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OIR-21-03 Wholesale and high margin customer classes

Additional submitted attachment is included below.

OIR-21-03 Wholesale and high margin customer classes

Pursuant to the proposed 1621(c)(6) "Customer class" means a broad group of customers used for rate design. Customer classes include but are not limited to residential, commercial, industrial, and agricultural, but does not include street lighting. "Customer" or "customers" mean a customer or customers of a utility or Large CCA within a customer class.

The California Code of Regulations title 20, 1621(c) says, "Service area" is the geographic area in which the utility supplies electricity to retail customers.

The proposed title 20, 1621(c)(16) says, "Service area" means any contiguous geographic area serviced by the same electric utility or CCA.

The word "retail" has been deleted in the express terms for the 2022 Load Management Rulemaking.

Utilities have wholesale and high margin customers. Some utilities have other utilities as energy customers. Some utilities have Community choice aggregators (CCA) as energy customers. All of these customers are charged a rate for energy.

The only "does not include" in 1621(c)(6) is "street lighting", thus limiting application exclusions for customer classes to street lighting.

Expressio unius est exclusio alterus. The express mention of one person, thing, act, or consequence excludes the others. Premise, the legislature would not have made specified enumerations in a law had the intention been not to restrict its meaning and to confine terms to those expressly mentioned. Consequence, where a statute, by its terms, is expressly limited to certain matters, it may not, by interpretation or construction, be extended to others.

Wholesale customers are not excluded under 1621(c)(6).

The attached video refers to high margin customers as a class by saying "the Raging wires". High margin customers are a customer class. The source for the video was found at <https://smud.granicus.com/player/clip/1086>

The broad group of customers used for rate design in 1621(c)(6) appears to include wholesale and high margin customers.

The 2022 Load Management standards require that entities subject to this article offer rates or programs structured according to the requirements established herein.

Is including wholesale and high margin customers the intent of the commission?

Will the public have access to wholesale and high margin customers' rate data in MIDAS?

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