

171 FERC ¶ 61,195  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick, Bernard L. McNamee,  
and James P. Danly.

Southern California Edison Company

Docket No. ER20-1825-000

ORDER GRANTING WAIVER

(Issued June 3, 2020)

1. On May 14, 2020, Southern California Edison Company (SoCal Edison) submitted a request for prospective waiver of the provisions of Attachment 1 (Formula Rate Protocols) to Appendix IX of its Transmission Owner Tariff (TO Tariff) (Waiver Request). Specifically, SoCal Edison seeks a 30-day waiver of the Formula Rate Protocols' deadlines associated with the posting of the Draft Annual Update on its website and the required date of the Draft Annual Update Conference. The waiver will enable SoCal Edison to reflect in its Draft Annual Update the terms of an anticipated comprehensive settlement in Docket No. ER19-1553-000. As discussed below, we grant SoCal Edison's Waiver Request.

**I. Background**

2. On April 11, 2019, SoCal Edison submitted its currently effective Formula Rate to the Commission in Docket No. ER19-1553-000. On June 11, 2019, the Commission accepted for filing and suspended the Formula Rate, to be effective on November 12, 2019, subject to refund, and established hearing and settlement judge procedures.<sup>1</sup> In an order issued on December 3, 2019, the Commission approved SoCal Edison's offer of a partial settlement in the Formula Rate proceeding.<sup>2</sup> Other aspects of this proceeding continued to be the subject of settlement discussions. On April 13, 2020, the parties reported that they had reached an agreement in principle on the remaining issues and expected to file a settlement offer with the Commission on or before July 1, 2020.<sup>3</sup>

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<sup>1</sup> *S. Cal. Edison Co.*, 167 FERC ¶ 61,214 (2019).

<sup>2</sup> *S. Cal. Edison Co.*, 169 FERC ¶ 61,176 (2019).

<sup>3</sup> Southern California Edison Company, Status Report Filing at 1, Docket No. ER19-1553-000 (filed Apr. 13, 2020).

3. SoCal Edison's Formula Rate is set forth in Appendix IX of its TO Tariff. Attachment 1 to Appendix IX sets forth the Formula Rate Protocols, and Attachment 2 contains the Formula Spreadsheet, which consists of 34 individual schedules that calculate different aspects of SoCal Edison's Base Transmission Revenue Requirement (Base TRR) and associated rates. Under the Formula Rate, the Base TRR and associated transmission rates are recalculated annually under the procedures provided by section 3 of the Formula Rate Protocols and by populating the Formula Spreadsheet with specified historical and projected data. SoCal Edison's Base TRR is to be trued up annually pursuant to sections 3 and 4 of the Formula Rate Protocols and by populating appropriate Schedules of the Formula Spreadsheet. The Formula Rate Protocols require SoCal Edison to file its Annual Update on or before December 1 of each year.<sup>4</sup> Further, under section 3 of the Formula Rate Protocols, SoCal Edison is required to post a Draft Annual Update to its website on or before June 15 of each year and conduct a one-day Draft Annual Update Conference each year on or before July 15, to discuss the Draft Annual Update.<sup>5</sup>

## II. SoCal Edison's Waiver Request

4. SoCal Edison requests a limited waiver of its TO Tariff in order to permit a 30-day extension of time to post its Draft Annual Update to its website on or before July 15, 2020. SoCal Edison states that it is requesting this extension in order to allow the Draft Annual Update to reflect the conclusion of the settlement proceedings in Docket No. ER19-1553-000. SoCal Edison explains that it anticipates the settlement proceedings will conclude on or before July 1, 2020. SoCal Edison states that since the terms of the settlement are confidential until filed with the Commission, a June 15 posting would prevent SoCal Edison from reflecting the confidential terms of the settlement offer in its Draft Annual Update.<sup>6</sup>

5. SoCal Edison also seeks waiver of applicable TO Tariff provisions to allow it to conduct its Draft Annual Update Conference approximately 30 days after the posting of the Draft Annual Update. SoCal Edison states that this extension will permit stakeholders to have sufficient time to review the posting and prepare for the Draft Annual Update Conference. SoCal Edison points out that the currently effective TO Tariff provision requires this conference to be held on or before July 15, 2020, which is 30 days after the current deadline of the posting of the Draft Annual Update. SoCal Edison notes that this posting delay will shorten the window for stakeholders to submit Information Requests concerning the Draft Annual Update, which runs from through

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<sup>4</sup> Waiver Request at 3.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.*

November 1, 2020. However, SoCal Edison asserts that granting the Waiver Request will permit it to reflect the terms of the settlement offer in its Draft Annual Update, and that the value obtained through the Waiver Request outweighs a shortened Information Request period.<sup>7</sup>

6. SoCal Edison states that the Waiver Request meets the Commission's criteria for granting waiver requests. First, SoCal Edison argues that it made the Waiver Request in good faith. It states that the Waiver Request represents a good faith effort to provide a Draft Annual Update that is reflective of the Annual Update it anticipates will be filed on December 1, 2020 to improve transparency to its transmission customers.<sup>8</sup>

7. Second, SoCal Edison asserts that the Waiver Request is limited in scope because it solely seeks a modest delay to accommodate inclusion of anticipated settlement terms into this calendar year's Draft Annual Update. SoCal Edison states that the waivers will modestly reduce the time available for the submission of information requests concerning the Draft Annual Update. However, if the Waiver Request is granted, SoCal Edison states that affected participants will be able to view a Draft Annual Update that is more reflective of what the Annual Update will include. SoCal Edison further states that the Waiver Request will not impact the rates it charges.<sup>9</sup>

8. Third, SoCal Edison contends that the Waiver Request addresses and remedies two concrete problems: (1) how to enable it to post a Draft Annual Update that reflects the settlement terms that are anticipated to be filed on or before July 1, 2020; and (2) how to provide interested stakeholders with sufficient time to prepare for the Draft Annual Update Conference in light of a delay to Draft Annual Update posting date.<sup>10</sup>

9. Fourth, SoCal Edison states that granting the Waiver Request will not have undesirable consequences. SoCal Edison states that the objectives of the requested waivers are to provide a meaningful Draft Annual Update posting that more accurately reflects settlement terms that SoCal Edison anticipates, subject to Commission approval, will be reflected in the Annual Update filing on December 1, 2020.<sup>11</sup>

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<sup>7</sup> *Id.* at 5.

<sup>8</sup> *Id.* at 6.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.*

### **III. Notice and Responsive Pleadings**

10. Notice of SoCal Edison's filing was published in the *Federal Register*, 84 Fed. Reg. 30,951 (May 21, 2020), with interventions and protests due on or before May 21, 2020. None was filed.

### **IV. Discussion**

11. We grant SoCal Edison's Waiver Request. The Commission has previously granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.<sup>12</sup>

12. We find that the circumstances of SoCal Edison's Waiver Request satisfy these criteria. First, we find that SoCal Edison has acted in good faith to improve transparency to its transmission customers by including in the Draft Annual Update information regarding the terms of the proposed settlement that it anticipates will be filed on July 1, 2020. In addition, SoCal has acted in good faith in seeking a delay in the Draft Annual Update Conference in order to allow participants time to make informational requests that reflect the terms of the settlement.

13. Second, we find that the Waiver Request is limited in scope because SoCal Edison only seeks a modest delay to accommodate inclusion of anticipated settlement terms into this calendar year's Draft Annual Update. In addition, the Waiver Request is limited in scope because the delay will not impact other provisions of the TO Tariff.

14. Third, we find that granting the Waiver Request addresses the concrete problem that the currently required deadline to file the Draft Annual Update is set to occur prior to the proposed settlement being finalized. As SoCal Edison explains, an offer of settlement is expected to be filed on or before July 1, 2020. The 30-day extension in filing the annual update will more accurately reflect the Annual Update to be filed on December 1, 2020.

15. Fourth, we find that granting the Waiver Request will not have undesirable consequences, such as harming third parties, as the waiver will allow the affected parties to review a Draft Annual Update that will more accurately reflect the Annual Update. We note that no party disputes the Waiver Request.

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<sup>12</sup> See, e.g., *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

The Commission orders:

SoCal Edison's Waiver Request is hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.