

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project.

Application 05-12-014
(Filed December 14, 2005)

**ASSIGNED COMMISSIONER'S RULING
SEEKING BRIEFS ON LEGAL ISSUES**

On January 17, the Commission held a prehearing conference (PHC) in Ramona which provided the Administrative Law Judge (ALJ) and I better sense of the procedural and threshold legal issues, in addition to the concerns of members of the local community. As we mentioned at the PHC, ALJ Malcolm and I would like additional briefing on the issues relating to San Diego Gas & Electric Company's (SDG&E) request to defer consideration of issues other than the need for the line. We have the following questions for SDG&E and additional questions for any party who wishes to respond.

Questions for SDG&E:

1. Is SDG&E seeking an interim or a final decision on need in 2006?
2. What issues addressed in an initial need decision would also need to be reviewed and resolved in a subsequent order resolving environmental and Certificate of Public Convenience and Necessity issues, in order to satisfy California Environmental Quality Act (CEQA) and Commission laws and rules? What issues relating to the initial finding of need could not or should not be addressed in the 2006 decision?

3. When will SDG&E be ready to file the Proponent's Environmental Assessment for this project?
4. SDG&E's motion appears to assume that the Commission's need analysis requires the longest lead time in this case. However, the Commission's CEQA review, not its need analysis, will require a longer lead time, due to preparation of a draft and final Environmental Impact Report. In addition, the Independent System Operator has not yet issued a finding that the Sunrise project is needed, which may be critical in the Commission's review of whether the project is needed. Thus, SD&GE's motion appears to rely on incorrect facts or assumptions. Please explain.

Questions for all parties:

1. What is the legal standard for waiving the Commission's rules and General Orders requested by SDG&E?
2. Has SDG&E met that legal standard?
3. Has SDG&E complied with the requirements of § 1003 of the Pub. Util. Code?
4. Please discuss legal and policy issues regarding delay in providing the legal notice required by the Commission's rules. Given the Commission's preference to ensure full public notice, what factors argue in favor of deferring compliance with the requirement?

Responses to these questions must be filed with the Docket Office and served electronically on the service list. Parties who need assistance with accessing the electronic service list for this proceeding or with filing requirements should contact the Commission's public advisor publicadvisor@cpuc.ca.gov or 866-849-8391.

IT IS RULED that the San Diego Gas & Electric Company shall file responses to this ruling no later than February 17, 2006 and other parties may file responses to the questions presented herein no later than February 24, 2006.

Dated February 10, 2006, at San Francisco, California.

/s/ Dian Grueneich
Dian Grueneich
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner Ruling Seeking Briefs on Legal Issues on all parties of record in this proceeding or their attorneys of record.

Dated February 10, 2006, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.