

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-3476  
DECEMBER 9, 1996

R E S O L U T I O N

RESOLUTION E-3476. REQUEST OF MANUEL MASTERS 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 MARCH 29, 1996.

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SUMMARY

1. Manuel Masters (MASTERS or Applicant) requests a special ruling from the Commission directing Pacific Gas and Electric Company (PG&E) to extend service to his property at the end of Summerhill Road in Somerset, El Dorado County, under the line extension rules in effect prior to July 1, 1995.
2. PG&E has declined to provide the requested service to MASTERS. The refusal is based on PG&E's inability to find a record of communications between MASTERS and PG&E. MASTERS has provided corroboration of his contact with PG&E.
3. MASTERS' request is granted.

BACKGROUND

1. By letter dated march 29, 1996, received on April 1, 1996, MASTERS 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. Applicant believes that PG&E's application of Tariff Rules 15 and 16 is impractical and unjust with regard to the installation of an electric extension. Applicant relied upon information provided by PG&E prior to July 1, 1995. MASTERS was not advised of the impending line extension rule changes.
3. MASTERS asserts that PG&E's position is impractical and unjust under these circumstances with regard to his property at

the end of Summerhill Road in Somerset, El Dorado County. MASTERS believes that the utility is unnecessarily preventing him from receiving service under the previously effective rules. MASTERS submits his 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. PG&E protested MASTERS's March 29, 1996 letter. In its response, dated April 16, 1996, PG&E indicated that it had no record of a contact with MASTERS.

#### DISCUSSION

1. The history and substance of MASTERS's request for electric service with PG&E is outlined in the Background section of this Resolution. Essentially, MASTERS was unaware of the impact of the impending rule change effected by Commission Decision 94-12-026, issued in December of 1994.

2. PG&E indicates that it has been lenient in granting exemptions to applicants but that the MASTERS request falls

outside the parameters of these exemptions because it has no record of a contact with MASTERS.

3. MASTERS provided a copy of a facsimile sheet dated May 20, 1994. On the face of this sheet was the reproduction of the business cards of two PG&E employees overlaid on the cover sheet for a PG&E application for new service. In addition, MASTERS wrote to the Commission citing a contact with a specific PG&E employee, Greg Shannon, on or about April 14, 1995. According to PG&E's records, Mr. Shannon was not at work on April 14.

4. MASTERS has made a sufficient demonstration that he made contact with the utility in the appropriate time period. In the face of MASTERS knowledge of PG&E personnel and the facsimile document, the inability of PG&E to locate its records does not demonstrate that the contact did not take place.

5. In the absence of PG&E's records, corroboration by an applicant demonstrating that such contacts were made should be sufficient. MASTERS therefore meets the guidelines for exceptions.

6. The Energy Division recommends that MASTERS 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 March 29, 1996, Manuel Masters (MASTERS) 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. MASTERS filed his 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. MASTERS asserts that the application of Tariff Rules 15 and 16 is impractical and unjust with regard to MASTERS's request.

4. PG&E protested the MASTERS request. The utility would decline to render service under the rules in effect prior to July 1, 1995 on the basis that it has no records of the contact between it and MASTERS.

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 MASTERS of the impact of the impending rule change, while it did notify builders and developers.

8. MASTERS has provided sufficient corroboration to indicate that he made contact with PG&E on or about April 14, 1995. PG&E has a duty to maintain the records of its contacts with applicants for service.

9. PG&E should be instructed to offer service to MASTERS under the line extension rules in effect prior to July 1, 1995.

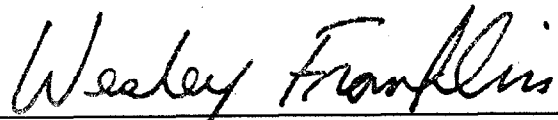
10. The Energy Division should monitor the provision of this service to MASTERS

**THEREFORE, IT IS ORDERED that:**

1. Manuel Masters's letter request of March 29, 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 MASTERS.

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:



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WESLEY FRANKLIN  
Executive Director

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