

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



FILED

02-17-10
04:59 PM

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.

Application 09-12-020
(Filed December 21, 2009)

**PREHEARING CONFERENCE STATEMENT
OF THE UTILITY REFORM NETWORK**

February 17, 2010

Hayley Goodson
Staff Attorney

The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone: (415) 929-8876
Fax: (415) 929-1132
E-mail: hayley@turn.org

**PREHEARING CONFERENCE STATEMENT
OF THE UTILITY REFORM NETWORK**

I. INTRODUCTION

Pursuant to Rule 7.2 of the Commission’s Rules of Practice and Procedure and *Administrative Law Judge’s Ruling Setting Prehearing Conference*, issued February 4, 2010, in this proceeding, The Utility Reform Network (TURN) hereby submits this prehearing conference statement. TURN addresses the schedule, proposes locations for public participation hearings, and requests that the Commission open a companion investigation to enable the Commission to act on proposals presented by parties other than the applicant, PG&E. TURN previously addressed scope and need for hearings in our protest, filed January 25, 2010.

II. SCHEDULE

TURN has been in discussions with the Division of Ratepayer Advocates (DRA), Aglet Consumer Alliance (Aglet) and PG&E about the schedule in this proceeding. We have agreed to jointly propose the following schedule:

DRA/TURN/Aglet/PG&E proposed schedule*

PHC	February 19, 2010
DRA Testimony served	May 5, 2010
Testimony of Intervenors served	May 18, 2010
All Rebuttal served	June 2, 2010
Case Management Statement served	June 9, 2010
Hearings	June 16 – July 7
Opening Brief	August 2, 2010

Reply Brief	August 16, 2010
Update Materials served	September 15, 2010
Update hearings	October 6 -7, 2010
Proposed Decision	November 16, 2010
Comments	December 6, 2010
Reply Comments	December 13, 2010
Final CPUC Decision	December 16, 2010

* Dates and times for Alternative Dispute Resolution to be determined.

However, TURN's support for this schedule is contingent upon the willingness of PG&E to respond promptly to any discovery propounded by TURN (or another party) that is based on rebuttal testimony. TURN has in the past been able to clarify and/or narrow the range of disputed issues through written data requests following rebuttal testimony, thereby reducing the amount of time we need to devote to cross-examination during hearings. In this way, discovery related to rebuttal testimony can increase the efficient use of hearing room time, to the benefit of the Commission and all parties involved.

The above schedule provides just 9 working days between the date rebuttal testimony is to be served, Wednesday, June 2, and the start of hearings on Wednesday, June 16. Obviously, this timeline does not allow for the customary discovery response time – 10 business days – that parties are used to in CPUC practice. To allow parties a meaningful opportunity to review rebuttal testimony and conduct discovery, if necessary, prior to hearings, TURN requests that the Commission direct parties to respond to any discovery specifically related to rebuttal testimony in at most 5 days, and sooner if

possible. A good faith agreement by all parties to cooperate in this regard would alleviate TURN's concerns about this schedule.

Additionally, TURN notes that the above schedule does not address Public Participation Hearings (PPHs). PG&E's application contains a placeholder for PPHs but no recommended dates.¹ While TURN likewise does not recommend any particular dates for these PPHs, TURN proposes locations for the PPHs in the section that follows.

III. PUBLIC PARTICIPATION HEARINGS

As the Commission explained in D.01-10-031:

We have a regulatory responsibility to ensure PG&E provides adequate service at just and reasonable rates, and we must view the facts accordingly. Our legislative mandate encompasses promoting the "safety, health, comfort, and convenience of [PG&E's] patrons, employees, and the public." *See* §451.²

For the Commission to carry out its legislative mandate, the Commission must consider the reasonableness of PG&E's request in the instant proceeding in conjunction with the health, safety, comfort and convenience of PG&E's customers. PPHs provide an invaluable opportunity for PG&E's customers to communicate directly with the Commission about how PG&E's application, if granted, would impact them.

In PG&E's last general rate case, A.05-12-002 et al., the Commission held 10 PPHs across PG&E's service territory. PPHs were held in Oakland, Ukiah, Santa Rosa, King City, Salinas, San Louis Obispo, Modesto, Fresno, Woodland, and Chico.³ The Commission benefitted greatly from the comments of customers at these PPHs in resolving issues in that proceeding, particularly PG&E's proposal to close its entire

¹ PG&E Application 09-12-020, p. 23.

² D.01-10-031, *mimeo.*, p. 5.

³ D.07-03-044, p. 5, fn. 2. *See also Administrative Law Judge's Ruling Setting Public Participation Hearings*, issued Feb. 21, 2006, in A.05-12-002.

network of 84 local office front counters, where customers pay bills and receive in-person assistance from PG&E employees.⁴

The usefulness of PPHs to the Commission's deliberative process depends on participation by PG&E's customers. Local community awareness and the ability of customers to attend and participate are essential to a successful PPH. TURN is eager to assist the Commission in holding well-attended PPHs in the instant proceeding. To that end, we recommend that the Commission hold PPHs in the following seven locations:

- Bakersfield (Kern County)
- Fresno (Fresno County)
- Oakland (Alameda County)
- San Francisco (San Francisco County)
- Sebastopol (Sonoma County)
- Stockton (San Joaquin County)
- Valley Springs (Calaveras County).

TURN also believes it would be appropriate to hold a PPH in the northern part of PG&E's service territory, as well as in a central California coastal community such as San Luis Obispo, but we will defer to other intervenors for specific suggestions as to exact location.

