

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

Order Instituting Rulemaking on the
Commission's Own Motion to Address the
Issue of Customer's Electric and Natural Gas
Service Disconnection

Rulemaking 10-02-005
(Filed February 4, 2010)

**Reply Of The Office Of Ratepayer Advocates, The Utility Reform Network, The Greenlining
Institute, The Center For Accessible Technology, Pacific Gas And Electric Company (U39E),
Southern California Edison Company (U338E), San Diego Gas & Electric Company (U902M),
And Southern California Gas Company (U904G) To The Response Of The National Consumer
Law Center To The Petition To Modify Decisions 10-12-051 And 12-03-054**

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12-051 And 12-03-054**

I. INTRODUCTION

On April 1, 2014, the Office of Ratepayer Advocates, The Utility Reform Network, the Greenlining Institute, the Center for Accessible Technology, Pacific Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company (Petitioners) filed a Petition to Modify Decisions (D.) 10-12-051 and 12-03-054, issued in this proceeding. Petitioners sought to modify these decisions to incorporate the terms and provisions of the Settlement Agreement that the Petitioners entered into in March 2014, and which is the subject of a pending motion for adoption, also filed on April 1, 2014. On April 15, 2014, the National Consumer Law Center (NCLC) filed a response to the petition for modification.¹ Pursuant to Rule 16.4(g) of the Commission's Rules of Practice and Procedure, Petitioners sought leave from Administrative Law Judge (ALJ) Maryam Ebke to reply to NCLC's response. ALJ Ebke authorized Petitioners to file this reply via e-mail on April 23, 2014.

As explained below, Petitioners support NCLC's recommendation regarding the optimal procedural vehicle for approving the Settlement Agreement.

¹ NCLC filed its response pursuant to the ruling of ALJ Ebke via e-mail shortening the time for responses to the petition for modification from 30 days to 10 business days.

II. REPLY TO NCLC

NCLC argues that, rather than modify D.10-12-051 and D.12-03-054, as Petitioners propose, the Commission should reopen the record in this proceeding “for the sole and limited purpose of receiving the proposed Settlement and related comments into the record as new evidence upon which it may issue a new Commission order.”² NCLC prefers this alternative because it would leave intact D.10-12-051 and D.12-03-054, “as properly adjudicated Commission decisions,” that were issued based on “an adequately developed record” at the time each was issued, and there is no need to disrupt these decisions for the purposes at hand.³

Petitioners appreciate NCLC’s constructive suggestion for bringing the Settlement Agreement before the Commission in this proceeding, which was formally closed at the time Settling Parties filed the petition and the concurrent motion for adoption of the Settlement Agreement. Petitioners agree with NCLC that it would be preferable for the Commission to issue a stand-alone decision adopting the Settlement Agreement, as opposed to modifying earlier decisions. Accordingly, we find ourselves in the unusual position of advocating *either* the granting of our petition for modification *or* the denial of our petition for modification, as long as the Commission also adopts the Settlement Agreement in a stand-alone new decision if it denies our petition. Indeed, NCLC’s proffered approach avoids the unnecessary complexity of modifying decisions whose terms have, for the most part, expired and the prudence of which are not in dispute.

III. CONCLUSION

For the foregoing reasons, Petitioners recommend that the Commission re-open the record in this proceeding for the limited purpose of addressing the proposed Settlement

2 NCLC Response to Petition for Modification, p. 4.

3 NCLC Response to Petition for Modification, pp. 4-5.

Agreement in a stand-alone decision, rather than modifying D.10-12-051 and D.12-03-054 to the same effect. However, if the Commission is disinclined to take this approach, then Petitioners request that the Commission grant our petition for modification of D.10-12-051 and D.12-03-054.

Respectfully submitted on behalf of the Settling Parties,

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By: /s/ Chonda J. Nwamu

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Dated: April 25, 2014