

BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking on the
Commission's Own Motion to Determine
Whether Sharing of Customer
Information Between Regulated Water
Utilities and Regulated Energy
Utilities/Municipal Energy Providers
Should be Required; and if so, to Develop
the Rules and Procedures Governing
Such Sharing.

Rulemaking 09-12-017
(Filed December 17, 2009)

**OPENING COMMENTS OF THE DIVISION OF RATEPAYER ADVOCATES
ON THE PROPOSED DECISION OF COMMISSIONER PEEVEY**

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April 25, 2011

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I. INTRODUCTION

Pursuant to Rule 14.3 (a) of the Rules of Practice and Procedure of the California Public Utilities Commission the Division of Ratepayer Advocates (“DRA”) hereby submits its comments on the Proposed Decision of Commissioner Peevey in the above-captioned proceeding. DRA is generally in accord with most provisions of the proposed decision, however, it does have concerns regarding two aspects of the decision that are discussed below.

II. THE DECISION IMPROPERLY OMITTS GOLDEN STATE WATER COMPANY’S REGION 1 FROM ITS DISCUSSION OF FEDERAL POVERTY GUIDELINES

In reviewing the proposed decision, DRA noted that its discussion of the eligibility of low-income customers (wherein eligibility for the CARE program for energy utilities would automatically entitle to participate in the assistance program for low-income water ratepayers) does not fully acknowledge how Golden State differs in its treatment of low-income customers from other water utilities. The decision orders Golden State to modify its eligibility criteria to include up to 200% of the federal poverty level (from the current 175%) for its Regions II and III, however, the decision curiously omits Golden State’s Region I from this treatment (apparently because Region I was not discussed in D.02-01-034). In order to ensure that Golden State’s Region I customers are treated equitably, the Proposed Decision should be modified so that Golden State’s Region I customers also are eligible to participate in the assistance program if their incomes are up to 200% of federal poverty guidelines.

III. THE DECISION SHOULD BE CLARIFIED REGARDING THE USE OF STANDARD PRACTICE U-27 WITH TIER-3 ADVICE LETTERS.

DRA’s other concern with the proposed decision is its treatment of the application of the Standard Practice U-27 requirements to Tier-3 advice letter filings. (See first paragraph of p. 34 of the proposed decision). When a utility

submits a Tier-3 advice letter seeking to recover an under-collection in a memorandum account, it is generally understood that the under-collection must be material, i.e., at least 2% of revenue to be eligible for advice letter treatment as is required in U-27. However, the last paragraph of page 33 of the proposed decision states that the Commission has not always applied the factors in U-27 to Tier-3 Advice Letters. To ensure that all utilities must meet the 2% revenue threshold to be eligible to recover under-collected memorandum account the decision should be clarified to ensure that it is understood that the 2% requirement of U-27 must always be met before a utility can recover a balance in a memorandum account via a Tier-3 Advice Letter.

Respectfully submitted

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