



**FILED**

09-21-10

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

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.

Rulemaking 10-02-005  
(Filed February 4, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING**

**1. Summary**

This ruling shortens the time for responding to a joint motion (Joint Motion) filed by Southern California Gas Company, San Diego Gas & Electric Company, and Disability Rights Advocates, The Division of Ratepayer Advocates, The Greenlining Institute, The National Consumer Law Center, and The Utility Reform Network (Settling Parties). This ruling also shortens the time for responding to a concurrent petition for modification of Decision (D.)10-07-048 (Petition) filed by the Settling Parties.

In addition, this ruling provides information regarding the resolution of certain issues in this proceeding which are described in an August 26, 2010 Administrative Law Judge's (ALJ) ruling (Ruling).

**2. Background**

On July 29, 2010, the Commission issued D.10-07-048, an interim decision, to resolve certain Phase I disconnection practices in this proceeding. D.10-07-048 ordered various customer service practices and procedures to identify cost-effective methods to reduce the number of customer utility service disconnections. The adopted measures in D.10-07-048 apply to residential

customers. In addition, D.10-07-048 set forth other issues to be addressed in Phase II of this proceeding.

The August 26, 2010 ALJ Ruling provided an opportunity for comments on three Phase II issues. The ALJ Ruling also explained how five other matters would be addressed.

On September 9, 2010, Settling Parties filed the Joint Motion for adoption of a Residential Disconnection Settlement Agreement (Agreement), and the Petition.

### **3. Discussion**

Rule 12.2 of the Commission's Rules of Practice and Procedure (Rules) provides that comments on all or part of a settlement may be filed within 30 days of the date that the motion to adopt the settlement was filed. Rule 12.2 also provides that replies to these comments may be filed within 15 days of the last day for filing comments. As the Joint Motion was filed on September 9, 2010, any comments would be due by or before October 9, 2010, and any reply comments would be due by or before October 24, 2010.

Similarly, Rule 16.3(f) provides that responses to a petition for modification must be filed within 30 days of the date the petition was filed. Replies to these responses may be allowed by the ALJ. As the Petition was filed on September 9, 2010, any responses would be due by or before October 9, 2010.

As the Petition and the Joint Motion for adoption of the Agreement address the same matters, any changes to the dates for filing either responses to the Petition, or comments on the Joint Motion should be the same.

Rule 1.2 provides deviations from the Rules. Since the matters in the Petition and the Agreement may both affect the implementation of important disconnection practices before winter 2010-2011, expeditious resolution of the

Petition and Joint Motion is necessary. Consequently the time should be shortened for responses to the Petition and comments on the Joint Motion. Parties shall serve and file any responses to the Petition, or comments on the Joint Motion to adopt the Agreement by September 29, 2010. Parties shall serve and file any reply comments to the Joint Motion to adopt the Agreement by October 6, 2010.

#### **4. Information on Additional Issues**

The August 26, 2010 ALJ Ruling (p. 2) identified three issues for comments which are:

- A. Allowing customers to choose a monthly billing date.
- B. Defining sensitive customers.
- C. Providing exceptions to deposit rules.

In addition, the August 26, 2010 Ruling (pp. 2-3) identified five other issues to be addressed through various procedural means. These are:

1. Discrepancies between utilities regarding CARE and non-CARE customer disconnection rates.
2. The role of customer service representatives.
3. Establishing remote disconnection procedures.
4. Disconnection notice practices.
5. A sunset date for PG&E's interim practices.

At this time it appears that a more efficient means for addressing the five other issues listed above will be through a subsequent phase in this proceeding.

Therefore, **IT IS RULED** that:

1. Parties may file and serve comments on the September 9, 2010 Joint Motion of Settling Parties by September 29, 2010.



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Dated September 21, 2010, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

**N O T I C E**

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