

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

Application of Southern California Edison Company (U-338-E) for Authorization: (1) to Replace San Onofre Nuclear Generating Station Unit Nos. 2 & 3 (SONGS 2 & 3) Steam Generators; (2) Establish Ratemaking for Cost Recovery; and (3) Address Other Related Steam Generator Replacement Issues.

Application 04-02-026  
(Filed February 27, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING APPLICABILITY OF PROTECTIVE ORDER**

On October 21, 2004, Southern California Edison Company (SCE) filed a motion to amend the protective order adopted by my ruling dated May 21, 2004. SCE asks that the protective order specifically include the "Settlement Agreement and Release Between Southern California Edison Company and Westinghouse Electric Corporation-Confidential," dated September 8, 1993 (Agreement). SCE explains that the Agreement is a confidential attorney work product, and its terms include an express confidentiality agreement. Therefore, SCE can not release it to another party without the consent of Westinghouse Electric Corporation (Westinghouse). The Utility Reform Network (TURN) has requested a copy of the Agreement, and Westinghouse has indicated that it will not object to it being provided to TURN if the protective order specifically includes the Agreement. Given the nature of this document, I see no reason not to make it subject to the protective order.

My May 21, 2004 ruling listed the documents to which the protective order applies in the ruling rather than in the protective order itself. If I was to revise

the protective order to include the agreement, any persons receiving the Agreement would have to sign a new non-disclosure certificate. This could possibly result in some confusion among the parties, and the possibility that the document could be provided to a person who signed the original non-disclosure certificate, but not the new one. Therefore, I will not revise the protective order, but I will specify that it applies to the Agreement. SCE has an affirmative obligation to ensure that all persons receiving the Agreement have signed the non-disclosure certificate, and are advised that the protective order applies to the Agreement. To ensure that this obligation is met, I will require SCE to mark each page of the copies of the Agreement that are provided to parties pursuant to the protective order to indicate that the protective order applies to the Agreement.

Therefore, **IT IS RULED** that:

1. The motion of Southern California Edison Company (SCE) to amend the protective order adopted by my ruling dated May 21, 2004 is granted to the extent set forth below. In all other respects, it is denied.
2. The Protective Order adopted by my May 21, 2004 ruling specifically applies to the "Settlement Agreement and Release Between Southern California Edison Company and Westinghouse Electric Corporation-Confidential" (Agreement), dated September 8, 1993.
3. In addition to the requirements of the protective order, SCE shall mark each page of the copies of the Agreement that are provided to parties pursuant to the protective order to indicate that the protective order applies to it.

Dated October 29, 2004, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL  
Jeffrey P. O'Donnell

Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Applicability of Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated October 29, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

**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.