

Decision No. 91224

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Re Resolution G-2312 authorizing)
Advice Letter 1052-G of Pacific)
Gas and Electric Company re revision)
of rate schedules to revise)
method of prorating bills during)
seasonal transition months.)

Application No. 59294

ORDER DENYING REHEARING AND
SUSPENSION OF RESOLUTION No. G-2312

A petition for rehearing and for suspension of Resolution No. G-2312 has been jointly filed by Toward Utility Rate Normalization and Kent C. McKinney. Pacific Gas and Electric Company has filed a response thereto, asking that the petition be denied. We have considered each and every allegation of error in the petition and are of the opinion that no good cause for granting rehearing or suspension has been shown. Therefore,

IT IS HEREBY ORDERED, that rehearing and suspension of Resolution No. G-2312 is denied.

The effective date of this order is the date hereof.

Dated JAN 8 - 1988, at San Francisco, California.

John E. Byron

President
Thomas L. ...

Arthur P. ...

Charles J. ...

Edward W. ...

Commissioners

Copy for:

RESOLUTION NO. G-2312

Orig. and Copy
to Executive Director

RESOLUTION

UTILITIES DIVISION

BRANCH/SECTION: Gas

DATE: November 6, 1979

Director

Numerical File

Alphabetical File

Accounting Officer

SUBJECT: Pacific Gas & Electric Company. Order Authorizing Revision of Rate Schedules to Revise Method of Prorating Bills During Seasonal Transition Months.

WHEREAS: PACIFIC GAS & ELECTRIC COMPANY (PG&E), by Advice Letter No. 1052-G, filed September 14, 1979, requests authority under Section 739 of the Public Utilities Code and under the provisions of Decisions Nos. 90258 and 90576 to file revised tariff schedules, as set forth on Cal. P.U.C. Sheets Nos. 10448-G to 10452-G, inclusive, in order to revise the special conditions relating to seasonal rate changes, with the following results:

1. The utility seeks to revise its practice of prorating bills for seasonal transition months pursuant to the requirements of Decision No. 90258.
2. PG&E's present practice has been to prorate the bills for such transition months by the ratio of the number of days in the winter and summer periods to the number of days in the billing period.
3. The proposed revision would compute the billing by prorating the total therm usage, the rate blocks, and lifeline allowances applicable thereto, between the two seasonal periods according to the ratio of the number of days in each seasonal period to the total number of days in the billing period.
4. The filing will not increase any rate or charge, other than minor amounts due to rounding, cause a withdrawal of Service or conflict with other schedules or rules.
5. On October 10, 1979, by Resolution No. G-2309, the Commission suspended this filing for 120 days in order to allow for analysis of these allegations and those of Toward Utility Rate Normalization (T.U.R.N.) who were protesting this filing on the grounds that it did constitute a rate increase, and

WHEREAS: We find the allegations of T.U.R.N. to be without merit, and that the above filing is reasonable and within the meaning and intent of Decision No. 90258; therefore, good cause appearing,

IT IS ORDERED that:

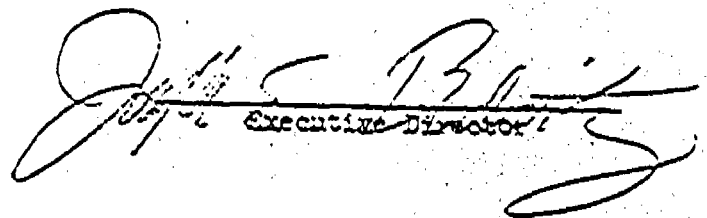
1. The suspension of this tariff placed in effect by Resolution No. G-2309 is hereby terminated.

2. Authority is granted under Sections 491, 701 and 739 of the Public Utilities Code and under the provisions of Decisions Nos. 90758 and 90576 for PG&E to place the above tariff sheets into effect for service on or after November 1, 1979.

3. The above advice letter and tariff sheets will be marked to show that they were issued under Resolution No. G-2312 of the Public Utilities Commission of the State of California. The effective date of this resolution is the date hereof.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular conference of the Public Utilities Commission of the State of California, held on the 6th day of November, 19 79, the following Commissioners voting favorably thereon:

JOHN E. BRYSON
President
VERNON L. STURGEON
RICHARD D. GRAVELLE
CLAIRE T. DEBRICK
LEONARD H. CRIMES, JR.
Commissioners


Executive Director

TOWARD UTILITY RATE NORMALIZATION

693 Mission Street
8th Floor
San Francisco, CA. 94105
(415) 543-1576

Sylvia M. Siegel
Executive Director

September 26, 1979

J. D. Bodovitz
Executive Director
California Public Utilities Commission
State Building
350 McAllister
San Francisco, California 94102

Re: PG&E Advice No. 1052-G (Seasonal Rate Changes)

Dear Mr. Bodovitz:

TURN and Kent McKinney, on behalf of themselves and all affected PG&E ratepayers, make formal protest and seek suspension of Advice No. 1052-G.

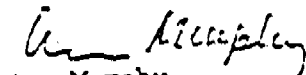
The Advice is dated September 14th, however the date on the envelope indicates that it was mailed September 17th and therefore was not received by protestants until September 19th.

TURN and Kent McKinney protest this filing for the following reasons:

- (a) With respect to Decisions Nos. 90258 and 90576, Mr. McKinney has filed Petition for Review and/or Mandate with the California Supreme Court (S.F. 24057). The reply brief was filed today. It is well settled law that a Commission decision is not final until the Court has acted. Thus, to accept this Advice to become effective within 30 days would be contra to the law and responsible regulation.
- (b) This issue of seasonal rate charges during transitional months is also before the Commission in Complaint No. 10737. The matter is at the discovery stage and has not been set for hearing.
- (c) Contra to PG&E's assertion that "This filing will not increase any rate or charge, other than possible minor amounts due to rounding, cause a withdrawal of service or conflict with other schedules or rules", we submit that this filing will result in a rate increase. We are in the process of finalizing our computations. To allow rates to be increased without a hearing is unlawful.

For these reasons we respectfully request that this Advice not be accepted for filing and that it be suspended pending action by the California Supreme Court.

Very truly yours,


Ann Murphy

Attorney for Protestants

cc: PG&E

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