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|  | **PENNSYLVANIA****PUBLIC UTILITY COMMISSION****Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held: February 6, 2020  |
| Commissioners Present: |  |

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| Gladys Brown Dutrieuille, ChairmanDavid W. Sweet, Vice ChairmanAndrew G. PlaceJohn F. Coleman, Jr., Dissenting Joint StatementRalph V. Yanora, Dissenting Joint Statement |

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| Petition of Energy Association of Pennsylvania for Reconsideration/Clarification of the November 5, 2019 Final CAP Policy Statement and Order at Docket No. M-2019-3012599 | Docket No. P-2020-3016889 |
| 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code § 69.261–69.267 | Docket No. M-2019-3012599 |

**ORDER ON RECONSIDERATION and CLARIFICATION**

**BY THE COMMISSION:**

Before the Public Utility Commission (Commission) for consideration and disposition on the merits is the November 20, 2019 Petition for Reconsideration and/or Clarification (EAP Petition) filed by the Energy Association of Pennsylvania (EAP) regarding the directives in Ordering Paragraphs six (6), seven (7), and eight (8) in the Commission’s Final Customer Assistance Program (CAP) Policy Statement and Order entered on November 5, 2019, at Docket No, M-2019-3012599 (November 5 Order and Annex). Reconsideration of the EAP Petition was granted pending further review on the merits in an Order entered on November 25, 2019, (November 25 Order).[[1]](#footnote-2) This Order grants reconsideration, in part, to clarify the November 5 Order.

**HISTORY**

*2019 Amendments to the CAP Policy Statement at Docket M-2019-3012599*

*EAP Petition for Reconsideration or Clarification at Docket No. P-2020-3016889*

 In May 2017, the Commission initiated two proceedings, *Energy Affordability for Low-Income Customers*, Docket No. M-2017-2587711, and *Review of Universal Service and Energy Conservation Programs*, Docket No. M­2017­2596907, to conduct a comprehensive review of the policies, practices, and procedures of Pennsylvania’s universal service programs, including CAPs (*Energy Affordability* proceeding and *Review* proceeding, respectively). CAPs are a mandatory program within utility universal service and energy conservation plans (USECPs). Based on comments from the electric distribution companies (EDCs) and the natural gas distribution companies (NGDCs) and other stakeholders in thoseproceedings and other dockets,[[2]](#footnote-3) the Commission approved 17 amendments[[3]](#footnote-4) to the CAP Policy Statement at 52 Pa. Code § 69.261—69.267[[4]](#footnote-5) in the November 5 Order[[5]](#footnote-6) at Docket No. M-2019-3012599.

The November 5 Order, *inter alia*, “strongly urge[d]” the EDCs and NGDCs to incorporate the CAP policy amendments in their USECPs to allow stakeholders to have a basis for meaningful input in the *Universal Service Rulemaking* proceeding.[[6]](#footnote-7) November 5 Order at 2. The November 5 Order also provided that utilities would “have the opportunity to implement these CAP policy changes through voluntary compliance with the amended CAP Policy Statement or to address the matters in utility-specific proceedings and/or as promulgated regulations. Any matters that cannot be resolved by voluntary compliance with Commission policy will be addressed in utility-specific proceedings.” November 5 Order at 13. Further, we “suggest[ed]” that the first 16 CAP Policy Statement amendments[[7]](#footnote-8) “should be operational by or before January 1, 2021.” November 5 Order at 100. Additionally, the November 5 Order directed the EDCs and NGDCs to file and serve cover letters and addenda relative to the amendments. November 5 Order Ordering Paragraphs 6, 7, and 8.

 On November 20, 2019, EAP[[8]](#footnote-9) filed two petitions in response to the November 5 Order. First, EAP filed a Petition for Reconsideration relative to the directives contained in Ordering Paragraphs 6, 7, and 8.[[9]](#footnote-10) Second, EAP filed a Petition to Stay the requirements for EDCs and NGDCs to comply with those ordering paragraphs pending resolution of its Petition for Reconsideration. OCA also filed a Petition for Reconsideration regarding other aspects of the November 5 Order.[[10]](#footnote-11)

 On November 21, 2019, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Tenant Union Representative Network (TURN), and Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance) (collectively, the Low Income Advocates) jointly filed a letter asking for an extension until December 9, 2019, to file answers to EAP’s and OCA’s Petitions for Reconsideration.

