



**FILED**

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

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget (U39 M).

Application 08-05-022  
(Filed May 15, 2008)

And Related Matters.

Application 08-05-024  
Application 08-05-025  
Application 08-05-026

**JOINT RULING OF ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE ON THE JOINT EMERGENCY MOTION OF THE EAST LOS ANGELES COMMUNITY UNION, ET AL. TO CONTINUE THE LOW INCOME ENERGY SAVINGS ASSISTANCE PROGRAM FOR SOUTHERN CALIFORNIA GAS COMPANY**

This ruling sets an order to show cause hearing date, time and place for Southern California Gas Company (SoCalGas) to appear and orders SoCalGas, inter alia, to cease and desist from any effort towards disrupting its implementation of 2011 Energy Savings Assistance (ESA) Program.

On November 29, 2011, The Joint Emergency Motion of The East Los Angeles Community Union (TELACU), the Association of California Community and Energy Services (ACCES), and the Maravilla Foundation to Continue the Low Income Energy Savings Assistance Program (ESA Program) for Southern California Gas Company's Low Income Households (Emergency Motion). The

Emergency Motion informed the Commission that SoCalGas has served notices on November 28, 2011 to its contractors that the ESA Program contracts would be “suspended as of December 1, 2011.” The Emergency Motion requests that the Commission take actions to prevent any disruption to the SoCalGas’ ESA Program.

Energy Efficiency Council as well as Black Economic Council, Latino Business Chamber of Greater Los Angeles and National Asian American Coalition subsequently also filed comments in support of the Emergency Motion.

SoCal Gas has not filed a response as of the time of this ruling. No party has filed an objection to the Emergency Motion.

Particularly in light of SoCalGas' recent filings requiring careful prior examination and representation to the Commission concerning its 2011 ESA Program budget status and projections in the context of the bridge funding decision (Decision 11-11-010) as well as November 21, 2011 ruling granting its recent motion to shift funds to close out the budget cycle 2009-2011 and budget year 2011, this is a surprising and disappointing development. Furthermore, the fact that the issue was brought to the Commission’s attention less than 48 hours before the planned suspension of the ESA Program and that came in the form of an emergency motion from parties other than SoCalGas are equally unacceptable.

Based on the time sensitive nature of the issues raised in the Emergency Motion, public interest and necessity require speedy response and hearing. Thus, I find that circumstances here warrant that the Commission's Rule 11.1, 13.2 and any other applicable timeframes be shortened.

**GOOD CAUSE SHOWN IT IS RULED** that:

1. Effective immediately, Southern California Gas Company is directed to take all actions reasonably necessary to continue its ESA Program and prevent suspension or any interruption to the ESA Program as indicated in the Emergency Motion and its attached letter dated November 28, 2011.

2. If necessary, Southern California Gas Company, under Decision (D.) 10-10-008, Ordering Paragraph (OP) 4, may borrow an amount not to exceed that which is necessary from the bridge funding authorized for January 1, 2012 to June 30, 2012 under D.11-11-010. Specifically, D.10-10-008, OP 4, in relevant part, modified OP 85 of D.08-11-031 including the pertinent "Carry Back" provision, and provides as follows:

b. LIEE FUND SHIFTING AND LIMITATIONS: IOUs are permitted to shift funds under the following conditions in the LIEE program.

(2) Fund Shifting Between 2009-2011 Budget Cycle and Future Budget Cycle:

i. "Carry back" Funding: Except for the shifting of funds described in subsection b(3) below, IOUs are permitted to shift and borrow from the next budget cycle, without prior approval of such fund shifting, if (a) the next cycle budget portfolio has been approved by the Commission; and (b) such fund shifting is necessary to avoid interruptions of those programs continuing into the next cycle and for start-up costs of new programs; ....

3. By December 1, 2011, Southern California Gas Company shall file its response to the Emergency Motion including detailed justification as to why its 2011 ESA Program budget is in such state resulting in such disruption to ESA Program and why such issue was not brought to the Administrative Law Judge's or the Commission's attention.

4. An order to show cause hearing is set for December 6, 2011 at 9:00 a.m. in Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA on this Emergency Motion.

5. Southern California Gas Company is ordered to appear at the order to show cause hearing by its highest ranking official with the knowledge of facts, circumstances and information relating to the allegations set forth in the Emergency Motion, and be prepared to respond to all questions concerning:

- a. The allegations set forth in the Emergency Motion;
- b. Potential mismanagement, error, and/or other cause leading to or giving rise to the Emergency Motion;
- c. Good cause as to why this current ESA budget issue was not brought to the judge's or the Commission's attention;
- d. Propriety for sanctions, penalties and/or audits; and
- e. Plans for tracking and accounting of the Southern California Gas Company's 2011 ESA Program budget, including any budget activities as they relate to borrowing of funds envisioned and arising from this ruling.

6. This ruling is effective immediately.

7. This ruling shall be served on service list of A.08-05-022 et al. and

A.11-05-017 et al.

Dated December 1, 2011, at San Francisco, California.

/s/ TIMOTHY ALAN SIMON

Timothy Alan Simon  
Assigned Commissioner

/s/ KIMBERLY H. KIM

Kimberly H. Kim  
Administrative Law Judge