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

Application of Southern California Edison Company (U338E) for Approval of its 2012- 2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017  
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018  
Application 11-05-019  
Application 11-05-020

**JOINT SECOND AMENDED SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE**

This second amended scoping memo revises the proceeding schedule set forth in the January 26, 2011 Amended Scoping Memo Ruling in the above-captioned Consolidated Proceeding and memorializes the e-mail rulings that granted extensions for studies and activities ordered under Decision (D.) 12-08-044.

The proceeding schedule is revised to allow additional time to solicit comments and/or legal briefs concerning the categorical eligibility and post-enrollment verification for enrollment in the Commission's low income energy programs, the California Alternate Rates for Energy (CARE) and Energy Savings Assistance (ESA) Programs. The revised proceeding schedule also

acknowledges the extensions that were previously granted to perform the studies.

## **1. Background**

Ordering Paragraph (OP) 88 (b) of D.12-08-044 provides:

By January 31st of each year, the Utilities are directed to jointly and annually review and submit, by Tier 2 Advice Letter, an updated list of proposed categorical eligible low income programs for the upcoming year. The list must propose to retain and add categorically eligible programs for enrollment in low income programs, as appropriate, and must include only programs with income thresholds consistent with the California Alternate Rates for Energy and Energy Savings Assistance Program Programs....

Pursuant to OP 88(b) of D.12-08-044, Southern California Gas Company (SoCalGas), San Diego Gas & Electric Company (SDG&E), Southern California Edison (SCE), and Pacific Gas and Electric Company (PG&E) (Utilities) filed a joint advice letter<sup>1</sup> (Joint Advice Letter).

On April 30, 2013, the Commission's Energy Division rejected the protested Joint Advice Letter stating that it raised significant unforeseen policy issues relating to the Commission's categorical eligibility and post-enrollment verification programs. As a result, the Energy Division rejected the protested Joint Advice Letter without prejudice and recommended that the issues it raised be further examined by the Commission in this Consolidated Proceeding.

The Joint Advice Letter reflected the Utilities' study of the previously qualifying programs in the categorical eligibility program and the study

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<sup>1</sup> SoCalGas (AL 4457-G), SDG&E (AL 2455-E-2170-G), Southern California Edison SCE (AL 2849-E), and PG&E (AL 3361-G-4186-E).

concluded that the majority of those previously qualifying programs no longer qualify as they do not currently have income thresholds that are consistent with CARE and ESA Program guidelines. Among other issues identified in the January 26, 2013 Amended Scoping Memo Ruling, the resulting policy issue for the Commission’s review relates to OP 88 (b) and determination of what categorical programs should be allowed for customer enrollment, recertification, and post-enrollment verification in CARE and ESA low income programs.

In addition, several phase two activities, including some studies and reports ordered in D.12-08-044, experienced some unexpected delays, despite the diligence of the parties, which required the utilities to file extensions to the deadlines ordered in D.12-08-044. D.12-08-044, OP 142 delegates to the assigned Commissioner and Administrative Law Judge (ALJ), the authority to modify due dates ordered in that decision. The ALJ directed all interested parties to meet and confer and to seek extension requests for each extension sought. The Utilities submitted the requests and the Utilities’ requests were uncontested. Upon showing of good cause, each request was granted as follows:

**Table 1**

<b>Uncontested Extension Requests</b>	<b>Ruling</b>
PG&E, on behalf of all the Utilities, submitted an e-mail request, on March 26, 2013, seeking a 90-day extension of time for compliance with OPs 3(b) and 9 of D.12-12-011, which required: submission of success criteria and an associated plan for the CHANGES Program, and the Utilities’ collection and incorporation of the collected CHANGES data into Utilities’	An e-mail ruling granting the requested 90-day extensions issued April 12, 2013.

