



In Brief

A MONTHLY NEWSLETTER FROM
THE LEGAL SERVICES DIVISION OF
CALIFORNIA FARM BUREAU

JUNE 2024

CAFB SUPPORTS CPUC PROPOSED DECISION DENYING AT&T APPLICATION TO WITHDRAW LANDLINE SUPPORT



CAFB submitted a letter of support to the California Public Utility Commissioners on June 3, 2024, urging adoption of the Proposed Decision denying the AT&T Application (A.23-03-003) to withdraw its carrier of last resort (COLR) status throughout the state. The Proposed Decision stated that: “Given that AT&T’s Application, as amended, does not meet the requirements of the Commission’s COLR withdrawal rules, and the existing undisputed facts of this case make that clear, AT&T’s Application is dismissed with prejudice.” The Proposed Decision would also initiate a Rulemaking that would address the COLR process. The CPUC is expected to rule on the Proposed Decision on June 20, 2024.

As anticipated, AT&T is sponsoring legislation by recently amending AB 2797 (McKinnor), which is now in the Senate. The legislation is an effort to bypass the CPUC process and CAFB intends to submit a letter of opposition.

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PARTIAL SETTLEMENT AGREEMENT FILED IN

SDG&E PHASE 2 PROCEEDING

On May 28, 2024, CAFB signed on to a partial settlement agreement with SDG&E and many of the other parties in the proceeding resolving most of the issues raised by CAFB. CAFB has been engaged in negotiations since early January and gained favorable outcomes on many of the issues we raised. Based on current projections, CAFB was successful in moving from a one million dollar increase in revenue requirement to an over one million dollar decrease. The decrease was the result of negotiations to lower proposed Monthly Service Fee increases and a mixture of other reductions or prevented increases in revenue allocation and energy efficiency spending. There remain a few minor issues that will be briefed by parties, and ultimately, the Administrative Law Judge will have to “approve” the settlement, but CAFB is confident this will occur.

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EDISON FILES ENERGY RESOURCE RECOVERY ACCOUNT TRIGGER APPLICATION

On May 30, 2024, Southern California Edison Company filed an Energy Resource Recovery Account (ERRA) Trigger Application (Application). This “trigger” was caused by an overcollection due primarily to lower wholesale power and gas prices relative to the forecasts used to set current rates and is not expected to self-correct within 120 days. Thus, SCE requested authority to decrease bundled service customer generation rates on October 1, 2024, in an amount up to \$724.426 million in revenue requirement. In the Application, Agricultural and Pumping customers, based on bundled average rates, would see a 1.25 cents per kWh decrease – a 5.2% decrease. This would be a welcome development, but the rate and bill impacts could be less (and potentially \$0) depending on market conditions through August 2024 and SCE’s ERRA Trigger Balance at the time that SCE must finalize its revenue requirement for the October 1, 2024, rate change. CAFB will continue to monitor the proceeding.

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SWRCB 2ND AG EXPERT PANEL TO REVIEW STATEWIDE NITROGEN REQUIREMENTS

The State Water Resources Control Board is in the process of convening its Second Statewide Ag Expert Panel to review requirements, especially nitrogen-related requirements, for the Irrigated Lands Regulatory Program. In addition to seeking proposed experts or areas of expertise for potential experts as well as data, the State Water Board has released proposed questions to be answered by the forthcoming Expert Panel. Expert Panel members will review the questions and develop a report, which will inform the next iteration of Irrigated Lands Regulatory Requirements for all regions. The Notice and Questions can be found [here](#). Specifically, the State Water Board is seeking comments on: 1) proposed questions for the Second Statewide Agricultural Expert Panel, 2) areas of expertise to be considered for selection of members of the Second Statewide Agricultural Expert Panel, and 3) data proposed to be given to the Second Statewide Agricultural Expert Panel for consideration, e.g., statewide available Irrigation and Nitrogen Management Plan (INMP) data, Total Nitrogen Applied (TNA) data reported to the Central Coast Region, scientific papers, and other relevant data and sources of information. Comments are due on June 28, 2024, and may be submitted to ILRP@waterboards.ca.gov

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CAFB JOINS AMICUS BRIEF IN SUPPORT OF EPA'S CAFO REGULATIONS



CAFB joined an amicus brief filed on June 14, 2024, by state Farm Bureaus and industry groups in support of the U.S. Environmental Protection Agency's Confined Animal Feeding Operations (CAFOs) regulations and the management of animal manure. Various environmental groups sued EPA over EPA's decision to form a study group to review CAFO regulations instead of simply initiating a rulemaking to overhaul the regulations. The case, *Food & Water Watch v. U.S. Environmental Protection Agency*, is currently on appeal at the 9th Circuit. American Farm Bureau Federation, National Pork Producers Council, U.S. Poultry & Egg Association, and the United Egg Producers intervened on behalf of EPA.

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BALLOT MEASURE CONTRIBUTIONS

The November 5 general election is fast approaching. Some county Farm Bureaus want to make monetary contributions to ballot measure committees such as the one supporting the [Taxpayer Protection and Government Accountability Act](#) or the one [opposing Measure J](#), which would drastically limit animal agriculture production in Sonoma County. Here are key rules that apply to such contributions:

- A county Farm Bureau may, to further its exempt purposes, make with no tax consequences unlimited contributions to committees supporting or opposing ballot measures.
- As long as they do not exceed \$50,000 in a 12-month period or \$100,000 in four consecutive years, those contributions may be made from funds attributable to donations or membership dues.
- But if either of those limits is exceeded or if \$2,000 in payments *intended* for use as political contributions or expenditures are received in a calendar year, the county Farm Bureau would become a recipient committee subject to registration and reporting requirements.
- By acting as an *intermediary* for contributions, a county Farm Bureau does not become a recipient committee.
- By making from its own funds contributions aggregating \$10,000 in a calendar year, a county Farm Bureau becomes a major donor committee subject to reporting requirements for that year.
- A county Farm Bureau may take positions to support or oppose ballot measures and communicate those positions to its members without incurring any registration or reporting duty or tax consequence.

These rules also apply to contributions made to support or oppose candidates for public office, except that those contributions are potentially subject to federal income tax.

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