

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



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ADMINISTRATIVE LAW JUDGE NILGUN ATAMTURK, presiding

| | | |
|-----------------------------------|---|-------------|
| Application of San Diego Gas & |) | PREHEARING |
| Electric Company (U902M) for |) | CONFERENCE |
| Establishment of an Interim Rate |) | |
| Relief Mechanism for its Wildfire |) | Application |
| Mitigation Plan Costs. |) | 21-07-017 |
| |) | |

REPORTER'S TRANSCRIPT
Telephonic Proceeding
October 13, 2021
Pages 1 - 21
Volume 1

Reported by: Andrea L. Ross, CSR No. 7896

PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

TELEPHONIC PROCEEDING

OCTOBER 13, 2021 - 10:30 A.M.

* * * * *

ADMINISTRATIVE LAW JUDGE ATAMTURK: We will be on the record. The Commission will come to order.

Good morning. Today is October 13, 2021. This is the prehearing conference for Application 21-07-017, Application of San Diego Gas & Electric, also referred to as SDG&E, for Establishment of an Interim Rate Relief Mechanism for its Wildfire Mitigation Plan.

This prehearing conference is being held telephonically. I am Administrative Law Judge Nilgun Atamturk. The assigned Commissioner is Darcie Houck. She could not attend today, but I will consult with her on the issues discussed at today's prehearing conference.

The main purpose of today's prehearing conference is to discuss the scope, need for hearings, and the schedule. We will not make any determinations today regarding these issues. The Commissioner will make them in the scoping memo, which will be issued in the next few weeks.

Application 21-07-017 was filed on

1 July 30, 2021, by SDG&E. In its application,
2 SDG&E is seeking to establish an interim rate
3 relief mechanism for wildfire mitigation
4 expenditures recorded in SDG&E's Wildfire
5 Mitigation Plan memorandum accounts.

6 Under the proposed mechanism, SDG&E
7 is requesting authorization to recover
8 50 percent of the recorded wildfire
9 mitigation expenditures, which are
10 incremental to those authorized for recovery
11 in SDG&E's general rate case and other
12 wildfire-related regulatory account, subject
13 to a later reasonableness review and refund
14 with interest if appropriate.

15 SDG&E's request covers the period
16 from 2019 to 2023. SDG&E is not requesting a
17 reasonableness review in this application.

18 Resolution ALJ 176-3491 was adopted
19 on August 19, 2021, and preliminarily
20 categorized this proceeding as ratesetting.

21 On September 3, 2021, protests were
22 filed by California Farm Bureau Federation
23 and jointly by The Utility Reform Network and
24 the Utility Consumers' Action Network. In
25 addition, the Public Advocates Office filed a
26 motion for party status, which was granted by
27 an email ruling issued on September 13, 2021.

28 Yesterday Southern California Edison

1 Company filed a motion for party status. At
2 this time this filing is still under review
3 by the Docket Office.

4 I sent instructions for this
5 prehearing conference to the service list in
6 my September 21, 2021, ruling. I also sent a
7 proposed list of issues and schedule on
8 October 12, 2021.

9 As noted in my September 21st
10 ruling, because this prehearing conference is
11 being held telephonically, I want to go over
12 some ground rules.

13 1. Please mute your phones when
14 you're speaking;

15 2. Only one representative of a
16 party will be permitted to speak during the
17 telephonic prehearing conference and the
18 names of the representatives have been
19 provided to me prior to this hearing;

20 3. Speakers will only speak when
21 prompted by me;

22 4. Speakers will identify
23 themselves when they begin to speak, proceed
24 slowly, and then indicate when they have
25 concluded.

26 We will begin with confirmation of
27 appearances. When I call your name, please
28 restate your name and indicate your presence

1 for the record.

2 I'll begin with the applicant, San
3 Diego Gas & Electric Company, also referred
4 to as SDG&E, represented by Laura Fulton.

