BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for a Certificate of
Public Convenience and Necessity Concerning
the Tehachapi Renewable Transmission
Project (Segments 4 through 11)

SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E) RESPONSE IN
OPPOSITION TO THE MOTION OF SAVE ARCHIBALD RANCH FOR
PARTY STATUS

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Dated:  September 11, 2015
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

In the Matter of the Application of )
SOUTHERN CALIFORNIA EDISON ) Application 07-06-031
COMPANY (U 338-E) for a Certificate of )
Public Convenience and Necessity Concerning ) (Filed June 29, 2007)
the Tehachapi Renewable Transmission )
Project (Segments 4 through 11) )

SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E) RESPONSE IN
OPPOSITION TO THE MOTION OF SAVE ARCHIBALD RANCH FOR
PARTY STATUS

Pursuant to Rule 11 of the California Public Utilities Commission (Commission) Rules of
Practice and Procedure, Southern California Edison Company (SCE) opposes the Motion of Save
Archibald Ranch for Party Status (SAR Motion).

Commission Rule 1.4 requires that “a person [filing a motion to become a party] shall…state the factual and legal contentions that the person intends to make and show that the
contentions will be reasonably pertinent to the issues already presented.” In considering that
motion, “[t]he Administrative Law Judge may, where circumstances warrant, deny party
status….”¹

SAR states that it has objections involving representation of Archibald residents in the
TRTP proceedings, the effects of 500 kV transmission, and the validity of SCE’s easement
rights; however, SAR does not state any specific factual or legal contentions it intends to make
regarding its objections, nor does it show how those contentions will be pertinent. Rather, SAR

¹ Commission Rule 1.4 (b) and (c).
states only generally that it “expects to make legal contentions” regarding the objections made in its Motion. This “expectation” does not meet the requirements of Rule 1.4 (b).

SAR’s Motion for Party Status comes over eight years since SCE filed its application to construct TRTP 4-11 in 2007, over five years after the 2009 Commission Decision approving TRTP 4-11, over two years after the 2013 Commission Decision requiring undergrounding of Segment 8A through Chino Hills, and almost one year after the City of Ontario – the City in which Archibald Ranch is located – filed its Petitions for Modification. SAR has not acted in a timely way to seek relief. SAR has had ample opportunity over the past eight years to become involved in the TRTP proceeding, yet has filed nothing to formally join the proceeding until now. SAR’s late-filed Motion for Party Status does not meet the requirements of Rule 1.4 and if granted could result in additional cost or delay to the full operation of TRTP 4-11.

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2 SAR Motion at 3.
3 The SAR Motion also does not meet the Rule 1.4(b) requirement that the party filing a motion for party status fully disclose the persons or entities in whose behalf the filing is made. The SAR Motion states only that SAR consists of members who are residents of Archibald Ranch, but does not fully disclose the members of SAR or any information regarding the organization of SAR. (SAR Motion at 2.)
5 D.09.12.044.
6 D.13.07.018.
7 See http://delaps1.cpuc.ca.gov/CPUCProceedingLookup/?p=401:57:29969031448602::NO.
8 See D.15.05.004 at 22-23, “Codified in 1872 among the Maxims of Jurisprudence in California’s Civil Code, the equitable Doctrine of Laches provides: ‘The law helps the vigilant, before those who sleep on their rights.’ (Civil Code § 3527.) …this Commission has explained, ‘[l]aches is unreasonable delay in asserting a right which renders the granting of relief inequitable.’ [Citation Omitted.] Moreover, ‘[t]he doctrine of ‘laches’ is based upon grounds of public policy, which for the peace of society requires discouragement of stale demands…Laches is not merely an affirmative defense but a fundamental defect in the cause of action.” [Citation Omitted.]
For these reasons, SCE requests that the SAR Motion for Party Status be denied.

Respectfully submitted,

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