



ALJ/JYL/cmf 4/26/2024

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

YOCHA DEHE WINTUN NATION,
a federally-recognized tribal
government,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC
COMPANY (U39E),

Defendant.

Case 23-08-022

**ADMINISTRATIVE LAW JUDGE'S FOURTH RULING
ORDERING ANSWER AND FOURTH JOINT
STATUS REPORT**

On August 24, 2023, Complainant, the Yocha Dehe Wintun Nation (the Tribe), a federally-recognized tribal government, filed verified Complaint (C.) 23-08-022 against Defendant Pacific Gas and Electric Company (PG&E). Complainant seeks a refund of over \$331,000 for Minimum Import Requirement ("MIR") energy that Defendant allegedly unlawfully required the Tribe to take and pay for as a condition to providing standby service pursuant to PG&E's Electric Schedule S for Standby Service ("Standby Service") and for allowing the Tribe to remain interconnected with the PG&E system that is necessary to receive Standby Service.

The California Public Utilities Commission (Commission) preliminarily categorized this application as an adjudicatory proceeding. Commission Rules of

Practice and Procedure Section (§)4.3 and §4.4 require Defendant to file an answer after service of the complaint by the Commission.

The complaint stated that the parties were participating in the Commission's Alternative Dispute Resolution (ADR) program to attempt a mediated settlement of the issues raised by the Tribe. Complainant requested a 90 day period to attempt such settlement after the Commission's service of the complaint and prior to the filing of Defendant's answer to the complaint.

The assigned Administrative Law Judge (ALJ) issued an October 6, 2023, ruling that granted Complainant's request, providing through January 17, 2024, for Defendant to file and serve its answer. That ruling also ordered the parties to meet and confer and to file and serve a Joint Settlement Status Report on or by December 11, 2023.

That Joint Settlement Status Report informed the ALJ that the settlement process had been productive. The parties jointly requested additional time to continue their settlement efforts prior to the filing of Defendant's answer to the complaint. They sought to extend Defendant's answer date from January 17, 2024, to March 1, 2024. The ALJ issued a ruling on December 28, 2023, granting the parties' joint request, providing through March 1, 2024 for Defendant to file and serve its answer, and also ordering the parties to meet and confer, and to file a Second Joint Settlement Status Report on or by February 15, 2024.

The parties' timely filed a Second Joint Settlement Status Report, informing the ALJ that the settlement process continued to be productive. They jointly requested additional time to continue their settlement efforts, seeking to extend Defendant's answer date from March 1, 2024 to May 1, 2024. The ALJ issued a ruling on February 26, 2024, granting the parties' joint request, providing through May 1, 2024 for Defendant to file and serve its answer, and also ordering

the parties to meet and confer, and to file a Third Joint Settlement Status Report on or by April 15, 2024.

The parties' timely filed a Third Joint Settlement Status Report, informing the ALJ that the settlement process continued to be productive. They jointly requested additional time to continue their settlement efforts, seeking to (1) extend Defendant's answer date from May 1, 2024 to June 3, 2024 and (2) file a Fourth Joint Settlement Status Report on or by May 15, 2024.

For good cause shown, this ruling grants the parties' joint request.

IT IS RULED that:

1. Defendant must file and serve its answer to the complaint on or by June 3, 2024.
2. The parties must meet and confer and file and serve a Fourth Joint Settlement Status Report on or by May 15, 2024.
3. That Fourth Joint Settlement Status Report must briefly address the following: (1) the status of settlement efforts; (2) material issues that remain to be adjudicated in this proceeding; and (3) identification of any other issues to facilitate a fair, just, and efficient resolution to this proceeding.
4. If the parties resolve all disputed issues prior to May 15, 2024, they may file a Joint Motion to Dismiss the complaint on or by May 15, 2024 in lieu of a Fourth Joint Settlement Status Report. That joint motion to dismiss must indicate whether dismissal is sought with or without prejudice.

Dated April 26, 2024, at San Francisco, California.

/s/ JEFFREY K. LEE
Jeffrey K. Lee
Administrative Law Judge