



**FILED**

07-28-11  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures. (U39M)

Application 10-03-014  
(Filed March 22, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING MOTION TO INTERVENE**

On July 1, 2011, San Diego Gas & Electric Company (SDG&E) filed a motion to intervene and become a party in this proceeding for purposes of joining with other existing parties in supporting an application for rehearing of Decision 11-05-047, regarding Pacific Gas and Electric Company's (PG&E) Residential Rate Design (Decision). In the Decision, the Commission found PG&E's proposal for a fixed residential customer charge was unlawful and contrary to public policy.

SDG&E's motion to intervene was opposed by The Utility Reform Network (TURN), the Commission's Division of Ratepayer Advocates (DRA), and the Vote Solar Initiative (Vote Solar) in responses to the motion filed on July 18, 2011.

TURN, DRA, and Vote Solar argue that the motion should be denied. They argue that SDG&E's motion contravenes the Commission's rules and its longstanding interpretation of its rule on granting parties status to participate.

The Commission's rule of granting party status is intended for parties to be able to participate in an open proceeding before a decision is rendered. Yet, SDG&E seeks to become a party after briefs have been filed and a decision has been rendered. They argue that granting the motion to intervene at this late date would be unfair to the parties that actively participated in the proceeding which commenced in March 2010.

They further argue that the Commission should be wary of setting a precedent where non-parties are provided appellate rights within the Commission and the Courts, without any participation in the proceeding.

### **Discussion**

SDG&E's motion to intervene is denied. SDG&E has not provided a basis to grant its motion to intervene for the first time after briefs have been filed and a Commission decision has been rendered. An entity that has not been a party to the proceeding may not file an application for rehearing, under Public Utilities Code Section 1731. An entity may not be permitted to circumvent this legal requirement by asking the Commission to let it become a party solely to file an application for rehearing. By joining the other rehearing applicants who were parties during the proceeding does not make one a party. If SDG&E is trying to join because of the perceived impacts that the PG&E decision will have to SDG&E's current General Rate Case, then SDG&E is free to argue the issue in that proceeding.

**IT IS RULED** that the motion of San Diego Gas & Electric Company to intervene in this proceeding is denied.

Dated July 28, 2011, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge