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05-31-12

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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 REGARDING
BLANKET WAIVER REGARDING STATUS REPORT REQUEST**

This ruling is issued in reference to the motion filed on February 23, 2012, (Motion), by the Retail Energy Supply Association, Alliance for Retail Energy Markets, and Direct Access Customer Coalition (collectively, the Joint Parties). The Motion requested the production of an updated status report on direct access implementation, in accordance with the transitional reopening rules in Decision (D.) 10-03-022. The Motion also requested a blanket waiver from the requirement for parties to file new motions to request subsequent status reports on direct access implementation results. While the four-year phase-in of direct access under D.10-03-022 is now complete, the Joint Parties indicate they may seek status reports on direct access implementation in the future. The Joint Parties argue, however, that filing a motion each time to obtain such information constitutes a waste of resources and time.

By the ruling dated March 26, 2012, the Joint Parties' request for a one-time status report was granted, but their request for a blanket waiver from the requirement to file subsequent motions to obtain future reports was deferred.

This ruling solicits further comments as the basis for ruling on the blanket waiver request.

In comments in response to the Joint Parties' Motion, Pacific Gas and Electric Company (PG&E) had expressed concern that the Joint Parties did not include clear parameters in requesting a blanket waiver in terms of:

- 1) the specific information to be provided in subsequent status reports; or
- 2) the frequency of the reports. Before granting the blanket waiver request, PG&E recommended that a workshop be convened to discuss and resolve:
 - 1) the details of the ongoing process that should be followed if and when additional space becomes available under the overall direct access cap; and
 - 2) the reporting requirements that should accompany the process to resolve this issue.

PG&E also notes that in November 2010, the parties submitted a Working Group Report containing a series of proposed process improvements for managing the direct access load cap after the increases are fully phased in. One of these proposals dealt with administering future enrollments. PG&E, along with the other utilities joining in comments, believe that it is timely for the Commission to take action on these Working Group recommendations.

Discussion

Prior to ruling on the request for a blanket waiver from being required to file new motions to request subsequent status reports on future direct access implementation results, further comments are hereby solicited. The comments shall address PG&E's stated concerns regarding: 1) the ongoing process that should be followed if and when additional space becomes available under the direct access cap; and 2) the specific reporting requirements that should

accompany the process. The comments should also indicate whether there is any objection to the Commission's adopting the series of proposals in the November 15, 2010 working group report for process improvements for managing the direct access load cap after the increases authorized by Senate Bill 695, as implemented in D.10-03-022 are fully phased in.

The comments should also identify: 1) the specific information to be provided in subsequent status report updates on direct access implementation results; and 2) the frequency intervals with which such reports should be provided.

After receipt of these comments, a determination will be made as to whether other input is necessary before ruling upon the request for a blanket waiver from a requirement to file new motions to request subsequent status reports on direct access implementation.

IT IS RULED that:

1. One round of comments are hereby solicited regarding the issues identified above to be due on June 15, 2012.
2. After receipt of the comments, a determination will be made as to whether further information is necessary as a basis to rule on the request for a blanket waiver from a requirement to file new motions to obtain subsequent status reports on direct access implementation.

Dated May 31, 2012, at San Francisco, California.

/s/ THOMAS R. PULSIFER
Thomas R. Pulsifer
Administrative Law Judge