



FILED

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SMW/jd2 2/25/2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for Adoption of its 2011 Energy Resource Recovery Account Revenue Requirement and Competitive Transition Charge Revenue Requirement Forecasts.

Application 10-10-001
(Filed October 1, 2010)

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION TO STRIKE

On February 24, 2011, San Diego Gas & Electric Company (SDG&E) filed *San Diego Gas & Electric Company's Expedited Motion to Strike Testimony of the Alliance for Retail Energy Markets and Request for Order Shortening Time to Respond and Extension of Time to Serve Related Rebuttal Testimony* (Motion).

In its Motion, SDG&E argues that Alliance for Retail Energy Market's (AREM) testimony is outside the scope of this proceeding and should be stricken. In its testimony, AREM recommends that current Power Charge Indifference Amount (PCIA) values should be retained until the Commission acts in Order Instituting Rulemaking (R.) 07-05-025, as to whether the PCIA calculation methodology should be changed.

I have reviewed AREM's served testimony that SDG&E proposes to strike as well as the *Assigned Commissioners Scoping Memo and Ruling* (Scoping Memo) in the current proceeding. I find that the Scoping Memo limits the scope of the current proceeding to, as it relates to the PCIA, compliance of the PCIA "with

existing applicable Commission decisions, rules, and regulations”¹ Even though the issue raised by AREM may be valid, it is not in regards to compliance with an existing Commission decision, rule, or regulation, therefore it is outside the scope of the current proceeding. The Commission, therefore, cannot act on it here. The issue raised by AREM would be properly raised in R.07-05-025, which provides a forum for all utilities and parties interested in and/or affected by this issue to contribute to the Commissions assessment of it. To the extent that a final decision in R.07-05-025 regarding the calculation of the PCIA is issued prior to the record closing in Application 10-10-001, we may consider this issue at that time.

Pursuant to Rule 11.1(g) of the Commissions Rules of Practice and Procedure, I therefore grant the SDG&E Motion to Strike. Since testimony has not yet been received into the record, there is currently nothing in the record to strike. In order to apply this ruling, when evidentiary hearings occur on April 5, 2011, I will not enter AREMs testimony into the record.

Therefore, **IT IS RULED** that:

1. San Diego Gas & Electric Company’s Expedited Motion to Strike Testimony of the Alliance for Retail Energy Markets and Request for Order Shortening Time to Respond and Extension of Time to Serve Related Rebuttal Testimony is granted.

2. Since testimony has not yet been received into the record, there is currently nothing to strike. In order to apply this ruling, when evidentiary hearings begin

¹ <http://docs.cpuc.ca.gov/efile/RULC/128774.pdf>.

on April 5, 2011, I will therefore not enter Alliance for Energy Retail Markets testimony into the record.

3. To the extent that a final decision in Order Instituting Rulemaking 07-05-025 regarding the calculation of the PCIA is issued prior to the record closing in Application10-10-001, we may consider this issue at that time.

Dated February 25, 2011, at San Francisco, California.

/s/ SEANEEN M. WILSON

Seaneen M. Wilson
Administrative Law Judge

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 February 25, 2011, at San Francisco, California.

/s/ JACQUELINE DANDRIDGE
Jacqueline Dandridge

N O T I C E

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***** PARTIES *****

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

**Last Updated on 25-FEB-2011 by: JVG
A1010001 LIST**

Daniel W. Douglass
DOUGLASS & LIDDELL
21700 OXNARD ST., STE. 1030
WOODLAND HILLS CA 91367
(818) 961-3001
douglass@energyattorney.com
For: Alliance for Retail Energy Markets

John A. Pacheco
SEMPRA ENERGY
101 ASH STREET, HQ-12
SAN DIEGO CA 92101-3017
(619) 699-5130
JPacheco@SempraUtilities.com
For: San Diego Gas & Electric Company

Mitchell Shapson
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2727
sha@cpuc.ca.gov
For: DRA

***** STATE EMPLOYEE *****

Donna J. Hines
Division of Ratepayer Advocates
RM. 4102
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2520
djh@cpuc.ca.gov

Sean Wilson
Administrative Law Judge Division
RM. 5022
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1525
smw@cpuc.ca.gov

***** INFORMATION ONLY *****

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303

MRW & ASSOCIATES, LLC
EMAIL ONLY
EMAIL ONLY CA 00000
(510) 834-1999
mrw@mrwassoc.com

Case Coordination
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST., PO BOX 770000 MC B9A
SAN FRANCISCO CA 94105
(415) 973-2776
RegRelCPUCcases@pge.com

Donna Barry
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, MC B9A
SAN FRANCISCO CA 94177
(415) 973-5708
dlbf@pge.com

Dean A. Kinports
Regulatory Case Administrator
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK CT., CP32D
SAN DIEGO CA 92123-1530
(858) 654-8679
DAKinports@semprautilities.com
For: San Diego Gas & Electric Company

Jamie K. York
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
JYork@SempraUtilities.com

Kari Kloberdanz
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32D
SAN DIEGO CA 92123
(858) 637-7960
KKloberdanz@SempraUtilities.com

Case Administration
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. / PO BOX 800
ROSEMEAD CA 91770
(626) 302-3101
case.admin@sce.com

A.10-10-001 SMW/jd2

SAN FRANCISCO CA 94117-2242
(415) 963-4439
cem@newsdata.com

Connor Flanigan
Attorney
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE.
ROSEMEAD CA 91770
(626) 302-6684
connor.flanigan@sce.com