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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget (U39M).

Application 08-05-022
(Filed May 15, 2008)

And Related Matters.

Application 08-05-024
Application 08-05-025
Application 08-05-026

ASSIGNED COMMISSIONER AND ASSIGNED ADMINISTRATIVE LAW JUDGE'S JOINT UPDATED SCOPING MEMO AND RULING

1. Summary

This updated scoping memo and ruling follows a review of the proceeding to date by Commissioner Dian M. Grueneich and Administrative Law Judge (ALJ) Kimberly H. Kim. It presents the updated scope of the proceeding, going forward, including an updated proceeding schedule.

This proceeding relates to the 2009-2011 Low Income Energy Efficiency (LIEE) and California Alternate Rates for Energy (CARE) applications of Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company (collectively, Investor-Owned Utilities).

2. Consolidation of Proceedings

The above captioned proceedings have been consolidated for all purposes. All parties shall continue to file and serve documents using the caption shown above, with Application 08-05-022 the first caption.

3. Additional Issues Within Scope

In addition to the issues set forth in the July 16, 2008 scoping memo ruling issued in this proceeding, the following additional issues require further exploration and review and are now within the scope of the proceeding:

1. Revisiting and refining the Whole Neighborhood Approach as an effective tool in the LIEE program; and
2. Any other low-income program related issues that arise during the course of the proceeding and are added by the ALJ or assigned Commissioner.

4. Updated Proceeding Schedule

In view of the status of the outstanding issues in this consolidated proceeding, we outline below the upcoming general timeline for the resolution of these issues set forth in this ruling, including numerous ongoing issues. These outstanding issues necessitate extension of the statutory deadline thus allowing this proceeding to remain open beyond the 18-month period as specified in Public Utilities Code Section 1701.5.

In particular, there is a pending petition to modify Decision (D.) 08-11-031 that must be addressed. There are also several ongoing pilot programs and studies (e.g. 2009 Impact Evaluation; the 2010 Process Evaluation; the Non-Energy Benefits Study; the High Usage Needs Assessment; the Refrigerator Degradation Study; the CARE Recertification Study; etc.). These are currently underway in preparation for use as bases for the next budget cycle. Issues regarding policy and protocols for these activities are also expected to continue

to arise through the end of the budget year 2011. In addition, following the Whole Neighborhood Approach White Paper Workshop, the Commission’s Energy Division, and in part, some of the parties raised very legitimate and helpful logistical comments suggesting that the Whole Neighborhood Approach as originally envisioned in D.08-11-031 may better serve the overall LIEE goals with further review and refinements.

In view of the above, we specify today pursuant to § 1701.5(b) that this proceeding will remain open through the end of the current program budget year cycle in order to enable the Commission to effectively address all the issues. The resolution date for this proceeding is by December 31, 2011, as follows:

| Event | Date |
|---|---|
| Energy Division Conducts Further Investigation re Whole Neighborhood Approach | January – March 2010 |
| Proposed Decision on addressing Petition to Modify D.08-11-031 | February – March 2010 |
| Energy Division Submits to assigned Commissioner and ALJ the Staff Recommendation re Refinements to the Whole Neighborhood Approach | April 2010 |
| Comments and Reply Comments to the Staff Recommendations re Refinements to the Whole Neighborhood Approach | April – May 2010 (specific dates to be set by ALJ’s subsequent ruling) |
| Monitor and support ongoing pilot programs throughout the current program budget cycle. | December 31, 2011 |

5. Category of Proceeding

This proceeding is categorized as ratesetting and no evidentiary hearing has been held and none is expected, at the present time.

6. Presiding Officer

Pursuant to Commission Rule 6(c), assigned Commissioner Dian Grueneich designates ALJ Kim as the presiding officer.

7. Communications with Decisionmakers (*Ex Parte* Communications)

Pursuant to Pub. Util. Code § 1701.3(c), *ex parte* communications are prohibited in this proceeding except under the following circumstances. Oral *ex parte* communications may be permitted at any time by any Commissioner if all interested parties are invited and given not less than three days' notice.

Written *ex parte* communications are permitted by any party provided that copies of the communication are transmitted to all parties on the same day. Commission Rule 8.1 *et seq.* explains the *ex parte* rules in more detail. The Commission's rules are available on the [www.cpuc.ca.gov](http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/105138.htm) website at http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/105138.htm.

IT IS RULED that:

1. The scope and schedule for this consolidated proceeding are modified as forth in this Updated Scoping Memo, unless subsequently modified by assigned Commissioner or assigned ALJ directive.
2. The categorization is ratesetting and hearings are not necessary.
3. ALJ Kim is the presiding officer in this proceeding.
4. Pursuant to Pub. Util. Code § 1701.3(c), *ex parte* communications are prohibited except as set forth above and in Commission Rule 8.1 *et seq.*

5. If the parties have discovery disputes they are unable to resolve by meeting and conferring, they shall contact ALJ Kim to determine whether a written or oral motion is required.

Dated January 20, 2010, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich
Assigned Commissioner

/s/ KIMBERLY H. KIM

Kimberly H. Kim
Administrative Law Judge

