

ORIGINAL

Decision No. 80429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

SAN DIEGO GAS & ELECTRIC COMPANY for authority, among other things, (a) to offset increased fuel oil costs; (b) to increase its rates and charges for electric service; (c) to include in its tariffs a Fuel Adjustment Clause; and (d) to add, modify or withdraw certain tariff schedules.

Application No. 52800

In the Matter of the Application of

SAN DIEGO GAS & ELECTRIC COMPANY for authority, among other things, (a) to increase its rates and charges for gas service; (b) to include in its tariffs a Purchased Gas Adjustment Clause or an expanded Advice Letter procedure for reflecting in its rates effects of changes in purchased gas costs; and (c) to modify certain of its tariff schedules.

Application No. 52801

In the Matter of the Application of

SAN DIEGO GAS & ELECTRIC COMPANY for authority, among other things, (a) to increase its rates and charges for steam service; (b) to include in its tariffs a Fuel Adjustment Clause; and (c) to modify certain of its tariff schedules.

Application No. 52802

ORDER DISMISSING PETITION

The City of San Diego, a municipal corporation (referred to herein as City), an interested party in the above-entitled actions, respectfully seeks an order from the Commission setting aside the submission of the above-mentioned applications and reopening the same for further hearings and presentation of evidence now deemed necessary by virtue of this Commission's findings, conclusions and order in Decision No. 80234, dated July 11, 1972, in Application No. 52250.

The City appeared throughout the above-entitled matter both for and on behalf of its citizens and residents who are users and ratepayers of gas and electric services of San Diego Gas & Electric Company (herein referred to as SDG&E). The City further represents its interest as a major ratepayer of SDG&E. The City has actively participated throughout this proceeding by presentation of exhibits and expert testimony in evidence, cross-examination of witnesses and by presentation (both written and oral) of the City's position on issues before the Commission.

Applications Nos. 52800 and 52801 were filed on August 10, 1971. Hearings were held and closing briefs were filed on or about April 17, 1972. Subsequent to submission of the matter on or about April 17, 1972, but before any decision was rendered thereto, this Commission issued Decision No. 80234 (supra). The aforementioned decision deals with the question of charging the City with higher rates by way of surcharge to allegedly make up for increased franchise fees charged to SDG&E by City.

The City has continuously urged that rate increases by way of surcharge are improper when applied by SDG&E to recoup the City's franchise fee. This position was first urged in the demand for and during hearings in Application No. 52250 and later in Applications Nos. 52800 and 52801. No decision was forthcoming re that issue in Application No. 52250 until after Applications Nos. 52800 and 52801 were submitted. The decision in Application No. 52250 (Decision No. 80234) having finally been issued contains numerous findings and conclusions which have a direct bearing on the posture which might have been taken by the parties in presenting evidence in Applications Nos. 52800 and 52801.

The only reply to the City's petition was filed by SDG&E, applicant, which says in its answer "Applicant vigorously urges the Commission to deny City's petition to set aside submission of these proceedings. The City is either terribly confused with regard to the distinction between surcharge issues and basic rate issues, which the Commission skillfully unscrambled at Decision No. 80234, or it is blatantly attempting to abuse the regulatory process at this late date to stall much needed rate relief. The City had ample opportunity to present evidence concerning rate levels, rate spread, and rate zoning, as well as evidence regarding the surcharges, and it took advantage of that opportunity. There is no lack of quantity (as distinguished from quality) of City evidence already in the record covering all of these areas. City has submitted no explanation of the nature or relevance of additional evidence. Clearly, there is no justification for reopening this proceeding."

We have read and considered the City's petition and the answer opposing the petition as filed by the applicant.

A. 52800, 52801, 52802 - SW

We are satisfied and find that the decision we are issuing today in the San Diego Gas & Electric Company applications (Decision No. 80432 dated AUGUST 29, 1972 in Applications Nos. 52800, 52801 and 52802) will meet all objections raised by the City of San Diego. Therefore,

IT IS ORDERED that the City's petition for an order setting aside submission of Applications Nos. 52800 and 52801, filed on August 4, 1972, is denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California,
this 29th day of AUGUST, 1972.

Vernon L. Sturgeon
President
William J. Harrison
William J. Harrison
William J. Harrison
William J. Harrison
Commissioners