



**FILED**

12-03-09

11:39 AM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company in its 2009 Nuclear Decommissioning Cost Triennial Proceeding (U39E).

Application 09-04-007  
(Filed April 3, 2009)

Joint Application of Southern California Edison Company (U338E) and San Diego Gas & Electric Company (U902E) for the 2009 Nuclear Decommissioning Cost Triennial Proceeding to Set Contribution Levels for the Companies' Nuclear Decommissioning Trust Funds and Address Other Related Decommissioning Issues.

Application 09-04-009  
(Filed April 3, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING PARTIES' REQUEST FOR EXTENSION OF TIME TO FILE  
MOTION FOR APPROVAL OF SETTLEMENT AND  
REVISING PROCEDURAL SCHEDULE  
(CORRECTED)**

On June 15, 2009, the Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge (ALJ) was issued to address the issues, schedule, and other matters necessary to scope these proceedings. At the scheduled Phase 1 evidentiary hearings held October 13 through 19, 2009, the parties requested, and the ALJ agreed, to revise the dates for filing the post-hearing Opening and Reply Briefs. Pursuant to that agreement Opening Briefs for Phase 1 were due to be filed on or before November 25, 2009, and Reply Briefs were to be filed no later than December 18, 2009. On November 13, 2009, Pacific Gas and Electric Company, on behalf of all the

parties, informed me that the parties were engaged in serious and substantial settlement discussions and jointly sought an extension of time to file a motion pursuant to Rule 12.1 of the Commission's Rules of Practice and Procedure (Rules) for approval of a proposed settlement, as well as extensions of time to file the Opening and Reply Briefs should settlement negotiations fail to consummate an agreement. This ruling grants those requests.

Rule 12.1(a) provides that within 30 days after the last day of hearing, the parties may propose by written motion a settlement on the resolution of any material issue of law or fact or on a mutually agreeable outcome of the proceeding. The rule also provides various requirements as to the form and content of such a motion. The request for an extension of time to file this motion was made within the 30-day time frame of Rule 12.1(a) and is granted. Some or all of the parties may file and serve a motion for approval of a settlement agreement on or before December 18, 2009 which otherwise conforms with the Rule 12.1 requirements for such a motion.

In order to allow the parties' time to focus on settlement negotiations, it is appropriate to similarly postpone the deadlines for filing of the Opening and Reply Briefs. Therefore, if no motion for approval of a settlement agreement is filed, the Phase 1 Opening Briefs in this proceeding are to be filed and served on or before December 24, 2009 and the Reply Briefs are to be filed and served no later than January 18, 2010. If a Rule 12.1 motion is filed, then the due dates for filing post-hearing briefs, if still necessary, will be re-considered in a later ruling.

**IT IS RULED** that:

1. The parties' request for an extension of time to file a motion for approval of settlement is granted and any such motion shall be filed and served on or before December 18, 2009 and otherwise conform with Rule 12.1.

2. If no motion is filed pursuant to Rule 12.1 for approval of a settlement agreement addressing all or some of the matters at issue in these proceedings, then Opening Briefs are due to be filed and served no later than December 24, 2009 and Reply Briefs are due to be filed and served no later than January 18, 2010.

3. If a motion for approval of a settlement of some or all of the matters at issue in these proceedings is timely filed, then the dates by which any post-hearing briefs may be due will be addressed by a future ruling.

Dated December 3, 2009, at San Francisco, California.

/s/ MELANIE M. DARLING

Melanie M. Darling  
Administrative Law Judge

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Dated December 3, 2009, at San Francisco, California.

/s/ LILLIAN LI  
\_\_\_\_\_  
Lillian Li

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Last Updated on 01-DEC-2009 by: RC4

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