

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**

Application of Pacific Gas and Electric Company (U 39 E) for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023-2027.	Application 22-05-002 (Filed May 2, 2022)	09/19/22 04:59 PM A2205002
Application of San Diego Gas & Electric Company (U 902-E) Requesting Approval and Funding of its Demand Response Portfolio for Bridge Year 2023 and Program Years 2024-2027.	Application 22-05-003 (Filed May 2, 2022)	
Application of Southern California Edison Company (U 338-E) for Approval of Demand Response Programs and Budgets for 2023-2027.	Application 22-05-004 (Filed May 2, 2022)	

**JOINT MOTION OF CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT COUNCIL AND CPOWER FOR ACCEPTANCE OF THE LATE-FILED JOINT MOTION OF CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT COUNCIL AND CPOWER FOR EVIDENTIARY HEARINGS AND DISCOVERY IN PHASE 1 AUCTION MECHANISM AND NEXANT REPORT**

**Jennifer A. Chamberlin**  
**Executive Director, Market Development**  
**CPower**  
2475 Harvard Circle  
Walnut Creek, CA 94597  
Telephone: 925-433-2165  
Email: [JAC@CPowerEnergyManagement.com](mailto:JAC@CPowerEnergyManagement.com)

**Sara Steck Myers**  
**Attorney at Law**  
122 - 28th Avenue  
San Francisco, CA 94121  
Telephone: 415-387-1904  
Email: [ssmyers@att.net](mailto:ssmyers@att.net)

September 19, 2022

**Joseph Desmond**  
**Executive Director**  
**California Efficiency + Demand Management Council**  
849 E. Stanley Blvd #294  
Livermore, CA 94550  
Telephone: 925-785-2878  
Email: [policy@cedmc.org](mailto:policy@cedmc.org)

**Luke Tougas**  
**Consultant for**  
**California Efficiency + Demand Management Council**  
849 E. Stanley Blvd #294  
Livermore, CA 94550  
Telephone: 510-326-1931  
Email: [l.tougas@cleanenergyresearch.com](mailto:l.tougas@cleanenergyresearch.com)

**Megan M. Myers**  
**Attorney at Law**  
110 Oxford Street  
San Francisco, CA  
Telephone: 415-994-1616  
Email: [meganmyers@yahoo.com](mailto:meganmyers@yahoo.com)

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The California Efficiency + Demand Management Council (“Council”) and CPower respectfully submit this Joint Motion for Acceptance of the Late-Filed Joint Motion of the Council and CPower for Evidentiary Hearings and Discovery in Phase 1 Demand Response Auction Mechanism (“DRAM”) in the consolidated Applications (A.) 22-05-002, A.22-05-003, and A.22-05-004. This Joint Motion is filed pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure and is submitted on the same day and in support of the Late-Filed Joint Motion of the Council and CPower for Evidentiary Hearings and Discovery in Phase 1-DRAM (“Late-Filed Joint Motion”).

The Late-Filed Joint Motion details the facts supporting the relief requested by that motion necessarily being filed on September 19, 2022, the first business day after September 16,

2022, the due date for requests for evidentiary hearing and discovery in A.22-05-002, et al.<sup>1</sup> The Late-Filed Joint Motion, incorporated by reference herein, states the facts that prevented the Council and CPower requesting evidentiary hearing on September 16, 2022, as supported by attachments and the Declaration of Sara Steck Myers. Specifically, the Council and CPower only learned of the intention of Southern California Edison Company (SCE) to “move the Nexant Report into evidence” after the close of business on September 16, 2022.

As the Late-Filed Joint Motion details, this late notice by SCE stating that it would seek to “move the Nexant Report into evidence” was a change of circumstance that altered the position previously taken by the Council and CPower in Phase 1-DRAM that evidentiary hearings and discovery were not needed upon the stipulated admission of party testimony served in Phase 1-DRAM on August 5 and September 2, 2022. The Nexant Report was not and is not among those exhibits and has not been previously offered by any party, but, as confirmed by the testimony of both the Council and CPower, raises material issues of fact in dispute requiring an evidentiary hearing and discovery if offered as evidence by a party. Having learned of SCE’s intention to “move the Nexant Report into evidence” after close-of-business on September 16, 2022, the Council and CPower have moved as quickly as possible to file the Late-Filed Joint Motion requesting evidentiary hearings and discovery on that proposed “evidence.”

The Council and CPower believe that the one business-day delay in filing the Late-Filed Joint Motion is completely justified based on these facts as further detailed and supported in the Late-Filed Joint Motion. The Council and CPower, therefore, move for the acceptance of the Late-Filed Joint Motion into the record of this proceeding.

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<sup>1</sup> Assigned Commissioner’s Scoping Memo and Ruling, at p. 6.

Respectfully submitted,

September 19, 2022

/s/ SARA STECK MYERS

Sara Steck Myers

On Behalf of CPower and the Council

122 – 28<sup>th</sup> Avenue

San Francisco, CA 94121

Telephone: (415) 387-1904

Facsimile: (415) 387-4708

Email: [ssmyers@att.net](mailto:ssmyers@att.net)

**Jennifer A. Chamberlin**  
**Executive Director, Market Development**  
**CPower**

2475 Harvard Circle

Walnut Creek, CA 94597

Telephone: 925-433-2165

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Telephone: 510-326-1931

Email: [l.tougas@cleanenergyresearch.com](mailto:l.tougas@cleanenergyresearch.com)

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**Attorney at Law**  
110 Oxford Street  
San Francisco, CA  
Telephone: 415-994-1616  
Email: [meganmyers@yahoo.com](mailto:meganmyers@yahoo.com)