

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of Southern California Gas Company (U 904 G) and San Diego Gas & Electric Company (U 902 M) for Authority to Continue Funding of LEV Programs.

Application 02-03-047

Application of Southern California Edison Company (U 338 E) to Extend the Operation of Its Electric Vehicle Adjustment Clause Mechanism and Related Accounts Until the Date of the Commission's Final Decision in SCE's Test Year 2003 General Rate Case Proceeding.

Application 02-03-048

Application of Pacific Gas and Electric Company for Review of and Authorization for Recovery of Cost Relating to Its Low Emission Vehicle (LEV) Program for 2002 through 2005. (U 39 E)

Application 02-03-049

**ADMINISTRATIVE LAW JUDGE'S RULING SCHEDULING A
PREHEARING CONFERENCE FOR MAY 21, 2002, IN
SAN FRANCISCO, AND ORDERING
PARTIES TO MEET AND CONFER**

Summary

This ruling schedules a Prehearing Conference (PHC) for Tuesday, May 21, 2002, at 10:00 a.m. in the Commission Courtroom, State Office Building, 505 Van Ness Avenue (at McAllister), San Francisco, California. At that time, parties will be expected to address the need for hearing, the issues to be

considered, and the timetable for resolving the hearings. The applicants are ordered to meet and confer before the PHC to discuss the above issues, and, if hearings are determined to be necessary, to present a proposed hearing schedule. Parties may file separate, or joint, PHC Statements.

Background

On March 25, 2002, Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E) filed joint Application (A.) 02-03-047, Southern California Edison Company (Edison) filed A.02-03-048, and Pacific Gas and Electric Company (PG&E) filed A.02-03-049 all seeking Commission authorization of continued funding for their respective low emission vehicle (LEV) programs. LEV funding for the utilities had been authorized in Decision (D.) 95-11-035, but the funding expired by the terms of the decision on December 21, 2001. The Commission issued Resolution G-3322 to extend the LEV funding programs through December 31, 2002, and the resolution also directed the utilities to file the March 25, 2002, applications to revisit funding the utilities' LEV programs.

As of the date of this PHC notice, no protests have been received, but the protest period is not over.

Coordination of the Three Applications

Although the respective utilities filed separate applications, the applications will be coordinated for scheduling and hearing purposes. All three applications cover similar issues involving the continuation of rate-payer funding for LEV programs, and any protestors or intervenors will have comparable issues in the proceedings. This coordination should reduce the duplication of effort by Commission staff and the participants to the proceedings.

Meet and Confer

The applicants, SoCalGas, SDG&E, Edison, and PG&E are directed to coordinate a meet and confer conference¹ in advance of the May 21, 2002, PHC and file and serve either separate or a joint PHC statement by 5:00 p.m. on May 17, 2002. Any party filing a motion to intervene or a protest is to be included in the meet and confer. This meet and confer is for the purpose of identifying topics and issues for inclusion in the proceeding, discussing whether hearings will be necessary, the time required for cross examination, and proposing a procedural schedule that includes dates for the service of testimony and hearings.

Purpose of the PHC

One of the purposes of the PHC is to establish a service list. Any party attending the PHC, who did not have an opportunity to participate in the meet and confer, will have an opportunity at the PHC to discuss the following topics, and any party filing a PHC statement should address these topics:

- The need for and duration of a hearing. SoCalGas and SDG&E, and Edison proposed that their respective application proceedings be categorized as ratesetting, and no hearing was necessary. PG&E proposed that its proceeding be categorized as ratesetting, but anticipated that a hearing would be necessary. The parties to the three application proceedings should address whether hearings are necessary in all three matters, or only in PG&E's proceeding.
- Issues to be considered in the proceedings. Although the parties fully addressed many issues related to the

¹ This meet and confer may be held telephonically, by e-mail correspondence, or by any method that is acceptable to the participants.

funding of the LEV programs in the proceedings that resulted in D.95-11-035, changes in the energy market, the economy, and technological advances may bring new issues to the forum.

- The timetable for resolving the proceeding and a proposed procedural schedule – including hearings if necessary.
- Status of or need for discovery. If discovery is necessary, parties should initiate it as soon as possible.
- Whether the parties plan to file motions in these proceedings.
- Whether service by electronic means should be used in lieu of paper mail when an electronic address has been provided.

Electronic Service

Rule 2.3(b) of the Commissions Rules of Practice and Procedure provides that the Administrative Law Judge (ALJ) may direct that service be made by electronic means. By this ruling, I direct that all appearances that can provide the Commission with an electronic mail address to serve documents, are to serve and accept service by electronic mail. Any appearance who has not provided an electronic mail address shall provide a fax number and/or a phone number, if available, so appearances without electronic mail can receive information in an expedited manner. Any appearance without electronic mail shall serve and take service by paper mail as described in Rule 2.3(a).² This ruling does not change the rules regarding the tendering of documents for filing, which must be done in paper form, as described in Rule 2, *et seq.*

² Commission Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. Choose "Service Lists," and scroll to the proceeding number, A.02-03-047, A.02-03-048, or A.02-03-049. Parties are reminded to contact the Commission's Process Office to update address information when necessary so that the current service list is as up-to-date and accurate as possible. Parties are to serve Commissioner Wood at cxw@cpuc.ca.gov and ALJ Brown at cab@cpuc.ca.gov.

IT IS RULED that:

1. Parties shall meet and confer informally to discuss topics and a hearing schedule and file prehearing conference (PHC) statements by close of business on May 17, 2002.
2. A PHC 10:00 a.m. on May 21, 2002, in the Commission Courtroom located at 505 Van Ness Avenue, San Francisco, California.
3. Electronic mail service protocols are established as set forth above.

Dated May 6, 2002, at San Francisco, California.

/s/ Carol Brown

Carol Brown
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 Scheduling a Prehearing Conference for May 21, 2002, in San Francisco, and Ordering Parties to Meet and Confer on all parties of record in this proceeding or their attorneys of record.

Dated May 6, 2002, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

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.

The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.