

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



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Order Instituting Investigation pursuant to Senate Bill 380 to determine the feasibility of minimizing or eliminating the use of the Aliso Canyon natural gas storage facility located in the County of Los Angeles while still maintaining energy and electric reliability for the region.

Investigation 17-02-002
(Filed February 9, 2017)

**STATUS CONFERENCE STATEMENT OF
ISSAM NAJM**

Pursuant to the Administrative Law Judge's (ALJ) June 30, 2023, Ruling Setting Status Conference (Ruling), I, Issam Najm, hereby submit this Status Conference Statement (Statement) as directed by the ALJ in her Ruling.

I. INTRODUCTION

The ALJ's Ruling set the Status Conference for July 26, 2023, and directed parties to submit their Statements by July 21, 2023. The Statements are to address the following:

1. Potential disputes of material fact.
2. Plans for discovery and possible discovery disputes.
3. Witnesses who will be available for cross examination if an evidentiary hearing is held.
4. A proposed schedule.

The Ruling also directed SoCalGas to include in its Statement the results of any meet-and-confers, and provided the option for parties to agree on a joint status conference statement and elect one party to file that status conference statement on their behalf.

II. SUMMARY OF THE MEET AND CONFER

I participated in a meet-and-confer virtual meeting on July 18, 2023, organized by SoCalGas and attended by: SoCalGas, SDG&E, SCE, PG&E, Southwest Gas, IID, the Indicated Shippers, Cal Advocates, CAISO, AReM, CalCCA, PCF, and myself. At the end of the meeting, I agreed to a joint Statement prepared by SoCalGas after I had the opportunity to review it and authorize my inclusion in it. After receiving the draft Statement prepared by SoCalGas, they

included a proposed schedule with specific dates that were not discussed at the meet-and-confer. I asked SoCalGas to include in the joint statement an additional schedule representing my recommendations. SoCalGas refused to include my proposed schedule in the joint Statement in spite of the fact that they included the positions of other parties that was not in line with SoCalGas' position. For this reason, I was forced to withdraw from the joint Statement and to submit this Statement separately.

III. POTENTIAL DISPUTES OF MATERIAL FACT

All important elements of this proceeding are in dispute. SoCalGas and SDG&E dispute the underlying premise of the Staff Proposal to close Aliso Canyon by 2027 and have taken the position that the Commission should go in the opposite direction and raise the storage volume in Aliso to the maximum allowable value and to remove all restrictions on injections and withdrawals from the field.¹ These parties also dispute the analysis conducted by FTI upon which the Staff Proposal is based.

IV. PLANS FOR DISCOVERY

I have no current plans for discovery.

V. WITNESSES WHO WILL BE AVAILABLE FOR CROSS EXAMINATION IF AN EVIDENTIARY HEARING IS HELD

I do not believe that an evidentiary hearing is needed and thus no witness cross-examination is required or necessary. If evidentiary hearings are held, I have no witnesses to provide for cross examination.

VI. PROPOSED SCHEDULE

I propose the following schedule for the remainder of this proceeding with the final decision to be made by the Commission prior to November 10, 2023, which is the current proceeding statutory deadline set by the Commission in D.23-03-006 issued on February 10, 2023.² The rationale for the recommended dates is discussed below.

1. I.17-02-002. Southern California Gas Company (U 904 G) and San Diego Gas & Electric Company's (U 902 G) Joint Petition for Modification of Decision 21-11-008, dated April 19, 2023, available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M506/K522/506522633.PDF>

2. <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M502/K129/502129227.PDF>

Event	Date
Status Conference	July 26, 2023
Motion to enter all testimonies into the record	July 31, 2023
Ruling Setting the Schedule	August 4, 2023
Concurrent Briefs	August 16, 2023
Proposed Decision	September 27, 2023
Final Decision	November 2, 2023

After the status conference of July 26, 2023, a motion can be filed by any party individually or jointly with other parties to enter all the concurrent opening testimonies, concurrent rebuttal testimonies, and concurrent sur-rebuttal testimonies into the record. There is no rationale for excluding any of the testimonies from the official record of the proceeding, as divergent as they are.

I request that by August 4, 2023, ALJ Zhang issue a ruling setting the schedule for the remainder of the proceeding and include a deadline of August 16, 2023 for the submittal of concurrent briefs by all parties. While this is only 10 days after the issuance of the ruling, it is six months after the filing of the sur-rebuttal testimonies. At any time during those six months parties could have written their briefs. The ALJ may instruct the parties during the Status Conference of July 26 to finalize their Briefs for an expected August 16 due date. Since each party's brief is going to be a consolidation of the positions and arguments already made by that party in its opening, rebuttal, and sur-rebuttal testimonies, there is no reason for any party to claim that they have insufficient time to prepare their brief. Thus, a deadline of August 16 for the submittal of the briefs is reasonable.

Reply briefs are unnecessary as they will simply be a repeat of the disagreement arguments already stated by all parties in their rebuttal and sur-rebuttal testimonies. Similarly, inserting a settlement conference into the schedule is of no value as there are very divergent positions in this proceeding and a settlement conference will not yield a joint position on the Staff Proposal as clearly demonstrated in the opening, rebuttal, and sur-rebuttal testimonies.

My schedule requests a proposed decision on the adoption of the Staff Proposal, or adoption of a modified Staff Proposal, by September 27, 2023, six weeks after parties file their briefs. This will provide the Commission with the time needed to receive comments on the proposed decision before making a final decision at its voting meeting on November 2, 2023. This is the last voting meeting before the statutory deadline on November 10, 2023.

My proposed schedule also takes into consideration that SoCalGas, PG&E, SDG&E, SCE, the Indicated Shippers, SCGC, Cal Advocates, and CAISO previously recommended that hearing

occur *last year*, “if necessary.”³ In 2021, in a separate statement, Sierra Club commented on the schedule saying that it did “not object to the Commission providing alternative engagement opportunities ***so long as those opportunities do not delay the resolution of the proceeding.***”⁴ The bold and italics from the quoted text were not added by me, they were directly from Sierra Club’s filing. Sierra Club’s emphasis shows its frustration with SoCalGas’s delay tactics in 2021. It is now approximately 20 months later. Sierra Club’s frustration mirrors my own.

Dated: July 21, 2023

Respectfully Submitted,

/s/ Issam Najm
Issam Najm, Resident
Porter Ranch, California
21018 Osborne Street, Suite 1
Canoga Park, CA 91304
Tel: (818) 366-8340
Email: issam.najm@WQTS.com

3. I.17-02-002, Joint Status Conference Statement of Southern California Gas Company (U 904 G), Pacific Gas and Electric Company (U 39 E), San Diego Gas & Electric Company (U 902 M), Southern California Edison (U 338 E), The Indicated Shippers, Southern California Generation Coalition, The Public Advocates Office, The California Independent System Operator Corporation (December 1, 2021), available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M428/K120/428120904.PDF>.

4. I.17-02-002, Sierra Club Status Conference Statement (December 1, 2021), available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M427/K993/427993240.PDF>.