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04-14-10

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARCO Products Company, Mobil Oil Corporation, and Texaco Refining and Marketing Inc.,

Complainants,

vs.

Sante Fe Pacific Pipeline, L.P.,

Defendant.

Case 97-04-025
(Filed April 7, 1997)

And Related Matters.

Case 00-04-013
Case 06-12-031
Application 00-03-044
Application 03-02-027
Application 04-11-017
Application 06-01-015
Application 06-08-028

**ADMINISTRATIVE LAW JUDGE'S RULING ON FINAL ORAL ARGUMENT,
EXTENSION OF TIME FOR COMMENTS ON THE PROPOSED DECISION,
PAGE LIMIT ON COMMENTS, AND EX PARTE CONTACT REPORTING
REQUIREMENTS**

1. Summary

This ruling sets the schedule and procedures to be followed for a Final Oral Argument in Case (C.) 97-04-025 et al.; partially grants a motion to extend time for parties to file comments on the April 6, 2010 Proposed Decision in this

proceeding; and establishes specific ex parte contact reporting requirements on the consolidated proceeding.

2. Final Oral Argument

On April 8, 2010 SFPP, L.P. (SFPP) filed a request for a Final Oral Argument as allowed by Rule 13.13.¹ This ruling grants the request and schedules a Final Oral Argument for 1:15 p.m., on Wednesday, May 5, 2010 at the Commission's San Francisco, California, headquarters.

SFPP will be allowed a combined total of 30 minutes for opening and reply arguments. SFPP may determine how to allocate the time between the opening and reply. SFPP must inform the assigned Administrative Law Judge of the proposed speakers and allocation of time by 5:00 p.m., Friday, April 30, 2010. SFPP is limited to two pages plus a cover sheet for any materials to be distributed at the time of the Final Oral Argument. Rules 1.5 and 1.11 apply to this document. All factual assertions must cite to the formal record.

Because SFPP is the moving party seeking the Final Oral Argument, SFPP shall open and reply first followed both times by the combined group of complainants and interested parties (Interested Parties).

The Interested Parties to the consolidated proceeding will be allowed a combined total of 30 minutes for opening and reply arguments. These interested parties must confer and determine who will speak and the allocation of time for both speakers and opening and reply arguments. This total may be allocated between the interested parties as they chose; and the parties must inform the

¹ All citations to Rules are to the Commission's August 2009 Rules of Practice and Procedure.

assigned Administrative Law Judge of the proposed speakers and allocation of time by 5:00 p.m., Friday, April 30, 2010. Interested parties are limited to two pages plus a cover sheet for any materials to be distributed at the time of the Final Oral Argument. Rules 1.5 (Form and Size of Tendered Documents) and 1.11 (Verification) apply to this document. All factual assertions must cite to the formal record.

3. Extension of Time

On April 12, 2010, SFPP filed a motion to extend time for filing comments on the April 6, 2010 Proposed Decision. SFPP seeks a 45 day extension from April 26, 2010 to June 10, 2010. Additionally, SFPP seeks to increase the allowed number of pages from 25 to 50 pages.

In order to have the comments prior to the Final Oral Argument, I will grant an extension for opening comments on the Proposed Decision from April 26, 2010 to May 3, 2010. Reply Comments are due May 10, 2010, following the May 5, 2010 Final Oral Argument.²

4. Page Limit on Comments

The Proposed Decision is 40 pages long. Although I believe the standard 25 pages are more than adequate to satisfy Rule 14.3, I will increase the page limit to 30 pages. Replies remain limited to five pages pursuant to Rule 14.3(d).³ Both pages limits include all attachments of any description except the cover page, service list, and table of authorities.

² SFPP did not request an extension beyond the allowed five days for replies. This extension to the reply is for the convenience of parties due to scheduling the Final Oral Argument on May 5, 2010.

³ SFPP did not request any increase in the length for replies.

5. Ex Parte Contacts

Parties have been previously advised that an ex parte ban applies to this consolidated proceeding pursuant to Rule 8.6. In consultation with the assigned Commissioner, I am imposing the following modified ex parte contact reporting requirements on this consolidated proceeding effective immediately. These requirements shall remain in effect until removed by me, the assigned Commissioner, or a decision of the Commission. Specifically, Rule 8.5, Communications With Advisors, is modified to impose the requirements of Rule 8.2(c)(1) and (2), that is, a three-day written notice, and equal time.⁴ This requirement also applies to telephonic contacts. Further, all three-day written notices must be served on the assigned Administrative Law Judge as well as the

⁴ Rule 8.2(c):

In any ratesetting proceeding, ex parte communications are subject to the reporting requirements set forth in Rule 8.3. In addition, the following restrictions apply:

- (1) All-party meetings: Oral ex parte communications are permitted at any time with a Commissioner provided that the Commissioner involved (i) invites all parties to attend the meeting or sets up a conference call in which all parties may participate, and (ii) gives notice of this meeting or call as soon as possible, but no less than three days before the meeting or call.
- (2) Individual oral communications: If a decisionmaker grants an ex parte communication meeting or call to any interested person individually, all other parties shall be granted an individual meeting of a substantially equal period of time with that decisionmaker. The interested person requesting the initial individual meeting shall notify the parties that its request has been granted, and shall file a certificate of service of this notification, at least three days before the meeting or call.

entire service list. Anyone scheduling an ex parte contact must affirmatively disclose the equal time requirement at the time they request the contact. Ex parte contact with Commissioners and other decisionmakers are fully subject to Rules 8.1 through 8.4, and all three-day written notices must be served on the assigned Administrative Law Judge as well as the entire service list. Finally, all contacts with Commissioners and advisors are deemed substantive, and subject to notice and reporting.

Therefore, **IT IS RULED** that:

1. A Final Oral Argument is scheduled for 1:15 p.m., on Wednesday, May 5, 2010, at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
2. SFPP, L.P. is allowed a combined total of 30 minutes for opening and reply arguments. SFPP, L.P. must inform the assigned Administrative Law Judge of the proposed speakers and allocation of time by 5:00 p.m., Friday, April 30, 2010. SFPP, L.P. will open and reply first.

Dated April 14, 2010, at San Francisco, California.

 /s/ DOUGLAS LONG
Douglas Long
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 Notice of Availability 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 Notice of Availability of the filed document is current as of today's date.

Dated April 14, 2010, at San Francisco, California.

/s/ OYIN MILON
Oyin Milon

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.