



ALJ/DBB/fzs 4/17/2024

FILED

04/17/24

04:59 PM

K2305017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of Desert Community Energy
(ID 223) from Citation No. E-4195-0133
in the amount of \$374,647.20 issued by
the Consumer Protection and
Enforcement Division.

K.23-05-017

**EMAIL RULING DENYING DESERT COMMUNITY ENERGY'S MOTION FOR
EXTENSION OF TIME TO SUBMIT PUBLIC COMMENTS ON DRAFT
RESOLUTION ALJ-459**

Dated April 17, 2024, at San Francisco, California.

/s/ DEBBIE CHIV

Debbie Chiv
Administrative Law Judge

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Sent: Wednesday, April 17, 2024 1:16 PM

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Subject: K.23-05-017_Email Ruling Denying Desert Community Energy's Motion for Extension of Time to Submit Public Comments on Draft Resolution ALJ-459

To All Parties:

On April 12, 2024, Desert Community Energy (DCE) requested that comments on the Draft Resolution be extended until 20 days after the Commission issues a final decision in the existing Resource Adequacy (RA) proceeding, Rulemaking (R.) 23-10-011. DCE's request for an extension is denied, for the reasons discussed below.

On July 25, 2023, the Administrative Law Judge (ALJ) issued a *Ruling Setting Schedule and Scope of Issues* (Scoping Ruling) for this proceeding. The Scope of Issues are as follows:

- (1) Does the citation correctly identify DCE's deficiencies in meeting its system RA obligations?
- (2) Was the citation penalty for DCE's system RA deficiencies correctly calculated and lawfully assessed based on the five-factor test identified in Decision 98-12-075?

The Scoping Ruling provided that "[t]his proceeding will be submitted upon the filing of reply briefs, unless the assigned ALJ directs further evidence or argument."

DCE's request to await the outcome of penalty issues in R.23-10-011 is denied because such issues are outside the scope of this proceeding. The Scoping Memo and Ruling for R.23-10-011, which outlined the issues DCE identifies ("consider modifications to the RA penalty structure"), was issued on December 18, 2023, before DCE and CPED submitted opening or reply briefs in this proceeding. Once reply briefs were submitted by CPED and DCE on February 2, the record in this proceeding was submitted.

In addition, DCE argues that "month-ahead cure period proposals" will be addressed in a June 2024 Commission decision, according to the R.23-10-011 Scoping Memo's schedule. That is not what is stated in the R.23-10-011 Scoping Memo. Rather, the R.23-10-011 Scoping Memo provides that "Track 1 is expected to conclude by the end of June 2024, with the caveat that if there are scheduling delays or scoped issues that cannot be addressed in a June 2024 final decision, those issues may be incorporated into a later track of this proceeding." As such, the Commission has provided no certainty that month-ahead cure period proposals, or any Track 1 scoped issue, will be addressed in a June 2024 decision.

DCE's citation in this proceeding was based on the Resource Adequacy compliance rules and penalty structure in effect at the time of the deficiency.

For these reasons, DCE's request for an extension of time to submit public comments on Draft Resolution ALJ-459 is denied.

Docket Office shall formally file this ruling.

Debbie Chiv

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