

**FILED****PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**24-10  
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Resolution ALJ-262  
 Administrative Law Judge Division  
 November 19, 2010

**RESOLUTION**

RESOLUTION ALJ-262 Ratification of changes to preliminary determinations pursuant to Rule 7.5.

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**SUMMARY**

This resolution approves the assigned Commissioner's ruling in Rulemaking (R.) 99-11-022 and related matters, dated October 19, 2010, changing the category from quasi-legislative to ratesetting.

**DISCUSSION**

Senate Bill (SB) 960 (Leonard, ch. 96-0856) requires, among other things, that the Commission categorize proceedings for purposes of determining the applicable restrictions on ex parte communications and other applicable rules. The rules implementing these requirements are found, for the most part, in Articles 7 and 8 of the Commission's Rules of Practice and Procedure.

Pursuant to Rule 7.1(d), an Order Instituting Rulemaking (OIR) shall preliminarily determine the category of the proceeding.<sup>1</sup> Such determinations shall be confirmed or changed by assigned Commissioner's ruling pursuant to Rule 7.3. The then-assigned Commissioner categorized R.99-11-022 as quasi-legislative by ruling dated January 4, 2000.

By Administrative Law Judge's ruling issued on October 11, 2010, R.99-11-022 was consolidated with Application (A.) 08-11-001, R.06-02-013, R.04-04-003, and R.04-04-025 for purposes of considering a proposed settlement that pertains to each of the consolidated proceedings. On October 19, 2010, the assigned Commissioner and

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<sup>1</sup> Former Rule 6(c)(2), in effect at the time that Rulemaking 99-11-022 was issued, similarly provided that an OIR shall preliminarily determine the category of the proceeding.

assigned Administrative Law Judge issued a joint ruling and amended scoping memo in the consolidated proceedings that, among other things, did the following:

- Confirmed prior scoping memo category determinations in the respective proceedings that R.06-02-013, R.04-04-003, and R.04-04-025 are ratesetting.
- Confirmed the preliminary determination made in Resolution ALJ 176-3224, dated November 6, 2008, that A.08-11-001 is ratesetting.
- Changed the categorization of R.99-11-022 from quasi-legislative to ratesetting in light of the fact that that proceeding was consolidated with four other proceedings that were categorized as ratesetting.

Rule 7.5 requires Commission approval of assigned Commissioner's rulings that change the preliminary determination of category, and it is appropriate to apply Rule 7.5 in the present circumstances. The Commission has reviewed the October 19, 2010 joint ruling and amended scoping memo of the assigned Commissioner and assigned Administrative Law Judge in R.99-11-022 and related matters, and approves the assigned Commissioner's ruling changing the category from quasi-legislative to ratesetting, consistent with the definitions of Rule 1.3 and the requirements of Article 7 of its rules.

**IT IS ORDERED** that:

1. The assigned Commissioner's ruling changing the category as set forth above is approved.
2. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on November 19, 2010, the following Commissioners voting favorably thereon:

/s/ PAUL CLANON

PAUL CLANON  
Executive Director

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY E. RYAN  
Commissioners