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Decision 99-07-005 July 8, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authority to Recover Capital Additions to its Fossil Generating Facilities Made Between January 1, 1996 and December 31, 1996 and Related Substantive and Procedural Relief.

Application 97-10-024
(Filed October 3, 1997;
Petition for Modification
filed April 30, 1999)

**ORDER GRANTING PETITION FOR MODIFICATION AND
ADOPTING CORRECTIONS TO DECISION 99-03-055**

Summary

Southern California Edison Company (Edison) seeks to modify Decision (D.) 99-03-055 to correct the Decision by adding the amount of its costs associated with the Green Lights Program to Table 1 of that Decision. We grant the Petition For Modification and order the Decision modified to add \$3,080,000 in costs associated with the Green Lights Program to Table 1.

Procedural History

By letter dated April 30, 1999, and served on all parties, Edison requested that the Commission, pursuant to Rule 47(j), correct what it styled as an "obvious omission" in D.99-03-055 to include the costs of the Green Lights Program in Table 1 to that decision. Rule 47(j) provides that "[c]orrection of obvious typographical errors or omission in Commission decisions may be requested by letter to the Executive Director, with a copy sent at the same time to all parties to the proceeding."

By letter dated May 14, 1999, Executive Director Wesley M. Franklin advised Edison that he was unable to make the correction pursuant to his

delegated authority under Resolution A-4661 and Rule 47(j). The Executive Director advised that, while the overall omission of the Green Lights Program from Table 1 to the Decision was obvious and inadvertent error, the Decision did not specify the amount of the 1996 capital additions associated with this program that were eligible for recovery. Accordingly, the addition of a specified dollar amount to Table 1 could not be considered to be a ministerial act to correct a typographical, clerical, or other obvious, inadvertent omission.

Discussion

Upon review, we have decided that, while the matter may not be appropriate pursuant to Rule 47(j), it may be resolved by Commission Order. Accordingly, we will construe Edison's April 30, 1999 letter as a Petition for Modification pursuant to Rule 47 and resolve it as such.

D.99-03-055 contains the following language:

Finding of Fact 10:

The Green Lights Program is generally consistent with the Commission's policy to encourage conservation, is necessary to maintain plants through 2001, and is cost effective. (P. 26.)

Conclusion of Law 7:

The cost of the Green Lights Program should be recoverable in the CTC, consistent with Section 367 requirements that the program must be demonstrated to be required to maintain the system through the end of 2001. (P. 26.)

Ordering Paragraph 1:

The application of Southern California Edison Company (Edison) for recovery of certain capital additions pursuant to Section 367 of the Public Utilities Code is granted to the extent set forth herein and consistent with Table 1 of the Decision. (P. 28.)

Thus the Decision clearly provides that the costs of the Green Lights Program were recoverable.¹

Further, the body of the Decision demonstrates that all of Edison's costs associated with the Green Lights Program are recoverable:

The record shows that the Green Lights Program was approved in the previous general rate case as a capital cost, and thus was considered cost-effective at that time. TURN's argument for partial disallowance because the actual savings — and thus the cost-effectiveness calculation — should be based solely on ECAC costs or the PX rate has merit. However, we will decide this issue in the same way as every other issue in this case: either full recovery is allowed or no recovery is allowed. The record as a whole shows that the Green Lights Program was cost-effective and should be approved for recovery. (P. 21.)

Edison's Exhibit 3, page 18, Table II-1, 1996, Recorded Non-Nuclear Generation Net Assets, admitted into evidence on March 24, 1998, shows that Edison's 1996 gross capital additions (column 1) for the Green Lights Program were \$3,080,000. Edison is entitled to recover the entire \$3,080,000 pursuant to D.99-03-055 and the Decision should be modified accordingly.

Comments on Draft Decision

The draft decision was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No party filed comments.

¹ This Decision does not predetermine the outcome of the pending Application For Rehearing filed on May 3, 1999.

Findings of Fact

1. The omission of Edison's 1996 gross capital additions associated with the Green Lights Program from Table 1 to D.99-03-055 was an inadvertent error and must be corrected.

2. Table 1 to D.99-03-055 must be modified to reflect \$3,080,000 in 1996 gross capital additions associated with the Green Lights Program.

Conclusions of Law

1. It is reasonable to adopt the corrections to D.99-03-055 proposed in Edison's April 30, 1999 Petition For Modification.

2. This Decision should be effective today in order to allow these corrections to be made expeditiously.

IT IS ORDERED that Southern California Edison's Petition For Modification of Decision 99-03-055 is granted. The Decision is modified as follows:

1. On Table 1, 1996 Capital Additions Eligible for recovery:
 - a. On Page 15c, after Item 1310-8060, add the following:
9018-8335 -Green Lights Program-Multi Tenant Locations: 3,080;
N/A;
 - b. On Page 15c, after (b) Under \$100,000, change Subtotal (3) 43,848 to 46,923;
 - c. On Page 15c, after Subtotal (3), change Fossil-Fired Total (1), (2), & (3) 69,700 to 72,780; and
 - d. On Page 15d, Change Grand Total 82,421 to 85, 501.

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2. On page 1 of the Decision, first paragraph, change \$82.4 million to \$85.5 million.

This order is effective today.

Dated July 8, 1999, at San Francisco, California.

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

I abstain.

/s/ CARL W. WOOD
Commissioner