



April 11, 2011

Advice Letter No. 247-EA

(U 913 E)

## California Public Utilities Commission

Golden State Water Company (GSWC) hereby transmits for filing an original and six copies of the following tariff sheets applicable to its Bear Valley Electric Service (BVES) Division:

<u>CPUC Sheet No.</u>	<u>Title of Sheet</u>	<u>Canceling CPUC Sheet No.</u>
Revised No. 1877-E*	Rule No. 1 Page 15	Revised No. 1128-E
Revised No. 1878-E*	Rule No. 6 Page 2	Revised No. 609-E
Revised No. 1879-E*	Rule No. 7 Page 1	Revised No. 610-E
Revised No. 1916-E*	Rule No. 17 Page 1	Revised No. 585-E
Revised No. 1880-E*	Rule No. 17 Page 2	Revised No. 586-E
Original No. 1881-E*	Sample Form No. 40 Application As Small Business Customer Under Government Code Section 14837	
Revised No. 1882-E*	Table of Contents Page 2 of 2	Revised No. 1831-E
Revised No. 1883-E*	Table of Contents Page 1 of 2	Revised No. 1876-E

**SUBJECT**

Supplement to Advice Letter 247-E, Micro Business. The Energy Division directed BVES to supplement Advice Letter 247-E to incorporate minor revisions. This supplemental filing will replace Advice Letter 247-E in its entirety.

**PURPOSE**

The purpose of this Advice Letter is to comply with Commission's Decision (D) 10-10-032 in revising the language in BVES Rules 1, 6, 7, and 17, and to propose a sample Form No. 40, Application as Small Business Customer under Government Code Section 14837 to permit customers who do not qualify on the basis of annual usage to self-certify as a small business customer by meeting the definition of a "micro-business" under Government Code 14837.

**BACKGROUND**

On May 6, 2010, the Commission issued Order Instituting Rulemaking (OIR) 10-05-005 to determine whether revisions and/or updates are necessary to utility tariff rules governing adjustments of customer bills due to meter and/or billing errors and whether utility deposit rules need to be revised. The Commission's objectives in issuing the OIR are to ensure that the policies in the existing tariff rules are adequate, to consider whether adjustments to the rules are needed to ensure fairness, and whether the existing rules give utilities the right signal to reduce billing and metering errors. The OIR strictly limited any tariff revisions to treating small business customers the same as residential customers for specific billing and deposit purposes. The OIR also established a preliminary scoping memo identifying the issues and a schedule.

On July 6, 2010, a workshop was held at the Commission. It focused on three main issues: 1) A definition of a "small business customer;" 2) Tariff policies addressing back-billing for small business customers; and 3) Tariff policies addressing deposits for small business customers. On July 28, 2010, the ruling by Administrative Law Judge (ALJ) DeBerry provided an opportunity for comments on a Business and Community Outreach Staff Report (Report). The Report, summarizing the comments of parties who attended the workshop, states that parties generally were in agreement that a small business should be defined as one of the following: 1) A non-residential electric customer with annual consumption of 40,000 kWh or less, or an energy demand of 20 kW or less; 2) A non-residential gas customer with an annual consumption of 10,000 therms or less; and 3) A non-residential customer meeting Section 14837 of Government Code's definition of "micro-business."

The Report noted that parties agreed to revise the back-billing tariff rule for small businesses to three months from the current rule of three years. In addition, the Report recommended that the overcharge refund period for billing errors, currently six months, be revised to three years so it is the same as the overcharge refund period for metering errors. The Business and Community Outreach staff also recommended

changes in deposit rules that would effectively limit deposits to twice the average monthly bill rather than twice the maximum monthly bill.

On October 28, 2010, the Commission issued D.10-10-032 directing the utilities to revise their tariff rules for non-residential electric customers using 40,000 kilowatt hours or less, or have a demand of 20 kilowatts or less, or gas customers using 10,000 therms or less, or non-residential customers meeting the requirements of a micro-business as defined in Government Code Section 14837 (small business customers) as follows:

- a) Reduce the back-billing period from three years to three months for undercharges resulting from billing and metering errors;
- b) Reduce the deposit requirements to twice the average monthly bill and permit the utilities to offer alternative credit mechanisms in lieu of deposits if customers select this option;
- c) Establish that refund periods for overcharges resulting from metering and billing errors be a maximum of three years;
- d) Specify that reestablishment of service deposits shall not apply when failure to pay results from charges that are backbilled;
- e) Establish that a small business customer, as specified above, shall receive a warning letter after the first late payment during any twelve-month period, which informs that a deposit to reestablish credit may be required if another late payment occurs within the same twelve-month period; and
- f) Clearly define the small business customers which qualify for these tariff revisions.
- g) Inform nonresidential customers subject to backbilling that they may self-certify as a micro-business under Government Code Section 14837.

In compliance with D.10-10-032, Ordering Paragraphs 1 and 3, BVES is submitting revisions to its tariffs to implement the revised billing and credits practices for Small Business Customers.

#### **EXISTING RATES**

The existing base rates in BVES became effective on January 1, 2011, via Advice Letter 245-E.

#### **TIER DESIGNATION**

In accordance with D. 10-10-032, Ordering Paragraph 2, this Advice Letter is filed with a Tier 1 designation.

#### **EFFECTIVE DATE**

In accordance with D. 10-10-032, Ordering Paragraph 2, BVES requests the Commission makes the changes effective as of December 27, 2010.

**NOTICE AND PROTESTS**

A protest is a document objecting to the granting in whole or in part of the authority sought in this advice letter.

A response is a document that does not object to the authority sought, but nevertheless presents information that the party tendering the response believes would be useful to the CPUC in acting on the request.

A protest must be mailed within 20 days of the date the CPUC accepts the advice letter for filing. The Calendar is available on the CPUC's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

A protest must state the facts constituting the grounds for the protest, the effect that approval of the advice letter might have on the protestant, and the reasons the protestant believes the advice letter, or a part of it, is not justified. If the protest requests an evidentiary hearing, the protest must state the facts the protestant would present at an evidentiary hearing to support its request for whole or partial denial of the advice letter. The utility must respond to a protest with five days.

**All protests and responses should be sent to:**

California Public Utilities Commission, Energy Division

ATTN: Tariff Unit

505 Van Ness Avenue

San Francisco, CA 94102

E-mail: Honesto Gatchalian ([hnj@cpuc.ca.gov](mailto:hnj@cpuc.ca.gov)) or Maria Salinas ([mas@cpuc.ca.gov](mailto:mas@cpuc.ca.gov))

Copies should also be mailed to the attention of the Director, Energy Division, Room 4004 (same address above).

Copies of any such protests should be sent to this utility at:

Golden State Water Company

ATTN: Nguyen Quan

630 East Foothill Blvd.

San Dimas, CA 91773

Fax: 909-394-7427

E-mail: [nquan@gswater.com](mailto:nquan@gswater.com)

If you have not received a reply to your protest within 10 business days, contact Nguyen Quan at (909) 394-3600 ext. 664.

A copy of this advice letter is being furnished to the entities listed on the service list for A.08-06-034.

**Correspondence**

Any correspondence regarding this compliance filing should be sent by regular mail or e-mail to the attention of:

Nguyen Quan  
Manager, Regulatory Affairs  
Golden State Water Company  
630 East Foothill Blvd.  
San Dimas, California 91773  
Email: nquan@gswater.com

The protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. There is no restriction on who may file a protest.

Sincerely,

A handwritten signature in black ink that reads "Nguyen Quan" followed by a stylized flourish or initials.

Nguyen Quan  
Manager, Regulatory Affairs

Cc: Julie Fitch, Director, CPUC - Energy Division  
R. Mark Pocta, DRA

**Rule No. 1**  
**DEFINITIONS**  
(Continued)

**SINGLE ENTERPRISE:** A separate business or other individual activity carried on by a customer. The term does not apply to associations or combinations of customers.

**SINGLE-FAMILY DWELLING OR ACCOMMODATION:** A house, or apartment, a flat, or any other residential unit which contains cooking facilities (not necessarily electric) and which is used as a residence by a single family.

**SMALL BUSINESS CUSTOMER:** A non-residential customer who: (1) has a maximum billing demand of 20 kW, or less, per meter during the most recent 12 month period, or (2) has an annual usage of 40,000 kWh, or less, during the most recent 12 month period, or (3) meets the definition of a "micro-business" under California Government Code 14837. This definition does not include non-residential customers who are on a fixed usage or unmetered usage rate schedule.

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**STATISTICAL LOAD PROFILE:** The result of a statistical sampling technique which estimates a group of customers' (usually by customer class) hourly energy consumption calculated over a given period of time and allows such customers with load variances to be represented by a single measurement. Load profiles will be used to measure hourly energy consumption of residential, small and medium size commercial and agricultural customers, and other customers who engage in Direct Access transactions, consume a maximum demand of less than 50 kW and who have cumulative monthly metering instead of hourly metering.

**STRANDED COSTS:** Investments which are uneconomic to operate in the deregulated energy market which limits the recovery of the Utility's investment.

**STREET LIGHTING SERVICE:** Service to any lighting apparatus used primarily for the illumination of streets, alleys, highways, or public ways.

**SUBMETERING:** Where the master-metered customer installs, owns, maintains, and reads the meters for billing the tenants.

**SUBSTRUCTURES:** The surface and subsurface structures which are necessary to contain or support the Utilities electric facilities. This includes, but is not limited to, such things as splice boxes, pull boxes, equipment vaults and enclosures, foundations or pads for surface-mounted equipment.

**SUBDIVISION:** An area for family dwelling which may be identified by filed subdivision plans or as an area in which a group of dwellings may be constructed about the same time, either by a large scale builder or by several builders working on a coordinated basis.

(Continued)

Rule No. 6

ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT  
(Continued)

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C. Re-establishment of Credit - All Classes of Service. (Continued)

2. A customer who fails to pay bills before they become past due as prescribed in Rule No. 11, and who further fails to pay such bills within 15 days after presentation of a discontinuance of domestic service notice or within 5 days after presentation of a discontinuance of nondomestic service notice for nonpayment of bills, may be required to pay said bills and re-establish his credit by depositing the amount prescribed in Rule No. 7; except, a Small Business Customer, as defined in Rule 1, may not be required to re-establish credit if such bills are for retroactive charges resulting from a meter error or billing error as prescribed in Rules 17.3 and 17.4. In addition, a customer who has been identified as a Small Business Customer, as defined in Rule 1, will receive a warning letter after the first late payment during any 12-month period informing the customer that a deposit to re-establish credit may be required if another late payment occurs within the same 12-month period. This rule will apply regardless of whether or not service has been discontinued for such nonpayment.
3. A customer using other than domestic service may be required to re-establish his credit in accordance with Rule No. 6 in case the conditions of service or basis on which credit was originally established have, in the opinion of the Company, materially changed.

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Rule No. 7

**DEPOSITS**

Page 1

- A. Amount of Deposit. The amount of deposit required to establish or re-establish credit is twice the estimated average monthly bill if the billing period is monthly, or 1-1/2 times the estimated average bimonthly bill if the billing period is bimonthly, but in no case may the amount of deposit be less than \$7.50.  
The amount of deposit required to establish or re-establish credit for a Small Business Customer, as defined in Rule 1, is twice the estimated average monthly bill if the billing period is monthly, or 1-1/2 times the estimated average bimonthly bill if the billing period is bimonthly, but in no case may the amount of deposit be less than \$7.50.
- B. Return of Deposit.
1. When an application for electric service has been canceled prior to the establishment of electric service, the deposit will be applied to any charges applicable in accordance with the tariff schedules and the excess portion of the deposit will be returned, and the applicant will be advised.
  2. When the customer's credit may be otherwise established in accordance with Rule No. 6, the Utility may refund the deposit either upon the customer's request for return of the deposit or upon review by the Utility.
  3. Upon discontinuance of electric service, the Utility will refund the customer's deposit or the balance in excess of unpaid bills for service.
  4. After the customer has paid bills for electric service before becoming past due, as prescribed in Rule No. 11, for twelve months, the Utility will refund the deposit by applying it to the customer's account or by draft, provided that the customer's credit would, thereafter, be otherwise established under Rule No. 6.
- C. Interest on Deposits.
1. Interest on deposits will be paid by the Utility at the rate of 7/12 percent per month up to the time the deposit is returned or after 12 consecutive months during which bills for service have been paid on an average of 15 days after presentation; provided, however, that no interest shall accrue after mailing to the customer or the customer's last known address the refund or a notice that the refund is payable.

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Rule No. 17

ADJUSTMENT OF BILLS AND A METER TESTS

Page 1 of 2

A. Adjustment of Bills.

1. General.

Estimated Usage: When regular, accurate meter readings are not available or the electric usage has not been accurately measured, the Company may estimate the customer's energy usage for billing purposes on the basis of information including, but not limited to, the physical condition of the metering equipment, available meter readings, records of historical use, and the general characteristics of the customer's load and operation.

2. Adjustment of Bills for Unauthorized Use.

Where the Company determines that there has been unauthorized use of electric service, the Company may bill the customer for the Company's estimate of up to three years of such unauthorized use. However, nothing in this Rule shall be interpreted as limiting the Company's rights under any provisions of any applicable law.

3. Adjustment of Bills for Billing Error.

Where the Company overcharges or undercharges a customer as the result of a billing error, the Company may render an adjusted bill for the amount of the undercharge, and shall issue a refund or credit to the customer for the amount of the overcharge, for the same periods as for meter error.

