

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY [U 338-E] for confirmation of
the re-appointment of Daniel P. Garcia to
the Committees of its nuclear
decommissioning trust funds.

Application 06-05-003
(Filed May 2, 2006)

**OPINION CONFIRMING NOMINATION OF DANIEL P. GARCIA
TO THE NUCLEAR DECOMMISSIONING MASTER TRUST COMMITTEES**

1. Summary of Decision

This decision confirms the nomination of Daniel P. Garcia for re-appointment to the Nuclear Facilities Decommissioning Master Trust Committees (Committees) for Southern California Edison Company (SCE) for an additional five-year term as a member not affiliated with SCE. This proceeding is closed.

2. Background and Summary of Request

On November 25, 1987, in Resolution E-3057, the Commission approved SCE's two Nuclear Facilities Decommissioning Master Trust Agreements (Trust Agreements). Both Trust Agreements require that they be managed by a Committee of five members. Two of the members may be affiliated with SCE; the other three are to be from outside of the company with no affiliation to SCE. In addition, all members must be nominated by SCE and approved by its Board

of Directors. The three members not affiliated with SCE must also be confirmed by the Commission.

By Decision (D.) 94-11-063, the Commission confirmed the appointment of Daniel P. Garcia to serve on the Committees for a five-year term starting on November 22, 1994. In D.99-10-063, the Commission confirmed a truncated two-year term for Mr. Garcia, which expired on November 22, 2001. In D.01-11-027, the Commission confirmed another five-year term for Mr. Garcia, commencing on November 23, 2001. Mr. Garcia's current term expires on November 22, 2006.

On May 2, 2006, SCE filed Application (A.) 06-05-003 seeking the required Commission confirmation for Mr. Garcia's re-nomination as a non-SCE member of the Committees for five years, beginning on November 23, 2006. SCE also requests that the Commission act on this Application *ex parte* and without hearings.

3. Discussion

The Trust Agreements require Committee nominees who are not affiliated with SCE, such as Mr. Garcia, be approved by SCE's Board of Directors and confirmed by the Commission. On April 27, 2006, SCE's Board of Directors approved Mr. Garcia's nomination to the Committees for another five-year term. As requested, we confirm Mr. Garcia's nomination to the Committees for a five-year term, beginning on November 23, 2006.

We grant SCE's request based on our review of Mr. Garcia's qualifications, experience, and his declaration as provided in Attachment A to the application. Mr. Garcia has served on the Committees since 1994. His biography describes his current and past employment and demonstrates that he has held several senior level professional positions. He is currently a Senior Vice President (SVP)

and Chief Compliance Officer for Kaiser Health Plan, Inc. and Kaiser Foundation Hospitals. Prior to this position, he was appointed SVP at Warner Bros. in 1991 and in 1997 he became an SVP of Warner Music Group. In this capacity, he was responsible for strategic planning, transactions, design and construction, and plant management for Warner Bros. and Warner Music Group real estate holdings around the world. Prior to joining Warner Bros., Mr. Garcia was a partner in the law firm of Munger, Tolles and Olson, and also served as a member of the Los Angeles Planning Commission and President of the Los Angeles Board of Police Commissioners. He earned a law degree in 1974 from the University of California, Los Angeles.

In his declaration, Mr. Garcia has expressed his willingness to continue to serve on the Committees, and has indicated his knowledge of the requirements and restrictions on the Committee members not affiliated with SCE, as contained in the Trust Agreements. According to the declaration, Mr. Garcia has no financial or other interests that would conflict with the discharge of his responsibilities as a member of the Committees and would prevent him from serving as a member of the Committees. Based on these representations, we find that it is reasonable to confirm Mr. Garcia's nomination and we grant SCE's request.

4. Fee and Compensation Arrangements

SCE proposes that the current fee and compensation arrangements which were approved by the Commission for outside Committee members in D.88-03-077 be continued for the nominee. These include fees equal to \$8,000 per year, plus \$500 per meeting, plus reimbursement of reasonable expenses.

Having determined previously that the fee and compensation arrangements were reasonable, we see no reason to object to them at this time and will allow them to continue.

5. Categorization and Need for Hearings

In Resolution ALJ 176-3172, dated May 11, 2006, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No party has filed a response to the application. Given this status, an evidentiary hearing is not necessary and the preliminary determinations made in Resolution 176-3172 with regard to categorization and hearings are affirmed.

6. Waiver of Comments

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

7. Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Maryam Ebke is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The management of SCE has re-nominated and its Board of Directors has approved Mr. Garcia as a non-SCE member of its Nuclear Facilities Decommissioning Master Trust Committees (Committees) for a five-year term commencing on November 23, 2006.
2. SCE's Trust Agreements require Commission confirmation of Committees nominees not affiliated with SCE.
3. Mr. Garcia has served on the Committees since 1994.

4. Mr. Garcia has held several senior level professional positions.

5. Mr. Garcia has submitted a declaration indicating that he is willing to serve as a member of SCE's Committees and that he has no business relationships with SCE that could prevent him from being a member of the Committees.

6. The fee and compensation arrangements for non-SCE Committee members were established in D.88-03-077.

Conclusions of Law

1. This application should be categorized as ratesetting and evidentiary hearings are not necessary.

2. The application should be granted to the extent set forth in the order that follows.

3. The fee and compensation arrangements currently applicable to non-company Committee members as established in D.88-03-077 should continue to apply.

4. This order should be effective today.

O R D E R

IT IS ORDERED that:

1. The nomination of Daniel P. Garcia to serve as a member not affiliated with Southern California Edison Company on Southern California's Nuclear Facilities Decommissioning Master Trust Committees (Committees) for a term of five years starting on November 23, 2006 is confirmed.

2. The current fee and compensation arrangements for non-company members of the Committees as approved in Decision 88-03-077 shall continue until revised through the process set forth in the Trust Agreements.

3. This proceeding is categorized as ratesetting and hearings are not necessary.

4. Application 06-05-003 is closed.

This order is effective today.

Dated _____, at San Francisco, California.