

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

Order Instituting Rulemaking on the)	
Commission's Proposed Policies and Programs)	Rulemaking 04-01-006
Governing Post-2003 Low-Income Assistance)	(Filed January 8, 2004)
Programs)	
)	A.05-06-005, A.05-06-009
And Related Matters)	A.05-06-012, A.05-06-013

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U-338-E) PETITION FOR
MODIFICATION OF DECISION 05-10-044, DATED OCTOBER 27, 2005, INTERIM
OPINION APPROVING VARIOUS EMERGENCY PROGRAM CHANGES IN LIGHT
OF ANTICIPATED HIGH NATURAL GAS PRICES IN THE WINTER OF 2005-2006**

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Dated: **November 28, 2005**

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I.

INTRODUCTION

Pursuant to Rule 47 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, Southern California Edison Company (SCE) respectfully submits this Petition for Modification of Decision 05-10-044, dated October 27, 2005 (the “Decision” or “D.05-10-044”). SCE requests that the Commission modify the Decision to exempt SCE, an *electric* utility, from the winter shut-off moratorium, or in the alternative, eliminate the expansion of the shut-off moratorium to *all* residential customers and limit it, as originally contemplated, to low-income customers only. SCE is committed to protecting its most vulnerable customers and taking measures to mitigate the impacts of high natural gas prices on low-income customers this winter. However, the purpose of the winter shut-off moratorium is inconsistent with SCE’s customers’ energy usage patterns and electric bills, which unlike gas customers’, are higher in the hot summer months. Further, expansion of the shut-off moratorium to all residential customers is beyond the scope and purpose of the underlying proceeding and

could have far-reaching consequences that were not contemplated nor considered by the Commission. Moreover, SCE was not provided an opportunity to inform the Commission of the impacts on electric customers as a result of the expansion of the shut-off moratorium due to the expedited nature of this proceeding and the Commission's last-minute changes to the Decision. SCE wholeheartedly agrees with and desires to achieve the Commission's goal of mitigating the impacts of high natural gas costs on low-income customers this winter. To this end, SCE believes that modifying the Decision will provide the best protection to SCE's customers both now, and in the hot summer months, while avoiding detrimental, unintended consequences.

SCE additionally requests expedited treatment of this Petition for Modification under Rule 81(f) of the Commission's Rules of Practice and Procedure. Given the expedited treatment of these policies, any changes should be considered and adopted expeditiously to avoid unnecessary costs, protect SCE's customers and provide clear direction to the utilities.

II.

BACKGROUND

On September 13, 2005, the Commission issued its Notice of October 6, 2005 Full Panel Hearing in Los Angeles (Notice) to address its concerns over the impact of "significantly higher natural gas bills this coming winter."¹ The Notice explained that "[t]he Commission will hold a full-panel hearing in order to hear from the utilities about the bill increases which they foresee and to address the potential impact of such increases on low- and fixed-income customers." The Notice directed the utilities to "prepare for presentation at the full panel hearing proposals for reducing bill impacts for low-income customers during the coming months ..." In accordance with the Notice, on September 28, 2005, SCE prepared proposals for reducing bill impacts on

¹ The Notice also mentioned potentially higher electric bills: "The impact of Hurricane Katrina on gas production, processing and transportation facilities has the potential to make gas costs even higher. This is also likely to result in higher electric bills." While increased natural gas prices may affect electric bills, the impact is considerably different than that on gas bills. Electric utilities derive their power from a variety of sources, including hydropower, coal and nuclear power. Only a part of SCE's power comes from natural gas generation. Further, because of the method of cost recovery, any impact that increased natural gas prices may have on electric bills will not be fully seen until February of 2006.

low- and fixed-income customers during the 2005-2006 winter season, which focused on the CARE program, Low-Income Energy Efficiency (LIEE) measures and additional suggestions to directly assist low-income customers.

On October 6, 2005, the full panel hearing was held, with the following items, among others, on the agenda entitled “Low-Income CPUC Full Panel Hearing”: “Low-Income Oversight Board – Role and Concerns;” “Panel One: Community Organizations’ Discussion – Anticipated Impacts & Proposals to Mitigate High Winter Gas Prices for Low-Income Customers;” and “Panel Two: Utility Low-Income Program Overview & Proposals to Mitigate Winter Price Impacts on Low-Income Customers.”

In an electronic ruling issued the next day, Administrative Law Judge (ALJ) Weissman set forth an expedited schedule in order to implement the emergency program changes in time for the winter months: October 11, 2005, last date to submit proposals for adoption; October 17, 2005, last date to submit comments on the proposals; October 19, 2005, last date to submit replies to comments;² and October 20, 2005, workshop on the utilities’ proposals.

On October 25, 2005, ALJ Weissman issued his draft decision. The draft decision highlighted the purpose of the emergency program changes: “While these cost increases [the exceptionally high natural gas costs anticipated in the winter months] create a burden for all customers, [the Commission] is especially concerned about the potential impacts on low-income residential customers.” (Draft Decision, p. 2.) Further, the draft decision stated that “[t]here is only one theme for this inquiry – How can we best protect low-income consumers, without creating undue new burdens on all other customers?” (Draft Decision, p. 6.) To this end, the shut-off moratorium was limited to low-income customers.³

² In its comments and reply comments, SCE did not endorse a shut-off moratorium, but rather stated that “SCE believes its existing policies provide the flexibility to address each customer’s needs on a case-by-case basis” (Comments, pp. 11-12) and that other programs, such as waiving reconnect deposits, using existing flexibility in credit policies, and expanding CARE eligibility “provide a comprehensive approach for addressing high energy bills this winter.” (Reply, p. 2.)

³ The draft decision stated: “We further direct the utilities to take extraordinary steps to ensure that **low-income** customers struggling to pay higher bills this winter are able to continue receiving gas and electric service.

Continued on the next page

Believing that immediate action was needed, the Commission waived the normal process of releasing the draft decision for comment. (*See* Decision, p. 30.) As a result, less than 24 hours were permitted for comment.

On October 26, 2005, SCE submitted its comments on the draft decision requesting that, in order to protect its customers, it be exempted from the winter shut-off moratorium entirely because “[a]s an electric utility . . . the [draft decision’s] proposed credit policies are inconsistent with SCE customers’ energy usage patterns and electric bills, which are higher in the hot summer months.” On October 27, 2005, the Commission issued an Escutia draft, which included SCE in the shut-off moratorium and expanded the winter shut-off moratorium to all residential customers. This version of the decision was adopted by the Commission that same day.

On November 7, 2005, the Commission issued D.05-10-044 that includes the expanded shut-off moratorium language. The Decision includes no findings to support the expansion or the impacts (good or bad) of the shut-off moratorium to (1) electric utilities or (2) to all residential customers. As a result of the very short turn-over time, SCE had little to no opportunity to reasonably investigate the impacts of the winter shut-off moratorium to over 4 million of its customers.⁴

III.

DISCUSSION

A. To Protect Ratepayers, SCE Should be Exempted from the Winter Shut-Off Moratorium

The winter shut-off moratorium has the potential to do more harm than good to SCE’s customers. The purpose of the underlying proceeding is to deal with anticipated high *natural gas*

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Toward that end, the utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments.” (Draft Decision, p. 25-25.) (Emphasis added.)

⁴ In only a few short days, despite its objection to the expansion of the winter shut-off moratorium to all residential customers, SCE submitted an Advice Letter describing how it plans to address the winter shut-off moratorium for all residential customers. (*See* Advice Letter 1928-E.)

prices this winter. High gas prices are ameliorated by the electric utilities' generation mix – the full impact of the gas price increase is mitigated by other generation resources. Further, as the Commission is aware, the manner by which SCE recovers its costs for purchased power (including gas) is such that the increased cost of power purchased in November 2005 will not be reflected in the electric customers' bills until early 2006. Therefore, because of the billing lags, the higher bills for electric customers will not occur in the November to January period, but likely in the February to July period. Thus, it is apparent that a winter shut-off moratorium will have little benefit for electric customers this winter. Therefore, it makes little sense to include SCE – an *electric* utility, which, unlike the gas utilities, has its peak billing period in the hot summer months – in the winter shut-off moratorium.

Indeed, the effect of the shut-off moratorium on SCE's electric customers who make only minimum bill payments this winter will be the opposite of what the Commission intended. The shut-off moratorium will encourage SCE's customers to "buy on credit" this winter, forcing them to pay off their winter balances over the hot summer months when their bills are the highest (and when they do not have the benefit of avoiding disconnection by making only minimum bill payments). In fact, most SCE customers who take advantage of the shut-off moratorium could face a triple impact of: (1) potential increased electric bills – beginning in February 2006 – as a result of high natural gas costs,⁵ (2) high summer electric bills; and (3) deferred winter bill amounts added to the already high summer electric bills.

As shown in Tables 1- 4 attached hereto, under a levelized payment plan⁶ a customer will pay *more* during the winter months than the cost of its actual usage, and under a 9-month

⁵ The increase will depend on the residential customer's electric rate tier and will be significantly less than increases to gas utility bills.

⁶ Although levelized payment plans are available to SCE's customers, pursuant to the Decision, SCE will offer customers who choose to pay only minimum bill payments during the winter months a nine-month repayment plan effective May 1, 2006. (*See* Decision, Ordering Paragraph 16 ("Customers shall not be disconnected if they agree to participate in a levelized payment plan or, at the utilities discretion comply with, a plan to repay all past-due amounts within nine months")); (*see also* Advice 1928-E.) As a result, most customers who take advantage of the shut-off moratorium will have to enter 9-month repayment plans, and pay their deferred winter bills over the summer months.

repayment plan the customer's electric bills will be shifted to the summer months, exacerbating its already high summer bills. While the shut-off moratorium may relieve gas customers of the burden of higher gas bills *this winter*, it will only compound the problem of high electric bills for electric customers down the road. For SCE's customers in particular, this could create a very real danger of increased shut-offs during the hottest summer months when air conditioning is a necessity.

SCE was concerned about this unintended effect. Therefore, in its comments on the draft decision, SCE requested that all electric utilities be exempted from the shut-off moratorium. The Commission denied this request, reasoning that "most of [SCE's] customers consume gas as well." (Decision, p. 26.) Based on the Commission's reasoning, however, *all* utilities – gas, electric, telecommunications, water, etc. – should institute a shut-off moratorium this winter as these utilities' customers likely "consume gas as well." Certainly, this was not the Commission's intended result.

This proceeding began as a gas utility issue, and with respect to gas customers, the shut-off moratorium may be appropriate. However, the extension of the shut-off moratorium to electric utilities in the interest of treating the energy utilities equally (despite their distinct differences in usage and billing patterns) is not well founded – the differences warrant disparate treatment. By this Petition for Modification, the Commission now has the opportunity to fully consider the impact on SCE's customers of expanding the shut-off moratorium to electric utilities (which it could not do before due to the expedited nature of the proceeding). In order to protect SCE's customers this winter and in the coming summer months, the Commission should modify the Decision to exempt SCE from the shut-off moratorium.⁷

⁷ The programs SCE already offers – such as energy efficiency programs, flexible credit policies, and the newly expanded CARE and LIEE programs – will help mitigate the impacts of high natural gas prices on its customers this winter without increasing the risk of high bills and shut-offs this summer.

B. Alternatively, The Winter Shut-Off Moratorium Should Be Limited to Low-Income Residential Customers

If the Commission determines that SCE must continue to adhere to the winter shut-off moratorium, at the very least, the Commission should limit it to the most vulnerable customers – low-income customers – as originally contemplated. While SCE continues to believe that the shut-off moratorium will only harm its customers by either increasing their bills this winter or increasing their already high summer bills, limiting the shut-off moratorium to low-income customers is more in-line with the underlying record and intent of the Decision.⁸

First, as described above, the purpose of the October 6, 2005 en banc was to explore and implement emergency program changes to reduce the impact of high natural gas prices on the most vulnerable customers – low-income customers. The Commission’s concerns for low-income households were repeatedly emphasized throughout the Decision: “[W]e are especially concerned about the potential impacts on low-income residential customers;” “We . . . solicit[ed] proposals for providing low-income customers with greater bill protection this winter;” “How can we best protect low-income consumers . . .?” (Decision, pp. 2, 6.) Expanding the shut-off moratorium to *all* residential customers is simply beyond the scope and intent of the underlying proceeding and Decision.

Second, there is nothing on record in this proceeding to provide a meaningful foundation for the expansion of the winter shut-off moratorium to all electric residential customers. There was no testimony regarding, or consideration and analysis of, what the impact of expanding the shut-off moratorium to *all* residential customers would be. In contrast, ALJ Weissman requested information regarding the impact of the majority of the other proposed emergency measures.⁹

⁸ The winter-shut off moratorium will also permit low-income customers to shift their winter electric bills to later months, thereby freeing up more disposable income for their winter gas bills.

⁹ On October 5, 2005, SCE responded to ALJ Weissman’s October 3, 2005 email request for information, including (1) What are the utility’s total available carry-over funds from prior years for all low-income programs?; (2) What are the likely dollar impacts if the Commission were to adopt the proposals to eliminate reconnection fees for CARE customers and to ban winter service shut-offs for customers making minimum bill payments? (to which SCE responded with information on what the potential impacts would be for banning

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As such, the Commission did not have the benefit of information regarding the potential financial impact and practical realities of the winter shut-off moratorium for all residential customers.¹⁰

The purpose of this proceeding and the resulting Decision was to mitigate the impacts of high natural gas prices on low-income customers. Again, while the shut-off moratorium has the potential for actually harming SCE's electric residential customers, at the very least, the shut-off moratorium should be limited to low-income customers as originally contemplated.¹¹ In light of these considerations, the Commission should modify the Decision.

C. The Commission Should Expedite its Consideration and Approval of this Petition for Modification Due to the Emergency Nature of the Winter Initiatives

SCE, as required by the Decision, has already taken steps to implement the winter shut-off moratorium. As such, SCE has incurred and will continue to incur costs administering the changes. Further, the longer SCE permits its residential customers to pay only 50% of their current monthly bills, the more likely its customers will face increased winter bills or exorbitantly high bills and shut-offs during the hot summer months. Thus, the Commission should proceed promptly to modify the Decision.

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winter shut-offs for **CARE customers** only); (3) What are the likely dollar impacts if the Commission were to suspend collection of deposits on low-income customers?; (4) What would be the potential dollar impact of increasing CARE eligibility to 200% of the federal poverty guidelines, and if this amount could be redirected to provide additional rate relief to existing CARE customers, what would be the additional average bill reduction?; and (5) How could each utility target LIEE program relief to master-metered customers and other under-served customers in multi-family dwellings? ALJ Weissman also issued additional information requests on October 14, 2005, none of which requested information regarding the impacts of extending the winter shut-off moratorium to *all* residential customers.

¹⁰ The shut-off moratorium may result in a negative credit rating perception/action. In setting SCE's credit rating, S&P and Moody's rely on the protections granted by AB57 and the ERRA trigger Mechanism, which provide "timely recovery of the utilities' procurement costs." (D.03-10-059, p. 7.) However, by allowing all residential customers to defer up to 50% of their bills, the rating agencies could conclude that the Commission has created a mechanism that circumvents the protections for timely recovery. This may result in a negative rating perception/action, as it seems to reverse the Commission's policy on timely cost recovery ratemaking.

¹¹ To the extent there are unrecovered costs as a result of the shut-off moratorium, SCE should be permitted to track and recover such costs through a memorandum account.

Expedited action by the Commission is warranted. SCE requests a shortened response period to this Petition of 5 days.

IV.

