

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of San Diego Gas & Electric
Company (U 902 E) for Authority to Enter into
Purchase Power Tolling Agreements with
Escondido Energy Center, Pio Pico Energy
Center and Quail Brush Power.

A.11-05-023
(Filed May 19, 2011)

**NOTICE OF EX PARTE COMMUNICATION
OF THE DIVISION OF RATEPAYER ADVOCATES**

Pursuant to Rules 8.2 and 8.4 of the California Public Utilities Commission's Rules of Practice and Procedure, the Division of Ratepayer Advocates ("DRA"), hereby provides notice of ex parte communications with Michael Colvin, advisor to Commissioner Ferron, and Matthew Tisdale, advisor to Commissioner Florio.

On Tuesday, July 24, 2012, DRA's attorney Candace Morey met with Mr. Colvin at the Commission's offices. The meeting was initiated by Ms. Morey, occurred at the Commission, 505 Van Ness Avenue, San Francisco, California, commencing at 12:30 pm and lasted approximately 8 minutes.

Later on Tuesday, July 24, 2012, Ms. Morey also met with Mr. Tisdale at the Commission's offices. The meeting was initiated by Ms. Morey, occurred at the Commission, 505 Van Ness Avenue, San Francisco, California, commencing at 1:30 pm and lasted approximately 5 minutes.

During both conversations, Ms. Morey expressed DRA's concern with the Assigned Administrative Law Judge's Ruling of July 23, 2012, which denied DRA's Motion for Official Notice filed July 13, 2012. Ms. Morey explained that DRA had requested that the Commission take official notice in this proceeding of the Scoping Memo and Ruling of the Assigned Commissioner and Administrative Law Judge in the 2012 Long Term Planning Proceeding (LTPP) in R.12-03-014, issued May 17, 2012 (2012 LTPP Scoping Memo) as well as the

Assigned Commissioner's Ruling on Standardized Planning Assumptions issued on June 27, 2012. Ms. Morey emphasized that because the Commission is conducting long-term planning for SDG&E outside of the LTPP proceeding and in this separate application, it is critical for the Commission to reference and consider the 2012 LTPP Scoping Memo.

Ms. Morey explained DRA's main concerns with failing to consider the 2012 LTPP Scoping Memo. The issue of procurement authorization to meet Local Capacity Requirements (LCR) is currently being litigated in Track 1 of the 2012 LTPP for Southern California Edison. DRA emphasized that it is concerned that the Commission maintain consistency in the analytical approaches and methodologies that are applied to decide LCR requirements in both proceedings.

Further, Ms. Morey explained that excluding the 2012 LTPP Scoping Memo from the record of this proceeding would advantage SDG&E and harm intervenors. Ms. Morey explained that because SDG&E is not relying on the CAISO 2011-2012 Transmission Studies to support its analysis of LCR needs, it is essentially asking the Commission to use a different approach for procurement authorization compared to the approach currently being undertaken in Track 1 of the 2012 LTPP for assessing local needs in Southern California Edison's territory.

Ms. Morey noted that the overlap of issues and difference in approaches is further explained in DRA's opening brief with reference to the 2012 LTPP Scoping Memo.

Ms. Morey also explained that admitting the 2012 LTPP Scoping Memo into the record of this proceeding would not harm SDG&E. The 2012 Scoping Memo was relied upon in arguments from both SDG&E and other parties throughout the proceeding, including in arguments made during hearings. Further, SDG&E's own opening brief cites to and quotes from the 2012 LTPP Scoping Memo, which underscores the relevance of the issues as they are defined in the 2012 Scoping Memo to this proceeding, which has essentially morphed into a mini-LTPP.

Finally, Ms. Morey explained that DRA disagreed with the Judge's ruling on legal as well as practical grounds. The Scoping Memo of a proceeding is required by statute and the Commission's Rules of Practice and Procedure and to define the issues to be decided in any proceeding, and it is therefore a proper subject of judicial notice notwithstanding the ALJ's ruling. Ms. Morey asserted that the rationale for the ALJ granting the motion with respect to rulings from the 2010 LTPP applies equally to the 2012 LTPP Scoping Memo and the Assigned Commissioner's Ruling on standardized planning assumptions.

Copies of this notice can be obtained by calling or sending an e-mail to Sue Muniz at (415) 703-1858 (e-mail: sam@cpuc.ca.gov).

Respectfully submitted,

/s/ CANDACE MOREY

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