

Decision 12-11-011 November 8, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

Rulemaking 10-05-004
(Filed May 6, 2010)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to January 7, 2013.

Background

Pub. Util. Code § 1701.5 provides that quasi-legislative proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the scoping memo sets a later date, as has been done in this proceeding. The Commission may also, upon making a written determination that the deadline cannot be met, including findings as to the reason, issue an order extending the deadline.

The Assigned Commissioner's Scoping Memo and Ruling issued on November 9, 2010 and determined that the proceeding would be resolved within 24 months of the date of the issuance of that Ruling. The assigned Commissioner relied on the authority granted in Pub. Util. Code § 1701.5(b) to set a time longer than 18 months based on the number and complexity of the issues in this case

and the need to coordinate certain aspects of this proceeding with the California Energy Commission (CEC).

Over the past several years, this Commission has made a substantial effort to stimulate development of distributed generation (DG) projects and technologies by providing financial incentives to project developers. Notable achievements, adopted in prior rulemakings, include our California Solar Initiative (CSI), created in 2006 with a total budget of \$2.16 billion, which provides a long-term commitment to a solar incentive program for solar photovoltaic (PV) and non-PV solar projects, and our Self-Generation Incentive Program (SGIP), which began in 2001 and has provided a sustained endeavor to promote DG technologies other than solar, with a current annual budget of \$83 million.

Over the last 12 years, as technologies, legislation, and public policy have evolved, our incentive programs have evolved as well to focus on promoting these various technologies in different ways. This rulemaking has built on the work we began in previous proceedings, including Rulemaking (R.) 98-12-015, R.99-10-025, R.04-03-017, R.06-03-004, and R.08-03-008. These previous rulemaking orders describe our fundamental view of customer-side DG and its role in providing the state with clean, reliable energy resources. The joint agency Energy Action Plan II, the Integrated Energy Policy Report issued by the CEC, and our own orders emphasize the state's commitment to DG development.

We have issued numerous decisions in this Rulemaking that expanded the solar program by issuing key decisions that modified the CSI and SGIP programs, addressed Net Energy Metering, and established the low income component of the CSI-Thermal solar water heating program, as well as certifying standards for solar water heating systems. We continue to assess and refine the

incentives for the CSI program and for the SGIP program, in addition to implementing Senate Bill 412 (Stats. 2009, Ch. 182).

Although we have performed a vast quantity of work in our six prior rulemakings to develop policies and implement the SGIP and CSI incentive programs, we must continue to monitor and modify the programs as new issues arise and as the technologies and legislation continually evolve. The Commission is considering a new Rulemaking to continue this important work. In order to allow for thoughtful consideration of the new Rulemaking and provide additional time for deliberations, it is reasonable to extend the deadline for resolving R.10-05-004. This approach will allow work to continue in R.10-05-004, including consideration of several pending motions. Accordingly, the statutory deadline for resolving this matter is extended to January 7, 2013.

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of decisions extending the deadline for resolving quasi-legislative proceedings. We waive the period for public review and comment pursuant to this rule.

Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Dorothy Duda and Katherine MacDonald are the assigned Administrative Law Judges and presiding officers in this proceeding.

Finding of Fact

The Commission requires additional time beyond the November 9, 2012, statutory deadline in order to address pending motions and to allow for

additional time for deliberating the new Rulemaking on DG policies, procedures, and rules.

Conclusions of Law

1. The statutory deadline, as authorized in the Assigned Commissioner's Scoping Memo and Ruling pursuant to Pub. Util. Code § 1701.5, should be extended by 60 days to January 7, 2013.
2. The comment period should be waived pursuant to Rule 14.6(c)(4).

IT IS ORDERED that the statutory deadline in this proceeding, November 9, 2012, is extended 60 days to January 7, 2013.

This order is effective today.

Dated November 8, 2012, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners