

Decision 09-06-040 June 18, 2009

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

Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement, and verification, and related issues.

Rulemaking 06-04-010  
(Filed April 13, 2006)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Pub. Util. Code § 1701.5(a) provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the Commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline.

The scoping memo for this proceeding was issued on May 24, 2006. Pursuant to Pub. Util. Code § 1701.5(a) and (b), the deadline for resolving this proceeding was established in the scoping memo as December 31, 2008. Decision (D.) 09-01-027 on January 29, 2009, extended the deadline established in the scoping memo for resolving this proceeding by 60 days, to March 1, 2009. D.09-02-020 on February 20, 2009, extended the deadline to April 30, 2009. D.09-04-026 extended the deadline to June 29, 2009. Today's decision again extends the deadline by 60 days to August 28, 2009.

## **Discussion**

This rulemaking has served as the forum for six major categories of energy efficiency issues: (1) Shareholder Risk/Reward Incentive Mechanism, (2) Evaluation, Measurement and Verification (EM&V), (3) Refinements to Policy Rules and Reporting Requirements, (4) Updates to Energy Efficiency Potentials Studies and Savings Goals, (5) Implementation of 2006-2008 Portfolio Plans and Planning Process for 2009-2011 Program Cycle, and (6) Transition Issues and Filings Related to Pre-2006 Programs. We have issued 11 decisions in this rulemaking on these various topics.

In D.07-09-043 in this docket, we adopted a risk/reward incentive mechanism for the investor-owned utilities' energy efficiency activities. This decision was modified by D.08-01-042. In D.08-12-059, we granted in part and denied in part a Petition for Modification of D.07-09-043 and D.08-01-042. D.08-12-059 provides for Commission review of verification reports of utility energy efficiency savings. Due to the continuing need for review of activities related to the risk/reward incentive mechanism and verification of energy savings, we were unable to resolve this issue before the December 31, 2008 deadline established in the scoping memo.

On January 29, 2009, we opened a new rulemaking, R.09-01-019, to consider risk/reward incentive mechanisms. We will soon open a second new rulemaking to deal with other energy efficiency issues going forward. Until the second of these new rulemakings is issued, there is a continuing need for a forum for the energy efficiency issues within the scope of this proceeding. Accordingly, a 60-day extension of the June 29, 2009 deadline is needed.

### **Waiver of Comments**

Under Rule 14.6(c)(10) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of decisions extending the deadline for resolving ratesetting proceedings. We waive the period for public review and comment pursuant to this rule.

### **Assignment of Proceeding**

Dian M. Grueneich is the assigned Commissioner and David M. Gamson is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The scoping memo for this proceeding was issued on May 24, 2006.
2. The deadline for resolving this proceeding in the scoping memo was December 31, 2008.
3. The December 31, 2008 deadline from the scoping memo was extended in D.09-01-027 to March 1, 2009, in D.09-02-020 to April 30, 2009, and in D.09-04-026 to June 29, 2006.
4. Due to the continuing need for review of activities related to energy efficiency issues within the scope of this proceeding until a new rulemaking has been issued, there is a need for this rulemaking to remain open.

### **Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and (b) should be extended for 60 days.
2. In accordance with Rule 14.6(c)(10), the comment period is waived.

**IT IS ORDERED** that the statutory deadline for resolving this proceeding is extended to August 28, 2009.

This order is effective today.

Dated June 18, 2009, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners