

Decision 07-04-012 April 12, 2007

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

Petition for Modification of Resolution E-3757.

Application 02-06-028  
(Filed June 18, 2002)

**OPINION DISMISSING PETITION FOR MODIFICATION  
OF RESOLUTION E-3757 BY THE LEAGUE OF CALIFORNIA CITIES**

**Summary**

On June 18, 2002, the League of California Cities (League) filed a Petition for Modification of Commission Resolution E-3757. The League's petition resulted in the initiation of this Commission proceeding, Application (A.) 02-06-028. This petition is denied on the grounds that the issues presented by the Petition for Modification were heard and resolved in another proceeding, A.02-04-002. This proceeding is closed.

**Discussion**

Under Tariff Rule 20-B of Southern California Edison Company (SCE), Pacific Gas and Electric Company, and San Diego Gas & Electric Company, customers may request electrical undergrounding of the overhead electrical facilities by which they are served. From 1968 through the mid-1990s, these three utilities did not charge separately for removing overhead facilities including poles, wires, transformers, and switches associated with undergrounding of overhead facilities under Rule 20-B. Starting in the mid-1990s, these companies changed this practice without Commission approval, requiring customers who

requested and received this service to pay for facilities removal associated with undergrounding projects separately from the cost of the undergrounding.

In response to a formal complaint, the Commission directed SCE to refund to a complainant the amount charged for removal of such facilities because the charge was made without prior Commission authority. Subsequently, all three companies filed advice letters seeking Commission authorization to require separate facility removal charges for Rule 20-B undergrounding projects. Commission Resolution E-3757, issued on March 6, 2002, denied the utilities' requested change. This Resolution ordered all three companies to discontinue the practice of charging applicants for Tariff Rule 20-B undergrounding projects to pay for removal of poles and facilities, identify and refund with interest all charges collected for pole, line, and facilities removal costs associated with Rule 20-B projects, and file compliance advice letters clarifying the proper funding of such activities. The Resolution states, among other things, that "utilities should file advice letters that propose to add language to their Rule 20-B tariffs, to indicate that the costs of removal of the overhead . . . facilities are the responsibility of the utility and will be paid by the utility from the underground conversion allocation."<sup>1</sup>

On April 10, 2002, the County of Los Angeles requested rehearing of Resolution E-3757, claiming that the reference in this resolution to utilities' "underground conversion allocation" could allow utilities to charge the costs of removing overhead facilities to Rule 20-A allocations, causing the costs of Rule 20-B projects to be inappropriately paid by funding collected for a different

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<sup>1</sup> Resolution E-3757, pp. 10-11.

purpose. In its application for rehearing, docketed as A.02-04-002, the County of Los Angeles urged the Commission to eliminate this ambiguous wording to ensure that the utilities reverted to their original practices for funding removal of overhead facilities associated with Rule 20-B conversions, rather than using Rule 20-A funding for this purpose. Decision 02-06-027 in A.02-04-002 modified the resolution to clarify the appropriate funding source for removal of overhead facilities in Rule 20-B conversions and denied rehearing of the resolution as modified; this decision adopted changes consistent with the County of Los Angeles request.

Despite the fact that the issue of appropriate funding for Rule 20-B projects was resolved on June 6, 2002 in the proceeding initiated by the County of Los Angeles, the League filed its own petition for modification of Resolution E-3757 (initiating this proceeding) on June 18, 2002, requesting in essence the same change advocated by the County of Los Angeles. The League mentions in its petition its support of the County of Los Angeles Application, stating that the League's "petition seeks virtually the same relief as that sought by the County's application in A.02-04-002."<sup>2</sup> Because the relief requested by the League has already been granted in another proceeding, this petition for modification is moot and should be denied.

### **Comments on Proposed Decision**

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Pub. Util. Code § 311 and

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<sup>2</sup> Petition for Modification of Resolution E-3757, League of California Cities, June 18, 2002; p. 3.

Rule 14.2(a) of the Commission's Rules of Practice and Procedure. No comments were filed.

**Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Jessica T. Hecht is the assigned ALJ in this proceeding.

**Finding of Fact**

The relief requested in this Petition for Modification has already been granted in another proceeding.

**Conclusion of Law**

This proceeding is moot and should be closed.

**O R D E R**

**IT IS ORDERED** that:

1. The Petition for Modification of Resolution E-3757, filed by the League of California Cities on June 18, 2002, is dismissed.
2. Application 02-06-028 is closed.

This order is effective today.

Dated April 12, 2007, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners