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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CVIN, LLC for Modification of Resolution T-17295 to Eliminate Performance Bond Requirement.

Application 12-05-008
(Filed May 7, 2012)

**CHIEF ADMINISTRATIVE LAW JUDGE RULING
ON MOTION FOR REASSIGNMENT ON PEREMPTORY CHALLENGE**

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Motion for Reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On May 29, 2012, CVIN, LLC (CVIN) filed a Motion for Reassignment on Peremptory Challenge of this proceeding to another ALJ. This Motion was filed under Rule 9.2(b) and thereby seeks reassignment on peremptory challenge. As provided in Rule 9.2(d), I am issuing a ruling on that Motion.

A properly supported Motion seeking reassignment on peremptory challenge can only be filed by a party or a person or entity declaring the intention in good faith to become a party to a ratesetting proceeding. A party is entitled to file a motion only once for reassignment on peremptory challenge, however, no more than two reassignments pursuant to this subsection shall be

permitted in the same proceeding (Rule 9.2(b)). Finally, any such motion must be filed timely.

Timely Filed

The Rules require this motion to be filed no later than 10 days after the date of the notice. In this proceeding, notice of the assignment occurred for purposes of Rule 9.2(c) on May 25, 2012. Since the Motion was filed on May 29, 2012, it was timely filed.

Available Procedure

CVIN is the applicant and therefore is a party to this proceeding. This is the first petition filed in this proceeding so the procedure is available. This proceeding is categorized as “ratesetting.” Moving for Reassignment on Peremptory Challenge is allowed in ratesetting proceedings.

Properly Supported

The Rules require that a Motion be supported by a declaration under penalty of perjury (or affidavit by out-of-state person). This Motion is so supported by CVIN.

Therefore, **IT IS RULED** that the Motion for Reassignment on Peremptory Challenge filed by CVIN, LLC is granted. On May 31, 2012, this proceeding was reassigned to Administrative Law Judge Linda Rochester.

Dated June 6, 2012, at San Francisco, California.

/s/ KAREN V. CLOPTON

KAREN V. CLOPTON
Chief Administrative Law Judge