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Decision 92-01-034 January 10, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FOREST CITY MANAGEMENT, INC., a  
corporation,

Complainant,

vs.

SOUTHERN CALIFORNIA GAS COMPANY,

Defendant.

**ORIGINAL**

Case 90-07-058  
(Filed July 20, 1990);  
amended September 19, 1990)

ORDER DENYING REHEARING OF DECISION 91-08-020

Forest City Management, Inc. (Forest City) has filed an application for rehearing of Decision (D.) 91-08-020. The Southern California Gas Company (SoCal) has filed a response in opposition thereto. We have examined all the allegations of error in the application and the arguments in response, and are of the opinion that sufficient grounds for granting rehearing have not been shown. Therefore, we will deny the application.

In D.91-08-020, we denied the complaint filed by Forest City against SoCal which alleged that SoCal had improperly refused to serve Forest City's residential apartment complex with natural gas transportation-only service under defendant's GT-20 tariff. We agreed with SoCal that Rate Schedule GM-E is the correct tariff to be applied to Forest City's apartment complex. In this order we affirm our original decision.

In its application for rehearing, Forest City reiterates the arguments it has made previously that Schedule GT-20 applies on its face to Forest City; that since no other tariff provides a rate or terms of service for residential transportation service, SoCal must provide transportation service at the rate specified in

Schedule GT-20; and that even if Schedule GT-20 is determined to be ambiguous, Forest City is entitled to have the ambiguity resolved in its favor and to receive the lowest rate arguably applicable. Forest City further argues that D.91-08-020 fails to address its legal arguments. It asserts it is entitled to transportation-only service under Schedule GT-20, and that it deserves reparations from the time it initially requested such service to such time as the Commission finds it eligible for such service under Schedule GT-20.

In D.91-08-020, we explicitly found persuasive SoCal's explanation of the applicability of its tariffs. In so doing, we implicitly found Forest City's legal arguments to be without merit. While Forest City correctly recites the gist of the legal principles applicable to a situation of genuine tariff ambiguity, we do not have that situation before us in this case. SoCal demonstrated to our satisfaction that even with its original inartful title, Schedule GT-20, when examined carefully and in the context of the other schedules which provide for transportation-only service, does not apply to large residential customers. Consequently, Forest City is not entitled to such service under Schedule GT-20, nor is it entitled to reparations. As we stated in D.91-08-020, Forest City has always been and remains entitled to contract for transportation-only service under residential Rate Schedule GM-E.

Having considered each and every issue raised by the applicant, we conclude that rehearing should be denied. Therefore, IT IS ORDERED that rehearing of D.91-08-020 is denied. This order is effective today.

Dated January 10, 1992 at San Francisco, California.

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

  
NEAL J. SHULMAN, Executive Director

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