

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In The Matter of the Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for a Certificate of Public Convenience and Necessity for the Sycamore-Penasquitos 230 Kilovolt Transmission Line Project.

Application 14-04-011
(Filed April 7, 2014)

ORDER EXTENDING STATUTORY DEADLINE

Public Utilities Code § 1701.5 provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the scoping memo sets a later date. 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 for no more than 60 days.

Decision (D.) 16-02-005 extended the statutory deadline for resolving this proceeding from February 24, 2016, to May 24, 2016, in order to allow time for the issuance of the final Environmental Impact Report (EIR) and to take evidence and argument on the issues of whether the EIR was completed in compliance with the California Environmental Quality Act, whether the mitigation measures or project alternatives identified in the EIR are infeasible, and whether there are overriding considerations that merit project approval notwithstanding the significant and unavoidable adverse impacts identified in the EIR.

The final EIR issued on March 7, 2016, which did not allow sufficient time to take such evidence and argument within the extended deadline. Thus, D.16-05-022 further extended the deadline to July 23, 2016.

Pursuant to the schedule agreed to by the parties, prepared testimony was served on May 3 and May 17, 2016, and opening and reply briefs were filed on June 14 and June 28, 2016, upon which the matter was submitted. Additional time was required to consider the evidence and argument, prepare a proposed decision, and allow public review and comment on the proposed decision as required by Pub. Util. Code § 311(d). Thus, D.16-07-016 further extended the deadline to September 21, 2016.

The proposed decision did not issue in time to allow its consideration at the Commission's September 15, 2016, business meeting in advance of the September 21, 2016, deadline.¹ The next Commission business meeting is September 29, 2016. Additional time is therefore required to allow the Commission to comply with Pub. Util. Code § 311(d) before it resolves the proceeding.

Waiver of Comments on Proposed Decision

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 ratesetting proceedings. We waive the period for public review and comment pursuant to this rule.

Assignment of Proceeding

Michael Picker is the assigned Commissioner and Hallie Yacknin is the assigned Administrative Law Judge and presiding officer in this proceeding.

¹ Pub. Util. Code § 311(d) requires the proposed decision to be issued no later than 90 days after submission or, in this case, by no later than September 26, 2016.

Finding of Fact

The Commission requires additional time beyond the September 21, 2016, statutory deadline for deliberating this matter.

Conclusions of Law

1. The statutory deadline, as authorized by Decision 16-07-016 pursuant to Public Utilities Code § 1701.5, should be extended by an additional 60 days to November 20, 2016.

2. The comment period should be waived pursuant to Rule 14.6(c)(4).

IT IS ORDERED THAT:

1. The statutory deadline, as authorized by Decision 16-05-022 pursuant to Public Utilities Code § 1701.5, is extended by an additional 60 days to November 20, 2016.

2. The comment period is waived pursuant to Rule 14.6(c)(4).

This order is effective today.

Dated _____, at San Francisco, California.