

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

**ENERGY DIVISION**

**RESOLUTION E-3568  
OCTOBER 8, 1998**

**RESOLUTION**

**RESOLUTION E-3568. MOUNTAIN UTILITIES (PREVIOUSLY KIRKWOOD GAS AND ELECTRIC COMPANY) REQUESTS EXEMPTION FROM THE AFFILIATE TRANSACTION RULES, AND FROM FILING AN AFFILIATE COMPLIANCE PLAN. APPROVED.**

**BY ADVICE LETTER NO. 3, FILED ON DECEMBER 31, 1997.**

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**SUMMARY**

1. By Advice Letter (AL) No. 3, Mountain Utilities, previously Kirkwood Gas and Electric Company,<sup>1</sup> requests approval that it be exempted from the Affiliate Transaction Rules (Decision [D] 97-12-088) and from filing an affiliate compliance plan.
2. Mountain Utilities attests that it does not have any affiliates. Mountain Utilities also attests that if an affiliate is subsequently created, it will notify the Commission at least 30 days before the affiliate begins service, and comply with the affiliate transaction rules.
3. Mountain Utilities is exempted from the affiliate transaction rules.
4. Mountain Utilities is also exempted from filing a compliance plan.
5. AL No. 3 is approved.

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Effective February 4, 1998, Kirkwood Gas and Electric Company changed its name to Mountain Utilities.

**BACKGROUND**

1. Mountain Utilities filed AL No. 3 requesting exemption from the affiliate transaction rules and from filing a compliance plan.
2. In compliance with Rule II.G of D.97-12-088, Mountain Utilities attest to the following:
  - a. that it has no affiliates
  - b. that if an affiliate is subsequently created which provides services as defined by Rule II.B, then Mountain Utilities shall notify the Commission, at least 30 days before the affiliate begins to provide services that such an affiliate has been created.
  - c. that if an affiliate is subsequently created, it will comply with the affiliate transaction rules in its entirety.
3. Mountain Utilities also request that since it has no affiliates, Ordering Paragraph 2 of D.97-12-088 allows it to be exempted from filing a compliance plan.

**NOTICE**

1. Notice of AL No. 3 was made by mailing copies to each party named in the official service list in R.97-04-011/II.97-04-012 and by publication in the Commission's Calendar.

**PROTEST**

1. No protests were received on this matter.

**DISCUSSION**

1. Mountain Utilities AL No. 3-E should be approved because it has complied with affiliate transaction Rule II.G.
2. Ordering Paragraph 2 of Decision (D.) 97-12-088 allows Mountain Utilities to be

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exempted from filing a compliance plan because it has no affiliates.

**FINDINGS**

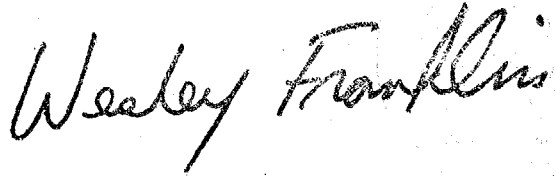
1. Mountain Utilities (previously Kirkwood Gas and Electric Company) filed AL No. 3 on December 31, 1997 requesting that it be exempted from the affiliate transaction rules.
2. Mountain Utilities attested that it has no affiliates.
3. Mountain Utilities attested that if it subsequently creates an affiliate which provides services as defined by Rule II.B, it shall notify the Commission, at least 30 days before the affiliate begins to provide services that such an affiliate has been created.
4. Mountain Utilities further states that if an affiliate is subsequently created, it will comply with the affiliate transaction rules in its entirety, including but not limited to filing a compliance plan.
5. Ordering Paragraph 2 of D.97-12-088 allows Mountain Utilities to be exempted from filing a compliance plan because it has no affiliates.
6. Mountain Utilities' request is reasonable.

**THEREFORE IT IS ORDERED THAT:**

1. Mountain Utilities' Advice Letter No. 3 is approved.
2. If Mountain Utilities subsequently creates an affiliate which provides services as defined by Rule II.B, it shall notify the Commission, at least 30 days before the affiliate begins to provide services that such an affiliate has been created.
3. This resolution is effective today.

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I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on October 8, 1998; the following Commissioners voting favorably thereon:



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WESLEY M. FRANKLIN  
Executive Director

RICHARD A. BILAS  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners