

Decision 09-12-006 December 3, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Refinements to and Further Development of the Commission's Resource Adequacy Requirements Program.

Rulemaking 05-12-013
(Filed December 15, 2005)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Pub. Util. Code § 1701.5¹ 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 Amended Scoping Memo and Ruling of Assigned Commissioner for Phase 2 (June 17, 2008) set a date of 12 months from the date of its issuance, i.e., June 17, 2009, for the resolution of this proceeding. Decision (D.) 09-05-031 extended the deadline to August 17, 2009, D.09-07-036 extended it to October 16, 2009, and D.09-09-043 extended it to December 15, 2009. Today's decision further extends the deadline, as allowed by § 1701.5(a), to February 16, 2010.

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

Discussion

This proceeding has considered and resolved a wide range of issues in the development and refinement of the Commission's resource adequacy program. Phase 1 was resolved by Decision (D.) 06-06-064 and D.06-07-031. Track 1 of Phase 2 was resolved by D.07-06-029.

Two important sets of issues remain to be resolved in Phase 2. Track 2 of Phase 2 encompasses a variety of program structure issues that include proposals for a centralized capacity market, bilateral trading of capacity, multi-year forward commitments, and coordination of the resource adequacy program with the Market Redesign and Technology Upgrade process of the California Independent System Operator. Track 3 of Phase 2 is a review of how the resource adequacy program will be extended to small and multi-jurisdictional load-serving entities.

A proposed decision that would resolve Phase 2 was issued on November 3, 2009, and the matter was scheduled for consideration by the Commission at its regularly scheduled meeting of December 3, 2009. However, due to the importance and the complexity of the remaining issues involved in this proceeding, as well as their relationship to other proceedings, additional time may be required for deliberations. Accordingly, an extension of the current December 15, 2009 deadline is needed.

Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(10) of the Commission's Rules of Practice and Procedure (Rules), 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

Michael R. Peevey is the assigned Commissioner and Mark S. Wetzell is the assigned Administrative Law Judge and presiding officer in this proceeding.

Findings of Fact

1. The Amended Scoping Memo and Ruling of Assigned Commissioner for Phase 2 was issued June 17, 2008.

2. The Amended Scoping Memo and Ruling of Assigned Commissioner for Phase 2 set a date of June 17, 2009 for the resolution of this proceeding.

3. D.09-05-031 extended the deadline for resolution of this proceeding to August 17, 2009, D.09-07-036 extended it to October 16, 2009, and D.09-09-043 extended it to December 15, 2009.

4. Due to the importance and the complexity of the remaining issues involved in this proceeding, as well as their relationship to other proceedings, additional time beyond the current December 15, 2009 deadline is required for deliberations.

Conclusions of Law

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and modified by the Amended Scoping Memo and Ruling of Assigned Commissioner for Phase 2, D.09-05-031, D.09-07-036, and D.09-09-043, 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 February 16, 2010.

This order is effective today.

Dated December 3, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners