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Decision 92-07-086 July 22, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Request by Pacific Gas and Electric Company to file New Form 79-875 for Temporary Service Agreements for both Gas and Electric Service.	A.91-06-016 (Filed June 7, 1991)

ORIGINAL

ORDER GRANTING REHEARING OF DECISION NO. 92-04-010

Pacific Gas and Electric Company (PG&E) has filed an application for rehearing of Decision No. (D.) 92-04-010, in which we denied PG&E's petition to modify Resolution G-2942. We have considered all the arguments and issues raised in the application and are of the opinion that rehearing should be granted for the reasons discussed below.

In Resolution G-2942 we ordered PG&E to revise Form 79-875, which it had filed with Advice Letter 1625-G/1334-E. PG&E sought authorization to use Form 79-875 for applications for temporary service for gas and electricity or for only one commodity. Advice Letter 1625-G/1334-E was protested by Utility Design, Inc. (UDI), a consulting engineering and management firm. UDI complained that Form 79-875, as filed, would not permit applicants for temporary service extensions to install their own facilities, referred to in these proceedings as "Applicant Installed Facilities," as mandated by Public Utilities Code § 783(f). We held that Form 79-875 should include language permitting Applicant Installed Facilities and ordered PG&E to revise its form accordingly.

PG&E's petition to modify Resolution G-2942 argued that the language suggested by the Commission Advisory and Compliance Division (CACD) permitting Applicant Installed Facilities failed to indicate that Applicant Installed Facilities would be designed by PG&E. The utility did not dispute that the form should permit temporary Applicant Installed Facilities, but suggested that CACD inadvertently omitted language specifying PG&E would have design responsibility of these temporary facilities. CACD's proposed language stated that temporary Applicant Installed Facilities are to be constructed "in accordance with PG&E's specifications." However, Rule 15.E.8 (gas and electric) states that Applicant Installed Facilities for permanent line extensions must be constructed "in accordance with PG&E's design and specifications."

PG&E's petition to modify was protested by UDI and the Commission's Division of Ratepayer Advocates (DRA). UDI contended that the omission of the words "design and" was not inadvertent. DRA claimed that there was no reason why applicants should not design the temporary facilities they were authorized to build and that PG&E had not given sufficient reason why it should retain design responsibility for all Applicant Installed Facilities.

We denied PG&E's petition to modify in D.92-04-010 on the grounds that it did not justify why customers should not be permitted to design their own temporary facilities so long as those facilities meet safety and operational standards set forth in the General Orders and in published utility standards.

We remain convinced that PG&E's petition to modify Resolution G-2942 did not justify the allocation of design responsibility to PG&E. However, upon reconsideration, we have concluded that we would like to clearly articulate the relationship between our previous decisions regarding permanent Applicant Installed Facilities (D.85-08-043 (Re Competitive Bidding Tariff Language (1985) 18 CPUC 2d 533) and D.90-03-072

(1990, unpublished decision)) and our decision here concerning temporary Applicant Installed Facilities.

Our previous decisions hold that responsibility for the design of permanent applicant installed line extensions rests with the utility. In our view, it would be appropriate to determine whether the reasoning behind those decisions has any force with regard to the temporary Applicant Installed Facilities at issue here. Conversely, if we continue to hold that design responsibility for such temporary facilities should not rest with the utility we would like, for the sake of clarity, to distinguish between that holding and our previous decisions or to articulate why the reasoning in our previous decisions is unpersuasive. Upon rehearing we will examine the facts alleged by all parties, including the claim that PG&E will own some temporary facilities, to determine if the facts here are similar to or distinct from the facts in the case of applicant installed permanent line extensions.

Therefore, we find that rehearing of D.92-04-010 should be granted to consider whether our previous decisions have any bearing on our decision here and whether the facts here persuade us to make a distinction between permanent applicant installed line extensions and temporary Applicant Installed Facilities. Because D.92-04-010 decides only that the words "design and" need not be added to Resolution G-2942, the posture of this proceeding will ensure that rehearing will be limited to this issue. The assigned administrative law judge should determine whether hearings will be necessary to decide this issue or whether pleadings will be sufficient.

THEREFORE, IT IS ORDERED THAT:

1. Rehearing of D.92-04-010 is granted.

2. The assigned Administrative Law Judge will determine if hearings are necessary to reexamine the decision in D.92-04-010 or if pleadings are sufficient to accomplish such reexamination.

3. The Executive Director is directed to cause a certified copy of this order to be served by mail on all parties in this proceeding.

This order is effective today.

Dated July 22, 1992, at San Francisco, California.

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

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

NEAL J. SHULMAN, Executive Director