



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own Motion into the Operations and Practices of San Diego Gas & Electric Company Regarding the Utility Facilities linked to the Witch and Rice Fires of October 2007.

Investigation 08-11-006
(Filed November 6, 2008)

ADMINISTRATIVE LAW JUDGE'S RULING REGARDING REFERRAL TO THE ALTERNATIVE DISPUTE RESOLUTION NEUTRALS

On October 19, 2009, the undersigned issued an Administrative Law Judge's Ruling memorializing what transpired at the October 9, 2009 status conference in the above-titled proceeding. The ruling noted that the parties reported having made significant progress towards drafting a written accord that captures the key terms that they had negotiated and agreed upon in mid-July 2009.

The parties indicated that they hoped to be finished with the agreement within the following two weeks. If so, they would convene a settlement conference on October 26, 2009, pursuant to Article 12 of the Commission's Rules of Practice and Procedure.¹ If not, the parties would request the assistance of a facilitator or mediator from the Commission's corps of Alternative Dispute Resolution (ADR) Neutrals.

¹ Rule 12.1(b) limits attendance at a settlement conference to the parties to a proceeding and their representatives.

The ruling directed the Consumer Protection and Safety Division (CPSD) and San Diego Gas & Electric Company (SDG&E) to advise the undersigned by Wednesday, October 21, 2009, whether they had accomplished what they needed to in order to proceed with the settlement conference, or were instead requesting the assistance of an ADR Neutral. By teleconference, on October 21, CPSD and SDG&E reported that while they had made additional incremental progress, a facilitator or mediator might now assist them in reaching agreement on the remaining issues. They asked the undersigned to formally refer them to the Commission's ADR Neutrals.

Following the teleconference, the undersigned formally requested that the ADR Coordinator assign a Neutral to this proceeding for the purpose of facilitating the completion of the remaining provisions of the CPSD-SDG&E settlement agreement related to the October 2007 Witch, Rice, and Guejito Fires.²

The ADR Coordinator has advised that assignment of a Neutral is imminent. Once assigned to this matter, the ADR Neutral will be contacting CPSD and SDG&E and arranging one or more sessions in coordination with their respective schedules. To keep the Commission informed, CPSD and SDG&E shall submit a joint statement on the status of the facilitation or mediation, as well as the progress of the ongoing negotiations on the settlement agreement on or before November 6, 2009.

Accordingly, **IT IS RULED** that CPSD and SDG&E shall submit a joint statement on the status of the facilitation or mediation, as well as the progress of

² Investigation 08-11-007 is addressing the Guejito Fire.

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the ongoing negotiations on the settlement agreement on or before November 6, 2009.

Dated October 23, 2009, at San Francisco, California.

/s/ JACQUELINE A. REED

Jacqueline A. Reed
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated October 23, 2009, at San Francisco, California.

 /s/ KE HUANG

Ke Huang

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