BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

STATE OF CALIFORNIA

FILED
04-22-10
04:59 PM

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)	))))	Application No. 07-06-031 (Filed June 29, 2007)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)

REQUEST FOR OFFICIAL NOTICE OF

THE SAN BERNARDINO SUPERIOR COURT'S DECISION IN

CITY OF CHINO HILLS V. SOUTHERN CALIFORNIA EDISON COMPANY

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Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

Dated: April 22, 2010

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
REQUEST FOR OFFICIAL NOTICE OF
THE SAN BERNARDINO COUNTY SUPERIOR COURT'S DECISION IN
CITY OF CHINO HILLS V. SOUTHERN CALIFORNIA EDISON COMPANY

Pursuant to California Public Utilities Commission (Commission) Rule of Practice and Procedure 13.9, Southern California Edison Company (SCE) hereby requests that the Commission take official notice of the Superior Court's decision in *City of Chino Hills v. SCE*, San Bernardino Superior Court, Case No. CIVRS 901914.

On April 12, 2010, the Superior Court granted SCE's Motion for Judgment on the Pleadings with respect to the City of Chino Hills' Verified Complaint for Declaratory and Injunctive Relief without leave to amend. A copy of the Superior Court transcript and SCE's Notice of Ruling are attached to this request as Exhibit 1 and Exhibit 2, respectively.

Dated: April 22, 2010

Respectfully submitted,
LAURA A. GODFREY

/s/ Laura A. Godfrey__
By: Laura A. Godfrey

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EXHIBIT 1

APPLICATION OF SCE FOR CPCN RE: TRTP BEFORE CPUC

Reporter's Transcript - April 12, 2010

4/12/2010

Printed : 4/22/2010

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN BERNARDINO
3 DEPARTMENT R-6 HON. KEITH D. DAVIS, JUDGE
4
5 CITY OF CHINO HILLS, a municipal)
corporation,)
6)
PLAINTIFFS,)
7)
VS.) NO. CIVRS 901914
8)
SOUTHERN CALIFORNIA EDISON)
9 COMPANY, etc., et al.,)
)
10 DEFENDANTS.)
11
12
REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS
13
Monday, April 12, 2010
14
15
APPEARANCES:
16
FOR THE PLAINTIFF: MARK D. HENSLEY
17 CITY ATTORNEY
JENKINS & HOGIN, LLP
18 BY: ELIZABETH M. CALCIANO
ATTORNEY AT LAW
19 1230 ROSECRANS AVENUE, SUITE 110
MANHATTAN BEACH, CA 90266
20
FOR THE DEFENDANTS: WILLENKEN, WILSON, LOH & LIEB
21 BY: JASON H. WILSON, ESQ.
NHAN T. VU, ESQ.
22 LAURA A. GODFREY, ESQ.
ATTORNEY AT LAW
23 707 WILSHIRE BOULEVARD, STE. 3850
LOS ANGELES, CA 90017
24
25
26
REPORTED BY: JANE M. FOLMER, CSR-2331
27 OFFICIAL REPORTER

1 RANCHO CUCAMONGA, CALIFORNIA; MONDAY, APRIL 12, 2010
2 8:30 A.M.
3 DEPARTMENT R-6 HONORABLE KEITH D. DAVIS, JUDGE
4 APPEARANCES:
5 The Plaintiffs represented by
6 ELIZABETH M. CALCIANO, Deputy City Attorney,
7 The Defendants represented by Counsel,
8 JASON WILSON, Attorney at Law;
9 NHAN T. VU, Attorney at Law; and
10 LAURA A. GODFREY, Attorney at Law.
11 (Jane M. Folmer, Official Reporter, C-2331).
12
13 THE COURT: Let me call Number 27. This is the City
14 of Chino Hills versus the Edison company.
15 MR. WILSON: Jason Wilson on behalf of Defendant
16 Southern California Edison company.
17 MR. VU: Nhan Vu for Defendant Southern California.
18 MS. GODFREY: Laura Godfrey for Southern California
19 Edison Company.
20 MS. CALCIANO: Elizabeth Calciano, Deputy City
21 Attorney, City of Chino Hills, on behalf of City of Chino
22 Hills.
23 THE COURT: Counsel, good morning. This matter is
24 here for a motion for judgment on the pleadings which has
25 been brought on behalf of the Edison Company. Let me share
26 some thoughts with counsel and give you what my tentative is.

1 And then I will be glad to hear any comments or arguments
2 that counsel have.
3 First, just a brief procedural matter.
4 Counsel, you can be seated if you like. I don't mean
5 to keep you standing.
6 This matter had come on for hearing on a demurrer
7 last July. At that time, while the court overruled the
8 demurrer, I did grant Edison's request for a stay because
9 there was still a determination yet to be made by the PUC
10 with regard to the TRTP proposal that was before it.
11 Apparently on Christmas Eve last year the PUC approved that
12 proposal, issuing its decision, which is Exhibit Number 1 in
13 moving party's request for judicial notice. There are some
14 19 different things the court was asked to take judicial
15 notice of by moving party. I am going to grant the request
16 for judicial notice, both by Edison and by Plaintiff in the
17 matter.
18 After the PUC decision, which approved Edison's
19 proposal in its entirety, Defendant has brought this
20 morning's motion for judgment on the pleadings and there
21 really are a couple areas of dispute raised by Plaintiff with
22 regard to the motion. The first is that procedurally it is
23 deficient inasmuch as there's been no material change in the
24 law which would allow essentially a refiling of a demurrer
25 previously filed and overruled. Second is that
26 notwithstanding the arguments made by Edison, that in fact

1 this court does have jurisdiction to proceed in this matter
2 further and that on the merits the motion is not well taken.
3 With regard to the City's first argument, in terms of
4 the motion being procedurally defective, I disagree. I don't
5 think, contrary to the City's argument, that the City finds
6 itself in any sort of Catch-22 position at all. When the
7 court issued the stay last July and overruled the demurrer,
8 it did so after discussion with counsel and with the express
9 understanding that the Public Utilities Commission had yet to
10 issue a ruling in this matter. And, in fact, that ruling
11 wasn't issued for some five months approximately after the
12 stay had been granted.
13 Dealing with the merits of the motion, my tentative
14 is to find that the motion is well taken and to grant it. I
15 think that all three of the requirements that are set forth
16 in the Covalt decision have been met in this matter. I also
17 think that, contrary to the position the City takes, the
18 issue of the width and area of the easements and whether or
19 not they are appropriate or large enough to contain the
20 various transmission towers that have been approved for
21 construction and placement in the easements, all of those
22 issues, in fact, were specifically raised to the PUC and
23 addressed in the PUC's decision.
24 I think it's clear when that fact is appreciated that
25 what the City would like to have the court do is essentially
26 afford the City another opportunity to contest those various

1 items which have already been brought before the PUC for its
2 decision and determination and certainly that would be
3 inappropriate as to this proceeding in this court, as all
4 counsel here this morning well know. The City, of course,
5 has a remedy available to it, but that remedy is through
6 review of the decision of the PUC by the court of appeal or
7 by the State Supreme Court, not by me.
8 So, those are my thoughts this morning. Having said
9 that, I like to think I am educable and I will certainly be
10 more than willing to hear any arguments or comments that
11 counsel might have.
12 Let me hear first from Edison, since, in fact, this
13 is Edison's motion for judgment on the pleadings, and then I
14 will be glad to hear from the City thereafter. Counsel.
15 MR. VU: Good morning, your Honor. Obviously Edison
16 doesn't have much in the way of responses or comments to your
17 tentative. I would note that with the Court's permission and
18 in order to educate the court, as you noted, to the fullest
19 extent possible, I would like my co-counsel to be available
20 to answer your questions. Mr. Wilson here can answer any
21 questions regarding the sufficiency of the easements. Miss
22 Godfrey is familiar with the underlying facts of the Section
23 1759 claims and the proceedings before the PUC and the
24 details of the project itself. I am very familiar with the
25 law of Section 1759. In fact, argued the Kaponen case before
26 the court of appeal. Other than that, your Honor, we would

1 reserve the opportunity to answer your Honor's questions
2 and/or respond to the City's response to the tentative.
3 THE COURT: Counsel, thank you very much.
4 Let me hear from counsel for the City, please.
5 MS. CALCIANO: Your Honor, with all due respect, I
6 have to inform the court that the implications of this ruling
7 is far reaching. This overrules over a hundred years of
8 precedence that the PUC does not have the authority to
9 adjudicate the real property rights of unregulated entities
10 such as the City. None of the cases cited by the defendant
11 in this case do so. For example, in the Meeker case, which
12 all be it, it has confusing facts, all that case was, was a
13 case adjudicating property rights for purposes of a rate
14 making proceeding. There was an appeal and the appellate
15 court -- the court specifically laid out that the court
16 cannot adjudicate rights. I mean the PUC cannot adjudicate
17 rights for the purposes of the actual contract itself. The
18 court was very clear, and in fact, so we can be specific for
19 the record, they say it twice in that case. That was only
20 for purposes of the rate making. They say it on Page 850,
21 "The commission acknowledges that it does not have
22 jurisdiction equivalent to that of a court to adjudicate
23 incidents of title, and that it would be bound by a judicial
24 ruling in a quiet title action brought by any person claiming
25 an interest in the subject property who believes the
26 commission ruling clouds his title.".

1 And again it cites that again later in that ruling.

2 I would also note that the same thing is said.

3 They -- let me just give you the page number on that. The

4 later, it's on Page 861 where they say the same thing. In

5 Kaponen, the court notes the same thing. The commission

6 notes the same thing and the court affirms that, that it

7 does -- and I will draw your attention to where it states

8 that.

9 Okay. On Page 356. Implicit -- the commission

10 explains, "Implicit in this authorization, however, the

11 assumption that PG&E possesses the legal right to lay such

12 cable alongside its electrical lines. That issue was not

13 presented to the Commission for determination, and no such

14 determination was made. It is important to note that, in the

15 Commission decisions cited by PG&E, the Commission did not

16 (and could not) authorize PG&E to do more than what is

17 legally permitted under the scope of PG&E's existing

18 easements."

19 I would also like to note for the court, if this were

20 true, that this court does not have the right to adjudicate

21 property rights that the PUC has for purposes of a rate

22 making. That, in fact, would make the Whole issue of

23 condemnation irrelevant for superior court. It would be very

24 easy to take a few minutes at the PUC hearing, suggest who

25 the underlying property owners are or the property owners

26 along a PUC route, determine what that compensation is and

1 make that determination. Then we are done. It's much
2 easier; lets things go through more quickly, but it
3 obliterates the rights to the underlying property owners or
4 the owners of other properties they are going to take. Gets
5 rid of a jury trial pursuant to Code of Civil Procedure 592.
6 And it also takes away the separation of powers.
7 I will note that the Santa Monica Rent Control Board
8 case, at 49 Cal.3d 348, the court said that in a separation
9 of powers case, it is true that some executive bodies can
10 adjudicate quasijudicially some rights. However, the ability
11 to do so has to be explicitly set forth and has to be
12 directly related to their ability. Here all the PUC said was
13 that SCE, we are going to adjudicate your claim. We are
14 going to determine whether you have the rights and then you
15 have to go assert those rights. So you have to go tell the
16 City you have the right. Well, it's done that. And it can
17 now assert those rights in this court. It can come to the
18 court and say, we have these rights.
19 But the PUC cannot take away the authority of this
20 court, that is a abdication of this Court's judicial
21 authority under the Constitution.
22 I would also -- and that is essentially all that was
23 done in Camp Meeker. At that point in the Camp Meeker case,
24 it was a water utility case, essentially they were trying to
25 pull a fast one on -- the utility was trying to pull a fast
26 one on the PUC and the PUC saw through it and the Court said

1 you can't do that. You have to assert your easement rights.
2 And so it did so. And in that case the -- but that was all
3 in the context of a rate making. Only thing the Camp
4 Meeker -- the PUC did in Camp Meeker was determine what the
5 rate would be based upon the fact it assumed it had the
6 property rights.
7 And then on the easement issue, if I can point out,
8 basically what this court is saying is that we cannot raise
9 burdens. It doesn't matter some of these issues were raised
10 at PUC but we cannot raise any of the burdens this real
11 property allows us to. They can build these a thousand feet
12 high and it doesn't matter. They can put it to the one inch
13 and all sort of burdens on the property underneath and on the
14 side of it, and there are no such rights to assert our
15 rights.
16 And I would go down to an issue that's small maybe to
17 this court but large to the City and that is whether we can
18 allow parking. There is parking under it and other places,
19 as the record shows, and under the church up on the line.
20 And we wanted -- the City wanted to allow parking there so we
21 can build our community center. SCE said, no, you cannot do
22 that because we are building the TRTP. We don't think they
23 have.
24 Your Honor, this is error if the Court rules this
25 way. If you have any questions I would like to address that
26 further because I am surprised at the Court's ruling given

1 the long history the courts have of adjudicating property
2 rights.
3 THE COURT: Well, I don't have any questions for you.
4 I think, frankly, that your comments are just wide of the
5 target.
6 To the extent that you are complaining that I am
7 somehow -- or that the court is somehow abdicating any power
8 it has to engage in judicial review of administrative
9 decisions, that simply isn't so. Your remedy, as I indicated
10 earlier in my tentative, is not with me; it is with the court
11 of appeal or the Supreme Court.
12 Second, to the extent that you feel somehow this
13 court is engaging in conduct that is in some fashion in
14 derogation of its Constitutional obligations with respect to
15 property rights and determining the existence of property
16 rights between litigants, let me remind you, the Code itself
17 at Section 1759 indicates where review of the PUC decisions
18 will otherwise lie. And that review is not here, assuming
19 that the requirements set forth in the Covalt case are met
20 and I have indicated that I find that they are.
21 The next issue that you raise is interesting. It
22 seems to me that the very point -- and that is the overburden
23 issue -- that you are making in the case here before me is,
24 in fact, an issue that was brought to the attention of the
25 PUC, was specifically addressed in the decision of the PUC.
26 It was raised, it was determined, and clearly were I to deny

1 the motion and allow the lawsuit to continue, I would be
2 doing so notwithstanding the fact that this would be an
3 impediment to the decision being implemented and to Edison's
4 ability to go forward with regard to the construction of
5 TRTP, which was specifically authorized and permitted by the
6 PUC.
7 With regard to your discussions of the various cases,
8 again I don't think any of that is terribly helpful or
9 relevant to our issue here. There have been decisions where
10 certain issues not raised and adjudicated and otherwise
11 determined by the PUC have, in fact, been allowed to go
12 forward by way of superior court cases between the utilities
13 and other litigants. That's not our case. The very issues
14 complained of in this lawsuit were brought to the attention
15 of the PUC. The PUC has made its decision. It is not this
16 Court's job to engage in some excess of its jurisdiction to
17 conduct some independent review or to allow the City another
18 opportunity to have this court conduct some independent
19 review of the validity or the propriety of the PUC's
20 decision. Such a determination, if it lies anywhere in the
21 judicial branch, lies with the court of appeal and with the
22 State Supreme Court. So, while I appreciate Counsel's
23 comments, I am not persuaded by it.
24 MS. CALCIANO: Can I respond briefly, your Honor?
25 THE COURT: Of course.
26 MS. CALCIANO: Your Honor, I would like to say I did

1 not mean to imply this court can review an administrative
2 decision by the PUC. That's not at all what I am saying.
3 What I am saying is that we have a separate basis in property
4 rights and that is not reviewing the PUC decision at all,
5 that is a separate basis that consistently the PUC has held
6 it does not have the authority to do, it cannot determine
7 property rights vis-a-vis a non-regulated entity such as the
8 City. The cases cited by SCE all deal with regulated
9 entities. The Court needed to determine in Meeker the value
10 of the real estate involved so it could determine the rate to
11 set. That is a very different thing than determining that we
12 have no -- that we have no property rights here. That we
13 have no vehicle other than to go to the PUC. We have no
14 right to a jury trial for our property rights. That's a very
15 different thing. That all we have is a few minutes before
16 the PUC and then we have to appeal to the appellate court,
17 Supreme Court and bypass any jury trial rights.
18 THE COURT: Well, I understand that that's the City's
19 position. But, frankly, as I said, I am just not persuaded
20 that the PUC has determined any property rights. This is an
21 area that the PUC is authorized as part of its ongoing powers
22 to engage in. I think that the cases that you have cited
23 have far more been concerned about whether or not specific
24 areas of concern, specific issues have been brought to the
25 PUC for its decision, because in the absence of that, there
26 may well be superior court jurisdiction with regard to

1 lawsuits pending between the entity and other parties. That
2 isn't our case.
3 All of these issues were specifically raised before
4 the PUC. So, while I appreciate the City's arguments, I find
5 them unpersuasive.
6 Any further comments from Edison?
7 MR. VU: Southern California Edison agrees with your
8 Honor that this is the system that the legislature, in its
9 Wisdom, has enacted and we are all bound by that system. The
10 system itself has withstood a Constitutional challenge before
11 the Supreme Court of this state.
12 We have some additional responses to comments made by
13 the City, but unless your Honor had some specific questions,
14 we will forgo those.
15 THE COURT: Okay. I appreciate Counsel's comments.
16 I am going to go ahead and adopt my tentative in its
17 entirety. I am going to find that the motion for judgment on
18 the pleadings is well taken. I am going to grant the motion
19 and require that Edison prepare a Notice of Ruling and Order
20 for Judgment thereon consistent with the Court's ruling this
21 morning.
22 We still have, if I recall correctly, a cross
23 complaint in the matter. I don't know how counsel or what
24 counsel intend to do with that, if anything. My suggestion,
25 unless you have some different comments for me this morning,
26 would be to put the matter out perhaps 60 days for what I

1 will call simply a final status conference to determine at
2 that time what's happening with the cross-complaint, if
3 anything, and whether or not there's been a signed judgment
4 otherwise entered in the matter.
5 MR. WILSON: In light of the Court's ruling, I
6 suspect we will dismiss the cross-complaint, but I need to
7 hear from my client.
8 THE COURT: Let me hear from the City. Do you think
9 60 days is enough time to have it discussed and wrapped up?
10 MS. CALCIANO: Your Honor, we will be appealing, or
11 it will be recommended to our client we appeal. I don't want
12 anything to delay our ability to appeal as quickly as
13 possible.
14 We have a case management conference set for the
15 22nd.
16 THE COURT: We do but my thought, frankly, in light of
17 today's ruling, is simply to vacate that. I don't see any
18 reason to bring counsel back also in less than two weeks.
19 MS. CALCIANO: So the issue we will be coming back on
20 will just be the cross-complaint of the defendants in this
21 case.
22 THE COURT: Correct. And to see whether or not the
23 judgment has, in fact, been prepared and signed by the court.
24 Sometimes -- as counsel well know, sometimes with utilities
25 things take a little bit longer, just like they do with
26 public entities and those sorts of things. I am trying to

1 give counsel enough time rather than bring you back too
2 quickly.
3 MS. CALCIANO: I would like to see the judgment
4 entered as soon as possible and we are going to request a
5 transcript as soon as possible.
6 THE COURT: All right. Let's go out 60 days. That
7 will take us out to Friday, June 11, at 8:30, for what I will
8 call the final status conference and OSC re status of the
9 judgment. I will vacate the April 22nd case management
10 conference.
11 MR. WILSON: I assume if a judgment is entered before
12 the 11th, we don't have to make an appearance.
13 THE COURT: Assuming there has also been a dismissal
14 or some other settlement of the cross-complaint as well
15 because what I don't want to have happen is have a judgment
16 entered with regard to --
17 MR. WILSON: Right.
18 THE COURT: -- the complaint but have the
19 cross-complaint hanging out there and have no lawyers show up
20 at the June hearing date so I have no idea what's going on
21 with the cross-complaints.
22 MR. WILSON: Okay.
23 THE COURT: Let me have moving party give notice of
24 all of that.
25 MR. VU: We will.
26 THE COURT: Counsel, thank you for your patience

1 today.

2 (Whereupon the foregoing proceedings concluded.)

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN BERNARDINO
3 DEPARTMENT R-6 HON. KEITH D. DAVIS, JUDGE
4
5 CITY OF CHINO HILLS, a municipal)
Corporation,)
6)
PLAINTIFFS,)
7)
VS.) NO. CIVRS 901914
8)
SOUTHERN CALIFORNIA EDISON COMPANY,)
9 et al.,)
DEFENDANTS.)
10
11 STATE OF CALIFORNIA)
) SS.
12 COUNTY OF SAN BERNARDINO)
13
14 I, JANE M. FOLMER, Official Reporter of the Superior
15 Court of the State of California, County of San Bernardino,
16 do hereby certify that the foregoing pages, 1 through 15, to
17 the best of my knowledge and belief, comprise a full, true
18 and correct computer-aided transcript of the proceedings
19 taken in the matter of the above-entitled cause held on
20 APRIL 12, 2010.
21 Dated this 15 day of APRIL, 2010.
22
23
24 Jane M. Folmer, CSR
Official Reporter, C-2331
25
26
JANE M. FOLMER, CSR 2331

EXHIBIT 2

Leon Bass, Jr. (Bar No. 127403)
SOUTHERN CALIFORNIA EDISON COMPANY
2244 Walnut Grove Avenue
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Jason H. Wilson (Bar No. 140269)
Nhan T. Vu (Bar No. 189508)
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Attorneys for Defendant
SOUTHERN CALIFORNIA EDISON

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

APR 16 2010

BY Kimberly Karrison
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

CITY OF CHINO HILLS, a municipal corporation, Plaintiff, v. SOUTHERN CALIFORNIA EDISON COMPANY, a California corporation, and DOES 1 through 25, inclusive, Defendants.	CASE NO. CIVRS 901914 (Assigned for all purposes to the Hon. Keith B. Davis, Department R6) **NOTICE OF RULING ON MOTION FOR JUDGMENT ON THE PLEADINGS OF DEFENDANT SOUTHERN CALIFORNIA EDISON COMPANY**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on April 12, 2010, Defendant Southern California Edison Company's Motion for Judgment on the Pleadings with respect to Plaintiff City of Chino Hill's Verified Complaint for Declaratory and Injunctive Relief came on regularly for hearing. Appearing on behalf of Plaintiff City of Chino Hills was Elizabeth M. Calciano, and appearing on behalf of Defendant Southern California Edison Company were Jason H. Wilson, Nhan T. Vu and Laura A. Godfrey.

After reviewing and considering the briefs and papers submitted by both sides, as well as the arguments of counsel:

1. The Court GRANTED the Motion for Judgment on the Pleadings without leave to amend;
2. The Court VACATED the Case Management Conference scheduled for April 22, 2010, at 8:30 am in Department R6 of the above-captioned Court; and
3. The Court SET an Order to Show Cause re: Status of the Judgment and a Final Status Conference on the Cross-Complaint for June 11, 2010 at 8:30 a.m. in Department R6 of the above-captioned Court.

A true and correct copy of the Court's April 12, 2010 minute order is attached hereto as Exhibit A.

DATED: April 16, 2010

WILLENKEN WILSON LOH & LIEB LLP

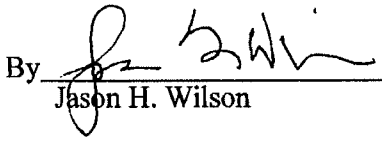
By 
Jason H. Wilson

Exhibit A

COUNTY OF SAN BERNARDINO SUPERIOR COURT
STATE OF CALIFORNIA
MINUTE ORDER

CASE NO: CIVRS901914 DATE: 04/12/10

CASE TITLE: CITY OF CHINO HILLS -V- S.C.EDISON COMPANY

DEPT: R6 04/12/10 TIME: 8:30
Motion Re: (03/18/10) FOR JUDGMENT ON THE PLEADINGS OF DEFENDANT

COMPLAINT TYPE: MCOM

JUDGE KEITH D DAVIS presiding.

Clerk: Julie Briguglio

Court Reporter Jane Folmer; 2331

Court Attendant Richard Unger

-

APPEARANCES:

Attorney Elizabeth M.Calciano present for Plaintiff/Petitioner.

Attorney Jason Wilson,Nhan T.Vu, and Laura Godfrey are present for Defendant/Respondent.

-

Motion

Predisposition Hearing Held

SOUTHERN CALIFORNIA EDISON COMPANY's Motion to /For Judgment on the Pleadings is heard.

Court issues tentative ruling.

Argued by Counsel and submitted.

-

Court finds:

The Court grants both parties request for judicial notice.

SOUTHERN CALIFORNIA EDISON COMPANY's Motion For Judgment on the Pleadings is Granted.

-

HEARINGS:

Hearing re: Final Status Conference;Status of Judgment set for 06/11/10 at 8:30 in Department R6.

Moving Party to prepare Notice of Ruling and Judgment and give notice.

=== MINUTE ORDER END ===

Action - Complete

=== MINUTE ORDER END ===

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles State of California. I am over the age of 18 and not a party to the within action; my business address is: APEX, 1055 West Seventh Street, Suite 250, Los Angeles, CA 90017.

On **April 16, 2010,** I served the foregoing document(s) described as:

1) REQUEST FOR DISMISSAL

2) NOTICE OF RULING RE: MOTION FOR JUDGMENT ON THE PLEADINGS

3) [PROPOSED] JUDGMENT

on the interested parties in this action.

[X] By placing [ ] the original [X] true copies thereof enclosed in sealed envelopes addressed as follows:

Mark D. Hensley, City Attorney
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1230 Rosecrans Avenue, Suite 110
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[ ] **BY FIRST CLASS MAIL** I placed such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] **BY OVERNIGHT COURIER** I caused each envelope with fees prepaid shipped by Federal Express.

[ ] **BY TELECOPIER** by transmitting the above listed document(s) to the fax number(s) set forth above on this date.

[X] **BY PERSONAL SERVICE** I delivered such envelope by hand to the offices of the addressee(s) listed above.

Executed on **April 16, 2010,** at Los Angeles, California.

[X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Type or Print Name | Signature

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'S (U 338-E) REQUEST FOR OFFICIAL NOTICE OF THE SAN BERNARDINO SUPERIOR COURT'S DECISION IN *CITY OF CHINO HILLS V. SOUTHERN CALIFORNIA EDISON COMPANY*** on all parties identified on the attached service list. Service was effected by one or more means identified below:

Transmitting the copies via e-mail to all parties who have provided and e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this 22nd Day of April 2010, at Rosemead, California.

/s/ Meraj Rizvi
By: Meraj Rizvi

SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
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CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

PROCEEDING: A0706031 - EDISON - CPCN CONCER
FILER: SOUTHERN CALIFORNIA EDISON COMPANY
LIST NAME: LIST
LAST CHANGED: MARCH 24, 2010

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