

Decision No. 89196

AUG 8 - 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own Motion into the Determination
of a Lifeline Volume of Gas and a
Lifeline Quantity of Electricity
and into Gas and Electric Utility
Rate Structures and the Changes,
if any, that should be made in
Presently Constituted Rate Structures
to Provide a Lifeline Quantity of
Energy to the Average Residential
user for Specified End Uses.
(Re Phase II)

UNICORN INDUSTRIES, a California
corporation,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation,

Defendant.

Case No. 9988
(Petitions filed May 18, 1978
and June 2, 1978)

Case No. 10599
(Filed June 14, 1978)

ORDER REOPENING PROCEEDING IN CASE NO. 9988;
STAYING EFFECTIVENESS OF ORDERING
PARAGRAPH 3 OF DECISION NO. 88651;
AND CONSOLIDATING CASE NO. 9988
AND CASE NO. 10599 FOR HEARING

Decision No. 88651, dated April 4, 1978 is the final
order of the Commission in the captioned proceeding. Ordering
Paragraph 3 of that decision (as amended in Decision No. 88969
dated June 13, 1978) reads as follows:

- "3. Each respondent electric utility shall within ten days of the effective date of this order file necessary revisions to its rules and regulations to provide for separate metering by the utility for electric service to each unit in new multi-unit residential facilities, including new mobile home parks, except when a commitment for other than separate metering service has been made by the utility to the owner/developer prior to the effective date of this order. However, if said commitment has not been exercised by the initiation of construction within an ensuing period of twelve months, separate metering of electric service for each residential unit is required."

Decision No. 88651 and the modifications thereof in Decision No. 88969 became effective June 13, 1978.

Unicorn Industries (Unicorn) by its pleading filed June 2, 1978 seeks, inter alia, reopening of Case No. 9988 so that it may present evidence concerning the submetering of electrical services in new mobile home parks. In support of that request, Unicorn alleges as follows: Unicorn is the largest assembler and manufacturer of submetering electrical equipment used by California mobile home operators and owners who are master meter customers of electrical utilities (as regulated by Section 739.7 of the Public Utilities Code and Section 789.76 of the Civil Code). The Commission staff and certain public utilities have informed owners, operators, and builders of mobile home parks that such persons will henceforth not be permitted to utilize submetering equipment purchased from Unicorn and other manufacturers for the purpose of submetering mobile home parks pursuant to the Commission's order in Decision No. 88651. The practical effect of the foregoing assertedly is to put Unicorn out of business in California.^{1/}

Unicorn further alleges that Unicorn was not a party to Phase II of Case No. 9988; that it was not notified of the hearings in Case No. 9988; that petitioner was not made aware of the staff

^{1/} Similar allegations are made in the petition filed by Unicorn with the California Supreme Court (Unicorn Industries v Public Utilities Commission, S.F. No. 23875, filed July 11, 1978. The Commission's answer is due August 11, 1978.

and other proposals in Phase II that result in the promulgation of the order in Decision No. 88651 which assertedly adversely affects petitioner; and, therefore, no notice or opportunity to be heard was provided to Unicorn and other companies similarly situated.

We have carefully reviewed Unicorn's pleading in Case No. 9988 and the affidavit attached thereto, and conclude that Case No. 9988 should be reopened for the limited purpose of receiving evidence on the question whether or not submetering of electrical use in mobile home parks can be provided by master meter customers using equipment manufactured by private companies such as Unicorn.

Unicorn has also filed Case No. 10599 in which it complains of certain practices of Southern California Edison Company with submetering of mobile home parks. The issues in Case No. 10599 appear to be embraced within the limited rehearing of Case No. 9988 ordered herein; therefore, those matters should be consolidated for hearing.

Western Mobile Home Association (WMA) seeks modification of Decision No. 88561 to adopt a proposal of WMA made in Case No. 9988 which WMA asserts was inadvertently omitted from the order in Decision No. 88561. That proposal was that a mobile home park developer should have the right, in those cases where the utility cannot meet the park developer's construction schedule, to construct the utility system and then be reimbursed by the utility. The developer would be required to comply with the specifications for construction established by the utility. In support of this request, WMA points out the identical proposal was raised in Applications Nos. 55627, 55628, and 55629 in which San Diego Gas & Electric Company sought electric and gas rate increases, and Decision No. 87639 dated July 19, 1977 contained a finding of fact to the effect that the proposal should be adopted with respect to that utility. Case No. 9988 should be reopened also to receive evidence with respect to the proposal of WMA.

Pending the issuance of a decision in the limited rehearing of Decision No. 88651 hereinafter ordered, the provisions of Ordering Paragraph 3 of that decision (as amended by Decision No. 88969) should be suspended. The effective date of this order should be the date hereof so that such suspension will immediately take effect.

Therefore, IT IS ORDERED that:

1. Case No. 9988 is reopened for further hearing for the limited purpose of receiving evidence on the questions of (a) whether submetering of electrical use in mobile home parks can be provided by master meter customers, and (b) whether mobile home park developers should have the right to construct the electric and gas utility systems with reimbursement by the utility in those cases where the utility cannot meet the developer's construction schedule.

2. The reopened proceeding in Case No. 9988 is consolidated for hearing with Case No. 10599. The public hearing in the consolidated proceeding shall be held before Commissioner Richard D. Gravelle and/or Administrative Law Judge John W. Mallory at a time and place to be determined.

3. The provisions of Ordering Paragraph 3 of Decision No. 88651 (as amended by Decision No. 88969) are hereby suspended pending further decision in the reopened proceeding provided in Ordering Paragraph 1(a).

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th
day of AUG, 1978.

Patent Bateman

Vernon L. Sturgeon
Richard D. Chalk

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.