

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric  
Company (U39M) for Approval of its  
Proposal for a Day-Ahead Real Time Rate and  
Pilot to Evaluate Customer Understanding and  
Supporting Technology.

Application 20-10-011  
(Filed October 23, 2020)

**RESPONSE OF THE VEHICLE GRID INTEGRATION COUNCIL  
TO PACIFIC GAS AND ELECTRIC COMPANY'S  
MOTION FOR EVIDENTIARY HEARING**

April 27, 2022

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The Vehicle Grid Integration Council (VGIC) respectfully responds to the Motion for Evidentiary Hearing (Motion) filed by Pacific Gas and Electric Company (PG&E) in Application (A.) 20-10-011 (Day-Ahead Hourly Real Time Pricing (DAHRTP) Rate for Commercial Electric Vehicle (CEV) Customers) on April 22, 2022. On April 25, 2022, Administrative Law Judge (ALJ) Patrick Doherty sent a procedural email to the service list for this proceeding stating that responses to PG&E's Motion should be filed no later than April 28, 2022. This Response is timely filed and served pursuant to Rule 11.1(e) of the Commission's Rules of Practice and Procedure and the instructions in ALJ Doherty's procedural email of April 25, 2022.

**I.**

**PG&E SEEKS RELIEF IN ITS MOTION THAT GOES FAR BEYOND A  
REQUEST FOR EVIDENTIARY HEARING AND MUST BE REJECTED.**

**A. Background**

On January 14, 2022, an ALJ's Email Ruling was issued granting extension requests and amending the procedural schedule to consider remaining issues in this proceeding that included (1) calculation of marginal generation capacity costs (MGCC) and (2) an export compensation mechanism for customers enrolled in the DAHRTP rate that do not participate in net energy metering (NEM) but provide behind-the-meter resources (1-14-2022 ALJ's

Email Ruling).<sup>1</sup> As to the second issue, that revised scheduled called for PG&E to “supplement” A.20-10-011 by proposing an export compensation for non-NEM customers on March 24, 2022; “direct testimony” to be served on April 13, 2022; “motions for evidentiary hearing related to MGCC and export compensation” to be filed and served on April 22, 2022; and rebuttal testimony to be served on April 29, 2022.<sup>2</sup>

In addition, the 1-14-2022 Ruling set out a detailed list of questions, with subparts, that “at a minimum, *PG&E shall address* in its supplement to A.20-10-011 related to export compensation.”<sup>3</sup> On March 24, 2022, PG&E filed a “proposal for export compensation for non-NEM customers.”<sup>4</sup> On April 13, 2022, “direct testimony” on this issue was served by PG&E and VGIC. Rebuttal testimony to this direct testimony is due on April 29, 2022.

**B. PG&E’s Motion Goes Far Beyond Identifying a Contested Issue Requiring an Evidentiary Hearing and Instead Seeks Relief That Wrongly Seeks To Impose Obligations on VGIC That Are Based on Vague Assertions, Are Meritless, and Must Be Rejected.**

As stated in the 1-14-2022 Ruling, the “motions” due on April 22 were strictly limited to requesting an evidentiary hearing. VGIC does not dispute that PG&E has appropriately identified the issue of how non-NEM customers enrolled in PG&E’s DAHRTP-CEV rate that provide BTM resources should receive export compensation as one that is “currently contested” and may require an evidentiary hearing. In this regard, VGIC confirms that its direct testimony served on April 13, 2022, does address deficiencies in PG&E’s export compensation proposal filed on March 24, 2022, including its failure to comply with the 1-14-2022 Ruling, and further proposes an alternate export compensation mechanism. Again, on

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<sup>1</sup> See also, Assigned Commissioner’s Amended Scoping Memo and Ruling, at p. 4.

<sup>2</sup> 1-14-2022 ALJ’s Email Ruling, at p. 4.

<sup>3</sup> 1-14-2022 ALJ’s Email Ruling, at p. 3; emphasis added.

<sup>4</sup> PG&E Proposal, at p 1.

that same date (April 13, 2022), PG&E also served testimony in support of its export compensation proposal. This testimony similarly failed to comply with the 1-14-2022 Ruling, and did not “explain the methodology that would be used to calculate the compensation rate for non-NEM customers”<sup>5</sup> or “provide a detailed analysis”<sup>6</sup> on why that rate should differ from NEM customers, especially between the time when the DAHRTP-CEV rate is first effective and the time PG&E’s proposal is implemented.

However, even before either party has served rebuttal testimony due this Friday, April 29, or had an opportunity to cross-examine on the testimony served to date or by April 29, PG&E has elected to challenge VGIC’s direct testimony in its Motion for Evidentiary Hearing. PG&E asks that the Commission not only schedule an evidentiary hearing, but direct VGIC to “come forward with additional implementation details for its proposals so that parties may have an opportunity to adequately evaluate feasibility and cost of its proposals.”<sup>7</sup> PG&E further claims that VGIC “has not provided an adequate showing justifying its proposals” and that VGIC’s proposals “would benefit from clarification.”<sup>8</sup> PG&E also claims that VGIC has “misunderstood” PG&E’s proposal.

These claims are not substantiated by any facts and, furthermore, are the types of allegations that would be made in a brief *after* the merits of both parties’ testimony had been tested through cross examination. VGIC can confirm that, prior to filing its motion, PG&E posed *no* data requests, no discovery, nor any informal outreach regarding VGIC’s testimony making it clear that it had taken no steps to identify, much less resolve, any “clarification[s]” it claims it needs regarding VGIC’s testimony. Further, the claims made by PG&E regarding

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<sup>5</sup> 1-14-2022 ALJ’s Email Ruling, at p. 3

<sup>6</sup> *Id.*, at p. 3.

<sup>7</sup> PG&E Motion for Evidentiary Hearing, at p. 1.

<sup>8</sup> *Id.*, at p. 3.

perceived deficiencies in VGIC’s testimony are the *same* ones that VGIC has attested to, but substantiated, in its direct testimony *as to* PG&E’s proposal. The failing in PG&E’s proposal, as attested to by VGIC, begins with PG&E having the burden of proving the reasonableness and, more importantly, its compliance with Commission *directives* specific to PG&E’s proposal that VGIC has testified it has not.

The only relief that this Commission can or should consider granting in response to PG&E’s motion is whether or not an evidentiary hearing should be held on the issue of non-NEM export compensation. All other requests made by PG&E regarding VGIC “coming forward” in any manner should be rejected as improper procedurally and substantively.

## **II. TIMING OF EVIDENTIARY HEARING**

ALJ Doherty’s procedural email requested that parties “clarify the expected hearing dates in this proceeding for the purpose of witness scheduling” and notes that hearing dates are now “tentatively scheduled for May 18 – 20, 2022.” As an initial matter, VGIC notes that witness Ed Burgess is unavailable on May 19-20, 2022 due to a personal matter. Additionally, given PG&E’s claims and relief sought in its Motion regarding VGIC’s testimony, as detailed above, VGIC is very concerned that parties will not have sufficient time between the service of rebuttal testimony on Friday, April 29, and the tentative hearing start date of May 18, to conduct necessary discovery encompassing all non-NEM export compensation testimony and to hold settlement discussions, which the Commission has encouraged, to address and potentially even resolve contested issues. For those reasons, VGIC requests that the evidentiary hearing on the non-NEM compensation issues be moved one month and scheduled for no earlier than June 15, 2022, to provide time for discovery and settlement talks to take place.

**III.  
CONCLUSION**

PG&E's Motion for Evidentiary Hearing has clearly exceeded the appropriate scope of such a request and should only be granted as to a date on which an evidentiary hearing will be scheduled. Further, VGIC requests the above modification to the schedule for this proceeding on the issue of Non-NEM export compensation proposals.

Respectfully submitted,

April 27, 2022

/s/ ED BURGESS