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Decision No. 90712 AUG 28 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into possible electrical
 energy supply shortages of electric
 public utilities resulting from the
 shutdown of certain nuclear generating
 facilities and emergency measures to
 provide for necessary mutual assistance.

OII No. 43
 (Filed April 30, 1979)

SUPPLEMENTAL OPINION

Decision No. 90427 issued June 19, 1979 in this proceeding authorized Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E) to place into effect a summer reserve load sharing plan and statewide load reduction plan, which plan also applied in connection with the Sacramento Municipal Utility District (SMUD) and the Los Angeles Department of Water and Power (LADWP).

The decision also directed PG&E, Edison, and SDG&E to expand their energy conservation programs for 1979 filed pursuant to Ordering Paragraph 1 of Decision No. 86501 in accordance with the summary set forth in Appendix D to that decision. Each respondent electric utility was ordered to file a modification to its Tariff Rule 14.1 consistent with the modified Rule 14.1 set forth in Appendix E to Decision No. 90427. The purpose of the Rule 14.1 revision was to shift electric loads away from daytime peak periods during the summer months of 1979.

Rule 14.1 adopted by Appendix E to Decision No. 90427 provided, inter alia, that for the 1979 summer period the lower temperature limit for air-conditioner settings is 80°F during all normal periods and 85°F during specific periods of electric capacity shortage.

The revised Rule 14.1 also prohibited the operation by businesses of outdoor advertising signs after the hour of 10:30 p.m.

Subsequent to the issuance of Decision No. 90427, the Federal Department of Energy (DOE) adopted emergency building temperature restrictions (10 CFR Part 490; Federal Register, Volume 44, No. 130, July 5, 1979). The regulations provide cooling restrictions to 78°F for ventilating and air conditioning in commercial, industrial, and other nonresidential buildings in order to reduce energy consumption. Many inquiries have been addressed to this Commission because of the difference in air-conditioner settings required by DOE and this Commission.

Also, since the issuance of Decision No. 90427, Rancho Seco and San Onofre Nuclear Power Plants, which had been temporarily shut down, have been returned to service. Therefore, there should be sufficient electric capacity available during the summer months if Californians continue their maximum voluntary conservation efforts. The maximum temperature settings for air conditioning should be standardized to avoid confusion and reduce inquiries regarding the level set forth in the Federal regulations. We believe that uniformity of State and Federal standards will increase the effectiveness of our energy conservation program.

The California State Outdoor Advertising Association requests that the rule governing electric outdoor advertising signs be relaxed to provide for a turn-off of such signs at midnight. In support of its request, the California State Outdoor Advertising Association states that its members have reinforced its ongoing program for efficient energy use by establishing a three-part energy conservation program for its members, as follows:

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1. Photoelectric cells and timing devices at each billboard location are being checked to assure proper operation, avoiding illumination during the peak load period.
2. New energy usage audits are being conducted at offices, shops, and other service facilities of member firms to reduce, to the greatest extent possible, electric consumption during the peak period.
3. All employees are urged by letter to reduce energy consumption during the peak period of electric usage.

In the circumstances, revision of Rule 14.1 as requested with respect to outdoor advertising signs will not materially impact electric demand this summer and should be adopted pending further hearing now scheduled to commence October 1~~4~~ 1979. At that time the California State Outdoor Advertising Association may present evidence in support of a wintertime application. Kp

We find that:

1. A conflict exists between the maximum air-conditioner setting for commercial and industrial buildings of 78°F adopted in DOE regulations, and the normal maximum air-conditioner setting of 80°F for all California electric customers, including residential, adopted for the summer months in Decision No. 90427, which should be resolved by revising utility Tariff Rule No. 14.1 to provide a normal maximum air-conditioner setting of 78°F for all electric customers.

2. Provisions of Rule 14.1 governing the hours during which electric outdoor advertising signs may be used should be revised to provide that such signs must be shut off at midnight, rather than 10:30 p.m. in order to reduce or minimize the adverse effect of the curtailment rule upon revenues and capabilities of outdoor advertisers, and in recognition of the voluntary conservation efforts of such advertisers.

We conclude that:

1. Rule 14.1 adopted in Decision No. 90427 should be revised as set forth in the order which follows.
2. The order should become effective on the date hereof because the Commission has previously announced the changes accomplished herein.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Within five days after the effective date of this order, each respondent electric utility shall file a modification to Tariff Rule 14.1 consistent with modified Rule 14.1 set forth in Appendix A hereto. Such filing shall be made in accordance with General Order No. 96-A and shall be effective as of the date of filing.

2. Further hearings in OII No. 43 have been scheduled for October 1 and 2, 1979 in the Commission's Courtroom, State Building, 350 McAllister Street, San Francisco, beginning at 10:00 a.m. The hearings scheduled for October 1 and 2 will include but will not necessarily be limited to the following subjects:

- (a) A report and evaluation by the California Utility Power Systems Coordinator of the operations of the statewide load reduction plan (including capacity saved) and reserve load sharing plan described in Ordering Paragraph 1 of Decision No. 90427. The report should include recommendations as to use of similar or revised procedures if there should be an emergency in the future affecting electrical capacity reserve margins.

