

Decision 19-12-064

December 19, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local and Flexible Procurement Obligations for the 2019 and 2020 Compliance Years.

Rulemaking 17-09-020
(Filed September 28, 2017)

ORDER GRANTING STAY OF DECISION (D.) 19-10-021

In this Order, we grant the motion for stay of D.19-10-021 filed on October 24, 2019 by California Community Choice Association (“CCCA”).

Pursuant to Public Utilities Code section 1735, the Commission’s authority to grant a stay is discretionary. That section provides that a Commission decision is not stayed during the pendency of an application for rehearing, “except in such cases and upon such terms as the commission by order directs.” (Pub. Util. Code, § 1735.) Thus, the statute allows the Commission broad discretion to issue stays of its decisions.

In deciding whether to issue a stay the Commission considers:

- (1) whether the moving party will suffer serious or irreparable harm if the stay is not granted;
- (2) whether the moving party is likely to prevail on the merits of the application for rehearing;
- (3) a balance of the harm to the moving party (or the public interest) if the stay is not granted and the decision is later reversed, against the harm to the other parties (or the public interest) if the stay is granted and the decision is later affirmed; and
- (4) other factors relevant to the particular case.

*(Pac-West Telecomm, Inc. v. Pacific Centrex Services, Inc., Order Granting Stay of D.08-10-031 [D.08-04-044] (2008) 2008 Cal. PUC LEXIS 155, *4-*5.)* Thus, the Commission may issue a stay of a decision based on any of the factors articulated above, or for any other reasons relevant to the particular case.

We have determined that good cause has been demonstrated to grant a stay of D.19-10-021. There is potential for harm to the parties in the event that the

requirements of D.19-10-021 are modified in response to CCCA's application for rehearing of D.19-10-021.

THEREFORE, IT IS ORDERED that:

1. CCCA's motion for stay of D.19-10-021 is hereby granted.
2. D.19-10-021 is stayed until the disposition of the applications for rehearing of D.19-10-021.
3. This proceeding remains open.

This order is effective today.

Dated December 19, 2019, at San Francisco, California.

MARYBEL BATJER
President
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners