

Decision 06-06-044 June 27, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish
Policies and Rules to Ensure Reliable, Long-Term
Supplies of Natural Gas to California.

Rulemaking 04-01-025
(Filed January 22, 2004)

**OPINION MODIFYING DECISION 06-05-017 TO CORRECT
INADVERTENT ERRORS AND OMISSIONS**

Summary

Today's decision modifies Decision (D.) 06-05-017 to correct some inadvertent errors and omissions in D.06-05-017. The errors and omissions were the result of revisions that were made to the draft decision on May 11, 2006, and which were before the Commission when they voted to adopt D.06-05-017. The revisions, however, were inadvertently excluded when D.06-05-017 was issued and published.

Background

A draft decision regarding the April 1, 2005 motion of the Ratepayers for Affordable Clean Energy (RACE), which was reclassified as a petition for modification of D.04-09-022, was prepared by the assigned Administrative Law Judge and placed on the Commission's April 27, 2006 meeting agenda for consideration. The draft decision was then held over to the May 11, 2006 Commission meeting for consideration. Before the Commission meeting on May 11, 2006, revisions to the draft decision were circulated to the Commissioners and made available to the public at the "Escutia" table on the

day of the meeting. The revisions to the draft decision were before the Commission when it voted to adopt the draft decision. When D.06-05-017 was issued and published by the Commission, the decision failed to incorporate the revisions.

Resolution A-4661, adopted by the Commission on March 9, 1977, provides in part that the Commission's "Executive Director is authorized to sign, on behalf of the Commission, orders involving the correction of typographical and clerical errors, and other obvious, inadvertent errors and omissions in the decisions and orders of the Commission."

In order to correctly reflect what the Commission adopted when the draft decision concerning RACE's petition for modification of D.04-09-022 was considered by the Commission, D.06-05-017 shall be modified to incorporate the revisions which were before the Commission on May 11, 2006.

Modification of D.06-05-017

D.06-05-017 shall be modified as follows to correctly reflect the revisions to the draft decision regarding RACE's petition for modification of D.04-09-022, as voted upon and adopted by the Commission at the May 11, 2006 meeting.

In the third full paragraph at page 18 of D.06-05-017, the third sentence which reads "Since Phase I only involves policy determinations by this Commission without causal connection to future physical impacts to the environment, CEQA review is not required" shall be changed to the following: "Since Phase I only involves a decision by this Commission without causal connection to future physical impacts to the environment, CEQA review is not required."

Finding of Fact 8 that appears at page 23 of D.06-05-017, and which reads “The assigned Commissioners and the Commission have consistently viewed the Phase I issues as policy matters” shall be deleted.

Finding of Fact 9 that appears at page 23 of D.06-05-017, and which reads “D.04-09-022 directed the gas utilities to submit non-discriminatory open access tariffs for all new sources of supply, to establish receipt points as needed, and that Otay Mesa be designated as a common receipt point for both SoCalGas and SDG&E” shall be renumbered as Finding of Fact 8.

Findings of Fact

1. Before the Commission meeting on May 11, 2006, revisions to the draft decision were circulated to the Commissioners and made available to the public on the day of the Commission meeting.

2. The revisions to the draft decision were before the Commission when it voted to adopt the draft decision.

3. When D.06-05-017 was issued and published by the Commission, the decision failed to incorporate the revisions.

4. Resolution A-4661 provides that the Executive Director is authorized to sign orders involving the correction of typographical and clerical errors, and other obvious, inadvertent errors and omissions in the decisions of the Commission.

Conclusion of Law

D.06-05-017 should be modified to correctly reflect the revisions to the draft decision which was voted upon and adopted by the Commission at the May 11, 2006 meeting.

O R D E R

IT IS ORDERED that:

1. Decision (D.) 06-05-017 is modified as follows:
 - (a) The third sentence of the third full paragraph at page 18 of D.06-05-017 is changed to read as follows: "Since Phase I only involves a decision by this Commission without causal connection to future physical impacts to the environment, CEQA review is not required."
 - (b) Finding of Fact 8 that appears at page 23 of D.06-05-017 is deleted.
 - (c) Finding of Fact 9 that appears at page 23 of D.06-05-017 is renumbered as Finding of Fact 8.

This order is effective today.

Dated June 27, 2006, at San Francisco, California.

/s/ STEVE LARSON

STEVE LARSON

Executive Director