

Decision 17-11-034 November 30, 2017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation and Ordering Pacific Gas and Electric Company to Appear and Show Cause Why It Should not be Sanctioned for Violations of Article 8 and Rule 1.1 of the Rules of Practice and Procedure and Public Utilities Code Sections 1701.2 and 1701.3.

Investigation 15-11-015

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to June 29, 2018.

1. Background

Pub. Util. Code § 1701.2(i) provides that adjudication cases must be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the original 12-month deadline for resolving this proceeding was November 18, 2016.

The parties have been engaged in a lengthy and detailed meet and confer process to resolve as many issues as possible. On October 14, 2016, the parties filed and served a joint status report with a proposed procedural schedule that would hopefully conclude their settlement efforts in January, 2017. Decision (D.) 17-05-016 additionally extended the statutory deadline to December 29, 2017,

to allow the parties time to complete their settlement efforts and for the Commission to prepare a decision.

The parties filed their report on January 13, 2017. They advised that their efforts had not resulted in a settlement but that they would simultaneously continue with their settlement efforts while also preparing their substantive briefs in accordance with the schedule set by the assigned Administrative Law Judge (ALJ).

On March 28, 2017, the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates, the Safety and Enforcement Division, The Utility Reform Network, and Pacific Gas and Electric Company (PG&E) filed their All-Party Joint Motion for Adoption of the Settlement Agreement pursuant to Rule 12.1 (Joint Motion), supporting documentation, and a Joint Motion for Order Waiving Comment Period Pursuant to Rule 12.2.

On September 1, 2017 the assigned ALJ issued his proposed decision on the Joint Motion which granted, in part, the Joint Motion. The proposed decision also asked that PG&E agree to pay additional monies to the State General Fund. PG&E was given a deadline of 20 days from the date the proposed decision was mailed to advise the assigned ALJ and the non-PG&E parties if it would agree to the increased payment to the State General Fund.

On September 21, 2017, PG&E filed its response along with a Motion for Leave to File Communications Containing Confidential Material Under Seal. While PG&E agreed to pay the additional monies to the State General Fund, it also disclosed, for the first time, additional e-mails bearing on this proceeding.

On November 1, 2017, the non-PG&E parties filed a Joint Response where they asked the Commission to approve the joint settlement, as revised with PG&E agreeing to pay additional monies to the State General Fund. The

non-PG&E parties also asked that the Commission open a second phase in this proceeding to consider if there are any additional *ex parte* violations suggested by the newly disclosed e mails.

There is good cause to extend the statutory deadline beyond December 29, 2017. Additional time is needed to draft a revised proposed decision on the Joint Motion now that the Settlement Agreement will be revised to acknowledge the additional payment that PG&E has agreed to pay to the State General Fund. Once a second phase is opened, time will be needed for the parties to address, and for the Commission to decide, if PG&E committed any additional *ex parte* violations. This process will not be completed in time for the Commission to resolve this proceeding by the current December 29, 2017 deadline. Therefore, an extension of the statutory deadline until June 29, 2018, is necessary.

2. Waiver of Comment Period

Pursuant to 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 of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment on an extension order issued pursuant to § 1701.2(i) is being waived.

3. Assignment of Proceeding

President Michael Picker is the assigned Commissioner and Robert M. Mason III is the assigned ALJ in this proceeding.

Findings of Fact

1. The statutory deadline for resolving this adjudication proceeding is December 29, 2017.

2. On March 28, 2017, the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocate, the Safety and Enforcement Division, The Utility Reform Network, and PG&E filed a Joint Motion for Adoption of the Settlement Agreement.

3. On September 1, 2017 the assigned ALJ issued his proposed decision on the Joint Motion which granted, in part, the Joint Motion. The proposed decision also asked that PG&E agree to pay additional monies to the State General Fund. PG&E was given a deadline of 20 days from the date the proposed decision was mailed to advise the assigned ALJ and the non-PG&E parties if it would agree to the increased payment to the State General Fund.

4. On September 21, 2017, PG&E filed its response along with a Motion for Leave to File Communications Containing Confidential Material Under Seal. While PG&E agreed to pay the additional monies to the State General Fund, it also disclosed, for the first time, additional e mails bearing on this proceeding.

5. On November 1, 2017, the non-PG&E parties filed a Joint Response where they asked the Commission to approve the joint settlement, as revised with PG&E agreeing to pay additional monies to the State General Fund. The non-PG&E parties also asked that the Commission open a second phase in this proceeding to consider if there are any additional *ex parte* violations suggested by the newly disclosed e-mails.

6. An extension of the statutory deadline until June 29, 2018, is necessary to allow the assigned ALJ time to prepare the revised decision and to open and resolve a Phase Two of this proceeding.

Conclusion of Law

Pursuant to the Commission's authority under Pub. Util. Code § 1701.2(i) the statutory deadline should be extended until June 29, 2018.

IT IS ORDERED that the statutory deadline in this proceeding is extended until June 29, 2018.

This order is effective today.

Dated November 30, 2017, at San Francisco, California.

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners