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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TDP - Walnut Creek - 108, LLC,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 12-04-028
(Filed April 30, 2012)

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

1. Introduction

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

TDP - Walnut Creek - 108, LLC, filed its complaint on April 30, 2012, alleging that Pacific Gas and Electric Company (PG&E) had failed to refund charges as required under a line extension agreement. PG&E filed its answer on June 11, 2012.

2. The Prehearing Conference

This ruling sets a PHC for June 25, 2012, at 10:00 a.m., at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.

A PHC is called to (1) determine the parties; (2) accept appearances and establish the permanent service list; (3) determine the positions of the parties; (4) identify issues for inclusion in the scoping memo for this proceeding; (5) discuss the schedule for this proceeding; (6) 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 (7) discuss any additional procedural matters relevant to this proceeding.

3. The PHC Statement and Order to Meet and Confer

In preparation for the 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 Administrative Law Judge (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 (ADR)

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, 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 June 22, 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 <http://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 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 prehearing conference in the above-captioned matter for June 25, 2012, at 10:00 a.m. at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.
2. The parties shall file and serve their joint prehearing conference (PHC) statement, as described above, no later than June 22, 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 prehearing conference to commence it.

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

/s/ JEANNE M. MC KINNEY
Jeanne M. McKinney
Administrative Law Judge