

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

David Davis,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

Case 12-08-015
(Filed August 23, 2012)

And Related Matter.

Case 13-11-002

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in Case (C.) 13-11-002 to June 19, 2015. The first complaint, C.12-08-015, filed by David Davis (Complainant or Davis) against Southern California Edison Company (Defendant or SCE), was closed on April 4, 2013, and reopened on May 2, 2013, due to a request for rehearing of Decision (D.) 13-04-002.

The rehearing request was granted and these proceedings are consolidated because they involve related questions of law and fact.

Background

Public Utilities (Pub. Util.) Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. C.13-11-002 has been categorized as adjudicatory and the 12-month deadline for its resolution is November 12, 2014. This decision extends the statutory deadline to June 19, 2015.

On August 23, 2012, Davis filed C. 12-08-015 against SCE alleging that SCE wrongly refuses to make the net energy metering available for the purpose of interconnecting enough solar generating capacity to meet the electrical requirements of an electric vehicle charging station.

On April 4, 2013, D.13-04-002 granted Defendant's motion to dismiss the instant complaint with prejudice on the grounds that the complaint is contrary to statutory provisions and Commission decisions governing net energy metering (NEM). On May 2, 2013, Davis filed a rehearing request of that decision and D.13-10-044 granted the rehearing.

On November 12, 2013, Davis filed a second complaint against SCE. In C.13-11-002, Davis claims that his proposed solar photovoltaic installations are correctly sized to qualify for California's programs under the provisions of electric Rule 21 applicable to NEM customers. Davis alleges that SCE has violated Pub. Util. Code § 2827(c)(1)¹ by refusing to allow some of Davis's projects to interconnect under SCE's NEM tariff and by refusing to pay

¹ Unless otherwise specified, all further section references are to the California Public Utilities Code.

California Solar Initiative program incentives for some of the projects. SCE asserts that the projects are sized too large to qualify for the programs.

Both complaints are now consolidated to because they involve related questions of law and fact.

On June 19, 2014, Davis filed an amended complaint that included new claims related to the same questions of law and fact. The issues before us are complex and additional time is necessary to resolve all of the issues, including those raised in the June 19, 2014 amended complaint.

Because of these circumstances, we conclude that it is appropriate to extend the 12-month deadline in this case to June 19, 2015.

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 proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jeanne McKinney is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. C.12-08-015 was initiated on August 23, 2012, closed on April 4, 2013, and reopened on May 2, 2013, due to a request for rehearing of D.13-04-002 which rehearing was granted by D.13-10-044.

2. C.13-11-002 was initiated on November 12, 2013. The complaint was first time amended on January 31, 2014 and second time amended on June 19, 2014.

3. C.12-08-015 and C.13-11-012 are consolidated because they involve related questions of law and fact.

4. Based upon the statutory deadline, these proceedings must be resolved within 12 months of its initiation, unless this date is extended.

5. An additional extension of the 12-month deadline, based on the date of the amended complaint, is necessary in order to have sufficient time to address all issues raised in the amended complaint.

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to June 19, 2015.

2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline for Case 13-11-002 is extended to June 19, 2015.

This order is effective today.

Dated _____, at Bakersfield, California.