876 (office)  
[TLong@turn.org](mailto:TLong@turn.org)

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## **SUBJECT INDEX OF RECOMMENDED CHANGES**

TURN recommends that the Proposed Decision (PD) be clarified to state that TURN will not be prejudiced by the Commission's election to defer a decision on TURN's request to the 2023 General Rate Case (GRC) proceeding and that, in its disposition on the merits of TURN's upcoming motion in that proceeding, TURN's efforts to gain an earlier resolution of its request will be recognized.

## **I. INTRODUCTION AND SUMMARY OF COMMENTS**

Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, The Utility Reform Network (TURN) submits these opening comments on the Proposed Decision (PD) of Administrative Law Judges Lirag and Lau. The PD would deny without prejudice TURN's petition for modification (PFM) of D.20-12-005 seeking to require PG&E's Test Year 2023 General Rate Case (GRC) submission to include a showing of the choices it would make to achieve growth in authorized expenditures that does not exceed the rate of inflation. The PD invites TURN to raise its proposal again in PG&E's next GRC, which is due to be filed today, June 30, 2021.

The PD appropriately does not find any legal bar to addressing TURN's request through the PFM. TURN is therefore disappointed that the Commission has not taken the opportunity presented by TURN's PFM to improve the record for the upcoming GRC by requiring PG&E to show how it would limit its growth in spending by the increase in its customers' purchasing power. As TURN explained in its PFM, its request responds to the Commission Staff White Paper supporting the February 24, 2021 Rates En Banc. The White Paper pointed out that, absent "prudent management" of utility revenue requirements, overall energy bills are at risk of "outpac[ing] inflation, making energy bills "less affordable over time."<sup>1</sup> The showing TURN seeks would provide the Commission information that has heretofore not been included in a GRC, and that would enhance the Commission's ability to strike the "delicate balance" in PG&E's 2023 GRC necessary to "avoid unintended consequences."<sup>2</sup>

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<sup>1</sup> *Utility Costs and Affordability of the Grid of the Future, An Evaluation of Electric Costs, Rates, and Equity Issues Pursuant to P.U. Code Section 913.1* ("White Paper"), CPUC Staff, Feb. 2021, pp. 5-6.

<sup>2</sup> White Paper, p. 3.

However, as the PD would allow, TURN intends to re-submit its request in PG&E's 2023 GRC proceeding. As discussed below, the PD should be revised to clarify that the deferral of a decision on the substance of TURN's request here will not prejudice TURN's efforts to have PG&E make a timely presentation of the choices it would make under an inflation constraint in the 2023 GRC proceeding.

## **II. THE COMMISSION SHOULD MAKE CLEAR THAT TURN WILL NOT BE PREJUDICED BY THE DEFERRAL OF A DECISION ON TURN'S REQUEST**

The PD finds that it would be more appropriate for TURN to raise the "same issue" it presented in its PFM in PG&E's 2023 GRC proceeding.<sup>3</sup> TURN intends to do just that, by filing a motion early in PG&E's 2023 GRC proceeding to request the same relief -- a requirement that PG&E present a non-binding inflation-constrained proposal that would show how the utility would limit growth in GRC expenditures by the rate of inflation, starting with the 2023 test year.

TURN notes that it submitted its request in March 2021 -- in the form of the PFM and as a motion in A.20-06-012<sup>4</sup> -- to maximize the time that PG&E would have to comply with TURN's proposal in order to provide information that would inform the 2023 GRC decision-making record. If approved, the PD would effectively postpone the date of a potential ruling directing PG&E to supply this information. It would be patently unfair to allow this postponement to justify a future determination in the GRC that TURN's (upcoming) motion should have been submitted sooner and was presented too late to inform the GRC record as to

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<sup>3</sup> PD, p. 5.

<sup>4</sup> TURN's motion was denied by a June 14, 2021 ruling indicating that A.20-06-012 was not the appropriate proceeding to raise TURN's request.

the 2023 test year. Accordingly, TURN requests that the PD be clarified to state that TURN will not be prejudiced by the Commission's election to defer a decision on TURN's request to the GRC proceeding and that the Commission will recognize TURN efforts via the PFM and its motion in A.20-06-012 to gain an earlier resolution of the issue. Specifically, Conclusion of Law 3 should be modified as follows:

Conclusion of Law 3: The PFM should be denied without prejudice. In particular, the Commission's election to defer a decision on TURN's request to the GRC proceeding will not prejudice the determination of the merits of TURN's proposal as it applies to any portion of the test year 2023 GRC proceeding. Furthermore, the Commission's resolution of TURN's request will recognize that TURN attempted to gain an earlier resolution of the issue both here and in its motion in A.20-06-012.

### III. CONCLUSION

For the reasons set forth above, TURN requests that the PD be modified as discussed in these comments.

Dated: June 30, 2021

Respectfully submitted,

By:                     /s/                      
Thomas J. Long

Thomas J. Long, Legal Director  
**THE UTILITY REFORM NETWORK**