

Decision 88 09 025 SEP 14 1988

SEP 15 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD H. WESSELINK and NORMAN)
TOLSTAD dba LAKE PARK RESORT,)
ALEXANDER WOOD and MARTHA WOOD)
dba THE ROADRUNNER, ERVIN S.)
PALMER and CAROL E. PALMER dba)
ELSINORE WEST MARINA, and)
MERLYN L. MCINTYRE and ELEANOR)
M. MCINTYRE dba MOUNTAIN VALLEY)
RECREATIONAL VEHICLE PARK,)

Complainants,)

vs.)

SOUTHERN CALIFORNIA EDISON)
COMPANY and DOES I through XX,)
inclusive,)

Defendants.)

Case 86-01-004
(Filed January 6, 1986)

WILLIAM ROY YORK, FRANK T.)
KASUNIC, KENNETH M. LOVETT,)
WAYNE E. DAVIS, ANNA M. DAVIS,)
and GORDEN L. FISHER dba R. V.)
ENTERPRISES dba ROSEDALE VILLAGE)
CAMPLAND,)

Complainants,)

vs.)

PACIFIC GAS and ELECTRIC)
COMPANY and DOES I through XX,)
inclusive,)

Defendants.)

Case 86-02-002
(Filed February 3, 1986)

Ernest E. Gilbert, Attorney at Law, for complainants.
Richard K. Durant, F. J. Cooley, and Stephen E. Pickett, Attorneys at Law, for Southern California Edison Company; and Howard Golub and Lindsey How-Downing, Attorneys at Law, for Pacific Gas and Electric Company; defendants.
Biddle & Hamilton, by Richard L. Hamilton, Attorney at Law, for Western Mobile Home Association, intervenor.
S. Robert Weissman, for the Division of Ratepayer Advocates.

OPINION

Summary

This decision opens Southern California Edison Company's (Edison) and Pacific Gas and Electric Company's (PG&E) master-metered multifamily rate schedules, DM and EM, for recreational vehicle (RV) parks which qualify for baseline allowances. The adopted criteria for RV parks to qualify for baseline allowances is consistent with the criteria used for residential hotels. Complainants' request to take service under mobilehome park rate schedules is denied.

Procedural Background

On January 6, 1986 Richard H. Wesselink et al., doing business as Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park, RV parks, filed Case (C.) 86-01-004 which alleges that they are eligible for electric service from Edison pursuant to rate schedule DMS-2, residential service to mobilehome parks, and entitled to reparations. On February 3, 1986 William Roy York et al., doing business as R. V. Enterprises doing business as Rosedale Village Campland, an RV park, filed C.86-02-002 which alleges that they are eligible for electric service from PG&E pursuant to rate schedule ET,

residential service to mobilehome parks, and entitled to reparations.

Due to the similarities in these proceedings they were consolidated by the Administrative Law Judge. A prehearing conference in the consolidated case was held on May 22, 1986 and hearings were held on January 12, 1987 and July 13 and 14, 1987. Briefs were submitted by complainants, Edison, PG&E, and Western Mobilehome Association (WMA).

Comments

In accordance with PU Code § 311 the proposed decision of Administrative Law Judge Ferraro was mailed on July 27, 1988. Comments on the proposed decision were filed by the following parties: Edison, PG&E, WMA, and complainants.

Edison, PG&E, and complainants also filed reply comments. However, Edison's reply comments were rejected by our Docket Office for nonconformance with certain Rules of Practice and Procedure. On September 7, 1988 Edison filed a Motion for Leave to File Late Reply Comments which conform to the Rules of Practice and Procedure. We conclude that no harm is caused by accepting Edison's reply comments late and that Edison's motion should be granted.

The comments of the parties have been reviewed and carefully considered by the Commission. Where appropriate the comments have been incorporated in the final decision.

Position of the Parties

Complainants

Complainants argue that they are obligated by California Civil Code Sections 798 and 799 to pass on to their tenants the domestic rates, including baseline rates, which would otherwise be charged if the electric utility directly served the tenants. Because of their interpretation of these statutes complainants believe that they have an obligation to provide submetered electric service to their tenants. This forms the basis for complainants'

request that they be served on a master-metered rate schedule which allows submeters and that they receive reparations for any overcharges as a result of not being served on this rate schedule.

Complainants state that:

1. They are owners and operators of RV parks consisting of multifamily accommodations on a single premises, with all residential units master-metered and submetered for electric service.
2. Their RV parks are primarily occupied by permanent residence tenants, with a large number in residence in excess of nine months.
3. Their RV parks differ from mobilehome parks in that some of the spaces which are submetered are occasionally occupied by transient vehicles and the single-family residential units fail to meet the technical definition of a mobilehome.
4. Tenants of RV parks are entitled to submetered electric service based on California Civil Code, Section 799.48 which provides tenants who have continually resided in an RV park for nine months or more with the tenant rights of mobilehome park residents.

Edison

Edison states that complainants' RV parks are not mobilehome parks, have commercial load, and should not be served on the DMS-2 rate schedule. Additionally, Edison states that: (1) RV parks are generally transient in nature, (2) complainants did not submit evidence concerning the costs and construction standards of their submetered facilities, and (3) complainants did not show that RV park submetered facilities are comparable to mobilehome park facilities. Finally, on the subject of damages Edison argues that based on the record two RV parks have not been damaged and that

complainants have not met their burden of proof to show the amount of any damages.

In support of its interpretation that RV parks differ from mobilehome parks and should not be eligible for the DMS-2 rate schedule, Edison points out that mobilehome parks are governed by the mobilehome residency law and that RV parks are governed by the recreational vehicle park occupancy law. Edison concludes from this that mobilehome parks are generally used for residential purposes, while RV parks are generally occupied by transient tenants. Additionally, Edison states that the California Civil Code and the California Health and Safety Code exclude recreational vehicles from the definition of mobilehome.

Finally, Edison claims that its DMS-1 rate schedule, multifamily accommodation submetered, is applicable to RV parks which include only permanent single-family accommodations on a single meter installed prior to December 7, 1981. Edison states that the DMS-1 rate schedule provides baseline rates and a discount for submetered services for qualifying multifamily accommodations other than mobilehome parks. However, the DMS-1 rate schedule was closed to new installations as of December 7, 1981 by Decision (D.) 93586. Additionally, D.93586 ordered Edison to separately meter each single-family dwelling in all new residential multifamily accommodations that are not mobilehome parks. Due to D.93586 Edison argues that complainants should allow Edison to separately meter any permanent, single-family accommodations installed after December 6, 1981.

