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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SFPP, L.P. (PLC9) for authority, pursuant to Public Utilities Code Section 455.3, to change its rates for pipeline transportation services within California.

Application 12-01-015
(Filed January 30, 2012)

Tesoro Refining and Marketing Company

Complainant,

vs.

SFPP, L.P., (PLC9),

Defendant.

Case 12-03-005
(Filed March 5, 2012)

BP West Coast Products LLC,

Complainant,

vs.

SFPP, L.P. (PLC9),

Defendant.

Case 12-03-006
(Filed March 5, 2012)

ExxonMobil Oil Corporation,

Complainant,

vs.

SFPP, L.P. (PLC9),

Defendant.

Case 12-03-007
(Filed March 5, 2012)

ConocoPhillips Company,

Complainant,

vs.

SFPP, L.P. (PLC 9),

Defendant.

Case 12-04-004
(Filed April 10, 2012)

Chevron Products Company and SouthWest
Airlines Co.,

Complainants,

vs.

SFPP, L.P. (PLC 9),

Defendant.

Case 12-04-006
(Filed April 17, 2012)

Valero Marketing and Supply Company and
Ultramar Inc.,

Complainants,

vs.

SFPP, L.P. (PLC 9),

Defendant.

Case 12-04-007
(Filed April 17, 2012)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION TO
CONSOLIDATE ONE APPLICATION
WITH SIX (6) COMPLAINTS AND SETTING
DATE FOR ANSWERS TO THOSE COMPLAINTS**

On January 30, 2012, SFPP, L.P. (SFPP) filed this application to lower its current rates for transportation of refined petroleum products within California by 6.76%.

On March 5, 2012, the application was protested by Tesoro Refining and Marketing Company (Tesoro), BP West Coast Products LLC (BP), ExxonMobil Oil Corporation (ExxonMobil), and a group of protestors composed of Chevron Products Company (Chevron), ConocoPhillips Company (ConocoPhillips), Southwest Airlines Company (Southwest), Valero Marketing and Supply Company (Valero) and Ultramar, Inc. (Ultramar), collectively "Joint Protestors."

On March 5, 2012, Tesoro also filed Complaint (C.) 12-03-005, alleging that the rates that SFPP has charged and will be charging on the basis of this application are unjust, unreasonable and unlawful. C.12-03-005 involves the same issues that Tesoro presents in its protest. In both proceedings, the complainant or protestor is Tesoro, and the defendant or respondent is SFPP. Moreover, the arguments in both proceedings are supported by the same analysis conducted by Tesoro expert Peter K. Ashton.

Also on March 5, 2012, Tesoro filed a motion to consolidate its complaint matter with any related complaint cases filed or to be filed by BP, ExxonMobil, or any of the Joint Protestors. SFPP filed its Reply to the several Protests on April 2, 2012, but did not oppose Tesoro's Motion to Consolidate.

Also, on March 5, 2012, BP West Coast Products LLC (BP), and ExxonMobil Oil (ExxonMobil) Corporation filed their individual Complaints in C.12-03-006 and C.12-03 007,¹ respectively, whose allegations mirror those presented in Tesoro's Complaint.

¹ On April 9, 2012, ExxonMobil filed an Amended Complaint which only added Exhibit A which was omitted from the original Complaint filing.

On April 10, 2012, Protestors, ConocoPhillips filed its Complaint, C.12-04-004 and on April 17, 2012, Protestors, Chevron Products and Southwest likewise filed their joint Complaint, C.12-04-006. Finally, on April 17, 2012, Valero and Ultramar filed their joint Complaint against SFPP, C.12-04-007.

In each of the six Complaints referred to above, the parties are identical in that the Complainants are the same as the Protestors to the Application and the defendant in each of the referenced six complaints is SFPP, the Applicant in Application (A.) 12-01-015.

Five of the six Complaints were categorized by the Complainants as Ratesetting pursuant to Rule 4.2(a). Although C.12-03-005 was categorized as Adjudicatory when it was filed, on March 19, 2012, the Commission determined preliminarily that the appropriate Category was Ratesetting pursuant to the provisions of Rule 7.1(b). Accordingly, an additional feature of commonality is that now all six complaint matters and the Application are categorized as Ratesetting. The Ex Parte Rules applicable in Ratesetting proceedings accordingly apply.

Section 7.4 of the Commission's Rules of Practice and Procedure states that consolidation of proceedings is appropriate when two or more matters involve "related questions of law or fact." All of the Protests and all of these complaints are based on the rates that SFPP is charging and they involve the same set of facts. Likewise, the relief requested is also the same.

The consolidation of the six complaint matters with the SFPP Application

will undoubtedly conserve resources and enable administrative proceedings at the Commission to be conducted as efficiently as possible.

IT IS RULED that:

1. The Motion of Tesoro Refining and Marketing Company to Consolidate all the listed matters herein filed March 5, 2012 is hereby granted and Application 12-01-015 and Case (C.) 12-03-005, C.12-03-006, C.12-03-007, C.12-04-004, C.12-04-006 and C.12-04-007 are hereby consolidated for all purposes.

2. The Instruction to Answer Notices filed on March 19, 2012 in C.12-03-005, C.12-03-006 and C.12-03-007 are hereby amended only as to the due date for the respective Answers, which shall now be due April 30, 2012.

3. The due date for Answers in C.12-04-004, C.12-04-006 and C.12-04-007 is also hereby set at April 30, 2012, and the Instruction to Answer Notice filed and served by the Docket Office in those respective proceedings shall so state.

4. Ex parte Communications are permitted pursuant to Rule 8.3(c).

Dated April 20, 2012, at San Francisco, California.

 /s/ KARL J. BEMESDERFER
Karl J. Bemesderfer
Administrative Law Judge