



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

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Application of Southern California Edison)
Company (U 338 E) for Authorized Cost of)
Capital for Utility Operations for 2008.)
_____)
And Related Matters)
_____)

Application 07-05-003

Application 07-05-007

Application 07-05-008

**JOINT PETITION OF SAN DIEGO GAS & ELECTRIC COMPANY AND DIVISION OF
RATEPAYER ADVOCATES TO MODIFY DECISION 08-05-035 (AS MODIFIED BY
D.09-10-016)**

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Dated: October 30, 2009

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Application of Southern California Edison) Company (U 338 E) for Authorized Cost of) Capital for Utility Operations for 2008.)	Application 07-05-003
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**I.
INTRODUCTION**

Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“CPUC”), San Diego Gas & Electric Company (“SDG&E”) and the CPUC Division of Ratepayer Advocates (“DRA”) respectfully petition the Commission to modify Decision 08-05-035, which established a multi-year Cost of Capital Mechanism (“CCM”) to govern SDG&E’s authorized cost of capital beginning with the 2008 test year. In particular, SDG&E and DRA request that SDG&E be relieved of the requirement to file an application on April 20, 2010 to establish its authorized cost of capital for test year 2011.

The modifications to D.08-05-035 that SDG&E and DRA propose herein are beneficial to participants since it would align all three utilities’ Cost of Capital proceedings for simultaneous filings in April 20, 2012 for test year 2013. This provides a more consistent and efficient process in accordance with CPUC goals previously outlined in Rule 7.4 and Public Utilities Code Section 1701. SDG&E, SCE, and PG&E filed individual test year 2008 return on equity applications on May 8, 2007. These applications were consolidated into one proceeding at a June 14, 2007 Prehearing Conference. The Commission stated in D.08-05-035 “We find it appropriate to establish a uniform CCM for SCE, PG&E, and SDG&E that balances the interests of SCE, SDG&E and PG&E’s shareholders and ratepayers while simplifying and reducing ROE proceedings, workload requirements, and regulatory costs.” In D.08-05-035 the Commission articulated the specific goals of reducing ROE proceedings and simplifying workload requirements and regulatory costs. This petition, if granted, would align the proceedings such

that the simplification of workload requirements and regulatory costs could be achieved once again. Furthermore, as recently noted in D.09-10-016, “All parties, including Commission staff would benefit by a reduction of workload requirements and regulatory costs.”

Pursuant to Commission Rule 1.8(d), counsel for DRA has authorized SDG&E to file this petition on its behalf.

II. COST OF CAPITAL MECHANISM

In D.08-05-035 the Commission established the CCM to avoid the need for three of California’s large energy utilities to file annual cost of capital applications. See, D.08-05-035, pp. 1, 5-7, 15-16. In place of the annual application, D.08-05-035 specified that the three utilities would file applications every three years, beginning with 2010 (to set authorized cost of capital for 2011). In the intervening years, the utilities’ cost of capital would be governed by an adjustment tied to an interest rate index that varies between utilities based on each utility’s corporate credit rating. D.08-05-035, pp. 12-13, 15-16, Conclusions of Law 10-11, Ordering Paragraphs 1-2.

In response to D.08-05-035, SDG&E filed Advice 2003-E on July 1, 2008. Advice 2003-E, which was approved with an effective date of July 31, 2008, created SDG&E’s Preliminary Statement, Section VII – Cost of Capital Mechanism (CCM). This part of SDG&E’s tariffs specifies the precise details of how the CCM would work for SDG&E. (A copy of SDG&E’s Preliminary Statement Section VII - CCM is attached as Appendix A to this petition.)

In relevant part, SDG&E's CCM operates as follows:

1. The Interest Rate Index is the 12-month average of the Moody's Long-Term Bond Yield for A-rated Utilities ("Moody's A Bond Rate") ending in September.
2. The initial Trigger Value is 6.02 percent.¹ (This is also the current Trigger Value.)
3. In October of each year, the current value of the Interest Rate Index is compared with the current Trigger Value. If the difference between the Interest Rate Index and the Trigger Value exceeds one percent (100 basis points) in absolute value, then:
 - a. The return on common equity is adjusted by one-half of the difference between the A utility bond average and the benchmark and
 - b. Costs of long-term debt and preferred stock are updated to reflect actual August month-end embedded costs in the trigger year, forecasted interest rates for variable long-term debt, and new long-term debt and preferred stock scheduled to be issued.
4. SDG&E is to file a Tier 2 advice letter on October 15th to implement the automatic cost of capital adjustment.

On August 7, 2009, Southern California Edison and DRA filed a joint petition to modify D.08-05-035. Pacific Gas and Electric and DRA filed a similar petition on August 14, 2009. Those petitions were granted on October 15, 2009 by Decision 09-10-016. As a result of D.09-10-016, both SCE's and PG&E's next cost of capital proceedings were deferred until April 20, 2012, for a test year 2013 return on equity.

While SDG&E seeks similar relief to the other two utilities, SDG&E's situation (and thus the rationale underlying this JPFM) is different from that of PG&E and SCE. Per D. 08-05-035, although the adopted cost of capital mechanism (CCM) is a uniform mechanism, the index used in the CCM varies with each utility's credit rating. D.08-05-035, Conclusion of Law 11 provides as follows:

11. Moody's Aa utility bond interest rates should be used for those utilities having an AA credit rating or higher, Moody's A utility bond interest rates should be used for those utilities having an A credit rating, and Moody's Baa utility bond interest rates for utilities having a BBB credit rating or lower.

SDG&E uses a different index (since it has an "A" credit rating") from either PG&E or SCE, due to their credit ratings. Thus, the situations cited in SCE's and PG&E's joint petitions (i.e., rising Baa bond rates) are not applicable to SDG&E, nor is the imminent need to implement a trigger of the mechanism and according rate change.

¹ See Preliminary Statement Section VII CCM, Part C. Unlike SCE and PG&E, SDG&E has an "A" credit rating. The average A-rated utility bond rate from Moody's for the period of October 2006 to September 2007 was 6.02%.

SDG&E's trigger period for 2009 has expired and therefore SDG&E will not trigger in 2009 and customer rates will not change through 2010 under the mechanism – therefore, consistent with the SCE\PG&E PFM, the ROE will be fixed through 2010.

III. SDG&E'S COST OF CAPITAL FOR 2010

SDG&E tracks the behavior of the 12-month average of the Moody's A Bond Rate. Based on the recent history of the rate, SDG&E's authorized return on equity for 2010 would be unchanged. SDG&E's embedded costs of long-term debt and preferred stock would be the same as current authorized values.

IV. SDG&E AND DRA WISH TO FORGO A SEPARATE SDG&E COST OF CAPITAL PROCEEDING, BUT EXTEND THE TERM OF THE MECHANISM

SDG&E and DRA believe that it is in administratively efficient and reasonable for SDG&E to forgo a stand-alone cost of capital proceeding at a time when no change is needed.² Therefore, SDG&E and DRA jointly petition the Commission to modify D.08-05-035 (as recently modified by D.09-10-016) to accomplish the following: SDG&E should be excused from filing a cost of capital application in April 2010 for a 2011 test year. The next cost of capital application should instead be filed on April, 20 2012 for a 2013 test year (this would put the SDG&E application back on the same track as PG&E's and SCE's). The CCM should be extended to govern SDG&E's cost of capital for 2011 and 2012 with no change to its current structure.

The Moody's A Bond Rate has stayed within the plus-or-minus one percent range around the Trigger Value that (under the CCM) results in no change to SDG&E's authorized cost of capital. There is value in providing SDG&E's investors with a stable authorized return in the current uncertain economic environment. For 2010 through 2012, it is reasonable to continue the current authorized return, unless the future operation of the CCM indicates that a change should be made. This is consistent with the Commission's expressed preference to conduct a cost of capital proceeding concurrently for SDG&E, SCE and PG&E.

