

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) and PACIFIC TERMINALS LLC for SOUTHERN CALIFORNIA EDISON COMPANY to Sell Fuel Oil Pipeline Facilities to PACIFIC TERMINALS LLC and for PACIFIC TERMINALS LLC to Purchase such Fuel Oil Pipeline Facilities and to Operate Them as a Public Utility.

Application 02-03-035
(Filed March 22, 2002)

ADMINISTRATIVE LAW JUDGE'S RULING SETTING A PREHEARING CONFERENCE IN LOS ANGELES AND SCHEDULING A SITE TOUR

Summary

This ruling sets a Prehearing Conference (PHC) for 10 a.m. on Thursday, May 9, 2002, in the Commission's Courtroom, 320 West 4th Street, Ste. 500, Los Angeles, California, and schedules a site tour following the PHC for Thursday afternoon, May 9, 2002, beginning at approximately 1:30 p.m. Transportation will be arranged from the Commission to the Edison Pipeline and Terminal Company (EPTC) facility. Safety protocol and further information on the site tour is discussed in more detail later in this ruling.

Background

On March 22, 2002, Southern California Edison Company (Edison) and Pacific Terminals LLC (Pacific Terminals) filed a joint application for Edison to sell fuel oil pipeline (FOP) facilities, and for Pacific Terminals to buy the facilities and operate them as a public utility. In addition to seeking authorization to sell the FOP facilities to Pacific Terminals, Edison is also requesting Commission

authorization to implement the Workforce Impact Mitigation Measures and the Ratemaking Proposal described in the application. Pacific Terminals requests authorization to operate the FOP facilities as a common carrier “pipeline corporation” and to use the same negotiated contract approach that the Commission authorized for Edison to use for establishing charges for services using the FOP facilities.

As of April 25, 2002, no protests had been received.

This proceeding is categorized as ratesetting and the applicants did not anticipate that hearings would be necessary. The Commission, however, designates this joint application as a proceeding requiring hearings, subject to reclassification at a later date if necessary.

Prehearing Conference

The PHC will take place at 10 a.m. on May 9, 2002, in the Commission Courtroom, located at 320 West 4th Street, Ste. 500, Los Angeles, California. Pursuant to Rule 49,¹ the parties are directed to meet and confer in advance of the PHC. While the Joint Application did discuss the issues to be addressed and a proposed schedule, the schedule did not include evidentiary hearings. Therefore, the parties are to meet and confer to discuss the issues raised in the protests, if any are filed, and any other issues that have arisen since the filing of the application, and to propose a schedule that includes evidentiary hearings.

The parties are to file a joint PHC statement no later than Tuesday, May 7, 2002, by 5 p.m. The PHC statement is to be served electronically to all parties on the pre-service list who have provided electronic addresses and to the

¹ All references to Rules, unless otherwise noticed, are to the Commission’s Rules of Practice and Procedure.

Administrative Law Judge (ALJ) and Commissioner at cab@cpuc.ca.gov and cxw@cpuc.ca.gov respectively.

A service list for this proceeding will be established after the PHC, and the service list will include the applicants, parties filing protests, and all parties making an appearance at the PHC. At the PHC, attendees should complete an appearance form and designate their status for the proceeding.

Site Tour

An EPTC site visit is scheduled for the afternoon of May 9, 2002, beginning at approximately 1:30 p.m. Commissioner Wood, ALJ Brown, and possibly some Commission staff, plan to attend. Attendees at the PHC are invited to attend the site tour. Any party wishing to participate in the site tour must notify Edison, no later than 5 p.m. on Tuesday, May 7, 2002, so Edison can arrange appropriate transportation, if possible for the size of the group, or make other transportation plans, such as car caravans. Private vehicles are not allowed at the EPTC sites without prior authorization. Any person interested in participating in the site tour may notify Edison by contacting Sumner J. Koch by phone, fax, or e-mail as follows:

Sumner J. Koch
Edison Law Department
Phone: (626) 302-3253
Fax: (626) 302-2050
e-mail: sumner.koch@sce.com

All site tour attendees are required to wear flat, closed-toe shoes, long pants, and hard hats. Edison will provide hard hats for attendees who do not have their own.

Service

It is Commission practice that all appearances must serve all parties and state service participants on the service list. Pursuant to Rule 2.3(b), I direct all

appearances that can provide the Commission with an electronic mail address to serve documents in this proceeding by electronic mail, and in turn, to accept service by electronic mail. Any appearance who has not provided an electronic mail address shall serve and take service by paper mail. Service by mail is described in Rule 2.3(a). At the PHC parties may decide whether service by electronic mail will be in lieu of, or in addition to, paper mail.

This direction does not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et seq. Service on the Commission, including the assigned ALJ and Commissioner, should be by both electronic and paper mail.

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. The Commission's Process Office periodically updates service lists to correct errors, make changes at the request of parties, or to add new parties to the proceeding. Appearances should copy the current service list from the web page before serving a document.

Therefore, **IT IS RULED** that:

1. A prehearing conference (PHC) in this proceeding will be held at 10 a.m. on May 9, 2002, in Los Angeles, California in the Commission Courtroom, State Office Building, 320 West 4th Street, Ste. 500, Los Angeles, California.
2. A site tour of the Edison Pipeline and Terminal Company facilities will follow the PHC and take place at approximately 1:30 p.m. on May 9, 2002. All parties planning on participating in the site tour must notify Southern California Edison Company, and follow the designated protocols, as set forth in this ruling.

3. Parties are directed to meet and confer in advance of the PHC and file a Joint PHC statement by 5 p.m. on May 7, 2002.

Dated April 25, 2002, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

