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Decision 91-07-068, July 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN CALIFORNIA GAS COMPANY for)
authority to revise its rates)
effective October 1, 1989, in its)
Annual Cost Allocation proceeding.)

ORIGINAL

Application 89-04-021
(Filed April 12, 1989)

And Related Matters.)

Application 89-05-006
Application 90-02-027
Application 90-04-029
Application 90-10-032

ORDER DENYING REHEARING AND STAY
OF DECISION 91-05-007

Independent Energy Producers (IEP) and California Cogeneration Council (CCC) have filed an application for rehearing of Decision (D.) 91-05-007. We have considered all the allegations of error in the application and are of the opinion that good cause for rehearing has not been shown. Accordingly, we deny the application.

IEP and CCC have also filed an emergency motion for stay, which we also deny today as moot. The motion was based on a belief that the utilities would require production of the cogenerators' operational efficiency information, which D.91-05-007 ordered them to collect, before we acted on the application for rehearing. It asked for a stay of the operative Ordering Paragraphs of D.91-05-007 at our July 2 meeting.

However, the utilities' requests for information have due dates well after today. For this reason, we did not act on the stay at the requested meeting; now, it is moot. However, and while we believe the cogenerators have had ample time to assemble the data, which they promised to provide under their power purchase agreements, we will order the utilities to give them an additional thirty days from the effective date of this order in which to produce the information.

Pacific Gas & Electric Co. (PG&E) also applied for rehearing of the decision, then withdrew its application and filed a petition for modification instead. The petition alerts us to a discrepancy in D.91-05-007's provisions for recapture of overcompensation paid to cogenerators who cannot show compliance with the efficiency standards required to qualify them under Public Utility Regulatory Policies Act of 1978 (PURPA). Given our order today and the time it will take for the utilities to determine noncompliance, we feel there is no urgency to decide this matter immediately. We wish to clarify our intent, but only after careful consideration. We will, accordingly, act on the petition at a later date.

THEREFORE, IT IS ORDERED that:

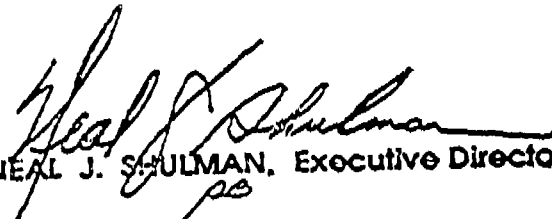
1. Rehearing of D.91-05-007 is hereby denied.
2. The utilities shall allow cogenerators thirty (30) days after the effective date of this order to produce operational efficiency data which D.91-05-007 ordered the utilities to collect.

This order is effective today.

Dated July 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SCHULMAN, Executive Director
ps