



FILED

03-30-12

10:12 AM

KK2/sbf 3/30/2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012- 2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018
Application 11-05-019
Application 11-05-020

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING ALTERNATIVE RELIEF TO SOUTHERN CALIFORNIA GAS COMPANY'S MARCH 13, 2012 MOTIONS

This ruling grants, in part, the reliefs sought by Southern California Gas Company's (SoCalGas) two recent motions concerning "The Rule 1.1 Portion Of The Joint Assigned Commissioner Simon And ALJ Kim's Ruling Regarding Post Order To Show Cause Hearing" (Ruling).

On March 13, 2012, SoCalGas filed a Motion to Vacate the Ruling, or Provide Alternative Relief (Motion to Vacate). Concurrently, SoCalGas filed a Motion For Expedited Stay of the portion of the "Ruling's Rule 1.1 requirements until such time as the Commission has ruled on SoCalGas' Motion to Vacate" (Motion for Stay).

In sum, the thrust of SoCalGas' two motions are couched in due process objections that SoCalGas did not have prior notice of Rule 1.1 finding and that

they were entitled to full and fair opportunity to be heard, which they claim they were denied. SoCalGas also objects to the findings concerning Mr. Blattner's statement of what SoCalGas refers to as "subjective impression" that should not be construed as misleading. Relief sought by SoCalGas in the two motions are:

- (1) to vacate portions of the Ruling that relates to 1.1; or
- (2) alternatively those portions of the Ruling be stayed "until SoCalGas has had a fair and full opportunity to present its case and heard on the alleged Rule 1.1 violation."

These two motions were not titled as such. However, we will treat these two motions as motion for reconsideration, as they contend further review the Rule 1.1 issue would better inform us. Without quibbling as to SoCalGas' individual statements and arguments, preserving the integrity of the process and Rule 1.1 concerns are both sufficiently serious of issues, and to the extent that SoCalGas needs further opportunity to present and be heard on this issue, we are persuaded that further review on that issue should be granted.

On March 27, 2012, Division of Ratepayer Advocates (DRA) filed a response to SoCalGas' Motion to Vacate and instead "suggests expansion" of the Joint Assigned Commissioner and Administrative Law Judge' Post Order to Show Cause Hearing Ruling dated February 16, 2012 to include employees of both SoCalGas and San Diego Gas & Electric (SDG&E). DRA's basis for this proposed expansion of the scope of the Ruling is that the individual at the center of the alleged Rule 1.1 violation issue is the "Manger of Regulatory Relations" for Sempra Utilities, the parent company of both SoCalGas and SDG&E.

GOOD CAUSE SHOWN, IT IS RULED that:

1. An order to show cause hearing is set for April 13, 2012 at 10:00 a.m. in Commission Courtroom, State Office Building, 505 Van Ness Ave., San Francisco, CA.

2. Southern California Gas Company (SoCalGas) is ordered to appear at the order to show cause hearing by its highest ranking official with the knowledge of facts, circumstances and information relating to the Rule 1.1 findings and related allegations in the Joint Assigned Commissioner and Administrative Law Judge's Ruling, dated February 16, 2012, and be prepared to respond to all questions concerning:

- a. Those allegations set forth in the Ruling;
 - b. Issues raised in SoCalGas' two March 13, 2012 motions relating thereto and leading to this ruling;
 - c. Issues raised in Division of Ratepayer Advocates' March 27, 2012 Response to SoCalGas' March 12, 2012 Motion to Vacate; and
 - d. Propriety for sanctions, penalties and/or other remedies to SoCalGas and San Diego Gas & Electric Company.
3. This ruling is effective immediately.

Dated March 30, 2012, at San Francisco, California.

 /s/ KIMBERLY H. KIM
Kimberly H. Kim
Administrative Law Judge