

ORIGINAL

Decision No. 8052

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)	
PACIFIC GAS AND ELECTRIC COMPANY, a cor-)	
poration, for an order of the Railroad)	Application No. 5837.
Commission authorizing applicant to)	
amend its electric rule and regulation)	
No. 23.)	

In the Matter of the Application of the)	
PACIFIC GAS AND ELECTRIC COMPANY, a cor-)	
poration, as lessee of the properties of)	
the Sierra and San Francisco Power Com-)	Application No. 5843.
pany, for an order authorizing applicant)	
to amend Rule 3 of the Sierra and San)	
Francisco Power Company's Rules and)	
Regulations relating to electric service.)	

Chas. P. Cutten, for Applicant.

DEVLIN, Commissioner.

O P I N I O N

In these proceedings Pacific Gas and Electric Company applies for authority to amend its electric rule and regulation No. 23, and as lessee of the properties of the Sierra and San Francisco Power Company, to amend rule 3 of that Company's electric rules and regulations, both relating to the shortage of electricity supply.

The proceedings were consolidated for hearing and decision. A hearing was held on July 12, 1920 in San Francisco and the matters thereupon submitted.

Both shortage rules now in effect have been heretofore approved by the Railroad Commission. However, by reason of past and present power shortages, and having in mind the possibility of their future recurrence, it appeared desirable to Pacific Gas and

Electric Company that its rules and regulations clearly set forth for the information of its consumers, the conditions of service to be rendered during a power shortage, its own power and authority, and that of the Railroad Commission in the apportionment of the available supply of electricity during such shortage. Applicant also contends that its rules and regulations should recognize the fact that Pacific Gas and Electric Company and Sierra and San Francisco Power Company, among other electric utilities, have agreed to carry out the orders and regulations of the power Administrator appointed by the Railroad Commission, to whom was delegated certain powers and authority under agreement made by the electric utilities as set forth in Decision No. 7312 in Case 1426.

The original applications proposed the retention of the existing rules in full, with the following addition to each:

"and, during the period of such shortage, the Railroad Commission of California, acting either directly or by a Power Administrator or other official to be appointed by it for that purpose, shall have the power to apportion among the Company's consumers other than those to whom preference is to be given as hereinabove provided, the amount of energy available, and to establish such preference in the matter of the supply of electric energy among such other consumers as said Railroad Commission, acting as aforesaid, may from time to time deem that the public good requires."

It appeared at the hearing, however, that if changes were to be made in the existing rules and regulations, the addition of the proposed amendment alone would not fully meet either the purpose of the applicant or the views of the Commission. It was therefore stipulated at the hearing that the Commission would not be limited to the approval of the specific amendments proposed, but would be free to establish such rules and regulations relating to power shortage as it should find proper.

The present rules coupled with the proposed amendment are objectionable, in that any authority assumed by the Commission would be limited and subject to the priorities already established in the present rules of the Company, and in that such would not provide for the extent to which the Company would be required to act in the event of a shortage if the Railroad Commission should not assume jurisdiction.

After consideration of the evidence herein I am convinced of the necessity of a modification of the present rules governing power shortage and that the situation can be best met by cancelling the rules now in effect and in lieu thereof to establish the rules and regulations set forth in the Order herein, to apply to both the Pacific Gas and Electric Company and to the Pacific Gas and Electric Company, lessee of Sierra and San Francisco Power Company.

I recommend the following form of Order:

O R D E R

Pacific Gas and Electric Company having applied to the Railroad Commission for authority to amend its rules and regulations governing the shortage of electricity, both on its own behalf and as lessee of Sierra and San Francisco Power Company, a hearing having been held, the matters submitted and being now ready for decision,

The Railroad Commission of the State of California hereby finds as a fact that the present rules and regulations of the Pacific Gas and Electric Company and of the Sierra and San Francisco Power Company relating to power shortage are not just or reasonable rules and regulations, and that the rules and regulations hereinafter set forth are just and reasonable rules and regulations to govern the electric service of Pacific Gas and Electric Company to its con-

sumers during power shortages.

Based on the foregoing findings of fact and upon the other findings of fact contained in the Opinion which precedes this Order,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and it is hereby authorized to cancel its rule and regulation No. 23 and rule and regulation No. 3 of the Sierra and San Francisco Power Company and to establish the following rule as the effective rule and regulation of Pacific Gas and Electric Company, and of Pacific Gas and Electric Company lessee of Sierra and San Francisco Power Company, relating to power shortage, which rules and regulations shall become effective upon the filing thereof with the Railroad Commission:

"The Company will exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of electric energy to the consumer, and to avoid any shortage or interruption of delivery of same. The Company will not be liable for interruption or shortage or insufficiency of supply or any loss or damage occasioned thereby, if same is caused by inevitable accident, act of God, fire, strikes, riots, war, or any other cause not within its control.

The Company, whenever it shall find it necessary for the purpose of making repairs or improvements to its system, will have the right to suspend temporarily the delivery of electric energy, but in all such cases, as reasonable notice thereof as circumstances will permit, will be given to the consumers, and the making of such repairs or improvements will be prosecuted as rapidly as may be practicable, and if practicable, at such times as will cause the least inconvenience to the consumers.

In case of shortage of supply and during the period of such shortage, the company will make such apportionment of its available supply of energy among its consumers as shall be ordered or directed from time to time by the Railroad Commission of the State of California, acting either directly or by a power administrator or other official appointed by it for that purpose. In the absence of such order or direction by the Railroad Commission, the company

will, in times of shortage, apportion its available supply of energy among all consumers in the most reasonable manner possible to continue service equitably and without discrimination."

The foregoing Opinion and Order is hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of September, 1920.

Edwin O. Egerton
A. S. Loveland
Frank J. White
H. B. Anderson
W. W. Martin
Commissioners.