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WAC/avs 2/4/2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Encina Wastewater Authority,

Complainant,

vs.

San Diego Gas & Electric Company, (U902E),

Defendant.

Case 10-08-027
(Filed August 31, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING COMPLAINANT'S
MOTION FOR EXTENSION OF TIME TO SERVE ITS OPENING
TESTIMONY AND MODIFYING SCHEDULE**

On August 31, 2010, Encina Wastewater Authority (Encina or complainant) filed the above-captioned complaint against San Diego Gas & Electric Company (SDG&E or defendant). The complaint alleges that SDG&E improperly changed the tariff rate for Encina's electricity service at the waste water treatment facility from Schedule PA-T-1 to Schedule AL-TOU. The Schedule PA-T-1 tariff is available to customers using electricity for agriculture or water pumping. In order to qualify for the tariff, customers must fit within specified classification codes and be in compliance with certain "special conditions."

A Prehearing Conference (PHC) was held on November 15, 2010. The assigned Commissioner's Scoping Memo and Ruling (Scoping Memo) was

issued on December 7, 2010. The Scoping Memo included the procedural schedule for the instant case. Pursuant to that schedule, complainant's opening testimony was to be served on February 4, 2011.

On January 28, 2011, defendant filed a motion to dismiss the complaint based on the existing record and information contained in the Joint List of Stipulated Facts, filed January 27, 2011. Pursuant to Rule 11.1(e),¹ complainant has 15 days (by February 14, 2011) to file a response to defendant's motion. On January 31, complainant filed a motion for an extension of time to serve its opening testimony until the motion to dismiss is resolved. Defendant does not oppose the extension pending the resolution of its Motion to Dismiss.

Complainant's request for a limited extension of time is reasonable. The merits of the defendant's Motion to Dismiss will be addressed as appropriate following the filing of the complainant's response thereto. However, it is not necessary, at this time, to suspend the dates for serving testimony until the motion is resolved. Therefore, the procedural schedule is revised as follows:²

¹ All references to Rules are to the Commission's Rules of Practice and Procedure, which are available on the Commission's website at:

http://docs.cpuc.ca.gov/word_pdf/RULES_PRAC/70731.pdf.

² The parties were informally notified of the outcome of this Ruling, on February 1, 2011, via email.

**C.10-08-027 PROCEEDING SCHEDULE
(REVISED)**

Event	Date	
	Original	Revised
Prehearing Conference, Held	November 15, 2010	N/A
Discovery, Completed	January 14, 2011	N/A
Joint List of Stipulated Facts, Filed	January 24, 2011	January 27, 2011
Defendant's Motion to Dismiss, Filed	N/A	January 28, 2011
Complainant's Answer to Motion to Dismiss, Filed	N/A	February 14, 2011
Complainant's Opening Testimony, Served	February 4, 2011	February 25, 2011
Defendant's Testimony, Served	February 18, 2011	March 11, 2011
Complainant's Rebuttal Testimony, Served	February 28, 2011	March 21, 2011
Evidentiary Hearings, Held (San Diego)	March 14, 2011 San Diego State Office Building 1350 Front Street Room B-107 San Diego, CA 92101	April 4, 2011 San Diego State Office Building 1350 Front Street Room B-107 San Diego CA 92101
Opening Briefs (Concurrent), Filed	April 4, 2011	April 25, 2011
Reply Briefs (Concurrent), Filed Case Submitted	April 15, 2011	May 5, 2011
Presiding Officer's Decision, Issued	By June 15, 2011	By July 5, 2011

IT IS RULED that:

1. Complainant's Motion for an Extension of Time is granted as set forth in this Ruling.
2. The Procedural Schedule is revised as set forth in the table contained in this Ruling.

Dated February 4, 2011, at San Francisco, California.

/s/ W. ANTHONY COLBERT

W. Anthony Colbert
Administrative Law Judge

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Dated February 4, 2011, at San Francisco, California.

/s/ ANTONINA V. SWANSEN
Antonina V. Swansen

N O T I C E

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