

Decision 11-07-047 July 28, 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

Summary

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 expired on June 2, 2011. On May 26, 2011, the Commission in D.11-05-034 extended the statutory deadline to August 1, 2011.

There is a continuing need for an extension of time in this proceeding. The current procedural schedule has reply briefs scheduled for August 29, 2011. Therefore, a 60-day extension of the statutory deadline until September 30, 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 September 30, 2011 is necessary in order to address the Division of Ratepayer Advocates and all issues raised in the 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.11-05-034 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 11-05-034 should be extended to and including September 30, 2011.

This order is effective today.

Dated July 28, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners