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)

PROTEST OF THE CENTER FOR ACCESSIBLE TECHNOLOGY AND THE GREENLINING INSTITUTE OF THE UTILITIES' SUPPLEMENTAL FILINGS PROPOSING INTERIM RATE CHANGES (PHASE 2)

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Introduction

Pursuant to Rule 2.6 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure and the Assigned Commissioner's Ruling Inviting Utilities to Submit Interim Rate Change Applications ("Phase 2 Ruling"), the Center for Accessible Technology (CforAT) and the Greenlining Institute (Greenlining) hereby submit this protest in the above-captioned proceeding, regarding the three electrical utilities' supplemental filings proposing interim rate changes ("Phase 2 Filings"). The Phase 2 Filings specifically include the Supplemental Filing of Pacific Gas and Electric Company (PG&E) for Summer 2014 Residential Electric Rate Reform ("PG&E Filing"), the Supplemental Filing of San Diego Gas & Electric Company (SDG&E) for Phase 2 Interim Rate Changes ("SDG&E Filing") and the Phase Two Supplemental Filing of Southern California Edison Company (SCE) for Interim Residential Rate Design Changes ("SCE Filing").

PG&E makes a number of proposals in its supplemental filing, including the following:

- Consolidate the number of rate tiers by collapsing current Tier 2 with current Tier 3, resulting in three tiers set at up to 100% of baseline, 101-200% of baseline, and 201% and above of baseline;
- Raise the non-CARE Tier 1 rate; set a revised Tier 2 rate in between current Tier 2 and Tier 3 rates, with the specific rate dependent on the outcome of the pending proposal in A.12-02-020 regarding baseline quantities, and reduce the highest tier rates (currently Tier 4, but Tier 3 under PG&E's proposal);
- Raise all CARE rates and reduce the California Alternate Rates for Energy (CARE) discount, resulting in an effective CARE discount of 43%;
- Modify the Family Energy Rate Assistance (FERA) Program and the Medical Baseline Program, which currently rely on the existing tier structure.

SDG&E makes a number of proposals in its supplemental filing, including the following:

- Consolidate the number of rate tiers by collapsing current Tier 1 with current Tier 2, and collapsing current Tier 3 with Tier 4 resulting in only two tiers set at up to 100% of baseline and 101% and above of baseline;
- Move the CARE discount from the rates charged for usage in tiers to a discount taken on the final bill and set it at a flat 30%;
- Modify FERA Program and the Medical Baseline Program, which currently rely on the existing tier structure.

SCE makes a number of proposals in its supplemental filing, including the following:

- Consolidate the number of rate tiers by collapsing current Tier 2 with current Tier 3, resulting in three tiers set at up to 100% of baseline, 101-200% of baseline, and 201% and above of baseline;

- Raise the non-CARE Tier 1 rate; set a revised Tier 2 rate in between current Tier 2 and Tier 3 rates and reduce the highest tier rate (currently Tier 4, but Tier 3 under SCE's proposal);
- Set the CARE rates based on a 30% discount off of the corresponding non-CARE tiered rates;
- Modify the FERA Program and the Medical Baseline Program, which currently rely on the existing tier structure.

CforAT/Greenlining continue to review the supplemental filings to identify other issues and concerns. We reserve the right to engage on other issues of relevance to our constituencies, as the need arises. However, at this stage, CforAT/Greenlining make the following statements of interest in the proceeding.

I. The Supplemental Filings Fail to Address Affordability.

Each supplemental filing cites to various statutes and selected principles of rate design, but none of them mention affordability, which remains a key element in the statutory framework for electricity rates and is an identified principle for consideration of revised rates in this proceeding.

A. The IOUs Proposals Do Not Account for the Statutory Requirement and Principle of Rate Design that Basic Usage Must Be Affordable.

Each of the IOUs' proposals regarding non-CARE rates would raise rates for customers with low or moderate usage. Each Utility proposes to raise rates significantly for usage up to 100% of baseline (Tier 1) and 130% of baseline (current Tier 2). The rate impacts resulting from the IOUs' proposals do not result in affordable rates for essential electricity usage.

Although AB 327 removed multiple specific restrictions on rates up to 130% of the baseline quantity, as a policy matter and as a matter of law the Commission should recognize

that the price for essential energy needs must remain affordable, not just for CARE customers, but for all customers.

In addition, AB 327 amended Cal. Pub. Util. Sec 382(b) to read:

> In order to meet legitimate needs of electric and gas customers who are unable to pay their electric and gas bills and who satisfy eligibility criteria for assistance, *recognizing that electricity is a basic necessity, and that all residents of the state should be able to afford essential electricity and gas supplies*, the commission shall ensure that low-income ratepayers are not jeopardized or overburdened by monthly energy expenditures. Energy expenditure may be reduced through the establishment of different rates for low-income ratepayers, different levels of rate assistance, and energy efficiency programs. (emphasis added)

While it is true that Sec. 382(b) references low-income customers and the programs that serve them, its language states that "electricity is a basic necessity." Electricity is a basic necessity not just for low income customers, but for all customers. The statute also states that "**all residents of the state** should be able to afford essential electricity and gas supplies" (emphasis added). Essential electricity supplies can be understood to mean electricity up to the baseline quantity.

The IOUs' proposals raise rates significantly for the most essential energy usage, such that this usage is no longer affordable, even for customers above the CARE eligibility guidelines.

B. Bill Impacts from the Proposals Must Be Considered Along with Other Recent and Pending Rate Changes.

Any changes in rate design resulting from the Phase 2 Filings must be considered cumulatively with other recent changes in rate design, as well as other Commission decisions that will impact actual rates. For example, recently the calculation of SCE's baseline quantity was changed from 55% of average usage to 53% of average usage.[1] This change had the effect of raising bills for customers with low to moderate usage. PG&E's has proposed changing its baseline quantity from 55% to 50%; this request is currently pending in R.12-02-020. However,

[1] *See* D.13-03-031, p. 17.

if this proposal is not approved by the Commission, PG&E seeks even larger increases on usage in the lower tiers.[2] SDG&E's proposal to add a fixed customer charge, which would increase rates for customers with low usage, was rejected in a pending proposed decision, but this case has not fully resolved.[3] Moreover, both PG&E and SCE have filed Advice Letters seeking increases in current Tier 1 and Tier 2 rates, effective January 1, 2014.[4]

In addition to these other changes regarding rates and rate design, each utility anticipates substantial increases in their upcoming authorized revenue requirements which will necessarily result in bill increases. Each supplemental filing cautions that the bill impact calculations are made with the utility's current revenue requirements; thus they each understate the bill impacts that will result when increased revenue requirements are implemented. Moreover, at least for PG&E, the bill impact calculations do not reflect the proposed additional rate increases of nearly 13% sought for gas usage in the Gas Transmission and Storage Rate Case Application, filed on Dec 19, 2013.

All of the above recent or prospective rate changes raise bills of customers with usage primarily lower than 130% of baseline. The IOUs' proposals in the Phase 2 Filings, which also raise rates for customers with this basic usage, must be considered cumulatively with any recent changes and must take into consideration other pending proceedings that will impact the bills customers must pay for basic energy usage.

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[2] *See* PG&E Summer 2014 Residential Electric Rate Reform Proposal, Phase 2 Prepared Testimony ("PG&E Testimony"), pp. 2-3, 2-4 and 2-24.
[3] *See* pending Proposed Decision in A.11-10-002, currently on the Commission's agenda for January 16, 2014.
[4] *See* PG&E Advice 4314-E, and SCE Advice 2964-E, both filed Nov. 13, 2013.

C. PG&E Proposes a Rapid Transition for the CARE Discount with Bill Impacts that Are Too Great.

PG&E proposes to increase the rates paid by CARE customers, so that the effective total CARE discount is reduced from 49% to 43%. PG&E asserts that it is following the direction of AB 327 and the Phase 2 Ruling. However, the resulting bill impacts on CARE customers are much too drastic. Both AB 327 and the Phase 2 Ruling provide that utilities should decrease the effective CARE discount on a reasonable basis.[5] The Phase 2 Ruling states that the effective CARE discount "should be adjusted on a glidepath towards the *35% effective discount limit*..." (emphasis added).[6] Thus, the Phase 2 Ruling references the 35% discount limit. PG&E's proposal is to take a huge step in that transition immediately. The glidepath of PG&E's transition is such that the transition could be complete after two years (from 49% to 43% in the first year, from 43% to 35% in the second year). This is too rapid. PG&E should transition its CARE discount over several years.

D. The Low Income Needs Assessment Should Inform the Commission's Analysis of the Rate Proposals.

CforAT/Greenlining plan to review the recently issued Low Income Needs Assessment (LINA)[7] and to utilize information from the assessment to inform our analysis of the IOUs' proposals. The LINA includes valuable information, including information about energy burden among specific low income populations (such as low income customers with basic energy usage levels) that the Commission should consider alongside the IOUs proposals.

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[5] *See* Cal. Pub. Util. Code § 739.1(c)(2).
[6] Phase 2 Ruling, p. 5.
[7] The LINA is available at http://www.energydataweb.com/cpucFiles/pdaDocs/1016/ESA%20CARE%20LI%20Needs%20Assessment%20Final%20Report%20-%20Volume%201%20-%2012-16-13.pdf (Volume 1); http://www.energydataweb.com/cpucFiles/pdaDocs/1015/ESA%20CARE%20LI%20Needs%20Assessment%20Final%20Report%20-%20Volume%202%20-%2012-16-13.pdf (Volume 2). Volume 3 is available as a Word document at http://www.energydataweb.com/cpuc/search.aspx

II. The Climate Dividend Is Not a Component of Rates.

Both PG&E and SCE specifically reference the Climate Dividend in their applications, and generally treat the climate dividend as a component of rates.[8] Although SDG&E does not explicitly discuss the Climate Dividend in its testimony, it appears to include the Climate Dividend as a component of rates.[9] However, as the name implies, the Climate Dividend is not a component of rates. The Climate Dividend results from revenues generated from the sale of greenhouse gas (GHG) allowances allocated to the IOUs by the California Air Resources Board (ARB). The Commission has decided to return part of these revenues directly to consumers. These revenues are not a rebate on rates. The revenues are a dividend. The Commission has explicitly clarified that the Climate Dividend is to be attributed to the State of California, not to the individual utility.[10] The Climate Dividend is not returned to customers on a monthly basis, but rather in two payments per year, specifically in order to distinguish it from standard rate elements and make clear that it is a dividend.[11]

A. Bill Impacts Should Not Consider the Climate Dividend.

Both SCE and SDG&E provide information about the bill impact of their proposals that includes the Climate Dividend as a component of rates.[12] However, the Climate Dividend should not be considered as a component of rates and bill impacts should not be calculated using the Climate Dividend as a rate "rebate." The Climate Dividend is authorized for the specific purpose

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[8] *See* PG&E Testimony, p. 2-1, n.2, p.2-13, n.21; Phase 2 Interim Residential Rate Design Proposal of SCE ("SCE Testimony"), pp. 3, 15, 17-18, 26 & 38.
[9] *See* Prepared Direct Testimony of Cynthia Fang, Chaper 2, on behalf of SDG&E ("Fang Testimony"), Attachment E, ¶(6).
[10] *See* Commission Resolution E-4611, issued on Oct. 17, 2013, p. 3.
[11] *See* D.12-12-003, p. 124.
[12] *See* SCE Testimony, p. 15, n.24, p. 17, n.27, p. 18; Fang Testimony, Attachment E, ¶(6). PG&E apparently does not include the Climate Dividend when reporting bill impacts, but PG&E states that the Climate Dividend should be accounted as a credit to customers. *See* PG&E Testimony, p. 2-13, n.21.

of generating customer engagement with the California's cap-and-trade program and moving customers toward reduced greenhouse gas generations. It is not intended to merely reduce customer bills, as that reduces a conservation incentive. The improper inclusion of the Climate Dividend as a rate element improperly ameliorates the bill impacts of the IOUs' actual rate proposals. Thus, bill impacts reported by the IOUs with the Climate Dividend included are inaccurate. As a practical matter, customers do not receive the Climate Dividend on a monthly basis, so to characterize "monthly bill impacts" while including the Climate Dividend does not match reality.

B. Calculation of the Effective CARE Discount Should Not Consider the Climate Dividend.

Both PG&E and SCE explicitly state that they calculate the effective CARE discount, accounting for the Climate Dividend as a component of rates.[13] This is incorrect. Again, the Climate Dividend is not and should not be considered as a "rebate" of rates. The effective CARE discount should be calculated without consideration of the Climate Dividend.

III. The IOUs Propose Sweeping Changes, rather than Short-Term, Interim Changes to their Rate Structures.

The Phase 2 Ruling directed IOUs to provide "Short Term Transitional Rate Change" Applications.[14] The Phase 2 Ruling directed IOUs to make "modest, easy to evaluate" proposals; the ruling reasoned that "more complex" proposals would not be productive.[15] The Phase 2 Ruling initially set out an extremely streamlined rate design application process. Generally rate

[13] *See* PG&E Testimony, p. 2-1, n.2, pp. 2-15 to 2-16; SCE Testimony, p. 39. SDG&E makes no explicit statement about whether it includes the Climate Dividend when calculating the effective CARE discount.
[14] Phase 2 Ruling, p. 4.
[15] Phase 2 Ruling, pp. 4-5.

design changes take at least a full year to complete; here the Phase 2 Ruling initially contemplated a process that would take about half a year to complete.

CforAT/Greenlining have already objected to the rushed schedule proposed by the Phase 2 Ruling, and the possibility that such a rushed schedule would fail to provide necessary due process protections.[16] CforAT/Greenlining continue to make this objection regarding the Phase 2 proceeding.

The problems with a streamlined process are especially troubling if sweeping, far-reaching rate design changes are being contemplated. Fundamental changes to rate design should not be enacted in a rushed ratemaking process that fails to respect due process. Phase 2 of this proceeding seemed intended to enact only modest, interim changes. However, the IOUs propose fundamental, long-term rate design changes. Moreover, for many of their proposals, the IOUs explicitly characterize their proposals as a first step on a fixed path rather than modest steps to adopt temporarily while fundamental rates design issues are pending.

The IOUs often reference the "guidelines" in the Phase 2 Ruling, or other language from the ruling to justify their proposals for long-term changes, stating that their proposals follow the direction of this language. This is especially so regarding the first and third guideline in the Phase 2 Ruling:

> I propose the following guidelines for the Interim Rate Change Applications:
>
> 1. To prevent further disparity in lower and upper tiers, any rate increase resulting from increased revenue requirements should be applied first to the lower tiers.
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> ....
>
> 3. To prevent future rate shock, Tier 1 and Tier 2 rates changes should begin to increase in 2014.[17]

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[16] *See* Comments of CforAT/Greenlining on Procedural Schedule and Need for Evidentiary Hearing, filed Nov. 8, 2013

[17] Phase 2 Ruling, p. 5.

CforAT/Greenlining have already filed a motion asserting that the inclusion of this language in the Phase 2 Ruling is inappropriate, and that this language should not be relied on as a prejudgment or justification of the IOUs Phase 2 Filings. However, even assuming *arguendo* that this language from the Phase 2 Ruling is acceptable guidance, the Phase 2 Ruling was not providing guidance in order to seek rate design proposals that establish long-term, fundamental rate changes. Rather, the Phase 2 Ruling sought only interim, short-term changes from the IOUs. Thus, the language of the Phase 2 Ruling should not be used to justify any long-term, fundamental changes.

A. Tier Consolidation Should Not Be Decided in a Streamlined Process.

Phase 1 of this proceeding will consider the best rate structure to meet all of the Commission's and California's energy and customer goals. Phase 1 will have the benefit of extensive consideration and discussion by Commission staff and intervenors, and substantial input and commentary with regard to all of the elements and principles of rate design that were developed and defined in great detail based on earlier rounds of comments and workshops in this proceeding. The tiered rate structure is an important part of Phase 1. Neither the IOUs nor the Commission should decide on an optimal rate structure without the guidance of a complete Phase 1 decision. Phase 1 may recommend a model tier structure different from what the IOUs propose here.

For example, the Phase 1 Ruling may recommend four tiers, or may recommend tiers at different break points than proposed by the IOUs here. Thus, it would be inappropriate to enact tier consolidation in Phase 2 of this proceeding. An IOU may enact a change in tier structure in Phase 2, only to have to change direction towards a completely different tier structure after the Phase 1 decision. Customers would then have to be educated about rate structure changes

multiple times, with changes being implemented in what would appear to customers to be a haphazard manner. Tier consolidation should be rejected as an interim, short-term change.

SDG&E's proposal to reduce its rate structure to two tiers is especially inappropriate for this interim phase. Such a fundamental change, going from four tiers to two tiers, is inappropriate for a streamlined process designed only for modest interim changes. SDG&E argues that its structure is essentially a two-tiered structure already, so that such a change is not that substantial.[18] However, movement to a two-tiered rate structure from a four-tiered rate structure is by its nature a substantial change. Change to a two-tiered rate structure is especially problematic if the Phase 1 model rate structure consists of three tiers or more.

B. The Setting of Tier Ratios Should Not Be Decided in a Streamlined Process.

Part of the justification SCE uses for its proposed rates is that the rates are based on a tier ratio of 1/1.3/1.6.[19] However, the Commission has not reached a decision as to what the model tier ratio should be, as this is a component of Phase 1 of this proceeding. A decision as to a "model" tier ratio should not be made in a streamlined proceeding. Furthermore, rates should not be set based on a purported "model" tier ratio.

