

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-221
Administrative Law Judge Division
August 21, 2008

R E S O L U T I O N

RESOLUTION ALJ-221 Corrects Errors in General Order 96-B and Codifies Amendments to Industry Rules Approved in Resolutions E-4111 and W-4664.

SUMMARY

This resolution changes General Order (GO) 96-B in three respects: Correction of faulty cross-references to certain General Rules in those rules and in the Energy and Water Industry Rules; correction to Water Industry Rule 7.3.3(7); and codification of previously adopted amendments to the Energy and Water Industry Rules. The changes are entirely non-substantive.

BACKGROUND

The Commission has completely updated its rules governing advice letter processing, including filing, service, review, and disposition of advice letters. The updates culminated in Decision (D.) 07-01-024 (adopting General Rules and Industry Rules for the energy and water utilities) and D.07-09-019 (adopting Industry Rules for the telecommunications utilities). With adoption of D.07-09-019, the GO 96 rulemaking was closed, and GO 96-A was wholly superseded by GO 96-B.

The Commission recognized, however, that GO 96-B likely would need occasional slight revisions to reflect developments in regulatory law and policy for each utility industry, to correct errors, or simply to improve the adopted rules. For slight revisions, the Commission determined that a full-scale rulemaking would not be necessary. Instead, the Commission provided for amendment by resolution, following notice and an opportunity to comment. (*See* General Rule 1.4.) Both the Energy and Water Industry Rules have been modified by resolution. (*See* Resolution (Res.) E-4111 (Sept. 6, 2007) and W-4664 (Nov. 1, 2007).)

DISCUSSION

Today's resolution is intended to correct three problems with the text of GO 96-B as it currently exists.

The first problem is that some of the General Rules, Energy Industry Rules, and Water Industry Rules contain cross-references to General Rule 5.4 or 5.5. Those two General Rules existed in early drafts of GO 96-B, but the adopted GO 96-B eliminated those two General Rules and distributed their subject matter to other General Rules.

Unfortunately, through inadvertence, several cross-references to General Rule 5.4 or 5.5 were overlooked prior to adoption. Today's resolution corrects the cross-references to reflect the appropriate General Rules. The correction does not change the substance of any rule.

The second problem is that, in Water Industry Rule 7.3.3(7), the term "offset," as applied to a Memorandum Account, is inexact. A balance in a Memorandum Account may be amortized, as the Commission directs. Thus, Water Industry Rule 7.3.3(7) is corrected to refer to Memorandum Account "amortization." This correction in terminology does not affect the treatment of advice letters requesting Memorandum Account amortization. The review and disposition of these advice letters remain under Tier 3.

The third problem is that the amendments adopted in Res. E-4111 and W-4664 are partly unclear regarding how they are to be codified. For example, Res. E-4111 does not specify which Energy Industry Rule is amended. In addition, Ordering Paragraph 2 in Res. E-4111 refers for certain purposes to "a Commission order issued after today's date," i.e., the date of adoption of Res. E-4111 (September 6, 2007). Today's resolution codifies the amendments adopted in Res. E-4111 and W-4664. The codification makes minor clarifying word changes. These changes include specifying September 6, 2007, in the appropriate Energy Industry Rule; by specifying the date, the Energy Industry Rule will be clear on its face, without the need to consult Res. E-4111 or determine the date when Res. E-4111 was adopted. The codification does not change the substance of Res. E-4111 or W-4664.

COMMENTS

Public Utilities Code section 311(g)(1) requires that a draft resolution be served on all parties, and be subject to a public review and comment period of 30 days or more, prior to a vote of the Commission on the resolution. A draft of today's resolution was distributed for comment to the energy and water utilities and other interested parties. No party submitted comments.

FINDINGS

1. Cross-references to General Rule 5.4 or 5.5 should be corrected to reflect the adopted version of GO 96-B.
2. The term “offset” in Water Industry Rule 7.3.3(7) is inexact as applied to a Memorandum Account. The proper term is “amortization.”
3. Res. E-4111 and W-4664 should be codified in the respective Industry Rules.
4. The corrected cross-references and terminology and the codification of Res. E-4111 and W-4664, set forth in the attachment to today’s resolution, make no substantive changes to GO 96-B.

THEREFORE IT IS ORDERED that:

1. General Order (GO) 96-B is revised as set forth in the attachment to today’s resolution.
2. GO 96-B, as revised pursuant to Ordering Paragraph 1, shall be published promptly at the Commission’s Internet site and shall entirely supersede all prior versions of GO 96-A and GO 96-B.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director