



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 Approval of Agreement )  
to Sell its Interest in Four Corners Generating )  
Station )

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A. 10-11-010  
(Filed November 15, 2010)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) REPLY TO PROTEST OF  
THE UTILITY REFORM NETWORK**

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Dated: **January 6, 2011**

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

Application of Southern California Edison )  
Company (U 338-E) for Approval of Agreement )  
to Sell its Interest in Four Corners Generating )  
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THE UTILITY REFORM NETWORK**

**I.**

**INTRODUCTION**

Pursuant to Rule 2.6(e) of the Public Utilities Commission's (Commission) Rules of Practice and Procedure, Southern California Edison Company (SCE) hereby files its reply to The Utility Reform Network's (TURN) protest in the instant Application.<sup>1</sup>

**II.**

**TURN'S PROTEST FAILS TO COMPLY WITH RULE 2.6**

TURN's protest does not comply with the clear requirement of Rule 2.6(b) to "state the facts constituting the grounds for the protest ... and the reasons the protestant believes the application, or a part of it, is not justified." Instead of providing such grounds, TURN simply objects, without providing any substantive reasons, "to the granting, in whole or in part, of

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<sup>1</sup> SCE filed an Amendment to the Application on December 3, 2010. Accordingly, protests were due on January 3, 2011, and this reply to TURN's protest is timely.

SCE’s request.” This objection comes despite an acknowledgement that “TURN does not necessarily object to the proposed Four Corners sale.” This is improper under the Rule. Simply labeling a section in a protest as “Grounds for Protest” does not make it so.<sup>2</sup>

### III.

#### **THE PROPOSED SALE WOULD NOT HARM THE INTERESTS OF SCE’S RESIDENTIAL AND SMALL COMMERCIAL RATEPAYERS**

TURN’s protest claims, again without providing any reasons, that SCE’s “application may harm the interests of SCE’s residential and small commercial ratepayers ... by seeking authorization to collect from ratepayers charges that may be unjust and unreasonable for the provision of electric utility service.” This is false. As described in great detail in SCE’s Application and supporting testimony, if granted SCE’s application would return the entire net after-tax gain-on-sale from the transaction to SCE’s ratepayers (including SCE’s residential and small commercial ratepayers). Indeed, the very purpose of SCE entering into the sale transaction is to comply with the Emissions Portfolio Standard (EPS) and to further “the primary objective of [the] EPS[,] [which] is to reduce California’s [ratepayers’] exposure to the compliance costs associated with future GHG emissions (state and federal).” D.07-01-039 at 32.

### IV.

#### **PROCEDURAL ISSUES**

Because TURN’s “protest” does not provide any substantive reasons that SCE’s Application should not be granted, the protest should be dismissed. To the extent that the Commission allows TURN to file a subsequent protest, SCE specifically reserves the right to respond accordingly. At this point, TURN, which is the only party that filed a protest in this proceeding, acknowledges the likelihood that “the case can be resolved through discovery and/or

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<sup>2</sup> To the extent that TURN requests hearings in this proceeding, TURN’s protest also fails to comply with Rule 2.6(b)’s requirement that a protestant “state the facts the protestant would present at an evidentiary hearing to support its request for whole or partial denial of the application.”

prepared testimony . . . .” Accordingly, as there are no issues of material fact in dispute, SCE requests that at the prehearing conference the Commission set an expedited schedule for resolution of this proceeding without the need for a hearing.

Respectfully submitted,

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SUMNER J. KOCH

/s/ Russell Archer

By: Russell Archer

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Dated: January 6, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commissioner's Rules of Practice and Procedure, I have this day served a true copy of SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) REPLY TO PROTEST OF THE UTILITY REFORM NETWORK on all parties identified in the attached service list(s).

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

Executed this **6th day of January, 2011**, at Rosemead, California.

/s/ Cecilia Jones  
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Cecilia Jones  
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California Public  
Utilities Commission

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