

EDF/avs 6/22/2011



FILED

06-22-11
03:43 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Golden State Water Company on Behalf of its Bear Valley Electric Service Division (U913E) for Approval of RPS Contract with County Sanitation District No. 2 of Los Angeles County, and for Authority to Recover the Costs of the Contract in Rates.

Application 10-06-003
(Filed June 8, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING
MOTION FOR PARTY STATUS FILED BY COUNTY
SANITATION DISTRICT No. 2 OF LOS ANGELES COUNTY**

By motion filed on June 20, 2011, County Sanitation District No. 2 of Los Angeles County (LACSD) request that it be given party status in this proceeding. For the reasons set forth below, this Ruling denies LACSD's request for party status.

LACSD is a special district formed under the County Sanitation District Act, Health and Safety Code Section 4700 *et seq.* LACSD owns and operates the Palos Verdes Gas-to-Energy Facility and entered into the contract with Golden State Water Company (dba Bear Valley Electric Service (BVES)) to sell RPS-eligible power that is the subject of this application. Thus, LACSD claims it has a direct interest in the outcome of this proceeding.

LACSD's request is flawed on several fronts. As an initial matter, though it elsewhere acknowledges that the issues warranting its participation arouse

several months ago, and the proposed decision issued more than a week ago, LACSD's motion makes no attempt to explain why LACSD waited until the last minute to seek party status. Even more problematic is the fact that LACSD neither acknowledges nor purports to comply with Rule 1.4(b)(2) which requires it to state the factual and legal contentions that it intends to make. Instead, according to LACSD, if its motion is granted, its "comments will address how the resolution recommended in the Proposed Decision will affect the District's interests under the contract."¹ Thus, rather than assert that the contract is unlawful or will have outcomes contrary to those set forth in the proposed decision, LACSD seeks to participate in order to raise questions about the impacts the contract it negotiated will have on it.² While the Commission is committed to ensuring that the contracts it approves are, among other things, just, reasonable, and not adverse to ratepayer interest, rarely will it intercede in a contract, such as this, between sophisticated entities with ample legal and technical resources that engaged in arms length negotiations.

¹ LACSD motion for party status, at 2.

² Moreover, LACSD asks for permission to raise this issue in comments on the proposed decision rather than through briefs and testimony over the course of the proceeding.

IT IS RULED that the June 20, 2011, motion for party status filed by the County Sanitation District No. 2 of Los Angeles County is denied.

Dated June 22, 2011, at San Francisco, California.

/s/ DARWIN E. FARRAR

Darwin E. Farrar
Administrative Law Judge