Concerning the number of residential units in complainants' RV parks, Edison points out that all but one RV park owner admitted that their parks have recently had substantial numbers of tenants who were staying on an overnight or weekly basis. Moreover, all RV park owners admitted to substantial numbers of tenants in their parks who have been there for less than nine months. Furthermore, Edison's review of Lake Park Resort, The

Roadrunner, and Mountain Valley Recreational Vehicle Park, based upon the records produced for those parks for 1985 and 1986, indicates that these parks have had substantial numbers of tenants who have stayed for less than six months including many occupancies of one month or less. Finally, The Roadrunner and Elsinore West Marina operate or have operated under conditional use permits that limit occupancies in those parks to six-month durations.

Although Edison's tariffs do not define the length of stay required to attain residency status in an RV park, it is Edison's position that the period is nine continuous months of occupancy as a residence by the same tenant. Edison believes that this length of residency requirement is consistent with the California Civil Code and the Mobilehome Residency Law, which provide certain rights to tenants of RV parks.

Edison also states that both Lake Park Resort and The Roadrunner RV parks have convenience stores connected to Edison's master meter and that these loads are clearly nondomestic.

Edison also addresses the applicability of Public Utilities Code Section 739.5 (Section 739.5) to RV parks. Section 739.5 provides as follows:

"The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service."

Edison argues that RV parks built after December 6, 1981 and complainants' RV parks do not qualify for a Commission-approved tariff that allows them to provide submetered service, which is a prerequisite for the application of Section 739.5.

PG&E

PG&E has denied electric service to Rosedale Village Campland (Rosedale) under schedule ET stating that Rosedale is not a mobilehome park, has a significant amount of nondomestic load, and is an RV park primarily used by recreational and transient tenants. In support of its position PG&E cites:

1. Data responses from Rosedale and visual inspection of Rosedale Village Campland which indicate that a large number of spaces are occupied on a daily, weekly, or monthly basis by recreational vehicle tenants.
2. Rosedale's testimony which refers to overnight occupancies. ✓
3. Rosedale's testimony which states that rents were increased at Rosedale Village Campland in response to an increase in State park fees.
4. The definition of a mobilehome contained in the California Health and Safety Code Section 18008 and the California Civil Code Section 798.3.

In addition to the above reasons for refusing to provide Rosedale service under rate schedule ET, PG&E also asserts, as does Edison, that there is no basis in this record to determine whether the cost of submetered service for RV parks would be similar to the identified costs for mobilehome parks. PG&E and Edison also pose similar arguments stating that Section 739.5 is not applicable to RV parks built after the Commission closed all master-metered rate schedules, except to mobilehome parks.

The last two items PG&E addresses deal with billing submetered tenants and damages for being placed on the wrong rate schedule. If, as stated in Rosedale's prepared testimony, tenants are being billed for electricity, PG&E believes it is in violation of PG&E's filed tariffs. PG&E states that all master-metered schedules, except for mobilehome parks, were closed by D.93586. Finally, PG&E claims that Rosedale has been correctly served under PG&E's general service rate schedule, is not presently eligible for service on the ET rate schedule, and is not entitled to reparations due to overbilling.

WMA

WMA opposes inclusion of complainants on the DMS-2 and ET rate schedules, but is not opposed to the Commission considering the need for additional tariff treatment in recognition of the unique service RV parks provide. WMA states that the type of occupancy varies widely and that there are occupants in each of complainants' RV parks that have resided there: (1) for nine months or more, (2) on a month to month basis, but for less than nine months, and (3) on a nightly or weekly basis. Only complainant Lake Park Resort has the spaces allocated for overnight and weekly stays on a separate master meter from that which serves the monthly and long-term occupants. Additionally, WMA points out that RVs and RV parks are defined by Civil Code Sections 799.24 and 799.25 as follows:

"(a) 'Recreational vehicle' means a motorhome, slide-in camper, travel trailer, truck camper, park trailer, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy." (Emphasis added.)

"'Recreational vehicle park' means either of the following:

"(a) An area or tract of land, within an area zoned for recreational use, where one or more lots are occupied by owners or users of recreational vehicles or tents and

which is customarily occupied for temporary purposes and where there is displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency.

- "(b) An area or tract of land or a separate designated section within a mobilehome park where one or more lots are occupied by owners or users of recreational vehicles used for travel or recreational purposes and where there is displayed in plain view in that area or tract of land or separate section within a mobilehome park a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency." (Emphasis added.)

In contrast to the definitions of RVs and RV parks WMA states that mobilehomes and mobilehome parks are defined by Civil Code Sections 798.3 and 798.4 and Health & Safety Code Section 18008 as follows:

"'Mobilehome park' is an area of land where two or mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation."

"'Mobilehome' is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health & Safety Code, and a mobilehome, as defined in Section 18008 of the Health & Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of this Code and Section 18010 of the Health & Safety Code or a commercial coach as defined in Section 18001.8 of the Health & Safety Code." (Emphasis added.)

"'Mobilehome' for the purposes of this part, means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971." (Emphasis added.)

Based on these definitions, WMA argues that there always has been and continues to be a statutory distinction between mobilehomes and RVs and mobilehome parks and RV parks.

Finally, WMA addresses the use of submeters by RV parks. First, RV parks have installed submeters and charge tenants for electric service based on the consumption shown by the submeters. This is in direct violation to Edison's and PG&E's Rule 18. Second, complainants have not installed their electric distribution systems to exclude nondomestic and nonresidential usage. Lastly, complainants have not made a presentation in this case or any prior proceeding that: (1) details the submetered costs for RV parks or (2) shows that the submetered costs for RV parks are equivalent or comparable to those of mobilehome parks.

Discussion

While there were many issues raised in this proceeding there are only a few that are crucial to the resolution of the complaints filed:

1. Are residents of RV parks entitled to baseline allowances?
2. Are owners of RV parks required to charge residents as if they were individually metered and billed by the electric utility?
3. Under what rate schedules should RV parks be billed?
4. Should complainants be awarded reparations?

We will address the baseline allowance question first. Section 739 requires that residential customers receive a base

amount of energy at a rate which is below the nonbaseline residential rate. This basic amount of energy is referred to as a baseline allowance and the rate at which the customer is charged is the baseline rate. Since the implementation of baseline legislation, it has been our policy to provide baseline allowances for permanent residences in single-family and multifamily accommodations. The evidence in this proceeding suggests that the commercial nature of RV parks is in some cases shifting to a partially domestic use. Some RV parks apparently now have some permanent residents in RVs that qualify as single-family accommodations. We see no reason why permanent residents of RV parks should be treated differently than other domestic customers with respect to baseline allowances. Therefore, we will provide baseline allowances for permanent residents of RV parks. The amount of the baseline allowance will be determined by the schedule under which service is provided.

