

Decision 20-02-068 February 27, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OhmConnect, Inc

Complainant,

vs.

Case 19-03-005

Southern California Edison Company
(U338E)

Defendant.

ORDER EXTENDING STATUTORY DEADLINE

Summary

This Decision extends the statutory deadline in this proceeding until September 8, 2020.

1. Background

Public Utilities (Pub. Util.) Code § 1701.2(i) provides that adjudicatory cases must be resolved within twelve (12) months after initiation unless the Commission makes findings “why that deadline cannot be met and issues an order extending that deadline.” In this proceeding, the twelve (12) month deadline for resolution is March 8, 2020.

On March 8, 2019, OhmConnect, Inc. filed *Complaint of OhmConnect, Inc. Against Southern California Edison Company for Data Failures* requesting Commission order directing Southern California Edison Company (SCE) (i) to immediately begin to provide data within the timeframes provided by SCE's Electric Rule 24: *Direct Participation Demand Response*, Rule 26: *Release of Customer Data or Energy Usage Related Data To Third Parties*, and Commission Resolution E-4868, (ii) to resolve all outstanding data issues, and (iii) to improve all related processes to ensure compliance with SCE's Rule 24, Rule 26, Resolution E-4868, and Pub. Util. Code Section 761; and related matters. This adjudicatory proceeding was assigned to Administrative Law Judge (ALJ) Dan Burcham and Commissioner Liane Randolph on March 26, 2019.

Thereafter, the Commission issued *Instruction to Answer* on March 26, 2019. On April 25, 2019, SCE filed an Answer to OhmConnect, Inc. (OhmConnect)'s Complaint. A prehearing conference (PHC) was held on May 30, 2019 (10:00 a.m.), Junipero Serra State Office Building, 320 West 4th Street, Los Angeles to discuss the parties, the scope of the proceeding, schedule and other procedural matters. Defendant SCE filed a motion to dismiss OhmConnect's complaint on June 17, 2019. ALJ Burcham retired at the end of 2019. On November 14, 2019, this matter was re-assigned to ALJ Andrea D. McGary.

Additional time is required allow newly assigned ALJ McGary to issue a scoping memo, conduct evidentiary hearings, thoroughly evaluate the record, and prepare a proposed decision in this proceeding. Based on the current status of the case, such proceeding items would need to be completed prior to March 8, 2020 pursuant to Pub. Util. Code Section 1701.2(d). It is not possible to complete all required judicial tasks and resolve this adjudicatory proceeding

within the twelve (12) month statutory deadline provided in Section 1701.2(d). Accordingly, we conclude that it is appropriate to extend the statutory deadline in this case for an additional six (6) months until on or before September 8, 2020.

2. Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable thirty (30) day period for public review and comment on a decision that extends the twelve (12) month deadline set forth in Pub. Util. Code § 1701.2(i). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment

3. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Andrea D. McGary is the assigned ALJ in this proceeding.

Findings of Fact

1. The statutory deadline for resolving this adjudicatory proceeding is March 8, 2020.
2. An extension of the statutory deadline until September 8, 2020 is necessary to allow the newly assigned ALJ to issue a scoping memo, conduct evidentiary hearings, thoroughly evaluate the record, and prepare a proposed decision in this proceeding.

Conclusion of Law

1. Pursuant to the authority granted to the Commission under Pub. Util. Code Section 1701.2(i), the statutory deadline should be extended to September 8, 2020.

O R D E R

IT IS ORDERED that:

1. The statutory deadline for completion of this proceeding is extended until September 8, 2020.

2. The thirty (30) day period for review and comment on this order is waived.
3. This proceeding shall remain open.

This order is effective today.

Dated February 27, 2020, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners