APPENDIX A

**Wong, John S.**

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**From:** Wong, John S.

**Sent:** Wednesday, January 11, 2012 12:54 PM

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**Subject:** E-Mail Ruling Concerning Two Motions Filed by Ruth Henricks in A.10-12-005 and A.10-12-006

To the Service List in A.10-12-005 and A.10-12-006:

This e-mail ruling addresses two motions that were filed on January 4, 2012 by Ruth Henricks in the consolidated proceedings listed above. The first motion seeks party status in these consolidated proceedings. The second motion seeks authorization to file a protest to the applications. This e-mail ruling denies both motions for the reasons listed below.

First, the applications of San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) were filed on December 15, 2010, more than one year ago. A prehearing conference was held on January 31, 2011, and the procedural schedule for this proceeding was set forth in the March 2, 2011 scoping memo and ruling. That procedural schedule set forth the dates for parties to the proceeding to submit their testimony, as well as setting the dates for evidentiary hearings. Evidentiary hearings in these proceedings began on November 30, 2011, and to date more than 25 witnesses have testified on behalf of SDG&E and SoCalGas. The two motions of Ruth Henricks were not filed until January 4, 2012, over one year from the time the applications were first filed, and more than 10 months after the procedural schedule was established, and more than two months after the concurrent rebuttal testimony was due. At no time prior to January 4, 2012 did Henricks seek to become a party to these proceedings.

Second, the insurance witness for SDG&E and SoCalGas (Maury DeBont) testified at the evidentiary hearings on December 19, 2011, and was subject to cross examination by all the parties to this proceeding. To allow Henricks to become a party at this late date, after the witness for SDG&E and SoCalGas has already completed his testimony would be prejudicial. In addition, the parties that cross-examined the insurance witness have already raised insurance expense issues that are similar to what Henricks seeks to raise if she is granted party status at this late stage.

Third, protests to an application "must be filed within within 30 days of the date the notice of the filing of the application first appears in the Daily Calendar," unless "otherwise provided by rule, decision, or General Order...." (Rule 2.6(a).) There is no rule, decision or General Order, nor has Henricks cited any, that permits a protest to be filed more than one year after the application has been filed. The motion of Henricks to allow her to file a protest more than one year after the application has been filed is therefore untimely.

Fourth, Henricks is already participating in A.09-08-020. Both motions state that "it may serve the interest of efficiency to consolidate the A0908020 with this proceeding ... and the only remaining issues with A 0908020 deal with SDG&E's insurance costs and should and would be better served by being folded into these GRC proceedings." Henricks' motion fail to point out that the issues in A.09-08-020 are currently the subject of evidentiary hearings that began today, January 11, 2012, and are scheduled to continue through January 13, 2012.

Accordingly, based on the above reasons, the January 4, 2012 motion of Ruth Henricks for party status, and the January 4, 2012 motion of Petitioner Ruth Henricks to file protest, are denied.

A written ruling confirming the above e-mail ruling will be issued in the next couple of weeks.

John S. Wong
Administrative Law Judge
CPUC

(END OF APPENDIX A)