

Decision 24-11-019 November 7, 2024

**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 (C.) 19-03-005 until January 13, 2025.

**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 Public Utilities (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 reassigned 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 reassigned 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 IOU Click-Thru Proceedings).<sup>1</sup> Ordering

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<sup>1</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

*Footnote continued on next page*

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.21-05-033.

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 ALJ 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 investor-owned utilities (IOUs) Click-Thru Proceedings. D.23-09-006 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. On November 7, 2023, reassigned ALJ McGary granted Complainant OhmConnect's motion to stay, extending the stay through December 15, 2023.<sup>2</sup> On November 30, 2023, this Commission vacated the stay and extended the statutory deadline for resolution this C.19-03-005 proceeding

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existing IOU Electric Rules: PG&E Rules 24, SCE Rule 25, and SDG&E Rule 33 as applicable; *See also* D.11-07-056.

<sup>2</sup> *Administrative Law Judge's Ruling Granting Motion To Extend Stay* (November 7, 2023)

until April 25, 2024.<sup>3</sup> On April 18, 2024, the statutory deadline for resolution of C.19-03-005 was extended through June 27, 2024.<sup>4</sup>

*A Presiding Officer's Decision Granting Southern California Edison Company's Motion To Dismiss* was issued by Administrative Law Judge Andrea D. McGary on April 29, 2024 (POD). The POD was withdrawn and set aside on the Commission's own motion for modification and reissue.<sup>5</sup> On June 20, 2024, the deadline for resolution of C.19-03-005 was extended until November 11, 2024.<sup>6</sup>

Additional time is needed to process and reissue the POD, and for the time to toll on a new appeal and/or request for review period. Accordingly, we conclude that it is appropriate to extend the statutory deadline in this C.19-03-005 case for at least 120 days, until on or before January 13, 2025.

## **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 Pub. Util. 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 Reynolds is the assigned Commissioner and Andrea D. McGary is the assigned ALJ and the presiding officer in this proceeding.

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<sup>3</sup> D.23-11-103 *Order Extending Statutory Deadline & Vacating Stay* (November 30, 2023)

<sup>4</sup> D.24-04-026 *Order Extending Statutory Deadline & Vacating Stay* (April 18, 2024)

<sup>5</sup> *Administrative Law Judge's Ruling Withdrawing And Setting Aside April 29, 2024 Presiding Officer's Decision* (May 20, 2024).

<sup>6</sup> D.24-06-013 *Order Extending Statutory Deadline* (June 20, 2024)

### **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. D.23-09-006 was entered in A.18-11-015 on September 21, 2023.
3. Pursuant to Decision 23-11-103 entered on November 30, 2023, the stay of C.19-03-005 was vacated and the deadline for resolution was extended until April 25, 2024.
4. Pursuant to D.24-04-026 entered on April 18, 2024, the deadline for resolution of C.19-03-005 was extended until June 27, 2024.
5. *A Presiding Officer's Decision Granting Southern California Edison Company's Motion To Dismiss* was issued on April 29, 2024 and withdrawn on May 20, 2024.
6. Pursuant to D.24-06-013 entered on June 20, 2024, the deadline for resolution of C.19-03-005 was extended until November 11, 2024.
7. Complaint C.19-03-005 cannot be completed by November 11, 2024.
8. An extension of the statutory deadline until January 13, 2025, is necessary to allow adequate time to complete this proceeding.

### **Conclusion of Law**

1. Pursuant to the authority granted to the Commission under Public Utilities Code § 1701.2(i), the statutory deadline should be extended to January 13, 2025.

**IT IS ORDERED** that the statutory deadline for completion of Case 19-03-005 is extended until January 13, 2025.

This order is effective today.

Dated November 7, 2024, at Bakersfield, California.

ALICE REYNOLDS

President

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

MATTHEW BAKER

Commissioners