

ORIGINAL 8

Decision No. 92578 JAN 6 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the regulation of)
 employment practices of PACIFIC)
 TELEPHONE AND TELEGRAPH COMPANY,)
 PACIFIC GAS AND ELECTRIC COMPANY,)
 GENERAL TELEPHONE COMPANY,)
 SOUTHERN CALIFORNIA GAS COMPANY,)
 SAN DIEGO GAS AND ELECTRIC)
 COMPANY, CALIFORNIA WATER SERVICE)
 COMPANY, SOUTHERN CALIFORNIA)
 WATER COMPANY, SIERRA PACIFIC)
 POWER COMPANY, CP NATIONAL)
 CORPORATION, SOUTHWEST GAS)
 CORPORATION, CITIZENS UTILITIES)
 COMPANY OF CALIFORNIA, and)
 CONTINENTAL TELEPHONE COMPANY OF)
 CALIFORNIA.)

Case No. 10308
(Filed April 12, 1977)

Respondents.

INTERIM ORDER DENYING MOTION

On November 14, 1980, 15 women's, minority, and low income groups calling themselves the Minority Coalition Against Public Utility Abuses (Minority Coalition) filed a motion requesting that (1) the Commission declare a moratorium on the receipt of and the processing of all applications for rate increases or adjustments and for changes in services rendered to the public until a decision is rendered in Case No. 10308 and that (2) the only exceptions to the moratorium be those pending cases in which evidentiary hearings have been completed or where a utility can demonstrate that an emergency situation exists and the public

would be adversely affected by a denial of an immediate processing of a rate increase or service change. Twelve of the 14 respondent utilities to Case No. 10308 are set forth in a footnote as being affected by the prayed-for moratorium. The remaining two, Sierra Pacific Power Company and Pacific Power & Light Company, are omitted without comment.

On November 20, the assigned Administrative Law Judge issued a ruling requiring responses to the motion by December 5, 1980. It became apparent late in November that none of the parties to Case No. 10308 had been served with a copy of the motion. The Minority Coalition was directed to make service on all parties to Case No. 10308 on November 24, and by ruling dated November 26, 1980, the response date was extended to December 15, 1980.

The following parties filed a response in support of the motion: the Mexican American Legal Defense Fund and Cut Utility Rates Today. The following parties filed responses in opposition to the motion: Pacific Gas and Electric Company, Continental Telephone Company of California, The Pacific Telephone and Telegraph Company, General Telephone Company, CP National Corporation, the Commission staff, Southern California Gas Company, Southern California Edison Company and San Diego Gas & Electric Company.

Discussion

The Minority Coalition makes three allegations on information and belief: (1) that the Commission will not have an enforceable order in Case No. 10308 before 1984 and that an estimated \$5 billion in rate increases that might, in part, be avoided will be processed and approved during this period; (2) that each year of delay in rendering a decision in Case No. 10308 will mean the loss of approximately 20,000 jobs and 10,000 promotions to minorities and women; and (3) that each year of delay will mean the loss of \$1 billion in revenue to small minority and women's businesses and contractors. The motion goes on to allege that in the absence of a moratorium, each of the affected utilities will continue to find it in their financial interest to delay Case No. 10308 and to block public scrutiny and participation.

We have considered the arguments in support of and in opposition to the moratorium and conclude that no good cause has been shown to declare such a moratorium. The facts in support of the Minority Coalition's motion are pleaded on information and belief and are not contained in any evidentiary record in this case. Even if taken as true, we would have to weigh the relative impact of these "facts" against the effect of a moratorium on the financial health of the utilities we regulate and the attendant diminution of the level of utility service available to the California ratepayer.

Further, we are not convinced that a moratorium will significantly affect the speed with which this proceeding will be concluded. It is our desire to complete this proceeding as rapidly as possible, consistent with the complex subject matter with which we are dealing and with our own limited staff resources. The contention in the motion that the respondent utilities are delaying the proceeding is without merit.

Finding of Fact

Good cause has not been shown for granting a moratorium on rate increases for large California utilities pending completion of Case No. 10308.

Conclusion of Law

The motion of the Minority Coalition should be denied.

C.10308 ALJ/km

IT IS ORDERED that the motion of the Minority Coalition Against Public Utility Abuses for a moratorium on the receipt of and the processing of all applications for rate increases or adjustments and for changes in services rendered to the public until a decision in Case No. 10308 is rendered is hereby denied.

The effective date of this order shall be thirty days after the date hereof.

Dated JAN 6 1981, at San Francisco, California.

John E. Byron
President
Richard D. Powell
Fernando J. Garcia

Commissioners