COM/MGA/mln/smt **PROPOSED DECISION** Agenda ID# 19527

 Quasi-legislative

Decision \_\_\_\_\_\_\_\_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| 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 this proceeding until
August 12, 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 this proceeding, the 18-month deadline for resolution was September 12, 2020. The Commission has extended the statutory deadline of this proceeding and the most recent Decision (D.) 21-03-018 issued on March 4, 2021, extended the statutory deadline of this proceeding to June 30, 2021.

On March 14, 2019, the Commission voted to institute Rulemaking
(R.) 19-03-009, pursuant to Senate Bill (SB) 237,[[1]](#footnote-2) 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 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 Senate Bill (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:
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.”[[2]](#footnote-3)

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 conducted a study to inform the Commission’s recommendations to the legislature. The study preparation began in late 2019 when parties provided comments on the issues that should be considered in the study. The study was issued for comment on
September 28, 2020. Comments were filed on October 6, 2020 and reply comments were filed on October 26, 2020. A proposed decision was issued for public review and comments on May 14, 2021.

An extension of the statutory deadline until August 12, 2021, is necessary to allow time for parties to comment on the proposed decision and for the Commission to consider those comments prior to adopting a decision with recommendations to the legislature.

# 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.

# Assignment of Proceeding

Martha Guzman Aceves is the assigned Commissioner, and
Jeanne McKinney is the assigned Administrative Law Judge 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. The study was issued for comment by ruling on September 28, 2020.
4. Comments on the study were filed on October 6, 2020 and reply comments were filed on October 26, 2020.
5. A proposed decision was issued for public review and comments on
May 14, 2021.
6. An extension of the statutory deadline until August 12, 2021, is necessary to allow time for parties to comment on the proposed decision, and for the Commission to 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 August 12, 2021.

**IT IS ORDERED** that the statutory deadline for completion of this proceeding is extended until August 12, 2021.

This order is effective today.

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

1. 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. [↑](#footnote-ref-2)
2. 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. [↑](#footnote-ref-3)