

Decision 23-11-104 November 30, 2023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Evaluating the Commission's 2010 Water Action Plan Objective of Achieving Consistency between Class A Water Utilities' Low-Income Rate Assistance Programs, Providing Rate Assistance to All Low - Income Customers of Investor-Owned Water Utilities, and Affordability.

Rulemaking 17-06-024

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to March 30, 2024.

1. Background

Public Utilities Code (Pub. Util. Code) Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a quasi-legislative 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 that deadline. The first scoping memo in this proceeding was issued on January 19, 2018. The second amended scoping memo (Second Amended Scoping Memo) issued June 2, 2021, extended the statutory deadline to December 2, 2021.

The Second Amended Scoping Memo also added the Phase II to this proceeding and added the impacts of COVID-19 on water utilities and their customers as Phase II issues.

On August 27, 2020, the Commission issued Decision (D.) 20-08-027 on issues scoped in the Phase I of this proceeding. On July 20, 2021, the Commission issued D.21-07-029 and resolved many of the Phase II issues and required monthly data reporting working sessions to begin by Friday, August 27, 2021, to, among other things, pursue consistency between State Water Board and Commission required data reporting by water utilities.¹

On July 29, 2021, the Third Amended Scoping Memo was issued, adding Phase III and expanding the scope of the proceeding to include implementation and monitoring of relief funding post-pandemic. On November 18, 2021, the Commission issued D.21-11-034 extending the statutory deadline to December 31, 2022 to allow time for implementation of relief funding and consider whether water affordability for low-income customers required additional action. The Commission's oversight of the application of relief funds to outstanding debt was aided by refinements to the data reporting on arrearages and disconnections that took effect beginning with the August 2022 monthly reports.

On October 17, 2022, Governor Gavin Newsom's office announced that California's COVID-19 state of emergency would end February 28, 2022. The statewide water disconnection moratorium had ended two months earlier, the last day of 2021. However, Class A water utilities were bound by the

¹ D.21-07-029, Ordering Paragraph 12.

Commission's decision² issued in this proceeding the prior July to maintain the disconnection moratorium, as well as the suspension on collections of unpaid bills, until February 1, 2022. Collection activity on unpaid bills, and also the reporting on arrearage and disconnections, has slowly ramped up throughout 2022. The resumption of collections activity also meant the resumption of the implementation of the 2018 Water Shutoff Protection Act which had only just gone into effect the month prior to the disconnection moratorium. On September 30, 2022, the Public Advocates Office at the California Public Utilities Commission filed a Motion to Timely Address Water Affordability Policies and Expand the Scope of the Proceeding (Cal Advocates' Motion). Responses and counter-responses were received through November 14, 2022.

On April 10, 2023, the Commission issued D.23-04-017 extending the statutory deadline of this proceeding to December 31, 2023 to allow adequate time to conclude the proceeding. This decision will extend the statutory deadline of this proceeding to March 30, 2024.

2. 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 the proposed decisions extending the deadline for resolving quasi-legislative proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

² Decision (D.) 20-08-047.

3. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Robert Haga and Camille Watts-Zagha are the assigned Administrative Law Judges in this proceeding.

Findings of Fact

1. This Rulemaking was initially opened on June 29, 2017.
2. A proposed decision resolving the remaining issues in this proceeding is before the Commission.
3. Additional time until March 30, 2024, is needed to allow for procedural activities associated with consideration of the proposed decision.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline in this proceeding should be extended to March 30, 2024.

IT IS ORDERED that the statutory deadline in this proceeding is extended until March 30, 2024.

This order is effective today.

Dated November 30, 2023, at Sacramento, California.

ALICE REYNOLDS
President
GENEVIEVE SHIROMA
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
Commissioners