

Decision 09-01-027 January 29, 2009

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

Order Instituting Rulemaking to Examine the Commission's post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

Rulemaking 06-04-010  
(Filed April 13, 2006)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Public Utilities Code Section 1701.5(a) provides that ratesetting proceedings shall be resolved within 18 months of the date the scoping memo is issued, unless the Commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline.

The scoping memo for this proceeding was issued on May 24, 2006. Pursuant to Pub. Util. Code § 1701.5(a) and (b), the deadline for resolving this proceeding was established in the scoping memo as December 31, 2008. Today's decision extends the deadline established in the scoping memo for resolving this proceeding by 60 days, to March 1, 2009.

**Discussion**

This rulemaking has served as the forum for six major categories of energy efficiency issues: (1) Shareholder Risk/Reward Incentive Mechanism, (2) Evaluation, Measurement and Verification (EM&V), (3) Refinements to Policy Rules and Reporting Requirements, (4) Updates to Energy Efficiency Potentials Studies and Savings Goals, (5) Implementation of 2006-2008 Portfolio Plans and

Planning Process for 2009-2011 Program Cycle, and (6) Transition Issues and Filings Related to Pre-2006 Programs. We have issued ten decisions in this rulemaking on these various topics.

In D.07-09-043 in this docket, we adopted a risk/reward incentive mechanism for the investor-owned utilities' energy efficiency activities. This decision was modified by D.08-01-042. In D.08-12-059, we granted in part and denied in part a Petition for Modification of D.07-09-043 and D.08-01-042. D.08-12-059 provides for Commission review of verification reports of utility energy efficiency savings. Due to the continuing need for review of activities related to the risk/reward incentive mechanism and verification of energy savings, we have been unable to resolve this issue before the December 31, 2008 deadline established in the scoping memo. We plan on opening two new rulemakings in the coming weeks, one to consider risk/reward incentive mechanisms, as well as a new rulemaking to deal with other energy efficiency issues going forward. Until both of these new rulemakings are issued, there is a continuing need for a forum for the energy efficiencies issues within the scope of this proceeding. Accordingly, a 60-day extension of the 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**

Dian M. Grueneich is the assigned Commissioner and David Gamson is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. The scoping memo for this proceeding was issued on May 24, 2006.
2. The deadline for resolving this proceeding is December 31, 2008.
3. Due to the continuing need for review of activities related to energy efficiency issues within the scope of this proceeding until one or more new rulemakings have been issued, there is a need for this rulemaking to remain open.

### **Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and (b) should be extended for 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 January 29, 2009, at San Francisco, California.

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