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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.

Rulemaking 08-12-009
(Filed December 18, 2008)

**ASSIGNED COMMISSIONER'S RULING GRANTING MOTION BY
PACIFICORP (U 901-E) FOR EXEMPTION FROM SB 17 AND
DISMISSAL FROM FURTHER OBLIGATIONS UNDER THIS PROCEEDING**

This ruling grants the unopposed motion by PacifiCorp for exemption from Senate Bill 17 (Chapter 327 of the Statutes of 327; §§ 8360-8369¹) and from further obligations under this proceeding.

1. Background

Pursuant to Ordering Paragraph 6 of Decision 09-12-046 and Senate Bill 17 (SB 17), PacifiCorp filed *PacifiCorp's Motion for Exemption from SB 17 and Dismissal from Further Obligations under this Proceeding* (Motion) on February 1, 2010.

Section 8368, added to the Public Utilities Code by SB 17, provides that "The Commission may modify or adjust the requirements of this chapter for any electrical corporation with fewer than 100,000 service connections, as individual circumstances merit." PacifiCorp's Motion specifically asks that the Commission exercise this authority.

¹ All citations are to the Public Utilities Code unless stated otherwise.

No party opposed PacifiCorp's Motion.

2. Argument of PacifiCorp

In support of its motion to be dismissed, PacifiCorp states that it serves "approximately 46,500 customers in its northern California service territory."² PacifiCorp argues that "[d]evelopment and implementation of an SB 17 deployment plan would be extremely burdensome in light of the small number of customers and other characteristics of PacifiCorp's northern California service territory."³

PacifiCorp states that it "serves a predominately rural service territory in northern California, and . . . 35 percent of PacifiCorp's residential customers qualify for low income assistance."⁴ PacifiCorp cites D.09-12-046, which noted "the small size . . . and the nature of their [PacifiCorp] operations both increase the costs and diminish the benefits of the EISA [Energy Information and Security Act] requirements."⁵ PacifiCorp argues that "[t]he implementation of SB 17 would similarly impose disproportionate burdens on PacifiCorp's northern California customers."⁶ PacifiCorp further argues that "the Commission should exempt PacifiCorp from the requirements of SB 17."⁷

² Motion at 4.

³ *Id.*

⁴ *Id.*

⁵ D.09-12-046 at 2.

⁶ Motion at 5.

⁷ *Id.*

In addition, PacifiCorp notes that it “is a multi-jurisdictional utility with a service territory outside the CAISO [California Independent System Operator] control area”⁸ and “has not deployed advanced metering in its California territory.”⁹

3. Discussion – Dismissing PacifiCorp from this Proceeding is Reasonable and Consistent with § 8368

D.09-12-046 has previously noted the small size and operation issues that warranted the dismissal of PacifiCorp from EISA’s Smart Grid requirements at this time.¹⁰ These same facts warrant PacifiCorp’s dismissal from the Smart Grid requirements of SB 17 at this time.

SB 17 clearly grants the Commission the authority to “modify or adjust the requirements” for utilities serving less than 100,000. PacifiCorp serves far fewer than 100,000,000 and is therefore eligible for modification of SB 17 requirements.

Finally, D.09-12-046 permits dismissal from this proceeding via a ruling in response to a motion demonstrating the reasonableness of such a course of action.

It is clearly reasonable to rule that PacifiCorp should be dismissed from this proceeding and not subject to the requirements of SB 17 (§§ 8360 – 8369) at this time.

⁸ *Id.*

⁹ *Id.* At 6.

¹⁰ D.09-12-046 at 74, 76-77, Finding of Fact No. 18, Conclusions of Law Nos. 12, 15.

IT IS RULED that PacifiCorp is dismissed from this proceeding and not subject to the requirements of Section 8360-8369 of the Public Utilities Code at this time.

Dated February 26, 2010, at San Francisco, California.

 /s/ NANCY E. RYAN
Nancy E. Ryan
Assigned Commissioner

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Dated February 26, 2010, at San Francisco, California.

/s/ CRISTINE FERNANDEZ
Cristine Fernandez

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