

**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 UTILITY CONSUMERS' ACTION NETWORK (UCAN) TO ACCEPT UCAN' PROTEST TO  
THE PHASE 2 SUPPLEMENTAL FILING OF SAN DIEGO GAS AND ELECTRIC (U920M)**

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
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**INTRODUCTION**

Pursuant to Commission Rule of Practice and Procedure 11.1 UCAN hereby makes this motion to allow the filing of our protest to SDG&E's supplemental filing for phase 2 of this proceeding. In the Assigned Commissioners Ruling (ACR) it asked for applications and for protests to those applications. Because the documents filed by SDG&E were labeled a supplemental filing and were in phase 2 of this rulemaking, the docket office rejected UCAN's attempt to file a protest. For the reasons described below, UCAN asks that the ALJ grant permission to file the attached protest now. No party will be harmed or prejudiced by this request.

**PROCEDURAL HISTORY**

On October 25, 2013 President Peevey issued an Assigned Commissioner's Ruling (ACR) to this rulemaking opening a Phase 2 which invited the Utilities to submit an interim rate change application seeking rate redesign in conformity to the requirements on AB 327. The

ACR asked for applications and set a schedule to receive protests to those applications by December 23, 2013. On November 22, 2013 San Diego Gas and Electric submitted their application in accordance to the ACR. UCAN attempted to submit a protest to SDG&E's application on December 23, 2013 but, because we were not a party to the proceeding, the docket office rejected the filing.

Because Commission Rule of Practice and Procedure 1.4 (a) (2) allows for a protestant to file a protest to an application and upon so doing that protestant will become a party to the proceeding, UCAN's protest should have been accepted. Pursuant to Rule 1.4 (a) (2) we ask that this motion be granted to allow our protest to be filed now.

### **ACCEPTANCE OF UCAN'S PROTEST IS PROPER**

The ACR asks that the Investor Owned Utilities submit applications for interim rate redesign by November 22, 2013 and allowed protests to those applications to be filed by December 23, 2013.

UCAN attempted to timely file a protest on December 23, 2013 but because we were not a party to the rulemaking in phase 1, our protest was not accepted. However, pursuant to Rule 1.4 (a) (2) a person may become a party to a proceeding by filing a protest or response to an application or petition, or comments in response to a rulemaking. Given that the ACR asked for both applications and protests to those applications UCAN believed that our protest to this application would be accepted. Further, by filing the protest to the application UCAN should have then become a party to the docket as is standard Commission practice for protests to applications.

Given Rule 1.4 (a) (2) UCAN's protest should have been accepted on December 23, 2013. UCAN asks that the enclosed protest be accepted now.<sup>1</sup> No other party will be prejudiced by this filing.

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<sup>1</sup> The protest filed with this motion is substantially similar to the one that was served on the service list on December 23, 2013, however, it has been shortened slightly.

## CONCLUSION

For the foregoing reasons, UCAN asks that this motion be granted and that UCAN's enclosed protest be accepted for filing.

Respectfully submitted,

*/s/ Donald Kelly*

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