

Decision 09-10-015 October 15, 2009

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

Order Instituting Rulemaking to develop additional methods to implement the California Renewables Portfolio Standard Program.

Rulemaking 06-02-012  
(Filed February 16, 2006)

**ORDER EXTENDING STATUTORY DEADLINE**

**1. Summary**

The deadline for concluding this proceeding is extended to December 26, 2009, pursuant to Pub. Util. Code § 1701.5(a).

**2. Procedural Background**

Public Utilities Code Section 1701.5<sup>1</sup> provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the scoping memo sets a later date. The Commission may also, upon making a written determination that the deadline cannot be met, including findings as to the reason, issue an order extending the deadline.

The Second Amended Scoping Memo and Ruling of Assigned Commissioner (February 25, 2008) set a date of December 31, 2008 for the resolution of this proceeding. Decision (D.) 08-12-048 extended the deadline to March 1, 2009. The deadline was further extended to April 30, 2009 by

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<sup>1</sup> Unless otherwise noted, all further references to sections refer to the Public Utilities Code.

D.09-02-014. The deadline was extended again to June 29, 2009 by D.09-04-015. D.09-06-033 extended the deadline to August 28, 2009. The most recent extension, to October 27, 2009, was made by D.09-08-010.

### **3. Discussion**

As explained in D.08-12-048, the last major issue in this proceeding is whether to authorize the use of tradable renewable energy credits (TRECs) for Renewables Portfolio Standard (RPS) compliance, and, if TRECs are authorized, to set up rules for a TREC market and RPS compliance process.

A proposed decision (PD) on TRECs issues was mailed for comment on October 29, 2008. The October PD was withdrawn on March 26, 2009 and a new PD on TRECs was issued for comment. To allow the Commission to evaluate the parties' comments on the new PD and give the new PD appropriate consideration, an extension of the current October 27, 2009 deadline is needed. The Commission may extend the deadline for another 60 days, to December 26, 2009, in accordance with § 1701.5(a).

### **4. 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. Accordingly, pursuant to Rule 14.6(c)(10), the otherwise applicable 30-day period for public review and comment is being waived.

### **5. Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Burton W. Mattson and Anne E. Simon are the assigned Administrative Law Judges in this proceeding.

### **Findings of Fact**

1. The Second Amended Scoping Memo and Ruling of Assigned Commissioner set a date of December 31, 2008 for the resolution of this proceeding.
2. D.08-12-048 extended the deadline for the resolution of this proceeding to March 1, 2009.
3. D.09-02-014 further extended the deadline to April 30, 2009.
4. D.09-04-015 further extended the deadline to June 29, 2009.
5. D.09-06-033 further extended the deadline to August 28, 2009.
6. D.09-08-010 further extended the deadline to October 27, 2009.
7. The PD on the use of TRECs issued in October 2008 has been withdrawn and a new PD on TRECs has been issued for comment.
8. Commission consideration of the new PD and the parties' comments on the PD is unlikely to be completed prior to the current October 27, 2009 deadline for concluding this proceeding.

### **Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and modified by the Second Amended Scoping Memo and D.08-12-048, D.09-02-014, D.09-04-015, D.09-06-033, and D.09-08-010 should be extended by an additional 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 December 26, 2009.

This order is effective today.

Dated October 15, 2009, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners