

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

Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.

Rulemaking 02-01-011  
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
PROVIDING GUIDANCE CONCERNING  
PROCEDURES FOR PETITION FOR CLARIFICATION**

This ruling is issued to provide parties with procedural guidance concerning the Petition for Clarification filed by the Regents of the University of California on behalf of the University of California, Davis (UC Davis) relating to split wheeling issues. Pursuant to Decision (D.) 03-09-052, Ordering Paragraph #6, UC Davis seeks clarification of the technical methodology for identifying and billing the Cost Responsibility Surcharge (CRS) to the Western Area Power Administration (WAPA) "split wheeling" load. UC Davis is a split wheeling customer of WAPA.

In D.03-09-052, the Commission considered the issues of CRS responsibility for split wheeling customers, that is, those customers who met a portion of their requirements through bundled service from Pacific Gas and Electric Company (PG&E) on or after February 1, 2001 and the remainder through WAPA. In D.03-09-052, the Commission set forth procedures for resolving the remaining technical questions which are the subject of the UC Davis Petition for Clarification.

UC Davis claims that PG&E bypassed proper procedures for resolution of these remaining technical issues and prematurely filed Advice Letter (AL) 2579-E on November 5, 2004. Concurrent with its Motion for Clarification, UC Davis submitted comments on Draft Resolution E-3918 which was prepared to address the merits of the issues presented in PG&E's AL 2579-E

UC Davis thus seeks to have the Commission set aside the Draft Resolution in favor of the procedural path to disposition of the outstanding technical determination of CRS for WAPA Split Wheeling Customers matters in this proceeding through a Commission Decision, as outlined in its Petition for Clarification.

### **Discussion**

In order to address the issues raised in the UC Davis Petition, Draft Resolution E-3918 has been withdrawn. The Administrative Law Judge will prepare a Draft Decision for the Commission's consideration addressing the issues set forth in the UC Davis Petition. In order to provide a complete record as a basis to prepare the Draft Decision on this issue, the following additional procedures are hereby ordered.

Although PG&E has previously served AL 2579-E on all parties of record in this proceeding, those parties which protested AL 2579-E did not serve their protests on the complete service list for this proceeding. Protests were filed by UC Davis on November 24, 2004, by the Power and Water Resources Pooling Authority on November 26, 2004, and NASA-Ames Research Center on November 29, 2004. Therefore, in order to provide a complete record in this docket relating to the issues raised in the Petition and to assure proper notice and opportunity to be heard concerning the issues set forth in the Petition, those parties that protested AL 2579-E are hereby directed to file and serve their

protests on all parties of record on the service list in this proceeding. Because AL 2579-E relates to implementation of the “Regulatory Asset” as authorized in the PG&E Bankruptcy proceeding (Investigation (I.) 02-04-026), parties that have protested AL 2579-E are also directed to serve a copy of their protests to parties in I.02-04-026. Likewise, if it has not already done so, PG&E shall serve a copy of AL 2579-E on parties of record in I.02-04-026. These service and filing requirements shall be completed no later than July 1, 2005.

Parties to this proceeding shall be permitted one additional round of concurrent comments regarding the issues raised in the protests and in the UC Petition for Modification to be due by July 15, 2005.

It is intended that the record for the disposition of this petition for modification will be developed by notice and comment, and not by holding an evidentiary hearing. However, if any party believes such hearings are needed, it should set forth in detail the disputed issues necessitating an evidentiary hearing and specify the testimony that would be presented during the hearing. Any request for evidentiary hearings should be made in the comments due July 15, 2005.

Following the completion of the procedural steps outlined above, a Draft Decision shall be produced, addressing the issues raised in the UC Davis Petition for Clarification.

**IT IS RULED** that:

1. The service and filing requirements set forth above are hereby adopted in order to produce a complete record and opportunity to be heard concerning disposition of issues raised in the UC Davis Petition for Modification.

2. Parties that have protested AL 2579-E are hereby directed to serve a copy of their protests by July 1, 2005, on all parties of record in this proceeding as well as in Investigation (I.) 02-04-026.

3. If it has not already done so, PG&E shall serve a copy of AL 2579 on parties of record in I.02-04-026.

4. Parties to this proceeding shall be permitted one additional round of concurrent comments regarding the issues raised in the protests and in the UC Petition for Modification to be due by July 15, 2005.

5. To the extent any party believes evidentiary hearings are required, any request for such hearings should be made in the July 15, 2005 comments.

6. This ruling shall also be served on parties in I.02-04-026.

Dated June 23, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Providing Guidance Concerning Procedures for Petition for Clarification on all parties of record in this proceeding or their attorneys of record and on parties in I.02-04-026.

Dated June 23, 2005, at San Francisco, California.

/s/ ERLINDA PULMANO  
Erlinda Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

R.02-01-011 TRP/eap

TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.