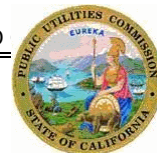


PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**3-08-17
11:16 AM

March 8, 2017

Agenda ID #15569
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 15-10-014:

This is the proposed decision of Administrative Law Judges Fitch and Kao. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's April 6, 2017 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, ex parte communications are prohibited pursuant to Rule 8.3(c)(4)(B).

/s/ KAREN V. CLOPTONKaren V. Clopton, Chief
Administrative Law Judge

KVC:jt2

Attachment

Decision **PROPOSED DECISION OF ALJs FITCH and KAO (Mailed 3/8/2017)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Marin Clean Energy for
Approval of the 2016 Energy Efficiency
Business Plan.

Application 15-10-014
(Filed October 27, 2015)

DECISION GRANTING MOTION TO WITHDRAW APPLICATION**Summary**

This decision grants the motion filed by Marin Clean Energy to withdraw its application for approval of the 2016 energy efficiency business plan. This proceeding is closed.

1. Background

On October 27, 2015, Marin Clean Energy (MCE) filed an application for approval of its 2016 energy efficiency business plan (Application).

The Commission noticed the Application on the daily calendar on November 12, 2015. On December 14, 2015, Pacific Gas and Electric Company (PG&E), Southern California Edison Company, San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) (together, Joint IOUs); California Energy Efficiency Industry Council (CEEIC); and the Office of Ratepayer Advocates (ORA) timely filed protests to the Application. Also on December 14, 2015, San Francisco Bay Area Regional Energy Network (BayREN) timely filed a response to the Application.

On January 12, 2016, the Chief Administrative Law Judge issued a notice of prehearing conference, scheduled for February 1, 2016, in this proceeding.

On January 15, 2016, the assigned Administrative Law Judge issued a ruling to inform parties that the Commission would conduct the February 1, 2016 prehearing conference in this proceeding jointly with Rulemaking (R.) 13-11-005 because the Application raised issues that might be relevant to that proceeding's timeline for business plan guidance to all program administrators, including MCE. The ruling also invited parties to file prehearing conference statements on specific issues, including the procedural schedule in this proceeding and which issues (raised by the Application) the Commission should address in this proceeding as opposed to in R.13-11-005.

Following the January 15, 2016 ruling, the City of Lancaster (Lancaster) and Sonoma Clean Power filed motions for party status.

On January 27, 2016, SoCalGas and SDG&E; PG&E; ORA; BayREN; CEEIC; MCE; and Sonoma Clean Power filed prehearing conference statements.

During the February 1, 2016 prehearing conference, the assigned Administrative Law Judge discussed options for staying portions of the Application in light of updated business plan guidance and rules, which the Commission would issue in R.13-11-005. Also during the prehearing conference, the assigned Administrative Law Judge granted Lancaster's and Sonoma Clean Power's motions for party status.

On February 23, 2016, The Greenlining Institute filed a motion for party status. The assigned Administrative Law Judge granted the motion for party status on March 11, 2016.

On August 25, 2016, Decision (D.) 16-08-019, issued in R.13-11-005, ordered MCE to file a business plan concurrently with other program administrators, and

consistent with updated Commission guidance and rules regarding statewide and third party programs. On January 17, 2017, MCE filed Application 17-01-017 for approval of its revised business plan, which now supersedes its business plan in this Application.

On January 18, 2017, MCE filed a motion to withdraw the Application because it had submitted a revised business plan pursuant to D.16-08-019. No party filed a response to MCE's motion.

2. Discussion

Given that D.16-08-019 directed MCE to file a revised business plan based on guidance provided after MCE filed the Application, and that MCE has filed a revised business plan pursuant to D.16-08-019, it is reasonable to grant MCE's request to withdraw the Application.

With respect to any outstanding procedural matters, the Commission affirms all rulings made by the assigned Administrative Law Judge. All motions not previously ruled on are denied as moot.

3. Conclusion

MCE's request to withdraw the Application is reasonable and should be granted.

4. Categorization and Need for Hearing

In Resolution ALJ 176-3367, dated November 19, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. None of the protests or response challenged the preliminary categorization as ratesetting, although PG&E questioned the legality of a non-utility requesting essentially to raise a utility's rates, in a ratesetting proceeding. None of the protests or response challenged the preliminary determination that hearings were necessary, except that CEEIC

asserted the Commission should not accept the Application and, on that basis, no hearings were necessary.¹

No parties objected or otherwise responded to MCE's motion to withdraw the Application. Therefore we see no need for a public hearing, or to disturb the preliminary categorization of this proceeding.

5. Reduction of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Section 311(g)(2) and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, we reduce the period for public review and comment to 10 days.

6. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Julie A. Fitch and Valerie U. Kao are the co-assigned Administrative Law Judges in this proceeding.

Findings of Fact

1. On October 27, 2015, MCE filed Application 15-10-014 for approval of its 2016 energy efficiency business plan.
2. On August 25, 2016, D.16-08-019 directed MCE to file a revised business plan based on additional guidance and revised rules, provided after MCE filed Application 15-10-014.

¹ In the Joint IOUs' protest, PG&E specifically requested evidentiary hearings "[i]f MCE's application is allowed to proceed." (Joint IOUs' protest at 9.) Since MCE requests to withdraw the Application, PG&E's request is no longer material to our resolution of this proceeding.

3. On January 17, 2017, MCE filed Application 17-01-017 for approval of its revised business plan pursuant to D.16-08-019.

Conclusions of Law

1. Because D.16-08-019 directed MCE to file a revised business plan, MCE's motion to withdraw Application 15-10-014 is reasonable.

2. MCE's request to withdraw the Application should be granted.

O R D E R

IT IS ORDERED that:

1. The request filed by Marin Clean Energy to withdraw Application 15-10-014 is granted.

2. Application 15-10-014 is closed.

This order is effective today.

Dated _____, at Santa Rosa, California.