

## DOCKETED

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| <b>Docket Number:</b>   | 18-RPS-01   |
| <b>Project Title:</b>   | Complaint Against the Stockton Port District re: RPS Program Compliance |
| <b>TN #:</b>            | 222546  |
| <b>Document Title:</b>  | Order on Port District Motion   |
| <b>Description:</b>     | N/A   |
| <b>Filer:</b>           | Patty Paul  |
| <b>Organization:</b>    | California Energy Commission  |
| <b>Submitter Role:</b>  | Commission Staff  |
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| <b>Docketed Date:</b>   | 2/14/2018   |

**STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**In the Matter of:**

**Complaint Against Stockton Port District  
for Noncompliance with the Renewables  
Portfolio Standard**

**Docket No. 18-RPS-01**

**Order Modifying Deadline for Answer  
to Complaint**

On January 8, 2018, the Executive Director of the California Energy Commission (Energy Commission) filed a complaint against the Stockton Port District (Port), alleging noncompliance with the Renewables Portfolio Standard (RPS) Program (Complaint). Accompanying the Complaint was a motion to bifurcate the proceeding into two phases (Motion to Bifurcate). Specifically, staff moved for Energy Commission consideration of mitigating circumstances that may excuse the Port's alleged RPS noncompliance separate and in advance of Energy Commission consideration of the merits of the alleged RPS noncompliance allegations in the Complaint.

In a January 18, 2018 memo to the Port and Executive Director Drew Bohan, the Port was given a deadline of January 31, 2018 to respond to the Motion to Bifurcate. The Port's response, filed on January 31, 2018, both supports the Motion to Bifurcate and moves to modify the deadline for the Port's Answer to the Complaint until the earlier of either 1) 30 days after the date that the Commission rules on the Motion to Bifurcate; or 2) 30 days after March 31, 2018, if the Commission does not issue a ruling, and the Motion to Bifurcate is denied (Motion to Modify Deadline). This Order addresses the Port's Motion to Modify Deadline.

When no Committee has been appointed in a proceeding, motions to modify a deadline established by regulation are governed by California Code of Regulations, title 20, section 1203, subdivision (f). That section allows the Chair to shorten or lengthen the time of compliance with regulatory provisions upon a showing of good cause. The Port did not explicitly identify good cause in its Motion to Modify Deadline, but stated that a ruling on the Motion to Bifurcate would necessarily affect the scope of the Port's Answer. Specifically, if the Motion to Bifurcate is granted, the Port will limit its answer to identifying mitigating circumstances. If the Motion to Bifurcate is denied, the Port will address both the alleged noncompliance and the mitigating factors in its Answer.

The agenda for the Energy Commission Business Meeting of February 21, 2018 identifies possible appointment of a committee to oversee the Complaint proceeding, and it is appropriate to allow such a committee, if appointed, to consider the Motion to Bifurcate. Therefore, the

deadline for filing an Answer to the Complaint is either 1) any such deadline established by the committee; or 2) March 21, 2018, whichever is later.

**So Ordered.**

A handwritten signature in black ink, reading "Robert B. Weisenmiller". The signature is written in a cursive style with a horizontal line underneath the name.

ROBERT B. WEISENMILLER  
Chair