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Decision 95-07-019 July 19, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion to comply with Senate
 Bill 987 and realign residential
 rates, including baseline rates,
 of California's energy utilities.

I.88-07-009
 (Filed July 8, 1988,
 Petition for Modification
 filed June 9, 1995)

ORIGINAL

OPINION MODIFYING D.94-12-049

In Decision (D.) 94-12-049, the Commission implemented certain legislative changes to the California Alternate Rates for Energy (CARE) program, formerly known as the Low Income Ratepayer Assistance program. D.94-12-049 also made certain administrative changes to the program, including a change in the reporting period for the annual CARE report that the energy utilities are required to submit to the Commission's Advisory and Compliance Division (CACD). Prior to the issuance of D.94-12-049, the Commission in D.89-07-062 had required the annual report to cover the period from May 1st through April 30th, and that the report be submitted no later than July 1st. The energy utilities suggested that the reporting period be changed to cover the period from July 1st through June 30th. D.94-12-049 adopted the suggestion to change the reporting period, and also changed the submission deadline from July 1st to September 1st.

On June 9, 1995, the following energy utilities filed a joint petition for modification of D.94-12-049: San Diego Gas & Electric Company, Southern California Gas Company, Pacific Gas and Electric Company, Southern California Edison Company, Southwest Gas Corporation, Sierra Pacific Power Company, PacifiCorp, and Washington Water and Power Company. The joint petition requests that the reporting period be changed back to May 1st through April 30th, and that the filing deadline for submission of the report be changed to August 1st.

The energy utilities state that although the change in the CARE reporting period was made at the suggestion of the utilities, the energy utilities have now "had an opportunity to more fully consider how the changed reporting period affects CARE administrative costs." The energy utilities believe that the required change will result in substantial administrative costs to convert existing reporting systems. In addition, the first year of transition will result in 14 months of data, rather than 12 months of data, which will make it more difficult to compare CARE information on a year-to-year basis.

The energy utilities also state that if the petition is granted, the filing deadline for the report should be changed to August 1st, rather than the previous deadline of July 1st. The utilities point out that in the past, various utilities have requested and received limited extensions of time to comply with the filing requirement. The joint petition also states that the utilities have discussed the subject changes with CACD, and that CACD is not opposed to a return to the May 1st through April 30th reporting period, or to an August 1st filing deadline.

On June 14, 1995, the Commission's San Diego office received a letter from Patric Barry regarding the joint petition for modification of D.94-12-049. His letter states in pertinent part:

"[W]e protest the admission of THE JOINT PETITION FOR MODIFICATION OF DECISION #94-12-049 which has been submitted by San Diego Gas And Electric, purportedly on behalf of other individuals.

"The petition has been signed by a staff attorney of San Diego Gas And Electric and, as such, cannot represent the purported parties. The petition is invalidated by his signature since he is not acting as attorney for those parties, and is acting as a salaried employee of San Diego Gas And Electric Company,

purportedly signing as attorney for the other parties.

"This action is misleading and incorrect, and I object to the admission of the petition.

"If Mr. Reed wishes to file such a petition, we ask that each signatory be an empowered signatory for each of the parties supporting the petition."

Although Barry's letter did not conform to Rule 47(f) of the Commission's Rules of Practice and Procedure regarding responses to a petition for modification, we shall treat his letter as though it was filed as a response.

Barry's argument is that the petition for modification is invalid because SDG&E's attorney cannot represent and sign the petition for modification on behalf of the seven other energy utilities.

We conclude that Barry's argument is without merit. The joint petition, which was served on all known parties to the proceeding, stated at page 5 that: "San Diego Gas & Electric Company has been authorized to sign this petition on behalf of each of the other Utilities." Rule 4(d) specifically provides that when a document is filed on behalf of more than one party, only one party's attorney needs to sign the document. Had the seven other energy utilities not authorized SDG&E's attorney to sign the joint petition, those utilities could have brought that to our attention after they were served.

No other responses to the joint petition for modification were received.

For the reasons stated by the energy utilities, and because CACD is not opposed to the suggested changes, the joint petition for modification of D.94-12-049 should be granted.

Findings of Fact

1. D.94-12-049 changed the reporting period for the annual CARE report from May 1st through April 30th, to July 1st through June 30th.

2. D.94-12-049 changed the submission date of the annual CARE report from July 1st to September 1st.

3. On June 9, 1995, eight energy utilities filed a joint petition to modify D.94-12-049, and requested that the reporting period be changed back to May 1st through April 30th, and that the submission date for the report be changed to August 1st.

4. A letter protesting the joint petition for modification was received by the Commission's San Diego office on June 14, 1995.

5. The letter shall be treated as though it was a response to the joint petition for modification.

Conclusions of Law

1. We conclude that the argument as to the validity of the joint petition for modification is without merit because Rule 4(d) allows one party to sign when the document is filed on behalf of more than one party.

2. The joint petition for modification of D.94-12-049 should be granted.

ORDER

IT IS ORDERED that:

1. The June 9, 1995 joint petition for modification of Decision (D.) 94-12-049 is granted.

2. D.94-12-049 shall be modified as follows:

a. The last paragraph on page 8 continuing to page 9 shall be deleted, and replaced with the following paragraph: "We believe that the change in the reporting period is not necessary. However, we do believe that the submission deadline for the report should be changed from July 1st to August 1st."

D.89-07-062 should be modified to reflect this change."

- b. The first sentence of the first full paragraph on page 9 shall be deleted, and replaced with the following sentence: "As a result of the change in the submission date of the annual reports, the time by which CACD has to prepare its annual report should also be changed."
- c. Conclusion of Law 7 at page 25 shall be deleted in its entirety, and replaced with the following: "The change in the reporting period is not necessary. However, the date for submission of the report shall be changed to August 1st, instead of July 1st."
- d. Ordering Paragraph 5 at page 28 shall be modified by deleting the "July 1," the "June 30," and the "September 1st" references, and replacing them with the following dates: "May 1," "April 30," and "August 1st," respectively.

This order is effective today.

Dated July 19, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

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

Wealey Franklin
Acting Executive Director