

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY  
AND COMPLIANCE DIVISION  
Energy Branch

RESOLUTION G-3025  
January 22, 1993

R E S O L U T I O N

RESOLUTION G-3025. SOUTHERN CALIFORNIA GAS COMPANY  
REQUEST TO CHARGE FOR ADVICE LETTERS, TARIFF SHEETS, AND  
OTHER PRINTED MATERIALS.

BY ADVICE LETTER 1851, FILED FEBRUARY 6, 1989.

SUMMARY

1. By Advice Letter (A.L.)1851, Southern California Gas Company (SoCal) requests authority to include in its tariffs a charge for advice letters, tariff sheets, and other printed materials.
2. This resolution grants SoCal's request in part by authorizing it to charge for tariff sheets and/or advice letters under certain specified conditions and rates. This resolution also denies SoCal's request in part by directing it to include, but not limit, the interested parties indicated by Section III.G. of General Order (G.O.) 96-A, to those parties who enter an appearance in, or are a party to the Commission's proceedings.

BACKGROUND

1. The utility requests authorization to charge a fee for advice letter filings, authorized tariff sheets, and other printed materials. However, it would continue to provide, without any charge, copies of advice letters and related tariff sheets to those parties noted in G.O. 96-A.
2. Section III.G. of G.O. 96-A states that the following groups or individuals shall receive a copy of the pertinent advice letter filing and related tariff sheets free of charge:
  - a. Competing utilities either privately or publicly owned.
  - b. Adjacent utilities either privately or publicly owned.
  - c. Utilities, either privately or publicly owned, having requested such notification.
  - d. Other interested parties having requested such notification.

3. The utility states that requests for this material have increased substantially, resulting in increased expense and time devoted to reproduction. SoCal considers it prudent to offset the increasing expense by charging those who request the materials rather than burden the ratepayers.

4. SoCal's requested charges are intended to reflect the cost of labor, reproduction, and mailing of the material. The list of proposed charges at the time the advice letter was filed is as follows:

Single Tariff Sheet .....	\$0.30
Complete Tariff Book .....	\$120.00
Single Rate Automatic Update, Annual Subscription .....	\$25.00
More than Single Rate (Rates Only) Automatic Update, Annual Subscription ..	\$75.00
All (Rates, Rules, Maps) Automatic Update, Annual Subscription .....	\$120.00
Advice Letters, Annual Subscription .....	\$280.00
Advice Letters, Individual Requests .....	\$5.60

SoCal states that it will review these charges periodically and will update them if necessary. SoCal has reviewed these charges with the Joint Tariff Committee<sup>1</sup> and the Committee is in agreement with these proposed tariff changes.

#### NOTICE

1. Public notification of this filing has been made by placing it on the Commission calendar for February 8, 1989 and by mailing copies of the filing to other utilities, governmental agencies, and to all interested parties who requested such notification.

2. Workpapers supporting these filings were not mailed to any of the above parties.

#### PROTESTS

1. Five timely protests were filed by Cogeneration Service Bureau (CSB), RECON Research Corporation (RECON), Division of Ratepayer Advocates (DRA), Toward Utility Rate Normalization (TURN), and The Public Advisor.

<sup>1</sup> The Tariff Committee is composed of representatives from the gas and electric utilities who consult the Commission Advisory and Compliance Division Energy Branch Chief. They meet monthly to review matters concerning the industry's tariffs.

DISCUSSION

1. G.O. 96-A sets forth the form and procedure for advice letter filings for the energy, telecommunications, and water utilities. Section III.G. of G.O. 96-A lists the classes which are to receive notice or copies of advice letter filings, but is silent on the matter of fees. Section VIII.A of G.O. 96-A states that tariffs are to be available for public inspection, but does not address distribution of copies of effective tariff sheets.

2. SoCal interprets the silence of G.O. 96-A on the matter of fees to mean that a utility can charge a fee for effective tariff sheets or advice letter filings. DRA, TURN, and the Public Advisory interpret this to mean that copies of advice letter filings and tariff sheets are to be available at no fee.

3. In A.L. 1851, SoCal specifies that those parties listed in G.O. 96-A will continue to receive advice letter filings and associated tariff sheets at no charge. SoCal defines "interested parties" as those parties who enter an appearance in, or are a part of record to, a Commission proceeding. The phrase in G.O. 96-A, "Other interested parties having requested such notification", offers no such limitation.

4. RECON, DRA, CSB, and TURN argue that the proposed tariff revisions will discourage interested parties and customers from participating in SoCal's filings with the Commission. DRA states, and the Public Advisor concurs, that the proposed filing will alienate the public from participating in the utility's filings. CSB and RECON argue that the proposed filing would disadvantage parties that might wish to protest an advice letter filing within the 20-day protest period.

5. DRA and TURN argue that SoCal recovers its costs of providing tariff filings and effective tariff sheets in its current base rates. RECON states that SoCal has not made a clear showing of an excessive cost burden on the utility.

6. In its March 7, 1989 response, SoCal argues that each year the number of requests for advice letters and tariff sheets increases. In many situations, SoCal is faced with extremely burdensome requests. Often a party will request that the utility provide copies of all rate schedules available. In fact it is not unusual for a party to request that the utility provide all rate schedules for the past five or ten years. By charging parties not covered by Section III.G of G.O. 96-A, SoCal is seeking to limit the number of frivolous requests that it receives.

7. SoCal contends that it has been the past practice of the Commission to limit the definition of "interested parties" to those parties who enter an appearance in, or are a party of record in a Commission proceeding.

8. SoCal's response to CSB's allegation of time disadvantage to parties states that, in almost all cases, the parties will

have ample time to file protest letters, since all parties listed in Section III.G. of G.O. 96-A including interested parties, would automatically be sent a free copy of the advice letter filing. If a situation did arise where a party learned of an adverse filing, did not have a copy of the filed document, and had only twenty days to respond, SoCal would immediately provide that party with the necessary information prior to receiving any payment.

9. SoCal concludes that A.L. 1851 provides that advice letter filings, authorized tariff sheets and other printed materials will be provided to various parties upon written request and payment of a charge. The purpose of A.L. 1851 is to limit the number of frivolous requests often made for this information, and to control the costs associated with such requests.

10. The Commission Advisory and Compliance Division (CACD) has reviewed this advice letter filing, all protests, SoCal's response, and all counter responses and finds that Advice Letter 1851 is not always consistent with the Commission's General Orders and with the Public Utilities Code.

11. CACD does recognize the fact that many requests for material fall outside the scope of normal utility operations. Such requests include, but are not limited to: (1) college students' research for term papers or theses, (2) research by lawyers or paralegals in anticipation of litigation, (3) market surveys by various industrial groups, and (4) commercial enterprises which use the information for profit activities. These kinds of requests should not become a burden on the utility's ratepayers.

12. Therefore, in order to alleviate the burden of cumbersome requests from extraneous parties, and at the same time continue to allow free and easy access of utility tariff proceedings to all interested parties, CACD proposes the following recommendations:

- a. The utility will continue to provide free revised tariff sheets to all parties as defined in G.O. 96A, Section III.G.
- b. All requests for pending advice letters and related proposed and current tariff sheets will be provided free of charge by the utility.
- c. The utility shall charge a fee for the reproduction and mailing costs for providing currently effective tariff sheets to individuals or corporations whose service subscription does not directly apply to the tariff sheets requested. Requests for rates and/or rules which could directly apply to that party's relationship with the utility will be honored free of charge.

January 22, 1993

d. Any party requesting multiple rates, rules, or cancelled tariff sheets or closed advice letters shall be charged.

e. Any request for materials that does not meet the requirements for free access as outlined above will be provided upon payment of a fee.

f. All parties currently listed as "interested parties" under the provisions of Section III.G. of G.O. 96-A may be required to periodically reaffirm their desire to continue to receive advice letter notification. The method of reaffirmation may be at the utility's reasonable discretion.

13. Charging a fee for the reproduction of multiple tariff sheets and/or old or cancelled tariff sheets or advice letters will not be a violation of Section 453 of the Public Utilities Code. Such service would not normally be provided to any one free of charge and therefore does not constitute preferential treatment.

14. SoCal recovers the costs of advice letter filings and the production of tariff sheets in its basic rates, therefore all revenues received from tariff reproduction fees should be credited to other Operating Revenue.

15. Approval for SoCal to charge some tariff reproduction fees shall not be incumbent upon other utilities. Any other utility desiring similar treatment will be required to file an advice letter and support a fee structure. Each filing will be considered by the Commission on a case by case basis.

#### FINDINGS

1. The number of requests for SoCal's advice letters and tariff sheets increases each year. Many of these requests are outside the scope of normal utility operations and have become a burden on the utility's ratepayers.

2. The provision of a charge for the reproduction of multiple tariff sheets and/or old or cancelled tariff sheets or advice letters is not a violation of Section 453 of the Public Utilities Code.

3. SoCal should continue to provide, free of charge, copies of pending advice letters and related tariff sheets to all parties noted in Section III.G. of G.O. 96-A. Also, a customer's request for all rate schedules or rules applicable to their service should be provided free of charge.

4. Interested parties, as indicated by Section III.G. of G.O. 96-A, includes, but is not limited to, parties who enter an appearance in, or are a party to the Commission's proceedings.

5. Because costs of production of advice letters and tariff sheets are recovered in the utility's base rates, all revenues

January 22, 1993

received from tariff reproduction should be credited to Other Operating Revenue.

THEREFORE, IT IS ORDERED that:

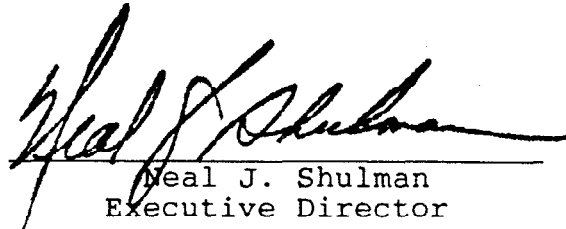
1. Southern California Gas Company is authorized to charge for providing copies of advice letter filings and tariff sheets under certain specified conditions and rates. However, it shall continue to provide, free of charge, copies of advice letter filings and related tariff sheets to parties listed in Section III.G. of General Order 96-A. Also, a customer's request for any rate schedules or rules or rules applicable to their service shall be granted free of charge.

2. All revenues collected from tariff sheet and/or advice letter reproduction shall be credited to Other Operating Revenue.

3. Southern California Gas Company Advice Letter 1851 and all its accompanying tariff sheets shall be marked to show that they are superseded as ordered by Ordering Paragraph No. 1.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on January 22, 1993. The following Commissioners approved it:

  
Neal J. Shulman  
Executive Director

DANIEL Wm. FESSLER  
President  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners