

Decision 09-04-015 April 16, 2009

**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**

**I. 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. Decision (D.) 08-12-048 extended the deadline to March 1, 2009. The deadline was further extended to April 30, 2009 by D.09-02-014. Today's decision further extends the deadline, as allowed by § 1701.5(a), to June 29, 2009.

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

## **II. Discussion**

As explained in D.08-12-048, the last major issue in this proceeding is whether to authorize the use of tradable renewable energy credits (TRECs) for compliance with the renewables portfolio standard (RPS), 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.

The October PD was withdrawn on March 26, 2009 and a new PD was issued for comment. To allow parties time for comment on the new PD and to allow the Commission to give the new PD appropriate consideration, an extension of the current April 30, 2009 deadline is needed.

## **III. Waiver of Comments**

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.

## **IV. 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 set a date of December 31, 2008 for the resolution of this proceeding.

2. D.08-12-048 extended the deadline for the resolution of this proceeding to March 1, 2009.

3. D.09-02-014 further extended the deadline to April 30, 2009.

4. The PD issued in October 2008 has been withdrawn and a new PD has been issued for comment.

5. Comments on the new PD and Commission consideration of the new PD are unlikely to be completed prior to the current April 30, 2009 deadline for concluding this proceeding.

### **Conclusions of Law**

1. The statutory deadline imposed by Pub. Util. Code § 1701.5(a) and modified by the Second Amended Scoping Memo and Ruling and D.08-12-048 and D.09-02-014 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 June 29, 2009.

This order is effective today.

Dated April 16, 2009, at San Francisco, California.

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