² However it should be noted that even though SDG&E's CCM did not trigger on the upside, SDG&E is much closer to an upward (59 basis points away) trigger than a downward (141 basis points away) trigger as of September 30, 2009.

According to Rule 16.4(d), a petition for modification must be filed and served within one year of the effective date of the decision at issue unless it could not have been presented during the one year period. The effective date of D.08-05-035 was May 29, 2008. On the one year anniversary of D.08-05-035, both PG&E and SCE were under Commission order to file concurrently with SDG&E on April 20, 2010 for a 2011 test year. On October 15, 2009, D.09-10-016 approved the new filing date for PG&E and SCE of April 20, 2012. Hence, SDG&E and DRA could not have filed this petition within the one year period indicated by Rule 16.4(d).

V.

SPECIFIC CHANGES PROPOSED TO D.08-05-035 (as modified by D.09-10-016)

Rule 16.4(b) specifies that this petition “must propose specific wording to carry out all requested modifications” to D.08-05-035. The specific wording changes are as follows:

- Modify the beginning of Ordering Paragraph 1 to include SDG&E:

A uniform cost of capital mechanism (CCM) is adopted for Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Pacific Gas and Electric Company (PG&E). For SCE, PG&E and SDG&E, the first full cost of capital application shall be due on April 20, 2012 for test year 2013 return on equity.

- Modify the last sentence of Ordering Paragraph 2 to include SDG&E:

No cost of capital change from the current authorized cost of capital shall be implemented for SCE, PG&E, or SDG&E for the period of test year 2010 after the effective date of this decision.

**VI.
CONCLUSION**

The modifications to D.08-05-035 (as modified by D.09-10-016) that SDG&E and DRA propose herein will conserve scarce resources by forgoing the need to litigate a stand-alone cost of capital proceeding for SDG&E. SDG&E and DRA request that the Commission adopt the changes proposed herein to D.08-05-035 (as modified by D.09-10-016) as expeditiously as possible.

Respectfully submitted,

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Appendix A – SDG&E Preliminary Statement CCM

VII. COST OF CAPITAL MECHANISM (CCM)

A. OVERVIEW

Pursuant to Decision D.08-05-035, The Cost of Capital mechanism provides for an adjustment to SDG&E's authorized Return on Common Equity (ROE) if the twelve month average of the A rated utility bond yield changes by more than plus/minus 100 basis points from the benchmark.

B. EFFECTIVE DATE / DURATION

The Cost of Capital Mechanism is established effective May 29, 2008 by the Commission and shall be effective until modified or terminated by further action of the Commission.

C. DESCRIPTION OF MECHANISM

The automatic ROE adjustment mechanism is triggered when the October through September twelve month average of Moody's A rated utility bond yield is more than 100 basis points higher or lower than the benchmark, which is either the October through September average of A utility bond yields from the year of SDG&E's most recent cost of capital proceeding or the most recent year thereafter where the October through September average utility bond yield triggers an automatic adjustment.

Pursuant to Decision D.08-05-035 Conclusion of Law 11, Moody's Aa utility bond interest rates should be used for those utilities under the CCM having an AA credit rating or higher, Moody's A utility bond interest rates should be used for those utilities having an A credit rating, and Moody's Baa utility bond interest rates for utilities having a BBB credit rating or lower. SDG&E has an A credit rating. The Moody's October 2006 - September 2007 average of the A-rated utility bond yield is 6.02%. Should SDG&E's credit rating change during the three-year interval between full cost of capital applications, SDG&E may file a capital structure adjustment application.

When an automatic adjustment is triggered, the costs of capital components are updated and a new rate of return is computed as follows:

- a. The return on common equity is adjusted by one-half of the difference between the A utility bond average and the benchmark.
- b. Costs of long-term debt and preferred stock are updated to reflect actual August month-end embedded costs in the trigger year, forecasted interest rates for variable long-term debt, and new long-term debt and preferred stock scheduled to be issued.
- c. The currently authorized capital structure is used to calculate an updated rate of return, which is filed by advice letter on October 15 of the trigger year to be effective January 1 of the following year.



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