

Decision 84 07 102

ALT-COM-VC

JUL 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN DIEGO GAS & ELECTRIC COMPANY for
authority to increase its rates and
charge for electric, gas and steam
service.

ORIGINAL

Application 82-12-57
(Filed December 24, 1982)

ORDER ON PETITION OF CALIFORNIA
ENERGY COMMISSION FOR MODIFICATION
OF DECISION 83-12-065

On January 20, 1984, the California Energy Commission (CEC) filed a petition for modification of Decision (D.) 83-12-065 arguing that the decision erroneously cut out funding for a program required by CEC's load management standards. At Section 15-3.2 of D.83-12-065 this Commission eliminated the swimming pool audit program stating:

"(W)e will not fund the program in 1984. Pools are usually a luxury owned by the more affluent ratepayers; we expect the inverted block rate design to provide those customers with an incentive to conserve."

The CEC asserts that this program constitutes a CEC-mandated load management standard. The CEC further contends that it has plenary jurisdiction to mandate load management standards and that, if it does mandate such standards, this Commission is required under Public Resources Code Section 25403.5 to authorize funding for their implementation through appropriate utility rate actions.

There is considerable confusion on the record as to whether the swimming pool audit program constitutes load management. San Diego Gas and Electric Company (SDG&E) demonstrated an acute awareness of the nature of load management but nevertheless identified this particular program generically as a conservation program not includible within its load management agenda. (Compare Exhibit 88, p.B-6 with Exhibit 86.) Moreover, SDG&E apparently did not believe this is a mandatory program; it recommended that the program be deleted from its 1984 conservation budget. (See Exhibit 94.)

The evidentiary record in this case thus does not support any findings with respect to the CEC's assertion that the program at issue constitutes a load management program subject to the CEC's purview. In order to make such findings, we must rely upon the assertions in the CEC petition. As the petition correctly notes, we may do so under well-recognized principles of judicial notice. Therefore, we will take such notice of the facts set forth in the CEC petition and, as a matter of interagency cooperation, will require SDG&E to pursue the program during 1984 and 1985. Because we do this as a matter of cooperation, we need not reach the jurisdictional issues concerning the breadth of the authority vested in the CEC by Public Resources Code Section 25403.5.

As shown by the record, the estimated expense for this program is \$100,000 per year. This means that about \$50,000 will be required for the program in the 1984 test year. We will not authorize a rate increase to cover the expense but will expect SDG&E, working with our staff, to use funds which may not be used in other conservation programs except those designated for low income grants and other such programs to cover the swimming pool program. This is a reasonable approach because we note that SDG&E has consistently underspent its authorized conservation funding. As for the attrition year 1985, SDG&E can include an amount in its expense revisions for the program.

Findings of Fact

The CEC has declared that SDG&E's swimming pool audit program is a load management program within the scope of the CEC's load management standards.

Conclusion of Law

1. SDG&E should be ordered to reinstate its swimming pool audit program which was canceled by D.83-12-065.
2. This decision should be effective on the date signed because the period to which it applies is the 1984 calendar year.

IT IS ORDERED that:

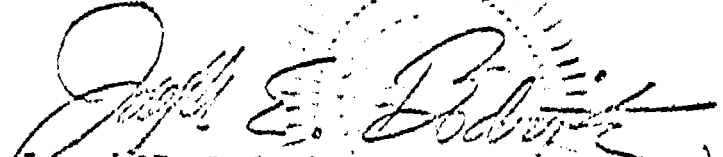
1. San Diego Gas & Electric Company (SDG&E) shall reinstate its swimming pool audit program on the effective date of this decision.
2. SDG&E may include in its attrition year 1985 expense adjustments \$100,000 for its swimming pool audit program costs for 1985.
3. Except as it may be granted by Ordering Paragraphs 1 and 2, the petition of the California Energy Commission filed January 20, 1984 is denied.

This order is effective today.

Dated JUL 18 1984, at San Francisco, California.

LEONARD M. CRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TOGETHER.


Joseph E. Bodovitz, Executive Director

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