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Decision 96-11-037 November 26, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PACIFIC GAS AND ELECTRIC COMPANY (U 39 E), PACIFICORP (U 901 E), SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E), SIERRA PACIFIC POWER COMPANY (U 903 E), SOUTHERN CALIFORNIA EDISON COMPANY (U 338 E), and SOUTHERN CALIFORNIA WATER COMPANY (U 133 E) For Modification of Decision No. 82305 and Cancellation of Electric Rule 14.1.

ORIGINAL

Application 96-08-053
(Filed August 23, 1996)

**OPINION CANCELLING ELECTRIC RULE 14.1—
PROHIBITIONS AND CURTAILMENT PROVISIONS**

Summary

At the request of the Electric Utilities¹ the Commission cancels Electric Rule 14.1 which places prohibitions or limitations on outdoor advertising and decorative lighting, functional outdoor lighting, comfort heating or cooling, electricity at outdoor public gatherings, and indoor business lighting. Rule 14.1 is cancelled because it is unnecessary.

Discussion

Case (C.) 9581 was opened in the midst of an oil crisis in the early 1970s. In Decision (D.) 82139, issued November 13, 1973, the Commission ordered electric utilities to proceed with the implementation of conservation and curtailment plans which had earlier been developed and filed by the utilities. The objective of the plans was to reduce electricity usage by ten percent (10%) due to indications at that time of growing shortages of supply and economic dislocations arising from fuel shortages. At that time, utilities were experiencing oil shortages, and the possibility of curtailment of electric service to customers existed. The Commission moved to assure that any

¹ The Electric Utilities are:
Pacific Gas and Electric Company,
PacifiCorp,
San Diego Gas & Electric Company,
Sierra Pacific Power Company,
Southern California Edison Company, and
Southern California Water Company.

curtailment of electric service would be done in a fair and consistent fashion by all the utilities providing electric service under the Commission's jurisdiction. As a result, D.82305 (1974) 76 CPUC 223 ordered all respondent electric utilities to file tariffs incorporating the prohibitions and curtailment provisions as set forth in Appendix A to that decision. The result was the establishment of Rule 14.1, Prohibitions and Curtailment Provisions, effective January 30, 1974, for each utility. Minor revisions have been made to Rule 14.1 over the years, and its provisions have remained virtually identical for all of the Electric Utilities.

By 1983, C.9581 had already become outdated. In D.83-12-013, dated December 7, 1983, the Commission discontinued C.9581 and ended all reporting requirements arising from the case, but did not eliminate Rule 14.1. Thus Rule 14.1, ordered by D.82305, remains in effect today.

There currently are no energy shortages, and none forecast for the foreseeable future. There is no valid public purpose served by having utilities cut off electric service to customers who use neon signs during the day, or pump water for fountains, or use outdoor lighting at a level greater than 50% of normal or usual levels, or cool below 78 degrees Fahrenheit, all of which are prohibited by Rule 14.1. Therefore, we agree with the Electric Utilities that even if energy shortages are ever forecast in the future, new rules would have to be developed to take into account current circumstances and technologies. Accordingly, Rule 14.1 has outlived its purpose and needs to be cancelled.

Findings of Fact

1. Electric Rule 14.1 was introduced during a time of energy shortages and possibility of curtailment of electric service to customers.

2. There currently are no energy shortages and Rule 14.1 is obsolete.

Conclusions of Law

1. Electric Rule 14.1 should be cancelled.

2. The application for cancellation of Rule 14.1 was noticed on the Commission Calendar dated August 27, 1996. Since the application is noncontroversial, it should be granted ex parte.

ORDER

IT IS ORDERED that:

1. Pacific Gas and Electric Company, PacifiCorp (doing business as Pacific Power & Light Company), San Diego Gas & Electric Company, Sierra Pacific Power Company, Southern California Edison Company, and Southern California Water Company (doing business as Bear Valley Electric), respectively are authorized to cancel their Electric Tariff Rule 14.1—Prohibitions and Curtailment Provisions. The utilities shall file advice letters to effectuate the cancellation. The advice letters shall be effective upon filing.

2. Decision 82305 is modified accordingly.

3. This proceeding is closed.

This order is effective today.

Dated November 26, 1996, at San Francisco, California.

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, JR.
JOSIAH L. NEEPER
Commissioners

Commissioner Henry M. Duque,
being necessarily absent, did not
participate.