

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

Utilisource, a California Corporation, fka Eastern  
Pacific Energy,

Complainant,

vs.

Pacific Gas and Electric Company, a California  
Public Utility,

Defendant.

Case 04-12-026  
(Filed December 16, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING PREHEARING  
CONFERENCE AND CALLING FOR PREHEARING CONFERENCE  
STATEMENTS**

Complainant seeks an order from the Commission that it be entitled to submit direct access service requests for its customers that have valid contracts prior to September 20, 2001, and that Pacific Gas and Electric Company (PG&E) pay to Utilisource, a California Corporation, fka Eastern Pacific Energy (Utilisource) lost profits for PG&E's failure to allow Utilisource to provide electric power to its customers.

This ruling sets a prehearing conference (PHC) and calls for PHC statements. This PHC is set contemporaneously with Case (C.) 04-12-025, filed by Utilisource against San Diego Gas & Electric Company (SDG&E) but the cases are not being consolidated at present time (although the PHC statements should address whether consolidation is appropriate, as stated below.)

## **PHC**

This ruling sets a PHC for Monday, March 21, 2005, commencing at 1:30 p.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California. A PHC is called to determine the parties, positions of the parties, scope and schedule of the proceeding, and other procedural matters.

## **PHC Statements**

Parties shall file PHC statements no later than Friday, March 11, 2005 and shall serve these statements to the attached temporary service list by email and regular mail. Parties shall also bring at least five copies of their PHC statements to the PHC.

The PHC statement shall address (a) whether this case should be consolidated with a similar case filed by Utilisource against SDG&E, C.04-12-025; (b) the need for an evidentiary hearing (i.e., is an evidentiary hearing necessary, or can the parties stipulate to the issues of material fact or resolve this case on the pleadings); (c) the issues to be considered; (d) the proposed schedule for the proceeding so that the resolution occurs within one year of the complaint's filing; (e) whether the use of settlement techniques or other alternatives to litigation would be useful to resolve this proceeding; and (f) other procedural issues necessary for a prompt resolution of this proceeding.

## **Other Procedural Matters**

Parties are advised that they should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

## **Service List**

A temporary service list is attached to this ruling.

**Communications With Decision Makers (Ex Parte Communication)**

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding.

**IT IS RULED** that:

1. The Commission has set a prehearing conference (PHC) in the above captioned matter for Monday, March 21, 2005, commencing at 1:30 p.m. in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California.
2. Parties shall file PHC statements no later than March 11, 2005 on the issues set forth in this ruling. The PHC statements shall be served by email and regular mail on the temporary service list attached to this ruling. The Administrative Law Judge's e-mail address is [jjj@cpuc.ca.gov](mailto:jjj@cpuc.ca.gov).
3. Parties shall not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ -164.
4. A temporary service list is attached to this ruling.
5. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.
6. The Commission's Process Office shall also serve this ruling on the temporary service list for Case 04-12-025.

Dated February 22, 2005, at San Francisco, California.

/s/ JANET A. ECONOME

Janet A. Econome  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference and Calling for Prehearing Conference Statements on all parties of record in this proceeding or their attorneys of record.

Dated February 22, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**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.

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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.

C.04-12-026 JJJ/hl2

[insert temporary service list]