

Decision 20-08-053 August 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 May 27, 2021.

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 current deadline is September 8, 2020.¹

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

¹ The original statutory deadline in this Complaint (C.) 19-03-005 proceeding was March 8, 2020. Pursuant to Commission Decision (D.) 20-02-068, the original March 8, 2020 statutory deadline was extended to September 8, 2020.

2019. On November 14, 2019, this matter was re-assigned to ALJ Andrea D. McGary. On February 27, 2020, Order Extending Deadline was entered in this action, extending the original March 8, 2020 statutory deadline for six (6) months, tolling on September 8, 2020, to 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.

After evaluation of the record, including the Reporter's Transcript of the May 30, 2019 PHC and subsequent party motions and briefs, we have determined that OhmConnect's underlying data delivery complaint is integrally related to Ordering Paragraph 29 of Commission Resolution E-4868² and pending related consolidated Applications (A.), 18-11-015, A.18-11-016, and A.18-11-017 (Consolidated Applications).³ Ordering Paragraph 29 of Resolution E-4868 required investor owned utilities Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDGE&E), respectively, to file individual applications for approval of cost estimates and proposed improvements and/or enhancements to the functionality

² Ordering Paragraph 29 of Resolution E-4868 required investor owned utilities Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDGE&E), respectively, to file individual applications for approval of cost estimates and proposed improvements and/or enhancements to the functionality of the click-through electronic signature authorization process utilized by customer's energy data with third party Demand Response Providers (collectively "IOU Click-Through Proceedings").

³ The existing approval process allows the IOUs to release as customer's energy data to third party demand response providers subject to Commission privacy rules reflected in existing IOU Electric Rules: PG&E Rules 24, SCE Rule 25, and SDG&E Rule 33 as applicable; *See also* D.11-07-056.

of the click-through electronic signature authorization process utilized by customer 's energy data with third party Demand Response Providers ("DRP Functionality Standards).

On May 21, 2020, a Scoping Memo was issued in the Consolidated Applications and indicates that a Final Decision will issue in the first quarter of 2021. The Scoping Memo identifies the issues in scope in the Consolidated Applications and includes issues concerning the proposed functionality enhancements and compliance with Commission Resolution E-4868. At the time of this extension order, decision(s) establishing the DRP Functionality Standards required by Commission Resolution E-4868 and necessary for adjudication in this Case (C.) 19-03-005 proceeding, have not yet been entered.

Based on the current status of the case, adjudication of this C.19-03-005 proceeding would need to be completed prior to September 8, 2020 pursuant to Pub. Util. Code Section 1701.2(d) and February 27, 2020 *Order Extending Deadline*.⁴ It is not possible to complete all required judicial tasks and resolve this adjudicatory proceeding prior to September 8, 2020 or prior to entry of the Decisions mandated by Resolution E-4868. Accordingly, we conclude that it is appropriate to extend the statutory deadline in this case until on or before May 27, 2021.⁵

⁴ See D. 20-02-068.

⁵ May 27, 2021 is the current statutory deadline for IOU Click-Through Proceedings A18-11-015, A.18-11-016, and A.18-11-017.

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 original statutory deadline for resolving this adjudicatory proceeding was March 8, 2020.

2. A previous extension of the statutory deadline was issued on February 27, 2020 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.

3. The current statutory deadline for resolving this adjudicatory proceeding is September 8, 2020.

A statutory extension until May 27, 2021 is necessary to allow time for entry of Decisions in Commission proceedings A.18-11-015, A.18-11-016, and A.18-11-017, establishing the DRP Functionality Standards required by Commission Resolution E-4868 and necessary for final adjudication in this C.19-03-005 complaint.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code Section 1701.2(i), the statutory deadline should be extended to May 27, 2021.

O R D E R

IT IS ORDERED that:

1. The statutory deadline for completion of this proceeding is extended until May 27, 2021.
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 August 27, 2020, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners