

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-3475
DECEMBER 9, 1996

R E S O L U T I O N

RESOLUTION E-3475. REQUEST OF LAWRENCE E. AND CAROLYN V. BOHLKE FOR A RULING UNDER THE EXCEPTIONAL CASES PROVISION OF TARIFF RULE 15 TO ORDER PACIFIC GAS AND ELECTRIC COMPANY TO PROVIDE ELECTRIC SERVICE UNDER EXTENSION RULES IN EFFECT PRIOR TO JULY 1, 1995. THE REQUEST IS GRANTED.

BY LETTER, DATED JULY 23, 1996.

SUMMARY

1. Lawrence E. and Carolyn V. Bohlke (BOHLKE or Applicants) request a special ruling from the Commission directing Pacific Gas and Electric Company (PG&E) to extend service to their property at 1240 Hound Hollow Road in Pilot Hill under the line extension rules in effect prior to July 1, 1995.
2. PG&E has declined to provide the requested service to BOHLKE. The refusal is based on the BOHLKE's inability to take service by December 31, 1995. This is one of the exceptional case criteria used in similar resolutions. The BOHLKE's inability to take service turns on their efforts to obtain an easement that would permit a shorter line extension. The shorter extension would benefit BOHLKE and PG&E.
3. BOHLKE's request is granted.

BACKGROUND

1. On July 23, the BOHLKE's requested a special ruling by the Commission under the Exceptional Cases provisions of PG&E's Electric Line Extension Tariff Rules. The Exceptional Cases provisions allow PG&E or an Applicant to refer a matter to the Commission for special ruling when unusual circumstances are involved, and the application of the extension rules appears impractical or unjust.
2. Applicants believe that PG&E's application of Tariff Rules 15 and 16 is impractical and unjust with regard to the installation of an electric extension. Applicants relied upon information provided by PG&E prior to July 1, 1995. While the

BOHLKE's were advised of the impending line extension rule changes, they were never told of the importance of filing prior to July 1, 1995 in order to qualify for the then current rules. Their application was submitted on July 21, 1995.

3. BOHLKE asserts that PG&E's position is impractical and unjust under these circumstances with regard to to their property at 1240 Hound Hollow Road in Pilot Hill. BOHLKE believes that the utility is unnecessarily preventing them from receiving service under the previously effective rules. BOHLKE submits their request under the Exceptional Cases provisions of Electric Rule 15, Distribution Line Extensions, Section H.3. and Electric Rule 16, Service Extensions, Section G. These sections provide that:

When the application of this rule appears impractical or unjust to either party, or ratepayers, PG&E or Applicant may refer the matter to the Commission for a special ruling...

4. PG&E and the other respondent utilities to R.92-03-050 engaged in a program of disseminating information to builders and developers after D.94-12-026 was issued. They jointly funded the development of a brochure and engaged in outreach efforts to alert builders and developers to the impending change in the extension rules.

5. In Resolution E-3457, issued on June 19, 1996, the Commission established guidelines for the consideration of requests for special rulings involving the change in extension rules. They are: the utility has records of an application and the applicant, if notified of the impending change, could have taken advantage of the previous rules. Utility records were further defined as records that include the applicant's name, the property location, a telephone or mail contact for the applicant, and involved a contact after January 1, 1993. The customer's ability to take advantage of the old rules means that the customer was ready to accept service before December 31, 1995.

NOTICE

1. Notice of this letter was provided by publication in the Commission Calendar and by notification to PG&E.

PROTESTS

1. None.

DISCUSSION

1. The history and substance of BOHLKE's request for electric service with PG&E is outlined in the Background section of this Resolution. Essentially, BOHLKE was unaware of the impact of

the impending rule change effected by Commission Decision 94-12-026, issued in December of 1994. PG&E has not lodged a protest to BOHLKE's July 23, 1995 letter. However, Commission staff personnel have discussed the matter with PG&E personnel. The utility personnel feel that the BOHLKE request should be denied. The reason given is that the BOHLKE's could not have been ready to take service by December 31, 1995. This inability is due to the lack of an easement by which service could be extended.

2. PG&E indicates that it has been lenient in granting exemptions to applicants. Exemptions have been extended to applicants that had contacted PG&E after December 7, 1994 but before the new rules went into effect on July 1, 1995. Typically these applicants were unaware of the impending rule changes. PG&E feels that the BOHLKE request for an exceptional case ruling falls outside the parameters of these exemptions.

3. Bohlke provided copies of telephone bills indicating contacts with PG&E going back to March and April of 1995. In addition, the BOHLKE's kept telephone notes and correspondence of the submission of a \$500.00 check and the service route plan prepared by a PG&E employee.

4. PG&E and the BOHLKEs agree on the reason for the delay in extending service. The BOHLKE's were trying to obtain an easement that would allow an extension of 1100 feet, rather than a 2300 foot extension. The BOHLKEs already have an easement for the longer extension, which has been recorded. The shorter extension would serve the purposes of both PG&E and BOHLKE.

5. Could BOHLKE have acted to receive service within a reasonable period after the July 1, 1995 transition date? BOHLKE contacted PG&E in February of 1995. It is reasonable to assume that BOHLKE could have and desired to have electric service within a reasonable period after the July 1, 1995 change in the tariff rule. BOHLKE has demonstrated diligence and effort in obtaining electric service.

6. Energy Division supports the request by BOHLKE because he was ready to accept service by 12/31/95, and special circumstances surrounding the shorter easement delayed actual acceptance of service by 12/31/95. Energy Branch finds all other guidelines for an exception were met.

7. The Energy Division recommends that BOHLKE be granted the opportunity to take service from PG&E under the extension rules in effect prior to July 1, 1995.

FINDINGS

1. By letter dated July 23, 1996, Lawrence E. and Carolyn V. Bohlke (BOHLKE) requested a special ruling by the Commission to order Pacific Gas & Electric Company (PG&E) to provide service under the line extension rules in effect prior to July 1, 1995.

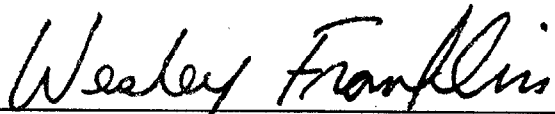
2. BOHLKE filed its request under the Exceptional Cases provisions of Electric Rule 15, Distribution Line Extensions, Section H.3. and Electric Rule 16, Service Extensions, Section G.
3. BOHLKE asserts that the application of Tariff Rules 15 and 16 is impractical and unjust with regard to BOHLKE's request.
4. PG&E did not protest the BOHLKE request but has indicated its intent not to provide the requested service in conversations with Commission staff.
5. A decision was issued on December 7, 1994 (Decision (D) 94-12-036) which ordered PG&E and California's other investor owned utilities to implement the new rules for gas and electric extensions. The decision ordered the new rules to go into effect on July 1, 1995.
6. PG&E and other respondent utilities made efforts to educate builders and developers as to the impending effect of the new rules.
7. PG&E did not notify BOHLKE of the impact of the impending rule change, while it did notify builders and developers. An easement to reduce the length of line extension needed to serve the BOHLKE's would benefit the BOHLKE's and PG&E.
8. PG&E should be instructed to offer service to BOHLKE under the line extension rules in effect prior to July 1, 1995.
9. The Energy Division should monitor the provision of this service to BOHLKE.

THEREFORE, IT IS ORDERED that:

1. Lawrence E. and Carolyn V. Bohlke's letter request of July 23, 1996, requesting the opportunity to take service under the electric extension rules in effect prior to July 1, 1995 is granted.
2. The Energy Division shall monitor the implementation of this Resolution.
3. PG&E shall provide the Energy Division with a copy of the agreement for service negotiated with BOHLKE.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on December 9, 1996. The following Commissioners approved it:



WESLEY FRANKLIN
Executive Director

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners