

Decision 11-05-034 May 26, 2011

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

Application of California Water Service Company (U60W) for an order confirming its discontinuance of the ESP program as provided in D.07-12-055, Ordering Paragraph 19, approving accounting for the residual affiliate transaction, and confirming under D.07-12-055, Ordering Paragraph 16 that Applicant's residual services to its affiliate CWS Utility Services comply with applicable law.

Application 08-05-019  
(Filed May 12, 2008)

**ORDER EXTENDING STATUTORY DEADLINE**

Public Utilities Code Section 1701.5 provides that ratemaking matters such as this application shall be resolved within 18 months of issuance of the scoping memo for the proceeding, unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 18-month deadline.

In this proceeding, the scoping memo issued on October 2, 2009, therefore the 18-month deadline for resolving the proceeding was April 2, 2011. In Decision (D.) 11-01-009, issued January 27, 2011, the Commission found that this proceeding's schedule relied on policy guidance from our affiliate rulemaking proceeding, Rulemaking (R.) 09-04-012, and due to a six-month delay in issuing a decision in R.09-04-012, the statutory deadline for this proceeding should be extended a corresponding amount of time. Pursuant to Section 1701.5(a), as no

single order may extend the statutory deadline for more than 60 days, the extension granted in D.11-01-039 will expire on June 2, 2011.

There is a continuing need for an extension of time in this proceeding. The current procedural schedule has a report by the Commission's Division of Ratepayer Advocates due to be filed on May 2, 2011, the next prehearing conference (PHC) is scheduled for June 6, 2011, and evidentiary hearings are scheduled for June 20 - 21, 2011. Therefore, a 60-day extension of the statutory deadline until August 1, 2011 is necessary.

### **Waiver of Comments on Proposed Decision**

Under Rule 14.6(c)(4) 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**

Michel Peter Florio is the assigned Commissioner and Christine M. Walwyn is the assigned Administrative Law Judge in this proceeding.

### **Finding of Fact**

An extension of time until August 1, 2011 is necessary in order to address the May 2, 2011 report scheduled to be filed by the Division of Ratepayer Advocates and all issues raised in the June 6, 2011 PHC conference and the June 20 - 21, 2011 evidentiary hearings.

### **Conclusions of Law**

1. Pursuant to the authority granted the Commission under Public Utilities Code Section 1701.5(a), the extension of the statutory deadline for this proceeding granted under D.11-01-039 should be extended an additional 60 days.

2. Pursuant to Rule 14.6(c)(4), the comment period for the proposed decision should be waived.

**IT IS ORDERED** that the extension of the statutory deadline for this proceeding granted under Decision 11-01-039 should be extended to and including August 1, 2011.

This order is effective today.

Dated May 26, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners