

**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)

**PETITION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902E),
THE SOUTHERN CALIFORNIA GAS COMPANY (U 904G), DISABILITY RIGHTS
ADVOCATES, THE DIVISION OF RATEPAYER ADVOCATES, THE GREENLINING
INSTITUTE, THE NATIONAL CONSUMER LAW CENTER, AND THE UTILITY
REFORM NETWORK TO MODIFY DECISION 10-07-048**

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REFORM NETWORK TO MODIFY DECISION 10-07-048**

Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), San Diego Gas & Electric Company (“SDG&E” or the “Utility”), Southern California Gas Company (“SoCalGas” or the “Utility”), (collectively, SDG&E and SoCalGas are referred to as the “Utilities”), Disability Rights Advocates, The Division Of Ratepayer Advocates, The Greenlining Institute, The National Consumer Law Center, and The Utility Reform Network, (collectively, the “Intervenors” and together with the Utilities, the “Settling Parties”),¹ petition the Commission to modify Decision (“D.”)10-07-048 (the “Decision”) to allow the terms of the Residential Disconnection Settlement Agreement (“Settlement Agreement”) to supersede D.10-07-48 requirements, as they apply to SDG&E and SoCalGas.²

¹ The Settling Parties are concurrently filing a motion for approval of their Settlement Agreement.

² Notwithstanding, SDG&E and SoCalGas will continue to engage in dialogue with other stakeholders in this rulemaking, during workshops, meetings, etc, to discuss other opportunities to help customers avoid disconnections.

I. BACKGROUND

On February 5, 2010, the California Public Utilities Commission (“Commission”) opened this rulemaking to reexamine utility disconnection rules and practices, in order to reduce customer disconnections by improving customer notification and education. The rulemaking required all of the California investor-owned utilities (“IOUs”)—SDG&E, SoCalGas, Pacific Gas and Electric Company (“PG&E”), and Southern California Edison Company (“SCE”)—to implement the following interim practices:

- Customer service representatives (“CSRs”) must inform any customer that owes an arrearage on a utility bill that puts the customer at risk for disconnection that the customer has a right to arrange a bill payment plan extending for a minimum of three months the period in which to pay the arrearage. CSRs may exercise discretion as to extending the period in which to pay the arrearage from three months up to twelve months depending on the particulars of a customer’s situation and ability to repay the arrearage. CSRs may work with customers to develop a shorter repayment plan, as long as the customer is informed of the three month option. Customers must keep current on their utility bills while repaying the arrearage balance.
- Once a customer has established credit as a customer of that utility, the utility must not require that customer to pay additional reestablishment of credit deposits with the utility for either slow-payment/no-payment of bills or following a disconnection.
- Utilities were authorized to establish memorandum accounts using Tier 1 Advice Letters to track any significant additional costs, including operations and maintenance charges associated with implementing the customer practices, and any uncollectable expenses that exceed those projected in the utility’s last General Rate Case (“GRC”).

The rulemaking established a Preliminary Scoping Memo, which outlined issues to be considered, required the IOUs to file monthly reports of specific disconnection data, and provided utilities and parties an opportunity to comment on the interim practices and address other issues in the Preliminary Scoping Memo. Furthermore, R.10-02-005 directed the IOUs to file Tier 3 Advice Letters to establish a new fund using California Alternate Rates for Energy

(“CARE”) funds as matching funds to apply for federal funds available through the Temporary Assistance to Needy Families (“TANF”) Emergency Contingency Fund.³

Opening and reply comments to the rulemaking were filed by parties on March 12, and April 2, 2010, respectively. In May 2010, the Settling Parties⁴ met to discuss the possibility of settlement. For the next two months, the Settling Parties continued to meet regularly to explore settlement. During this time period, the Commission issued a Proposed Decision on June 17, 2010, and on July 29, 2010, the Commission issued D.10-07-048 to resolve Phase I of the proceeding. D.10-07-048 adopts customer service, billing, and communications practices that are intended to have minimal cost implications. Specifically, the Decision:

1. Continues the requirement that all PG&E, SDG&E, SCE, and SoCalGas CSRs must inform any customer that owes an arrearage on a utility bill that puts the customer at risk for disconnection that the customer has a right to arrange a bill payment plan extending for a minimum of three months the period in which to repay the arrearage.
2. Continues to allow these CSRs the discretion to extend the period in which to pay the arrearage from three months up to twelve months.⁵
3. Provides that CARE and Family Electric Rate Assistance (“FERA”) customers in the PG&E, SDG&E, SCE, and SoCalGas service territories are not required to pay additional reestablishment of credit deposits with a utility for either slow-payment/no-payment of bills or following a disconnection.
4. Provides that medical baseline or life support customers shall not be disconnected without an in-person visit from a utility representative.
5. Directs SDG&E and SoCalGas to develop an automatic payment plan that allows new customers or reconnecting customers a payment option that is in lieu of a cash deposit for credit. Requires PG&E and SCE to continue to offer their non cash credit deposit options to all new customers and those required to post a reestablishment of credit deposit following a disconnection.

³ R.10-02-005 also directed the IOUs to propose a uniform billing/accounting methodology that ensures that the customer receives proper credit for monies paid.

⁴ The City and County of San Francisco (“CCSF”) was formerly a party to the settlement discussions, but had to withdraw due to issues unrelated to the terms of the settlement agreement.

⁵ The Decision notes that while each utility may implement a repayment plan exceeding 12 months, the Commission is only requiring a 3-month extension to the repayment plan schedule. D.10-07-048 at note 3.

6. Directs PG&E, SDG&E and SCE to collect from customers a reestablishment of credit deposit following a disconnection based on twice the average monthly bill, rather than twice the maximum monthly bill. Requires SoCalGas to continue its current reestablishment of credit deposit amount of a two times the monthly average bill.
7. Directs SoCalGas and SDG&E to waive reestablishment of credit deposits for late payment of bills. Requires PG&E and SCE to continue their practice of not collecting credit deposits for late payment of bills.
8. Directs PG&E and SCE to provide a field representative who can collect on a bill during an in-person visit prior to disconnection for medical baseline or life support customers. Requires SDG&E and SoCalGas to continue this practice.
9. Directs PG&E, SCE, SDG&E and SoCalGas to implement these customer service disconnection practices by October 1, 2010.
10. Directs SoCalGas, SDG&E, SCE and PG&E to recommend to the Commission, by October 1, 2010, uniform notice of disconnection procedures.
11. Authorizes PG&E, SCE, SDG&E and SoCalGas to charge significant costs associated with complying with the new practices in this decision to their disconnection memorandum accounts (“DAM”); however, the recovery of costs tracked in the DAM will be reviewed in the utilities’ next GRCs.⁶
12. Continues the disconnection data reporting requirements adopted in the rulemaking, and adds other data reporting requirements.⁷

As a result of their progress, the Settling Parties were able to reach an agreement in principle on July 23, 2010. On July 28, 2010, the Settling Parties noticed a settlement conference pursuant to Rule 12.1 of the Commission’s Rules of Practice and Procedure, and a settlement conference was convened on August 5, 2010. Participating parties included the Settling Parties, PG&E, SCE, and the CCSF. After the settlement conference, the Settling

⁶ The Decision directs that these customer service practices shall be in effect until the effective date for each utility’s next GRC, which is anticipated to be January 1, 2012. D.10-07-048, at p. 25.

⁷ In the second phase of the proceeding, the Commission will address additional issues, regarding: 1) cost recovery, 2) third-party language services, 3) remote disconnection protocol, 4) a means to limit CARE-customer disconnections, 5) the definition and identification of sensitive customers, 6) the increased role of CSRs, 7) disconnection notice practices, 8) deposit rules for certain customers demonstrating bad faith, 9) the discrepancy between the disconnection rates of PG&E and SCE, as compared to SDG&E and SoCalGas, 10) uniform billing and accounting methodology, and 11) customer choice of a monthly bill date. D.10-07-048, at pp. 27-28.

Parties continued to diligently pursue settlement. These efforts resulted in the Residential Disconnection Settlement Agreement.⁸

II. BASIS FOR MODIFICATION

Pursuant to Rule 16.4, the Settling Parties respectfully request that the Commission grant their petition on the grounds that the Settlement Agreement represents a comprehensive resolution of all the material issues identified in Phase I and Phase II of this rulemaking, as they relate to SDG&E and SoCalGas. In addition, and as discussed in greater detail in the Settling Parties' Motion for Approval of the Settlement Agreement,⁹ SDG&E and SoCalGas already have relatively low rates of service disconnections due to their current customer service practices.¹⁰ Since 2007, SDG&E represents that it has averaged an annual total residential disconnection rate of 2.00%, and averaged an annual disconnection rate for CARE-only customers of 3.79%. Since 2007, SoCalGas represents that it has averaged an annual total residential disconnection rate of 3.33%, and averaged an annual disconnection rate for CARE-only customers of 4.32%.

The Utilities represent that they have achieved these relatively low disconnection rates by proactively reaching out and aggressively working with their customers to provide them greater assistance, guidance, and information. The Utilities represent that they have developed comprehensive and balanced approaches to helping customers avoid disconnections—approaches involving increased immediate financial assistance, increased direct utility interaction, and enhanced media outreach and more outreach efforts to publicize customer assistance programs. It appears that these efforts or “best practices” have been successful in

⁸ Although CCSF did not sign the Settlement Agreement, it was actively involved in the negotiations and documentation of the Settlement Agreement, and has indicated that it strongly supports the Agreement.

⁹ The Motion is being filed concurrently with this Petition for Modification.

¹⁰ D.10-07-048, at p. 10. The Decision encourages PG&E and SCE to consult closely with SDG&E and SoCalGas and “implement similar if not exact customer service practices so as to limit significant discrepancies among customer service disconnection rates.” *Id.*

assisting customers who are at risk of having their utility services disconnected, and in furthering the Commission's goals as articulated in this rulemaking.

This Settlement Agreement memorializes additional Utility best practices to reduce customer disconnections. The Settlement Agreement also includes enhanced reporting requirements and performance-based residential disconnection benchmarks, which will allow the Commission, the Utilities, Intervenors, and other stakeholders a better opportunity to evaluate the Utilities' success in assisting customers to reduce disconnections. The performance-based disconnection benchmarks will also establish a reference point from which to evaluate the extent to which the hardship being experienced by customers has been sufficiently mitigated, and create incentives for SDG&E and SoCalGas to maintain their moderately low levels of residential disconnections.

The Settlement Agreement incorporates further customer service and communications practices, policies, and protocols that are not required by D.10-07-048 at this time, to address the additional issues articulated in, or related to, this rulemaking:

- 1) Establishes an extreme weather policy, in which the SDG&E and SoCalGas agree not to disconnect residential customers for nonpayment in the event the temperature reaches above 100 degrees F or below 32 degrees F for SDG&E or above 32 degrees F for SoCalGas;
- 2) Provides for multi-language and large print 48-hour disconnection notice inserts in Spanish, Chinese (Mandarin and Cantonese), Vietnamese, Korean, and Tagalog, as well as large print (at least 16 point sans serif font) English;
- 3) Provides for Braille bills and 48-hour notices upon customer request;
- 4) Provides large font bills to customers using "My Account";

- 5) Provides that SDG&E and SoCalGas will ensure that their CSRs are trained to use relay services for deaf customers;
- 6) Provides that SDG&E will implement a 12-month transition period to educate customers about Smart Metering technology, before utilizing remote disconnection of residential customers for nonpayment;
- 7) Provides that remote disconnection will not be used for residential customers who are vulnerable to health and safety risks associated with loss of utility service, i.e., elderly, disabled, Medical Baseline, or seriously ill;
- 8) Provides that the Settling Parties will meet quarterly to review Utility performance and other related issues; and
- 9) Provides that the Settling Parties may request that the Commission's Telecommunications Education and Assistance in Multiple-Languages ("TEAM") program be expanded to include energy bills because currently the program only provides in-language bill education and customer outreach to telecommunications customers.

Accordingly, because the Settlement Agreement addresses all material issues in Phase I and II of this proceeding, as they relate to SDG&E and SoCalGas, and because SDG&E and SoCalGas are already achieving the Commission's goal of maintaining fairly low rates of residential service disconnections, the Settling Parties respectfully request that the Commission modify D.10-07-048 to exempt SDG&E and SoCalGas from the requirements imposed in D.10-07-048. Notwithstanding this request, during Phase II of this proceeding, SDG&E and SoCalGas will continue to participate in Commission workshops, meetings, etc, and engage in dialogue with stakeholders to discuss other means to assist customers avoid disconnection.

III. PROPOSED MODIFICATIONS

Rule 16.4(b) requires that the petitioner(s) propose specific wording to carry out the requested modification(s). The specific language changes are described herein, and are proposed as an integrated package. None of the Settling Parties recommend, nor would they support, any of the following changes unless all of them are approved together. Pursuant to Rule 16.4(b), the Settling Parties propose the following modifications to D.10-07-048:

CONCLUSIONS OF LAW

1. The changes in customer service disconnection practices in this order should be adopted.
2. ~~PG&E, SCE, SDG&E and SoCalGas~~ PG&E and SCE may include any significant additional costs, including operations and maintenance charges and any uncollectable expense that exceed those projected in their last GRCs associated with implementing the customer practices ordered in this decision, in the memorandum accounts established for this purpose.
3. The Joint Utilities' Motion and DRA's motion should be granted.
4. This order should be effective immediately so that the changes in customer service practices may be implemented by October 1, 2010.
5. On ____, the Commission approved a Settlement Agreement between SDG&E/SoCalGas, Disability Rights Advocates, the Division of Ratepayer Advocates, the Greenlining Institute, the National Consumer Law Center and The Utility Reform Network, as reasonable in light of the record, consistent with law and in the public interest. Accordingly, because the Settlement Agreement addresses all material issues in Phase I and II of this proceeding as they relate to SDG&E and SoCalGas, SDG&E and SoCalGas should be exempt from the requirements imposed in D.10-07-048.

INTERIM ORDER

1. Pacific Gas and Electric Company; and Southern California Edison Company; ~~Southern California Gas Company, and San Diego Gas & Electric Company~~ shall continue to implement the customer service disconnection practice adopted in the Order Instituting Rulemaking 10-02-005 which provides that all customer service representatives (CSRs) must inform any customer that owes an arrearage on a utility bill that puts the customer at risk for disconnection that the customer has a right to arrange for a bill payment plan extending for a minimum of three months the period in which to repay the arrearage. CSRs may exercise discretion as to extending the period in which to pay the arrearage from three months up to twelve months depending on the particulars of a customer's situation and ability to repay the arrearage. CSRs may work with customers to develop a shorter repayment plan, as long as the customer is informed of the three-month option. Customers must keep current on their utility bills while repaying the arrearage balance.
2. Pacific Gas and Electric Company; and Southern California Edison Company; ~~Southern California Gas Company, and San Diego Gas & Electric Company~~ shall implement the following interim practices by October 1, 2010:
 - a. Once a California Alternate Rates for Energy or Family Energy Rate Assistance customer has established credit as a customer of that utility, the utility must not require that customer to pay additional reestablishment of credit deposits with the utility for either slow-payment/no-payment of bills or following a disconnection.
 - b. No customer who is on medical baseline or life support shall be disconnected without an in-person visit from a utility representative.
- ~~3. Southern California Gas Company and San Diego Gas & Electric Company shall file a Tier 1 Advice Letter within one month of the effective date of this decision. The Advice Letter~~

~~shall indicate that reestablishment of credit deposits for customers for late payment of bills are waived.~~

4. Pacific Gas and Electric Company and Southern California Edison shall continue to not charge reestablishment of credit deposits to customers for late payment of bills.
- ~~5. Southern California Gas Company and San Diego Gas & Electric Company shall develop and implement an automatic payment program within three months of the effective date of this decision that allows new customers a payment option that is in lieu of a cash deposit for credit. This automatic payment program shall clearly explain to customers the implications of participation.~~
6. Pacific Gas and Electric Company shall continue to provide to their new customers the option of using its Automatic Payment Service in lieu of a cash deposit for credit. This payment service should clearly explain to customers the implications of participation.
7. Southern California Edison Company shall provide to all their new customers and to those customers requesting reestablishment of credit after being disconnected, the option of using its DirectPay program in lieu of a cash deposit for credit. This program should clearly explain to customers the implications of participation.
8. Pacific Gas and Electric Company, ~~and~~ Southern California Edison Company ~~and San Diego Gas and Electric Company~~ shall file a Tier 1 Advice Letter within one month of the effective date of this decision. The Advice Letter shall indicate changed tariff rules to provide that reestablishment of credit deposits for customers is based on twice the average monthly bill.
- ~~9. Southern California Gas Company shall continue to provide that reestablishment of credit deposits for customers is based on twice the average monthly bill.~~

10. Pacific Gas and Electric Company, and Southern California Edison Company, ~~Southern California Gas Company, and San Diego Gas & Electric Company~~ shall meet and recommend to the Commission uniform notice of disconnection procedures and the estimated costs and estimated time to implement uniform notice of disconnection procedures by October 1, 2010.
11. Pacific Gas and Electric Company and Southern California Edison Company shall provide a field person who can collect on a bill during an in-person visit prior to disconnection for medical baseline and life support customers.
- ~~12. San Diego Gas and Electric Company and Southern California Gas Company shall continue to provide a field person who can collect on a bill during an in-person visit prior to disconnection for medical baseline or life support customers.~~
13. Pacific Gas and Electric Company, and Southern California Edison Company, ~~Southern California Gas Company, and San Diego Gas & Electric Company~~ are authorized to charge significant costs associated with complying with the new practices continued or initiated in this proceeding to their established memorandum accounts. Memorandum account information shall be provided to the Energy Division by the 25th day of each month.
14. Pacific Gas and Electric Company, and Southern California Edison Company, ~~Southern California Gas Company, and San Diego Gas & Electric Company~~ are directed to file monthly reports in this proceeding of additional data as shown on Appendix A. The monthly reports shall be filed by the 25th day of each month commencing with the first month following the effective date of this decision and continuing until directed otherwise by the Commission.

15. The customer service disconnection practices ordered in this decision shall be effective until the effective dates of the next general rate cases for Southern California Edison Company; ~~Southern California Gas Company, and San Diego Gas and Electric Company.~~
16. The customer service disconnection practices ordered in this decision for Pacific Gas and Electric Company shall be effective until January 1, 2012, unless otherwise ordered.
17. San Diego Gas and Electric Company and Southern California Gas Company's request to have their monthly disconnection data reports kept under seal is granted for two years from the effective date of this decision.¹¹ During that period the information shall not be made accessible or disclosed to anyone other than the Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.
18. If San Diego Gas and Electric Company and Southern California Gas Company believe that further protection of the information kept under seal is needed, they may file a motion stating the justification for further withholding of the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than one month before the expiration date.

¹¹ In practice, SDG&E and SoCalGas only submit a portion of their monthly disconnection data reports under seal, i.e. aging data. The aging data for each quarter is included in a separate confidential monthly report until the earnings announcement for that quarter has been completed. The aging data is then reported in the next monthly disconnection data report.

IV. CONCLUSION

For the reasons set forth above, the Settling Parties respectfully request that D.10-07-048 be modified to permit the terms of the Settlement Agreement to supersede D.10-07-048 requirements, as they apply to SDG&E and SoCalGas.

Respectfully submitted,

DISABILITY RIGHTS ADVOCATES

THE DIVISION OF RATEPAYER
ADVOCATES

By: /s/
MELISSA W. KASNITZ

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SAN DIEGO GAS & ELECTRIC COMPANY
SOUTHERN CALIFORNIA GAS COMPANY

THE UTILITY REFORM NETWORK

By: /s/
KIM F. HASSAN

By: /s/
HAYLEY GOODSON

September 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **PETITION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902E), THE SOUTHERN CALIFORNIA GAS COMPANY (U 904G), DISABILITY RIGHTS ADVOCATES, THE DIVISION OF RATEPAYER ADVOCATES, THE GREENLINING INSTITUTE, THE NATIONAL CONSUMER LAW CENTER, AND THE UTILITY REFORM NETWORK TO MODIFY DECISION 10-07-048** on all parties identified in Docket No. R.10-02-005 by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 9th day of September, 2010.

/s/ JOEL DELLOSA

Joel Dellosa