

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



FILED

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Application of Pacific Gas and Electric
Company for Authority, Among Other
Things, to Increase Rates and Charges for
Electric and Gas Service Effective on
January 1, 2011. (U39M)

Application No. 09-12-020
(Filed December 21, 2009)

**MOTION TO BECOME A PARTY
OF
KERN COUNTY TAXPAYERS ASSOCIATION**

Representative of Movant,
Kern County Taxpayers Association

Michael Turnipseed, Executive Director
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June 21, 2010

A0912020
Michael Peevey, Commissioner
David K. Fukutome, Administrative Law Judge

Comes now the Movant, Kern County Taxpayers Association, here in after KERNTAX, and moves The Commission for an order granting KERNTAX party status and for and order to the Process Office to include KERNTAX in the official service list for this proceeding in the above entitled case both for the remainder of this case until final adjudication or until further order of The Commission.

STATUS OF THE CASE
MEMORANDUM OF POINTS AND AUTHORITIES
GENERAL PROVISIONS

I

THE COMMISSION HAS JURISDICTION TO HEAR MOTIONS SUCH
AS THAT OF MOVANTS AND TO ENTER ORDERS THEREON

In addition to Public Utilities Code, TITLE 20. PUBLIC UTILITIES AND ENERGY, DIVISION 1. PUBLIC UTILITIES COMMISSION, CHAPTER 1. RULES OF PRACTICE AND PROCEDURE, RULE 1.2 specifically provides for a means by which KERNTAX may become a party.

II

THE COMMISSION HAS THE AUTHORITY TO GRANT MOTIONS

Section 1701, Public Utilities Code Section 1701, et. seq. ; and Section 2, Article XII, California Constitution. Reference: Section 1701, Public Utilities Code, authorize The Commission to act to grant entities party status before The Commission and to enact rules, such as Rule 1.4. KERNTAX hereby moves for an order granting KERNTAX party status in this and any other applicable rule or provision. If the motion procedure is less appropriate in the findings of The Commission, KERNTAX requests that its motion be amended to conform to The Commissions findings so as to allow The Commission to grant KERNTAX motion or other procedural description.

III
KERNTAX'S MOTION IS AN APPROPRIATE MEANS
BY WHICH IT BECOMES A PARTY

KERNTAX 's making of this motion is authorized under Rule 1.4, and no procedural grounds are known by which it could or should be denied. Rule 1.4 provides:

A(a) A person may become a party to a proceeding by: ... (4) filing a motion to become a party.

KERNTAX requests The Commission to accept this motion as a motion to become a party under Rule 1.4 or other rule or provision applicable.

KERNTAX is a California corporation. Rule 1.3 provides that A(c) A Person means a natural person or organization. KERNTAX, as a California corporation in good standing, meets the definition of A person within the meaning of Rule 1.4.

IV
FACTUAL GROUNDS FOR KERNTAX'S STATUS

KERNTAX makes the claim there exists factual grounds for KERNTAX to be granted party status, including facts and contentions both made and not yet made to The Commission.

Rule 1.4 (b) provides that:

(b) A person seeking party status by motion pursuant to subsection (a)(3) or (a)(4) of this rule shall:

(1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and

(2) state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

KERNTAX, in its declaration of Michael Turnipseed, Executive Director of KERNTAX, declares the entity in whose behalf this motion is being filed and the interest of such entity in the proceedings, and the factual basis the entity intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

FACTUAL BASIS OF PERTINENT ISSUES

- Attachment 1:** Articles of Incorporation of Kern County Home, Farm and Business Owners Economic Council, December 19, 1939.
- Attachment 2:** Certificate of Amendment of Articles of Incorporation of Kern County Home, Farm and Business Owners Economic Council, December 29, 1953. Name change to Kern County Economic Council.
- Attachment 3:** Certificate of Amendment of Articles of Incorporation of Kern County Economic Council, December 6, 1960. Name change to Kern County Taxpayers Association.
- Attachment 4:** Secretary of State Business Entity Detail, June 8, 2010.
- Attachment 5:** Presentation to the Kern County Board of Supervisors, March 2, 2010: "The Unintended Consequences of the State's Mishandling of Utility Regulation: PG&E's Residential Electric Tiered Rates, Prop 16, and a Proposal for Consideration, Part I."
- Attachment 6:** Presentation to the Kern County Board of Supervisors, March 9, 2010: "The Unintended Consequences of the State's Mishandling of Utility Regulation: PG&E's Residential Electric Tiered Rates, Prop 16, and a Proposal for Consideration, Part II."
- Attachment 7:** Letter to President Michael Peevey and Commissioners, March 31, 2010.
- Attachment 8:** Letter to President Michael Peevey and Commissioners, May 5, 2010.

VI

LEGAL CONTENTIONS TO BE MADE AND SHOWN

1. The homepage of the CPUC website states, "The CPUC serves the public interest by protecting consumers and ensuring the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy California economy." Reasonable is defined as acceptable and according to common sense or normal practice; not expecting or demanding more than is possible or achievable; fairly priced and not too expensive. The March 1, 2010 Tier 5 rate of \$.498/kWh and the June 1, 2010 Tier 4/5 rate are not reasonable and does not promote a "healthy California economy."
2. The combination of legislative and regulatory constraints has led to an unsustainable and arguably punitive situation for upper-tier customers. The highest rate is far in excess of the cost to produce and deliver these kilowatts, and far in excess of what is necessary to encourage conservation. Such extreme upper tier rates are difficult to justify on grounds of fairness or equity, The reverse is also true: PG&E's lower tier rates do not reflect the cost to generate, transmit, and distribute power, and are far below what is necessary to promote conservation.
3. When did a progressive tax on use of power resulting from an area's climate become a normal practice under the constitutional compact granting PG&E monopoly powers?
4. AB1890 and SB 695 must be repealed for any real cost and rate reform to be

achieved. Rates are a function of costs. Restricting the allocation of costs away from certain classes of ratepayers i.e., Tiers 1 and 2, will not allow rates to reflect the cost of generating, transmitting, and distributing power.

CONCLUSION

Authorization, grounds, and the interests of justice provide the authority needed by The Commission to grant KERNTAX's motion which, if granted, will assist The Commission in performing its mission and allow KERNTAX the opportunity to provide information, authority, grounds, and justifications to make more appropriate findings and orders in this and other proceedings before it.

The KERNTAX respectfully requests that its motion be granted.

June 21, 2010

/s/Jerry O. Crow
Jerry O. Crow, Attorney for KERNTAX
4309 Hahn Ave
Bakersfield, CA 93309
(661) 834-2223 (voice and fax)

ATTACHMENTS

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Attachment 7: Letter to President Michael Peevey and Commissioners, March 31, 2010.

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Attachment 9: A0912020 Service List

Attachment 10: A1003014 Service List

Attachment 11: PG&E Customer Authorizations

VERIFICATION

I, Michael Turnipseed, hereby declare:

I have read the forgoing motion and attached declaration and know the contents thereof. I declare that the facts made therein are, to my best knowledge, to my best knowledge, information, and belief, formed after reasonable inquiry, the facts are true as stated, except as to those facts which are made on the basis of information and as to those facts, I believe them to be true; that any legal contentions are warranted by existing law or a good- faith argument for the extension, modification, or reversal of existing law; that the document is not tendered for any improper purpose; and that I, as Executive Director of Kerntax, am an officer thereof and have full power and authority to sign this document on its behalf, and that I have executed this declaration in Kern County, California, on the date shown.

June 21, 2010

/s/ Michael Turnipseed
Michael Turnipseed, Executive Director
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The Official Service List for the Proceeding as found on The Commission's website is:

(1) the assigned Administrative Law Judge, and

(2) the official service list for the proceeding A0912020:

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