

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

In the Matter of the Application of San Diego Gas &
Electric Company (U 902 E) for Expedited
Authorization to Change Residential Electric Rates
Effective January 1, 2010, as Permitted by Newly
Enacted Public Utilities Code Section 739.9.

A.09-10-015
(Filed October 15, 2009)

**MOTION TO SHORTEN TIME TO RESPOND TO APPLICATION OF
SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E)**

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Pursuant to Rule 11.1 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, San Diego Gas & Electric (“SDG&E”) requests that the Commission shorten the time for responding to the concurrently filed *Application of San Diego Gas & Electric Company (U 902 E) for Expedited Authorization to Change Residential Electric Rates Pursuant to Recently Enacted Public Utilities Code Section 739.9* (the “Application”). By this motion (“Motion”), SDG&E proposes shortening the response deadline by 10 days (from 30 to 20 days) for protests and responses and by 5 days (from 10 to 5 days) for SDG&E’s reply. This expedited protest response dates are consistent with expected similar requests made or to be made by Pacific Gas and Electric Company (“PG&E”) and Southern California Edison Company (“SCE”).

An expedited protest response date is appropriate in this case. SB 695 was enacted into law as an urgency statute, modifying various sections of the Public Utilities Code, including Assembly Bill 1X (“AB 1X”), that were enacted in response to the energy crisis of 2000-2001. AB 1X capped residential rates for usage up to 130% of baseline for Tier 1 and Tier 2 usage rates, at the levels in

effect on February 1, 2001. With one exception,¹ the AB 1X restrictions have resulted in Tiers 1 and 2 rates remaining at 2001 levels while Tiers 3 and 4 rates have significantly increased, resulting in substantial bill increases for higher usage customers. Accordingly, the Application proposes an increase in non-CARE Tier 1 and Tier 2 rates pursuant to Section 739.9 and a commensurate offsetting reduction to non-CARE Tiers 3 and 4 rates, to achieve a revenue neutral result. SDG&E is requesting expedited treatment so that the requested residential rate changes may be in effect as of January 1, 2010.

Rule 2.6 would require that protests and responses to the Application would normally be due 30 days after notice of the Application appears in the Daily Calendar, and SDG&E's reply would be due 10 days later. If the Application were calendared on October 16, for example, then protests and responses would be due November 16 and SDG&E's reply would be due November 30, which would not allow sufficient time to hold a prehearing conference, issue a scoping memo, release a proposed decision, and receive comments on the proposed decision prior to the Commission's last meeting of the year on December 17, 2009.

SDG&E thus files this Motion to provide the Commission opportunity to approve the Section 739.9-authorized residential rate changes proposed in the Application at the Commission's meeting on December 17, 2009, so that the changes can take effect on January 1, 2010. SDG&E requests that the Chief Administrative Law Judge ("ALJ"), the assigned ALJ, or the assigned Commissioner issue a prompt ruling – preferably within 5 business days – in approving this Motion so that stakeholders would have adequate notice of the allotted time to prepare any protests or responses.

SDG&E proposes the following schedule (assuming the Commission grants this Motion and that no hearings are necessary) in its Application:

¹ SB 1, which established the California Solar Initiative (CSI) program, specifically allowed costs to be allocated to non-CARE Residential customers' Tier 1 and Tier 2 usage. See PU Code Section 2851(d)(2).

<u>EVENT</u>	<u>DATE</u>
Application	October 15, 2009
Protests/Responses	November 3, 2009
Prehearing Conference	November 9, 2009
Scoping Memo	November 16, 2009
Proposed Decision	December 7, 2009
Commission Decision	December 17, 2009
Rates Become Effective	January 1, 2010

The above schedule is consistent with expected similar requests made or to be made by PG&E and SCE.

For all of the above reasons, SDG&E respectfully requests that the Chief ALJ, assigned ALJ, or assigned Commissioner promptly grant this Motion to shorten the time for protests and responses to SDG&E’s Application to 20 days from notice of the Application in the Daily Calendar, and for SDG&E’s reply to five days from the last day for filing protests and responses.

DATED at San Diego, California, this 15th day of October, 2009.

Respectfully submitted,

SAN DIEGO GAS & ELECTRIC COMPANY

By: /s/ Laura M. Earl
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **MOTION TO SHORTEN TIME TO RESPOND TO APPLICATION OF SAN DIEGO GAS AND ELECTRIC COMPANY (U 902 E)** by electronic mail to each party of record in A.06-12-009, A.06-12-010, and A.08-11-014 and by Federal Express to Chief Administrative Law Judge Karen Clopton.

Dated at San Diego, California this 15th day of October, 2009.

/s/ Jenifer Nicola

Jenifer Nicola