

ALJ/JWA/gab

Decision 97-04-005 April 9, 1997 \*

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into procurement and system reliability issues deferred from D.86-12-010.

In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) For Authority To Revise Its Rates And Recover Costs For Implementation of Its Customer Storage Program.

Mailed

APR 9 1997

**ORIGINAL**

1.87-03-036  
(Filed March 25, 1987)

Application 92-03-038  
(Filed March 18, 1992)

(See Decision (D.) 93-02-013 and D.94-05-069 for appearances.)

**O P I N I O N**

The scope of this proceeding is restricted to gas storage issues. In D. 94-05-069, which approved a program of unbundled storage service for Pacific Gas & Electric Company (PG&E), the Commission stated:<sup>1</sup>

"After seven years of effort, we have resolved all issues within the scope of this investigation. No party objects to closing the proceeding, but TURN<sup>2</sup> recommends waiting until PG&E's program is fully implemented. Because full implementation of a permanent program must follow adoption of a resource plan, we will reluctantly order that the proceeding remain open until that time."

\* \* \*

"This proceeding shall remain open until PG&E revises its gas storage rates after the Commission adopts a 15-year, least-cost resource plan."

<sup>1</sup> 54 CPUC2d 590, discussion at 597, Ordering Paragraph 9 at 612 (1994).

<sup>2</sup> Toward Utility Rate Normalization, now renamed The Utility Reform Network.

The last Commission action in the proceeding was issuance of D.95-09-030, which dealt with petitions for modification of D.94-05-069. On January 9, 1997, the assigned Administrative Law Judge issued a ruling seeking comments on whether the proceeding can be closed. TURN and PG&E responded.

TURN points out that the Commission adopted a resource plan in D.95-12-052, in PG&E's last Biennial Cost Allocation Proceeding. PG&E submitted revised gas storage rates consistent with that decision in Advice 1932-G. Therefore, according to TURN, the proceeding can be closed. TURN asks that closure be conditional, subject to TURN's filing of a timely intervenor compensation request. In D.94-11-048, the Commission awarded TURN compensation for contributions to D.94-05-069. In doing so, the Commission stated:<sup>3</sup>

"After the close of the proceeding, TURN may seek additional compensation for work that preceded other decisions, pursuant to Public Utilities (PU) Code § 1804(c) and Rule 76.72."

The Commission adopted Rule 76.72 of the Rules of Practice and Procedure in 1993. Before then, the statutes and rules required TURN to wait until the close of a proceeding to seek compensation. TURN has not yet requested compensation for work on decisions issued prior to D.94-05-069.

PG&E believes there is no reason to keep this proceeding open, and suggests closure. PG&E does not object to allowing TURN time to prepare a compensation filing.

We will close the proceeding by this order because there are no outstanding issues requiring our attention. Doing so will remove any ambiguity over the date of our final order, which triggers the compensation filings authorized in PU Code § 1804(c). If TURN files a timely compensation request, the proceeding will be reopened in accordance with our usual procedures.

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<sup>3</sup> D.94-11-048, discussion at mimeo. p. 2 (1994).

**Findings of Fact**

1. No party opposes closing Investigation (I.) 87-03-036 and Application (A.) 92-03-038.

2. There are no outstanding issues to be resolved.

**Conclusions of Law**

1. 1.87-03-036 and A.92-03-038 should be closed.

2. This is a final order by the Commission, for purposes of triggering compensation filings authorized in PU Code § 1804(c).

**O R D E R**

IT IS ORDERED that Investigation 87-03-036 and Application 92-03-038 are closed.

This order is effective today.

Dated April 9, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners