



DRA

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California Public Utilities Commission
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RE: Protest to PG&E's Advice Letter 3340-G/4136-E

The Division of Ratepayer Advocates (DRA) protests Pacific Gas and Electric's (PG&E) Advice Letter 3340-G /4136-E which proposes to revise CARE re-certification to remove categorical eligibility as a means of renewal in the program.

PG&E makes the astonishing assertion that Commission Decision (D.)12-08-044 (the Decision) directed PG&E to retain Categorical Eligibility only for new customers.¹ That assertion leads PG&E to believe that it can remove Categorical Eligibility (as a means of re-certification for the CARE program) for current CARE customers. Such a change would be a radical departure from how the program has been run and from how the parties discussed the program throughout the pendency of the underlying proceeding. PG&E creates this fantastical interpretation of the Decision without indicating where in the Decision the Commission indicated this new direction. PG&E failed to cite to a specific Finding of Fact, Conclusion of Law or Ordering Paragraph because none of those support such an interpretation.

The Commission, in fact, ordered no differential between 'old' and 'new' CARE customers. Ordering Paragraph 88 of the Decision specifically ordered that the IOUs:

¹ PG&E's believes that "the Commission directed the Investor Owned Utilities (IOUs) to retain the Categorical Eligibility and Enrollment Program only for the enrollment of new CARE customers." PG&E Advice Letter, p. 1, emphasis in original.

shall retain and follow our current Categorical Eligibility and Enrollment Program to continue to allow continued ease of access for enrolling into the California Alternate Rates for Energy Program²

Conclusion of Law 25 was abundantly clear that the “Categorical Eligibility and Enrollment Program should not be eliminated³” Conclusion of Law 112 reinforced this by concluding that “[w]e should retain our current Categorical Eligibility and Enrollment Program⁴” Conclusion of Law 113 repeated this when the Commission wrote that the “IOUs should follow the current Categorical Eligibility and Enrollment Program⁵”

² Ordering Paragraph 88 provides, in full:

Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and San Diego Gas & Electric Company shall retain and follow our current Categorical Eligibility and Enrollment Program to continue to allow continued ease of access for enrolling into the California Alternate Rates for Energy Program with the following modifications:

(a) The Utilities shall retain all prior pre-approved categorical enrollment programs, for now; and

(b) By January 31st of each year, the Utilities are directed to jointly and annually review and submit, by Tier 2 Advice Letter, an updated list of proposed categorical eligible low income programs for the upcoming year. The list must propose to retain and add categorically eligible programs for enrollment in low income programs, as appropriate, and must include only programs with income thresholds consistent with the California Alternate Rates for Energy and Energy Savings Assistance Program Programs;

(i) These lists, once approved, shall be updated annually and be used to implement the Categorical Eligibility and Enrollment Program for California Alternate Rates for Energy and Energy Savings Assistance Program, for the upcoming fiscal year; and

(ii) Energy Division shall review and issue an annual approval letter (with the approved updated list of programs in the Categorical Enrollment Program) along with the updated annual California Alternate Rates for Energy income guidelines letter on April 1st each year.

³ Conclusion of Law 25 states, in full:

The Categorical Eligibility and Enrollment Program should not be eliminated but should be updated to ensure that CARE discount rate and subsidy are not being diverted to ineligible customers, at the expense of the ratepayers.

⁴ Conclusion of Law 112 states, in full:

We should retain our current Categorical Eligibility and Enrollment Program, with some modifications set forth in this decision, to continue to allow continued ease of access for enrolling into the CARE Program.

⁵ Conclusion of Law 113 states, in full:

Thus, the Commission's operative and controlling paragraphs do not support PG&E's proposed radical change to the CARE eligibility rules.

These directives do mention some modifications and updating, but these have nothing to do with the elimination of Categorical Eligibility and Enrollment for current CARE customers. Ordering Paragraph 88, for example, ordered the IOUs to "retain all prior pre-approved categorical enrollment programs," but to propose changes to which low income programs qualified for Categorical Eligibility. Conclusion of Law 114, similarly, calls for the IOUs to submit "a list of proposed categorical eligibility low income programs" for consideration.⁶

PG&E may subjectively believe that because the Commission's discussion contains the word "new" with regard to Categorical Eligibility that Categorical Eligibility only applies to new CARE customers.⁷ Such a belief is not reasonable because this radical change was not captured in any of the Findings, Conclusions or Orders. If PG&E truly believes that the Commission should order that Categorical Eligibility only apply to new CARE customers, it should have brought a Petition for Modification to clear up what PG&E perceives as a conflict. In fact, the idea that there would be one Categorical Eligibility rule applied to 'old' CARE customers that is different from the one applied to 'new' CARE customers was never proposed by any of the parties and was never briefed.

DRA therefore requests the Commission expeditiously reject PG&E AL Advice Letter 3340-G/4136-E.

The IOUs should follow the current Categorical Eligibility and Enrollment Program, with some modifications, to continue to allow continued ease of access for enrolling into the CARE Program.

⁶ Conclusion of Law 114 states, in full:

The IOUs should jointly review and submit, by Tier 2 Advice Letter, a list of proposed categorical eligibility low income programs with income thresholds consistent with the CARE and ESA Programs annually by January 31st, and the Energy Division will review and issue an annual letter listing approved programs along with the annual CARE income guideline letter on April 1st each year.

⁷ The Decision contains the following language: "Categorical Eligibility is to be retained for the enrollment of new CARE customer enrollments only," D.12-08-044, p. 218.

Sincerely,

/s/ Mike Campbell

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