



COM/MGA/mef 7/13/2021

**FILED**  
07/13/21  
01:34 PM

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

Order Instituting Rulemaking to Consider Streamlining Interconnection of Distributed Energy Resources and Improvements to Rule 21.

Rulemaking 17-07-007

**ASSIGNED COMMISSIONER'S THIRD AMENDED SCOPING MEMO**

This scoping memo and ruling amends language contained in the *Assigned Commissioner's Second Amended Scoping Memo and Ruling for Phase II of Proceeding* (Second Amended Scoping Memo) to clarify the schedule for this proceeding pursuant to Public Utilities Code Section 1701.1. and Article 7 of the Commission's Rules of Practice and Procedure (Rules).

On May 12, 2021, the assigned Commissioner issued the Second Amended Scoping Memo, which set forth the issues, need for hearing, schedule and category, and other matters necessary to scope Phase II of this proceeding. The Second Scoping Memo established 12 issues for Phase II and established a delayed schedule to begin in December 2021 to allow for stakeholder discussion. The schedule includes the service of testimony, evidentiary hearing, and briefs, with a proposed decision anticipated no later than September of 2022.

While the Second Amended Scoping Memo clearly intends an extension of the previous statutory deadline sufficient to complete the schedule, the language contained in the Second Amended Scoping Memo conflicts with such an extension and could lead to confusion of the deadline. The Second Amended Scoping Memo stated that "[b]ased on this schedule, the proceeding will be

resolved within 18 months as required by Pub. Util. Code Section 1701.5.”

However, the language of Section 1701.5 states,

*“(a) Except as specified in subdivision (b), in a ratesetting or quasi-legislative case, the commission shall resolve the issues raised in the scoping memo within 18 months of the date the proceeding is initiated, 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.*

*(b) Notwithstanding subdivision (a), the commission may specify in a scoping memo a resolution date later than 18 months from the date the proceeding is initiated, if that scoping memo includes specific reasons for the necessity of a later date and the commissioner assigned to the case approves the date.”*

Hence, it could be interpreted that the statutory deadline is 18 months from the initiation of this proceeding. But that date, January 2019, has since come and gone. Therefore, this Third Amended Scoping Memo clarifies that a proposed decision in Phase II of this proceeding will be issued no later than 90 days after Reply Briefs are filed, which is currently estimated to be September 2022. This Third Amended Scoping Memo further clarifies that, pursuant to Public Utilities Code Section 1701.5 (b), Phase II of this proceeding will be resolved no later than 18 months after the commencement of Phase II, which is currently estimated to begin in December 2021.

**IT IS SO RULED**

This order is effective today.

Dated July 13, 2021, at San Francisco, California.

/s/ MARTHA GUZMAN ACEVES  
Martha Guzman Aceves  
Assigned Commissioner