

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



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In the Matter of the Application of Southern  
California Gas Company (U 904 G) to  
establish a Compression Services Tariff

A.11-11-011  
(Filed November 3, 2011)

**MOTION OF CLEAN ENERGY FUELS CORP.  
TO STRIKE REPLY BRIEFS AND LATE INTERVENTIONS**

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**I. INTRODUCTION**

Pursuant to Rules 11.1 and 1.4(c) of the Commission's Rules of Practice and Procedure (Rules), Clean Energy Corp. submits this Motion to Strike the interventions of 19 parties that have filed untimely interventions in this proceeding (the "Late Intervenors").<sup>1</sup> This motion also seeks to strike the reply briefs of Late Intervenors, Propel Fuels, Inc. and Mansfield Gas Equipment Systems (together "Inactive Parties"). Inactive Parties have not shown good cause, or any cause, for their untimely intervention. Moreover, both the motions and the reply briefs of Inactive Parties demonstrate that these parties may not fully grasp the issues in this proceeding; instead, they appear to have been drawn into this proceeding in an abuse of process by SoCalGas as it attempts to

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<sup>1</sup> Reply Brief of American Gas Association (motion to intervene filed on July 11, 2012), reply brief of Mansfield Gas Equipment Systems (motion to intervene filed on January 6, 2012), reply brief of Propel Fuels, Inc. (motion to intervene filed June 18, 2012), American Honda Motor Company Inc. (motion to intervene filed on August 1, 2012) and the joint reply brief of Clean Fuel Connection, Inc./GNC Galileo Corporation (motions to intervene filed on June 26, 2012). Untimely motions to intervene have been filed by Kings Canyon Joint Unified School District (dated June 17, 2012), Revolution CNG, LLC (dated July 11, 2012), Ryder System, Inc. (dated July 19, 2012), Antelope Valley Air Quality Management District (dated July 23, 2012), Daimler Trucks North America (dated July 18, 2012), Encana Natural Gas (dated July 26, 2012), Regatta Solutions (dated July 30, 2012), American Integrated Services (dated July 30, 2012), Allsup Corporation (July 30, 2012), Western Energy Systems (July 30, 2012), Solar Turbines (July 30, 2012), U.S. Airconditioning Distributors – CNG Systems (July 31, 2012), AMTEK Construction (August 1, 2012), Landi Renzo (August 1, 2012), and AGL Resources, Inc. (August 1, 2012).

bolster its unfavorable hearing record. Under these circumstances, permitting consideration of their interventions and reply briefs would prejudice the rights of Clean Energy, Integrys and the Division of Ratepayer Advocates (Active Parties), who have participated actively and consistent with procedural rules in this proceeding. Clean Energy thus requests that Inactive Parties' untimely interventions and reply briefs be excluded from consideration by the Administrative Law Judge and the Commission in the disposition of this proceeding.

**II. THE INACTIVE PARTIES' INTERVENTIONS AND REPLY BRIEFS SHOULD BE EXCLUDED FROM CONSIDERATION IN THIS PROCEEDING.**

**A. Late Intervenors' Interventions Were Untimely**

The Late Intervenors filed their interventions unreasonably late in this proceeding. All of these interventions were filed following the conclusion of hearings and more than seven months after the Application was filed. The Late Intervenors did not participate in the prehearing conference, submitted direct testimony, engaged in cross-examination, or participated in hearings. In fact, only one intervenor, Mansfield Equipment, filed an intervention before the hearings commenced. Propel Fuels filed its motion for party status on the first day of hearings. Moreover, while three of the 19 Late Intervenors filed their motions before the date for submission of opening briefs, none of them submitted an opening brief.

The Late Intervenors have provided no good cause why they have not participated in the proceeding according to the adopted procedural schedule. Indeed, they have not provided *any* excuse for their untimely interventions. In all likelihood, the parties intervened only when SoCalGas requested their help to bolster the unfavorable evidentiary record that unfolded during hearings.

Finally, active parties in this case have not had an ample opportunity to respond to these motions. Rule 11.1 affords parties 15 days to respond to motions “*except as otherwise provided in these Rules or unless the Administrative Law Judge sets a different date.*” The Administrative Law Judge has instead granted motions of Late Intervenors without providing the required 15 day response period or a different shortened period of time. At most, as revealed below, parties have had 12 days to respond to the motions before they were granted outright. For 13 of the motions, parties had two or less days to respond.

<b>Party Seeking Party Status</b>	<b>Date of Motion*</b>	<b>Date ALJ Granted Motion</b>	<b>Number of Days Parties Had to Object to Motion for Party Status</b>
AGL Resources, Inc.	08/01/12	08/02/12	1
Landi Renzo USA	08/01/12	08/01/12	0
AMTEK Construction	08/01/12	08/01/12	0
American Honda Motor Co., Inc.	08/01/12	08/01/12	0
U.S. Airconditioning Distributors – CNG Systems	07/31/12	07/31/12	0
Solar Turbines, Incorporated	07/30/12	07/31/12	1
Western Energy Systems	07/30/12	07/31/12	1
Allsup Corporation	07/30/12	07/31/12	1
American Integrated Services	07/30/12	07/31/12	1
Regatta Solutions, Inc.	07/30/12	08/01/12	2

Encana Natural Gas, Inc.	07/26/12	07/31/12	
Kings Canyon Joint Unified School District	07/24/12	07/24/12	0
Antelope Valley Air Quality Management District	07/24/12	07/25/12	1
Revolution CNG, LLC	07/24/12	07/24/12	0
Daimler Trucks North America	07/20/12	07/25/12	5
Ryder Systems, Inc.	07/19/12	07/25/12	6
Clean Fuel Connection, Inc.	07/12/12	07/23/12	11
GNC Galileo Corporation	07/12/12	07/23/12	11
American Gas Association	07/11/12	07/23/12	12

**B. The Motions to Intervene and Reply Briefs Suggests that Inactive Parties Are Unaware of the Central Issues in This Proceeding.**

The reply briefs of Inactive Parties reveal a widespread misunderstanding regarding the focus of this proceeding. Their filings suggest that this proceeding has been established to evaluate the merits of natural gas use and NGVs. Indeed, the depth of the Inactive Parties' positions can be summed up simply: growth in the NGV market is good, and the parties "generally" support the "purpose and scope" of the Application. The briefs also demonstrate that these parties do not fully understand the details of the proposed CST services.

The pleadings filed by Inactive Parties reveal, at most, generic support for increased NGV opportunities, not specific support for SoCalGas' proposed CST services: The motion for party status filed by Ryder Systems, Inc., which is virtually identical to other interventions, generically supports the objectives of

SoCalGas's application based only on the untested assertions in SoCalGas's application:

*Ryder Systems, Inc. has a commercial interest in this proceeding. The decision relative to this application may establish precedents that could impact the future development of compressed natural gas infrastructure and the ability of new retailers to enter the market. No other party to this Application can adequately represent the rights and interests of Ryder Systems, Inc. in this matter. As such, Ryder Systems, Inc. seeks party status to fully participate in this proceeding. As of the date of the filing of this motion and based upon the information provided in the Application, Ryder Systems Inc. generally supports the purpose and scope of the Southern California Gas Company's proposals.<sup>2</sup>*

Two-thirds or more of Honda's reply brief articulates generic support for NGVs rather than specific support for the proposed CST services:

*Honda is interested in marketing natural gas vehicles for three reasons:*

*1) natural gas is a domestically produced fuel, and dedicated natural gas vehicles help address national energy security concerns by using this fuel, and*

*2) natural gas vehicles have lower smog-forming emissions than comparable gasoline-powered vehicles (EPA has called the Civic Natural Gas the cleanest internal combustion engine vehicle it has ever tested). Lower smog-forming emissions addresses state and local health concerns, and*

*3) natural gas vehicles have approximately 20% lower greenhouse gas emissions than a comparable, similar ICE fueled by gasoline. Lower CO<sub>2</sub> emissions from transportation helps address California goals to reduce CO<sub>2</sub> dramatically from 1990 levels.<sup>3</sup>*

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<sup>2</sup> Motion for Party Status of Ryder Systems, Inc.(dated July 19, 2012), at 1-2.  
<sup>3</sup> Honda Reply Brief at 4.

The American Gas Association’s “reply brief” is not a reply, but a policy statement supporting the use of natural gas:

*the environmental benefits associated with the increased use of natural gas are clear.*<sup>4</sup>

Propel Fuels reply brief clarifies that it only supports the development of a robust CNG market:

*Propel agrees with statements in SoCalGas’s Opening Brief that the CST facilitates development of a robust CNG market in accordance with state policies.*<sup>5</sup>

These parties are missing the focus of this proceeding.

Clean Energy, and every other active party to this proceeding, agrees that a higher penetration of NGVs in the state would be a good thing. But that is not the issue in this proceeding. ***The question is whether the utility can bring anything unique and beneficial into the already competitive market place without leveraging its monopoly advantages and adversely affecting competition.*** Inactive Parties’ generic support of NGVs says nothing about whether SoCalGas can bring anything unique and beneficial into the already competitive market place without injury to competition. Indeed, Propel’s qualification of its support suggests that SoCalGas may not be uniquely or best suited to provide these services. It states: “*Should a non-utility service provider elect to offer the same or similar services, Propel may seek a similar*

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<sup>4</sup> AGA Reply Brief at 3.

<sup>5</sup> Propel Reply Brief at 4.

*agreement.*<sup>6</sup> Similarly, the AGA urges the Commission simply to consider the benefits of the use of natural gas as a transportation fuel but takes no position on the CST itself.

Equally important, the reply briefs also demonstrate that Inactive Parties do not fully understand the details of SoCalGas' proposed CST services. Honda's only statement of support for SoCalGas concludes that: "*So Cal's CST proposal removes the investment and maintenance risk from the fueling station operator and potentially setting the stage for more compressed natural gas infrastructure enabling more vehicles.*"<sup>7</sup> This statement suggests that Honda may not realize that others in the market today can offer this same benefit and, more importantly, can offer them without leveraging monopoly advantages. It also demonstrates that Honda lacks a complete understanding of SoCalGas's proposed services because CST customers will not be shielded from risks. They would *be obligated* to make CST monthly payments that will cover the costs of the new facilities and O&M services.<sup>8</sup> Inactive Parties also fail to comment on the provision of CST services by an affiliate. In hearings SoCalGas's witness acknowledged that the same benefit (to the extent they would accrue) could be generated if an affiliate provided the proposed CST services.<sup>9</sup> None of the Inactive Parties discuss the merits or drawbacks associated with affiliate provision of the proposed services. Inactive Parties may not be aware of this

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<sup>6</sup>

*Id.*

<sup>7</sup>

*Id.*

<sup>8</sup>

Exh. DRA-2, at 2-3.

<sup>9</sup>

1 Tr. 217-18 (SoCalGas/Reed).

significant detail given their lack of participation in the proceeding and in hearings.

This and other displays of misunderstanding permeate the interventions and reply briefs. They raise a myriad of questions, which could have been asked had the Inactive Parties offered testimony of their own:

- ✓ How do these parties fit in the NGV industry, and what are their business interests?
- ✓ Are their interests best served by the existing competitive market, or by SoCalGas's market entry?
- ✓ Could the same benefits, if any, be realized if an affiliate offered the same CST services?

As Clean Energy explained in its Opening Brief, there are many functions and roles in the NGV refueling infrastructure market, and different types of market participants may be differently affected.<sup>10</sup> In fact, it acknowledged that:

*“SoCalGas is correct that equipment manufacturers’ opportunities will not be displaced....”*<sup>11</sup> Thus, the Commission should not expect the position of an equipment manufacturer, such as GNC Galileo Corporation or Clean Fuels Connection, Inc., to be as concerned about the CST as someone, like Clean Energy, that provides the ownership and operation services SoCalGas is seeking to provide. In short, fully understanding a party's interest is critical to evaluating their positions.

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<sup>10</sup> See Opening Brief of Clean Energy at 8. Clean Energy explains that “[a] competitor could (i) provide design and engineering services; (ii) procure and supply station equipment, (iii) procure or provide O&M services, (iv) serve the role of a ‘general contractor’ by providing a package of equipment and services, (v) package the sale of natural gas together with the NGV refueling infrastructure; or (vi) manufacture station equipment.”

<sup>11</sup> *Id.* at 54.

Beyond understanding Inactive Parties' interests, there are many other unanswered questions that could have been resolved by their active participation to be certain they have a fair understanding of the CST. For example:

- ✓ Has SoCalGas accurately represented its application in soliciting their support?
- ✓ Are they aware these services are available today in the market?
- ✓ Are these parties aware of the risk monopoly entry can bring to a competitive market?
- ✓ Do these parties, like Propel, understand that SoCalGas's CST would deprive them of the Low Carbon Fuel Credits they might otherwise hope to earn as a CNG fuel provider?
- ✓ Have these parties read the testimony of intervenors or hearing transcripts which question the benefits that can be generated by the proposed services?

Because Inactive Parties failed to participate in this proceeding, the Commission is not in a position to understand Inactive Parties' positions sufficiently to consider their untimely expressions of interest.

**C. The ALJ and the Commission Have the Authority to Limit Inactive Parties' Participation in this Proceeding.**

Excluding the briefs of Inactive Parties from consideration is consistent with Commission procedure and general principles of fairness and is necessary to prevent prejudice to the Active Parties. Clean Energy did not directly oppose the late interventions, at first unaware of SoCalGas's strategy of barraging the Commission with late requests for party status. Clean Energy also did not have an ample opportunity to respond to these motions as the Administrative Law

Judge has been granting them almost instantaneously through email rulings.<sup>12</sup> However, the flurry of 19 late-filed motions for party status and the filing of five reply briefs prejudice existing active parties in the case. In addition, by filing only reply briefs, these parties have precluded a response by any other party.

The circumstances in this proceeding warrant limitation of the scope of Inactive Parties' participation. Rule 1.4 (c) provides the ALJ the right to limit the scope of participation of any party to a proceeding. It provides: "*The assigned Administrative Law Judge may, where circumstances warrant, deny party status or limit the degree to which a party may participate in the proceeding.*"

The Rules do not have explicit standards that should be used to determine when an ALJ may limit a party's scope of participation. A general framework has been used, however, in a prior ruling. In R.04-04-046, Solel sought to intervene in a proceeding for the purposes of submitting reply comments on a proposed decision proposing changes in the Market Price Referent. The ALJ denied the motion to intervene, explaining:

*Solel's Motion should be denied. It is much [sic] too late in the process of developing the 2005 MPR to allow a new party to interject its views. Nor would allowing such late intervention be fair to existing parties, who participated in a prehearing conference (PHC), workshops, and working groups, and filed numerous comments and briefs on the 2005 MPR methodology. In this regard, there was ample warning that possibly significant revisions to the 2004 MPR methodology would be considered in 2005.*<sup>13</sup>

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<sup>12</sup> Rule 11.1 of the Commission's Rules of Practice and Procedure affords parties 15 days to respond to all motions "except as otherwise provided in these Rules or unless the Administrative Law Judge sets a different date."

<sup>13</sup> Administrative Law Judge's Ruling Denying without Prejudice Motions to Intervene and Denying Motion for Leave to File Late-Filed Reply Comments (Dec. 13, 2005) at 2.

The ALJ likewise rejected the late intervention and reply comments of the Solar Energy Industries Alliance (SEIA), stating:

*SEIA's failure to act on that information cannot now be remedied by its late intervention and late reply comments on the 2005 MPR draft decision. SEIA's Comments Motion should also be denied and the proposed reply comments should not be considered.*<sup>14</sup>

The principles of fairness underlying this ruling are sound. Applying these principles to the Inactive Parties' reply briefs and motions to intervene requires their exclusion from consideration.

Federal Energy Regulatory Commission (FERC) Rule 214 offers a more formal framework for addressing untimely efforts to participate in a proceeding. In deciding whether to grant an untimely motion to intervene, FERC may consider the following factors identified in its regulations:

*[W]hether: (i) The movant had good cause for failing to file the motion within the time prescribed; (ii) Any disruption of the proceeding might result from permitting intervention; (iii) The movant's interest is not adequately represented by other parties in the proceeding; (iv) Any prejudice to, or additional burdens upon, the existing parties might result from permitting the intervention; and (v) The motion conforms to the [procedural requirements in] paragraph (b)....*<sup>15</sup>

These standards guide the Commission to limit the Inactive Parties' scope of participation by excluding their motions and briefs from consideration.

- (i) The Late Intervenors did not even attempt to provide a "good cause" why they could not have timely intervened and participated in the proceeding, as discussed above.

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<sup>14</sup> Administrative Law Judge's Ruling Denying without Prejudice Motions to Intervene and Denying Motion for Leave to File Late-Filed Reply Comments (Dec. 13, 2005) at 3.

<sup>15</sup> 18 C.F.R. 385.214(d)(1). See *Cal. Trout v. Fed. Energy Regulatory Comm'n*, 572 F.3d 1003, 1007–08 (9th Cir. 2009).

- (ii) The Inactive Parties have, in fact, disturbed this proceeding by bringing positions into play untimely and outside of the scope of the prescribed administrative process.
- (iii) The views expressed by the Inactive Parties simply mirror SoCalGas's positions, and these parties' views thus are adequately represented by SoCalGas.

Most importantly, as FERC regulations consider in subsection (iv), permitting consideration of the reply briefs would prejudice the Active Parties. Inactive Parties did not expose themselves to discovery, did not submit direct testimony and did not subject themselves to cross-examination. Neither the parties nor the ALJ had the opportunity to explore the underpinnings of the positions advanced in their interventions and reply briefs. Active Parties, who have played by the rules in this proceeding, thus would be prejudiced by acceptance and consideration of the Inactive Parties' reply briefs.

The use of reply briefs to comment on the application prevents other parties from responding. Of the 21 intervenors in this proceeding, only one party intervened before commencement of hearings. Thus twenty parties have intervened following hearings. An argument could be made that Mansfield Equipment, which intervened in January 2012, timely intervened and should be permitted to file a reply brief. Again, however, accepting this brief would result in prejudice to the Active Parties. While Mansfield Equipment intervened in January, it did not file testimony nor engage in cross-examination. And like other Inactive Parties, it did not file an opening brief. On these grounds, even the reply brief of Mansfield Equipment's should be rejected.

Active Parties also have not had an ample opportunity to respond to the motions for party status of intervenors. As noted earlier, while the Commission's rules require that parties have 15 days to respond to these motions, these motions were granted almost instantaneously through email rulings. However, all 19 of the late-filed interventions were granted outright in twelve days or less. Significantly, 13 of the motions were granted in two or less days and 12 were granted in a day or less.

The Commission, in far less unusual circumstances, has refused to consider the views expressed in briefing. In SoCalGas's "Omnibus" proceeding, the Indicated Producers participated early and actively – timely intervening, attending hearings and engaging in cross-examination. They offered proposals in their opening briefs to mitigate some of the potential adverse effects of the utility proposal. The Commission rejected their proposals:

*Indicated Producers did not submit any testimony in the proceeding, but offered its proposals through the filing of post-hearing briefs. Perhaps because of the timing of Indicated Producers' proposals and the means by which they submitted them, the Applicants and other parties did not provide enough in the way of a response to develop a record on which the Commission could make a decision. Accordingly, we dismiss Indicated Producers proposals but do so without prejudice.<sup>16</sup>*

A similar analysis would lead unambiguously to the conclusion that the Commission must reject any analysis or proposal offered in the Mansfield Equipment reply brief.

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<sup>16</sup> D.07-12-019, mimeo, at 68.

**D. Failing to Exclude Inactive Parties' Reply Briefs Would Leave the Commission's Decision Vulnerable on Appeal.**

DRA accurately pointed out in its reply brief that including any pleadings from Inactive Parties in deciding this case would violate “*principles of fundamental fairness and the due process rights of the parties as granted by both the United States and California Constitutions.*”<sup>17</sup> Requesting that the

Commission ignore the Inactive Parties motions to intervene, DRA explained:

*The right to a fair and open hearing is one of the rudiments of fair play assured to every litigant by the Federal Constitution as a minimal requirement. Ohio Bell Telephone Co. v. Public Utilities Commission, 301 U.S. 292, 304, 305, 57 S.Ct. 724, 730, 81 L.Ed. 1093. There must be due notice and an opportunity to be heard, the procedure must be consistent with the essentials of a fair trial, and the Commission must act upon evidence and not arbitrarily.*<sup>18</sup>

DRA observed: “*Administrative Agencies, such as the Commission, when deeming that a hearing is necessary, can only consider evidence that was introduced at a hearing of which the parties had notice or were present.*”<sup>19</sup> It also

cited *Clark v. Hermosa Beach*, in which the Court concluded:

*A hearing requires that the party be apprised of the evidence against him so that he may have an opportunity to refute, test, and explain it, and the requirement of a hearing necessarily contemplates a decision in light of the evidence there introduced....*<sup>20</sup>

Finally, DRA pointed out that the Court in *English v. Long Beach* concluded, “[a] *contrary conclusion would be tantamount to requiring a hearing in form but not in*

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<sup>17</sup> Reply Brief of the Division of Ratepayer Advocates (Aug. 1, 2012) (DRA Reply Brief) at 4.  
<sup>18</sup> *Railroad Commission of California v. Pacific Gas and Electric Company* (1938) 302 U.S.

388.

<sup>19</sup> DRA Reply Brief at 4.

<sup>20</sup> *Clark v. City of Hermosa Beach*, (1996) 48 Cal. App 4th 1152, 1172-1173 (citing *English v. City of Long Beach* (1950) 35 Cal. 2d 155, 158-159 [217 P.2d 22, 18 A.L.R.2d 547]).

*substance, for the right of a hearing before an administrative tribunal would be meaningless if the tribunal were permitted to base its determination upon information received without the knowledge of the parties.”*<sup>21</sup>

The Commission has before it a substantial, well-developed evidentiary record, informed by direct testimony and testimony elicited through cross-examination. Its decision must rest exclusively on this record and may not be based on the interventions and reply briefs filed outside the record by Inactive Parties.

**E. SoCalGas’s Effort to Bolster the Record Outside of the Evidentiary Process Is an Abuse of Process and Should Not Be Allowed.**

The Commission should not permit SoCalGas to supplement the record through late interventions. SoCalGas has orchestrated these interventions by providing Inactive Parties with a form letter that supports its application. It is relying on the fact that the filings were made as well as the content of the filings to counter the extensive evidence in the record that reveals that SoCalGas will unfairly compete in the NGV refueling market.<sup>22</sup> In other words, even if parties challenge the content of these filings, SoCalGas is likely to claim it has the support of 21 intervenors to bolster support for its application. The Commission

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<sup>21</sup> *English v. City of Long Beach* (1950) 35 Cal. 2d at 159 (citing *United States v. Abilene & So. Ry. Co.*, 265 U.S. 274 [44 S.Ct. 565, 68 L.Ed. 1016]; *Interstate Commerce Com. v. Louisville & Nashville R. R. Co.*, 227 U.S. 88 [33 S.Ct. 185, 57 L.Ed. 431]; *La Prade v. Department of Water & Power*, 27 Cal.2d 47 [162 P.2d 13]). *Bandini Estate Co. v. Los Angeles County, R. Co.*, 227 U.S. 88 [33 S.Ct. 185, 57 L.Ed. 431], *Carstens v. Pillsbury*, 172 Cal. 572 [158 P. 218].

<sup>22</sup> SoCalGas claimed in its testimony that the Compression Services Tariff would benefit new and existing equipment and service providers. See Exh. SCG-1 (Reed) at 2 (“*the proposed tariff service creates expanded business opportunity for both new and existing equipment and service providers.*”). It brought no evidence of this fact, however, into the record. Instead, SoCalGas has attempted to bolster its position by asking third parties to file interventions in support of its application.

should not permit SoCalGas to add additional evidence to the record at this late stage particularly because it is prejudicial to other parties.

A review of the Late Intervenors' motions for party status strongly suggests that these parties relied on a form intervention provided by SoCalGas. This form appears to have recommended the following statement of support, which can be found in nearly all of the interventions:

*As of the date of the filing of this motion and based upon the information provided in the Application, [insert party] generally supports the purpose and scope of the Southern California Gas Company's proposals.*

Notably, all Late Intervenors support the proposed services based on a review of SoCalGas's application. As Clean Energy argued in its reply brief, SoCalGas's strategy amounts to a "letter writing" campaign, which provides no justification for overlooking the substantial record in this proceeding.

Letting SoCalGas get away with this abusive tactic would make a mockery of the Commission's rules. The Commission has established and administers rules in its proceedings to ensure a fair review of the issues, permitting hearings to ensure that parties' positions are fully explored. It expects the parties to adhere to the rules and schedule set by the ALJ in the proceeding. If the Commission were to consider the Inactive Parties' interventions and reply briefs, it would send a signal to all parties that its procedural rules are made to be broken. Accepting these briefs thus would not only prejudice the Active Parties, but would undermine the Commission's rules in future proceedings.

### III. CONCLUSION

For all of the foregoing reasons, Inactive Parties' interventions and reply briefs should be excluded from consideration by the ALJ and the Commission in their deliberation of SoCalGas's Application.

Respectfully submitted,



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