

Decision \_\_\_\_\_

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

Application of PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, for a Permit to Construct the Vierra Reinforcement Project Pursuant to General Order 131-D (U39E).

Application 18-06-004

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to June 6, 2021.

**1. Background**

Public Utilities Code (Pub. Util. Code) § 1701.5(a)<sup>1</sup> 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. In this proceeding, the currently applicable statutory deadline expires on December 6, 2020. Today's decision extends this statutory deadline for an additional six-months, until June 6, 2021.

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<sup>1</sup> Section 1701.5(a) provides: "(a) Except as specified in subdivision (b), in a ratesetting or quasi-legislative case, the commission shall resolve the issues raised in the scoping memo within 18 months of the date the proceeding is initiated, unless the commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline."

On June 6, 2018, Pacific Gas and Electric Company (PG&E) filed this Application requesting a permit to construct the Vierra Reinforcement Project.<sup>2</sup> No protests to the Application were filed. For purposes of determining the statutory deadline of this proceeding under Pub. Util. Code § 1701.5(a), June 6, 2018 is the date this proceeding was initiated.

On November 14, 2018, a prehearing conference (PHC) was held to discuss the issues of law and fact and to determine the schedule for resolving the matter.

On March 25, 2018, the assigned Commissioner issued the Scoping Memo and Ruling (Scoping Memo). As authorized under Pub. Util. Code § 1701.5(a), the assigned Commissioner established a 24-month statutory deadline in the Scoping Memo, a deadline of June 6, 2020.

On May 28, 2020, the Commission issued Decision (D.) 20-05-054, which extended the statutory deadline for this proceeding for an additional six-months, until December 6, 2020. At the time this Commission issued this decision, the Commission's Energy Division was continuing its work on completing and publishing draft environmental review documents for PG&E's proposed project. The Energy Division expected to publish its draft environmental review documents in approximately April of 2020. However, the Energy Division's work on this draft took more time than originally expected.

On October 15, 2020, the Energy Division published the environmental review documents, the Draft Mitigated Negative Declaration and supporting Initial Study (Draft IS/MND) for PG&E's Application for a permit to construct

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<sup>2</sup> All documents filed in this Application proceeding are available on the Commission's website at:  
[https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO:RP,57,RIR:P5\\_PROCEEDING\\_SELECT:A1806004](https://apps.cpuc.ca.gov/apex/f?p=401:56:0::NO:RP,57,RIR:P5_PROCEEDING_SELECT:A1806004).

the Vierra Reinforcement Project.<sup>3</sup> The Energy Division's publication of this Draft IS/MND initiated a 30-day public comment period. During this public comment period, interested stakeholders are permitted to submit comments to Energy Division on this draft pursuant to the instructions set forth in the public notice.

The public comment period ends on November 16, 2020. Following this comment period, the Energy Division will revise the Draft IS/MND in response to comments and publish a Final IS/MND. Publication of the final documents is expected to occur in early 2021.

Following the Energy Division's publication of the final documents, the Commission will require additional time to prepare a proposed decision, review any comments submitted on the proposed decision, and vote on the matter.

Therefore, an extension of the statutory deadline for an additional six-months, until June 6, 2021, is needed so that the Commission may complete its review of PG&E's proposal in this proceeding. This extension will allow additional time for the Energy Division to complete its environmental review work, the assigned Administrative Law Judge (ALJ) to issue a proposed decision for public review and comment, and the Commission to deliberate and issue its final decision in this proceeding.

## **2. Waiver of Comments on Proposed Decision**

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

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<sup>3</sup> The Draft IS/MND is available on the Commission's website at:  
<https://www.cpuc.ca.gov/environment/info/CEC/VierraReinforcement/index.htm>.

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

### **3. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Regina DeAngelis is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. This Application was filed by PG&E, on June 6, 2018.
2. A PHC was held on November 14, 2018.
3. On March 25, 2018, the assigned Commissioner issued the Scoping Memo, which set the statutory deadline on June 6, 2020.
4. On May 28, 2020, the Commission issued D.20-05-054 extending the statutory deadline to December 6, 2020.
5. An additional extension of time is needed to finalize the environmental review documents and to prepare, issue, and vote on a Commission decision in this proceeding.
6. An extension of the statutory deadline for an additional six months, to June 6, 2021, is necessary so that the Commission may complete its review of PG&E's request for a permit to construct the Vierra Reinforcement Project.

### **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 June 6, 2021.

**IT IS ORDERED** that the statutory deadline in this proceeding is extended until June 6, 2021.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.