

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Portions of AB 117 Concerning Community
Choice Aggregation.

Rulemaking 03-09-007
(Filed September 4, 2003)

**OPINION RESCINDING ORDER INSTITUTING RULEMAKING 03-09-007,
ISSUED TO IMPLEMENT PORTIONS OF AB 117 CONCERNING
COMMUNITY CHOICE AGGREGATION**

Summary

On September 4, 2003, the Commission issued its Order Instituting Rulemaking (OIR) 03-09-007 to implement portions of Assembly Bill (AB) 117 (Chapter 838, September 24, 2002). AB 117 added Public Utilities Code Sections 218.3, 331.1, 366.2, 381.1, and 394.25, permitting cities and counties to purchase and sell electricity on behalf of utility customers in their jurisdictions after they have registered with the Commission as “Community Choice Aggregators.”

As a result of administrative error, the published version of R.03-09-007 does not in its entirety reflect the Commission’s intent. The OIR included several typographical and editing errors, one of which affects the discussion of a substantive issue relating to a cost responsibility surcharge.

This order rescinds R.03-09-007 because the OIR, as published, was issued in error. The Commission will issue a new OIR to replace R.03-09-007. Therefore, pursuant to Section 311(g)(3), the Commission may adopt rules, after

notice and comment, establishing additional categories of decisions subject to waiver or reduction of the time period in this section.

Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Kim Malcolm is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. As a result of administrative error, R.03-09-007 includes typographical and editing errors, one of which affects the discussion of a substantive matter relating to a cost responsibility surcharge.
2. R.03-09-007 does not reflect the Commission's original intent.

Conclusion of Law

The Commission should rescind R.03-09-007, and shall issue a new OIR to replace R.03-09-007.

O R D E R

IT IS ORDERED that:

1. The Commission hereby rescinds Order Instituting Rulemaking (OIR) 03-09-007 for reasons set forth herein.
2. The Executive Director shall serve this order on all parties who received copies of R.03-09-007.

This order is effective today.

Dated _____, 2003, at San Francisco, California.