



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

FILED
7-11-16
04:59 PM

Order Instituting Rulemaking Regarding)
Whether to Adopt, Amend, or Repeal)
Regulations Governing the Award of)
Intervenor Compensation.)

R.14-08-020
(Filed August 28, 2014)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) REPLY TO THE
COMMENTS OF THE CENTER FOR BIOLOGICAL DIVERSITY ON THE
PROPOSED DECISION

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Dated: **July 11, 2016**

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Pursuant to California Public Utilities Commission (“CPUC” or “Commission”) Rules of Practice and Procedure (“Rule”) 14.3(d), Southern California Edison Company (“SCE”) respectfully submits this Reply to the *Comments of the Center for Biological Diversity on the Proposed Decision* (“Comments”) in the above-captioned proceeding.

SCE appreciates the careful consideration afforded the issues presented in this proceeding by Administrative Law Judge (“ALJ”) Bemserderfer and Assigned Commissioner Florio. SCE does not object to the Commission’s adoption of new Rule 17.5 as described within Commissioner Florio’s June 14, 2016 [*Proposed*] *Decision Adopting New Rule 17.5* (“Proposed Decision”).¹

¹ Proposed new Rule 17.5, as described in Appendix A of the Proposed Decision, provides: “(a) Except as set out in sub-paragraph (b) below, every applicant seeking a Certificate of Public Convenience and Necessity (CPCN) through an initial application or a transfer of an existing CPCN shall post a bond or

In order to clarify the record herein, SCE provides the following assertions regarding certain Comments by the Center for Biological Diversity (“CBD”):

1. **SCE understands CBD supports new proposed Rule 17.5 as promulgated by the Proposed Decision.** While expressing certain laments regarding new proposed Rule 17.5, the CBD Comments support the adoption of new Rule 17.5 as promulgated by the Proposed Decision and CBD does “not propose any changes to the proposed decision at this time.”² As such, CBD’s Comments do not present any “factual, legal, or technical errors” within the meaning of CPUC Rule 14.3(c).

2. **SCE supports new Rule 17.5(b)’s exemption of bond requirements for “holders of Certificates of Public Convenience and Necessity,” as opposed to “California public utilities” as suggested by CBD.** While SCE appreciates that CBD’s Comments make clear that the proposed new Rule 17.5 should “not apply to California public utilities” (which would include SCE), SCE believes the CBD’s use of the term “California public utility” is confusing and would unnecessarily complicate the application of new proposed Rule 17.5.³

equivalent security instrument in a form and amount determined by the presiding Administrative Law Judge to be sufficient to guarantee payment of intervenor compensation awarded to any intervenors who make substantial contributions to the proceeding. (b) Existing holders of Certificates of Public Convenience and Necessity are exempt from the requirement to post a bond or equivalent security instrument unless an intervenor can show, by clear and convincing evidence, that there is a significant risk of non-payment in the absence of a bond or equivalent security instrument. (c) Upon the motion of a party with good cause shown, the presiding Administrative Law Judge may modify the amount of the bond requirement.”

² See CBD Comments at pp. 2 (“... the Center supports the promulgation of the rule and does not recommend any changes to the proposed decision at this time.”); 4-5 (“the Center ... does not propose any changes to the proposed decision at this time”); 6 (“While the Center does not recommend changes to the proposed decision at this point in the proceeding, it does stand by its position that no out-of-state entities should be exempt from the requirement to post bond.”); 7 (“... the Center believes that it does provide significant benefit that it can still support the rule and proposed decision as drafted”); 9 (“WHEREFORE, the Center supports the proposed Rule 17.5 and proposed decision although it would have like [sic] to have seen removal of presumption of exemption and further clarification as to the timing and type of bond”).

³ See CBD Comments at p. 7 (“The Center believes that the Rule should be clear that it does not apply to California public utilities, but it is concerned that the use of holders of a [CPCN] as the threshold for application of the new rule creates too broad of an exemption. The Center recommends that this requirement be removed so that there are no presumptions of exemption for any entities other than the California public utilities.”).

The term “California public utility” is not defined by CBD’s Comments, leading to potential confusion regarding the scope of CBD’s proposed exemption. In contrast, the new proposed Rule 17.5(b)’s exemption for “[e]xisting holders of Certificates of Public Convenience and Necessity” (“CPCNs”) is consistent with this proceeding’s stated intent of ensuring payment of intervenor compensation by applicants of CPCNs “who are *not* regulated public utilities subject to the jurisdiction of the Commission.”⁴ Because holders of CPCNs are necessarily under the jurisdiction of the CPUC which can enforce payment of intervenor compensation, exempting that class of regulated entities is warranted.

SCE appreciates the opportunity to submit this Reply Brief so as to protect the interests of its customers.

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⁴ See Proposed Decision at p. 1 (emphasis added; summarizing the purpose and scope of the proposed new Rule 17.5).