Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

United Energy Trading, LLC, Complainant, vs. Pacific Gas and Electric Company (U39E), Defendant.	Case 14-01-006 (Filed January 10, 2014)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to December 10, 2016.

1. Background

Public Utilities Code Section 1701.2(e) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the California Public Utilities Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the Commission has extended the statutory deadline and the most recent Decision (D.) 15-12-051 extended the 12-month statutory deadline for resolving this proceeding to July 10, 2016.

On January 10, 2014, United Energy Trading, LLC (UET) filed this complaint against Pacific Gas and Electric Company (PG&E), alleging that PG&E's billing and remittance practices violate Gas Rules 11 and 23 when dealing with delinquent accounts.

Prehearing conferences were held on June 2, 2014, and December 8, 2014. The complaint was amended on June 20, 2014, and parties have been actively involved in the proceeding. On December 9, 2014, the assigned Administrative Law Judge (ALJ) issued a ruling memorializing several procedural rulings made on the December 8, 2014 prehearing conference, such as suspending the discovery to January 5, 2015, and ordering the parties to supplement the record with a statement of proposed scope by January 30, 2015. On April 7, 2015, the assigned Commissioner issued a scoping memo that limited the scope of the proceeding to a determination of whether PG&E owed money to UET and, if so, how much. The scoping memo scheduled evidentiary hearings for the week of June 15, 2015. Following issuance of the scoping memo, the parties filed conflicting discovery motions which were assigned for resolution to ALJ Melanie Darling, the Commission's Law and Motion Judge. On May 12, 2015, PG&E moved for a six week delay in the start of evidentiary hearings because of a conflict between the originally scheduled hearing dates and hearings in another matter set for the same week.

On May 29, 2015, UET filed a motion to hold this proceeding in abeyance while it pursues an action for tort damages against PG&E in the Federal District Court for the northern district of California. In support of its motion, UET alleged that it had discovered a pattern of tortious and possibly criminal conduct on the part of PG&E employees responsible for remitting customer payments to UET. Upon making that discovery, UET filed the federal suit, charging PG&E

with, among other things, violations of the RICO Act (RICO), a federal criminal statute. UET argued that as it is now seeking criminal penalties and tort damages against PG&E in the Federal District Court in addition to the accounting and disgorgement that it seeks in this proceeding, the Commission is no longer able to provide complete relief and should halt this proceeding. On June 16, 2015, PG&E filed a response to the motion for abeyance arguing, among other things, that the Commission has either exclusive or primary jurisdiction to decide all of UET's claims against PG&E, including the tort and RICO claims, and that this action should proceed notwithstanding UET's federal filing. On July 14, 2015, the assigned ALJ granted the UET motion to hold the proceeding in abeyance for at least six months to give the federal district court time to rule on PG&E's objections to the UET complaint. As of today, the federal court has failed to make such a ruling and accordingly the deadline for resolving this proceeding should be extended for an additional six months, to December 10, 2016.

2. 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 on 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.

3. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Karl J. Bemesderfer is the assigned ALJ in this proceeding.

Findings of Fact

1. In D.15-12-051 the Commission extended the 12-month statutory deadline for resolving this proceeding to July 10, 2016.

2. An extension of time until December 10, 2016, is necessary to allow adequate time for the federal district court to rule on UET's complaint and PG&E's answer.

Conclusions of Law

1. The deadline for resolving this proceeding should be extended until December 10, 2016.

2. This matter should be effective immediately.

IT IS ORDERED that the time for completion of this complaint case is extended until December 10, 2016.

This order is effective today.

Dated _____, at San Francisco, California.