



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**FILED**

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Application of SOUTHERN CALIFORNIA )  
EDISON COMPANY (U 338 E) for Authority to, )  
Among Other Things, Increase Its Authorized )  
Revenues For Electric Service In 2012, And to )  
Reflect That Increase In Rates. )  
\_\_\_\_\_ )

A.10-11-015  
(November 23, 2010)

**SOUTHERN CALIFORNIA EDISON COMPANY (U338-E)  
EX PARTE NOTICE**

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Dated: March 25, 2011

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of SOUTHERN CALIFORNIA )  
EDISON COMPANY (U 338 E) for Authority to, )  
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A.10-11-015  
(November 23, 2010)

**SOUTHERN CALIFORNIA EDISON COMPANY (U338-E)  
EX PARTE NOTICE**

Pursuant to Rule 8.3 of the California Public Utilities Commission Rules of Practice and Procedure, Southern California Edison Company (SCE) hereby gives notice of the ex parte communication described below. The communication was in written form and was initiated by SCE.

On March 22, 2011, at approximately 11:28 A.M., Linda G. Sullivan, SCE's Senior Vice President and Chief Financial Officer, sent a letter via electronic mail to Commission President Peevey and Commissioners Florio, Sandoval, and Simon. The letter was concurrently sent to the service list for this proceeding and that for Draft Resolution L-411. Copies of the letter were also hand-delivered to each Commissioner's office. A copy of Ms. Sullivan's letter is attached to this notice.

Ms. Sullivan's letter expressed SCE's opposition to Draft Resolution L-411 as inconsistent with longstanding Commission ratemaking policy for income tax law changes. The letter also noted that after the Internal Revenue Service has issued guidance interpreting the Tax Relief Act, SCE intends to update its 2012 general rate case estimates to reflect the effects of that legislation. Once the effects of the bonus depreciation provisions of that legislation have been reflected, ratepayers will realize the benefits for years to come.

Respectfully submitted,

SOUTHERN CALIFORNIA EDISON COMPANY

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/s/Frank A. McNulty

By: Frank A. McNulty

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DATE: March 25, 2011

**ATTACHMENT**



Linda G. Sullivan  
Senior Vice President and  
Chief Financial Officer

March 22, 2011

Commission President Michael Peevey  
Commissioner Mike Florio  
Commissioner Catherine Sandoval  
Commissioner Timothy Alan Simon

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

SUBJECT: Draft Resolution L-411

Dear Commission President Peevey and Commissioners Florio, Sandoval, and Simon:

I am writing on behalf of Southern California Edison Company (SCE) to express our continued opposition to Draft Resolution L-411 (Draft Resolution), which would establish a memorandum account to track the changes due to the Small Business Jobs Act and Tax Relief Act. For the reasons stated below, and the reasons we've stated in our comments on previous versions of the Draft Resolution, we ask you to reject it or at least withdraw it from the current agenda.

First, we have already gone on record committing to reflect both of these income tax law changes and any other applicable law changes in our 2012 test year general rate case (GRC). Normalization of bonus depreciation means that once these deductions are reflected in our 2012 GRC, rates will be reduced for years to come. This is the right way to recognize income tax law changes – in a utility's next test year GRC. The Commission's longstanding ratemaking policy is not to adjust some costs between test years, particularly while ignoring others. The 1984 investigation into ratemaking for income taxes summarized what was already at that time the longstanding practice, stating that changes in tax laws may increase as well as reduce utilities' taxes and would be offsetting over time, so tax law changes that are permanent and substantial would be reflected between test years. As one example, subsequent to our 2009 GRC, California enacted a 1% sales tax increase, but neither we nor any other party asked that this change be reflected in our authorized revenues. In addition, a methodological error in the post-test year ratemaking formula adopted in our 2009 GRC decision yielded 2011 authorized revenues significantly less than our true cost of providing service. Once again, no party sought a memorandum account to track the differences caused by that methodological error.

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Commissioners Peevey, Florio, Sandoval, and Simon  
March 22, 2011  
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The Draft Resolution is particularly unfair when it incorporates the Small Business Jobs Act within its scope. When it first appeared, the Draft Resolution was limited to the 100% bonus depreciation provisions of the Tax Relief Act. But the Small Business Jobs Act is really just a re-authorization of four previous bonus depreciation laws enacted since 2002, none of which triggered any adjustment to rates other than in test years. Furthermore, unlike the Tax Relief Act, spending decisions for the period covered by the Small Business Jobs Act have already been made. All in all, the Draft Resolution's sharp departure from longstanding precedent would create uncertainty regarding Commission ratemaking, which would ultimately drive up the cost of providing service.

Finally, in addition to the problems mentioned above, none of the taxpayers affected by the Tax Relief Act knows yet how the 100% bonus depreciation provisions are to be interpreted. The IRS is expected to issue guidance soon, but until that guidance has been issued the Draft Resolution is at best premature. We ask then that you reject the Draft Resolution, or at least withdraw it from the current agenda. I would be happy to discuss these issues with you further.

Very truly yours,



Linda G. Sullivan  
Senior Vice President, Chief Financial Officer

cc : Joel Perlstein, Esq., CPUC Legal Division  
Paul Clanon, CPUC Executive Director  
Karen Clopton, Chief ALJ  
Rami Kahlon, Director, CPUC Division of Water and Audits  
Marzia Zafar, CPUC Division of Water and Audits  
Frank R. Lindh, CPUC General Counsel  
Service List for Draft Resolution L-411

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of **SOUTHERN CALIFORNIA EDISON COMPANY (U-338-E) EX PARTE NOTICE** on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Placing the copies in sealed envelopes and causing such envelopes to be delivered by hand or by overnight courier to the offices of the Commission or the other addressee(s);

Executed this **25<sup>th</sup> day of March, 2011**, at Rosemead, California.

/s/Andrea Moreno  
Andrea Moreno  
Program/Project Analyst  
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue  
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California Public  
Utilities Commission

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## CALIFORNIA PUBLIC UTILITIES COMMISSION

### Service Lists

**PROCEEDING: A1011015 - EDISON - FOR AUTHORI**  
**filer: SOUTHERN CALIFORNIA EDISON COMPANY**  
**LIST NAME: LIST**  
**LAST CHANGED: MARCH 17, 2011**

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