

Decision 18-11-026 November 29, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Gas Company (U 904-G) for Approval to Extend the Mobilehome Park Utility Upgrade Program.	Application 17-05-007
And Related Matter.	Application 17-05-008

DECISION DISMISSING APPLICATIONS WITHOUT PREJUDICE

Summary

This decision dismisses, without prejudice, Application (A.) 17-05-007, the Application of Southern California Gas Company for Approval to Extend the Mobilehome Park Utility Upgrade Program, consolidated with A.17-05-008, the Application of San Diego Gas and Electric Company for Approval to Extend the Mobilehome Park Utility Upgrade Program. The proceeding is closed.

1. Background and Procedural History

Applicants Southern California Gas Company (SoCalGas) and San Diego Gas and Electric Company (SDG&E) filed Applications (A.) 17-05-007 and 17-05-008, respectively, on May 5, 2017. SoCalGas and SDG&E filed the applications seeking approval to extend the Mobilehome Park Pilot Program

(MHP Pilot Program or Program),¹ and recommending certain revisions to the Program. The Utility Reform Network (TURN) and Public Advocates Office² timely filed protests to the applications.

The MHP Pilot Program, adopted in Decision (D).14-03-021, is a three-year pilot program to incentivize mobilehome parks and manufactured housing communities with master-metered natural gas and electricity to convert to direct utility service. In addition, pursuant to Ordering Paragraph (OP) 13 of D.14-03-021, SoCalGas and SDG&E, among others, filed advice letters seeking various extension and expansion provisions, excluding any programmatic modifications. The Commission adopted Resolution E-4878 on September 29, 2017, which provided authorization for all currently participating electric and gas utilities to continue their MHP Pilot Programs until the earlier date of either December 31, 2019 or the issuance of a Commission decision for the continuation, expansion or modification of the Program beyond December 31, 2019.

In its protest, TURN states “TURN is concerned that SoCalGas is prematurely requesting an expansion of the [MHP Pilot Program] before the Commission has had any chance to evaluate the pilot program.”³ Pursuant to a June 23, 2017 ruling, parties filed and served prehearing conference statements addressing the proper procedural mechanism to address program expansion

¹ The MHP Pilot Program has also been named the Mobilehome Park Utility Upgrade Program by the utilities in various filings.

² The Office of Ratepayer advocates was renamed the Public Advocates Office upon approval by the Governor on June 27, 2018 of Senate Bill 854.

³ Protest of TURN, June 12, 2017, at 2.

beyond the three-year pilot.⁴ The assigned administrative law judge (ALJ) convened a prehearing conference (PHC) on July 25, 2017.

Subsequent to the PHC, the Commission adopted Order Instituting Rulemaking (OIR) 18-04-018 to “conduct a comprehensive evaluation of the MHP Pilot Program and, based upon the results of the evaluation, determine whether the MHP Pilot Program should be expanded beyond the initial three-year pilot into a permanent MHP Utility Program, inclusive of the extensions approved in Resolution E-4878, and if so, under what conditions and program rules.”⁵ The OIR continues:

While OP 13 of D.14-03-021 adopted a Tier 2 advice letter process for continuation/expansion of the MHP Pilot Program, it limited that expansion by stating ‘if actual experience to that point appears to warrant continuation of the program without major modification.’ Nowhere in OP 13 or elsewhere in the OPs, however, does D.14-03-021 set forth the criteria, beyond very general statements, on which to make a finding that actual experience points to continuation of the MHP Pilot Program. The lack of specific criteria upon which to determine whether the [P]rogram should continue beyond the initial ten percent goal or the December 31, 2017 end date adopted in that decisions, leads us to believe that an OIR is the most appropriate process for considering the future of this program.⁶

⁴ Specifically, parties were asked to address the following: 1) Is it appropriate for the Commission to consider the expansion of the Program through the applications of two utility Program participants [A.17-05-007 and A.17-05-008], or should the Commission address this issue through a broader rulemaking process; 2) Is it appropriate to address Program expansion through a Tier 2 advice letter, or should the advice letter process be used solely to address extension of the existing [P]rogram and goals?

⁵ Rulemaking (R.) 18-04-018 at 2.

⁶ R.18-04-018 at 11.

The OIR states “If the Commission determines that a permanent MHP Utility Upgrade Program should be established, this OIR will consider programmatic modifications, including utility-specific requests...”⁷ Accordingly, the Commission found that “the OIR will subsume the issues put forth in A.17-05-007 (consolidated with A.17-05-008). After adoption of this OIR, those applications should be dismissed without prejudice, and the proceedings should be closed.”⁸

2. Discussion

Pursuant to the direction in R.18-04-018, the issues of A.17-05-007 (consolidated with A.17-05-008) will be addressed within the scope of that rulemaking. There are no outstanding issues to address in the instant applications. Accordingly, A.17-05-007 and A.17-05-008 are dismissed without prejudice.

3. Outstanding Motions

On January 18, 2018, the Western Manufactured Housing Communities Association (WMA) filed and served a motion in this proceeding requesting approval of scope and seeking procedural guidance for the consolidated proceeding. In the motion, WMA argues that the instant applications are the appropriate procedural mechanism to review the MHP Pilot Program. However, in the alternative, WMA provides a suggested scope for an OIR.

WMA’s motion has been addressed through issuance of the OIR. The motion is denied as moot.

⁷ R.18-04-018 at 2.

⁸ *Id.*

4. Intervenor Compensation

The issues of this proceeding are to be examined in R.18-04-018; however, parties to this proceeding engaged in various work activities, including participating in the PHC, preparing statements, and filing comments. As such, intervenors should be allowed to request intervenor compensation for work performed in the instant proceeding. To increase efficiency, intervenors to A.17-05-007 and A.17-05-008 seeking intervenor compensation for work performed in the instant proceeding must file such requests in R.18-04-018 upon issuance of a decision in that rulemaking.

5. Categorization and Need for Hearing

Resolution ALJ-3398, issued on May 25, 2017, preliminarily designated A.17-05-007 and A.17-05-008 as ratesetting proceedings with evidentiary hearings required. The preliminary determination as to categorization is upheld. This proceeding was resolved without evidentiary hearings. The preliminary determination that hearings are needed is changed to no evidentiary hearings required.

6. Comments on Proposed Decision

The proposed decision of ALJ Semcer in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. TURN filed opening comments on November 5, 2018; no party filed reply comments. In opening comments, TURN requests that hours and costs for work by intervenors in the instant proceeding be carried over to R.18-04-018 for inclusion in a single request for intervenor compensation in that rulemaking. Given that R.18-04-018 subsumed the issues of the instant proceeding; TURN's

request is reasonable, and the necessary findings, conclusions and ordering paragraphs are adopted herein.

7. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Melissa K. Semcer is the assigned ALJ in this proceeding.

Findings of Fact

1. R.18-04-018 subsumed the issues of A.17-05-007 and A.17-05-008.
2. There are no outstanding issues to be addressed in A.17-05-007 and A.17-05-008.
3. The issues in WMA's motion are made moot by the adoption of R.18-04-018.
4. Parties to this proceeding engaged in various work activities, including participating in the PHC, preparing PHC statements, and filing comments.

Conclusions of Law

1. A.17-05-007 and A.17-05-008 should be dismissed without prejudice.
2. WMA's January 18, 2018 motion should be denied.
3. It is reasonable for eligible parties that actively participated in A.17-05-007 and A.17-05-008 to file requests for intervenor compensation, pursuant to Pub. Util. Code §§ 1801-1812, in R.18-04-028 for costs incurred in A.17-05-007 and A.17-05-008.
4. The designation of A.17-05-007, consolidated with A.17-05-008, should be changed to hearings are not necessary.

O R D E R

IT IS ORDERED that:

1. Applications 17-05-007 and 17-05-008 are dismissed without prejudice.
2. The January 18, 2018 motion of the Western Manufactured Housing Communities Association is denied.
3. Parties seeking intervenor compensation for work performed and costs incurred in Applications 17-05-007 and 17-05-008 must file requests for intervenor compensation in Rulemaking 18-04-018. Intervenors must include costs incurred for Applications 17-05-007 and 17-05-008 as well as costs incurred for Rulemaking 18-04-018 in a single request.
4. The hearing designation in Application 17-05-007 and Application 17-05-008 is changed to no hearings necessary.
5. Application 17-05-007 and Application 17-05-008 are closed.

This order is effective today.

Dated November 29, 2018, at San Francisco, California.

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners