PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-225
Administrative Law Judge Division
January 29, 2009

RESOLUTION ALJ-225. Dismissing penalty issued to Sempra Energy Solutions LLC in Citation E-4017-0922-1.

The Commission's Energy Division issued Citation E-4017-0922-1 to Sempra Energy Solutions LLC (SES) on July 29, 2008, charging SES with the late delivery of its August 2008 Month-Ahead Resource Adequacy filing, and assessing a $1,500 penalty. SES timely appealed the citation by notice of appeal dated August 25, 2008. Administrative Law Judge Hallie Yacknin heard the appeal at a hearing on December 2, 2008. This resolution dismisses the citation.

Findings of Fact

1. SES's August 2008 Month-Ahead Resource Adequacy Compliance Filing was due to Energy Division by Monday, June 30, 2008, but was delivered on Tuesday, July 1, 2008.

2. SES personnel timely prepared the filing and deposited it in the Fed-Ex pick-up box located in the building in which it is headquartered on Friday, June 27, 2008, approximately 45 minutes prior to Fed-Ex's last scheduled pick-up for delivery on Monday, June 30, 2008.

3. In the three years that SES has been making these monthly compliance filings, it has relied on Fed-Ex to pick them up and deliver them based on Fed-Ex's scheduled pick-up and delivery times.

4. Since November 2006, all of SES's monthly compliance filings other than its August 2008 filing have been timely delivered to Energy Division.

Conclusions of Law

1. SES's failure to timely deliver its August 2008 Month-Ahead Resource Adequacy Compliance Filing to Energy Division by June 30, 2008, constitutes a Specified Violation under Resolution E-4017.

2. The issuance of a citation for a Specified Violation under Resolution E-4017 is not mandatory.

3. Under the present factual circumstances, the citation should be dismissed.

Comments

The Resolution was issued for public review and comment in accordance with Public Utilities Code Section 311, subdivision (g). No comments were received.

IT IS THEREFORE ORDERED that:

1. Citation E-4017-0922-1 is dismissed.

2. The appeal process for this citation is closed.

3. This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on January 29, 2009, the following Commissioners voting favorably thereon:

/s/ PAUL CLANON

PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

In the matter of Sempra Energy Solutions LLC, pursuant to Resolution E-4017

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