

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Revise its Gas Rates and Tariffs to be Effective October 1, 2018. (U39G).

Application 17-09-006

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to September 14, 2019.

1. Background

On September 14, 2017, Pacific Gas and Electric Company (PG&E) submitted Application (A.) 17-09-006, a gas cost allocation and rate design (GCAP) application to the California Public Utilities Commission (Commission), in order to revise its gas rates and tariffs. PG&E’s application submitted pursuant to California Public Utilities Code (Pub. Util. Code) § 454¹ and Rule 3.2 of the Rules of Practice and Procedure (Rules), addresses revenue requirement allocation and rate design for PG&E’s gas customers that are not decided in PG&E’s separate Gas Transmission and Storage (GT&S) proceeding. PG&E requests new GCAP rates effective October 1, 2018 for the 36-month period from October 1, 2018 through September 30, 2021.

¹ All statutory references are to the California Public Utilities Code, unless otherwise indicated.

On November 20, 2017, a prehearing conference (PHC) was held and the scoping memo and ruling of assigned commissioner was issued on August 25, 2017 (Scoping Memo) identifying all issues to be resolved in the scope of this proceeding. On February 7, 2018, a second PHC was held to identify issues that may be resolved by the Commission on an expedited basis so that the outcome may be implemented by PG&E prior to the resolution of all issues in the Application. On March 19, 2018, the Amended Scoping Memo was issued adopting the current procedural schedule for this proceeding.

A public workshop was held in the proceeding on March 14, 2018, and Public Participation Hearings and Information Sessions were held in the cities of Sacramento, Fresno, Bakersfield, Chico, San Francisco, San Jose, and Oakland, on June 26, 27 and 28, and July 10, 11, 16 and 17, 2018, respectively. Evidentiary hearings were held on July 23-26, 2018, in San Francisco, CA, and testimony from the parties was received into the evidentiary record.² Post hearing opening and reply briefs have been received, and the case was submitted in September 2018.

On October 25, 2018, the Commission issued an expedited interim decision (Decision (D.)18-10-040³) in this proceeding, adopting parties' settlement agreement on residential baseline season restructuring in order to permit PG&E to implement structural changes to its winter baseline season and mitigate bill volatility for the upcoming 2018-2019 winter season. The expedited interim

² PG&E, the Public Advocates Office of the Commission (Cal Advocates), The Utility Reform Network (TURN), the Western Manufactured Housing Communities Association (WMA), the Small Business Utility Advocates (SBUA), the School Project for Utility Rate Reduction (SPURR), and Indicated Shippers are all parties in this proceeding. Each of PG&E, Cal Advocates, TURN, WMA, SBUA, and Indicated Shippers submitted written testimony.

³ Decision: <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M237/K152/237152450.PDF>

decision resolved only issues relating to the restructuring of the residential winter baseline months raised in the Application. Application 17-09-006 remains open.

2. Statutory Deadline and Discussion

Pub. Util. Code § 1701.5 provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met, and issues an order extending the deadline. In this proceeding, the 18-month deadline for resolving the case is March 14, 2019.

Based on the record of this proceeding, including the need for an interim expedited decision on residential baseline season restructuring and the need for a second proposed decision resolving the remaining issues, this proceeding cannot be resolved by March 14, 2019, or “within 18 months of initiation” as required by law. While a second proposed decision in this matter is nearing completion, it will not be ready in time to meet the statutory deadline of March 14, 2019.

Extending the statutory deadline to September 14, 2019, or by six months, will allow the ALJ needed time to complete his evaluation of this record and draft a proposed decision resolving all remaining issues in this proceeding. Accordingly, this order extending the statutory deadline for six months is necessary and recommended.

3. Waiver of Comment Period

Under Rule 14.6(c)(4), the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 18-month deadline set forth in § 1701.5. Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

4. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Adeniyi A. Ayoade is the assigned ALJ in this proceeding.

Findings of Fact

1. The proceeding was initiated (Application filed) on September 14, 2017.
2. The 18-month deadline for the resolution of this proceeding is March 14, 2019.
3. On October 25, 2018, the Commission issued an expedited interim decision (D.18-10-040) in this proceeding resolving the residential winter baseline season restructuring issue presented in this Application in order to reduce bill volatility for the upcoming 2018-2019 winter season.
4. This proceeding cannot be resolved within 18 months of initiation, or by March 14, 2019, as required by § 1701.5.
5. Additional time is needed to fully evaluate the record in this proceeding, write a second proposed decision resolving all remaining issues presented in this Application, and present the proposed decision for adoption by the Commission.
6. An extension of time until September 14, 2019 is necessary.

Conclusions of Law

1. It is not possible to resolve this case within the 18-month period as provided for in § 1701.5.
2. The 18-month statutory deadline should be extended until September 14 2019, in order to allow for resolution of all issues in this proceeding.
3. This order should be made effective immediately.

IT IS ORDERED that the 18-month statutory deadline in this proceeding is extended to September 14, 2019.

This order is effective today.

Dated _____, at San Francisco, California.