To provide baseline allowances for permanent residents of RV parks we must define a permanent resident. In D.83-12-068 we determined that hotels which rent at least 50% of their rooms on a month-to-month basis for at least nine months of the year are entitled to baseline allowances. We believe this criteria is equally applicable to RV parks and that baseline allowances should be extended to RV parks that rent at least 50% of their spaces on a month-to-month basis for at least nine months of the year. RV parks which qualify should receive a baseline allowance for each RV unit that meets the above criteria. The baseline allowance for each RV unit should be the same as provided multifamily accommodations.

The second question to be resolved concerns the requirement that RV parks charge tenants as if they were individually metered and billed by the electric utility. If a multifamily accommodation qualifies for a submetered schedule the tenants must be charged for their electric consumption as if they

were individually served by the utility. Section 739.5 requires that "whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the corporation".

However, if a multifamily accommodation does not qualify for a submetered schedule, not only is it not required to charge tenants as if they were served directly by the utility, it is prohibited from doing so by Edison's and PG&E's Rule 18 - Supply to Separate Premises. Rule 18 requires Edison and PG&E to furnish and meter electricity to each individual residential dwelling unit, except under certain conditions. The conditions which are applicable to this proceeding are: (1) a master-metered customer must qualify for a submetered schedule or (2) the charge to tenants must be absorbed in the rental for the premises or space occupied.

Since December 1981 master-metered multifamily service with individual tenants submetered has been closed to new installations, except mobilehome parks. D.93586, dated October 6, 1981 singled out mobilehome parks as the only type of multifamily service that should have the option of installing electric submetered service to tenants or have the utility directly provide service. The decision to provide mobilehome parks the option of submetering was based on a lengthy record developed in C.9988 and C.10599. Complainants have not attempted to develop a similar record in this proceeding from which we could conclude that RV parks should be provided the same option. Therefore, consistent with the treatment afforded tenants of other multifamily accommodations, except mobilehome parks, RV parks should not charge tenants as if they were served directly from the utility.

This leads us to the third question which deals with rate schedules for RV parks. There are five rate schedules under which

RV parks qualify for service, have been served, or have requested service:

1. DM/EM, service to multifamily accommodations where the single-family accommodations are not submetered. This schedule is closed to new installations after June 12, 1978, except residential hotels.
2. DMS-1/ES, service to multifamily accommodations where the single-family accommodations are submetered. The DMS-1 schedule is closed to new installations after December 6, 1981 and the ES schedule is closed to new installations after December 14, 1981.
3. DMS-2/ET, service to mobilehome parks where the single-family accommodations are submetered.
4. GS-1/A-1, commercial service without demand charges.
5. GS-2/A-10, commercial service with demand charges.

To qualify for service under rate schedules DM and EM a multifamily accommodation, among other things, must have been built prior to June 13, 1978. To qualify for service under rate schedules DMS-1 and ES a multifamily accommodation, among other things, must have had submeters installed prior to December 7, 1981 if served by Edison or December 14, 1981 if served by PG&E. Typically, RV parks have been considered commercial enterprises and placed on commercial service rate schedules which do not provide for submeters or baseline allowances. Baseline allowances are only provided on Edison's and PG&E's domestic rate schedules. In this proceeding complainants are requesting service under rate schedules DMS-2 and ET, domestic service to mobilehome parks.

In view of the changing nature of some RV park occupancies it is appropriate to place qualifying RV parks on a

domestic rate schedule on a prospective basis, subject to the controls discussed earlier, in order to provide such parks with a baseline allowance. However, the mobilehome park domestic rate schedules DMS-2 and ET also provide for submetering. For the reasons set forth below, it is inappropriate to place RV parks on a rate schedule that provides for submetering.

Rate schedules that allow submetering provide for discounts based on certain costs of metering that are avoided by the utilities. We are persuaded by the arguments of Edison, PG&E, and WMA that complainants have not demonstrated that the costs which RV parks incur to submeter are similar to the costs which mobilehome parks incur. In fact, the record is void of any cost comparison between mobilehome parks and RV parks and no evidence was presented which details the costs to submeter RV parks. Without justification that the costs of submetering for RV parks are similar to those of mobilehome parks, RV parks should not be served under a mobilehome park schedule.

Additionally, D.93526 has granted a unique status to mobilehome parks which provides them with the option to submeter tenants. Complainants have freely admitted that RV parks differ from mobilehome parks and that RVs fail to meet the technical definition of a mobilehome. Accordingly, we do not believe that RV parks should be provided the option of submetering tenants. Based on this record we believe that RV parks should be treated like apartment buildings and residential hotels which are not provided the option of submetering tenants.

In lieu of the mobilehome park schedules, it could be argued that complainants should receive service under submetered schedules, DMS-1 and ES, which were closed to all multifamily installations in December 1981. However, we concluded earlier that RV parks are not required to charge tenants as if they were served directly from the utility. Since complainants have not

demonstrated a special need to submeter, these rate schedules will not be reopened.

In summary:

1. RV parks are eligible for rate schedule DM or EM if they qualify for baseline allowances.
2. RV parks are eligible for general service rate schedules.
3. Only mobilehome parks are eligible for rate schedules DMS-2 and ET.
4. RV parks are eligible to have electric service provided to permanent tenants directly by the utility.

Edison states that two of complainants' RV parks have commercial load such as convenience stores connected to the master meter that serves the RV park. Commercial load should not be connected to an RV park's master meter that qualifies for domestic service. As a special condition to Edison's domestic schedules electric energy used for nondomestic enterprises such as offices, stores, shops, restaurants, service stations, and other similar establishments should be separately metered and billed under applicable schedules. To provide RV parks an opportunity to separate their commercial and domestic loads, we will allow RV parks which qualify for domestic service six months from the time they are placed on a domestic service schedule or six months from the effective date of this decision, whichever is later, to remove the commercial load from the master-metered domestic service. RV parks which do not comply with this requirement will not be eligible for domestic service. Within 30 days from the effective date of this decision Edison and PG&E should notify the RV parks they serve of the requirement to separate commercial and domestic loads.

The final question to be addressed concerns reparations. Complainants contend that they have been placed in an untenable

situation by paying commercial rates to Edison and PG&E and charging tenants at domestic rates. Complainants' decision to submeter their tenants and charge them at domestic rates is unfortunate. A reading of Edison's and PG&E's filed tariffs should have indicated to complainants that except for mobilehome parks only the utility can separately meter multifamily accommodations. Complainants had three options at the time they installed submeters: (1) consider their RV parks nondomestic load and not individually meter RV spaces, (2) request the utility to provide service to the RV spaces intended for permanent tenants, or (3) file an action with this Commission requesting that a master-metered schedule with submeters be made available to RV parks. Complainants' actions to install submeters clearly violated D.93536 and Rule 13 in Edison's and PG&E's filed tariffs.

Finally, complainants state that they were denied domestic service and placed on Edison's and PG&E's general service rate schedules. For complainants' RV parks the general service schedules were the only rate schedules under which Edison and PG&E were authorized to provide electric service. Accordingly, complainants' RV parks are not entitled to reparations.

All funds which have been placed on deposit with the Commission by complainants should be disbursed to Edison and PG&E. In all other respects complainants' request for relief should be denied.

Findings of Fact

1. On January 6, 1986 Richard H. Wesselink et al., doing business as Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park, RV parks, filed C.86-01-004 which alleges that they are eligible for electric service from Edison pursuant to rate schedule DMS-2 and entitled to reparations.

2. On February 3, 1986 William Roy York et al., doing business as Rosedale Village Campland, an RV park, filed

C.86-02-002 which alleges that it is eligible for electric service from PG&E pursuant to rate schedule ET and entitled to reparations.

3. C.86-01-004 and C.86-02-002 were consolidated by the Administrative Law Judge due to their similarities.

4. Complainants are owners of RV parks consisting of rental spaces occupied by recreational vehicles. Electric service to RV rental spaces is master-metered and each space is submetered.

5. Complainants' RV parks serve both permanent and transient tenants.

6. Complainants' RV parks differ from mobilehome parks in that some of the spaces which are submetered are occasionally occupied by transient vehicles and the single-family residential units fail to meet the technical definition of a mobilehome.

7. Evidence was not submitted concerning the costs and construction standards of submetered facilities for RV parks or mobilehome parks.

8. The DMS-2 and ET rate schedules are applicable to mobilehome parks with submeters.

9. The DMS-1 and ES rate schedules are applicable to multifamily master-metered service with submeters.

10. The DM and EM rate schedules are applicable to multifamily master-metered service without submeters. These schedules are closed to new installations except residential hotels as of June 13, 1978.

11. D.93586 closed the DMS-1 and ES rate schedules to new installations in December 1981 and singled out mobilehome parks as the only type of multifamily service that should have the option of installing electric submetered service to tenants.

12. At least two of complainants' RV parks have commercial load connected to the master meter that serves the RV park.

13. Section 739.5 requires master-metered customers with submeters to charge each user of electric service at the same rate

which would be applicable if the user were receiving service from the utility.

14. Baseline allowances are only provided on Edison's and PG&E's domestic rate schedules.

15. Edison and PG&E have denied service to complainants under schedules DMS-2 and ET.

16. Since the implementation of baseline legislation it has been the policy of the Commission to provide baseline allowances for permanent residences in single-family and multifamily accommodations. ✓

17. Complainants' RV parks are being served electricity on Edison's and PG&E's general service rate schedules.

18. Complainants charge tenants of their RV parks for electricity at Edison's and PG&E's domestic rates.

19. Edison's and PG&E's filed tariffs require the utility to furnish and meter electricity to each individual residential dwelling unit, except when a master-metered customer qualifies for a submetered schedule or charges for electricity are absorbed in the rental for the premises or space occupied. ✓

20. Section 739 requires that residential customers receive a base amount of energy at a rate which is below the nonbaseline rate. ✓

21. D.83-12-068 determined that hotels which rent at least 50% of their rooms on a month-to-month basis for at least nine months of the year are entitled to baseline allowances.

22. A special condition to Edison's domestic schedules requires electric energy used for nondomestic enterprises to be separately metered and billed under applicable schedules.

23. Edison's reply comments were rejected by our Docket Office for nonconformance with the Rules of Practice and Procedure.

24. On September 7, 1988 Edison filed a Motion for Leave to File Late Reply Comments which conform with the Rules of Practice and Procedure.

Conclusions of Law

1. Complainants have not adequately demonstrated that RV parks have a special need which warrants providing them the option to submeter tenants.

2. RV parks should not be authorized to take electric service under rate schedules DMS-2, DMS-1, ET, or ES.

3. This decision is limited to RV usage within RV parks only.

4. Section 739.5 does not require that tenants of multifamily accommodations be charged for electric service as if they were served directly by the utility if the charge is absorbed in the rental for the premises or space occupied.

5. Edison and PG&E should provide baseline allowances to RV parks that rent at least 50% of their spaces on a month-to-month basis for at least nine months of the year to an RV unit used as a permanent residence. Baseline allowances should be based on the number of RV units that meet this criteria.

6. RV parks which qualify for baseline allowances should have the option of receiving domestic service under rate schedule DM for Edison customers or EM for PG&E customers.

7. RV parks which qualify for domestic service should be allowed six months from the time they are placed on a domestic schedule or six months from the effective date of this decision, whichever is later, to remove commercial load from the master meter for domestic service. RV parks which separate their commercial and domestic loads within this six-month period should receive domestic service effective as of the date of this decision.

8. Within 75 days from the effective date of this decision, Edison and PG&E should notify the RV parks in their respective service territories of the criteria under which RV parks are eligible for domestic service and that, if they desire domestic service they must separate commercial and domestic loads within six months. Qualifying customers which meet these criteria within six

months will be placed on the appropriate domestic rate schedule effective as of the date of this decision. The utilities may make this notice by way of a bill insert included in the regular bill of all general service class customers.

9. Any funds which have been placed on deposit with the Commission by complainants pending the resolution of this proceeding should be disbursed to Edison and PG&E.

10. Edison's Motion for Leave to File Late Reply Comments should be granted.

11. In all other respects complainants' request for relief should be denied.

ORDER

IT IS ORDERED that:

1. Recreational vehicle (RV) parks that qualify for baseline allowances under the criteria adopted by this order shall have the option of taking electric service under Southern California Edison Company's (Edison) rate schedule DM, if served by Edison, or Pacific Gas & Electric Company's (PG&E) rate schedule EM, if served by PG&E.

2. Edison and PG&E shall provide baseline allowances to RV parks that qualify by renting at least 50% of their spaces on a month-to-month basis for at least nine months of the year to an RV unit used as a permanent residence provided they request service under either rate schedule DM for Edison customers or EM for PG&E customers. Baseline allowances shall be based on the number of RV units that meet the above criteria.

3. Within 75 days from the effective date of this decision Edison and PG&E should notify all RV parks in their respective service territories of the criteria under which RV parks are eligible for domestic service and that, if they desire domestic service they must separate commercial and domestic loads within six

months. If commercial and domestic loads are separated within this period, they will be placed on a domestic rate schedule effective as of the date of this decision. The utilities may make this notice by way of of a bill insert included in the regular bill of all general service customers.

4. Within 10 days from the effective date of this order, Edison shall file a revised rate schedule DM and PG&E shall file a revised rate schedule EM. The revised schedules shall reflect consistent with this order the conditions under which RV parks are eligible for domestic service.

5. Deposits made by complainants for Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park in connection with this proceeding shall be disbursed to Edison on the effective date of this order.

6. Deposits made by complainants for R. V. Enterprises, dba Rosedale Village Campland, in connection with this proceeding shall be disbursed to PG&E on the effective date of this order.

7. Edison's Motion for Leave to File Late Reply Comments is granted.

8. In all other respects complainants' request for relief is denied.

This order becomes effective 30 days from today.

Dated SEP 14 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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

Victor Weiss
Victor Weiss, Executive Director

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD H. WESSELINK and NORMAN)
TOLSTAD dba LAKE PARK RESORT,)
ALEXANDER WOOD and MARTHA WOOD)
dba THE ROADRUNNER, ERVIN S.)
PALMER and CAROL E. PALMER dba)
ELSinORE WEST MARINA, and)
MERLYN L. McINTYRE and ELEANOR)
M. McINTYRE dba MOUNTAIN VALLEY)
RECREATIONAL VEHICLE PARK,)

Complainants,

vs.

SOUTHERN CALIFORNIA EDISON)
COMPANY and DOES I through XX,)
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Defendants.

Case 86-01-004
(Filed January 6, 1986)

WILLIAM ROY YORK, FRANK T.)
KASUNIC, KENNETH M. LOVETT,)
WAYNE E. DAVIS, ANNA M./DAVIS,)
and GORDEN L. FISHER dba R. V.)
ENTERPRISES dba ROSEDALE VILLAGE)
CAMPLAND,)

Complainants,

vs.

PACIFIC GAS and ELECTRIC)
COMPANY and DOES I through XX,)
inclusive,)

Defendants.

Case 86-02-002
(Filed February 3, 1986)

Ernest E. Gilbert, Attorney at Law, for complainants.

Richard K. Durant, F. J. Cooley, and Mark L. Sutton, Attorneys at Law, for Southern California Edison Company; and Howard Golub and Lindsey How-Downing, Attorneys at Law, for Pacific Gas and Electric Company; defendants.

Biddle & Hamilton, by Richard L. Hamilton, Attorney at Law, for Western Mobile Home Association, intervenor.

S. Robert Weissman, for the Division of Ratepayer Advocates.

OPINION

Summary

This decision opens Southern California Edison Company's (Edison) and Pacific Gas and Electric Company's (PG&E) master-metered multifamily rate schedules, DM and EM, for recreational vehicle (RV) parks which qualify for baseline allowances. The adopted criteria for RV parks to qualify for baseline allowances is consistent with the criteria used for residential hotels. Complainants' request to take service under mobilehome park rate schedules is denied.

Procedural Background

On January 6, 1986 Richard H. Wesselink et al., doing business as Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park, RV parks, filed Case (C.) 86-01-004 which alleges that they are eligible for electric service from Edison pursuant to rate schedule DMS-2, residential service to mobilehome parks, and entitled to reparations. On February 3, 1986 William Roy York et al., doing business as Rosedale Village Campland, an RV park, filed C.86-02-002 which alleges that they are eligible for electric service from PG&E pursuant to rate schedule ET, residential service to mobilehome parks, and entitled to reparations.

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This decision opens Southern California Edison Company's (Edison) and Pacific Gas and Electric Company's (PG&E) master-metered multifamily rate schedules, DM and EM, for recreational vehicle (RV) parks which qualify for baseline allowances. The adopted criteria for RV parks to qualify for baseline allowances is consistent with the criteria used for residential hotels. Complainants' request to take service under mobilehome park rate schedules is denied.

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Due to the similarities in these proceedings they were consolidated by the Administrative Law Judge. A prehearing conference in the consolidated case was held on May 22, 1986 and hearings were held on January 12, 1987 and July 13 and 14, 1987. Briefs were submitted by complainants, Edison, PG&E, and Western Mobilehome Association (WMA).

Position of the Parties

Complainants

Complainants argue that they are obligated by California Civil Code Sections 798 and 799 to pass on to their tenants the domestic rates, including baseline rates, which would otherwise be charged if the electric utility directly served the tenants. Because of their interpretation of these statutes complainants believe that they have an obligation to provide submetered electric service to their tenants. This forms the basis for complainants' request that they be served on a master-metered rate schedule which allows submeters and that they receive reparations for any overcharges as a result of not being served on this rate schedule.

Complainants state that:

1. They are owners and operators of RV parks consisting of multifamily accommodations on a single premises, with all residential units master-metered and submetered for electric service.
2. Their RV parks are primarily occupied by permanent residence tenants, with a large number in residence in excess of nine months.
3. Their RV parks differ from mobilehome parks in that some of the spaces which are submetered are occasionally occupied by transient vehicles and the single-family residential units fail to meet the technical definition of a mobilehome.
4. Tenants of RV parks are entitled to submetered electric service based on California Civil Code, Section 799.48 which

provides tenants who have continually resided in an RV park for nine months or more with the tenant rights of mobilehome park residents.

Edison

Edison states that complainants' RV parks are not mobilehome parks, have commercial load, and should not be served on the DMS-2 rate schedule. Additionally, Edison states that: (1) RV parks are generally transient in nature, (2) complainants did not submit evidence concerning the costs and construction standards of their submetered facilities, and (3) complainants did not show that RV park submetered facilities are comparable to mobilehome park facilities. Finally, on the subject of damages Edison argues that based on the record two RV parks have not been damaged and that complainants have not met their burden of proof to show the amount of any damages.

In support of its interpretation that RV parks differ from mobilehome parks and should not be eligible for the DMS-2 rate schedule, Edison points out that mobilehome parks are governed by the mobilehome residency law and that RV parks are governed by the recreational vehicle park occupancy law. Edison concludes from this that mobilehome parks are generally used for residential purposes, while RV parks are generally occupied by transient tenants. Additionally, Edison states that the California Civil Code and the California Health and Safety Code exclude recreational vehicles from the definition of mobilehome.

Finally, Edison claims that its DMS-1 rate schedule, multifamily accommodation submetered, is applicable to RV parks which include permanent single-family accommodations. Edison states that the DMS-1 rate schedule provides baseline rates and a discount for submetered services for qualifying multifamily accommodations other than mobilehome parks. However, the DMS-1 rate schedule was closed to new installations as of December 7, 1981 by Decision (D.) 93586. Additionally, D.93586 ordered Edison

to separately meter each single-family dwelling in all new residential multifamily accommodations that are not mobilehome parks. Due to D.93586 Edison argues that complainants should allow Edison to separately meter any permanent, single-family accommodations installed after December 6, 1981.

Concerning the number of residential units in complainants' RV parks, Edison points out that all but one RV park owner admitted that their parks have recently had substantial numbers of tenants who were staying on an overnight or weekly basis. Moreover, all RV park owners admitted to substantial numbers of tenants in their parks who have been there for less than nine months. Furthermore, Edison's review of Lake Park Resort, The Roadrunner, and Mountain Valley Recreational Vehicle Park, based upon the records produced for those parks for 1985 and 1986, indicates that these parks have had substantial numbers of tenants who have stayed for less than six months including many occupancies of one month or less. Finally, The Roadrunner and Elsinore West Marina operate or have operated under conditional use permits that limit occupancies in those parks to six-month durations.

Although Edison's tariffs do not define the length of stay required to attain residency status in an RV park, it is Edison's position that the period is nine continuous months of occupancy as a residence by the same tenant. Edison believes that this length of residency requirement is consistent with the California Civil Code and the Mobilehome Residency Law, which provide certain rights to tenants of RV parks.

Edison also states that both Lake Park Resort and The Roadrunner RV parks have convenience stores connected to Edison's master meter and that these loads are clearly nondomestic.

Edison also addresses the applicability of Public Utilities Code Section 739.5 (Section 739.5) to RV parks. Section 739.5 provides as follows:

"The commission shall require that, whenever gas or electric service, or both, is provided

by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service."

Edison argues that RV parks built after December 6, 1981 do not qualify for a Commission-approved tariff that allows them to provide submetered service, which is a prerequisite for the application of Section 739.5.

PG&E

PG&E has denied electric service to Rosedale Village Campland (Rosedale) under schedule ET stating that Rosedale is not a mobilehome park, has a significant amount of nondomestic load, and is an RV park primarily used by recreational and transient tenants. In support of its position PG&E cites:

1. Data responses from Rosedale and visual inspection of Rosedale Village Campland which indicate that a large number of spaces are occupied on a daily, weekly, or monthly basis by recreational vehicle tenants.
2. Rosedale's testimony which refers to overnight occupancies of as many as 115 out of 160 spaces.
3. Rosedale's testimony which states that rents were increased at Rosedale Village Campland in response to an increase in State park fees.

4. The definition of a mobilehome contained in the California Health and Safety Code Section 18008 and the California Civil Code Section 798.3.

In addition to the above reasons for refusing to provide Rosedale service under rate schedule ET, PG&E also asserts, as does Edison, that there is no basis in this record to determine whether the cost of submetered service for RV parks would be similar to the identified costs for mobilehome parks. PG&E and Edison also pose similar arguments stating that Section 739.5 is not applicable to RV parks built after the Commission closed all master-metered rate schedules, except to mobilehome parks.

The last two items PG&E addresses deal with billing submetered tenants and damages for being placed on the wrong rate schedule. If, as stated in Rosedale's prepared testimony, tenants are being billed for electricity, PG&E believes it is in violation of PG&E's filed tariffs. PG&E states that all master-metered schedules, except for mobilehome parks, were closed by D.93586. Finally, PG&E claims that Rosedale has been correctly served under PG&E's general service rate schedule, is not presently eligible for service on the ET rate schedule, and is not entitled to reparations due to overbilling.

WMA

WMA opposes inclusion of complainants on the DMS-2 and ET rate schedules, but is not opposed to the Commission considering the need for additional tariff treatment in recognition of the unique service RV parks provide. WMA states that the type of occupancy varies widely and that there are occupants in each of complainants' RV parks that have resided there: (1) for nine months or more, (2) on a month to month basis, but for less than nine months, and (3) on a nightly or weekly basis. Only complainant Lake Park Resort has the spaces allocated for overnight and weekly stays on a separate master meter from that which serves the monthly and long-term occupants. Additionally, WMA points out

that RVs and RV parks are defined by Civil Code Sections 799.24 and 799.25 as follows:

"(a) 'Recreational vehicle' means a motorhome, slide-in camper, travel trailer, truck camper, park trailer, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy." (Emphasis added.)

"'Recreational vehicle park' means either of the following:

"(a) An area or tract of land, within an area zoned for recreational use, where one or more lots are occupied by owners or users of recreational vehicles or tents and which is customarily occupied for temporary purposes and where there is displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency.

"(b) An area or tract of land or a separate designated section within a mobilehome park where one or more lots are occupied by owners or users of recreational vehicles used for travel or recreational purposes and where there is displayed in plain view in that area or tract of land or separate section within a mobilehome park a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency." (Emphasis added.)

In contrast to the definitions of RVs and RV parks WMA states that mobilehomes and mobilehome parks are defined by Civil Code Sections 798.3 and 798.4 and Health & Safety Code Section 18008 as follows:

"'Mobilehome park' is an area of land where two or mobilehome sites are rented, or held out for

rent, to accommodate mobilehomes used for human habitation."

"'Mobilehome' is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the Health & Safety Code, and a mobilehome, as defined in Section 18008 of the Health & Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of this Code and Section 18010 of the Health & Safety Code or a commercial coach as defined in Section 18001.8 of the Health & Safety Code." (Emphasis added.)

"'Mobilehome' for the purposes of this part, means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971." (Emphasis added.)

Based on these definitions, WMA argues that there always has been and continues to be a statutory distinction between mobilehomes and RVs and mobilehome parks and RV parks.

Finally, WMA addresses the use of submeters by RV parks. First, RV parks have installed submeters and charge tenants for electric service based on the consumption shown by the submeters. This is in direct violation to Edison's and PG&E's Rule 18. Second, complainants have not installed their electric distribution systems to exclude nondomestic and nonresidential usage. Lastly, complainants have not made a presentation in this case or any prior proceeding that: (1) details the submetered costs for RV parks or (2) shows that the submetered costs for RV parks are equivalent or comparable to those of mobilehome parks.

