

From: Allen, Meredith
Sent: 5/5/2010 3:47:24 PM
To: 'Schwartz, Andrew' (as2@cpuc.ca.gov)
Cc:
Bcc:
Subject: Procedural Question re Rule 16.5

Andy,

Below is the procedural information on the Rule 16.5 question.

Thanks,
Meredith

Rule 16.5 provides that correction of obvious omissions may be requested by letter to the Executive Director. Res. A-4661 also states that the Executive Director is authorized to sign, "...on behalf of the Commission, orders involving the correction of typographical and clerical errors, and other obvious, inadvertent errors and omissions in the decisions and orders of the Commission."

The Commission has used this procedure to resolve obvious omissions in decisions similar to the omission in the PV decision to state the beginning date of the first year of the Program. Throughout the PV decision, the Commission refers to years of the program without stating the exact date each program year begins and ends. While one reference is made to calendar year in the reporting section of the Appendix, an interpretation that the program starts on January 1, 2010 is in obvious error, as it would directly conflict with the PV decision's explicit adoption of a 5-year program. It is also inconsistent with President Peevey's statement presenting the decision, which referenced program and not calendar years and to the use of the term year throughout the decision as a period of time once PG&E can move forward with the Program. The authority in Rule 16.5 and Res. A-4661 is the appropriate procedure to correct this obvious omission in the decision, as has been done in other cases.

For example, this procedure was used to correct an obvious omission in D.05-12-042. In that case, the Commission's decision found that the draft MPR should be released after the close of the last utility's annual RPS solicitation. The decision, however, adopted a gas forecast, an input in the MPR calculation, for the period ending with the shortlist date of the last utility to report its shortlist. This error would have required a delay in the issuance of the draft MPR until after the utilities' shortlists were selected. The Executive Director corrected this obvious omission by including language that the gas forecast will end with the close of the utilities' solicitation (See attached).

Another example is the correction of an error in D.09-12-043. Rule 16.5 and Resolution A-4661 were used to correct an error in the hourly rate of an attorney in an intervenor

compensation case. It was discovered that the hourly rate of the attorney adopted in a prior decision was higher than the rate used in D.09-12-043. The Executive Director corrected this error by increasing the hourly rate of the attorney. This mechanism was also used to correct an omission in D.09-11-029 to include the allocation methodology for payments to be made for intervenor compensation by the utilities.

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