

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA



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Application of San Diego Gas & Electric Company, Southern California Edison Company, Southern California Gas Company, and Pacific Gas and Electric Company for Authority to Establish a Wildfire Expense Balancing Account to Record for Future Recovery Wildfire-Related Costs

Application 09-08-020
(Filed August 31, 2009)

**JOINT MOTION OF DISABILITY RIGHTS ADVOCATES, DIVISION OF
RATEPAYER ADVOCATES, CONSUMER PROTECTION AND SAFETY
DIVISION, AND THE UTILITY REFORM NETWORK FOR A CONTINUANCE
OF THE AUGUST 10, 2010 PREHEARING CONFERENCE**

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Dated: August 3, 2010

On July 16, 2010, Administrative Law Judge (“ALJ”) Maribeth A. Bushey scheduled a prehearing conference in this proceeding for August 10, 2010. The ruling stated that all parties should “be prepared to discuss the substantive issues in this proceeding as well as set a procedural schedule.” Pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure, and for the reasons outlined below, Disability Rights Advocates, the Division of Ratepayer Advocates, the Consumer Protection and Safety Division, and The Utility Reform Network (hereinafter, “Joint Intervenors”) do not believe that the parties can meaningfully discuss the substantive issues in this proceeding or set a procedural schedule until the joint utilities submit an amended application, and accordingly move that the prehearing conference be continued until thirty (30) days after such amended application is filed.

In a joint status report filed on June 11, 2010, the above-named parties, along with the joint utilities who filed Application A09-08-020, requested that a prehearing conference be set. However, several intervening circumstances have made such a conference premature at this time.

First, the meet and confer process that the parties had been engaged in for several months has reached at least an interim conclusion, as indicated by a July 1 e-mail sent by ALJ Janet Econome, who had been serving as an alternative dispute resolution (“ADR”) neutral facilitating the meet and confer process, to all parties in the proceeding as well as to the ADR coordinator and the Assistant Chief Administrative Law Judge supervising the mediation process. In the absence of any formal settlement negotiations among the parties, there is thus no reason to hold a prehearing conference as a prerequisite to filing of a motion to adopt a proposed settlement as required by Commission Rule of Practice and Procedure 12.1.

Second, in the month since the formal facilitated meet and confer process has ended, the joint utilities have not filed an amended application as required by the December 21, 2009 ruling of ALJ Bushey and Assigned Commissioner Simon. That

ruling stated that “[t]he issues raised in the protests are substantial and require that the application be amended before setting the procedural schedule.”¹ The December 21 ruling further gave substantive guidance to the utilities about the considerations that should be included in an amended application.² No such amended application has been filed, however, and thus Joint Intervenors are not in a position to comment on the substantive issues in the proceeding, as ALJ Bushey’s July 16, 2010 ruling requires, without knowing how and to what extent the joint utilities have responded to the guidance offered in the December 21 ruling or the issues raised by the intervenors during the confidential meet and confer sessions held in early 2010. Even if an amended application were filed before August 10, Joint Intervenors would not have sufficient time to digest and analyze that amended application in order to comment on it substantively at the scheduled prehearing conference.

In order to make the most efficient use of the Assigned Commissioner’s, ALJ’s and parties’ time, Joint Intervenors propose that a prehearing conference not be held in this proceeding until thirty (30) days after the joint utilities file an amended application in accordance with the December 21 ruling. This would allow all parties to comment substantively on the issues as they are presented in that amended application and would also allow a procedural schedule to be set based on a live application.

Respectfully submitted on Behalf of All Above-Named Parties Pursuant to Commission Rule of Practice and Procedure 1.8,

/s/ Karla Gilbride

Disability Rights Advocates

¹ Ruling of the Assigned Commissioner and Administrative Law Judge Directing Applicants to Amend Application and All Parties to Meet and Confer, filed December 21, 2009 (“December 21 Ruling”), p. 7.

² December 21 Ruling, pp. 7-9.

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CERTIFICATE OF SERVICE

I certify that I have, by electronic mail to the parties to which an electronic mail address has been provided, served a true copy of “Joint Motion Of Disability Rights Advocates, Division of Ratepayer Advocates, Consumer Protection And Safety Division, And The Utility Reform Network For A Continuance Of The August 10, 2010 Prehearing Conference” on all known parties to A.09-08-020.

Dated August 3, 2010, at Berkeley, California.

_____/s/_____

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