

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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City of Santa Barbara,

Complainant,

vs.

Verizon California, Inc. (U1002C),

Defendant.

Case 10-01-005
(Filed January 19, 2010)

**MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY TO INTERVENE
AND PARTICIPATE AS A PARTY**

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March 28, 2011

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Pursuant to Commission Rule 1.4(a), San Diego Gas & Electric Company (“SDG&E”) hereby moves to intervene and to participate as a party in the above-captioned matter. In support of this motion, SDG&E states as follows:

I. THIS DECISION COULD SUBSTANTIALLY AFFECT THE PROGRESS AND COST ALLOCATION FOR UNDERGROUND CONVERSIONS IN MOST OF CALIFORNIA

Consistent with the history of the Commission’s regulation encouraging utilities to convert overhead facilities to underground (PD at 12-14), SDG&E has been conducting such conversions under its tariff Rule 20A in cooperation with communications providers and affected local governments since 1968. SDG&E has spent nearly \$600 million in underground conversion funds allocated under its Rule 20A, and has implemented underground conversions in cooperation with 26 governments in its service territory.

The proposed decision (“PD”) in this matter, if adopted, would affect the progress and cost allocation for undergrounding of utility facilities in SDG&E’s service territory (and indeed in most of California). But the PD and the parties treated the matter as one of tariff interpretation

affecting only the complainant and defendant (PD at 3-5). The PD also acknowledges the state-wide application of the Verizon tariff, and it implies that other communications providers have similar tariffs. Moreover, the language pertinent to this case in SDG&E's Rule 20A tariff is materially similar to that of Southern California Edison, the wording of which is relied on by the PD. Given these circumstances, adopting the PD would affect SDG&E's implementation of the Commission's undergrounding program with effects similar to those alleged by City of Santa Barbara. Where there has been no notice and an opportunity to be heard before now, it would offend due process to approve this PD, which would affect the rights and conversion programs of utilities and local governments throughout the state. Therefore SDG&E has an interest in the outcome of the proceeding that cannot be adequately represented by any other party.

II. GRANTING SDG&E PARTY STATUS WOULD SERVE THE PUBLIC INTEREST

The PD recites that the matter was submitted for decision on summary judgment, although the parties did not follow the procedures ordered by the presiding judge. While the procedures the PD describes appear fair and efficient in the context of a two-party dispute, it is unfortunate that the impact of this complaint on a statewide program was not recognized early, and the case was submitted for decision solely as a dispute between two parties. In particular, the PD relies solely on the City of Santa Barbara's case, in effect, to represent the perspective of the electric utilities subject to the Commission's jurisdiction (as well as that of affected local governments in the state). Allowing SDG&E to intervene as a party at this time and to comment on the PD would add some of the missing perspective concerning the impact of a matter that goes far beyond the instant dispute.

III. GRANTING SDG&E PARTY STATUS WILL NOT UNDULY PREJUDICE THE PARTIES OR THE COMMISSION'S PROCESS

SDG&E had no notice of the proceeding or that it could affect its interests until it learned of the PD on March 22. SDG&E accepts the proceeding as it finds it. Concurrently herewith, SDG&E is submitting timely comments on the PD. Given the right of reply under Commission Rule 14.3, no party will be unduly prejudiced by granting this motion and allowing SDG&E's comments.

For the foregoing reasons, the Commission should grant SDG&E party status.

Respectfully submitted,

/s/ E. GREGORY BARNES
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Attorney for
SAN DIEGO GAS & ELECTRIC COMPANY

March 28, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY TO INTERVENE AND PARTICIPATE AS A PARTY** on all parties identified in Docket No. Case 10-05-005 by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 28th day of March, 2011.

/s/ JOEL DELLOSA
Joel Dellosa



California Public
Utilities Commission

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