

Decision 22-04-017 April 7, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OhmConnect, Inc

Complainant,

vs.

Southern California Edison Company
(U338E)

Defendant.

Case 19-03-005

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline for completion of Case 19-03-005 case and stay of proceeding until October 28, 2022.

1. Background

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 former 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 the Complaint of OhmConnect, Inc. (OhmConnect). 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 Case (C.) 19-03-005 proceeding was re-assigned from former Commissioner Liane M. Randolph to former Commissioner Martha Guzman Aceves.

Via Decision (D.) 21-05-033 entered on May 21, 2021, this Commission found that OhmConnect's underlying data delivery complaint in this C.19-03-005 action was 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 investor-owned utilities (IOUs) Click-Thru

Proceedings).¹ Ordering Paragraph 29 of Resolution E-4868 required investor owned utilities Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDGE&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 issued.

The statutory deadline for completion of the IOU Click-Through Proceedings is currently April 22, 2022. The evidentiary hearing and briefing process in A.18-11-015, A.18-11-016, and A.18-11-017 are complete and issuance of a decision in the IOU Click-Through Proceeding is expected in the near future.

Based on the current status of this C.19-03-005 proceeding as well as the requirements of Pub. Util. Code Section 1701.2(d) and May 21, 2021 *Order Extending Deadline*, adjudication of this C.19-03-005 proceeding would need to be completed prior to April 22, 2022.² It is not possible to complete all required judicial tasks and resolve this adjudicatory proceeding prior to April 22, 2022 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

¹ 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.

² *See* D.20-08-053.

October 28, 2022 to afford the Commission adequate time to thoughtfully deliberate and issue its final decision.³

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision extending the deadline for resolving adjudicatory proceedings set forth in Public Utilities Code Section 1701.2(i)). Under the circumstances of this proceeding, it is appropriate to waive the 30-day period for public review and comment.

3. Assignment of Proceeding

John R. D. Reynolds is the assigned Commissioner and Andrea D. McGary is the assigned ALJ and the presiding officer in this proceeding.

Findings of Fact

1. The current statutory deadline for resolving C.19-03-005 is April 22, 2022.
2. C.19-03-005 cannot be completed by April 22, 2022.
3. An extension of the statutory deadline until October 28, 2022 is necessary to allow adequate time to complete this proceeding.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline should be extended to October 28, 2022.

³ April 22, 2022 is the current statutory deadline for IOU Click-Through Proceedings A.18-11-015, A.18-11-016, and A.18-11-017. Such deadline is also under review by this Commission.

IT IS ORDERED that the statutory deadline for completion of this proceeding is extended until October 28, 2022.

This order is effective today.

Dated April 7, 2022, at San Francisco, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN R.D. REYNOLDS

Commissioners