4. Adjustments of Bills for Meter Error.

Where, as the result of a meter test a meter is found to be non-registering or incorrectly registering, the Company may render an adjusted bill to the customer for the amount of the undercharge, and shall issue a refund or credit to the customer for the amount of the overcharge in accordance with the following:

- a. **Fast Meter.** If a meter is found to be registering more than 2% fast, the Company will refund to the customer the amount of the overcharge based on corrected meter readings or the Company's estimate of the energy usage either for the known period of meter error or, if the period of error is not known, for the period during which the meter was in use, not to exceed three years. (C)

(Continued)

Rule No. 17

ADJUSTMENT OF BILLS AND A METER TESTS  
(Continued)

Page 2 of 2

A. Adjustment of Bills. (Continued)

4. Adjustment of Bills for Meter Error. (Continued)

- b. Slow Meter. If a meter for residential service is found to be registering more than 25% slow, or any meter for other class of service is found to be registering more than 2% slow, the Company may bill the customer for the amount of the undercharge based on corrected meter readings or the Company's estimate of the energy usage either for the known period of meter error or, if the period of meter error is not known for the period the meter was in use, not exceeding three months in the case of a residential service. If a nonresidential service is found to have been undercharged due to meter error, the Company may: (T)
- (i) bill the customer for the amount of undercharge for a period of three months if the customer is a Small Business Customer, as defined in Rule 1; or
  - (ii) bill the customer for the amount of the undercharge for a period of three years if the customer is not a Small Business Customer, as defined in Rule 1. (T)
- c. Nonregistering Meters. If a meter is found to be nonregistering, the Company may bill the customer for the Company's estimate of the electric service used but not registered, not exceeding three months in the case of residential service and three years for nonresidential service.

B. Meter Tests.

1. Prior to Installation. Every meter will be tested at or prior to the time of installation, and no meter will be placed in service if found to register more than 1% fast or 1% slow.
2. On Customer Request. A customer may, on notice of not less than one week, require the Company to test the meter for his service.

No charge will be made for such a test, but, should a customer demand a test within six months after installation or more often than once in six months, he will be required to deposit \$2.00 to pay, in part, the cost of the test. This deposit will be returned if the meter is found to register more than 2% fast or 2% slow.

A customer shall have the right to require the Company to conduct the test in his presence or in the presence of an expert or other representative appointed by him. The results of the test will be furnished to the customer within a reasonable time after completion of test.

Form No. 40

(N)



**BEAR VALLEY ELECTRIC SERVICE  
APPLICATION AS MICRO BUSINESS CUSTOMER UNDER GOVERNMENT CODE SECTION 14837**

**I. Customer Declaration:**

I, \_\_\_\_\_, state as follows:

Customer warrants he qualifies as a "micro-business," as defined under California Government Code Section 14837.

A "micro-business" is defined as a small business, in aggregate with its affiliates, which either has average annual gross receipts of three million five hundred thousand dollars (\$3,500,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 25 or fewer employees. Subdivision (c) provides that a "Manufacturer" means a business that meets both of the following requirements: (1) It is primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products [and] (2) It is classified between Codes 31 to 33, inclusive, of the North American Industry Classification System."

I declare under penalty of perjury under the laws of the State Of California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_

Signature: \_\_\_\_\_

**II. Customer Information**

Name on Account: \_\_\_\_\_

Bear Valley Electric Account No: \_\_\_\_\_

Service Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**III. Reply Information**

Please return the completed application to:

Bear Valley Electric Service  
42020 Garstin Dr.  
P. O. Box 1547  
Big Bear Lake, CA 992315

FOR BEAR VALLEY ELECTRIC SERVICE USE ONLY

Date Received: \_\_\_\_\_ Date Verified/By \_\_\_\_\_ Date Effective: \_\_\_\_\_

(N)

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ISSUED BY

Date Filed: December 20, 2010

Advice Letter No. 247-EA

**R. J. SPROWLS**

Effective Date: December 27, 2010

Decision No. 10-10-032

President

Resolution No. \_\_\_\_\_

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**GOLDEN STATE WATER COMPANY**

**DISTRIBUTION LIST**

**BEAR VALLEY ELECTRIC DIVISION**

Big Bear City Community Services Dist  
P. O. Box 558  
Big Bear City, CA 92314

City Clerk  
City of Big Bear Lake  
P. O. Box 2800  
Big Bear Lake, CA 92315

City Attorney  
City of Big Bear Lake  
P. O. Box 2800  
Big Bear Lake, CA 92315

County Clerk  
County of San Bernardino  
385 N. Arrowhead Ave., 2<sup>nd</sup> Floor  
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