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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking Regarding Whether, or Subject to What Conditions, the Suspension of Direct Access May Be Lifted Consistent with Assembly Bill 1X and Decision 01-09-060.

Rulemaking 07-05-025  
(Filed May 24, 2007)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING  
MOTION FOR STATUS REPORT ON IMPLEMENTATION**

This ruling grants the April 20, 2011, motion of the Alliance for Retail Energy Markets, Retail Energy Supply Association, and Direct Access Customer Coalition (collectively, "Joint Parties") requesting a status report on direct access implementation in accordance with Decision (D.) 10-03-022. In D.10-03-022, the Commission adopted rules for the transitional reopening of direct access provided for in Senate Bill (SB) 695, signed into law on October 11, 2009.

Specifically, the Joint Parties seek a ruling directing the Energy Division to provide a report on the results to date for direct access six-month switching notices submitted in 2010 for Phase 2 service to begin in January 2011 and for six-month switching notices submitted in 2011 for Phase 3 service to begin in January 2012.

On August 2, 2010, the Energy Division previously finalized a status report on implementation relative to the Phase 1 results. The 2010 Report included an analysis of the IOUs' process, quantified the extent of the over-subscription and

concluded that the IOUs were compliant with D.10-03-022. The Joint Parties are now requesting a similar status report providing updated data for the same categories of information with respect to Phase 2 and Phase 3 service.

The Joint Parties do not request an audit of the utilities' process for direct access implementation, as was included in the 2010 Report, but rather, that the Energy Division provide a table of results, similar to the tables provided in the 2010 Report, documenting for each IOU for Phase 2 and Phase 3 the number of customers submitting six month switching notices, the load associated with those submissions, the number of customers and the associated load that was rejected, and confirmation of the amount of time it took to fill the cap. In addition, because of the timeframe for completion of the processing of enrollments of new direct access customers for 2011 (Phase 2), the Joint Parties request a summary of that data as well.

The only response was filed on May 5, 2011, by Commercial Energy of California (Commercial Energy) in support of the motion. In addition to the status report data requested in the motion, moreover, Commercial Energy believes that one additional category of information should be included. Specifically, Commercial Energy asks that the status report provide data separately for each IOU regarding the number of direct access customers who have returned to IOU service from direct access, and the total load of such returning direct access customers from the date that the Open Enrollment window authorized by D.10-03-022 commenced to the present.

### **Discussion**

The motion for an updated status report will be granted. The updated report will help to ensure continued compliance with the first come/first service requirements of D.10-03-022, to provide information needed to determine

whether and how enrollment processes can be improved in the future, and to inform the public about the demand for retail choice.

The update will provide similar information to that which was contained in the previous status report issued on August 2, 2010. The Commission's Energy Division is thus directed to produce and release the updated status report by July 15, 2011. The request of Commercial Energy for the reporting of additional information in the status report will not be granted. This request asks for additional data beyond the scope of the original motion. Compiling this additional information would impose an extra burden on Commission staff time and resources. It is not apparent that the value of the additional information justifies the additional time and burden involved in compiling it.

**IT IS RULED that:**

1. The motion of the Alliance for Retail Energy Markets, Retail Energy Supply Association and Direct Access Customer Coalition (collectively, "Joint Parties") is hereby granted for an updated status report on direct access implementation in accordance with Decision (D.) 10-03-022.

2. The Commission's Energy Division is directed to produce an updated status report providing similar categories of information as previously provided in its earlier status report on August 2, 2010. The updated report shall document for each utility for Phase 2 and Phase 3, the number of customers submitting accepted six month switching notices, the load associated with those submissions, the number of customers submitting six-month switching notices that were rejected, and confirmation of the amount of time it took to fill the cap. The report shall also provide information about the completion of the processing of enrollments of new direct access customers for 2011 for Phase 2.

3. The updated Energy Division Status Report shall be served electronically on parties to this proceeding by July 15, 2011.

Dated July 1, 2011, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge