

**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 FOR EVIDENTIARY HEARINGS BY  
SAN DIEGO CONSUMERS' ACTION NETWORK**

Pursuant to the Commissioner's Amended Scoping Memo, dated January 6, 2014, San Diego Consumers' Action Network (SDCAN) brings this Motion for Evidentiary Hearings.

**Issues of Fact That Warrant Hearings**

As noted in its Protest, SDCAN submits that there are a number of factual issues upon which the parties do not agree and that require discovery and cross-examination to resolve. They include:

1. The impact of eliminating two tiers upon customer conservation. SDCAN is prepare to submit expert testimony on why multi-tiered pricing at the higher usage levels increases conservation incentives for those customers with the opportunity for reducing the greatest amount of load. SDCAN will show that higher-usage customers tend to have higher incomes than customers with lower

usage and that higher-usage customers typically have load patterns that are more peaked relative to the load patterns of customers with lower usage, and that their loads are concentrated more during the summer hours and during the hour of system coincident peak. As a result, higher-usage customers are likely to be more costly to the system on a per-kWh basis than are customers with lower usage.

2. The impact of eliminating two tiers upon the cost-effectiveness of SDG&E's smart grid investment. SDCAN plans to present expert testimony that assesses how SDG&E's elimination of tiers reduces the value of that customer-funded investment and renders it less cost-effective.
3. The impact of eliminating two tiers upon SDCAN third-party energy management companies who rely upon more robust pricing schemes to bring value-added services to residential customers. SDCAN plans to present expert testimony that describes the market-dampening effects of SDG&E's proposed tier-elimination.
4. The likely customer confusion caused by SDG&E's move away from tiered pricing just as other San Diego-based utilities are moving towards more steeply-tiered pricing.
5. The benefits and comparable advantages of SDCAN's tiered pricing scheme over the proposal submitted by SDG&E.

## Proposed Schedule

In its Protest, ORA and TURN have proposed a schedule that contemplates reply testimony filed by protesting parties on February 28, 2014 and rebuttal testimony on March 14. SDCAN concurs with these proposed dates.

However, the ORA/TURN schedule does not address the need for evidentiary hearings on the reply and rebuttal testimonies. CforAT/Greenlining suggested mid-April evidentiary hearings. SDCAN concurs with CforAT/Greenlining that evidentiary hearings are necessary and submits that one week of evidentiary hearings in late March or early April would be sufficient time for parties to cross-examine on any factual assertions contained in the testimonies.

SDCAN expects that reconciling the various schedules will be addressed at the January 8<sup>th</sup> PHC and plans to attend that conference.

Respectfully submitted,

Dated: January 7, 2014

/s/

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