BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE

STATE OF CALIFORNIA

COMMISSIONER KAREN DOUGLAS, in attendance

ADMINISTRATIVE LAW JUDGE JACOB RAMBO, presiding

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California Resources Corporation,	)	PREHEARING
	)	CONFERENCE
Complainant,	)	
	)	
Vs.	)	Case
	)	26-08-012
Pacific Pipeline System, LLC (U-18-O),	)	
	)	
Defendant,	)	

REPORTER'S TRANSCRIPT
Virtual Proceeding
October 30, 2026
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PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

VIRTUAL PROCEEDING

OCTOBER 30, 2026 - 1:02 P.M.

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ADMINISTRATIVE LAW JUDGE RAMBO: All right. The record is open in the prehearing conference for complaint proceeding Case 26-08-012. I am Administrative Law Judge Rambo, and I am the administrative law judge assigned to hear this proceeding. With me today is Commissioner Karen Douglas. She is the assigned commissioner.

This -- this prehearing conference is on a complaint filed by California Resources Corporation against the Pacific Pipeline Services -- excuse me -- Pacific Pipeline System --

MR. PRABHAKARAN: Thank you, your Honor.

ALJ RAMBO: -- regarding alleged violations of tariff and supporting advice letters and Commission -- the law and Commission rules.

The purpose of the prehearing conference today, we'll take initial party appearances, we will discuss the issues in scope, we'll discuss evidentiary hearing need and scheduling, and then I -- we will not make any decisions today, but I will prepare a -- a recommendation for Commissioner Douglas, who will issue a scoping memo.

Our goal is to have that scoping memo out as soon as possible, and we'll talk about that a little more when we get to schedule.

Before we -- I'm going to give Commissioner Douglas an opportunity to make a few comments. Before we do that, I just want to make sure we get appearances on the record.

We'll start with representatives for the -- the appearances for the complainant, California Resources Corporation.

MS. COTTLE: Yes. Good afternoon, Judge Rambo, Commissioner Douglas. My name is Lisa Cottle, C-o-t-t-l-e. I represent California Resources Corporation, the complainant in this proceeding.

ALJ RAMBO: Okay. And then representatives for the defendant, Pacific Pipeline System?

MR. PRABHAKARAN: Thank you, your Honor. Vid Prabhakaran, P-r-a-b-h-a-k-a-r-a-n, on behalf of the defendant, Pacific Pipeline System.

ALJ RAMBO: Okay. Are there any individuals seeking to become parties or representing entities that wish to become parties -- parties to the proceeding?

MS. PROUT: I'm Megan Prout. I'm in-house counsel for Pacific Pipeline System.

ALJ RAMBO: Good morning -- or good afternoon.

Are there any -- any individuals other than the representatives of the claimant and the defendant seeking party status?

(No response.)

ALJ RAMBO: All right. Hearing none, then we will move on with the two parties before us.

As I indicated earlier, I am the assigned ALJ in this proceeding, and Commissioner Douglas is the assigned commissioner. So I -- at this time, I'll give Commissioner Douglas the opportunity to make her opening remarks.

COMMISSIONER DOUGLAS: Thank you, Judge Rambo; and good afternoon to everybody here.

I just wanted to say that I see this as a high priority for us to look at the complaint, address the issues, and carry out an efficient process, and so I look forward to what I hope will be a productive discussion today.

ALJ RAMBO: Thank you.

I might do this a little -- just a little out of order from the typical PHC, just because I -- I -- I think there's a -- there's a flow that I want to have as we go through things.

First of all, the preliminary categorization is adjudicatory, which is generally the categorization for

complaint proceedings unless the complaint is about a rate. My review of the complaint indicates that it is not directly challenging the reasonableness of a rate, and so the adjudicatory classification is appropriate at this time.

I do recognize -- and I read the parties' discussion in each of their filings. I do recognize that there may -- there probably is not a ratesetting element, but there may be a need to revisit categorization down the road as the proceeding develops.

Does either party wish to be heard on categorization?

MS. COTTLE: Your Honor, I -- I can speak to that. Lisa Cottle for CRC, the complainant.

We agree that adjudicatory is the correct categorization for the proceeding. We did want to clarify a statement in our complaint and just put it in context.

We said we were not challenging the rates that we are paying or that the -- the tariff we take service under specifies; and by that we meant we're not questioning the cost-of-service basis for those rates, or how they were determined, or suggesting that those cost-of-service rates should be different.

We are, however, taking a position that the

service we receive under that tariff currently is unjust, unreasonable, and unduly discriminatory; and so in that sense, we are challenging the reasonableness of the rates, but it's directly related to the inferior quality of service we're receiving due to the -- the prorationing policy.

ALJ RAMBO: Thank you. And I -- I think I understood that from -- from your brief -- or from your complaint as well. It's -- it's -- I guess the -- I guess the way would describe it is you're not saying -- to use the grocery store analysis, you're not complaining about the price of the apples you ordered -- or the cake you ordered for a party, you're complaining that the cake that they gave you was not what you ordered.

MS. COTTLE: That's right.

ALJ RAMBO: And -- and so refund and rate adjustments may be ancillary to that overall issue.

MS. COTTLE: I think that's a good characterization. We're -- we're losing 62 percent of our cake.

ALJ RAMBO: Sure. Understood.

And then for Pacific Pipeline?

MR. PRABHAKARAN: Yeah. Your Honor, we don't object to the characterization as adjudicatory. I would

just note that the rates that are being paid for the 62 percent, as Ms. Cottle noted, are based on the tariff; and so to the extent that any revenues were charged, it was based on the tariff, and so no one is being charged for -- for volumes that were not shipped.

ALJ RAMBO: Yeah. I -- I -- I think I understand that position.

I think where I'm concerned that we may need to revisit this and -- and potentially issue a -- a follow-up scoping memo would be once some of the preliminary questions are resolved, if we find ourselves needing to look at solutions or remedies, there -- there -- it may trigger discussion about rates, particularly one of the issues I want to talk about when we get to scope here; but for now, I -- I'll recommend to Commissioner Douglas that this remain adjudicatory. I -- I think that's the correct scope.

A reminder that because this is adjudicatory, ex parte communications are prohibited, so I don't -- I shouldn't see my email box fill up with all sorts of reports of ex parte meetings with various commissioners, and -- and that means you guys will, hopefully, have more scheduled time to meet with me when I need to meet with you instead of -- and schedule hearings.

That's just me being funny because I -- I find

it so hard to schedule a hearing, and then I get 45 notices of ex partes from everybody who didn't have time to come to a status conference.

That opens up the issues in scope. So both sides presented a -- I want to say "voluminous," but I'm going to be -- say it a little different -- thorough list of potential issues in scope.

I felt like there was a -- there was some alignment on those issues, but I -- my only concern was, in looking at them, that they -- that I don't want to overly narrow the scope too much because I think this could potentially go in different directions, kind of depending on how we choose our adventure through the law, and -- and that's really for me in terms of writing and resolving it.

I want to start with an issue that I -- I'm not sure was raised by the parties as a proposed issue, but is something that is of concern to me, and that would be Advice Letter 49-O.

Do either of the parties think it's going to be necessary for me to review whether 49-O complied with General Order 96-B? Because in reading it, this was offered as a Tier 1, and I think -- here -- here's the struggle.

If everything pans out construing it the way

the complainant construes it, and then reading the defenses raised by the defendant, it would almost seem that 49-O should never have been filed as a Tier 1 and should've been a higher tier or an application.

So I can see why it was filed as a Tier 1, but I'm not sure it was appropriate for a Tier 1 in practice, and so I'm kind of looking at whether we need to revisit whether it was a -- a lawful advice letter to begin with or whether it needs to be looked at in the light of it was lawful but now, potentially, it's not, or its implementation -- because I think there's one way of approaching it -- right? -- which is it say you're bound by the terms of it, but there's a dispute about what those terms are.

Depending on the interpretation that's been recommended, it seems like it may trigger the need for a higher level of review back when that advice letter was written.

I'm kind of walking my way around it; but, Ms. Cottle, do you want to be heard on that?

MS. COTTLE: Yes. Thank you, your Honor.

I think you raise a -- a very good point, and we certainly view the action that was taken, as stated in the advice letter, as being kind of a central issue here because, you know, Pacific idled a section of the

Line 63 trunk line, forced the Line 63 shippers to use a segment of the Line 2000 pipeline, and stated in that Tier 1 advice letter that Line 63 shippers will not be impacted by the change, but Line 63 shippers are very much being impacted by the change and are being prorated significantly, and so I do think it raises a question of whether that advice letter was lawful in light of the change that was done and the effects that it has had on the Line 63 shippers, so we would agree that should be added as an additional issue in the proceeding.

MR. PRABHAKARAN: Your Honor, if I may?

ALJ RAMBO: Yeah.

MR. PRABHAKARAN: Your Honor, this advice letter was filed in 2017, and it was noticed, and the parties have had years to raise an issue, had there been one, with the -- with the manner in which it was filed -- this was before my time, as counsel as well.

All parties have been operating under this construct for many years now; and so in my view, it should be irrelevant to the Commission as to the -- the adjudication of this advice letter back then.

The effects of it today, obviously, are important, and that's the purpose of this complaint; but I'm not sure that -- that going back and determining whether an advice letter filing was appropriate or not

to allow complainants to take this action -- just based on a statute of limitations perspective as well, this seems -- this seems unnecessary, so I would not suggest putting that into the scope of issues.

ALJ RAMBO: Well, understanding, then, that that -- that would be, essentially, a concession that my review -- if -- if I were to determine that your -- the current actions are not in compliance with the advice letter, then there's no discussion about giving you an opportunity to revise the advice letter or rewrite it, we're just going to find that the action is not compliant.

MR. PRABHAKARAN: I understand, your Honor.

ALJ RAMBO: I don't know right now whether there's any legal ramifications of that or not. It could be just, you know, lawyers being lawyers and splitting hairs, and on me, me being the lawyer, not you all.

MR. PRABHAKARAN: No, I -- your Honor, I -- my -- my suggestion would be if there is something that you are determining -- there's nothing to stop the Commission from ordering PPS, on a go-forward basis, to revise its tariffs; and so if you were to order us to file a new advice letter or application, even, to take certain actions, we understand. That -- that's an

appropriate action by the Commission.

I just don't see any real need to go back and delve into whether, you know, Advice Letter 49 was properly -- properly submitted and properly adjudicated. We're -- we've been working under this contract for over a -- almost a decade now, and so it doesn't seem like that's a fruitful exercise, nor do I think it's lawful to do so based on just general statute of limitations concerns.

So I would just offer like yes, you would have the authority to order us to revise our tariffs and rules, and so that's the proper -- the proper next step, if you so choose.

ALJ RAMBO: Okay. I appreciate that. I -- yeah, I -- I think -- anyhow, I think I understand your position.

Ms. Cottle, did you want to be heard further?

MS. COTTLE: Yes. Thank you, your Honor.

I would just add that CRC's main objective at this point is to get relief from the discriminatory prorationing policy, and we relied on the statements in Advice Letter 49-O that we would not be impacted, and that was filed in 2017.

There was not an impact until this year, in 2026; and so we're really interested in prospective

relief starting as soon as possible and resolving this as immediately as possible.

I mean, our view is that what they said in the advice letter was -- was, you know, a -- a future-looking statement that we will not be impacted; and they violated that, in our view, with the prorationing that's been happening in 2026, to our detriment.

And so that should be in scope, in our view, and it does relate directly to their advice letter and whether the actions they've taken this year, you know, perhaps necessitated a different type of filing and they could no longer rely on that advice letter.

So if there's some way to craft the scoping issue around that issue, I think that would -- would directly address our concerns.

ALJ RAMBO: Understood. Understood. I appreciate that.

Turning, then, to the other potential issues in scope, let's talk about Public Utility Code Section 451, 453, and the other PU codes, because I know there's a -- the answer seems to take issue with the invocation of those provisions, saying that they're really not necessary, we need to look at the -- the tariff and the advice letter, and that's really the -- the crux of the

issues.

Did you want to be heard on those sections and -- and why they might be applicable, Ms. Cottle?

MS. COTTLE: Yes. Thank you, your Honor.

Our view is that the answer frames this issue too narrowly and generally seems to take the position that they admit they're engaging in discriminatory prorationing.

I would say discrimination is indeed the foundation of their prorationing policy, because they curtail all Line 63 shippers on the shared segment, even though it's a shared segment, and they give priority to the Line 2000 shippers.

Our view is that that does raise a question; and in our view, it is unjust and unreasonable and unduly discriminatory service, and so that implicates those two Public Utilities Code sections, which is why we cited them in our -- in our complaint; and the fact that we're not challenging the cost-of-service basis for our rates doesn't change that legal issue, in our view.

ALJ RAMBO: Mr. Prabhakaran?

MR. PRABHAKARAN: Your Honor, as I stated in the answer, we agree 453(a) should be part of the review here, so no quibble that that is -- that is what's being discussed here.

We didn't think 451 made sense because, as Ms. Cottle has mentioned multiple times now, they are not challenging the reasonableness of the rate; and so that is the basis for a 451 review, so we would look at this as looking at the tariffs, looking at the advice letter, and looking to see if the result of that implicates 453(a).

ALJ RAMBO: Okay. Understood.

So I think there's -- I mischaracterized it when I said you didn't think 453(a) was applicable, but you're conceding that the issue is to the extent that 451 is involved -- and I -- to be honest, I think even if I didn't scope -- specifically scope 451, the whole point of -- of adopting a tariff is to implement 451, and that's how we implement it with specificity, and so I think 451 is implicated.

Whether I -- whether I invoke it or not, it's certainly going to be a basis for interpreting the tariff; and ultimately, it sounds like that's what is needed, right? I'm being called upon here -- the Commission is being called upon to interpret the tariff in light of 49-O to determine if it was or was not --

MR. PRABHAKARAN: Yeah, I understand, your Honor. You were asking with specificity which ones to invoke in your scoping ruling. 453, I understand why

one would look at that. I do think of this as a general tariff -- a tariff review.

451 is just sort of a general basic review that everything that the Commission does falls under, and I can understand that, and so I would expect and anticipate that in your general public interest review of -- of this proceeding, that, you know, 451 is implicated as a result of that; but typically what I see in scoping rulings is more specificity than that, and so that's where, you know, in my view, 453 is the appropriate review to the extent that you even need to get into the statutory provisions.

As I said, in the answer itself, we have a pretty narrow review of what is before us. I, obviously, quibble with Ms. Cottle's characterization of this being discriminatory with respect to the tariff, but I don't quibble with the idea that this is a tariff -- a tariff interpretation question before the Commission to review; and, you know, we believe reasonable minds can differ on how the interpretation should be -- on how that tariff should be interpreted, and that is what we believe is before the Commission.

ALJ RAMBO: Okay. Now, I noticed with respect to the complaint a lot of the -- there's a number of proposed issues that deal with -- I guess it would be

potential remedies as well as, you know, tasks that would be necessary to pursue remedies, i.e., discovery or audits and things to determine what remedies should be.

I generally just do a generic, kind of, remedies question because we don't know -- I -- you know, I've already just -- just kind of preliminarily looked at this and said, okay, what are the potential outcomes depending on how the data goes without looking at remedies?

It seems like there's really kind of three places that are -- that -- that I see. One is you're doing it the way the tariff says you can do it, move on, you know, you're going to have to figure something out contractually.

The opposite, PPS is clearly violating the tariff, and there's all sorts of remedies we're going to need to consider and pursue, and there's that.

And then there's -- I know one that has come to mind in looking at this is, is this a question of whether the -- the tariff is being complied with except that the proration may not be correct? Because if I understand it, the way I think a pipeline -- and I -- I mostly have done pipeline rate cases, so this is the first pipeline complaint dispute.

But I like to look at it if Line 2000 can carry 10 units, and 63 is trying to insert 2 units, and you have contracts for 13 units already on 2000, if I understand Pacific, you're prorating the 10 units amongst the 13 that are already in 2000, and then whatever is left, it's -- it is allocated to 63, subject to their own proration.

MR. PRABHAKARAN: Yeah. That's exactly right, your Honor; and I -- I would note -- right? -- under that example, there would be none left for Line 63 in that context.

ALJ RAMBO: So then the -- the question is should you actually be prorating across the -- I think -- so if I understand CRC's position, the proration should be every customer on 63 and 2000 should be subject to the same proration standard so that it's not 2000 first and then you get whatever is left.

But it seems like there may be a middle ground where it's -- let's say those two units of that -- that everything on 63 gets prorated with everything contracted for 2000, and then the proration -- so if 63 gets 20 percent, then the -- the 20 percent gets prorated.

That feels to me kind of like that -- that middle ground potential outcome. And in thinking that

one through, obviously, that really kind of creates some interesting remedies questions that may not be obvious with the other two answers.

That is not an indication of where I'm going on this, it's more of me -- I appreciate the head nods telling me that it sounds like Judge Rambo might understand what -- what this fight is about already, so that's --

MR. PRABHAKARAN: You're right there.

MS. COTTLE: Yeah.

And I would just like to clarify that I think the examples you're giving and the ideas you're suggesting do highlight what we view as the central issue, which is it's not just about the tariff language, it's about the prorationing policy; and the prorationing policy they're implementing, as they say in their answer, favors the Line 2000 shipments completely, and whatever is left over is allowed to be used by the Line 63 shippers.

That is not specified in a way that applies across both tariffs. This is something they've implemented, in our view, without Commission approval, without telling us. We saw that they sent an email to Commission staff on April 2nd.

That was days after we raised this issue with

them. We never saw that -- that email, we never knew that they'd communicated what they're calling their prorationing policy to the Commission; and so our complaint really focuses on what we believe is the unlawfulness of their self-appointed prorationing policy.

So that goes beyond just interpreting words in the tariff, in our -- in our opinion; and I think what you're suggesting is, you know, a fruitful start in figuring out what could be fair for -- for Line 63 shippers.

ALJ RAMBO: And that's not me suggesting that that's what the outcome should be or that we need to split the baby or anything. I -- I can see this -- I see strong merit in both arguments right now, and I understand why you're seeking Commission intervention, because you -- you know, it -- it's -- I was going to say pound the facts, pound the law, pound the table.

Nobody is pounding the table; but nobody is really pounding the facts, either. It's just really just emphasizing the law, and so that's going to be a question we talk about in just a second.

MS. COTTLE: Okay. I do have some things to say about that.

ALJ RAMBO: Yeah, I figured you would.

MR. PRABHAKARAN: Your Honor, if I could just respond to Ms. Cottle's comments?

In our view, we have simply been following the tariffs; and so from our perspective, we have followed the law with respect to the Line 2000 tariff. This segment is on Line 2000, and --

ALJ RAMBO: You don't have to argue that right now.

MR. PRABHAKARAN: I understand.

ALJ RAMBO: Your position is abundantly clear from the answer, and they have a different position.

MR. PRABHAKARAN: And so the only reason I raise it is to suggest that, you know, the -- the final solution, as we know, I don't think actually requires a factual review.

I think we are -- you know, while we -- while we would each shade the facts differently, I think we can come to a agreement as to what the facts are of -- to present to you; and if we can't, you know, as I proposed, we can file a motion for evidentiary hearings at that point, but I suspect that we can largely --

(Audio failure.)

ALJ RAMBO: Uh-oh. All right. Well, we'll go off the record for just a second. Hopefully we'll get Mr. Prabhakaran back.

(Recess taken.)

MR. PRABHAKARAN: I'm not sure where I cut off.

ALJ RAMBO: We lost you right around "reasonable agreement regarding the facts."

MR. PRABHAKARAN: Yeah, so my -- my -- my -- my thought here was to take the approach of trying to -- to work with counsel to present you with a stipulation of facts such that we don't need to go through voluminous discovery, testimony, and hopefully not even hearings, and that we can largely just brief the issues, what I believe to be strictly a legal issue before you.

Should, as you note, you decide you want to go into some sort of remedies portion of this proceeding, at that point, perhaps, we then reevaluate and decide what -- how -- how to pursue that remedies portion of the proceeding.

But right now, as I see it, one, obviously, we don't believe that will be necessary; but two, even with that, I think most of the relief that you might be considering would be changes to the tariff language on a go-forward basis, things of that nature, which I -- again, I don't think you need -- need an evidentiary hearing, et cetera.

ALJ RAMBO: I could see remedies getting a little more complicated than that because we could

get -- again, don't assume I'm tipping my hand. I'm just hypothesizing so that we're ready for the best schedule.

I -- I could see remedies, though, if I were to find that this -- what the regime that's been in place -- the -- the application -- from your perspective, the current application to a problem that hadn't arisen previously, CRC's change in the rules, you know, to kind of characterize the two extremes, I could see where there may be a need for some factual discovery around crafting a remedy; and to that extent, I -- I could also see a potential bifurcated approach where we present the legal question, I can issue a legal decision, and then we could go to remedies.

The -- the challenge is always it's a little easier because -- because I'll be writing a presiding officer's decision, but it's still -- someone may want to appeal the first finding and not want to talk about remedies until that's resolved, and then -- you know, that's -- that's the one frustration in -- in administrative law.

I've been in forums where I have final-decision authority, and it is so much easier, but understanding that there's a reason that it's structured the way it is.

So I'm going to noodle around on that a little bit; but if you'd like to be heard on that as well, the concept of at least bifurcating part of it -- because I would hate to spend a whole lot of time on discovery just over potential remedies issues if that's not really going to be an issue.

MS. COTTLE: Yeah. I mean, thank you. I'd like to present our position on discovery and also stipulating to facts.

You know, having seen the answer, we, you know, acknowledge that they are essentially admitting that the practice they're engaging in is discrimination against the Line 63 shippers, so I think that gives us the opportunity to accelerate the schedule compared to what we proposed originally in our complaint; and we do agree that I think there's potential for the parties to agree to a common set of -- of joint stipulated facts here.

That said, we also would like some additional information; and we think this is relevant to really showing, again, the unjustness and the unreasonableness of the service because, you know, understanding the magnitude of the curtailments, which volumes are getting curtailed, which shippers are they curtailing in what quantities, how much are they curtailing the Line 63 shippers compared to the Line 2000 shippers, how much

money are they making by curtailing us first -- because they've admitted that they give priority to the Line 2000 shippers who pay a market-based rate and they subordinate the Line 63 shippers who pay cost-of-service rates rates, even though we're the longstanding customers here.

And we think the magnitude of the impact of the unduly discriminatory prorationing policy is something that should be considered, and so we'd like to ask some questions about that. We're prepared to do that on a very expedited basis; and we plan to have our first set of discovery requests out in a week, by next Friday, but then we'd like to have a much more expedited schedule for the parties to put together and agree on a joint set of stipulated facts.

And, in fact, we think we could do briefing at the same time. Because we will be working together on the set of facts, we'll know what the facts are that we're going to put in the record, and so we'd like to propose an accelerated schedule that has the stipulation of facts and the opening briefs filed at the same time, followed by reply briefs, which, in our view, would enable us to have the matter submitted for your decision by the end of the year.

ALJ RAMBO: Well, I'm -- I'm glad you said that

because, you know, I -- to borrow from John Grisham, the rocket docket was kind of in mind on this to begin with. I want to be -- I -- I don't like being the judge that makes you work on Christmas Eve or -- or New Year's Eve, but the --

Mr. Prabhakaran, I'm sure you might feel differently about that after my ruling on the answer.

MR. PRABHAKARAN: Yeah.

ALJ RAMBO: But -- but the reason being I think there is -- there's a lot of importance right now. There -- obviously, there is a -- I think you're familiar with the other proceedings I've had where CRC has been on the other side in cases in front of me recently. There's, obviously, a lot of tension -- attention being paid to the shipping capacity on pipelines.

I -- I was wondering and I wanted to ask, so right now, as this is going on, has CRC had to move any of its shipping to other methods? I don't know if that means -- SPBP is closed, so I'm not sure how you could get it up north to then put it on a barge; but are you using trucking or any other methods to overcome the challenges that we're talking about here?

MS. COTTLE: Yes, your Honor, my understanding is that -- is that we are.

We can get more details on how that's being done, and -- and at what cost; but, you know, it's necessitated paying for storage for volumes that couldn't be shipped through the constrained segment which they say we have no right to use, and also other trucking means, and then redirecting, I believe, to other markets at a -- at a lower -- at a lower price, which causes additional financial losses.

So I -- there have been -- you know, like any business, we've had to take steps to mitigate the harms; so, you know, those steps are being taken, but it's -- there's still financial damage. And -- and the volumes aren't getting where we originally promised to ship them.

ALJ RAMBO: Help me understand Line 63 a little bit. I -- I haven't done a lot with Plains, it's mostly been all of the Crimson and SPBP lines.

Does 63 end at this point or does it -- does the -- does it come back out of 2000 back onto 63 somewhere else?

MR. PRABHAKARAN: Yeah. So originally, your Honor, these were two separate systems, two separate lines entirely; and the original thought was that Plains was going to take Line 63 out of service entirely, and so there was going to be no Line 63 whatsoever.

As a -- there was a segment that interconnects with Line 2000 at one point, and so as -- as a service to its customers, Line 63, rather -- Plains, rather than taking Line 63 out of service entirely, decided, okay, we can ship to the point where there's an interconnection with Line 2000, use a segment of Line 2000, and then continue on to the Line 63 system from there without taking the entirety of Line 63 off.

And so that's the current state of affairs that -- you know, that absent -- absent the now segment of Line 2000 that is now being used by Line 63 shippers in order to facilitate these shipments occurring at all, that Line 63 would be taken out of service.

ALJ RAMBO: Okay. So if I understand it, this is sort of like -- if they shut down Interstate -- Interstate 80 between Davis and Vacaville for repair, Line 2000 is the frontage road that everybody gets diverted on until they get to Davis, and then they get back on the freeway?

MR. PRABHAKARAN: Yeah, that's exactly --

ALJ RAMBO: And then they get back on the 63?

MR. PRABHAKARAN: That's exactly right.

MS. COTTLE: It does come back to Line 63, but -- we have a map attached to the complaint. You can see it's a pretty long segment of shared use there, so

our view is that that's a shared segment of the pipeline because we were forced onto that segment when they took our trunk line out of service.

ALJ RAMBO: So is there consideration for the future of 63, either shutting it down or -- or -- where do things stand long term?

MR. PRABHAKARAN: Depending on your ruling here, your Honor, there may be implications about, you know, the future of 63 and 2000 for sure; but I'd have to speak with Ms. Prout and others at Plains to -- to provide you with that.

ALJ RAMBO: Who is -- is there anyone besides CRC on 63?

MR. PRABHAKARAN: I don't have that information. I don't know if Ms. Prout is able to provide that information.

MS. PROUT: I am also a lawyer and not a commercial person, so I also do not have that information; but we can get it.

ALJ RAMBO: Yeah, it's more curiosity because I -- when I was -- as I was thinking about it, I talked about that middle ground. That middle ground may not be relevant if -- if CRC is 100 percent of the elections on -- on -- on 63.

MR. PRABHAKARAN: Yeah. I -- I -- I don't

believe that is the case, but I don't know that sitting here today.

ALJ RAMBO: Okay. All right.

MR. PRABHAKARAN: And I will note that, you know, there is nothing preventing --

(Audio failure.)

MS. COTTLE: And, your Honor, our understanding is that --

ALJ RAMBO: Just a second. I think we lost Mr. Prabhakaran again. It stuttered and then he trailed off, so I think --

MR. PRABHAKARAN: I'm back.

ALJ RAMBO: All right. If -- if you want to try just leaving your camera off, that might help. That's like the go-to remedy.

MR. PRABHAKARAN: I will do that.

MS. COTTLE: Yeah, and I -- I do understand from our client that there are other Line 63 shippers. We're not the only one, and it's -- you know, it's been used ever since, I think, CRC started business here, or became the -- the entity it is now, so we've been using it for a very long time.

You know, I'm not aware of any plans to take it out -- you know, to take it out -- to take it out of service completely; so that is a bit of a surprise, to

hear that's being talked about.

ALJ RAMBO: Well, and, again, it's -- I'm catching them off guard. Nobody is being held to their testimony here on that.

Where are we at -- have there been any settlement discussions?

MR. PRABHAKARAN: There have been discussions between the parties, your Honor. I don't know that we are -- what -- that we could be characterized as in active settlement discussions right now; but there certainly have been discussions between the parties for -- for quite a bit of time now, since -- since the first prorationing of that, really.

MS. COTTLE: And I'm not aware of a settlement proposal on the table at the moment.

ALJ RAMBO: Sure.

Would it help to have one of our mediators assigned to assist? Because I'm thinking both in terms of helping create a factual stipulation, if -- if you wanted that, if you wanted assistance with the, sort of -- I -- I've used our mediators.

You may know I'm one of the cochairs of the program. So we've used the mediators in the past to be, sort of, discovery referees when we're trying to go really fast, but also to help with stipulations; and

then if we can get a global settlement and we can help with that, we have that available.

I -- I have two potential mediators in mind that might be -- you might -- you might find helpful. I'm not sure what their bandwidth is to get something done and ready for January, but that's -- there's an option.

MS. COTTLE: Yeah, and thank you. I very much -- we very much appreciate that offer.

I think, again, our concern is expedition; and we have been talking with Plains -- I think we reached out to them in -- you know, early this year to ask about the -- the prorationing that was happening; and so, you know, we've attempted, I think, already to work it out. We said that in our complaint. It was a prerequisite to filing the complaint.

We're always happy to continue talking, but definitely do not want to stop progress here or take any more time because, you know, our shipments are the ones that are being harmed by this -- this policy, and I think our preference is to try to get an expedited decision through this proceeding.

And if there were any concerns about, you know, being able to agree to a stipulated set of facts, perhaps we could leave the door open to ask for help

with that. You know, I am optimistic that we're largely going to agree on the facts.

We may not agree on the relevance of all facts, but I think the parties can argue about that in their briefs. If we can just agree on the truth of certain facts, I think that should be something the parties can work together to -- to finalize.

MR. PRABHAKARAN: Your Honor, to that point, I agree with Ms. Cottle that -- that, you know, discussions have been taking place. I think, frankly, it has largely distilled this to a matter of tariff interpretation that is before you, and so it is largely one where, you know, as we've, you know, both discussed -- I mean, at -- at this point, from our view, you know, we are not -- I wanted to quibble with Ms. Cottle's earlier point about acknowledging discriminatory actions here. Obviously, we don't acknowledge that.

We -- we believe that we've been following our Line 2000 tariff and that we have been following our Line 63 tariff, and that that has caused the result that we have before us.

ALJ RAMBO: It's discriminatory. The question is if it's unlawful discrimination.

MR. PRABHAKARAN: It's -- I wouldn't even say

it's discriminatory, your Honor. I would just say it has an unfortunate impact on a party and, you know, it's simply the manner in which the -- the tariffs have played out. Following the tariffs have -- ultimately have a result that someone is harmed in -- in the sense that at some point, someone has to be prorationed.

There's only so much volume that can flow down a pipe; and, you know, we would -- we would note that we just think CRC has quibbles with, you know, not following what actions they can take to ensure better, you know -- ensure that their shipments do flow, including using Line 2000.

But all of that being said, I -- I think, you know, we -- you are going to be able to rule on that question of tariff interpretation without much additional facts. I mean, it's largely what the tariffs say; and so, you know, in my mind, much of the, sort of, discovery that Ms. Cottle had laid out, I just don't see as being relevant to your -- your determination of that tariff question, so that's -- that's sort of where I'm coming back to I -- I don't think -- I don't think that discovery is necessary in order for you to be able to -- to opine on -- on whether you feel that Plains followed -- followed the tariffs.

MS. COTTLE: And, your Honor, we definitely

disagree with the characterization of this being a simple tariff interpretation.

You know, the -- page one of their answer says that Line 63 shippers, quote, do not ship on Line 2000 and therefore are not treated on, quote, an equal footing with Line 2000 shippers.

You know, they're deciding that this is all about a segment that they're characterizing as purely line 2000 and governed purely by the Line 2000 tariff. We disagree. It's a shared segment of pipeline. They made it a shared segment of pipeline when they forced us to use it, and we disagree it's just a question of following the Line 2000 tariff. We're taking issue with the policy they put in place.

They don't have a tariff provision that allows them to do what they're doing currently when you view it in light of discontinuation of service on the Line 63 trunk line, forcing us to share the segment with the Line 2000 shippers, and then taking the position that we have no rights to that segment of the pipeline unless there's room after all the Line 2000 shippers, and they're doing it -- they admit they're doing it because they make more money from the Line 2000 shippers, so --

(Crosstalk.)

ALJ RAMBO: Time out. Time out. Time out.

We're not going to resolve this today. The back and forth and all that -- I -- I will say I'm not sure that all the discovery about the motives and the -- the revenues and all that is -- is all that relevant to -- to the question before me, because I have to -- I would have to decide this question if they were making no money off of it but there was a principle at stake.

I'm not -- and I -- I would understand if this were a jury trial, those dollar amounts would be very valuable to persuading folks; but, you know, whether it's a billion dollars or it's $1.50, if they can't do it, they can't do it, so that's kind of how I'm looking at that.

To that extent, I don't know that there is much discovery because, really, the only factual question for me is largely conceded by the answer; that they're basically saying we can prevent -- we can go as far as preventing 63 from having anything flow through 2000 when volumes necessitate that we make that decision.

And then I -- I think I understand 2000 is market rates, so, you know, if you want to -- that would -- the ramification of we can cut off 63 whenever we want, whatever volume is dictated, is we can go out and secure contracts to put as much volume through 2000 on the 2000 rate as we want, and then that raises the

question of, well, aren't -- are you arguing, in effect, that you have the ability to turn off 63 permanently without telling the Commission you're turning it off?

And so I -- you know, so that -- I -- I -- I -- I think I'm -- I'm seeing, kind of -- both sides, I think I see their strengths and the weaknesses in this.

I really do think Pacific should sit down with -- with CRC to see if there's a way to settle this issue because I don't know that the authority that I and the commissioners would have in adopting a decision will -- will fully meet the needs of the party. You know, there's -- there's only so much we can do, so I think settlement is very valuable.

I don't know that there's a lot of facts that I need to determine the tariff question. I think there's a lot of facts I need if I -- if I conclude you did something you can't do, then I think there's a ton of factual discovery necessary because we've got to figure out, okay, well, what was the actual impact?

We can't -- I can't order damages, but we can look at refunds and things like that. That could be a very involved discovery process; but I would hate to go there if it's not necessary, and I think the threshold legal question is pretty straightforward.

The question is --

MS. COTTLE: Can I --

ALJ RAMBO: The question is do you want to -- do we want to proceed on a bifurcated basis to try and get at least a legal answer? Because I think if I give you the legal decision, that might also help you with settlement so we don't -- you don't have to rely on a remedy from the Commission.

MR. PRABHAKARAN: Your Honor, a couple of things on that, if I may?

ALJ RAMBO: Yeah.

MR. PRABHAKARAN: First, if you make a legal determination on this as to -- on the tariff question and there is a go-forward basis that you then decide either you're going to say leave the tariff alone and that's the tariff or you're going to say to us on a go-forward basis we need to change the tariffs --

(Audio failure.)

ALJ RAMBO: Uh-oh. I thought it was a dramatic pause, but it appears we've lost you again.

MR. PRABHAKARAN: So sorry. Apparently it's only happening to me, though. I'm back. I turned off my video.

I was just saying that on a go-forward basis, the tariff interpretation will impact whatever the result is here.

In terms of damages, as you noted, the Commission can't actually provide the complainant with damages here, and everything that Ms. Cottle has been noting sounds to me like damages, and I'm not really sure what a refund would be refunding.

If -- if there are volumes that have been shipped, then they have been shipped and they have been paid for under the Line 63 rates that Ms. Cottle has said they don't challenge the reasonableness of; and so what you would be doing by offering any refunds of those amounts would be you would be doing so in furtherance of damages, and so I'm not quite sure what -- you know, what need there is to -- to even get into a damage discussion.

If you -- if you ultimately find as a resolution of this a change to the tariff that is necessary, so be it and we can do that going forward and that -- you know, that's what it is.

I would note, your Honor, that part of the reason why settlement is difficult here is that there are shippers on Line 2000 that would be impacted by a change to the tariff, and so it's -- it's not as if there are no other parties that are impacted by -- by the decision -- by the tariff interpretation, and this is why we have felt it necessary to follow the

requirements of Line 2000.

We would -- we would note that if -- if Line 63 -- if Line 63 shippers were given the same status, if you will, as Line 2000 shippers on the Line 2000 segment, that Line 2000 shippers would have a -- a concern about that, and so this is part of the challenge that we have here. You know, we -- we really are looking for the Commission to help us with what is the right interpretation of these tariffs.

ALJ RAMBO: Yeah, I just think that argument leaves something out, and that is if I find that the -- it's not -- if I find the tariff has been violated, it's not just a go forth, because I would be finding that it had been violated in the past, and so then that raises questions.

Now, it could be that it's -- it's something you have to -- they would have to pursue in -- in civil court because we don't have the jurisdiction to impose remedies; but it -- but it -- you know, we have crafted remedies in the past for retroactive harms that don't -- that don't intrude upon the jurisdiction of the -- the judicial branch.

So I -- I'm -- that's kind of where I'm at. But I do think that there's value -- I -- I think you raised a good point, and that is that there's settlement

value in getting an answer to the -- to the legal question.

MS. COTTLE: Yeah. And, your Honor, if I may be heard?

You know, the type of discovery we're talking about is also intended to show magnitude of -- of harm which we think demonstrates the unjustness and unlawfulness of the practice; and so it's not just about proving our damages, it's about showing, you know, how much they're curtailing, and at what volume. And it just changed this year, and why did it change this year? And so that's what we were aiming at with that.

But a primary interest is in fixing this as soon as possible; so if an interim or first-phase decision could give us relief, you know, immediately, we would be in favor of that, and then we could talk about damages as a secondary phase. I think that is workable.

ALJ RAMBO: Here -- here's what I'm going to suggest. I don't think there's a lot of facts I need to answer the question -- the -- the threshold legal question, is -- is the -- you can -- you can give me a two- or three-sentence description of what's going on, and then the question is, is that lawful or not, and that implicates the tariff and whatever statutes govern tariff modification, et cetera.

Does that sound like something that -- that would work for both of you? Because, honestly, I could see that -- I'm willing to give you time to do discovery; but it would have to be concurrent with briefing and, you know, you can bring your motions to compel if -- if you're not getting the information you want.

I'm not sure how much discovery I think would be required, but I'll give you the room to pursue it. But -- but I -- I do like the idea of having briefing wrapped up by the first week -- by the end of the first week of January.

I don't like -- I don't like setting deadlines at Christmastime because it just creates too many -- too much chaos, so I'll give you -- what I would be looking at is getting briefing done by the -- by the first Friday in January.

And normally in complaints, I don't do concurrent briefing; but I think given the issues here, we could go concurrent, and then -- concurrent opening and then rebuttals. Or replies. I'm sorry. I always forget the Commission vernacular on that.

MS. COTTLE: I think that --

ALJ RAMBO: I think that's what you had proposed, Ms. Cottle.

MS. COTTLE: It is. It is what I proposed.

ALJ RAMBO: Mr. Prabhakaran, does that work for you?

MR. PRABHAKARAN: I had proposed in my schedule concurrent opening briefs and reply briefs, so I'm certainly good with that.

ALJ RAMBO: Yeah.

Doesn't your schedule have me issuing a decision in June?

MR. PRABHAKARAN: Yeah.

I was giving us the holidays off, to be honest; but I've got -- this is just personal privilege here in requesting some additional time, given -- given general schedules right now.

But, you know, my -- my thought here was to have a, you know, joint stipulation of facts first, followed by briefings, and so that's exactly what you're suggesting here.

MS. COTTLE: I was just going to say I don't think there's time for that. I think we should do the stipulation and opening briefs concurrently because we'll know the facts. It's not going to be a surprise. We don't need to -- it's not like we need to read other people's testimony.

We'll be working on the joint facts together,

so that would give us time to have reply briefs in before the first of January -- or by January 5th, I think, if we have the facts and the briefs submitted on the same day.

ALJ RAMBO: Well, here's -- here's what I'd suggest, is -- so I'm out all next week teaching at the National Judicial College, but I'll -- and then we have a holiday during the following week.

Do you think you could get a stipulation on facts to me by the 13th of November?

MS. COTTLE: I think so.

ALJ RAMBO: I have to run all this past Commissioner Douglas because it has to go in the scoping memo, but if I -- I don't think Commissioner Douglas is going to object to -- to this schedule.

COMMISSIONER DOUGLAS: I do not object. I will work with you on the schedule.

ALJ RAMBO: Yeah, I -- I -- I'm always careful when I start saying, okay, I want something done, and then it has to go in the scoping memo. Technically, it's not my call on the schedule just yet.

But I'm -- I'm thinking if you could do something by the 13th, then how long do you think you would need -- would you be able to have your briefing done by the 11th of December?

MS. COTTLE. We would.

ALJ RAMBO: That's a month.

Okay. Mr. Prabhakaran?

MR. PRABHAKARAN: We will abide by whatever schedule you set, your Honor.

ALJ RAMBO: That's such -- you're going to make me the grinch, huh?

Does -- does the 11th work, or would you want more time or less time? I'm trying not to make you work on the rebuttal through the holiday.

MR. PRABHAKARAN: I'm not too worried about drafting this brief. I think the facts are -- largely would have already been in the complaint and the answer, and -- and to be honest about the stipulation of facts, I'm not even sure -- I mean, at this point, if we're going to go right into briefing, I'm not even necessarily sure that we need a joint stipulation of facts.

You know, we could -- you know, but there's utility in it, so I'm not going to -- I'm not going to back away from that; but I'm fine with the schedule you've just put forth, your Honor.

ALJ RAMBO: And I -- I always appreciate at least some factual stipulation just so that I know what I'm working on. It's a legal question, but I need an

anchor to kind of work off of.

I don't want to get in a situation where I open the door to a challenge that it wasn't based on the facts; and, you know, the records can get -- what the courts expect from a judicial or a quasi-judicial tribunal can be a little weird, so it would help me if there's something.

But that gives you -- effectively gives you six weeks for your opening, and then I would have rebuttals due on the 8th. I can push them out an extra week just to make sure you're not hammering away at rebuttals during the -- the two holiday weeks.

Or does January 8 sound like it would work for rebuttal?

MS. COTTLE: That sounds fine.

MR. PRABHAKARAN: Sounds good.

ALJ RAMBO: Okay. All right. January 8th.

Page limits. Normally I require a joint outline. I don't think I'm going to need one here because there's really -- there's only Roman numeral one on the outline here.

Can -- I'm still getting used to the Commission. The DHCS and billion-dollar hospital audits could be briefed in 20 pages. Is -- is a 20-page limit going to work?

The public utility counsel are very verbose, so I don't want to -- I don't want to cramp your style, but I would -- I just don't think there's a whole lot. Give me the statutes that you think apply, the rules that you think apply, and then give me your argument.

The -- the more pages -- the more pages I give you, typically, the harder it is for me to distill, kind of, where the dispute is, and then -- and then the less comfortable I feel.

MS. COTTLE: Would you consider 30, your Honor?

ALJ RAMBO: Yeah, I could take that bid.

Mr. Prabhakaran, if you come back with 60 --

MR. PRABHAKARAN: I could go shorter.

MS. COTTLE: No one says you have to use all the pages.

ALJ RAMBO: I'll give you -- I'll give you 30, and 15 pages for the rebuttal, then.

I always do include a period -- I will not formally close the record until January 15th. I do that just in case something -- because you're doing simultaneous rebuttals, if something comes up -- I mean, you're both, you know, competent and well-respected counsel, so I don't think it's an issue; but I have had situations where a reply brief cited a case that was a hallucination or was not accurate, so I -- I typically

give an extra week just to -- just to file a request for supplemental or sur-briefing or raise concerns, because I hate closing and reopening and then closing again.

MS. COTTLE: Thank you.

ALJ RAMBO: So I'll put all that in, and then I -- what I intend to do and what I'll recommend to the commissioner for the scoping memo is that we include -- I will leave the door open to, sort of, a Track 2 decision.

So a Track 1 decision would -- would not -- would lead -- would not close the proceeding so that if we have to talk about remedial issues -- and then perhaps we'll -- we'll just schedule -- we'll schedule a conference -- status conference after the Track 1 decision is out, see where you're at on that; and hopefully by then you'll have a sense of a settlement option.

MS. COTTLE: Sounds good.

ALJ RAMBO: Does that work for everyone?

MR. PRABHAKARAN: It does.

I have one question for you, ALJ Rambo, if I may.

ALJ RAMBO: Sure.

MR. PRABHAKARAN: And this is with respect to discovery.

So I'm not sure where you landed on that. As you noted earlier, I'm not really sure what the purpose of -- of questions about how much money is being made, as Ms. Cottle had raised -- if there's harm, there's harm, and so with respect to this --

ALJ RAMBO: Here's what I'm going to do. Here's what I'm going to do. I'm going to give you some time for discovery, but all discovery should be propounded by the 13th.

MS. COTTLE: Okay.

ALJ RAMBO: And then I will include -- I always include a mandatory date for your -- a drop-dead date for your pre -- pre-discoverydiscovery motion to meet and confer, and then I'll include a date by -- a date by which any discovery motions have to be filed. Those are going to be on a quick turnaround, though.

MS. COTTLE: Okay.

ALJ RAMBO: I don't want -- I -- I -- and it -- it's been pipeline cases that have been the ones that have burdened me with months and months of discovery litigation, so I'm -- I haven't had either of you do that yet, but I -- I -- I just -- past -- I'm hoping past isn't prologue, so I'm going to give you some deadlines there.

And, obviously, if there's a good-cause issue

that comes up for not meeting the deadline, you're welcome to address that.

MS. COTTLE: Thank you.

ALJ RAMBO: I'm going to allow it. Obviously, Mr. Prabhakaran, you're going to see what the requests are; you're going to have all your response options available to you; and then if we have to litigate it, we have to litigate it.

MR. PRABHAKARAN: Okay. Thank you, your Honor.

Your Honor, just for the record, you had asked earlier if there were other shippers on Line 63. We have gotten the answer to that while we've been discussing.

There are other shippers on Line 63. They are Marathon, Shell, Plains, and Valero, in addition, of course, to CRC.

ALJ RAMBO: Okay. So basically the whole industry ships on both lines.

MR. PRABHAKARAN: Indeed. Indeed.

And we have, similarly, a number of shippers on Line 2000; and so there's a lot of folks involved.

ALJ RAMBO: Commissioner Douglas, was there anything you wanted to say or address?

COMMISSIONER DOUGLAS: I just wanted to say thank you to you, Judge Rambo, and the parties, and

I'll -- I'll be focused on working with you on the next steps here, the scoping memo and -- and further steps.

ALJ RAMBO: Thank you. I appreciate that.

I -- I -- I love partnering with Commissioner Douglas's office, so this is going to -- I'm -- I'm confident we're going to get you guys the service we need -- that you need to get to -- to serve California here.

COMMISSIONER DOUGLAS: Thank you so much.

ALJ RAMBO: Is there anything else either party wants to be heard on before we adjourn?

First for CRC?

MS. COTTLE: No, thank you, your Honor.

And thank you, your Honor and Commissioner Douglas, for attention to this.

ALJ RAMBO: And, Mr. Prabhakaran, for your clients?

MR. PRABHAKARAN: Nothing for me as well. Thank you.

ALJ RAMBO: Excellent. Well, everyone, it's -- it's -- obviously, it's a crazy weekend, so be safe, try to find some time to get yourself some candy. My neighborhood does full size, so if you want to come to Sacramento, we'll have you.

But, yeah, please, as always, be safe, enjoy

your holiday. My apologies for any intrusion that -- that I've created, but I look forward to working with you -- with you all. Good afternoon.

(At the hour of 2:08 p.m., this matter having been concluded, the Commission then adjourned.)

* * * * *

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE

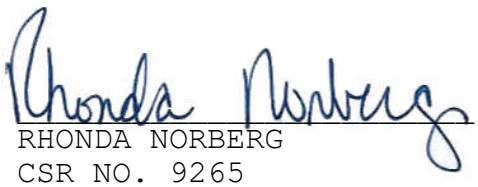
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