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Decision 99-07-006 July 8, 1999

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

Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

Rulemaking 94-04-031  
(Filed April 20, 1994)

Order Instituting Investigation on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

Investigation 94-04-032  
(Filed April 20, 1994)

**OPINION REGARDING PACIFIC GAS AND ELECTRIC COMPANY'S PETITION FOR MODIFICATION OF DECISION 97-12-048**

**Summary**

On April 27, 1998, Pacific Gas and Electric Company (PG&E) filed its "Petition For Modification Of Decision 97-12-048 To 'Grandfather' Existing Utility Monthly Meter Data VEE Procedures" (Petition). PG&E's Petition was subsequently amended on July 24, 1998. This decision concludes that PG&E's Petition, as amended, is moot in light of the Commission's adoption of permanent standards for metering and meter data in Decision (D.) 98-12-080. Accordingly, PG&E's Petition is denied.

**Background**

PG&E's Petition, as originally filed, seeks permission to allow PG&E to continue using its existing monthly meter data validating, editing, and estimating (VEE) procedures, rather than the interim VEE standards that were adopted in D.97-12-048 at pages 44 to 46. The Petition states that PG&E is the

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only entity that is performing monthly meter VEE in its service territory, and that direct access customers with monthly meters (i.e., load profile customers) will not be subject to different VEE procedures. PG&E also states that it will conform its existing monthly VEE procedures to the permanent standards once the Commission adopts such standards.

PG&E's Petition had been the subject of an earlier request (dated March 25, 1998) to the Commission's Executive Director, made by letter pursuant to Rule 48. The Executive Director denied PG&E's request in a letter dated April 7, 1998, because PG&E's request was more in the nature of a change to D.97-12-048 rather than an extension of time to comply with a Commission decision.

On April 27, 1998, PG&E also filed a motion to waive the response period to PG&E's Petition. PG&E states that its Petition seeks the same relief that the March 25 letter requested, and that interested parties had an opportunity to comment to that letter. The only entity who responded to the letter request was Enron. Since the issue has already been adequately aired, PG&E requests that the Commission waive the 30-day response period to its Petition.

Enron filed a response in opposition to PG&E's motion on May 5, 1998. PG&E then orally requested an extension of time until June 17, 1998, for parties to file a response to PG&E's petition. The request was made to allow PG&E to meet with interested parties to narrow, or to eliminate any disputes or differences between PG&E and other parties regarding the Petition. PG&E's oral request for an extension was granted by the assigned Administrative Law Judge (ALJ).

Concurrent with the filing of PG&E's Petition, PG&E submitted a second Rule 48 request for a limited waiver from the interim VEE procedures adopted in D.97-12-048. The Executive Director denied PG&E's request in a letter dated May 6, 1998, because "Rule 48 does not grant the Executive Director the

authority to partially waive compliance with the specific requirements of a Commission decision."

On July 24, 1998, PG&E filed an amendment to its Petition. PG&E's amendment to the Petition reflects the result of its discussions with Enron. PG&E's amendment proposes that until permanent VEE standards are adopted, no entity reading monthly meters for direct access, whether a utility distribution company (UDC) or an electric service provider (ESP), should be required to conform to the interim standards adopted in D.97-12-048. Instead, the UDC or ESP should be given the flexibility to use existing or comparable processes. The amendment states that this will allow PG&E to grandfather its existing procedures while allowing non-UDC meter data management agents (MDMAs) the same kind of latitude, until such time the Commission adopts permanent VEE procedures.

Responses to the Petition were filed by CellNet Data Systems (CellNet) and Enron on June 17, 1998.

The draft decision of the assigned ALJ was mailed to the parties in accordance with Public Utilities Code Section 311(g) and Rule 77.1 of the Commission's Rules of Practice and Procedure. No comments to the draft decision were filed.

### **Position of the Parties**

PG&E requests that the Petition be granted because the parties interested in this issue had previously agreed to a consensus recommendation to grandfather existing utility monthly VEE procedures. PG&E also states that its procedures are largely in compliance with the interim standards, and that its existing procedures have served to ensure the accuracy of its billings and revenue stream in the past. PG&E states that it would not be cost-effective for

the utilities to change their existing procedures to meet the interim standards, while permanent standards are still pending.

Although CellNet expressed concern about PG&E's inability to timely comply with Commission decisions, it supports PG&E's Petition. CellNet supports the Petition because the delay requested by PG&E will not cause any harm to customers, and because CellNet believes that PG&E's current methods for monthly data collection provide customers with protections that are equal to or greater than the interim rules adopted in D.97-12-048. CellNet also states that the monthly VEE rules are still evolving, and that PG&E would face unnecessary expense if it were required to implement the rules before permanent monthly VEE procedures are adopted by the Commission.

Enron's response states that it met with PG&E after PG&E's request to extend the response time to the Petition was granted. It is Enron's understanding that PG&E's amendment to the Petition will propose that all electric utilities and non-utility MDMA's be permitted to grandfather their respective monthly meter data VEE procedures until the Commission adopts permanent procedures.

No responses were filed in connection with PG&E's amendment to the Petition.

### **Discussion**

PG&E's Petition and amendment seek an exemption from the interim VEE procedures adopted in D.97-12-048. The interim VEE procedures were replaced by the permanent VEE procedures that were adopted in D.98-12-080 at pages 87 to 89. Since permanent standards for monthly VEE procedures are now in place, PG&E's request for an exemption from the interim monthly VEE procedures is now moot. Accordingly, PG&E's Petition should be denied. In addition, since

PG&E agreed to extend the time for interested parties to respond to its Petition, PG&E's motion to waive the response period to its Petition should be denied.

### **Findings of Fact**

1. On April 27, 1998, PG&E filed its Petition and a motion to waive the response period to its Petition. On July 24, 1998, PG&E filed an amendment to its Petition.

2. PG&E requested an extension of time until June 17, 1998, for interested parties to file a response to PG&E's Petition.

3. PG&E's Petition and amendment seek an exemption from the interim VEE procedures that were adopted in D.97-12-048.

4. D.98-12-080 adopted permanent VEE procedures.

### **Conclusions of Law**

1. Since permanent standards for VEE procedures have been adopted, PG&E's Petition is moot.

2. PG&E's Petition and motion should be denied.

## **O R D E R**

### **IT IS ORDERED that:**

1. Pacific Gas and Electric Company's (PG&E) April 27, 1998 "Petition For Modification Of Decision 97-12-048 To 'Grandfather' Existing Utility Monthly Meter Data VEE Procedures" is denied because the request is moot.

2. PG&E's April 27, 1998 motion to waive the response period to its Petition For Modification is denied.

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