

BEFORE THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION

Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Post-2003 Low-Income Assistance Programs.

Rulemaking 04-01-006
(Filed January 8, 2004)

And Related Matters.

Application 04-06-038
(Filed June 30, 2004)
Application 04-07-002
(Filed July 1, 2004)
Application 04-07-010
(Filed July 1, 2004)
Application 04-07-011
(Filed July 1, 2004)
Application 04-07-012
(Filed July 1, 2004)
Application 04-07-013
(Filed July 1, 2004)
Application 04-07-014
(Filed July 1, 2004)
Application 04-07-015
(Filed July 1, 2004)
Application 04-07-020
(Filed July 8, 2004)
Application 04-07-027
(Filed July 2, 2004)
Application 04-07-050
(Filed July 29, 2004)

**JOINT RESPONSE OF
THE SMALL AND MULTI-JURISDICTIONAL UTILITIES
TO THE SECOND
ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING ASSEMBLY BILL 868**

In compliance with the November 22, 2004 Second Ruling by Administrative Law Judge Sarah R. Thomas in R.04-01-006 (the 2nd Ruling), the small and multi-jurisdictional utilities (SMJU) have prepared the following joint statement in response to the 2nd Ruling.

**THE 100 PERCENT ELIGIBILITY REQUIREMENT SHOULD NOT APPLY TO ALL
MIGRANT HOUSING CENTERS**

ORA points out that PG&E has been unable to provide all migrant housing centers on its system the CARE benefit because "one or two families barely miss[ed] the income criteria". ORA continues that the relevant tariff of PacifiCorp, the only SMJU with an identified migrant housing center on its system, includes a requirement that 100 percent of facility residents meet the CARE income guidelines.

The SMJU suggest that reasonable judgment could be used to determine whether a migrant housing center should, or should not qualify for CARE benefits based on an analysis of individual resident incomes. For example, if the income level of one family out of twenty families living in an individual center exceeds the CARE income guidelines, it would indeed be unreasonable to deny benefits to the center entirely. The SMJU do not object to removing the 100 percent eligibility requirement from their tariffs and suggest imposing a lower percentage limit, such as 90 percent.

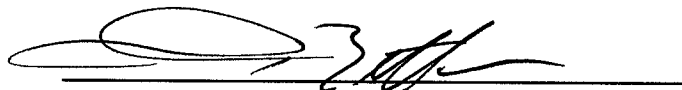
MIGRANT HOUSING CENTERS NOT WORKING WITH THE OMS SHOULD BE ENTITLED TO CARE BENEFITS

If migrant workers residing in centers that work in concert with the Office of Migrant Services (“OMS”) receive CARE benefits, the SMJU believe it would be unfair to not provide similar benefits to migrant workers who may reside in a facility that does not work with the OMS. Putting aside the 100 percent eligibility requirement previously discussed, all migrant housing centers, including centers not working with the OMS, already qualify for CARE benefits under existing SMJU tariffs. To ensure that all migrant workers receive the CARE benefit, a system whereby all operators of migrant housing centers are required to notify their utility service provider(s) should be developed.

SHOULD THE SMJU REVISE THEIR TARIFFS AS SUGGESTED BY ORA

The SMJU believe tariff consistency among all utilities is desirable bearing in mind, however, that additional program administrative costs do not outweigh the objective of more fairly providing benefits to qualified customers. The SMJU, if so ordered, will revise their existing tariffs consistent with the comments expressed herein, in response to the concerns raised by the ORA.

Dated at Las Vegas, Nevada this 30th day of November, 2004.



ON BEHALF OF THE SMALL AND MULTI-JURISDICTIONAL UTILITIES

Bridget A. Branigan, Senior Counsel

Andrew W. Bettwy, Assistant General Counsel

Southwest Gas Corporation

5241 Spring Mountain Road

Las Vegas, Nevada 89150

Phone: 702.876.7396

Facsimile: 702.252.7283

bridget.branigan@swgas.com

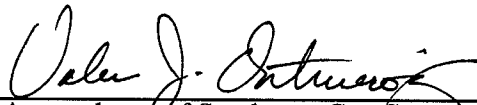
andy.bettwy@swgas.com

R.04-01-006

CERTIFICATE OF SERVICE

I certify that I have served the JOINT RESPONSE OF THE SMALL AND MULTI-JURISDICTIONAL UTILITIES TO THE SECOND ADMINISTRATIVE LAW JUDGE'S RULING REGARDING ASSEMBLY BILL 868 by electronic mail or by regular mail if electronic mail addresses were not available on all parties of record in this proceeding.

Dated November 30, 2004 at Las Vegas, Nevada.



An employee of Southwest Gas Corporation
On behalf of the Small and Multi-Jurisdictional Utilities