

Decision 08-12-048 December 18, 2008

**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**

**Summary**

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. Today's decision extends the deadline, as allowed by § 1701.5(a), to March 1, 2009.

**Discussion**

This proceeding has considered and resolved a wide range of issues in the design of the renewables portfolio standard (RPS) program.<sup>2</sup> One critical set of

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

<sup>2</sup> The RPS statute is codified at §§ 399.11-399.20.

issues remains outstanding. The Commission has yet to decide whether to authorize the use of tradable renewable energy credits (TRECs) for 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. Parties filed extensive comments and reply comments. Because authorizing the use of TRECs implicates essentially every aspect of the RPS program, additional time to consider it is required. We anticipate that such consideration can be completed within the first two months of 2009. Accordingly, an extension of the current December 31, 2008 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**

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 was issued February 25, 2008.
2. The Second Amended Scoping Memo set a date of December 31, 2008 for the resolution of this proceeding.

3. Due to the complex interaction of the decision to authorize the use of TRECs for RPS compliance with the rest of the RPS program, we have been unable to resolve this matter before the deadline set in the Second Amended Scoping Memo.

**Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and modified by the Second Amended Scoping Memo should be extended by 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 March 1, 2009.

This order is effective today.

Dated December 18, 2008, at San Francisco, California.

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