

**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)

**ADMINISTRATIVE LAW JUDGE'S RULING  
AND NOTICE OF PREHEARING CONFERENCE**

Today's ruling provides notice of a May 9, 2006, prehearing conference (PHC), establishes the due date for pre-PHC comments on the scope, schedule and need for evidentiary hearings, and addresses other procedural matters. The service list in Rulemaking (R.) 01-08-028 and Application (A.) 05-06-004 *et al.* will serve as the temporary service list in this rulemaking until a permanent one is established at the PHC.

**I. Notice of PHC and Due Date for Pre-PHC Comments**

A PHC will be held at 10:00 a.m. on Tuesday, May 9, 2006, at the Commission Hearing Room, State Office Building, 505 Van Ness Avenue, San Francisco, California.

The purpose of the PHC will be to address scoping issues, scheduling and other procedural matters, including the need for evidentiary hearings. Pre-PHC comments addressing these issues are due by May 4, 2006. In preparing their comments, interested parties should review the Preliminary Scoping Memo

contained in the Order Instituting Rulemaking (OIR).<sup>1</sup> Parties should also comment on the proposed schedule I have outlined below.

At the PHC, I will also address the preliminary categorization of this proceeding, for which the Commission divided the issues into two phases.<sup>2</sup> As noticed in the OIR, any person who objects to the preliminary categorization set forth in the OIR shall raise such objection no later than 10 calendar days from the date the OIR was issued.<sup>3</sup>

## **II. Proposed Schedule**

In the OIR and recent decisions, the Commission has clearly stated that the next priority for energy efficiency is the development of a shareholder risk/reward incentive mechanism. Therefore, I have developed a schedule that addresses this issue as quickly as practicable, while moving ahead with the development of evaluation, measurement and verification (EM&V) protocols that are fundamental to the verification of portfolio performance for an incentive mechanism and other purposes.

In developing a proposed schedule, I have carefully considered Commission staff resource availability as well as the work load on Respondents and interested parties, many of which will also be participating in other high-priority resource proceedings during the remainder of 2006, particularly in the summer and early fall. Finally, I have crafted a proposed schedule that is feasible given my own sabbatical plans during 2006.

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<sup>1</sup> See OIR, Section II

<sup>2</sup> *Ibid.*, Section III.

<sup>3</sup> *Id.*

The proposed schedule is presented in the Attachment to this ruling. In their comments, parties should indicate if there are other scheduling considerations (e.g., hearings in other proceedings) that should be accounted for in developing a final schedule.

### **III. Service List, Filing Requirements, Electronic Service Protocols**

Pending the taking of appearances at the PHC, the service list in R.01-08-028 and A.05-06-004 *et al.* shall serve as the temporary service list in this proceeding, as directed by the Commission.<sup>4</sup> *A permanent service list will be established at the May 9, 2006 PHC. All those seeking to become parties in this proceeding shall attend the PHC and file an appearance. Those who demonstrate a plan to actively participate in the proceeding will be granted party status. Any others filing appearances will be granted Information Only or other appropriate status.*

All filings required by this ruling shall be filed at the Commission's Docket Office and served pursuant to the Electronic Service Protocols attached to the OIR and consistent with Rules 2.3 and 2.3.1.

#### **IT IS RULED that:**

1. As described in this ruling, a prehearing conference (PHC) will be held at 10:00 a.m., on Tuesday, May 9, 2006, in the Commission Hearing Room, State Office Building, 505 Van Ness Avenue, San Francisco, California.
2. Any person who objects to the preliminary categorization set forth in the Order Instituting Rulemaking (OIR) shall raise such objection no later than 10 calendar days from the date the OIR was issued.

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<sup>4</sup> *Ibid.*, Section IV.