Discussion

While there were many issues raised in this proceeding there are only a few that are crucial to the resolution of the complaints filed:

1. Are residents of RV parks entitled to baseline allowances?
2. Are owners of RV parks required to charge residents as if they were individually metered and billed by the electric utility?
3. Under what rate schedules should RV parks be billed?
4. Should complainants be awarded reparations?

We will address the baseline/allowance question first. Section 739.5 requires that residential customers receive a base amount of energy at a rate which is below the nonbaseline residential rate. This basic amount of energy is referred to as a baseline allowance and the rate at which the customer is charged is the baseline rate. Since the implementation of baseline legislation, it has been our policy to provide baseline allowances to permanent residences in single-family and multifamily accommodations. We see no reason why permanent residents of RV parks should be treated differently. Therefore, we will provide baseline allowances to permanent residents of RV parks. The amount of the baseline allowance will be determined by the schedule under which service is provided.

To provide baseline allowances to permanent residents of RV parks we must define a permanent resident. In D.83-12-068 we determined that hotels which rent at least 50% of their rooms on a month-to-month basis for at least nine months of the year are entitled to baseline allowances. We believe this criteria is equally applicable to RV parks and that baseline allowances should be extended to RV parks that rent at least 50% of their spaces on a month-to-month basis for at least nine months of the year. RV

parks which qualify should receive a baseline allowance for each RV unit that meets the above criteria. The baseline allowance for each RV unit should be the same as provided multifamily accommodations.

The second question to be resolved concerns the requirement that RV parks charge tenants as if they were individually metered and billed by the electric utility. If a multifamily accommodation qualifies for a submetered schedule the tenants must be charged for their electric consumption as if they were individually served by the utility. Section 739.5 requires that "whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the corporation".

However, if a multifamily accommodation does not qualify for a submetered schedule, not only is it not required to charge tenants as if they were served directly by the utility, it is prohibited from doing so by Edison's and PG&E's Rule 18 - Supply to Separate Premises. Rule 18 requires Edison and PG&E to furnish and meter electricity to each individual residential dwelling unit, except under certain conditions. The conditions which are applicable to this proceeding are: (1) a master-metered customer must qualify for a submetered schedule or (2) the charge to tenants must be absorbed in the rental for the premises or space occupied.

Since December 1981 master-metered multifamily service with individual tenants submetered has been closed to new installations, except mobilehome parks. D.93586, dated October 6, 1981 singled out mobilehome parks as the only type of multifamily service that should have the option of installing electric submetered service to tenants or have the utility directly provide service. The decision to provide mobilehome parks the option of

submetering was based on a lengthy record developed in C.9988 and C.10599. Complainants have not attempted to develop a similar record in this proceeding from which we could conclude that RV parks should be provided the same option. Therefore, consistent with the treatment afforded tenants of other multifamily accommodations, except mobilehome parks, RV parks should not charge tenants as if they were served directly from the utility.

This leads us to the third question which deals with rate schedules for RV parks. There are five rate schedules under which RV parks qualify for service, have been served, or have requested service:

1. DM/EM, service to multifamily accommodations where the single-family accommodations are not submetered. This schedule is closed to new installations after June 12, 1978, except residential hotels.
2. DMS-1/ES, service to multifamily accommodations where the single-family accommodations are submetered. The DMS-1 schedule is closed to new installations after December 6, 1981 and the ES schedule is closed to new installations after December 14, 1981.
3. DMS-2/ET, service to mobilehome parks where the single-family accommodations are submetered.
4. GS-1/A-1, commercial service without demand charges.
5. GS-2/A-10, commercial service with demand charges.

To qualify for service under rate schedules DM and EM a multifamily accommodation, among other things, must have been built prior to June 13, 1978. To qualify for service under rate schedules DMS-1 and ES a multifamily accommodation, among other things, must have had submeters installed prior to December 7, 1981

if served by Edison or December 14, 1981 if served by PG&E. RV parks typically have been placed on commercial service rate schedules which do not provide for submeters or baseline allowances. Baseline allowances are only provided on Edison's and PG&E's domestic rate schedules. In this proceeding complainants are requesting service under rate schedules DMS-2 and ET, domestic service to mobilehome parks.

We are persuaded by the arguments of Edison, PG&E, and WMA that complainants have not demonstrated that the costs which RV parks incur to submeter are similar to the costs which mobilehome parks incur. In fact, the record is void of any cost comparison between mobilehome parks and RV parks and no evidence was presented which details the costs to submeter RV parks. Without justification that the costs of submetering for RV parks are similar to those of mobilehome parks, RV parks should not be served under a mobilehome park schedule.

Additionally, D.93586 has granted a unique status to mobilehome parks which provides them with the option to submeter tenants. Complainants have freely admitted that RV parks differ from mobilehome parks and that RVs fail to meet the technical definition of a mobilehome. Accordingly, we do not believe that RV parks should be provided the option of submetering tenants. Based on this record we believe that RV parks should be treated like apartment buildings and residential hotels which are not provided the option of submetering tenants.

In lieu of the mobilehome park schedules, it could be argued that complainants should receive service under submetered schedules, DMS-1 and ES, which were closed to all multifamily installations in December 1981. However, we concluded earlier that RV parks are not required to charge tenants as if they were served directly from the utility. Since complainants have not demonstrated a special need to submeter, these rate schedules will not be reopened.

In summary:

1. RV parks are eligible for rate schedule DM or EM if they qualify for baseline allowances.
2. RV parks are eligible for general service rate schedules.
3. Only mobilehome parks are eligible for rate schedules DMS-2 and ET.
4. RV parks are eligible to have electric service provided to permanent tenants directly by the utility.

Edison states that two of complainants' RV parks have commercial load such as convenience stores connected to the master meter that serves the RV park. Commercial load should not be connected to an RV park's master meter that qualifies for domestic service. As a special condition to Edison's domestic schedules electric energy used for nondomestic enterprises such as offices, stores, shops, restaurants, service stations, and other similar establishments should be separately metered and billed under applicable schedules. To provide RV parks an opportunity to separate their commercial and domestic loads, we will allow RV parks which qualify for domestic service six months from the time they are placed on a domestic service schedule or six months from the effective date of this decision, whichever is later, to remove the commercial load from the master-metered domestic service. RV parks which do not comply with this requirement will not be eligible for domestic service. Within 30 days from the effective date of this decision Edison and PG&E should notify the RV parks they serve of the requirement to separate commercial and domestic loads.

The final question to be addressed concerns reparations. Complainants contend that they have been placed in an untenable situation by paying commercial rates to Edison and PG&E and charging tenants at domestic rates. Complainants' decision to

submeter their tenants and charge them at domestic rates is unfortunate. A reading of Edison's and PG&E's filed tariffs should have indicated to complainants that except for mobilehome parks only the utility can separately meter multifamily accommodations. Complainants had three options at the time they installed submeters: (1) consider their RV parks nondomestic load and not individually meter RV spaces, (2) request the utility to provide service to the RV spaces intended for permanent tenants, or (3) file an action with this Commission requesting that a master-metered schedule with submeters be made available to RV parks. Complainants' actions to install submeters clearly violated D.93586 and Rule 18 in Edison's and PG&E's filed tariffs.

Finally, complainants state that they were denied domestic service and placed on Edison's and PG&E's general service rate schedules. For RV parks the general service schedules were the only rate schedules under which Edison and PG&E were authorized to provide electric service. Accordingly, complainants' RV parks are not entitled to reparations.

All funds which have been placed on deposit with the Commission by complainants should be disbursed to Edison and PG&E. In all other respects complainants' request for relief should be denied.

Findings of Fact

1. On January 6, 1986 Richard H. Wesselink et al., doing business as Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park, RV parks, filed C.86-01-004 which alleges that they are eligible for electric service from Edison pursuant to rate schedule DMS-2 and entitled to reparations.

2. On February 3, 1986 William Roy York et al., doing business as Rosedale Village Campland, an RV park, filed C.86-02-002 which alleges that it is eligible for electric service from PG&E pursuant to rate schedule ET and entitled to reparations.

3. C.86-01-004 and C.86-02-002 were consolidated by the Administrative Law Judge due to their similarities.

4. Complainants are owners of RV parks consisting of multifamily accommodations with all residential units master-metered and submetered for electric service.

5. Complainants' RV parks serve both permanent and transient tenants.

6. Complainants' RV parks differ from mobilehome parks in that some of the spaces which are submetered are occasionally occupied by transient vehicles and the single-family residential units fail to meet the technical definition of a mobilehome.

7. Evidence was not submitted concerning the costs and construction standards of submetered facilities for RV parks or mobilehome parks.

8. The DMS-2 and ET rate schedules are applicable to mobilehome parks with submeters.

9. The DMS-1 and ES rate schedules are applicable to multifamily master-metered service with submeters.

10. The DM and EM rate schedules are applicable to multifamily master-metered service without submeters. These schedules are closed to new installations except residential hotels as of June 13, 1978.

11. D.93586 closed the DMS-1 and ES rate schedules to new installations in December 1981 and singled out mobilehome parks as the only type of multifamily service that should have the option of installing electric submetered service to tenants.

12. At least two of complainants' RV parks have commercial load connected to the master meter that serves the RV park.

13. Section 739.5 requires master-metered customers with submeters to charge each user of electric service at the same rate which would be applicable if the user were receiving service from the utility.

14. Baseline allowances are only provided on Edison's and PG&E's domestic rate schedules.

15. Edison and PG&E have denied service to complainants under schedules DMS-2 and ET.

16. Since the implementation of baseline legislation it has been the policy of the Commission to provide baseline allowances to permanent residences in single-family and multifamily accommodations.

17. Complainants' RV parks are being served electricity on Edison's and PG&E's general service rate schedules.

18. Complainants charge tenants of their RV parks for electricity at Edison's and PG&E's domestic rates.

19. Edison's and PG&E's filed tariffs require the utility to furnish and meter electricity to each individual residential dwelling unit, except when a master-metered customer qualifies for a submetered schedule or charges for electricity are absorbed in the rental for the premises or space occupied.

20. Section 739.5 requires that residential customers receive a base amount of energy at a rate which is below the nonbaseline rate.

21. D.83-12-068 determined that hotels which rent at least 50% of their rooms on a month-to-month basis for at least nine months of the year are entitled to baseline allowances.

22. A special condition to Edison's domestic schedules requires electric energy used for nondomestic enterprises to be separately metered and billed under applicable schedules.

Conclusions of Law

1. Complainants have not adequately demonstrated that RV parks have a special need which warrants providing them the option to submeter tenants.

2. RV parks should not be authorized to take electric service under rate schedules DMS-2, DMS-1, ET, or ES.

3. Section 739.5 does not require that tenants of multifamily accommodations be charged for electric service as if they were served directly by the utility if the charge is absorbed in the rental for the premises or space occupied.

4. RV parks that rent at least 50% of their spaces on a month-to-month basis for at least nine months of the year should receive baseline allowances based on the number of units that meet this criteria.

5. RV parks which qualify for baseline allowances should have the option of being served under rate schedule DM for Edison customers or EM for PG&E customers.

6. RV parks which qualify for domestic service should be allowed six months from the time they are placed on a domestic schedule or six months from the effective date of this decision, whichever is later, to remove commercial load from the master meter for domestic service. RV parks which do not separate their commercial and domestic loads should be denied domestic service at the end of a six-month period.

7. Within 30 days from the effective date of this decision Edison and PG&E should notify the RV parks they serve of the requirement to separate commercial and domestic loads.

8. Any funds which have been placed on deposit with the Commission by complainants pending the resolution of this proceeding should be disbursed to Edison and PG&E.

9. In all other respects complainants' request for relief should be denied.

ORDER

IT IS ORDERED that:

1. Recreational vehicle (RV) parks that qualify for baseline allowances under the criteria adopted by this order shall have the option of taking electric service under Southern California Edison

Company's (Edison) rate schedule DM, if served by Edison, or Pacific Gas & Electric Company's (PG&E) rate schedule EM, if served by PG&E.

2. Edison and PG&E shall provide baseline allowances to RV parks that qualify by renting at least 50% of their spaces on a month-to-month basis for at least nine months of the year provided they request service under either rate schedule DM for Edison customers or EM for PG&E customers.

3. Within 30 days from the effective date of this decision Edison and PG&E should notify all RV parks in their respective service territories of the criteria under which RV parks are eligible for domestic service and if eligible that they must separate commercial and domestic loads within six months from the time they are placed on a domestic rate schedule.

4. Within 10 days from the effective date of this order, Edison shall file a revised rate schedule DM and PG&E shall file a revised rate schedule EM. The revised schedules shall reflect consistent with this order the conditions under which RV parks are eligible for domestic service.

5. Deposits made by complainants for Lake Park Resort, The Roadrunner, Elsinore West Marina, and Mountain Valley Recreational Vehicle Park in connection with this proceeding shall be disbursed to Edison on the effective date of this order.

6. Deposits made by complainants for Rosedale Village Campland in connection with this proceeding shall be disbursed to PG&E on the effective date of this order.

7. In all other respects complainants' request for relief is denied.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.