<p>monthly reports.</p>									
<p>PG&amp;E, on behalf of all the Utilities, submitted an e-mail request on June 13, 2013, that sought an expedited day-to-day time extension relating to compliance with OPs 77 and 78 of D.12-08-040, which required submission of the Final Multifamily Segment Study. The day-to-day extension was to allow the Utilities adequate time to meet and confer with the interested parties and to arrive at a proposed time extension that balanced the Utilities' need for an extension with other parties' concerns and, most importantly, the Commission's concern, which is to ensure timely completion of a comprehensive study that yields meaningful and actionable study results and recommendations, as envisioned in D.12-08-044.</p>	<p>An e-mail ruling granting the requested day-to-day extension was issued June 13, 2013, and the Utilities were directed to meet and confer and submit by June 21, 2013, a proposed schedule and extension for submission of the Final Multifamily Segment Study.</p>								
<p>PG&amp;E, on behalf of all the Utilities, submitted an e-mail request, on June 20, 2013, that sought an extension of time to comply with OPs 77 and 78 of D.12-08-044, which required submission of the Final Multifamily Segment Study. The proposed extension followed the previously ordered meet and confer with the interested parties and balanced the Utilities' need for an extension with other parties' concerns and, most importantly, the Commission's concern, which is to</p>	<p>An e-mail ruling granting the requested extension was issued July 3, 2013, and set forth a more detailed schedule as follows:</p> <table border="1" data-bbox="824 1493 1385 1892"> <thead> <tr> <th data-bbox="824 1493 1101 1539">Due date</th> <th data-bbox="1101 1493 1385 1539">Activities</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 1539 1101 1629">September 25, 2013</td> <td data-bbox="1101 1539 1385 1629">First Public Workshop</td> </tr> <tr> <td data-bbox="824 1629 1101 1801">November 6, 2013</td> <td data-bbox="1101 1629 1385 1801">Draft Report served on the service list of this proceeding</td> </tr> <tr> <td data-bbox="824 1801 1101 1892">November 13, 2013</td> <td data-bbox="1101 1801 1385 1892">Second Public Workshop</td> </tr> </tbody> </table>	Due date	Activities	September 25, 2013	First Public Workshop	November 6, 2013	Draft Report served on the service list of this proceeding	November 13, 2013	Second Public Workshop
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<p>ensure timely completion of a comprehensive study that yields meaningful and actionable study results and recommendations, as envisioned in D.12-08-044.</p>	<p>December 4, 2013</p>	<p>Final Report filed and served on the service list of this proceeding</p>
<p>SCE, on behalf of all the Utilities, submitted an e-mail request, on July 3, 2013, that sought an extension of time to comply with OP 107 of D.12-08-044, which required submission by August 31, 2013 of the Final Needs Assessment Report for the ESA and CARE programs. Instead, the Utilities request this deadline be extended until December 16, 2013. The proposed extension followed the previously ordered meet and confer with the interested parties and balanced the Utilities' need for an extension with other parties' concerns and, most importantly, the Commission's concern, which is to ensure timely completion of a comprehensive study that yields meaningful and actionable study results and recommendations, as envisioned in D.12-08-044.</p>	<p>An e-mail ruling granting the requested extension was issued July 3, 2013, and the Final Needs Assessment Report is now due December 16, 2013.</p>	

**2. Discussion**

The issues related to the Commission's categorical eligibility and post-enrollment verification programs for CARE programs are already within

the overall scope of this proceeding, as stated in the January 26, 2011 Amended Scoping Memo Ruling.<sup>2</sup>

We agree that the issues raised in the Joint Advice Letter require a detailed examination by the Commission. Specifically, various options will require further examination of the overall effectiveness of and impacts to the categorical eligibility program and both enrollment as well as post-enrollment verification criteria of the CARE and ESA Programs. Review of various options will also require careful examination of the budgetary and administrative impacts to the CARE and ESA Programs. We intend to examine and address these issues in detail, during the remainder of the second phase of this Consolidated Proceeding.

We anticipate that the assigned Commissioner and ALJ will issue a ruling to solicit written comments and/or legal briefs to further examine the issues raised by the Joint Advice Letter consistent with the schedule below.

We revise the proceeding's schedule, which is a result of the extensions previously granted, to reflect the later projected due date for the Guidance Decision in this proceeding. Therefore, the proceeding schedule is modified as follows:

Date(s)	Event
July 2013	Ruling(s) Seeking Comments and/or Legal Briefs on categorical

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<sup>2</sup> January 26, 2011 Amended Scoping Memo Ruling at 3:  
K. Review of current [California Alternate Rates for Energy (CARE)] ... program, including recertification, post enrollment verification, categorical eligibility, and high usage customers.

Date(s)	Event
	eligibility and post-enrollment verification
August 2013	Comments to Ruling and/or Legal Briefs on categorical eligibility and post-enrollment verification
November 2013	Projected Final Proposed Phase Two Decision
March 2014	Projected Final Proposed Guidance Decision for 2015-2017 Program Cycle Applications

Our goal is to resolve this case as soon as possible. We anticipate that the resolution will not exceed 18 months from issuance of this scoping memo, pursuant to Pub. Util. Code § 1701.5. The assigned ALJ and Commissioner may alter this schedule as they see fit.

**IT IS RULED** that:

1. The schedule for the consolidated proceeding is as set forth in this ruling, unless subsequently modified by an assigned Commissioner or assigned Administrative Law Judge directive.
2. Consistent with Public Utility Code Section 1701.5, the deadline for the conclusion of this proceeding is 18 months from the date of this ruling.

3. The Administrative Law Judge's e-mail rulings granting extensions to various activities and reports as set forth in Table 1 are confirmed.

Dated July 24, 2013, at San Francisco, California.

/s/ CATHERINE J.K. SANDOVAL

Catherine J.K. Sandoval  
Assigned Commissioner

/s/ KIMBERLY H. KIM

Kimberly H. Kim  
Administrative Law Judge