

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



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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
(Filed November 23, 2010)

MOTION REQUESTING PARTY STATUS

SUMA PEESAPATI
Earthjustice
426 17th Street, 5th Floor
Oakland, CA 94612
Tel: (510) 550-6725
Fax: (510) 550-6749
speesapati@earthjustice.org

Attorney for SIERRA CLUB

Dated: January 28, 2011

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I. Basis for Intervention

Sierra Club seeks to intervene in this proceeding to ensure that Southern California Edison's ("Edison") request for a rate increase complies with SB 1368 and the resulting Emissions Performance Standard ("EPS") adopted by the Commission. Sierra Club further seeks to ensure that Edison complies with the substantive and evidentiary requirements established by the Commission in Decision 10-10-016.

On November 23, 2010, Southern California Edison ("Edison") filed an application for authority to increase electricity rates for its California ratepayers, among other things. Edison's application for a rate increase is based, in part, on recent modifications that the company made to Units 4 and 5 of the Four Corners Power plant. Sierra Club seeks to intervene in this proceeding because those modifications appear to be illegal life extension projects that violate SB 1368, which, pursuant to the Commission's Decision 10-10-016 (dated October 14, 2010) would make Edison ineligible for ratepayer compensation for those investments. In fact, Sierra Club has sent Edison a notice of intent to sue the company for violating the Clean Air Act as a result of these same modifications. *See* Exhibit A. Sierra Club seeks to prevent Edison from obtaining California ratepayer compensation for any illegal life extension projects.

Decision 10-10-016 further sets forth a specific framework for determining Edison's recovery for those modifications. Specifically, for discrete investments of less than \$1 million, the Commission ruled that Edison must make a "reasonableness" showing to be eligible for rate recovery. *Id.* For capital expenditures of \$1 million or more, Edison must also establish "necessity." *Id.* In making this "necessity" showing, Edison must, among other things, examine "the cumulative impact of all Four Corners capital expenditures for which SCE seeks recovery in its 2012 GRC." *Id.* at 18. Sierra Club further seeks to ensure that Edison complies with these evidentiary requirements.

II. Sierra Club

Sierra Club is a non-profit, member-based, "public benefit" California corporation. Over 187,000 of Sierra Club's members live and purchase utility services in California, and many of these members are residential customers of Edison, the regulated utility in this proceeding. Sierra Club's mission and corporate purpose include "promot[ing] the responsible use of the earth's ecosystems and resources; educat[ing] and enlist[ing] humanity to protect and restore the quality of the natural and human environment; and us[ing] all lawful means to carry out these objectives."

Maintaining an electricity rate structure that encourages energy conservation, home retrofits, and adoption of rooftop solar remains a high priority for Sierra Club. Sierra Club will devote significant resources to these and other renewable energy issues for the next five to ten years in its national and state level "Clean Energy Solutions" campaign. A centerpiece of the campaign is to secure solutions to global warming, using existing and upcoming technology to "curb global warming, while at the same time building a clean, sustainable economy that lowers

energy bills and creates thousands of new jobs.” See Sierra Club, “Clean Energy Solution,” available at <http://www.sierraclub.org/energy/>.

To advance these energy-related concerns, Sierra Club has employed litigation (including participation in administrative proceedings), public education and organizing, electoral and lobbying efforts, and communications and media work. Sierra Club has brought legal actions numerous times to address pollution from coal-fired power plants, while simultaneously affirmatively supporting renewable energy projects involving wind and solar. Sierra Club lobbyists and volunteer members actively worked in favor of passage of California’s landmark laws and implementing regulations to address global warming, including A.B. 32 (“Global Warming Solutions Act of 2006”) and A.B. 1493 (the “Pavley bill,” imposing greenhouse gas emission limits on motor vehicles).

The interests of the customers represented by Sierra Club are unique and well suited to advance the environmental concerns in this case and are not adequately represented by current intervenors. As the Commission has recognized: “With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo at 3). They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” D.98-04-059, at 29 n. 14. Sierra Club brings to this proceeding its members’ unique perspective and experience advancing innovative technical and regulatory solutions to increase renewable energy sources.

III. Conclusion

In light of the above, Sierra Club respectfully moves to intervene as a party in this proceeding.

Date: January 28, 2011

Respectfully submitted,

/s/ SUMA PEESAPATI
Suma Peesapati

Earthjustice
426 17th Street, 5th Floor
Oakland, CA 94612
Tel: (510) 550-6725
Fax: (510) 550-6749
speesapati@earthjustice.org

Attorney for SIERRA CLUB

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City of Oakland, County of Alameda; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Earthjustice, 426 17th Street, 5th Floor, Oakland, CA 94612.

On January 28, 2011, I caused to be served a true copy of:

MOTION REQUESTING PARTY STATUS

By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for A. 10-11-015.

By U.S. Mail – by placing it for collection and mailing, in the course of ordinary business practice, enclosed in a sealed envelope, with postage fully prepaid, addressed to all parties of record on the service lists for A. 10-11-015 who do not have an email address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this January 28, 2011 at Oakland, California.

/s/ JESSIE BAIRD
Jessie Baird

SERVED VIA ELECTRONIC MAIL

douglass@energyattorney.com
mcnultfa@sce.com
ljt@cpuc.ca.gov
bfinkelstein@turn.org
bcragg@goodinmacbride.com
lauren.duke@db.com
jheckler@levincap.com
jcorralejo@lbcgla.org
scegrc@sce.com
kris.vyas@sce.com
Russell.Worden@sce.com
faith.mabuhayalliance@gmail.com
sue.mara@rtoadvisors.com
rkoss@adamsbroadwell.com
ckt@cpuc.ca.gov
aaron.joseph.lewis@gmail.com
cem@newsdata.com
RobertGnaizda@gmail.com
lencanty@blackeconomiccouncil.org
brbarkovich@earthlink.net
blaising@braunlegal.com
steven@iepa.com
lmh@eslawfirm.com
roe@cpuc.ca.gov
crv@cpuc.ca.gov
dlf@cpuc.ca.gov
dfb@cpuc.ca.gov
fvr@cpuc.ca.gov
md2@cpuc.ca.gov
tbo@cpuc.ca.gov