- (b) Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E) also should present reports and evaluations of the effectiveness of their expanded 1979 energy conservation programs filed in compliance with Ordering Paragraph 2 of Decision No. 90427.
- (c) The California Utility Power Systems Coordinator shall also report on the effectiveness of modified Tariff Rule 14.1 adopted in Ordering Paragraph 3 and appearing in Appendix E of Decision No. 90427. Recommendations as to keeping the rule in effect (as modified by D.90427) during the coming winter together with further suggested modifications should be included.
- (d) PG&E, Edison, and SDG&E should each provide a report of winter fuel supplies for their respective systems.
- (e) A summary of the ratepayer cost effects due to unplanned capacity outages for the period May through September on the PG&E, Edison, and SDG&E systems should be provided.
- (f) The California Utility Power Systems Coordinator should provide a summary of intertie enhancement projects planned or under construction, both interstate and intrastate. The report should include circuit capacity, estimated costs, planned completion dates, and purpose of each of the projects.
- (g) The California Utility Power Systems Coordinator shall make a recommendation as to changes in electric and gas Tariff Rule 14.1 for the coming winter heating season particularly with respect to the 68° F limit on space heating.

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Rule No. 14.1

PROHIBITIONS AND CURTAILMENT PROVISIONS

A. General.

1. Historical Background.

This rule has been ordered effective by the Commission as an emergency measure pursuant to Decisions Nos. 82305, 82358, and 82881. It will be in full force and effect until declared ineffective by order of the Commission. This rule supersedes and cancels all tariff and contract provisions inconsistent with its terms. Paragraph B.1., herein, was temporarily suspended per Decision No. 83225, effective July 30, 1974.

2. Summer Applications for 1979

If electric capacity shortages occur during the summer of 1979, it will be necessary to shift loads away from the peak which usually occurs between the hours of 12:00 noon and 6:00 p.m. Therefore, the Commission by Decision No. 90427 reinstated Paragraph B.1. and added Paragraphs B.3.e. (T) f, and g. for all respondent electric utilities (T) and B.6. for respondent electric utilities which previously did not include that paragraph in this rule. Since the intention of these revisions is to shift electric loads away from peaks during the summer of 1979 the provisions reinstated will again be suspended and provisions modified by this revision will terminate on October 31, 1979. Paragraph B.6. added by this order will remain (T) effective on a permanent basis unless changed, terminated or suspended by further action of the Commission. Decision No. 90427 also established (T)

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an 80°F. air conditioning lower temperature limit to be applied during all normal periods during the summer of 1979. By Decision No. ~~94712~~ the lower temperature limit for air conditioning was changed to 78° F during all normal periods and to 85°F during specific periods of electric capacity shortages as determined by California Utility Power Systems Coordinator. During any such capacity shortages the utility will further require customers to reduce or eliminate the use of non-illuminated fountains, functional outdoor and indoor lighting as provided by Paragraphs B.1.c., and B.5.b (revised) respectively.

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B. Prohibited Uses.

1. Outdoor Advertising and Decorative Lighting.

- a. No customer shall during daylight hours make, cause, or permit any use of electrical energy for lighting of billboards, signs, advertising goods or services, or to identify the providers of goods or services, displays of goods, objects, or designs symbolic of commercial enterprises, trademarks or logo, or motors or devices to rotate or move advertising signs or operate pumps or other devices in fountains which are primarily decorative, building floodlighting, architectural or decorative lighting, or lights used for landscaping, or any similar form of lighting based upon the use of electrical energy supplied by the Company.

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b. Notwithstanding the provisions of subsection B.1.a. hereof, each business establishment may operate a time and temperature sign and illuminate two outdoor signs during normal business hours and until one-half (1/2) hour after closing or 10:30 p.m., whichever is later, and each billboard may be illuminated between the hours of dusk and 12:00 midnight local time.

(C)

c. Non-illuminated fountains may be operated during normal business hours, but will be turned off upon notification of the existence of an electrical supply shortage condition by the utility as determined by the California Utility Power Systems Coordinator.

(C)

2. Functional Outdoor Lighting.

a. No customer shall make, cause, or permit any use of electrical energy for the floodlighting of outdoor commercial areas, including, but not limited to, service stations, used car lots, new car lots, automobile parking lots, or similar businesses, between the hours of sunrise and sunset.

b. Notwithstanding the provisions of subsection B.2.a. hereof, after sunset, when such activities are open, the use of electrical energy for such purposes shall be reduced to fifty percent (50%) of normal or usual levels. Furthermore, prohibited uses of electrical energy from the Company are not applicable to that minimum lighting necessary for public safety, or for security, or that

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required by law, or required for the lighting of essential buildings utilized for police, fire protection, health, and communications purposes.

3. Comfort Heating and Cooling.

- a. During business hours, no customer shall at any time make, cause, or permit any use of electrical energy in any commercial or industrial establishment to provide heat to raise the temperature therein above 68°F. nor to provide cooling to reduce the temperature therein below 78°F. except where (C)
other temperatures are specifically required (C)
by law, by physicians for medical reasons, and (C)
for businesses whose principal activity involves (C)
the preservation of perishable foods. Where it is not established that a net energy savings can be achieved by operating space conditioning equipment during nonbusiness hours, such equipment shall be turned off.
- b. Notwithstanding the provisions of subsection B.3.a. hereof, any commercial or industrial buildings wherein the space heating and cooling control systems provide for a single temperature setpoint, or where such buildings are equipped with systems which heat and cool simultaneously or depend upon electric lighting as a part of the heating energy, the space conditioning systems shall be operated in a manner which minimizes electric energy use. Any commercial or industrial building may depart from the provisions of subsection B.3.a. when necessary to minimize electric energy use.

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- c. Electrical energy shall not be used by hotels, motels, similar guest accommodation establishments, or restaurants to heat or cool vacant guest rooms. The 68°F. temperatures in occupied rooms shall be reduced to 55°F. during sleeping hours, except where other temperatures are required by law. Occupied rooms shall not be cooled below 78°F. (C)
- d. No customer shall make, cause, or permit any use of electrical energy for the heating of residences, apartments, or condominiums above 68°F. during the active hours of the day and 55°F. during the sleeping hours of the day or for cooling them below 78°F. except for medical reasons or where other temperatures are required by law. (C)
- e. During periods of electrical supply shortages as determined by the California Utility Power Systems Coordinator and upon notification by the utility of the existence of a supply shortage all customers will upon direction of the utility either advance the temperature setting of air conditioning equipment to 85°F. or turn off the air conditioning equipment as requested by the utility (except for buildings where this action would close off all ventilation).
- f. No customer shall operate air conditioning equipment in unoccupied buildings or rooms of buildings below 85°F. during normal periods and will turn off such air conditioning equipment when notified by the utility of the existence of an electrical supply shortage as determined by the California Utility Power Systems Coordinator.

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g. Notwithstanding the provisions B.3.(a) through (f) above, customers may pre-cool buildings equipped with economizers or outside air handling equipment to as low a temperature as desired provided that only outside air is used for such cooling purposes and circulating equipment is operated for such purposes after the hour of 6:30 p.m. each night and before the hour of 10:00 a.m. each morning. Portable ventilating fans may be used at anytime regardless of space temperature.

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(C)

4. Outdoor Public Gatherings.

No customer shall make, cause or permit the use of electrical energy for recreational or cultural activities in excess of eighty-five percent (85%) of the normal or usual amount used by that customer for the same, or similar, activities.

5. Indoor Business Lighting.

- a. No customer shall make, cause, or permit the use of electrical energy for lighting the interior of any business establishment during that period of time that said establishment is not carrying on the usual and customary activities of that business.
- b. No customer shall make, cause or permit the use of electrical energy for window display lighting between the hours of sunrise and sunset.
- c. Notwithstanding the provisions of subsection B.5.a hereof, a business establishment may provide sufficient illumination at all times to provide a minimal level of protection and security to persons and property.

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- d. Nothing in these subsections shall be construed to prohibit ordinary and customary maintenance and janitorial services at times other than those during which the business establishment is carrying on the usual and customary activities of that business.
6. Swimming Pool Timers.
- a. Timers associated with swimming pool pumps and filtration equipment shall not be used to operate such equipment during the peak usage periods of the day from 12:00 noon to 6:00 p.m.
 - b. Notwithstanding the provisions of subsection B.6.a., a circulating pump not exceeding three quarters horsepower in size may be used to circulate solar heated water from solar collector panels to any pool or to return pool water to solar collector panels.
 - c. Notwithstanding the provisions of subsection B.6.a., pumps that activate hydro-massage and therapeutic or other equipment designed for the comfort of bathers may be set to operate by means of manual switches during any period when the pool is occupied. (T)
- C. Notification. The Company shall notify the customer when it has learned of a prohibited use as defined in Section B, and, unless the customer will discontinue such use, Section D, shall apply.

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- D. Noncompliance. The Company shall discontinue service to a customer for noncompliance with this rule, if, after notice of at least 5 days, the customer has not initiated compliance with such notice. Service will be restored after the customer establishes compliance with the rule.
- E. Appeals Procedure. Requests, by customers of the Company, for special relief from the mandatory orders of prohibition or curtailment of certain end uses of electricity by reason of special hardship or impossibility of compliance shall be made to the California Public Utilities Commission in the manner provided for formal complaints under the Commission's Rules of Practice and Procedure. During the period the request is pending before the Commission, the Company shall not terminate service for noncompliance.
- F. Liability of Company. The Company shall not, by taking action pursuant to this rule, be liable for any loss, damage, or injury, established or alleged, which may result or be claimed to result therefrom.