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June 9, 2023

VIA EMAIL ONLY

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**Advice Letter 220-E
(U 933-E)**

California Public Utilities Commission
Energy Division, Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

Subject: Infrastructure Investment and Jobs Act Memorandum Account

In accordance with California Public Utilities Commission (“Commission”) Resolution E-5254 (Resolution), Liberty Utilities (CalPeco Electric) LLC (“Liberty”) hereby submits the following Tier 2 Advice Letter to establish the Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA) to track costs for projects seeking and/or awarded federal funding.

Purpose

Pursuant to Ordering Paragraph (“OP”) 1 of the Resolution, Liberty submits this Tier 2 advice letter to establish a memorandum account to track the costs for projects that are seeking and/or awarded federal funding to inform future match funding cost recovery requests.¹

Background

The 2021 Infrastructure Investment and Jobs Act (“IIJA”) appropriated more than \$62 billion to the U.S. Department Of Energy (“DOE”) to create and fund 60 new programs, including 16 demonstration and 32 deployment programs. For most programs, funding will be available annually through the federal government’s FY 2026 (i.e., the fiscal year ending September 30, 2026). This newly available federal funding aligns with the Commission’s goals of improving energy infrastructure to support zero carbon emissions, grid reliability, safety, and bill affordability for electric and gas customers by potentially displacing the need for future ratepayer dollars for electric infrastructure, grid hardening, and resiliency projects.

To gather additional information on how California’s investor-owned utilities (“IOUs”) plan to seek and utilize matching funds of non-ratepayer funding, the Commission’s President Reynolds sent two letters to the IOUs on January 24, 2022 and November 28, 2022. In response, the IOUs provided information on potential hurdles to accessing federal IIJA grants, offered suggestions on how to best position California IOUs for maximum grant capture, and identified specific grant programs, projects, and strategies each IOU was considering for potential advancement.

¹ Resolution E-5254 at p. 15.

Congress passed two other major pieces of energy-related federal legislation in 2022 after the passage of the IIJA in 2021 – the Inflation Reduction Act (IRA) and the Creating Helpful Incentives to Produce Semiconductors and Science Act (CHIPS). Similar to the IIJA, specific programs and details of the IRA and CHIPS require matching funds (although not necessarily from IOU ratepayers) while others are still under development, allowing for grant or other utility-focused opportunities to be announced at a future time.

On April 10, 2023, pursuant to Article XII Section 6 of the California Constitution and the Public Utilities Code, the Commission issued Resolution E-5254 which adopted a procedural venue for the electric and gas IOUs to request cost recovery for match funding and tax liabilities pursuant to any funds received from the federal IIJA Clean Energy Infrastructure Grant Programs administered by the United States DOE, the federal IRA, and the federal CHIPS. The Resolution also adopted an advice letter process for IOUs to track and report costs and grant project progress.

OP 1 of the Resolution ordered Liberty to submit a Tier 2 advice letter within 60 days of issuance of the Resolution to modify its electric preliminary statements to establish the IIJAMA.

As directed by OPs 2 and 3, the IIJAMA will track the cost of any projects that are seeking and/or awarded federal funding, including incremental costs incurred during the preparation of applications, to inform oversight and evaluation of future match funding cost recovery requests. A sub-account within the IIJAMA will track the tax impacts of the federal grant awards.

Proposed New Tariffs

Preliminary Statement, Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA)

Pursuant to OP 1 of the Resolution, Liberty will establish the IIJAMA to track and incremental costs associated with match funding for any projects seeking and/or awarded federal funding, including incremental costs incurred during the development and preparation of applications for such funding. In addition, the IIJAMA will record the tax impacts of the federal grant awards, which should include not only the tax liabilities related to federal grant awards, but also any related tax benefits such as the impact of depreciation.

The IIJAMA shall consist of two subaccounts:

1. IIJA Cost Subaccount – This Subaccount will record incremental costs associated with match funding for any projects seeking and/or awarded federal funding.
2. IIJA Tax Subaccount – This Subaccount will record the tax impacts—both federal and state—of the federal grant awards funding and any related tax benefits.

The disposition of the balances in these accounts will be addressed in a future General Rate Case proceeding, or a standalone project application if earlier cost recovery is needed.

Tier Designation

Pursuant to General Order (“GO”) 96-B, and D.22-08-037, OP. 12, this advice letter is submitted with a Tier 2 designation.

Effective Date

Liberty requests an effective date of April 6, 2023, which is the effective date of Resolution E-5254.

Protests

Anyone wishing to protest this Advice Letter may do so by letter sent via U.S. mail, by facsimile, or by email, any of which must be received no later than June 29, 2023, which is 20 days after the date of this Advice Letter. There are no restrictions on who may submit a protest, but the protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. Protests should be mailed to:

California Public Utilities Commission
Energy Division, Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298
Facsimile: (415) 703-2200
Email: edtariffunit@cpuc.ca.gov

The protest should be sent via email and U.S. Mail to Liberty at the address shown below on the same date it is mailed or delivered to the Commission:

Liberty Utilities (CalPeco Electric) LLC
Attn: Advice Letter Protests
933 Eloise Avenue
South Lake Tahoe, CA 96150
Email: CaseAdmin@libertyutilities.com

Notice

In accordance with General Order 96-B, Section 4.3, a copy of this Advice Letter is being sent electronically to parties shown on the attached service lists. Address change requests to Liberty’s GO 96-B service list should be directed by electronic mail to:

AnnMarie.Sanchez@LibertyUtilities.com.

For changes to all other service lists, please contact the Commission’s Process Office at (415) 703-2021 or by electronic mail at ProcessOffice@cpuc.ca.gov.

Energy Division Tariff Unit
California Public Utilities Commission
June 9, 2023
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If additional information is required, please do not hesitate to contact me at Cindy.Fisher@libertyutilities.com.

Respectfully submitted,

LIBERTY

/s/ Cynthia Fisher
Cynthia Fisher
Manager, Rates and Regulatory Affairs

cc: Liberty General Order 96-B Service List
R.18-12-006 Service List

PRELIMINARY STATEMENT

(Continued)

13. MEMORANDUM ACCOUNTS (Continued)

S. Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA)

(N)

Pursuant to Resolution E-5254, dated April 6, 2023, the California Public Utilities Commission (Commission) authorized the framework and procedures as to how the Electric and Gas Investor-Owned Utility (IOUs) should seek cost recovery for match funding and tax liabilities pursuant to any funds received from the federal Infrastructure Investment and Jobs Act (IIJA) Clean Energy Infrastructure Grants Programs administered by the US Department of Energy (DOE), the federal Inflation Reduction Act (IRA), and the federal Creating Helpful Incentives to Produce Semiconductors and Science Act (CHIPS).

1. PURPOSE

The purpose of the IIJAMA is to record incremental costs associated with match funding for any projects seeking and/or awarded federal funding, including incremental costs incurred during the development and preparation of applications for such funding. In addition, the IIJAMA will record the tax impacts of the federal grant awards, which should include not only the tax liabilities related to federal grand awards, but also related tax benefits such as the impact of depreciation.

The IIJAMA shall consist of two subaccounts as follows:

1. IIJA Cost Subaccount – This Subaccount will record incremental costs associated with match funding for any projects seeking and/or awarded federal funding.
2. IIJA Tax Subaccount – This Subaccount will record the tax impacts of the federal grant awards funding and any related tax benefits such as the impacts of depreciation.

2. APPLICABILITY

The IIJAMA applies to all residential rate schedules.

3. ACCOUNTING PROCEDURES

Liberty shall maintain the IIJA Cost Subaccount by recording entries, subject to the applicable net-to-gross (NTG) multiplier, at the end of each month as follows:

- a. A debit entry equal to costs associated with actual operation and maintenance (O&M) costs and capital-related costs (e.g. depreciation and non-income taxes) associated with match funding for any projects seeking and/or awarded federal funding, including incremental costs incurred for the development and preparation of applications for such funding;
- b. An entry equal to reflect any transfers to other regulatory accounts for recovery in rates, as authorized by the Commission;
- c. Interest shall accrue to the IIJAMA on a monthly basis by applying a rate equal to one-twelfth of the three-month Commercial Paper Rate, as reported in the Federal Reserve Statistical Release, to the average of the beginning-of-month and the end-of-month balances.

(N)

Issued by

Advice Letter No. 220-E

Edward Jackson

Date Filed: June 9, 2023

Name

Decision No. _____

President

Effective Date: April 6, 2023

Title

Resolution No. E-5254

PRELIMINARY STATEMENT

(Continued)

13. MEMORANDUM ACCOUNTS (Continued)

S. Infrastructure Investment and Jobs Act Memorandum Account (IJAMA) (continued)

(N)

3. ACCOUNTING PROCEDURES (continued)

Liberty shall maintain the IJJA Tax Subaccount by recording entries, subject to the applicable NTG multiplier, at the end of each month as follows:

- a. A debit entry or credit entry equal to the tax impacts of the federal grant awards, including any related tax benefits;
- b. An entry to amortize and/or transfer the balance in this subaccount in conformity with federal normalization requirements, and as authorized by the Commission;
- c. An entry to record the interest on the average balance at the beginning of the month and the balance after the entries above, at a rate equal to one-twelfth of the interest rate on three-month Commercial Paper for the previous month, as reported in the Federal Reserve Statistical Release.

4. EFFECTIVE DATE

The IJAMA shall be effective on April 6, 2023.

5. DISPOSITION

Disposition of amounts recorded in the IJAMA shall be determined in a subsequent rate-setting filing authorized by the Commission.

(N)

Advice Letter No. 220-E

Issued by
Edward Jackson
Name

Date Filed: June 9, 2023

Decision No. _____

President
Title

Effective Date: April 6, 2023

Resolution No. E-5254

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CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

PROCEEDING: R1812006 - CPUC - OIR TO CONTIN
FILER: CPUC
LIST NAME: LIST
LAST CHANGED: JUNE 7, 2023

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ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Liberty Utilities (CalPeco Electric) LLC (U-933-E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Cindy Fisher

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EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 220-E

Tier Designation: 2

Subject of AL: Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA)

Keywords (choose from CPUC listing): Preliminary Statement, Memorandum Account

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: Resolution E-5254

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL:

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date: 4/6/23

No. of tariff sheets: 2

Estimated system annual revenue effect (%): n/a

Estimated system average rate effect (%): n/a

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA)

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

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ENERGY Advice Letter Keywords

Affiliate	Direct Access	Preliminary Statement
Agreements	Disconnect Service	Procurement
Agriculture	ECAC / Energy Cost Adjustment	Qualifying Facility
Avoided Cost	EOR / Enhanced Oil Recovery	Rebates
Balancing Account	Energy Charge	Refunds
Baseline	Energy Efficiency	Reliability
Bilingual	Establish Service	Re-MAT/Bio-MAT
Billings	Expand Service Area	Revenue Allocation
Bioenergy	Forms	Rule 21
Brokerage Fees	Franchise Fee / User Tax	Rules
CARE	G.O. 131-D	Section 851
CPUC Reimbursement Fee	GRC / General Rate Case	Self Generation
Capacity	Hazardous Waste	Service Area Map
Cogeneration	Increase Rates	Service Outage
Compliance	Interruptible Service	Solar
Conditions of Service	Interutility Transportation	Standby Service
Connection	LIEE / Low-Income Energy Efficiency	Storage
Conservation	LIRA / Low-Income Ratepayer Assistance	Street Lights
Consolidate Tariffs	Late Payment Charge	Surcharges
Contracts	Line Extensions	Tariffs
Core	Memorandum Account	Taxes
Credit	Metered Energy Efficiency	Text Changes
Curtable Service	Metering	Transformer
Customer Charge	Mobile Home Parks	Transition Cost
Customer Owned Generation	Name Change	Transmission Lines
Decrease Rates	Non-Core	Transportation Electrification
Demand Charge	Non-firm Service Contracts	Transportation Rates
Demand Side Fund	Nuclear	Undergrounding
Demand Side Management	Oil Pipelines	Voltage Discount
Demand Side Response	PBR / Performance Based Ratemaking	Wind Power
Deposits	Portfolio	Withdrawal of Service
Depreciation	Power Lines	