

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

Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations.

RULEMAKING 12-06-013

(FILED JUNE 21, 2012)

**MOTION OF SAN DIEGO CONSUMERS' ACTION NETWORK REQUESTING EVIDENTIARY HEARINGS**

Pursuant to the ALJ's Scoping Memo, San Diego Consumers' Action Network (SDCAN) formally requests that evidentiary hearings be held in this proceeding. SDCAN believes that there are a number of factual inquiries that must be addressed through cross-examination and discovery that include:

1. Details and interplay of the specific rate design proposals advanced by parties. For example, exploring how a specific time-of-use tariff would function in conjunction with tiers and what proposed billing format would be used to communicate this interplay to consumers.
2. Explanation of how bill impact was calculated and how the bill impact calculator was used to derive the projected bill impacts.
3. Opportunity to ask questions of intervenors who present rate structures that diverge from those of the IOUs.
4. To explore the basis upon which proposals comport with the 10 questions posed by the Commission in the Scoping Memo including but not limited to:
  - To the extent that any of the rate proposals include costs that do not square with those adopted by the Commission, it presents an opportunity for parties to align the adopted rates with the alleged cost-based rates proposed by parties.

- To explore the unintended consequences identified by parties and the steps taken by proposing parties to avoid those unintended consequences.
- Inquire into the innovative technologies and services upon which parties rely in advancing their proposals.
- The projections for and strategies by which parties propose to adapt to future load shapes include a number of factual assumptions.
- How public safety will be impacted and protected. Examine the methods by which the parties proposed to accomplish this.

Each of these items are material to the questions posed by the Commission in its Scoping Memo and presumably integral to a final decision.

SDCAN avers that if the Commission adopts any policies in this rulemaking that rescind, alter or amend a prior order or decision, then Public Utilities Code Section 1708 requires an opportunity to be heard. Public Utilities Code Section 1705 requires that a hearing contemplates the introduce evidence and cross-examine witnesses. Moreover, Public Utilities Code Section 1710 precludes the admission of statements of fact unless the documents have been certified under penalty of perjury. At a minimum, parties should be accorded the opportunity to conduct discovery so as to determine whether actual evidentiary hearings would be required.

Respectfully submitted,

Dated: May 29, 2013

/s/

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