

Decision 06-10-002 October 5, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and Programs
Governing post-2003 Low-Income Assistance
Programs.

Rulemaking 04-01-006
(Filed January 8, 2004)

**OPINION DENYING THE PETITION OF THE WESTERN MANUFACTURED
HOUSING COMMUNITY ASSOCIATION
FOR MODIFICATION OF DECISION 05-10-044**

Background

In Decision (D.) 05-10-044, the Commission approved specific changes to the low-income energy programs in anticipation of high gas rates in the winter of 2005-2006. Most of the program changes adopted in that order were only in effect for the winter in question, and expired on April 30, 2006. Among the changes of limited duration was a requirement placed on the utilities related to the levelized payment plan. Such a plan enables a customer to pay its annual utility charges in equal monthly payments, rather than facing the ups-and-downs of seasonal billing. The Commission directed the utilities to expand and improve their levelized payment plans and imposed on the utilities the following new requirement:

“At the same time, the utilities have not explained why this service could not be available to master meter customers that pledge to pass the benefits on to their submetered customers. We direct the utilities that do not already do this to make this

service available this winter and inform customers about this option.” (D.05-10-044, *mimeo.* at 25.)

On July 7, 2006 (more than two months after this requirement expired), the Western Manufactured Housing Community Association (WMHCA) filed a petition for modification of D.05-10-044, seeking to strike the two sentences quoted above. No other parties filed pleadings related to this petition.

Discussion

The language that is the subject of this petition for modification directs the utilities to make levelized payment plans available to submetered customers in some circumstances during the winter of 2005-2006 (considered as ending on April 30, 2006), and to inform customers of the existence of this option. The petition for modification is moot because it was filed more than two months after this obligation ended. Even if the petition was not moot, it would fail for being without merit.

In its petition, WMHCA raises concerns that simply do not apply to the direction set forth in D.05-10-044. First, it states, “as written, it appears that the master-metered customer must inform its residents of a levelized pay (sic) plan regardless of whether the park owner has signed up for such a plan.” However, WMHCA points to no language placing an obligation of any sort on master meter customers. Second, WMHCA says that “the decision seems to mandate that the park owner sign up for a levelized pay (sic) plan so that the submetered resident can decide whether, in turn, to ask for the ‘benefits’ of the plan. Nothing in state law or regulations gives the Commission the authority to force the parkowner (sic) to sign up for the levelized program.” Again, WMHCA does not demonstrate that the decision requires park owners to sign up for anything.

WMHCA goes on to state that the meaning of some of the terms used in the language quoted from the decision is unclear. For instance, what does it mean to “pledge” to pass on the benefits? And what are the “benefits”? WMHCA also argues that the implementation of a levelized payment program among submetered customers would be complicated.

These points suggest ambiguity where there is none. The “benefit” would be the use of a levelized payment plan. The “pledge” would be a promise on the part of the master meter customer to let its submetered customers make levelized payments in situations where the master metered customer is paying its bills that way. The implementation details that WMHCA sees as complications would only have arisen if the master meter customer chose to participate in the program. Presumably, it would not do so if it could not work out the details. Finally, WMHCA objects to what it sees as an obligation for master meter customers to inform their own customers of the levelized payment plan. While D.05-10-044 clearly creates such an obligation for the utilities, it says nothing about what master meter customers must or must not do.

For all of these reasons, even if the petition was not moot, it would fail on its merits.

Comments on Proposed Decision

The proposed decision of Administrative Law Judge (ALJ) Weissman in this matter was mailed to the parties in accordance with Public Utilities Code Section 311 and Rule 14.2(a) of the Commission’s Rules of Practice and Procedure. No comments were received.

Assignment of Proceeding

Dian M. Grueneich is the Assigned Commissioner and Steven A. Weissman is the assigned ALJ in this proceeding.

Findings of Fact

1. The language that is the subject of the petition for modification applied only during a period of time that expired prior to the filing of the petition.
2. WMHCA has not demonstrated a need to modify D.05-10-044.

Conclusion of Law

The petition for modification is moot and otherwise without merit.

O R D E R

IT IS ORDERED that:

1. The petition for modification of Decision 05-10-044 filed by the Western Manufactured Housing Community Association is denied.
2. Rulemaking 04-01-006 is closed.

This order is effective today.

Dated October 5, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners