

Decision 20-09-011 September 10, 2020

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to  
Implement Senate Bill 237 Related to  
Direct Access.

Rulemaking 19-03-009

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in these proceedings until March 15, 2021.

**1. Background; Need for Extension Order**

Pub. Util. Code § 1701.5(a) provides that quasi-legislative cases must be resolved within 18 months after initiation unless the Commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending that deadline. In these proceedings, the 18-month deadline for resolution is September 12, 2020.

On March 14, 2019, the Commission voted to institute Rulemaking 19-03-009, pursuant to Senate Bill (SB) 237,<sup>1</sup> which concerns direct access transactions. A prehearing conference was held on April 4, 2019, to discuss the issues of law and fact, and determine the need for hearing and

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<sup>1</sup> Stats. 2018, Ch. 600, amending Public Utilities Code (Pub. Util. Code § or Section) § 365.1. All further statutory references are to the Pub. Util. Code Sections unless otherwise specified.

schedule for the rulemaking. On April 17, 2019, the assigned Commissioner issued a scoping memo establishing two phases for this proceeding (*i.e.*, Phase 1 and Phase 2). Phase 1 addressed the SB 237 mandate for the Commission to increase the maximum allowable kilowatt-hour annual limit for direct access transactions by 4,000 Gigawatt hours and apportion the increase among the service territories of the large investor-owned utilities, which are Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company.

The Commission issued two decisions resolving Phase 1 issues: Decision (D.) 19-05-043 and D.19-08-004. For Phase 2 of this proceeding, the Commission will address the SB 237 mandate requiring the Commission to provide recommendations to the legislature on “implementing a further direct transactions reopening schedule, including, but not limited to, the phase-in period over which further direct transactions shall occur for all remaining nonresidential customer accounts in each electrical corporation’s service territory.”<sup>2</sup>

An Amended Scoping Memo and Ruling of Assigned Commissioner was issued on December 19, 2019 to address Phase 2. As directed in the Amended Scoping Memo, Energy Division staff is conducting a study that will inform the Commission’s recommendations to the legislature. The study preparation began

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<sup>2</sup> Pub. Util. Code § 365.1 (e)(1). There are two sections of the code number 365.1(e)(1). This citation refers to the second one.

in late 2019 when parties provided comments on the issues that should be considered in the study. On January 8, 2020, a workshop was held to discuss the framework for the study. The final study was scheduled to be published on March 9, 2020. As of August 28, 2020, Energy Division had not yet completed its study.

An extension of the statutory deadline until March 15, 2021, is necessary so that parties can comment on the Energy Division study and so that the Commission can consider those comments and adopt a decision with recommendations to the legislature.

## **2. Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 18-month deadline outlined in Pub. Util. Code § 1701.5(a). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

## **3. Assignment of Proceeding**

Martha Guzman Aceves is the assigned Commissioner, and Jeanne McKinney is the assigned ALJ in this proceeding.

## **Findings of Fact**

1. Phase 1 of this proceeding was resolved in D.19-05-043 and D.19-08-004.
2. The Amended Scoping Memo set out the Phase 2 issues and procedural schedule, including publication of an Energy Division study on March 9, 2020.
3. As of August 28, 2020, Energy Division had not completed its study.

4. An extension of the statutory deadline until March 15, 2021, is necessary so that those that parties can comment on the Energy Division study and so that the Commission can consider those comments and adopt a decision with recommendations to the legislature.

**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 March 15, 2021.

**IT IS ORDERED** that the statutory deadline for completion of this proceeding is extended until March 15, 2021.

This order is effective today.

Dated September 10, 2020, at San Francisco, California.

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