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04-09-12

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lost Creek Canyon Ranch Certified
Organics,

Complainant,

vs.

Southern California Edison Company
(U338E),

Defendant.

Case 12-01-011
(Filed January 18, 2012)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING A TELEPHONIC
PREHEARING CONFERENCE AND REQUIRING THE PARTIES
TO MEET AND CONFER AND TO FILE A JOINT
PREHEARING CONFERENCE STATEMENT**

1. Introduction

This ruling sets a telephonic prehearing conference (PHC) and requires the parties to meet and confer and to file a joint PHC statement.

On January 18, 2012, Lost Creek Canyon Ranch Certified Organics (Lost Creek) filed this complaint against Southern California Edison Company (SCE). On February 9, 2012, Lost Creek filed an amended complaint. In addition to these filings, despite asserting in its complaint that it had not previously attempted to resolve the matter through the informal complaint process, Lost Creek had in fact filed informal complaint Ref. No. 186648 on October 6, 2011.

On March 12, 2012, SCE filed its answer. On March 23, 2012, the assigned Administrative Law Judge (ALJ) sent the parties a letter suggesting the parties explore options for alternative dispute resolution (ADR), including the Commission's ADR program.

2. The Telephonic Prehearing Conference

This ruling sets a telephonic PHC for April 12, 2012, at 9:00 a.m. The parties are instructed to participate by calling (877) 347-9604, passcode 771069 at 9:00 a.m. The telephonic PHC will be transcribed.

A telephonic PHC is called to (1) determine the parties; (2) accept appearances and establish the permanent service list; (3) determine if the parties have been able to pursue ADR or other means to settle the complaint; (4) determine the positions of the parties; (5) identify issues for inclusion in the scoping memo for this proceeding; (6) discuss the schedule for this proceeding; (7) determine if there are any challenges to either the categorization of this proceeding or to the preliminary determination that there is a need for hearings; and (8) discuss any additional procedural matters relevant to this proceeding. The telephonic PHC will also take into account the status of any settlement or ADR discussions.

3. The PHC Statement and Order to Meet and Confer

In preparation for the telephonic PHC, the parties shall meet and confer either in person or telephonically to discuss the following subjects:

1. Identification of the specific factual and legal issues that the Commission needs to decide in this case;
2. What material facts are undisputed;
3. The status of settlement discussions, if any;

4. Whether mediation conducted by a neutral ALJ, other than the assigned ALJ, would be helpful in resolving the disputed issues;
5. Whether any discovery is needed and the anticipated date that discovery will be completed;
6. Whether hearings are needed;
7. If the parties believe that a hearing is needed, the estimated number of days required, and the number of witnesses that each side plans to present at the hearing; and
8. A proposed schedule for this case, including dates for completing discovery, filing prepared written testimony, and for hearing.

4. Alternative Dispute Resolution

The Commission provides trained ALJs (other than the ALJ assigned to this proceeding), without cost to the parties, to serve as facilitators, mediators, and early neutral evaluators to assist the parties in resolving their dispute. For more information about the Commission's ADR program, please go to the Commission's website at www.cpuc.ca.gov/PUC/adr/. Alternatively, the parties may select another ADR provider to assist them at their own expense, so long as the ADR process does not delay the schedule established for this proceeding.

5. Ex Parte Rules

Adjudicatory proceedings such as this complaint case are subject to the *ex parte* ban set out in Section 1701.2(b) of the Public Utilities Code as further explained in the Commission's Rules of Practice and Procedure, Article 8 (beginning with Rule 8.1). The prohibition extends to communications between any party and a decisionmaker (including all Commissioners, Commissioners' advisors and the assigned ALJ) concerning any substantive matter having to do with the case, unless the communication occurs in a public hearing or on the

record. Accordingly, letters, e-mails, and conversations (whether by telephone or in person) that concern substantive matters, rather than purely procedural ones, are not permitted.

6. Filing, Service, and Service List

The parties shall file their joint PHC statement that addresses the above subjects with the Commission's Docket Office, and a copy to me, by no later than April 9, 2012. Parties may submit their copy to me by e-mail addressed to jmo@cpuc.ca.gov.

Parties are encouraged to file and serve electronically, whenever possible. This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This rule allows electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is required. Parties are expected to provide paper copies of served documents upon request. More information regarding electronic filing is available at www.cpuc.ca.gov/puc/efiling.

Parties are responsible for ensuring that the correct information is contained on the service list, and notifying the Commission's Process Office and other parties of corrections or ministerial changes. (See Rules of Practice and Procedure Rule 1.9(f).)

If either party has questions regarding Commission procedures, please contact the Commission's Public Advisor's Office by phone at (866) 849-8390 or (415) 703-2074 or by e-mail at public.advisor@cpuc.ca.gov. The Commission's Rules of Practice and Procedure are also available for review on our website at www.cpuc.ca.gov.

IT IS RULED that:

1. The Commission has set a telephonic prehearing conference (PHC) in the above-captioned matter for April 12, 2012, at 9:00 a.m. at (877) 347-9604, passcode 771069.
2. The parties shall file and serve their joint PHC statement, as described above, no later than April 9, 2012. Please also serve the undersigned with the joint PHC statement by same day e-mail service at jmo@cpuc.ca.gov.
3. To the extent discovery is required, parties shall not wait for the PHC to commence it.

Dated April 9, 2012, at San Francisco, California.

/s/ JEANNE M. MCKINNEY

Jeanne M. McKinney
Administrative Law Judge