

ALJ/VDR/mrj

Mailed 7/23/98

Decision 98-07-060 July 23, 1998

**ORIGINAL**

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

In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY to Adopt Performance Based Regulation ("PBR") for Base Rates to be Effective January 1, 1997.

Application 95-06-002  
(Filed June 1, 1995)

Order Instituting Rulemaking to Review the Time Schedules for the Rate Case Plan and Fuel Offset Proceedings.

Rulemaking 87-11-012  
(Filed November 13, 1987)

### INTERIM OPINION

The Commission's Office of Ratepayer Advocates (ORA) has petitioned for modification of Decision (D.) 97-07-054. ORA asks for modification of the decision so that Southern California Gas Company's (SoCalGas) Direct Assistance Program (DAP) is funded at its 1996 authorized level of \$18 million, rather than the lower amount of \$12 million set at page 67 of the decision. ORA argues that this adjustment is necessary for the sake of consistency with other Commission decisions.

SoCalGas opposes the petition on three grounds. First, SoCalGas argues that the petition presents no information or developments which were not known to the Commission at the time it issued D.97-07-054. Second, SoCalGas contends that ORA's petition is vexatious in that the issue has already been addressed by the Commission on two previous occasions in the past few months, and has been decided adversely to ORA. The most recent instance was SoCalGas' DAP advice letter of 1998, which we approved at the \$12 million level despite protests seeking a higher funding level. Finally, SoCalGas argues that

ORA has made no showing of ratepayer benefit that would result from the \$6 million increase in rates if we grant the petition.

We agree with ORA's position that adjustment of the authorized DAP funding level is necessary to afford consistency in Commission decisions, and to carry out our established policy. Ordering Paragraph 7 in D.97-02-014 in the Electric Restructuring Proceeding, Rulemaking 94-04-031/Investigation 94-04-032, clearly directed annual funding for gas energy efficiency and low income assistance programs to be established initially at 1996 levels. The SoCalGas PBR proceeding was primarily concerned with other, generally unrelated policy questions, and was certainly not intended to settle the issue at hand in contradiction to the earlier decision. That it produced an inconsistent result with respect to this particular item was obviously an accident of timing and inadvertence on our part.

We will grant ORA's petition.

#### **Findings of Fact**

1. The DAP funding of approximately \$12 million was adopted erroneously in this proceeding through inadvertence by the Commission.
2. ORA's petition to modify D.97-07-054 is supported by overriding Commission policy.

#### **Conclusion of Law**

ORA's petition to modify D.97-07-054 should be granted.

**INTERIM ORDER**

**IT IS ORDERED that:**

1. The petition of the Office of Ratepayer Advocates to modify Decision (D.) 97-07-054, filed December 24, 1997, is granted.
2. D.97-07-054 is modified as follows:
  - a. The first sentence of the third paragraph at page 67 is replaced with the sentence, "We retain the \$18 million DAP funding level in recognition of the policy established in D.97-02-014."
  - b. Finding of Fact number 39 at page 93 is amended by replacing the word "recognized" with the phrase "is premised upon the circumstance."

This order is effective today.

Dated July 23, 1998, at San Francisco, California.

**RICHARD A. BILAS**  
President  
**P. GREGORY CONLON**  
**JESSIE J. KNIGHT, JR.**  
**HENRY M. DUQUE**  
**JOSIAH L. NEEPER**  
Commissioners