CONCLUSION

The requested modification is consistent with the Commission’s intent of mitigating the impacts of high natural gas costs this winter – SCE’s customers will be protected from high natural gas prices (in part through the gas utilities’ efforts) while being guarded against the unintended adverse consequences of higher summer electric bills. For the foregoing reasons, SCE respectfully requests that the Commission modify the Decision as follows:

Text of D.05-10-044	Proposed Modification to D.05-10-044
<p>“The utilities are prohibited from shutting off service this winter to residential customers that make regular payments of at least 50% of their bills.” (Decision, p. 3, Summary, No. 8.)</p>	<p>“The gas utilities are prohibited from shutting off service this winter to residential customers that make regular payments of at least 50% of their bills.”</p>
<p>“We further direct the utilities to take extraordinary steps to ensure that residential customers struggling to pay higher bills this winter are able to continue receiving gas and electric service. Toward that end, the utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments.” (Decision, pp. 25-26, Continuity of Service.)</p>	<p>“We further direct the utilities to take extraordinary steps to ensure that residential customers struggling to pay higher bills this winter are able to continue receiving gas <i>[deleted: “and electric”]</i> service. Toward that end, the gas utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments.”</p>
<p>“SCE asks to be exempted from this shut-off moratorium because it peaks in the summer. Since most of its customers consume gas as well, we will not grant this exemption.”</p>	<p>“SCE asks to be exempted from this shut-off moratorium because it peaks in the summer. <i>[deleted: “Since most of its customers consume gas as well, we will not grant this exemption”]</i></p>

(Decision, p. 26, Continuity of Service.)	We will grant this request. Accordingly, SCE is exempted from the shut-off moratorium.”
“The utilities should not shut off service, during the coming winter months, to customers that continue to pay at least 50% of their bills and enter into a utility-offered payment plan.” (Decision, p. 33, Conclusions of Law No. 13.)	“The gas utilities should not shut off service, during the coming winter months, to customers that continue to pay at least 50% of their bills and enter into a utility-offered payment plan.”
“The utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments. . .” (Decision, p. 36, Ordering Paragraph No. 16.)	“The gas utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments. . .”
“Each utility shall file monthly reports, this winter, due no later than the seventh of each month, December through May, presenting the percentage of residential accounts being paid in full when due, paid between 50-99%, and paid at less than the 50% trigger for shut-off protection, separately tracked by CARE, medical baseline and non-CARE customers (and FERA where applicable), and including shut-off figures for each of these customer groups.” (Decision, p. 38, Ordering Paragraph 19.)	“Each gas utility shall file monthly reports, this winter, due no later than the seventh of each month, December through May, presenting the percentage of residential accounts being paid in full when due, paid between 50-99%, and paid at less than the 50% trigger for shut-off protection, separately tracked by CARE, medical baseline and non-CARE customers (and FERA where applicable), and including shut-off figures for each of these customer groups. SCE is exempted from this requirement.”

Alternatively, if the Commission determines that SCE is *not* exempt from the winter shut-off moratorium, SCE respectfully requests the following modifications to D.05-10-044:

Text of D.05-10-044	Proposed Modification to D.05-10-044
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<p>“The utilities are prohibited from shutting off service this winter to residential customers that make regular payments of at least 50% of their bills.” (Decision, p. 3, Summary, No. 8.)</p>	<p>“The utilities are prohibited from shutting off service this winter to [<i>deleted: “residential”</i>] low-income^{fn} customers that make regular payments of at least 50% of their bills.”</p> <p>^{fn} For purposes of the shut-off moratorium, “low-income customers” include CARE customers and FERA customers where applicable.</p>
<p>“We further direct the utilities to take extraordinary steps to ensure that residential customers struggling to pay higher bills this winter are able to continue receiving gas and electric service. Toward that end, the utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments.”</p> <p>(Decision, pp. 25-26, Continuity of Service.)</p>	<p>“We further direct the utilities to take extraordinary steps to ensure that [<i>deleted: “residential”</i>] low-income customers struggling to pay higher bills this winter are able to continue receiving gas. Toward that end, the utilities shall not shut off service during the winter months to low-income customers that continue to make minimum bill payments.”</p>
<p>“We are aware that we are offering these benefits through this order, to residential customers, and not to small businesses. We simply have not had the participation from the local business community necessary to determine if some assistance would be appropriate. We encourage the small business community to let us know of its concerns.”</p>	<p>Delete.</p>

(Decision, p. 26, fn. 12.)	
<p>“The utilities should not shut off service, during the coming winter months, to customers that continue to pay at least 50% of their bills and enter into a utility-offered payment plan.”</p> <p>(Decision, p. 33, Conclusions of Law No. 13.)</p>	<p>“The utilities should not shut off service, during the coming winter months, to low-income customers that continue to pay at least 50% of their bills and enter into a utility-offered payment plan.”</p>
<p>“The utilities shall not shut off service during the winter months to customers that continue to make minimum bill payments. . .”</p> <p>(Decision, p. 36, Ordering Paragraph No. 16.)</p>	<p>“The utilities shall not shut off service during the winter months to low-income customers that continue to make minimum bill payments. . .”</p>
<p>“Each utility shall file monthly reports, this winter, due no later than the seventh of each month, December through May, presenting the percentage of residential accounts being paid in full when due, paid between 50-99%, and paid at less than the 50% trigger for shut-off protection, separately tracked by CARE, medical baseline and non-CARE customers (and FERA where applicable), and including shut-off figures for each of these customer groups.”</p> <p>(Decision, p. 38, Ordering Paragraph 19.)</p>	<p>“Each utility shall file monthly reports, this winter, due no later than the seventh of each month, December through May, presenting the percentage of residential accounts being paid in full when due, paid between 50-99%, and paid at less than the 50% trigger for shut-off protection, separately tracked by CARE [<i>deleted: “medical baseline and non-CARE customers”</i>] and FERA where applicable, and including shut-off figures for each of these customer groups.”</p>

In addition, for the reasons set forth above, SCE requests that the Commission expedite its consideration and approval of this Petition for Modification by requiring responses by December 5, 2005.

Respectfully submitted,

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November 28, 2005

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RE: R.04-01-006, A.05-06-005, A.05-06-009, A.05-06-012, A.05-06-013

Dear Docket Clerk:

Enclosed for filing with the Commission are the original and five copies of the **SOUTHERN CALIFORNIA EDISON COMPANY'S (U-338-E) PETITION FOR MODIFICATION OF DECISION 05-10-044, DATED OCTOBER 27, 2005, INTERIM OPINION APPROVING VARIOUS EMERGENCY PROGRAM CHANGES IN LIGHT OF ANTICIPATED HIGH NATURAL GAS PRICES IN THE WINTER OF 2005-2006** in the above-referenced proceeding.

We request that a copy of this document be file-stamped and returned for our records. A self-addressed, stamped envelope is enclosed for your convenience.

Your courtesy in this matter is appreciated.

Very truly yours,

Stacie Schaffer

SS:as:LAW-#1259890.doc

Enclosures

cc: All Parties of Record
(U 338-E)

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of SOUTHERN CALIFORNIA EDISON COMPANY'S (U-338-E) PETITION FOR MODIFICATION OF DECISION 05-10-044, DATED OCTOBER 27, 2005, INTERIM OPINION APPROVING VARIOUS EMERGENCY PROGRAM CHANGES IN LIGHT OF ANTICIPATED HIGH NATURAL GAS PRICES IN THE WINTER OF 2005-2006 on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

- Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.
- Placing the copies in sealed envelopes and causing such envelopes to be delivered by hand or by overnight courier to the offices of the Commission or other addressee(s).
- Placing copies in properly addressed sealed envelopes and depositing such copies in the United States mail with first-class postage prepaid to all parties.
- Directing Prographics to place the copies in properly addressed sealed envelopes and to deposit such envelopes in the United States mail with first-class postage prepaid to all parties.

Executed this **28th day of November, 2005**, at Rosemead, California.

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