

Decision 18-06-033 June 21, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation and Ordering Pacific Gas and Electric Company to Appear and Show Cause Why It Should not be Sanctioned for Violations of Article 8 and Rule 1.1 of the Rules of Practice and Procedure and Public Utilities Code Sections 1701.2 and 1701.3.

Investigation 15-11-015

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to June 29, 2019.

1. Background

Pub. Util. Code § 1701.2(i) provides that adjudication cases must be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the original 12-month deadline for resolving this proceeding was November 18, 2016.

Previously, with Decision (D.) 17-11-034, the statutory deadline was extended to June 29, 2018, in order to give the Commission time to rule on the Revised Decision Adopting the Joint Settlement. On April 26, 2018, the Commission granted the Joint Motion, and D.18-04-014 was issued on May 3, 2018. D.18-04-014, Ordering Paragraph 3, also opened a second phase in

the proceeding in order to determine if the e-mails that Pacific Gas and Electric Company (PG&E) disclosed on September 21, 2017, constituted new violations of the *ex parte* rules set forth in the Commission's Rules of Practice and Procedure.

On May 22, 2018, the assigned Administrative Law Judge (ALJ) issued a ruling that required PG&E, the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates, the Safety and Enforcement Division, and The Utility Reform Network (collectively referred to as the parties) to meet and confer and to file a status report on June 15, 2018, regarding their efforts to reach a further settlement regarding the recently disclosed e-mails.

There is good cause to extend the statutory deadline beyond June 29, 2018. Even if the parties are able to reach a settlement, there will not be enough time for the parties to file a joint motion, and for the Commission to vote on a proposed decision before the expiration of the June 29, 2018 statutory deadline. If the parties aren't able to reach a settlement, evidentiary hearings will need to be scheduled. Under either of these two scenarios, the work needed to resolve this proceeding will not be completed before June 29, 2018. Therefore, an extension of the statutory deadline until June 29, 2019, is necessary.

2. Waiver of Comment Period

Pursuant to Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment on an extension order issued pursuant to § 1701.2(i) is being waived.

3. Assignment of Proceeding

President Michael Picker is the assigned Commissioner and Robert M. Mason III is the assigned ALJ in this proceeding.

Findings of Fact

1. The statutory deadline for resolving this adjudication proceeding is June 29, 2018.
2. On April 26, 2018, the Commission granted the Joint Motion of PG&E, the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates, the Safety and Enforcement Division, and The Utility Reform Network (collectively referred to as the parties) for the adoption of the settlement agreement, and D.18-04-014 was issued on May 3, 2018.
3. D.18-04-014, Ordering Paragraph 3, also opened a second phase in the proceeding in order to determine if the e-mails that PG&E disclosed on September 21, 2017 constituted new violations of the *ex parte* rules set forth in the Commission's Rules of Practice and Procedure.
4. On May 22, 2018, the assigned Administrative Law Judge issued a ruling that required the parties to meet and confer and to file a status report on June 15, 2018 regarding their efforts to reach a further settlement regarding the recently disclosed e-mails.
5. Even if the parties are able to reach a settlement, there will not be enough time for the parties to file a joint motion, and for the Commission to vote on a proposed decision, before the expiration of the June 29, 2018 statutory deadline.
6. If the parties aren't able to reach a settlement, evidentiary hearings will need to be scheduled. The work needed to resolve this proceeding will not be completed before June 29, 2018.

7. An extension of the statutory deadline until June 20, 2019, is necessary to allow the parties and the Commission sufficient time to resolve Phase 2 of this proceeding.

Conclusion of Law

Pursuant to the Commission's authority under Pub. Util. Code § 1701.2(i) the statutory deadline should be extended until June 29, 2019.

IT IS ORDERED that the statutory deadline in this proceeding is extended until June 29, 2019.

This order is effective today.

Dated June 21, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners