

Decision 21-04-019 April 15, 2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Continue the Development of Rates and
Infrastructure for Vehicle Electrification.

Rulemaking 18-12-006

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to May 1, 2022.

1. Background

On December 19, 2018 the California Public Utilities Commission (Commission) filed the instant Order Instituting Rulemaking (rulemaking) to provide a framework for utility investments and rates related to zero emission vehicles (ZEVs).

The order contained a draft scope of issues for the proceeding. Comments addressing the draft scope of issues were submitted by dozens of parties in February 2019. A prehearing conference (PHC) was held on March 1, 2019, to discuss the issues of law and fact and determine the need for hearing in this rulemaking. After considering the draft scope of issues, comments, and thorough discussion at the PHC the assigned Commissioner issued a Scoping Memo and Ruling (Scoping Ruling) identifying the complex and highly technical nature of this rulemaking. On May 2, 2019, the Scoping Ruling was issued formally categorizing this proceeding as quasi-legislative and setting forward a

procedural schedule to allow for multiple rounds of comments and technical workshops.

Since the issuance of the Scoping Ruling, there have been multiple in-person and virtual workshops, in addition to working groups meeting on technical matters related to submetering, charging capabilities, and the transportation electrification framework.

2. Time

Public Utilities Code¹ Section 1701.5(b) provides that the Commission may specify in a Scoping Ruling the time frame to resolve a proceeding if more than 18 months from the date the proceeding initiated. Based on the proceeding's proposed schedule, and anticipated multi-year process for resolving the complex issues in scope of this proceeding, the Scoping Ruling identified that an 18 month deadline would not be suitable. Accordingly, the Scoping Ruling set an anticipated deadline of 24 months from the date of issuance of the Scoping Ruling. Accordingly, the current statutory deadline will expire on May 1, 2021.

Since the time the Scoping Ruling was issued, new ZEV-focused legislation, Assembly Bill 841, added to the workload constraints created by COVID-19. While we do not anticipate requiring until May 1, 2022 for final disposition of this proceeding, the additional time ensures the statutory deadline does not expire prior to decisions focused on Submetering and the Transportation Electrification Framework are adopted by the Commission. Moreover, the May 1, 2022 deadline should avoid need for any further potential extensions of time.

¹ Unless otherwise stated, all code section references are to the Public Utilities Code.

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 on proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

4. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner, and Patrick Doherty and Sasha Goldberg are the assigned Administrative Law Judges in this proceeding.

Findings of Fact

1. The current deadline for resolving this application is May 1, 2021.
2. This matter is quasi-legislative.
3. The additional time ensures the statutory deadline does not expire prior to decisions focused on Submetering and the Transportation Electrification Framework are adopted by the Commission.
4. The May 1, 2022 deadline should avoid the need for any further extensions of time.

Conclusions of Law

1. Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline for resolving this proceeding should be extended until May 1, 2022.
2. This decision should be effective immediately.

IT IS ORDERED that:

1. The time for completion of this proceeding is extended until May 1, 2022.
2. Rulemaking 18-12-006 remains open.

This order is effective today.

Dated April 15, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners