

Decision 23-11-103 November 30, 2023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OhmConnect, Inc

Complainant,

vs.

Case 19-03-005

Southern California Edison Company
(U338E)

Defendant.

ORDER EXTENDING STATUTORY DEADLINE & VACATING STAY

Summary

This decision vacates the stay of this Complaint (C.) 19-03-005 proceeding and extends the statutory deadline for completion of the case until April 25, 2024.

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, C.19-03-005 was re-assigned from former Commissioner Liane M. Randolph to former Commissioner Martha Guzman Aceves.

Via Decision (D.) 2105033 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 IOU Click-Thru Proceedings).¹ Ordering

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

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, were still pending at the time of D. 2105033.

On February 15, 2022, this proceeding was assigned to Commissioner John Reynolds. On September 1, 2022, C.19-03-005 was reassigned from ALJ McGary to Assistant Chief Administrative Law Judge W. Anthony Colbert.

On September 8, 2022, Complainant OhmConnect, Inc. filed a motion requesting to stay C.19-03-005 until a final decision was issued in the IOU Click-Thru Proceedings.² D. 2309006 was entered in the IOU Click-Through Proceedings on September 21, 2023 and closed the applications. This proceeding was reassigned to ALJ Andrea D. McGary on October 26, 2023.

Based on the current status of this C.19-03-005 proceeding as well as the requirements of Pub. Util. Code Section 1701.2(i), the current stay is no longer needed and an extension order of at least 180 days is required to complete all remaining judicial tasks. Accordingly, we conclude that it is appropriate to extend the statutory deadline in this C.19-03-005 case until on or before

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 On November 7, reassigned ALJ McGary granted Complainant OhmConnect's September 8, 2022 motion for stay. The current stay of C.19-03-005 will lapse on December 15, 2023.

April 25, 2024 to afford the Commission adequate time to thoughtfully deliberate and issues its final decision once current stay proceeding is vacated.

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 Andrea D. McGary is the assigned Administrative Law Judge and the presiding officer in this proceeding.

Findings of Fact

1. C.19-03-005 was previously stayed pending resolution of related Application (A.), 18-11-015, A.18-11-016, and A.18-11-017 (consolidated as A.18-11-015).
2. C.19-03-005 is currently stayed until December 15, 2023.
3. Decision 2309006 was entered in A.18-11-015 on September 21, 2023.
4. It is reasonable to lift the current stay of C.19-03-005.
5. Application C.19-03-005 cannot be completed prior to December 15, 2023
6. An extension of the statutory deadline until April 25, 2024 is necessary to allow adequate time to complete this proceeding.

Conclusion of Law

1. Good cause exists to lift the stay of proceedings for Complaint C.19-03-005.
2. Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline should be extended to April 25, 2024.

IT IS ORDERED that:

1. The stay of proceeding C. 19-03-005 is vacated.
2. The statutory deadline for completion of C. 19-03-005 is extended until April 25, 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