 On November 25, 2019, the Commission granted the reconsideration petitions pending further review and consideration on their merits. The November 25 Order also granted an extension until December 9, 2019, for parties to file answers to the petitions for reconsideration. Filings due January 6, 2020, relative to the November 5 Order were stayed, but filings also due January 6, 2020, relative to the Filing Schedule Order at Docket No. M-2019-3012601, discussed in greater detail below, were not expressly stayed.

 On December 9, 2019, the Low Income Advocates filed separate answers to the petitions for reconsideration and a letter in response to EAP’s Petition for Stay.[[11]](#footnote-12)

*Revised USECP Filing Schedule at Docket No. M-2019-3012601*

 On October 3, 2019, the Commission entered its USECP Filing Schedule Order, Docket No. M-2019-3012601, extending the duration of USECPs and revising the due dates of USECPs and third-party impact evaluations. The USECP Filing Schedule Order, *inter alia*, directed EDCs and NGDCs to provide enrollment and budgetary projections based on any additional years added to their current USECPs and pending proposed USECPs (if applicable)[[12]](#footnote-13) consistent with the revised filing schedule. The updated enrollment and budget filings, based on the extended terms of the utility-specific USECPs, were to be filed in conjunction with filings due pursuant to the November 5 Order, predicated on the motion that had been adopted at the CAP Policy Statement docket on September 19, 2019.

*Universal Service Rulemaking at Docket No. L-2019-3012600*

Pursuant to a motion adopted on September 19, 2019, and the order entered on January 2, 2020, the Commission has directed the Bureau of Consumer Services and the Law Bureau to commence a comprehensive universal service rulemaking at Docket No. L-2019-3012600, no later than the first quarter of 2020. The information obtained from utility and other stakeholder experiences relative to the CAP Policy Statement, especially as amended, will be informative in determining CAP provisions to be promulgated as regulations. The universal service rulemaking may also encompass the pending Low Income Usage Reduction Program (LIURP) rulemaking at Docket No. L-2016-2557886, and any other changes to the Commission’s universal service regulations, policies, and practices necessary to ensure that universal service programs are reasonably structured to efficiently and effectively assist low-income ratepayers without being overly burdensome on other ratepayers or stakeholders.

**DISCUSSION**

1. **STANDARD FOR RECONSIDERATION**

Petitions for reconsideration and clarification are reviewed pursuant to 66 Pa.C.S. § 703(g), 52 Pa. Code § 5.572, and *Duick v. PGW*, 56 Pa. P.U.C. 553 (1982). “A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion . . . to rescind or amend a prior order in whole or in part.” A party may not raise the same questions in a petition for reconsideration that were raised in a prior pleading. Such questions raised ought to be those that “appear to have been overlooked or not addressed by the Commission.” If “new and novel” questions are not raised, a party will not succeed in persuading the Commission that the “initial decision on a matter or issue was either unwise or in error.” *Duick* at 558.

As explained in greater detail below, EAP and the utilities essentially require clarification between the assurances on pages 13 and 100 of the “voluntary” aspect of compliance with the policy amendments and Ordering Paragraph No. 6 directive that utilities “indicate how [they] intend to implement the policy changes . . . by or before January 1, 2021.” We shall grant reconsideration to clarify how these two provisions mesh and to clarify what the filing requirements are.

1. **EAP PETITION FOR RECONSIDERATION/CLARIFICATION[[13]](#footnote-14)**

The EAP Petition seeks reconsideration and/or clarification of the language in Ordering Paragraphs 6, 7, and 8 of the November 5 Order. The Ordering Paragraphs provided filing instructions for USECP addendums relative to the amended CAP Policy Statement:

6. That the [EDCs and NGDCs] shall file and serve addendums to their existing or proposed (if applicable) [USECPs], at their respective dockets, in response to this Order, within 60 days of entry date of this Order. The addendums are to indicate how the [EDCs and NGDCs] intend to implement the policy changes specified in the amended CAP Policy Statement, numbered as in the discussion herein, by or before January 1, 2021. The [EDCs and NGDCs] should indicate in the cover letter to their addendums any provisions with which they are already compliant.

7. That the addendums to the [USECPs] shall be filed in both clean and redline copies and served on the parties at the utilities’ respective existing or pending USECP dockets.

8. That the addendums to the [USECPs] shall be provided electronically in Word®-compatible format to [Commission staff].

November 5 Order at 106.

 EAP, in essence, asserts that these Ordering Paragraphs appear to require utilities to implement changes to their USECPs predicated on the amended CAP Policy Statement by or before January 1, 2021.[[14]](#footnote-15) EAP asserts, *inter alia*, that requiring compliance obligations based on a policy statement is contrary to Pennsylvania law. EAP notes the Pennsylvania courts have held that state agencies may establish binding policy only through a rulemaking or adjudication. EAP Petition for Reconsideration at 8, *citing* *Pa. Human Relations Comm’n. v. Norristown Area School Dist.*, 374 A.2d 671 (Pa. 1977). EAP notes appellate courts have overturned agency decisions based on binding policies established outside of a rulemaking or adjudication. EAP Petition for Reconsideration at 9, *citing* *Northwestern Youth Servs., Inc. v. Commw., Dep’t of Pub. Welfare*, 66 A.3d 301, 316–17 (Pa. 2013); *Transp. Servs., Inc. v. Underground Storage Tank Indemnification Bd*., 67 A.3d 142, 155–56 (Pa. Cmwlth. Ct. 2013).

 EAP requests that the Commission waive the filing directives and allow utilities to implement the amendments to the CAP Policy Statement “on a case-by-case basis through routine, utility-initiated filings to revise their individual USECPs.” EAP Petition for Reconsideration at 2. EAP recommends that the Commission clarify that the filing of addendums consistent with the amended CAP Policy Statement is voluntary. EAP Petition for Reconsideration at 4–5, 7.

1. **ANSWER TO PETITION FOR RECONSIDERATION**

 The Low Income Advocates maintain the November 5 Order does not create directives or obligations contrary to Pennsylvania law. The Low Income Advocates note that the November 5 Order explains that compliance with the amendments to the CAP Policy Statement is initially voluntary and that changes not adopted through voluntary compliance will be addressed in utility-specific proceedings. Low Income Advocates Answer at 10, *citing* November 5 Order at 13, 100. The Low Income Advocates argue that the contested Ordering Paragraphs only require utilities to submit an informational filing “requiring utilities to explain in writing whether, and to what extent, they will implement the [CAP] Policy Statement by or before January 1, 2021.” Low Income Advocates Answer at 6–7. The Advocates assert that it is within the Commission’s regulatory authority to require such informational filings and that such filings do not initiate or create a new compliance proceeding. Low Income Advocates Answer at 9–10, 11.

 The Low Income Advocates recommend denying EAP’s request for the Commission to clarify that the addendum filing is voluntary and does not initiate a compliance proceeding. The Advocates maintain that the Commission should require utilities to file addendums and explain the extent to which they will voluntarily comply with the amendments to the CAP Policy Statement. Low Income Advocates Answer at 13–14.

1. **RESOLUTION**

 Ordering Paragraphs 6, 7, and 8, in conjunction with the entirety of the November 5 Order, are not intended to mandate compliance with the new provisions of the CAP Policy Statement. They are intended to encourage utilities to implement the amendments to the CAP Policy Statement as quickly as possible and to require utilities to indicate their intentions in that regard.

 The November 5 Order clearly articulated that compliance with the CAP policy changes was voluntary:

Utilities will have the opportunity to implement these CAP policy changes through **voluntary compliance** with the amended CAP Policy Statement or to address the matters in utility-specific proceedings and/or as promulgated regulations. Any matters that cannot be resolved by voluntary compliance with Commission policy will be addressed in utility-specific proceedings.

November 5 Order at 13 (emphasis added). Additionally, the November 5 Order stated:

We **strongly urge** the EDCs and the NGDCs to incorporate these CAP Policy Statement amendments in their USECPs as fully and quickly as possible so that all stakeholders will have a basis for meaningful input in the *Universal Service Rulemaking*. We **suggest** that the first 16 CAP Policy Statement amendments should be operational by or before January 1, 2021.

November 5 Order at 100 (emphasis added).

 As noted in the cited passages, the Commission sought voluntary compliance with the amendments to the CAP Policy Statement approved in the November 5 Order. The Commission, utilities, and other stakeholders will address issues related to amendments not voluntarily adopted in utility-specific proceedings (*e.g.*, USECP approval proceedings). Early adoption of these revised CAP policies, however, may enable utilities to measure the impact of these changes as the Commission considers whether to incorporate them into regulation in the universal service rulemaking.

 The intent of the cover letter and addendum filing requirements in the Ordering Paragraphs is to determine: (1) to what extent a utility is already complying with the amendments to the CAP Policy Statement (cover letter); (2) whether and how a utility plans to voluntarily amend its USECP to comply with the other aspects of the revised CAP Policy Statement (addendum); and (3) what a utility’s timeline is for any compliance, recognizing that implementation by January 1, 2021, would allow utilities to collect meaningful input for the universal service rulemaking (addendum).

 Although compliance with the new provisions in the CAP Policy Statement is voluntary, the requirement[[15]](#footnote-16) to file a cover letter, an addendum reflecting extended terms of a USECP, and an addendum reflecting CAP changes as the utility proposes to implement are not. EAP has not persuaded us otherwise. Section 504 of the Public Utility Code, 66 Pa.C.S. § 504, authorizes the Commission to “require any public utility to file . . . special reports concerning any matter whatsoever about which the [C]ommission is authorized to inquire, or to keep itself informed, or which it is required to enforce.” The Commission is required to ensure that EDCs and NGDCs maintain universal service programs. 66 Pa.C.S. §§ 2804(9) and 2203(8), respectively. A CAP is a mandatory part of a universal service program. Thus, the Commission can require that utilities report the status of their CAPs.

 Accordingly, to clarify, the filing pursuant to the November 5 Order shall be at a utility’s USECP docket and shall specify:

* Those new provisions in the CAP Policy Statement with which the utility is already compliant and which new provisions of the CAP Policy Statement the utility is not prepared to address until its next proposed USECP is due to be filed. This can be done in a cover letter.
* What changes to its current or pending USECP, **if any**, the utility proposes to implement predicated on the new provisions in the CAP Policy Statement. This shall be done as an addendum to an existing or pending USECP.[[16]](#footnote-17) In support of a proposal, in the form of a petition to change an existing or in the form of an amended proposed USECP, the utility shall file and serve enrollment and budget projections based on the proposed change(s).[[17]](#footnote-18) The Commission may seek stakeholder comment on specific proposed change(s).

 We further clarify that the enrollment and budget projections pursuant to the Filing Schedule Order should be for the extended term of a utility’s USECP that is in effect or that is proposed and pending. Any utility that has already provided the enrollment and budget projections in response to the Filing Schedule Order at its utility-specific USECP docket need not refile those projections. Any utility that has not already filed and served projections pursuant to the Filing Schedule Order shall file and serve those projections with the filing due pursuant to this Order.

**CONCLUSION**

 Upon consideration of the record in this matter regarding the various legal and policy issues raised by the parties, the Petition for Reconsideration and/or Clarification filed by EAP is granted on the merits for the purpose of clarifying our November 5 Order. We clarify that the filing requirements in Ordering Paragraphs 6, 7, and 8 of the November 5 Order do not direct mandatory compliance with the amendments to the CAP Policy Statement. This clarification is consistent with the express language of the Order on pages 13 and 100.

 Section 504 of the Public Utility Code authorizes the directive that the utilities file and serve documents responsive to the November 5 Order and the Filing Schedule Order. We clarify that the following information is required from all utilities:

* Cover Letter to include a list of the amendments in the November 5 Order which are already part of a utility’s CAP/USECP and a list of the amendments in the November 5 Order which are not proposed for inclusion in a utility’s USECP.
* Addendum to reflect enrollment and budget projections for extended USECP term pursuant to Filing Schedule Order.

We further clarify that the following information is only required from utilities that voluntarily propose to change their USECPs pursuant to the amendments to the CAP Policy Statement:

* Petition to Amend and Addendum to reflect proposed CAP changes to an existing USECP. This filing shall include enrollment and budget implications.
* Addendum to reflect proposed CAP changes to a pending proposed USECP. This filing shall include enrollment and budget implications.

 The Commission continues to encourage utilities to propose changes to their existing USECPs and/or incorporate such changes in their proposed or future USECPs that will implement some or all of the suggested provisions to the November 5 Order as quickly as possible, preferably by January 1, 2021, to allow for meaningful input in the upcoming universal service rulemaking. The Commission looks forward to reviewing all proposed changes to USECPs that incorporate the CAP Policy Statement amendments as expeditiously as possible.

Having addressed the EAP Petition, we note that any further issues raised in the EAP’s Petition for Reconsideration/Clarification or the responses thereto, which we may not have specifically delineated herein, shall be deemed to have been duly considered and denied without further discussion. We shall address the OCA’s Petition separately. The Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pennsylvania Public Utility Commission*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also*, *generally*, *Univ. of Pennsylvania v. Pennsylvania Public Utility Commission*, 485 A.2d 1217 (Pa. Cmwlth. 1984); **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Reconsideration and/or Clarification filed by the Energy Association of Pennsylvania on November 20, 2019, is granted, in part, to clarify the Final CAP Policy Statement and Order, consistent with this Order.
2. That a copy of this Order be served on the following entities:
	1. **Natural Gas Distribution Utilities**: Columbia Gas of Pennsylvania, PECO Energy Co., National Fuel Gas Distribution Corp., Peoples Natural Gas Co., Peoples-Equitable Division, Philadelphia Gas Works, and UGI Utilities, Inc.
	2. **Electric Distribution Utilities**: Duquesne Light Co., Metropolitan Edison Co., PECO Energy Co., Pennsylvania Electric Co., Pennsylvania Power Co., PPL Electric Utilities Inc., and West Penn Power Co.
	3. **Other Parties**: The Commission’s Bureau of Investigation and Enforcement; Office of Consumer Advocate; Office of Small Business Advocate; Industrial Energy Consumers of Pennsylvania; Met-Ed Industrial Users Group; Penelec Industrial Customer Alliance; Penn Power Users Group; Philadelphia Area Industrial Users Group; PP&L Industrial Customer Alliance; West Penn Power Industrial Intervenors; Pennsylvania Utility Law Project; the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania; Energy Association of Pennsylvania; Dollar Energy Fund; Community Legal Services; Community Action Association of Pennsylvania; Tenant Union Representative Network; Commission on Economic Opportunity; Action Alliance of Senior Citizens of Greater Philadelphia; Pennsylvania Department of Community and Economic Development; Utility Emergency Service Fund; Philadelphia Housing Authority; the Pennsylvania Department of Human Services; and any parties to *Energy Affordability for Low-Income Customers*, Docket No. M‑2017‑2587711, and *Review of Universal Service and Energy Conservation Programs*, Docket No. M-2017-2596907, not listed above.
3. That the Electric Distribution Utilities and Natural Gas Distribution Utilities listed in Ordering Paragraph No. 2 should file and serve cover letters and addendums, consistent with this Order, at their respective dockets, in response to the November 5, 2019 Order, within 15 days from the date of this Order. Implementation of the amendments to the Customer Assistance Program Policy Statement is strongly encouraged by or before January 1, 2021.
4. That any addendums reflecting changes to the universal service and energy conservation plans shall be filed in both clean and redline copies and served on the parties at the utilities’ respective existing or pending universal service and energy conservation plan dockets.
5. That cover letters and any addendums to the universal service and energy conservation plans should be provided electronically in Word®-compatible format to Joseph Magee, Bureau of Consumer Services, jmagee@pa.gov; Jennifer Johnson, Bureau of Consumer Services, jennifjohn@pa.gov; Christina Chase-Pettis, Office of Communications, cchasepett@pa.gov; Shari A. Williams, Office of Communications, shariwilli@pa.gov; and Louise Fink Smith, Law Bureau, finksmith@pa.gov.
6. That the contact person regarding policy and technical issues for this proceeding is Joseph Magee, Bureau of Consumer Services, jmagee@pa.gov. The contact person regarding legal issues for this proceeding is Assistant Counsel Louise Fink Smith, Law Bureau, finksmith@pa.gov.

**** **BY THE COMMISSION,**

 Rosemary Chiavetta

 Secretary

(SEAL)

ORDER ADOPTED: February 6, 2020

ORDER ENTERED: February 6, 2020

1. The Office of Consumer Advocate (OCA) has also filed a petition for reconsideration which has also been granted pending review on the merits. The OCA petition will be considered in a separate order. *See OCA Petition for Reconsideration or Clarification*, Docket No. P‑2020‑3016885. [↑](#footnote-ref-2)
2. *See* the November 5 Order for a detailed history. The November 5 Order and Annex reflect a Commission motion adopted on September 19, 2019. [↑](#footnote-ref-3)
3. Attached to the November 5 Order are three attachments and the Annex. The Annex reflects the amended sections of the Final CAP Policy Statement. [↑](#footnote-ref-4)
4. The CAP Policy Statement applies to Class A EDCs and NGDCs with gross intrastate annual operating revenue in excess of $40 million. [↑](#footnote-ref-5)
5. The motion underlying the November 5 Order was adopted at the Commission’s September 19, 2019 Public Meeting, but the Order was not entered until November 5, 2019. [↑](#footnote-ref-6)
6. On January 2, 2020, the Commission entered an Order at Docket No. L-2019-3012600 directing the Bureau of Consumer Services and the Law Bureau to initiate a comprehensive universal service rulemaking by or before March 31, 2020. *See* further discussion of that proceeding below. [↑](#footnote-ref-7)
7. Amendments 1 through 16 relate to program elements of a CAP within a USECP. Amendment 17 relates to the treatment of CAP costs in utility-specific rate cases. [↑](#footnote-ref-8)
8. EAP filed its petitions “acting on behalf” of its EDC and NGDC members. EDCs: Duquesne Light Co., Metropolitan Edison Co., PECO Energy Co., Pennsylvania Electric Co., Pennsylvania Power Co., PPL Electric Utilities Inc., and West Penn Power Co. NGDCs: Columbia Gas of Pennsylvania, PECO Energy Co., National Fuel Gas Distribution Corp., Peoples Natural Gas Co., Philadelphia Gas Works, and UGI Utilities, Inc. [↑](#footnote-ref-9)
9. EAP is not challenging, in its petition for reconsideration, the substance of the amendments to the CAP Policy Statement but does reserve the right on behalf of itself and its members to address specific substantive issues of the amendments in utility-specific proceedings and/or in the pending universal service rulemaking. [↑](#footnote-ref-10)
10. The Commission shall address OCA’s petition for reconsideration in a separate order at Docket Nos. P-2020-3016885 and M-2019-3012599. OCA is challenging aspects relating to (1) the recommended maximum energy burden for CAP customers at or below 50% of the FPIG in the first amendment discussed in the November 5 order and (2) the cost information a utility would have to provide in USECP compliance filings. EAP agrees that the Commission should address the LIHEAP question, but that that additional data and analyses as requested by OCA should not expand compliance obligations without giving the utilities additional time to submit compliance filings. EAP Answer at 4. [↑](#footnote-ref-11)
11. The Low Income Advocates do not oppose a brief stay of Ordering Paragraphs 6, 7, and 8 while the Commission considers the merits of EAP’s Petition. They maintain, however, that a stay should not delay publishing the November 5 Order and Annex in the *Pennsylvania Bulletin*. Low Income Advocates Letter at 1–2. [↑](#footnote-ref-12)
12. The terms “pending USECP” and “pending proposed USECP” refer to USECPs that were under review by the Commission prior to the Filing Schedule Order which extended USECP length. The utilities with pending/pending proposed USECPs, as well with as existing (*i.e.*, then-current) USECPs that were lengthened, would need to file and serve enrollment and budget projections for the years added to their USECPs. (Additionally, it has been determined that the captions of those dockets are to be changed to reflect the additional years.) [↑](#footnote-ref-13)
13. As the November 25 Order effectively granted EAP’s Petition for Stay, we shall not summarize or address the merits of its arguments. [↑](#footnote-ref-14)
14. In its answer to OCA’s Petition for Reconsideration, EAP asserts that OCA “validates” EAP’s concerns regarding Ordering Paragraphs 6, 7, and 8. EAP Answer at 2. [↑](#footnote-ref-15)
15. This filing was originally due January 6, 2020, in conjunction with a filing due pursuant to the Filing Schedule Order. That due date for the filing pursuant to the November 5 Order was stayed pursuant to the EAP Petition for Stay, but the filing due pursuant to the Filing Schedule Order was not stayed. Some utilities have made filings pursuant to both dockets, some utilities have only filed pursuant to the Filing Schedule Order, and some utilities have deferred any filing. Some utilities have requested 45 days lead time to make any required filings consistent with this Order on reconsideration. [↑](#footnote-ref-16)
16. Proposals to change existing or proposed USECPs would require a redline and a clean version of the USECP that would be changed. [↑](#footnote-ref-17)
17. At a minimum, an addendum should compare enrollment and budgetary projections based on new CAP Policy Statement provisions with the projections for additional years added to a current USECP or pending proposed USECP (if applicable) consistent with the Filing Schedule Order. [↑](#footnote-ref-18)