

Decision 21-05-033 May 20, 2021

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

OhmConnect, Inc.,

Complainant,

vs.

Southern California Edison Company  
(SCE) (U338E),

Defendant.

Case 19-03-005

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline for completion of Complaint Case (C.) 19-03-005 until April 22, 2022 and stays the proceeding.

**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 May 27, 2021.<sup>1</sup>

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<sup>1</sup> The original statutory deadline in this Complaint (C.) 19-03-005 proceeding was March 8, 2020. Pursuant to Commission Decision (D.) 20-02-068 and D.20-08-053, the original March 8, 2020 statutory deadline was extended to May 27, 2021.

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, 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 2019. On November 14, 2019, this matter was re-assigned to ALJ Andrea D. McGary. On February 27, 2020 and August 27, 2020 respectively, orders extending the original March 8, 2020 statutory deadline to May 27, 2021 were entered 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.

On March 23, 2021, this C.19-03-005 case was re-assigned from former Commissioner Liane M. Randolph to current Commissioner Martha Guzman Aceves.

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-4868 and pending related Application (A.), 18-11-015, A.18-11-016, and A.18-11-017 (collectively the IOU Click-Thru Proceedings).<sup>2</sup> Ordering Paragraph 29 of Resolution E-4868 required investor owned utilities Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E), 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 ("DRP Functionality Standards"). Decision(s) establishing the DRP Functionality Standards required by Commission Resolution E-4868, and necessary for adjudication of this C.19-03-005 proceeding, have not yet been entered.

The statutory deadline for completion of the IOU Click-Through Proceedings is currently April 22, 2022. As of April 5, 2021, the evidentiary hearing and briefing process in A.18-11-015, A.18-11-016, and A.18-11-017 is underway.

Based on the current status of C.19-03-005 as well as the requirements of Pub. Util. Code Section 1701.2(d) and August 27, 2020 *Order Extending Deadline*, adjudication of this C.19-03-005 proceeding would need to be completed prior to

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<sup>2</sup> The existing approval process allows the IOUs to release a 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.

May 27, 2021.<sup>3</sup> It is not possible to complete all required judicial tasks and resolve this adjudicatory proceeding prior to May 27, 2021 or prior to entry of Decisions mandated by Resolution E-4868 in the IOU Click-Thru Proceedings. Accordingly, we conclude that it is appropriate to extend the statutory deadline in this C.19-03-005 case until on or before April 22, 2022.<sup>4</sup>

## **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 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**

Martha Guzman-Aceves 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 C.19-03-005 was March 8, 2020.
2. The statutory deadline in C.19-03-005 was extended, by orders extending deadline issued on February 27, 2020 and August 27, 2020 respectively, to allow the newly assigned ALJ Andrea D. McGary to issue a scoping memo, conduct evidentiary hearings, thoroughly evaluate the record, and prepare a proposed decision in this proceeding.

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<sup>3</sup> See D.20-08-053.

<sup>4</sup> 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.

3. The current statutory deadline for resolving this C.19-03-005 adjudicatory proceeding is May 27, 2021.

4. The evidentiary hearing and briefing process in IOU Click-Through Proceedings A.18-11-015, A.18-11-016, and A.18-11-017 began on April 5, 2021.

5. A statutory extension until April 22, 2022 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 of 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 April 22, 2022.

#### **IT IS ORDERED** that:

1. The statutory deadline for completion of this C.19-03-005 proceeding is extended until April 22, 2022.

2. C.19-03-005 is hereby Stayed until November 1, 2021.

3. The thirty (30) day period for review and comment on this Order is waived.

4. This proceeding shall remain open.

This order is effective today.

Dated May 20, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners