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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric
Company For Authority To Update Marginal
Costs, Cost Allocation, And Electric Rate Design.
(U 902-E)

Application 07-01-047
(Filed January 31, 2007)

**SCOPING MEMO AND RULING OF THE
ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE**

Summary

This scoping memo and ruling addresses the scope of issues to be addressed in this proceeding, the procedural schedule for processing this application, and other procedural matters.

There will be no bifurcation of the issues in this proceeding. The evidentiary hearings will be held September 24, 2007 through September 28, 2007 in San Diego. We will also reserve nine additional evidentiary hearing (EH) days (October 1, 2007 - October 5, 2007 and October 9 - October 12, 2007) in San Francisco, should they be needed. A telephone prehearing conference will be held on September 14, 2007 at 11:00 a.m. to discuss the scheduling of witnesses for the EHs. Public participation hearings (PPH) will be held in San Diego Gas & Electric Company's (SDG&E) service territory on September 5, 2007 and September 6, 2007.

Background

SDG&E filed the above-captioned application on January 31, 2007. This application contains the cost allocation and rate design proposals for

implementing the electric revenue requirement changes that are being proposed in SDG&E's general rate case in Application (A.) 06-12-009. This cost allocation and rate design proceeding that is before us has been referred to as "Phase 2" of SDG&E's general rate case application.

SDG&E's application addresses the usual cost allocation and rate design elements, such as the sales forecast, the marginal cost methodology used to derive the allocation of costs, and the rate design for the various customer classes. In addition, the application addresses dynamic pricing, including critical peak pricing triggers. The application also proposes a mechanism to change the Assembly Bill (AB) 1X rate cap on the first two residential tiers by gradually moving residential rates toward a rate structure that, according to SDG&E, reflects cost causation principles, and which promotes energy efficiency and demand response objectives.¹

Protests to the application were filed by the Alliance for Retail Energy Markets (AREM) and the Division of Ratepayer Advocates (DRA), and a response to the application was filed by SDG&E.

On February 22, 2007, a notice of PHC was issued which noticed a Prehearing conference (PHC) for March 9, 2007. In that notice, interested parties were allowed to file PHC statements. PHC statements were filed by SDG&E, AREM, the Building Owners and Managers Association of San Diego and the Building Owners and Managers Association of California (collectively, the "Building Owners"), the City of San Diego, and the Utility Consumers Action

¹ SDG&E asserts that AB 1X has resulted in a cap on the rates for tiers one and two, and that all of the increases in the revenue requirement have been borne by tiers three to five, who end up subsidizing those residential customers whose rates are capped.

Network (UCAN). The PHC was held on March 9, 2007 to discuss the scope of issues and the procedural schedule for resolving the issues.

Scope of Issues

Interested parties were provided an opportunity to comment in their protests and responses to the application, and in their PHC statements and at the PHC on what issues should be included in the scope of this proceeding. Most of the issues raised by the parties are covered by SDG&E's summary of the issues at pages four and five of its application.

The Building Owners raised the issue of having the Commission revise SDG&E's Rule 19 as part of this proceeding. The Building Owners contend that Rule 19 needs to be revised because it "prevents the allocation of electricity costs among tenants in master metered buildings in accordance with individual tenant demand and energy usage, which forces inequitable allocation of energy costs among tenants, hinders tenant energy cost management, and blocks the harvesting of demand response from a large portion of commercial building energy use." (Building Owners, Prehearing Conference Statement, pp. 2 - 3.)

Although UCAN currently has no position on the Rule 19 issue, UCAN recommends that the issue be included in the scope of this proceeding because there are no other proceedings in which this issue can be litigated. SDG&E opposes the inclusion of this issue in this proceeding because the issue involves a modification of three prior Commission decisions, and because other stakeholders have been involved on this issue.

SDG&E's Rule 19 addresses, in part, the use of a master meter for residential electric service, and the use of a single meter for a multi-tenant, non-residential facility. Subdivision B.2.b. of the "Multi-Tenant Non-Residential Service" section of Rule 19 provides that when there is a single meter:

“Submetering of non-residential service is prohibited. A customer shall not charge others for electricity received through a single meter except where the cost of electricity is absorbed in the rent for each individual tenant. The rent shall not vary with electric consumption, and there is no separate identifiable charge to the tenants for electricity.”

It is apparent that the proposals for dynamic pricing and critical peak pricing will impact buildings that have a single electric meter. Due to the prohibition against the submetering of a non-residential building, the building owner and the tenants of the building may not be able to respond effectively to the type of price signals that dynamic pricing and critical peak pricing send. For those reasons, we will include in this proceeding the issue of what impact dynamic pricing and critical peak pricing will have on buildings with a single meter, and how those kinds of price signals may affect building owners and tenants who are metered pursuant to SDG&E’s Rule 19. However, we will not entertain proposals to revise SDG&E’s Rule 19 as an issue in this proceeding. We will, however, consider what future procedural steps we should take with respect to Rule 19. Since SDG&E’s Rule 19 applies to older apartment buildings, mobile home parks, and multi-tenant non-residential buildings, the participation of all those affected by Rule 19 is needed before any proposals to revise the rule should be considered. Accordingly, the issue of what impact dynamic pricing and critical peak pricing will have on buildings with a single meter, and how those kinds of price signals may affect building owners and tenants who are metered pursuant to SDG&E’s Rule 19, will be included in our scope of issues.

Based on the filings, the discussion at the PHC, and our discussion above concerning SDG&E’s Rule 19, the following scope of issues are to be addressed in this proceeding:

- Can the Commission take any action on the AB 1X rate freeze?
- How should the costs of the California Solar Initiative be allocated?²
- Should SDG&E's sales forecast and marginal cost studies be adopted?
- Should SDG&E's residential, small commercial, and agriculture rate design proposals be adopted?
- Should SDG&E's medium and large commercial customer rate design proposals be adopted?
- Should SDG&E's street lighting rate design be adopted?
- Are SDG&E's dynamic pricing policies consistent with SDG&E's advanced metering infrastructure deployment plan;
- Should SDG&E's dynamic pricing rate designs be adopted?
- Should SDG&E's proposal for the implementation of the dynamic pricing rate designs be adopted?
- Should SDG&E's proposed critical peak pricing tariff be adopted?
- Should SDG&E's proposed implementation of its measurement and evaluation of the dynamic pricing tariffs be adopted?
- What impact will dynamic pricing and critical peak pricing have on buildings with a single meter, and how will those kinds of price signals affect building owners

² SDG&E filed Advice Letter 1865-E in January 2007 regarding how the costs of the California Solar Initiative should be allocated to customers. Since the allocation issue raised by that Advice Letter is to be considered in this proceeding, SDG&E should withdraw that Advice Letter. SDG&E may choose to file a separate Advice Letter to propose an accounting mechanism that may be necessary while this issue is pending in this proceeding.

and tenants who are metered pursuant to SDG&E's Rule 19?

In Decision (D.) 06-09-031, and in the Energy Action Plan II, the Commission expressed a desire to have dynamic pricing in place for SDG&E by the summer of 2008. In order for dynamic pricing to be in place by that time, SDG&E suggested that the dynamic pricing and critical peak pricing issues be bifurcated from the remaining rate design issues and litigated on an accelerated schedule. The remaining rate design issues could then be addressed on a slower schedule.

Counsel for SDG&E transmitted an e-mail to the parties on March 16, 2007 describing how SDG&E's prepared testimony could be dealt with in each phase if bifurcation were granted.

We have considered the bifurcation request and reviewed D.06-09-031 and the Energy Action Plan II. D.06-09-031 expressed the need to have dynamic pricing in place by the summer of 2008 for SDG&E. Although that would suggest that the dynamic pricing and critical peak pricing issues should be bifurcated from the rest of the issues in this proceeding, we are not convinced that bifurcation will result in the effective use of everyone's time. With the procedural schedule in SDG&E's general rate case, it would be a burden on many of the parties to bifurcate this proceeding and establish two additional evidentiary hearing schedules to resolve the dynamic pricing/critical peak pricing issues and the remainder of rate design issues. Instead of bifurcating this proceeding, we intend to resolve the issues in this proceeding all at once. To avoid schedule conflicts with SDG&E's general rate case, much of the work in this proceeding will take place after that proceeding. We believe that this will result in a more efficient use of time and resources, while fulfilling the directive

in D.06-09-031 to have a system of dynamic pricing in place by the summer of 2008.

Schedule

Evidentiary hearings on all the issues identified above are likely at this juncture.

Due to the inclusion of certain issues as part of the scope of this proceeding, it is appropriate to allow time in the schedule for SDG&E to prepare additional testimony on two topics. The first topic is the impact of dynamic pricing and critical peak pricing on those who are metered pursuant to Rule 19. The second topic is how the cost of the California Solar Initiative should be allocated and how that relates to the AB 1X rate cap issue. The procedural schedule below accommodates SDG&E's preparation of this additional testimony.

The evidentiary hearings for this proceeding shall begin on September 24, 2007 at 10:00 a.m. at Al Bahr Shriners Center, 5440 Kearny Mesa Road, San Diego, and continue each day thereafter through September 28, 2007. We shall also reserve nine additional hearing days on October 1, 2007 through October 5, 2007 and October 9, 2007 through October 12, 2007 in San Francisco, should they be needed.

A telephone PHC will be held on September 14, 2007 at 11:00 a.m. to discuss the scheduling of witnesses for the evidentiary hearings, and the extent of cross examination that parties will have for each witness. An e-mail notice will be sent out in advance of the September 13, 2007 telephone PHC, notifying interested parties of the telephone conference call-in number and meeting code.

As described in the "Public Participation Hearing" section, public participation hearings regarding this application will be held on

September 5, 2007 at 1:30 p.m. in Carlsbad, and at 7:00 p.m. in El Cajon. On September 6, 2007, PPHs will be held at 2:00 p.m. and at 7:00 p.m. in San Diego.

The application was filed on January 31, 2007. Pub. Util. Code § 1701.5 provides that in a ratesetting proceeding, the issues raised in the scoping memo are to be resolved within 18 months of the date the scoping memo is issued. It is expected that this proceeding will be completed within the 18 month period as shown in the schedule below.

The following schedule shall be followed to resolve the issues in this proceeding.

Event	Date
SDG&E's supplemental testimony on additional issues to be served.	May 11, 2007
DRA testimony on scope of issues to be served.	July 6, 2007
Testimony by all other parties to be served.	August 10, 2007
Public participation hearings	September 5, 2007 1:30 p.m. at The Safety Center Conference Room, 2560 Orion Way, Carlsbad; and 7:00 p.m. at El Cajon Community Center, 195 East Douglas Avenue, El Cajon. September 6, 2007 at 2:00 p.m. and 7:00 p.m. at Al Bahr Shriners Center, 5440 Kearny Mesa Road, San Diego.
Rebuttal testimony by all parties to be served.	September 10, 2007
Telephone prehearing Conference to discuss scheduling of witnesses and other hearing-related issues.	September 14, 2007 at 11:00 a.m.
Evidentiary hearings.	September 24, 2007 through September 28, 2007 at Al Bahr Shriners Center, 5440 Kearny Mesa Road, San Diego. Start time at 10:00 a.m. on September 24, 2007. October 1, 2007 through October 5, 2007, and October 9, 2007 through October 12, 2007, as needed, at the State Office Building, 505 Van Ness Avenue, San Francisco.

Opening briefs due.	October 29, 2007 (tentative)
Reply briefs due.	November 13, 2007 (tentative)
Proposed decision issued.	January 31, 2008 (tentative)
Comments on proposed decision.	20 days from mailing of proposed decision.
Reply comments on proposed decision.	25 days from mailing of proposed decision.
Commission decision.	To be determined.

In accordance with Rule 13.3(b) of our Rules of Practice and Procedure, any party who wants to make a final oral argument before the Commission shall make an oral or written request on or before September 24, 2007.

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures should contact the Commission’s Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to public.advisor@cpuc.ca.gov.

Public Participation Hearings

At the March 9, 2007 PHC, we sought comment on whether public participation hearings should be held in this proceeding. Our concern was to allow the customers of SDG&E time in which to comment on the proposals in the application. Although public participation hearings are being held in SDG&E’s general rate case (A.06-12-009) in May 2007, this application will affect how electricity will be priced to customers. In addition, SDG&E’s AB 1X proposal may result in higher electricity rates for tier one and tier two residential customers if the rate cap is altered. The public should be given the opportunity to address the rate issues being considered in this proceeding. Accordingly, the following four public participation hearings will be held in SDG&E’s service territory:

September 5, 2007, 1:30 p.m., The Safety Center Conference Room, 2560 Orion Way, Carlsbad.

September 5, 2007, 7:00 p.m., El Cajon Community Center, 195 East Douglas Avenue, El Cajon.

September 6, 2007, 2:00 p.m. and 7:00 p.m., Al Bahr Shriners Center, 5440 Kearny Mesa Road, San Diego

SDG&E shall prepare and make a brief oral presentation at each of the PPHs describing the relief sought in its application. Any other party participating in this proceeding may also make a brief oral presentation at these PPHs.

SDG&E shall prepare a bill insert notifying customers of these PPHs. A draft of the bill insert shall be presented to the Commission's Public Advisor office by May 18, 2007 for review and approval. Following the approval, SDG&E shall include the insert in a billing cycle that will reach all of its customers approximately one month before the public participation hearings are held.

Discovery

If discovery disputes arise between the parties, which cannot be resolved by meeting and conferring, the parties should raise these disputes in accordance with Resolution ALJ-164. Administrative Law Judge (ALJ) Wong will handle the discovery disputes for this proceeding.

Service List

Appendix A of this ruling is the new service list that shall be used in this proceeding. This service list may be updated from time to time. The latest version of the service list can be downloaded from the Commission's web site at www.cpuc.ca.gov.

Anyone serving documents in this proceeding shall follow the electronic service rules set forth in Rules 1.9 and 1.10 of the Commission's Rules of Practice and Procedures.³ Any documents served on the assigned ALJ and the assigned

³ Those on the service list who do not have an e-mail address shall be served by mail or another method of delivery.

Commissioner's office shall be by e-mail and delivery or mailing of a copy of the document.

We encourage all parties that plan to file documents in this proceeding to utilize the electronic filing procedures set forth in Resolution ALJ-188.⁴ Electronic filing of documents speeds up the processing of the filings and allows the documents to be posted on the Commission's website. For more information about electronic filing, go to <http://www.cpuc.ca.gov/efile/static.htm>, or contact the Public Advisor's office at the number listed above.

Categorization of Proceeding

This application was preliminarily categorized as ratesetting in Resolution ALJ 176-3187 on February 15, 2007. The resolution also found evidentiary hearings to be necessary. Today's ruling confirms that categorization. Anyone who disagrees with this categorization must file an appeal of the categorization no later than ten days after the date of this ruling. (*See* Rule 7.6.)

Ex Parte Communications

Since this ruling determines that this is a ratesetting proceeding, ex parte communications are governed by Rules 8.2 and 8.3.

The principal hearing officer for this proceeding shall be ALJ John S. Wong. (*See* Rule 13.2(b).)

Therefore, **IT IS RULED** that:

1. The scope of issues for this proceeding, and the schedule for serving the prepared testimony and for resolving these issues, is set forth in the body of this scoping memo and ruling.

⁴ Prepared testimony is not filed with the Commission, but must be served on the service list.

- a. A telephone prehearing conference (PHC) shall be held on September 14, 2007 at 11:00 a.m. to discuss the scheduling of witnesses and cross examination times for the hearings. The details of the telephone conference call-in number and meeting code will be distributed in an e-mail notice to the service list in advance of the telephone prehearing conference.
- b. Evidentiary hearings shall be held on September 24, 2007 beginning at 10:00 a.m. at the Al Bahr Shriners Center, 5440 Kearny Mesa Road, San Diego, and shall continue through September 28, 2007. Nine additional days of evidentiary hearings in this phase shall be reserved for October 1, 2007 through October 5, 2007 and October 9, 2007 through October 12, 2007 at the State Office Building, 505 Van Ness Avenue, San Francisco, should they be needed.

2. San Diego Gas & Electric (SDG&E) shall prepare a bill insert notifying customers of their opportunity to comment on the issues in this proceeding at the four public participation hearings, as described in this ruling. A draft of the bill insert shall be presented by May 18, 2007 to the Commission's Public Advisor's office for its review and approval, and the approved bill insert shall be distributed to SDG&E's customers in a billing cycle that will reach all of its customers approximately one month before the public participation hearings are held.

- a. SDG&E shall make a brief oral presentation at each of the four PPHs which explains the relief that SDG&E is seeking in this application.

3. Application 07-01-047 is categorized as ratesetting.

4. Discovery disputes shall use the procedures set forth in Resolution ALJ-164.

5. Appendix A of this scoping memo and ruling shall serve as the service list for this proceeding, which may be updated from time to time.

- a. The latest version of the service list can be accessed through the Commission's web site.
 - b. This ruling shall be served on the names listed in Appendix A of this ruling.
6. Ex Parte communications are governed by Rules 8.2 and 8.3.
 7. Administrative Law Judge John S. Wong is the principal hearing officer.

Dated April 11, 2007, at San Francisco, California.

 /s/ JOHN BOHN
John Bohn
Commissioner

 /s/ JOHN S. WONG
John S. Wong
Administrative Law Judge

APPENDIX A

***** SERVICE LIST *****

Last Update on 09-APR-2007 by: LIL
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(END OF APPENDIX A)

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed Notice of Availability is current as of today's date.

Dated April 11, 2007, at San Francisco, California.

/s/ ANTONINA V. SWANSEN
Antonina V. Swansen