TURN requests to work with the Public Advisor's Office to ensure that PPHs are held at buildings likely to encourage participation. We suggest the following specific addresses, although we have not yet been able to confirm that all are accessible to people

⁴ See D.07-05-058, *Opinion Adopting a Settlement Agreement Regarding the Closure of Nine Front Counters*, pp. 13-15 (evaluating whether the proposed settlement was in the public interest); *see also* D.07-03-044, pp. 16-17 (requiring PG&E to maintain existing staffing and service levels at local office front counters, pending the Commission's consideration of PG&E's proposal to close them in Phase 2 of its 2007 GRC).

with disabilities.

Bakersfield (Kern County)

Kern County Administrative Building
Board of Supervisors' Chambers
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301
Phone: (661) 868-3198

Fresno (Fresno County)

Hugh Burns State Building
2550 Mariposa Mall
Fresno, CA 93721
Phone: (559) 445-5532
-or-

Central California Legal Services
1401 Fulton Street, Suite 700
Fresno, CA 93721
Phone: (559) 570-1200
www.centralcallegal.org

Oakland (Alameda County)

Elihu M. Harris State Building – Auditorium
1515 Clay Street, 1st Floor
Oakland, CA 94612
Phone: (510) 622-2564

San Francisco (San Francisco County)

California Public Utilities Commission
505 Van Ness Avenue, Suite 350
San Francisco, CA 94102

Sebastopol (Sonoma County)

Sebastopol Community Center – Youth Annex
425 Morris Street
Sebastopol, CA 95472
Phone: (707) 823-1511

Stockton (San Joaquin County)

El Concilio – Council for the Spanish Speaking
308 N. California Street
Stockton, CA 95202
Phone: (209) 547-2855
www.elconcilio.org

Valley Springs (Calaveras County)
Jenny Lind Veterans Memorial Hall
189 Pine Street
Valley Springs, CA 95252
Phone: (209) 772-9650

Finally, TURN recommends that ALJ Fukutome consult with the ALJ in PG&E's gas transmission and storage rate case, A.09-09-013, on the scheduling and location of the PPHs, as the Assigned Commissioner in that case expressed a strong interest in coordinating the PPHs for the two proceedings if possible.⁵

IV. OTHER ISSUES

A. Smart Meter Investigation Costs

On February 16, 2010, the Commission issued *Assigned Commissioner's Ruling Regarding Consultant Costs Related to the Commission's Evaluation of PG&E's Smart Meter Program*, which authorized PG&E to submit testimony in this proceeding

to address revenue, ratemaking, and other issues related to these consultant costs, including but not limited to whether the funds should come from the previously authorized budget for the Smart Meter program, from shareholders, or from other sources.⁶

TURN requests that the timing of PG&E's supplemental testimony on these issues be addressed at the PHC to ensure that intervenors have ample opportunity to conduct any necessary discovery and respond to PG&E's proposal in testimony.

B. Companion Investigation Docket

It is customary for the Commission to issue an Order Instituting Investigation (OII) and open a companion docket to the utility's general rate case application. As the Commission explained when it opened I.06-03-003, the companion investigation to A.05-

⁵ See Transcript of PHC in A.09-09-013, December 2, 2009, pp. 18-19.

⁶ Ruling, February 16, 2010, p. 2.

12-002, PG&E's 2007 General Rate Case:

The purpose of this investigation is to allow the Commission to consider proposals other than PG&E's, and to enable the Commission to enter orders on matters for which the utility may not be the proponent. This companion investigation will also afford parties an opportunity and forum to provide evidence on issues of interest to the Commission. These issues may result in directives to PG&E that serve the public interest and that result in just and reasonable rates, services, and facilities.⁷

TURN requests that the Commission likewise open a companion investigation to PG&E's 2011 General Rate Case.

Date: February 17, 2010

Respectfully submitted,

By: _____/s/_____
Hayley Goodson
Staff Attorney

The Utility Reform Network
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone: (415) 929-8876
Fax: (415) 929-1132
Email: hayley@turn.org

⁷ Order Instituting Investigation 06-03-003, issued March 7, 2006, p. 1.

CERTIFICATE OF SERVICE

I, Larry Wong, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

On February 17, 2010 I served the attached:

**PREHEARING CONFERENCE STATEMENT
OF THE UTILITY REFORM NETWORK**

on all eligible parties on the attached lists **A.09-12-020** by sending said document by electronic mail to each of the parties via electronic mail, as reflected on the attached Service List.

Executed this February 17, 2010, at San Francisco, California.

/S/
Larry Wong

Service List for A.09-12-020

a2mx@pge.com
atrowbridge@daycartermurphy.com
bcragg@gmssr.com
beg@cpuc.ca.gov
BermanEconomics@gmail.com
bpf2@pge.com
case.admin@sce.com
cem@newsdata.com
ckt@cpuc.ca.gov
dbyers@landuselaw.com
dfdavy@well.com
dietrichlaw2@earthlink.net
dkf@cpuc.ca.gov
douglass@energyattorney.com
edwardoneill@dwt.com
enriqueg@greenlining.org
epoole@adplaw.com
filings@a-klaw.com
francis.mcnulty@sce.com
fsmith@sewater.org
hayley@turn.org
HEmmrich@semprautilities.com
julien.dumoulin-smith@ubs.com
K1Ch@pge.com
kkm@cpuc.ca.gov
kris.vyas@sce.com
lex@consumercal.org
ljt@cpuc.ca.gov
mdjoseph@adamsbroadwell.com
mramirez@sewater.org
mrw@mrwassoc.com
pgg4@pge.com
pk@utilitycostmanagement.com
pucservice@dralegal.org
RegRelCPUCCases@pge.com
rmccann@umich.edu
samuelk@greenlining.org
stephaniec@greenlining.org
steven@iepa.com