C. The Commission Should Not Establish a Methodology to Automatically Raise Rates on the Lower Tiers.

Both PG&E and SDG&E propose to establish a fixed methodology to determine how to allocate additional revenue requirements in the coming years.[20] PG&E proposes that any additional revenue requirement occurring between rate cases be allocated to all other rate tiers, except for its proposed non-CARE Tier 3, on an equal percentage so as to collect the incremental

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[18] *See* Prepared Direct Testimony of Chris Yunker, Chaper 1, on behalf of SDG&E ("Yunker Testimony"), p. 11.
[19] *See* SCE Testimony, pp. 3, 22-23.
[20] *See* PG&E Testimony, p. 2-29; Yunker Testimony, p. 18; Fang Testimony, p. 20.

revenue amount.[21] SDG&E proposes to allocate all rate increases onto lower tiers by a ratio of 1.5 compared to upper tiers.[22]

The Commission should not establish such an "automatic" methodology for allocating new revenue requirements. The Commission's responsibility for determining that essential electricity supplies remain affordable prevents it from allocating new revenue requirements without proper consideration of actual proposals and the accompanying bill impacts.[23] An automatic revenue requirement allocation process is simply not allowed by statute. Furthermore, a streamlined proceeding, such as contemplated for Phase 2, would clearly not be an appropriate forum to establish such a far-reaching methodology.

D. The Family Electric Rate Assistance Could Be Fundamentally Transformed.

As each IOU proposes to fundamentally alter its tiered rate structure, the Family Electric Rate Assistance (FERA) program will necessarily be altered. The Commission created the FERA program in 2004, recognizing that large households often have greater energy usage at upper tier levels, and provided for a discount for large households with income below 250% of the federal poverty level.[24] The discount consists of charging Tier 2 rates for Tier 3 usage. However, each of the IOUs proposes to alter its current tier structure, such that the resulting Tiers 2 and 3 are changed. Thus, provision of Tier 2 rates for Tier 3 usage would result in a different level of discount under the IOUs' tier consolidation proposals.

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[21] *See* PG&E Testimony, p. 2-29
[22] *See* Yunker Testimony, p. 18; Fang Testimony, p. 20
[23] *See* Section I above
[24] *See* D.04-02-057, p. 51; *see also* Findings of Fact 15, 16.

Each IOU proposes a different manner of continuing to provide FERA customers with a discount under its proposed tier structure.[25] Examination of which FERA proposal is the best, and which (if any) carries out the Commission's objective in creating the FERA program should not be done in a streamlined process. The FERA program and how it should operate in any changed rate structure is another reason why the Commission should not approve fundamental changes in the tiered rate structure in a streamlined proceeding.

E. The Medical Baseline Program Could Be Fundamentally Transformed.

The Medical Baseline Program provides additional baseline allowances at the lowest tier rate to customers who demonstrate that they require higher levels of energy usage based on medical need, consistent with statute; it also caps the rate that qualified customers pay at current Tier 3 rates and exempts qualified customers from certain charges. SCE proposes to discontinue the bond charge exemption, and raises (but does not formally propose) the option of reducing the actual allowances.[26] These proposals appear to be afterthoughts, as they do not appear in SCE's primary Phase 2 Filing, but rather in an "Addendum" that was filed on December 4, 2013. PG&E proposes to transform the current Medical Baseline discount into a direct discount off of usage above 200% of baseline; it fails to address how it would modify the additional allowance levels.[27] SDG&E puts forth a complex proposal, to be implemented over four years[28] as follows:

> all medical baseline customers would continue to receive an additional baseline allowance of 16.5 kWh per day per device and exemption from the DWR-BC with non-CARE medical baseline customers now paying non-CARE rates (less the DWR-BC exemption) and CARE medical baseline customers paying the new

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[25] *See* PG&E Testimony, pp. 2-12 to 2-13; Fang Testimony, p. 16; Addendum to Phase 2 Interim Residential Rate Design Proposal of SCE ("SCE Addendum"), p. 1.
[26] *See* SCE Addendum, pp. 2-3.
[27] *See* PG&E Testimony, p. 2-12.
[28] Obviously any proposal that would require a four year implementation period is, on its face, not an "interim" proposal. Thus SDG&E fails to follow the guidelines issued for Phase 2 with regard to its Medical Baseline Customers.

> CARE rates with the new line item discount. SDG&E proposes to implement this transition over a 4-year period for non-CARE medical baseline customers. Specifically, beginning January 1, 2015, the medical baseline rate for Tier 1 and Tier 2 usage will increase by 25% of the differential between non-CARE and medical baseline rates.[29]

Overall, the IOUs' proposals for Medical Baseline (and particularly SDG&E's proposal to implement changes over four years) reflect fundamental changes that should be considered in Phase 1 prior to any implementation of "interim" changes in Phase 2.

IV. Procedural Issues.

A. The Effect of the Application on the Protestants.

Greenlining is a policy, organizing, and leadership institute working for racial and economic justice. Greenlining's by-laws authorize it to represent the interests of low income communities, minorities and residential ratepayers, including users of electricity. The proposals in this Application would likely increase the bills of residential ratepayers, especially low income ratepayers and ratepayers who use low or moderate levels of electricity.

CforAT represents the interests of people with disabilities, who are disproportionately low income (many with fixed incomes based on government benefits) and who rely on affordable and reliable energy supplies to allow them to live independently in their communities. People with disabilities also rely on the Medical Baseline program to ensure that they can afford necessary energy for their assistive technology. The proposals in the Phase 2 Filings will increase the bills of many people with disabilities, increasing their energy burden and reducing their ability to afford to meet their energy needs.

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[29] Fang Testimony, p. 17.

B. Proposed Category.

CforAT/Greenlining agree that this second phase of the proceeding, involving IOUs interim rate change applications, should be categorized as ratesetting.[30]

C. Need for Hearing.

CforAT/Greenlining believe that evidentiary hearings will be required and will file a motion requesting evidentiary hearings no later than January 7, 2014, as directed in the Phase 2 Ruling, as modified by the Administrative Law Judge at the recent Prehearing Conference.

D. Issues to Be Considered.

As discussed briefly above, Greenlining/CforAT have identified a number of issues to be considered related to the IOUs' proposals. However, given the size of the Phase 2 Filings as well as the supporting materials, Greenlining and CforAT are still developing their positions while also conducting discovery and engaging in direct conversations with the IOUs and other stakeholders.

E. The Proposed Schedule.

All of the IOUs adopted the initial schedule proposed in the Phase 2 Ruling.[31] CforAT/Greenlining have already objected to the rushed schedule proposed by the Phase 2 Ruling, and the possibility that it fails to provide for necessary due process protections.[32] While allowing parties to request evidentiary hearings, the initial proposed schedule did not realistically provide a reasonably opportunity for hearings to take place; this alone renders the dates set in the proposed schedule invalid. Moreover, at the initial Prehearing Conference for Phase 2 of this

[30] *See* Interim Application, p. 10.
[31] *See* PG&E Filing, p. 11; SDG&E Filing, p. 4; SCE Filing, p. 9.
[32] *See* Comments of CforAT/Greenlining on Procedural Schedule and Need for Evidentiary Hearing, filed Nov. 8, 2013

proceeding, CforAT/Greenlining provided the following alternate proposal, which is the most aggressive and streamlined schedule we believe is possible:

Center for Accessible Technology and the Greenlining Institute Proposed Schedule[33]

Event	ACR Schedule	CforAT/Greenlining Proposed Schedule
Comments on procedural schedule and need for evidentiary hearings	Nov. 8, 2013	Nov. 8, 2013
Applications filed; Opening Testimony served	Nov. 22, 2013	Nov. 22, 2013
Protests Filed	Dec. 23, 2013	Dec. 23, 2013
Replies Filed	Jan. 7, 2014	Jan. 7, 2014
Motions for Evidentiary Hearings filed	Jan. 10, 2014	Jan. 10, 2014
Prehearing Conference held	Jan. 14, 2014	Jan. 14, 2014
Phase 2 Scoping Memo issued	Jan. 21, 2014	Jan. 21, 2014
Reply Testimony served	Feb. 3, 2014	March 14, 2014
Rebuttal Testimony served	Feb. 10, 2014	April 2, 2014
Evidentiary Hearings	--	Mid April 2014
Opening Briefs	--	May 9, 2014
Reply Briefs	--	May 19, 2014
Proposed Decision issued for comment	March 2014	June 2014/ Set by ALJ

The Commission cannot consider rate design changes in a process that is so "streamlined" that it does not allow for full development of party positions and appropriate due process. The Commission should institute a more realistic schedule than that proposed initially in the Phase 2 Ruling, particularly given the substantial changes to rates and rate design that have been proposed by the IOUs in their filings.

[33] This proposed schedule was distributed to parties at the Prehearing Conference, though it was not incorporated into the transcript.

Respectfully submitted,

Dated: December 23, 2013

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