

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

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget (U 39 M)	Application No. 08-05-022 (Filed May 15, 2008)
Application of San Diego Gas & Electric Company (U902M) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009-2011	Application No. 08-05-024 (Filed May 15, 2008)
Application of Southern California Gas Company (U904G) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009-2011	Application No. 08-05-025 (Filed May 15, 2008)
Application of Southern California Edison Company (U338E) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2009-2011	Application No. 08-05-026 (Filed May 15, 2008)

**OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY AND
SOUTHERN CALIFORNIA GAS COMPANY ON THE SEPTEMBER 14, 2010
PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE KIM GRANTING,
IN PART, PETITION OF SOUTHERN CALIFORNIA EDISON COMPANY TO
MODIFY DECISION 08-11-031**

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October 4, 2010

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I. INTRODUCTION

Pursuant to Rule 14.3 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedures, San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas), (herein the Joint Utilities), submit these Opening Comments on the September 14, 2010 *Proposed Decision of Administrative Law Judge Kim Granting, In Part, Petition of Southern California Edison to Modify Decision 08-11-031*.

The Joint Utilities appreciate the Commission’s efforts to clarify the fund shifting guidelines set forth in Decision (D.) 08-11-031. The Joint Utilities believe the September 14, 2010 Proposed Decision (PD) of Administrative Law Judge (ALJ) Kim brought further clarity to the fund shifting provisions that were seemingly ambiguous and conflicting.¹ The Joint Utilities limit their comments to the proposed modification in the PD to Ordering Paragraph (OP) 85 b. entitled “LIEE FUND SHIFTING AND LIMITATIONS.”

II. THE JOINT UTILITIES PROPOSE ADDITIONAL REVISIONS TO THE FUND SHIFTING RULES TO PROVIDE FURTHER CLARITY

The PD revises section b. of Ordering Paragraph 85 LIEE FUND SHIFTING AND LIMITATIONS, subsection (3)i. to clarify the provisions under which prior ALJ approval is required to shift funds, within or out of cycle, except for “carry forward” funding considered by the Commission through budget applications.. Specifically, the PD states:

OP 85 – b.(3)i.

Shifting of funds into or out of different program categories including, but not limited to: (a) administrative overhead costs, (b) regulatory compliance costs, (c) measurement and evaluation, and (d) the costs of pilots and studies;

The Joint Utilities suggest that in order to remove any ambiguity regarding which program categories require prior ALJ approval before fund shifting is permitted, OP 85 b. (3)i should be revised to eliminate the “including but not limited to” language and to specifically state which program categories require prior ALJ approval. The Joint Utilities recommend that OP 85 b. (3)i be revised as follows:

¹ Proposed Decision at 4.

Shifting of funds into or out of ~~different~~ the following program categories including, but not limited to: (a) administrative overhead costs, (b) regulatory compliance costs, (c) measurement and evaluation, and (d) the costs of pilots and studies;

Ostensibly, the program categories that do not require ALJ prior approval are those program categories that were specifically identified in D.08-11-031 which are Energy Efficiency, Training Center, Inspections, and Marketing. The Joint Utilities request the PD confirm that the following program categories do not require prior ALJ approval as authorized in D. 08-11-031: the Energy Efficiency, Training Center, Inspections, and Marketing can be shifted among these at the IOUs' discretion.”²

III. TYPOGRAPHICAL ERROR IN OP 85b.(4)iii

Seemingly there is a typographical error in this subsection because this section is only applicable to the LIEE program not the CARE program. CARE fund shifting provisions are addressed in section 3 c. of the proposed revisions to OP 85. Therefore it is recommended that OP 85 (4) iii. be revised to removed the reference to the CARE program as follows:

Justification supporting why the proposed shifting of funds would promote efficient, cost effective and effective implementation of the ~~CARE~~ or LIEE program.

² See Section 20.3.2.2. Shifting of Funds Among Program Categories of D.08-11-031.

IV. CONCLUSION

The Joint Utilities appreciate this opportunity to provide Opening Comments to the PD and request Commission clarify the funding shifting provisions further based on the discussion above.

Respectfully submitted,

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Dated: October 4, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY AND SOUTHERN CALIFORNIA GAS COMPANY ON THE SEPTEMBER 14, 2010 PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE KIM GRANTING, IN PART, PETITION OF SOUTHERN CALIFORNIA EDISON COMPANY TO MODIFY DECISION 08-11-031** on all parties identified in Docket Nos. A.08-05-022, A.08-05-024, A.08-05-025 and A.08-05-026 by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 4th day of October, 2010.

/s/ JOEL DELLOSA
Joel Dellosa