

Decision 09-05-035 May 21, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities.

Investigation 07-01-022
(Filed January 11, 2007)

And Related Matters

Application 06-09-006
(Filed September 6, 2006)
Application 06-10-026
(Filed October 23, 2006)
Application 06-11-009
(Filed November 20, 2006)
Application 06-11-010
(Filed November 22, 2006)
Application 07-03-019
(Filed March 19, 2007)

**DECISION CONFIRMING RESOLUTION
OF PHASE 1 CONSOLIDATED APPLICATIONS AND
CORRECTING DECISION 08-08-030**

This decision confirms that all issues in the consolidated applications listed above have been resolved in the Phase 1A and 1B decisions, Decision (D.) 08-02-036 and D.08-08-030, and that those applications are closed except for the purpose of resolving pending applications for rehearing. This decision also corrects Ordering Paragraph 1 of D.08-08-030 to list the five settlement agreements adopted in the decision.

Background

The Commission opened this investigation to address policies to achieve its conservation objectives and consolidated four pending conservation rate

design applications, Application (A.) 06-09-006 (Golden State Water Company (GSWC)), A.06-10-026 (California Water Service Company (CalWater)), A.06-11-009 (Park Water Company (Park)), and A.06-11-010 (Suburban Water Systems (Suburban)), with the investigation. A January 16, 2007 ruling affirmed consolidation of the applications with the Order Instituting Investigation (OII). A May 29, 2007 ruling consolidated the application of San Jose Water Company (San Jose), A.07-03-019, with the OII. The Phase 1 scoping memo, issued March 8, 2007, permitted GSWC to amend portions of its application to conform to the scope of this proceeding. GSWC filed its amendment on April 23, 2007.

Discussion

In D.08-02-036, the Phase 1A decision, the Commission adopted eight settlement agreements affecting CalWater, Park, and Suburban on conservation rates and revenue adjustment mechanisms. The settlement agreements also resolved customer education and outreach, a low-income assistance program and the return on equity adjustment for Suburban; data collection and reporting for Suburban and Park; modified cost balancing accounts for CalWater and Park; and a conservation memorandum account for Park. The settlement agreements resolved most issues in A.06-10-026, and all issues in A.06-11-009 and A.06-11-010. Because D.08-02-036 adopted the settlement agreements, this decision confirms that all issues in these applications have been resolved for purposes of Pub. Util. Code § 1701.5. These applications remain open for the sole purpose of resolving pending applications for rehearing.

In D.08-08-030, the Phase 1B decision, the Commission adopted five settlement agreements affecting GSWC on conservation rates, a revenue adjustment mechanism, and a modified cost balancing account; San Jose on

conservation rates and a revenue adjustment mechanism; CalWater on a conservation memorandum account; and GSWC and San Jose on data collection and reporting and customer education and outreach. The settlement agreements resolved all issues in A.06-09-006, as amended, and A.07-03-019 and the remaining issue in A.06-10-026. Because D.08-08-030 adopted the settlement agreements, this decision confirms that all issues in these applications have been resolved for purposes of Pub. Util. Code § 1701.5. These applications remain open for the sole purpose of resolving a pending application for rehearing.

Ordering Paragraph 1 of D.08-08-030 incorrectly listed the settlement agreements adopted by naming one twice and omitting another. This decision corrects that error.

Waiver of Comments Period

This is an uncontested matter. Accordingly, pursuant to Pub. Util. Code § 311(g)(3), the 30-day period for public review and comment period does not apply.

Assignment of Proceeding

John A. Bohn is the assigned Commissioner and Janice Grau is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The settlement agreements adopted in D.08-02-036 resolved all issues in A.06-11-009 and A.06-11-010 and most issues in A.06-10-026.
2. The settlement agreements adopted in D.08-08-030 resolved all issues in A.06-09-006, as amended, and A.07-03-019, and the remaining issue in A.06-10-026.

Conclusions of Law

1. For purposes of Pub. Util. Code § 1701.5, D.08-02-036 and D.08-08-030 resolved all issues in A.06-10-026, A.06-11-009, A.06-11-010, A.06-09-006, as amended, and A.07-03-019.

2. In order to clarify the status of the consolidated applications and correct an earlier decision, this decision should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Application 06-09-006, as amended, Application 06-10-026, Application 06-11-009, Application 06-11-010, and Application 07-03-019 are resolved for purposes of Pub. Util. Code § 1701.5. The applications remain open to address pending applications for rehearing.

2. Ordering Paragraph 1 of Decision 08-08-030 is corrected to read:

“The following settlement agreements are approved and adopted:

- Golden State Water Company/Division of Ratepayer Advocates on conservation rate design trial program and amendment to settlement except the interim rate design for Region I;
- San Jose Water Company/Division of Ratepayer Advocates on conservation rate design and pricing adjustment mechanism trial program;
- California Water Service Company/Division of Ratepayer Advocates on conservation memorandum account;
- Golden State Water Company, The Utility Reform Network, National Consumer Law Center, Inc., Disability Rights Advocates, and Latino Issues Forum on data collection and reporting, customer outreach and education initiatives; and
- San Jose Water Company, The Utility Reform Network, National Consumer Law Center, Inc., Disability Rights Advocates, and

Latino Issues Forum on customer education and outreach and data collection and reporting initiatives.”

This order is effective today.

Dated May 21, 2009, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners