



FILED

09-16-10

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Golden State Water Company on Behalf of its Bear Valley Electric Service Division (U913E), for Approval of RPS Contract with BioEnergy Solutions, LLC, and for Authority to Recover the Costs of the Contract in Rates.

Application 10-07-012
(Filed July 8, 2010)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Summary

Pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rules),¹ this Scoping Memo and Ruling sets forth the procedural schedule, assigns the presiding officer, and addresses the scope of this proceeding and other procedural matters following the prehearing conference held on August 30, 2010.

Background

On July 8, 2010, Golden State Water Company (GSWC) on behalf of its Bear Valley Electric Service Division (BVES) filed Application (A.) 10-07-012, its *Application of Golden State Water Company on Behalf of its Bear Valley Electric Service Division (U913E), for Approval of RPS Contract with BioEnergy Solutions, LLC, and for Authority to Recover the Costs of the Contract in Rates.* (Application).

¹ All references to rules are to the Commission's Rules of Practice and Procedure, which are available on the Commission's website at http://docs.cpuc.ca.gov/word_pdf/RULES_PRAC_PROC/70731.pdf.

On July 29, 2010, Resolution ALJ-176-3258 preliminarily determined that this proceeding was ratesetting and that hearings would be necessary. On August 12, 2010, the Division of Ratepayer Advocates (DRA) filed a protest, to which GSWC responded on August 20, 2010. On August 16, 2010, the assigned Administrative Law Judge (ALJ) issued *Administrative Law Judge's Ruling Setting a Prehearing Conference*.

On August 30, 2010, a prehearing conference (PHC) took place in San Francisco to establish the service list for the proceeding, discuss the scope of the proceeding, and develop a procedural timetable for the management of the proceeding.

Category, Need for Hearing, and *Ex Parte* Rules

The Commission preliminarily categorized this Application as ratesetting as defined in Rule 1.3(e) and anticipated that this proceeding would require evidentiary hearings. The parties did not oppose the Commission's preliminary categorization. This ruling affirms the preliminary categorization of ratesetting.

At the PHC, GSWC stated that it did not believe evidentiary hearings would be needed, while DRA stated that evidentiary hearings may be needed. In order to err on the side of caution, as noted in the schedule below and in accordance with Rule 7.3(a), today's scoping memo adopts a procedural schedule that includes hearings. In a ratesetting proceeding, *ex parte* rules as set forth in Rules 8.1, 8.2, 8.3, 8.5 and Pub. Util. Code § 1701.3(c)² apply, until such time as we make a final determination regarding the need for hearings.

² All section references are to the Public Utilities Code.

Discovery

If parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes with the presiding officer, pursuant to Rule 11.3.

Scope of Proceeding

Through the Application, the protests to the Application, the reply to the protests, and discussions during the PHC, parties conducted an exchange that has helped to refine the scope of the Application. This proceeding will examine whether GSWC's proposed request for approval of its Renewable Portfolio Standard (RPS) contract with BioEnergy Solutions, LLC should be approved, including a discussion of;

1. Whether GSWC's request for authority to recover the costs of the contract with BioEnergy Solutions, LLC in rates should be granted;
2. Whether GSWC's request is in compliance with all applicable Commission rules and decisions regarding the authorization of RPS contracts; and
3. Whether GSWC's request for an eligible gas purchase contract memorandum account to track unrealized gains and losses resulting from compliance with Statement of Financial Accounting Standard 133, should be granted.

Therefore, in their opening and rebuttal testimony, parties should address any issues within the scope of this proceeding on which factual information may be helpful to explain or support their positions.

Proceeding Schedule

The following schedule best accommodates the diverse interests and prior commitments of the parties and their representatives.

Event	Date
Intervenor Testimony Served	November 5, 2010
GSWC Rebuttal Testimony Served	November 23, 2010
Settlement Meeting	December 3, 2010
Hearings Commission Courtroom State Office Building 505 Van Ness Avenue San Francisco, California	December 9 and 10, 2010, at 10:00 a.m.
Opening Briefs	January 18, 2011
Reply Briefs	January 25, 2011
Proposed Decision Issued	<i>March 2011</i>
Commission Decision Issued	<i>April 2011</i>

Consistent with Pub. Util. Code § 1701.5, the Commission anticipates that this proceeding will be completed within 18 months of the date of this scoping memo, which is March 8, 2012.

Intervenor Compensation

The PHC in this matter was held on August 30, 2010. Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by September 30, 2010.

Presiding Officer

Pursuant to Rule 13.2, I designate ALJ Seaneen M. Wilson as the Presiding Officer.

Filing, Service, and Service List

In this proceeding, there are several different types of documents participants may prepare. Each type of document carries with it different obligations with respect to filing and service.

Parties must file certain documents as required by the Commission's Rules or in response to rulings by either the assigned Commissioner or the assigned ALJ. All formally filed documents must be filed with the Commission's Docket Office and served on the service list for the proceeding. Article 1 of the Rules contains all of the Commission's filing requirements. Parties must file and serve all pleadings and serve all testimony, as set forth in Article 1 of the Commission's Rules. Parties are encouraged to file and serve electronically, whenever possible, as it speeds processing of the filings and allows them to be posted on the Commission's website. More information about electronic filing is available at <http://www.cpuc.ca.gov/puc/efiling>.

This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is required. Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: A.10-07-012 – GSWC’s RPS Contract Request. In addition, the party sending the e-mail should briefly describe the attached communication; for example, *Comments*. Both an electronic and a hard copy should be served on the ALJ.

The official service list for this proceeding is available on the Commission’s web page. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission’s Process Office. Prior to serving any document, each party must ensure that it is using the most up-to-date service list. The list on the Commission’s website meets that definition.

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or who has questions about the electronic filing procedures should contact the Commission’s Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to public.advisor@cpuc.ca.gov.

IT IS RULED that:

1. The issues and schedule are as set forth in the body of this ruling unless amended by a subsequent ruling of the Presiding Officer.
2. This proceeding is categorized as ratesetting.
3. This proceeding requires evidentiary hearings.
4. *Ex parte* communications are subject to Rules 8.1, 8.2, 8.3, 8.5 of the Commissions’ Rules of Practice and Procedure, and Pub. Util. Code § 1701.3(c).

5. Pursuant to Rule 13.2, Administrative Law Judge Seaneen M. Wilson is the Presiding Officer.

Dated September 16, 2010, at San Francisco, California.

/s/ NANCY E. RYAN

Nancy E. Ryan
Assigned Commissioner

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated September 16, 2010, at San Francisco, California.

/s/ LILLIAN LI

Lillian Li

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

***** SERVICE LIST *****

Last Updated on 16-SEP-2010 by: AMT
A1007012 LIST

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