

Decision 99-03-045 March 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to revise its rates effective April 1, 1994, in its Biennial Cost Allocation Proceeding.

Application 93-09-006
(Filed September 1, 1993)

And Related Matters.

Application 93-08-022
(Filed August 9, 1993)

Application 93-09-048
(Filed September 29, 1993)

ORDER CLOSING APPLICATIONS

These three applications have remained open pending final determination of certain charges imposed by Southern California Gas Company (SoCalGas) at its Wheeler Ridge interchange. That determination having become final, these three applications may now be closed.

Background

In 1993 the Commission authorized SoCalGas to upgrade its pipeline system at Wheeler Ridge in order to provide firm service to shippers moving gas into the SoCalGas system off the Kern/Mojave and PG&E Expansion pipelines. (48 CPUC2d 251.) The Commission ordered that the cost of those facilities be recovered incrementally, and in July 1993 the Commission approved, through Resolution G-3072, interim rates establishing an incremental access charge for use of the interconnection facilities. In August 1993, Southern California Utility

Power Pool/Imperial Irrigation District (SCUPP/IID) and other interstate shippers sought rehearing of Resolution G-3072, arguing that it was an error to require interstate shippers to pay an access charge. In Decision (D.) 94-01-048, the Commission granted rehearing, finding that the charge was too broad because it sought to recover costs from interstate shippers rather than end-use customers, and ordered refunds of the interconnection charges.

In response to D.94-01-048, the Division of Ratepayer Advocates, the Office of Ratepayer Advocates' predecessor, filed a petition to modify D.94-01-048 and requested an emergency stay of the refunds. The Commission ordered further hearings on this issue, and in D.95-12-012 it annulled the refunds.

(64 CPUC2d 496.)

SCUPP/IID and other interstate shippers then filed a complaint at the Federal Energy Regulatory Commission (FERC) requesting that the FERC find the interconnection charge unlawful and that the California Public Utilities Commission (CPUC) be ordered to refund the charges plus interest to interstate shippers who paid the access charge from July through December 1993. In September 1996, the FERC ruled that the interconnection charges were unlawful; however, it did not order refunds. (76 FERC, Section 61,300 (1996).) On rehearing, the FERC maintained that the charges were unlawful, and again denied a request that the refunds be ordered (77 FERC, Section 61,283 (1996)), but sent the case back to us "to set matters right." (At ¶ 62,250.) SoCalGas, the CPUC, and others appealed. On March 26, 1997, the presiding CPUC Administrative Law Judge ruled that these three applications would be held in abeyance until the federal appeal was finally resolved.

On May 22, 1998, the United States Court of Appeals upheld the FERC's order (PUC v. FERC (D.C. Cir. 1998) 143 F. 3d 610) but remanded to the FERC to

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order refunds. On November 2, 1998, the FERC ordered the refunds, which have been made. (85 FERC ¶ 61,177.)

All appeals having become final, these proceedings may now be closed.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

O R D E R

IT IS ORDERED that Application (A.) 93-09-006, A.93-08-022, and A.93-09-048 are closed.

This order is effective today.

Dated March 18, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners