



FILED

02-10-11
09:08 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Plains West Coast Terminals LLC
for Authorization to Dispose of Certain Property
Located in the City of Huntington Beach
(PLC-28).

Application 10-10-002
(Filed October 4, 2010)

ADMINISTRATIVE LAW JUDGE'S RULING

Today's ruling memorializes the results of a telephonic conference call on Friday, February 4, 2011, in the above-captioned matter. On the call were representatives of the applicant, Plains West Coast Terminals LLC (Plains), and the only other party, namely, the protestant BP West Coast Products LLC (BP). Also on the call were Administrative Law Judge (ALJ) Steven Kotz, the assigned ALJ in this matter, and ALJ Carol Brown, the chief of staff and advisor to assigned Commissioner Peevey.

The participants in the call reviewed the results of the meetings to date between Plains and BP attempting to resolve the issue raised in BP's protest. Those meetings have not to date satisfied BP regarding this issue.

ALJ Kotz then described the Commission's Alternative Dispute Resolution (ADR) program and suggested the program may be well-suited to addressing this issue, if the parties are both willing to enter ADR. Plains was not willing to enter ADR but was willing to meet further with BP, provided that BP's representatives at the further meetings had the authority to settle with Plains on the issue at bar. BP indicated that at least one of its representatives (naming the individual) at the meetings to date had this authority.

After further discussion, the parties agreed to the following arrangements for pursuing resolution of this matter. Plains and BP will meet at least twice more in February. They will ensure that each of them has one or more representatives at each meeting who have full authority to enter into agreements for the purpose of resolving BP's protest. No later than Monday, February 28, 2011, Plains and BP will file and serve a joint status report on the results of these meetings.

If it appears from the joint status report that BP's protest must be resolved through litigation, the assigned ALJ will set a formal prehearing conference (PHC) to be held at the Commission's office in San Francisco in March, exact date to be determined. The purpose of the PHC will be to establish a schedule for prepared testimony, evidentiary hearings, briefs, and anything else that may be necessary or useful to resolve this proceeding.

Therefore, **IT IS RULED** that:

1. Plains and BP will meet at least twice more in February. They will ensure that each of them has one or more representatives at each meeting who have full authority to enter into agreements for the purpose of resolving BP's protest. No later than Monday, February 28, 2011, Plains and BP will file and serve a joint status report on the results of these meetings.

2. In addition to serving the joint status report on everyone on whom Plains served a copy of Application 10-10-002, paper and electronic copies of the joint status report must be served on ALJ Steven Kotz (kot@cpuc.ca.gov), ALJ Jacqueline Reed (jar@cpuc.ca.gov), and ALJ Carol Brown (cab@cpuc.ca.gov).

3. If it appears from the joint status report that BP's protest must be resolved through litigation, a PHC will be set, to be held at the Commission's office in San Francisco, on a March date to be determined.

Dated February 10, 2011, at San Francisco, California.

/s/ JACQUELINE A. REED for

Steven Kotz

Administrative Law Judge

A.10-10-002 KOT/hkr

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