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August 31, 2023

VIA EMAIL ONLY EDTariffUnit@cpuc.ca.gov Advice Letter 222-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 1 Advice Letter to resolve a preliminary statement numbering error in the establishment of the Infrastructure Investment and Jobs Act Memorandum Account (IIJAMA) to track costs for projects seeking and/or awarded federal funding.

Purpose

Liberty previously submitted a Tier 2 Advice Letter (AL-200-E) regarding IIJAMA but had incorrect numbering on the preliminary statements. Redlined preliminary statements are attached resolving this issue.

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.

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

This advice letter is being submitted as a Tier 1 since Liberty's Advice Letter 220-E IIJAMA Tier 2 has already been approved.

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. 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

Redlined Tariff Sheets

LIBERTY UTILITIES (CALPECO ELECTRIC) LLC				
SOUTH LAKE TAHOÈ, CALIFORNIA	Original	CPUC Sheet No.	450	
_		CPLIC Sheet No.		

PRELIMINARY STATEMENT

(Continued)

13. MEMORANDUM ACCOUNTS (Continued)

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

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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 customer classes except those excluded by the Commission.

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 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)

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Advice Letter No.	222-E	Edward Jackson	Date Filed:	August 31, 2023	
		Name		-	
Decision No.		President	Effective Date:	April 6, 2023	
		Title		-	
			Resolution No.	E-5254	
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		b.		nd/or transfer the balance in tion requirements, and as au		
		C.	and the balance after	interest on the average bala the entries above, at a rate e ommercial Paper for the pre stical Release.	equal to one-twelfth of	the interest
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	5.	DISPOS	SITION			

E-5254

Resolution No.

	Tariff Sheets	
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LIBERTY UTILITIES (CALPECO ELECTRIC) LLC			
SOUTH LAKE TAHOÈ, CALIFORNIA	Original	CPUC Sheet No.	450
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PRELIMINARY STATEMENT

(Continued)

13. MEMORANDUM ACCOUNTS (Continued)

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- 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.

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		Name		-	
Decision No.		President	Effective Date:	April 6, 2023	
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			Resolution No.	E-5254	
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Advi	ce Le	etter No.	222-E	Issued by Edward Jackson Name	Date Filed:	August 31, 2023

E-5254

Resolution No.

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CALIFORNIA PUBLIC UTILITIES COMMISSION **Service Lists**

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FILER: CPUC LIST NAME: LIST

LAST CHANGED: AUGUST 28, 2023

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Back to Service Lists Index

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California Public Utilities Commission

ADVICE LETTER



ENERGY UILLIT	OF CALL			
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 Phone #: 530-721-5191 E-mail: Cindy.Fisher@libertyutilities.com E-mail Disposition Notice to: AnnMarie.Sanchez@libertyutilities.ca			
EXPLANATION OF UTILITY TYPE ELC = Electric GAS = Gas WATER = Water PLC = Pipeline HEAT = Heat	(Date Submitted / Received Stamp by CPUC)			
Advice Letter (AL) #: 222-E	Tier Designation: 1			
Subject of AL: Infrastructure Investment and Jobs				
Keywords (choose from CPUC listing): Prelimina AL Type: Monthly Quarterly Annual				
	on order, indicate relevant Decision/Resolution #:			
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 (%): $_{\mathrm{n/a}}$				
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 proposed $^{1:}$ $_{ m N/A}$	A			
Pending advice letters that revise the same tariff sheets: $ m _{N/A}$				

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:

CPUC, Energy Division Attention: Tariff Unit 505 Van Ness Avenue San Francisco, CA 94102

Email: <u>EDTariffUnit@cpuc.ca.gov</u>

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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
Curtailable 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	