5 MS. FULTON: Thank you, your Honor.
6 Laura Fulton on behalf of San Diego Gas &
7 Electric Company.

8 ALJ ATAMTURK: California Farm Bureau
9 Federation represented by Kevin Johnston.

10 MR. JOHNSTON: Thank you, your Honor.
11 Kevin Johnston on behalf of California Farm
12 Bureau Federation.

13 ALJ ATAMTURK: Public Advocates Office,
14 also referred to as Cal Advocates,
15 represented by Carolyn Chen.

16 MS. CHEN: Good morning, your Honor.
17 Carolyn Chen on behalf of the Public
18 Advocates Office.

19 ALJ ATAMTURK: The Utility Reform
20 Network, or TURN, represented by Robert
21 Finkelstein.

22 MR. FINKELSTEIN: Good morning, your
23 Honor. Robert Finkelstein for TURN.

24 ALJ ATAMTURK: The Utility Consumers'
25 Action Network, or UCAN, represented by
26 Edward Lopez.

27 MR. LOPEZ: Good morning, your Honor.
28 Edward Lopez for UCAN. Thank you.

1 ALJ ATAMTURK: As I have indicated in
2 my email ruling, I'm not going to rule on any
3 oral motions on this call, but if those who
4 are interested wish to become a party, they
5 may submit a written motion pursuant to
6 Rule 1.4.

7 I remind people that are interested
8 in this proceeding but do not want to
9 participate that they may monitor the
10 proceeding in two ways without becoming a
11 party. You can request to be added to the
12 service list as information only by filling
13 out one of the service list request forms on
14 our website or you can email the Commission's
15 Process Office at Process_Office@cpuc.ca.gov.

16 One final reminder, if you plan to
17 be an intervenor in this proceeding and file
18 a claim for intervenor compensation, I'm
19 reminding you that pursuant to Commission
20 Rule 17.1(a), parties have 30 days from
21 today's prehearing conference to file notice
22 of intent to claim intervenor compensation in
23 this proceeding.

24 We will now turn to procedural
25 matters. This proceeding was preliminarily
26 categorized as ratesetting. No party
27 objected to the preliminary categorization.
28 I agree that the ratesetting categorization

1 is reasonable for this case, and I will be
2 recommending that to the assigned
3 Commissioner. I remind everyone that the
4 ratesetting categorization triggers the
5 ex parte rules described in Commission
6 Rules 8.2 to 8.5. The scoping memo will
7 provide the final categorization.

8 Let's turn to the scope of issues.
9 After considering the application, the
10 protests, and the reply, I have drafted my
11 recommended scope. I shared that
12 recommendation in the procedural email I sent
13 to the service list on October 12, 2021. I
14 will not read all the issues here.

15 As I noted in my procedural email to
16 the service list, given the telephonic format
17 of this prehearing conference, I'm going to
18 allow parties to file a round of comments on
19 the proposed scope.

20 Comments should be on the wording of
21 the scoping issues or whether those listed
22 issues should be in or out or should indicate
23 if there is a missing issue. Comments are
24 limited to five pages. Parties should not
25 reiterate any arguments from their protests.
26 Comments are due October 20, 2021.

27 Now I will poll the parties and ask
28 if you have any question on the process or

1 anything to add to what you have already
2 included in your filings regarding the scope
3 of this proceeding.

4 Starting with the applicant, SDG&E?

5 MS. FULTON: Thank you, your Honor.
6 Perhaps this is -- SDG&E's primary concern is
7 clarification of Item 1(c) because SDG&E is
8 not proposing to -- proposing interim relief
9 for the 2021 to 2023 expenditures on a
10 forecast basis so the method is consistent.
11 It will remain -- so SDG&E proposes to record
12 the actual recorded balances but is providing
13 the forecasted -- provided the forecasted
14 amounts more as illustrative rather than as
15 binding in the application.

16 ALJ ATAMTURK: Thank you.

17 California Farm Bureau Federation?

18 MR. JOHNSTON: Thank you, your Honor.
19 Kevin Johnston, California Farm Bureau
20 Federation. No questions or comments at this
21 time.

22 ALJ ATAMTURK: Public Advocates Office?

23 MS. CHEN: Carolyn Chen for Cal
24 Advocates. We have no comments or questions
25 at this time. Thank you.

26 ALJ ATAMTURK: The Utility Reform
27 Network?

28 MR. FINKELSTEIN: Robert Finkelstein

1 for TURN, your Honor. We don't have
2 questions at this time, but I do want to
3 confirm that part of the purpose of the
4 filing for a week from now would be to flag
5 any questions that might come up between
6 today and as we further consider this list.

7 ALJ ATAMTURK: Yes, you may include
8 those.

9 MR. FINKELSTEIN: Okay. And thank you.
10 That's all I have at this time.

11 ALJ ATAMTURK: UCAN?

12 MR. LOPEZ: Yes, your Honor. Given
13 that clarification, UCAN also has no
14 additional questions or comments. Thank you,
15 your Honor.

16 ALJ ATAMTURK: Thank you.

17 The next issue we will discuss is
18 the need for hearings and schedule.
19 According to the applicant, evidentiary
20 hearings are not needed. Turn, UCAN, and
21 California Farm Bureau agree that evidentiary
22 hearings may be needed. These remarks are in
23 the record.

24 Because we will not determine
25 whether the costs recorded in the memorandum
26 accounts are just and reasonable, I am
27 inclined to recommend that hearings are not
28 necessary. The proposed schedule I sent to

1 the service list reflects my recommendation.
2 I think the arguments made in the protests
3 can be resolved through briefs.

4 Now I'm going to invite you to
5 comment on the need for hearings and the
6 schedule.

7 Starting with the applicant, SDG&E?

8 MS. FULTON: Thank you, your Honor.
9 SDG&E agrees with your assessment that
10 hearings are not necessary in this proceeding
11 because there are no contested issues of
12 fact, and a reasonableness review of all the
13 expenditures will be conducted at a later
14 time.

15 ALJ ATAMTURK: California Farm Bureau
16 Federation?

17 MR. JOHNSTON: Thank you, your Honor.
18 Kevin Johnston, California Farm Bureau
19 Federation. I think I will limit our
20 comments to just say we would be supportive
21 of the TURN schedule that was sent out this
22 morning. I think allowing a little more time
23 for briefing and having that opening for
24 testimony and hearings is important, but I
25 will leave it to them to elaborate on their
26 schedule. Thank you.

27 ALJ ATAMTURK: Public Advocates Office?

28 MS. CHEN: Good morning, your Honor.

1 Carolyn Chen for Cal Advocates.
2 Cal Advocates believes that evidentiary
3 hearings will likely not be necessary and
4 that the open issues can be resolved through
5 briefing; however, Cal Advocates does not
6 oppose including hearings in the schedule if
7 other parties believe that there are disputed
8 material issues of fact. Thank you.

9 ALJ ATAMTURK: TURN?

10 MR. FINKELSTEIN: Thank you, your
11 Honor. Bob Finkelstein for TURN. In TURN's
12 view, it's premature at this point to make a
13 determination as to whether or not hearings
14 are going to be required or whether or not
15 there's even going to be an opportunity for
16 intervenor testimony.

17 I would note that San Diego didn't
18 simply file an application. They filed an
19 application that was supported by three
20 volumes of testimony containing the number of
21 factual assertions, and some of them TURN
22 thinks will be appropriately the subject of
23 discovery and might result in disputes about
24 material facts.

25 So we have circulated earlier this
26 morning an alternative schedule that would
27 try to accommodate at least the possibility
28 of a need for testimony and a need for

1 evidentiary hearings and allow the parties to
2 go forward with discovery and try to make an
3 assessment based on the results of that
4 discovery as to whether or not there are
5 material facts in dispute that ought to be
6 the subject of testimony and, once we have
7 that testimony prepared, whether or not the
8 material that's raised there warrants having
9 evidentiary hearings or could simply be
10 submitted into the record.

11 So the summary of it is I think it's
12 entirely possible that we could end up on a
13 path in this proceeding where there don't
14 need to be evidentiary hearings. It might be
15 we're on a path where we could even explore
16 alternatives to intervenor testimony. But at
17 this juncture, TURN urges the Commission to
18 at least accommodate the possibility that
19 there will be a need for intervenor testimony
20 and even the possibility of evidentiary
21 hearings.

22 That's what we tried to achieve with
23 the alternative schedule that was circulated
24 earlier today. That's all I have at this
25 time.

26 ALJ ATAMTURK: Thank you.

27 UCAN?

28 MR. LOPEZ: Sorry about that, your

1 Honor. Yes, thank you. UCAN echoes the
2 comments offered by TURN and, as consistent
3 with our joint protest, UCAN feels it's
4 simply too early to determine that there is
5 no need for evidentiary hearings. We
6 believe, as laid out in the protest and in
7 reference to TURN's comments, that there
8 possibly are some material facts and issues
9 at dispute.

10 The schedule proposed and provided
11 by TURN earlier, we believe, accommodates the
12 least little consideration of whether there
13 are in fact such issues and facts at dispute.
14 The alternative schedule seems reasonable in
15 our view and would not unduly delay or
16 postpone the ultimate decision and date at
17 which it would be rendered in this
18 proceeding.

19 Again, we believe that there may be
20 in fact a determination later that there is
21 no need for testimony and hearings, but at
22 least it is simply, in our view, too early to
23 reach that conclusion and that consideration
24 going forward -- and especially with adoption
25 of the schedule -- needs to reflect and
26 accommodate that consideration. Thank you,
27 your Honor.

28 ALJ ATAMTURK: Thank you. I appreciate

1 your input and will take it under
2 consideration as I finalize the proposed
3 schedule. The proposed schedule will be
4 discussed with the assigned Commissioner who
5 will make the final determination in the
6 scoping memo.

7 On discovery, I don't expect any
8 discovery disputes to arise but, if they do,
9 I expect parties to cooperate and resolve any
10 issues. If they can't, our law and motion
11 judges and I are available.

12 At this point I want to go through
13 the roll one more time. When I call your
14 name, please indicate that you have no
15 further comment or present any final comment
16 or question and indicate when you have
17 concluded.

18 Beginning with the applicant, SDG&E?

19 MS. FULTON: Thank you, your Honor. In
20 response to TURN and UCAN's comments
21 regarding the need for hearings -- and, I'm
22 sorry, I thought we were going to address the
23 schedule at another round of questions --
24 SDG&E believes that it's very important to
25 get a decision on the interim relief proposal
26 prior to filing its general rate case in May
27 of 2022.

28 For that reason, that's why SDG&E

1 has proposed the schedule that it did in its
2 application, which -- with some changes
3 obviously -- is -- is largely -- at least the
4 decision date for the proposed decision -- is
5 similar as in your proposed schedule.

6 Because TURN and UCAN both agree
7 that it -- there's probably a likelihood that
8 intervenor testimony and evidentiary hearings
9 are not necessary in this case -- and I --
10 they -- they -- either reserving final
11 judgment on that for after discovery -- but
12 it is entirely possible that the parties all
13 agree in this case that evidentiary hearings
14 are not necessary.

15 SDG&E would request that we not
16 build in as much time to the schedule as
17 proposed in TURN's schedule. And we continue
18 to -- if intervenor testimony becomes
19 necessary, we build that into the schedule
20 with the proposed decision remaining in March
21 of 2022 so that we can have a final decision
22 prior to SDG&E filing its general rate case.
23 Thank you, your Honor.

24 ALJ ATAMTURK: Thank you.

25 I have a question. Is there any
26 possibility for parties to meet and confer
27 and provide an alternative or agreed-upon
28 schedule with the round of comments to be

1 filed on October 20th?

2 MS. FULTON: SDG&E would not object to
3 a meet and confer to discuss the schedule.

4 ALJ ATAMTURK: How about the other
5 parties?

6 California Farm Bureau Federation?

7 MR. JOHNSTON: Kevin Johnston,
8 California Farm Bureau Federation. We would
9 not object.

10 ALJ ATAMTURK: Public Advocates Office?

11 MS. CHEN: Carolyn Chen for Cal
12 Advocates. We would not object to meeting
13 with the parties.

14 ALJ ATAMTURK: TURN?

15 MR. FINKELSTEIN: Your Honor, Bob
16 Finkelstein for TURN. We would not object.
17 We would -- I just want to be clear from the
18 start. We would need some more information
19 from San Diego about why the utility views it
20 as so essential to have a decision before the
21 general rate case application gets filed. We
22 don't accept that as a necessary criterion
23 for this purpose.

24 But I just wanted to flag that at
25 this time. We'd be glad to talk about it
26 more and hopefully reflect the results in the
27 comments to be filed next week. Thank you.

28 ALJ ATAMTURK: Okay. That's all I'm

1 asking for, to meet and talk.

2 And UCAN?

3 MR. LOPEZ: Yes, your Honor. UCAN is
4 open to such a meeting. Thank you.

5 ALJ ATAMTURK: Thank you.

6 SDG&E, would you want to respond to
7 TURN's question about the timing of the GRC?

8 MS. FULTON: Your Honor, it would go to
9 ultimately how we approach our GRC and
10 especially with respect to the recovery of
11 wildfire expenses and strategy in terms of
12 how we, you know, ultimately file the
13 application.

14 I think it's relevant to all parties
15 with respect to SDG&E's general rate case as
16 to whether or not this application has been
17 approved and will inform everyone as they go
18 forward with respect to, you know --
19 especially, for instance, the entire purpose
20 of SDG&E's application here is to mitigate
21 rate shock.

22 Without a better understanding of
23 whether or not this application has been
24 approved and how the Commission approves any
25 form of interim relief, that informs how we
26 calculate the rates that will ultimately
27 happen in the GRC.

28 Obviously the reasonableness review

1 will be happening in the GRC, but I think
2 that it's important that we have a clear
3 understanding of where our customers are
4 prior to filing the general rate case. We're
5 happy to discuss this more obviously at the
6 meet and confer as well.

7 ALJ ATAMTURK: Thank you.

8 I'm going to continue with our final
9 roll call and final comments.

10 Do you have any further comments,
11 SDG&E?

12 MS. FULTON: Not at this time, your
13 Honor. Thank you.

14 ALJ ATAMTURK: California Farm Bureau
15 Federation?

16 MR. JOHNSTON: Thank you, your Honor.
17 Kevin Johnston, California Farm Bureau
18 Federation. I think we echo some of TURN's
19 concerns about the urgency of the proceeding
20 and will certainly be involved in the meet
21 and confer and see where we can maybe find
22 some flexibility in the schedule. No further
23 comments. Thank you.

24 ALJ ATAMTURK: Public Advocates Office?

25 MS. CHEN: Carolyn Chen for Cal
26 Advocates. We have no further comment.
27 Thank you.

28 ALJ ATAMTURK: TURN?

1 MR. FINKELSTEIN: Bob Finkelstein for
2 TURN, your Honor. No further comments at
3 this time.

4 ALJ ATAMTURK: UCAN?

5 MR. LOPEZ: Edward Lopez for UCAN.
6 Again, thank you, your Honor, for the
7 opportunity to participate. I certainly
8 understand there's an opportunity to address
9 the scope of proceeding issues, as well as
10 the opportunity potentially to raise other
11 questions and if a meet and confer is
12 scheduled.

13 I just would like to again -- and
14 perhaps for the record -- emphasize that at
15 this juncture UCAN simply offers no opinion
16 as to the exact likelihood of the need for
17 intervenor testimony and evidentiary
18 hearings. We'd like to pursue that further
19 and would appreciate the opportunity to
20 perhaps engage with SDG&E with some questions
21 and receipt of further information.

22 As to the exact likelihood,
23 obviously we believe it's too early to render
24 an opinion, but we believe that there is a
25 possibility for a schedule which would allow
26 and also recognize that there may be a
27 relationship and a connection between the
28 application here, the decision in this

1 proceeding, and its potential impact to the
2 upcoming SDG&E GRC matter. Thank you, your
3 Honor.

4 ALJ ATAMTURK: Thank you all for your
5 participation. We are adjourned. We'll be
6 off the record.

7 (Off the record.)

8 (Whereupon, at the hour of 10:54
9 a.m., this matter having concluded, the
Commission then adjourned.)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING

I, ANDREA L. ROSS, CERTIFIED SHORTHAND REPORTER
NO. 7896, 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 OCTOBER 13, 2021.

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

EXECUTED THIS OCTOBER 13, 2021.

A handwritten signature in black ink, reading "Andrea L. Ross". The signature is written in a cursive style with a large, looped "R".

ANDREA L. ROSS
CSR NO. 7896

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