

Decision 20-04-031 April 16, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company in Compliance with Ordering Paragraph 37, Resolution E-4906. (U39E.)	Application 18-10-008
And Related Matters.	Application 18-10-009 Application 18-10-010

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in these proceedings to October 19, 2020.

1. Background

On October 19, 2018, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E) and Southern California Edison Company (SCE) (jointly, the Applicants) each filed an application to allow appropriate consideration and evidentiary development on the issue of data loggers and meters for the Commission’s demand response prohibited resources policy verification plan, in compliance with Ordering Paragraph 37 of Resolution E-4906. A November 27, 2018 Ruling consolidated the three applications into one proceeding.

The January 29, 2019 Assigned Commissioner’s Scoping Memo and Ruling (Scoping Memo) set forth the issues to be addressed and the schedule of the

proceeding. The schedule included testimony filed on April 5, 2019, rebuttal testimony filed on June 28, 2019, an evidentiary hearing scheduled for July 29, 2019 through August 2, 2019,¹ and a Supplemental Filing on data loggers and interval meters pilot results on October 18, 2019.²

Over the next several months, two delays occurred. First, on July 15, 2019, the Applicants requested and received from the Executive Director, a delay in providing the data loggers and interval meters pilot results report, which was ultimately filed in the instant proceeding on November 18, 2019. Separately, a July 24, 2019 email ruling granted a July 17, 2019 motion requesting a deferral of the procedural schedule from Applicants, Public Advocates Office of the Public Utilities Commission, and California Large Energy Consumers Association (July 17, 2019 Movants).

On December 18, 2019, an email ruling was issued directing the Applicants to file a Status Update in the proceeding on December 27, 2019. The Applicants filed the Status Update in compliance with the December 18, 2019 email ruling that: 1) stated a party consensus that evidentiary hearings were no longer necessary, 2) offered additional reports for the record, and 3) proposed a schedule of March 20, 2020 and April 3, 2020 for filing opening and reply briefs, respectively.

In response to the Applicants' Status Update, the assigned Administrative Law Judge (ALJ) issued a Ruling on January 10, 2020 cancelling the evidentiary

¹ Scoping Memo at 3-4.

² Resolution E-4906 required the Applicants to test the installation of data loggers and interval meters in 10 percent of Attestation Scenario 2 customers and established the November 17, 2019 date by which to supplement the record in the instant proceeding with the results of the test.

hearing in the proceeding and directing parties to file motions offering testimony into evidence. In that Ruling, the Administrative Law Judge noted that the statutory deadline for this proceeding is April 19, 2020 and that the proposed briefing schedule would not keep the proceeding on track for a decision by April 19, 2020.

2. An Extension of the Statutory Deadline is Necessary

As further described below, a six-month extension of the statutory deadline until October 19, 2020 is appropriate to allow sufficient time to review and analyze the proceeding briefs, develop and issue the proposed decision for public review and comments, and allow the Commission enough time to deliberate and issue its final decision.

Public Utilities Code (Pub. Util. Code) Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding, within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met, and issues an order extending the deadline. As stated previously, the 18-month statutory deadline for resolving the three applications in this consolidated proceeding is April 19, 2020.

The two party-requested delays in the proceeding, while reasonable, have led to the need for an extension of time. The initial delay of the evidentiary hearing was requested by July 17, 2019 Movants, stating that “evidentiary hearing would not be useful at that time until parties have had the opportunity to consider the published pilot results.” The Movants contended that proceeding with hearings as scheduled would be premature and inefficient because parties

would be denied the opportunity to conduct cross-examination on the test results prior to briefing.³ The second delay, requested by the Applicants, asked for a delay in providing the pilot results to the parties, because the pilot's consultant, Nexant, needed sufficient time between data gathering, data analysis and production of the report.

Opening briefs in this proceeding are due on March 20, 2020 and reply briefs are due on April 3, 2020. The statutory deadline for this proceeding is April 19, 2020. Sixteen days is insufficient to review and analyze the briefs, draft a proposed decision, allow public review of the proposed decision, and provide time for the Commission to deliberate and issue its final decision. Accordingly, the Commission should extend the statutory deadline by six months.

3. Waiver of Comment Period

Under 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 ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

4. Assignment of Proceeding

Martha Guzman Aceves is the assigned Commissioner and Kelly A. Hymes is the assigned ALJ in these proceedings.

Findings of Fact

1. The 18-month statutory deadline for resolving the three applications in this consolidated proceeding is April 19, 2020.

³ As previously noted, the evidentiary hearing in this proceeding was deemed unnecessary and cancelled.

2. Two party-requested extensions of time in these proceedings, while reasonable, have led to an overall delay in the procedural schedule.
3. Opening briefs are due on March 20, 2020 and reply briefs are due on April 3, 2020.
4. Sixteen days is insufficient to review and analyze the briefs, draft a proposed decision, provide the 30-day public review of the proposed decision, and provide time for the Commission to deliberate and issues its final decision.
5. An extension of the statutory deadline to October 19, 2020 is necessary.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline should be extended to October 19, 2020.

IT IS ORDERED that the statutory deadline in these proceedings is extended until October 19, 2020.

This order is effective today.

Dated April 16, 2020, at San Francisco, California.

MARYBEL BATJER
President
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners