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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 Southern California Edison Company, Cellco Partnership LLP d/b/a Verizon Wireless, Sprint Communications Company LP, NextG Networks of California, Inc. and Pacific Bell Telephone Company d/b/a AT&T California and AT&T Mobility LLC, Regarding the Utility Facilities and the Canyon Fire in Malibu of October 2007.	Investigation 09-01-018 (Filed January 29, 2009)

ADMINISTRATIVE LAW JUDGES' RULING AUTHORIZING PARTIES TO FILE SUPPLEMENTAL PLEADINGS REGARDING THE PENDING MOTION TO COMPEL

Summary

This ruling authorizes parties to file supplemental pleadings regarding the Consumer Protection and Safety Division's pending motion to compel the production of certain material from Southern California Edison Company, NextG Networks, Inc., AT&T Mobility LLC, Verizon Wireless, and Sprint Telephony PCS, L.P. The supplemental pleadings are due on February 11, 2011, and replies are due on February 18, 2011.

Background

On October 21, 2007, strong winds in Malibu Canyon broke three utility poles, resulting in a fire that burned nearly 4,000 acres. In January 2009, the Commission instituted this proceeding to formally investigate whether Southern California Edison Company (SCE), NextG Networks, Inc., AT&T Mobility LLC,

Verizon Wireless, and Sprint Telephony PCS, L.P. (together, "the Respondents") violated any provisions of the Public Utilities Code, Commission general orders or decisions, or other rules with respect to their facilities involved in the ignition of the Malibu Canyon fire.

On March 26, 2010, Consumer Protection and Safety Division (CPSD) filed a motion to compel SCE to produce wind-load data gathered by an SCE employee, Arthur Peralta, regarding the three poles that failed in Malibu Canyon. The wind-load data sought by CPSD includes:

- All observations, measurements, and calculations gathered and/or utilized by Peralta regarding the facilities at issue.
- All numeric, categorical, and/or descriptive specifications (including diagrams and graphic representations) obtained and/or utilized by Peralta regarding the facilities at issue.
- All outputs obtained by Peralta from SCE's wind-load computer program for the facilities at issue.
- All data inputs into SCE's wind-load computer program regarding the facilities at issue, including all computational assumptions and parameters within SCE's wind-load program.

CPSD requests that other Respondents with access to any of the above information be required to produce such information. CPSD also requests an opportunity to depose Peralta after CPSD has reviewed the above information.

Each of the Respondents filed a response opposing CPSD's motion. CPSD filed a reply on April 15, 2010. CPSD's motion remains pending.

Discussion

CPSD filed its motion to compel more than 10 months ago. Since that time, several potentially relevant events have occurred in this proceeding that may have a bearing on the pending motion. For example, CPSD served written testimony and the Respondents served rebuttal testimony. The Respondents also

represent that they recently offered CPSD access to all factual data that Peralta observed with respect to the facilities at issue.[1] These developments could affect whether, and to what extent, CPSD's motion to compel should be granted.

To ensure that the forthcoming ruling on CPSD's pending motion to compel reflects the current status of this proceeding, parties may file supplemental pleadings that address the following matters:

- Any developments in this proceeding since April 15, 2010, that have a bearing on CPSD's pending motion to compel and the significance of these developments with respect to the motion.
- If CPSD's motion to compel is granted, a proposed schedule for CPSD to review the material obtained in response to its motion and to conduct related discovery, and for the parties to submit supplemental testimony regarding the new material.[2]

Parties may file supplemental pleadings that address the previously identified matters on February 11, 2011. Replies may be filed on February 18, 2011. The first paragraph of the supplemental pleadings should state that the pleadings are being filed in response to this ruling. Each party should email to the assigned Administrative Law Judges a copy of its filings in Microsoft Word format, to the extent practical.

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[1] *Opposition of Joint Respondents to the Consumer Protection and Safety Division's Motion for Continuance of the Schedule*, dated January 7, 2011, at 7.

[2] This ruling does not predetermine whether CPSD's pending motion to compel should be granted or denied.

Good cause appearing, **IT IS RULED** that:

1. Parties may file on February 11, 2011, supplemental pleadings that address the matters identified in the body of this ruling regarding the Consumer Protection and Safety Division's pending motion to compel. Replies may be filed on February 18, 2011.

2. Each party shall email to the assigned Administrative Law Judges a copy of its filings in Microsoft Word format, to the extent practical.

Dated February 2, 2011, at San Francisco, California.

/s/ JACQUELINE A. REED
Jacqueline A. Reed
Assistant Chief
Administrative Law Judge

/s/ TIMOTHY KENNEY
Timothy Kenney
Administrative Law Judge

INFORMATION REGARDING SERVICE

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Dated February 2, 2011, at San Francisco, California.

/s/ GLADYS M. DINGLASAN
Gladys M. Dinglasan

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.

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