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06-14-12
09:25 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION FOR PARTY STATUS FILED BY HEATING AIR-CONDITIONING & REFRIGERATION DISTRIBUTORS INTERNATIONAL

This ruling denies the motion for party status filed by Heating Air-Conditioning & Refrigeration Distributors International (HARDI) on May 14, 2012.

HARDI asserts that it advocates on behalf of more than 460 wholesale companies, 300 manufacturing associates, and nearly 140 industry manufacturing representatives. According to HARDI it seeks to comment on the development of policy rules and reporting requirements in Rulemaking 09-11-014. In particular, HARDI wishes to comment on how local, regional, and statewide governmental bodies can work with wholesalers, distributors and each other to improve existing energy efficiency partnerships in the "bridge period" and the longer term.

Decision (D.) 12-05-015 addressed the energy efficiency policy issues that HARDI wishes to comment on. The proposed decision that led to D.12-05-015 was mailed to the parties in accordance with Section 311 of the Public Utilities

Code on March 20, 2012. Comments and reply comments on the proposed decision were due on April 9, 2012 and April 16, 2012 (respectively), consistent with Rule 14.3 of the Commission's Rules of Practice and Procedure. Though HARDI's motion was received four days before D.12-05-015 issued, comments and reply comments on the issues addressed in the proposed decision were due well in advance of HARDI's motion being filed. Because allowing a party to comment on the issues addressed in D.12-05-015 at this point in the proceeding would offend due process, granting party status to allow such comments would be improper.

This proceeding was not closed by D.12-05-015. If HARDI wishes to participate in this proceeding going forward it may file another motion for party status that sets forth its interest and the nature of the contribution it proposes to make.

IT IS RULED that the May 14, 2012, motion for party status filed by Heating Air-Conditioning & Refrigeration Distributors International is denied without prejudice.

Dated June 14, 2012, at San Francisco, California.

/s/ DARWIN E. FARRAR
Darwin E. Farrar
Administrative Law Judge