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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Southern California Edison Company (U338E) for Approval of Agreement to Sell its Interest in Four Corners Generation Station.

Application 10-11-010
(Filed November 15, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING IN PART
SIERRA CLUB'S MOTION TO ADMIT ADDITIONAL EVIDENCE
AND DENYING SOUTHERN CALIFORNIA EDISON'S
REQUEST FOR ACKNOWLEDGEMENT**

By motion concurrently filed with its February 6, 2012, brief on environmental issues, Sierra Club moved to admit into evidence (1) the draft Initial Study/Negative Declaration (IS/ND) and all of its attachments, which Energy Division issued in September 2011; (2) the attachments to Earthjustice's (Sierra Club's representative) November 3, 2011, comments on the draft IS/ND; and (3) the attachments to Dr. Petra Pless's November 3, 2011, comments on the draft IS/ND.¹ All of these documents are part of the administrative record of the IS/ND for purposes of the California Environmental Quality Act. Sierra Club states that its February 6 brief relies heavily on these documents, and that it anticipates the potential need to refer to relevant pages of these documents in its February 13 reply brief.

¹ The comments, but not the attachments to the comments, are attached to Exhibit 19, the final Initial Study/Negative Declaration.

For ease and clarity of the formal record, I grant Sierra Club's motion, limited to those portions of the documents that are relevant and material to Sierra Club's citations to them, as follows:

- The cover sheet and Appendix C of the draft IS/ND is marked as Exhibit 20. The IS/ND does not reflect how Appendix C in the final IS/ND differs from Appendix C in the draft IS/ND. However, the IS/ND shows all other changes from the draft in strikethrough and underline; thus, other than the changes to Appendix C, the differences between the two documents are already reflected in the formal record.
- The cover sheet and cited portion (page 3) of Sierra Club's reply brief in Application (A.) 10-11-015 (attached as Exhibit G to Sierra Club's comments on the draft IS/ND) is marked as Exhibit 21.
- The cover sheet and cited portion (pages 35-37) of SCE's Exhibit SCE-17, Vol.6 (Part 2) in A.10-11-015 (attached as Exhibit H to Sierra Club's comments on the draft IS/ND) is marked as Exhibit 22.
- The cover sheet and cited portion (pages 13-16) of Sierra Club's opening brief in A.10-11-015 (attached as Exhibit J to Sierra Club's comments on the draft IS/ND) is marked as Exhibit 23.
- The cover sheet through page 4 of SCE's Exhibit SCE-86 in A.10-11-015 (attached as Exhibit 2 to Pless's comments on the draft IS/ND) is marked as Exhibit 24. This excerpted portion is sufficient to reflect the limited assertion for which Sierra Club cites to the document, i.e., that "SCE recently submitted 'update testimony' requesting CPUC approval to make more than \$17 million in additional post-2011 pollution-increasing investment in the Four Corners." (Sierra Club February 6, 2012, brief at 7.)

Sierra Club's motion with respect to Exhibit F to its November 3, 2011, comments (SCE's A.10-11-010) is denied. That document is already in the formal record.

Sierra Club's motion with respect to Exhibit B to its November 3, 2011, comments (SCE's comments in Rulemaking 06-04-009 and California Energy Commission Docket 07-OIIP-01) and Exhibit 1 to Pless's November 3, 2011, comments (same document) is denied. Those documents are 81 and 53 pages long, respectively, and it is not apparent what portion of the document is relevant and material to the limited proposition for which Sierra Club cites it. ("Beginning in 2007, SCE began making significant modifications to the power plant to prepare the plant for sale. These modifications are ongoing and will continue until 2014." (Sierra Club February 6, 2012, brief at 14).)

Sierra Club's motion with respect to all other documents is denied, as Sierra Club does not cite to them in its briefs. Exhibits 20, 21, 22, 23 and 24 are admitted into evidence.

In response to Sierra Club's motion, SCE notes that it cited to its September 26, 2011 GRC Opening Brief and October 17, 2011 GRC Reply Brief in its February 13, 2012, reply brief in this proceeding. SCE states that, in the interests of judicial economy, SCE did not re-state all of the arguments it made in its GRC briefs. SCE requests that I acknowledge the arguments made in SCE's GRC briefs and rule that there is no need to lodge SCE's GRC briefs in this docket. I deny SCE's request because SCE's request is improperly made in a response to a motion on another matter, SCE's GRC briefs are not judicially noticeable, SCE makes no showing that the cross-referenced portions of its GRC briefs are relevant to this proceeding, and SCE makes no showing of good cause for why it could not present the cross-referenced portions of its GRC briefs as

part of its argument in this proceeding and it is not apparent that doing so would have resulted in unnecessary effort or expense on the part of the court.

IT IS SO RULED.

Dated February 14, 2012, at San Francisco, California.

 /s/ HALLIE YACKNIN
Hallie Yacknin
Administrative Law Judge