

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

Application No. 10-12-005
(Filed December 15, 2010)

Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.

Application No. 10-12-006
(Filed December 15, 2010)

**RESPONSE OF DIVISION OF RATEPAYER ADVOCATES TO
SAN DIEGO GAS & ELECTRIC COMPANY'S MOTION REQUESTING
ADMINISTRATIVE LAW JUDGE JOHN WONG TO ISSUE A RULING SETTING
FORTH THE PROCEDURAL FORUM IN WHICH SONGS RELATED COSTS ARE
DETERMINED**

I. INTRODUCTION

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, the Division of Ratepayer Advocates (DRA) timely submits this Response to San Diego Gas & Electric's ("SDG&E's") November 14, 2011, motion requesting Administrative Law Judge ("ALJ") John Wong to issue a ruling setting forth the procedural forum in which songs related costs are determined. SDG&E's motion is unnecessary and should be dismissed with prejudice.

II. DISCUSSION

SDG&E states that the ALJ must issue a ruling that clearly and unequivocally states which San Onofre Nuclear Generating Station ("SONGS") costs are being determined in SDG&E's 2012 General Rate Case ("GRC") and that anything being

litigated in Southern California Edison's ("SCE") GRC shall not be relitigated in SDG&E's GRC.¹ In addition, if the ALJ fails to grant SDG&E's Motion to Strike, SDG&E states that it will have no choice but to cross examine DRA's witnesses over SONGS' numbers already litigated in SCE's GRC.²

Firstly, there is no reason for the ALJ to issue a ruling as to which SONGS costs are being litigated in SDG&E's 2011 GRC. DRA has clearly stated that the appropriate numbers to apply to SDG&E will be the 20% portion of the numbers approved by the Commission in SCE's GRC. As stated in DRA's opposition to SDG&E's Motion to Strike, as a placeholder, DRA chose to use DRA's numbers from SCE's GRC, while instead, SDG&E chose to use SCE's proposed SONGS' numbers as its' placeholder. DRA does not understand SDG&E's anxiety as both DRA and SDG&E agree that the Commission will ultimately decide the appropriate level of SONGS' funding. Up until the Commission decides SCE's GRC, DRA does not agree it is appropriate to force DRA to use SCE's requested numbers.

Secondly, SDG&E's argument that if the ALJ fails to support its Motion to Strike, SDG&E will have no choice but to cross examine DRA's witnesses on SONGS' costs that have already been litigated, is nonsensical. Why would SDG&E want to waste limited hearing room time on this? DRA has now stated a number of times, and will repeat again: *the Commission will decide the appropriate rate recovery for SONGS' costs; DRA's proffered numbers are merely a placeholder, with these numbers ultimately being replaced with the authorized ones.* Moreover, surely the converse to SDG&E's argument would also be true: if the ALJ fails to support DRA's opposition to SDG&E's Motion to Strike, DRA will be left with no choice but to cross examine SDG&E's witnesses on SONGS' costs that have already been litigated. That said, DRA has no

¹ See SDG&E's November 14, 2011 Motion, p. 1.

² *Id* at 2.

intention of wasting Commission time relitigating SONGS' costs, and urges the Commission to dismiss SDG&E's motion.³

III. CONCLUSION

For the foregoing reasons, SDG&E's motion should be dismissed with prejudice.

Respectfully submitted,

JONATHAN BROMSON
NOEL OBIORA
NICHOLAS SHER

/s/ NICHOLAS SHER

NICHOLAS SHER

Attorneys for the Office of
Ratepayer Advocates

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-4232
Fax: (415) 703-2200

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³ DRA plans to continue addressing additional SONGS' costs requested by SDG&E. These are costs above and beyond costs at issue in SCE's 2012 GRC.