

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
I.D. # 9316
ENERGY DIVISION RESOLUTION E-4329
April 22, 2010

R E S O L U T I O N

Resolution E-4329. Southern California Edison (SCE).

PROPOSED OUTCOME: This Resolution approves, in part, and denies, in part, SCE's request to install distribution system terminal equipment (not including wires) above ground and not underground for new line and service extensions. SCE's request is approved for private premises, but is denied without prejudice with respect to public rights of way at this time. If SCE wishes to propose amending its rules with respect to above-ground equipment in public rights of way, SCE is required to file an application for that purpose.

ESTIMATED COST: None.

By Advice Letter 2334-E filed March 27, 2009 and
Supplemental Advice Letter 2334-E-A Filed on March 12,
2010.

SUMMARY

SCE's proposal to delete the applicant and customer option of placing new or modified distribution system terminal equipment underground under Tariff Rules 2, 15 and 16 is approved as requested in AL 2334-E-A for private property. These rule changes apply to equipment such as transformers, switches, capacitors, and junction bars (Equipment) on applicant and customer premises only. Rule 20 is unaffected.

The portion of SCE's proposal to delete the underground equipment option, with respect to public rights of way, is denied without prejudice. Protests to SCE's advice letter raise a number of factual, legal, and policy questions that are inappropriate for resolution via an informal advice letter process. If SCE wishes

to propose application of its proposed rule changes to public rights of way, it must file a formal application with the CPUC.

BACKGROUND

Current Tariff

SCE's current Rule 15, Distribution Line Extensions, and Rule 16, Service Extensions, allow for applicants to choose underground installation of wires and Equipment at additional cost to the applicant.

Proposed Tariff Changes

SCE proposes to delete the option for underground installation of Equipment. SCE proposes to insert the following language into Rule 2 - Description of Service, Rule 15 - Distribution Line Extensions, and Rule 16 - Service Extensions.

"Following a Transitional Grace Period of 90 Days after the date SCE receives Commission approval of AL 2334-E-A, SCE will no longer accept requests under the Added Facilities provision of Rule 2, Section H, for underground distribution systems that call for specified pieces of electrical Equipment to be installed in below-ground structures in circumstances where it is technically feasible to install the Equipment above ground. For purposes of this provision, specified pieces of Equipment include all primary voltage from 4 kV to 35 kV electrical distribution system Equipment, including, but not limited to, transformers, switches and fuses, capacitors, and junction bars.

Where SCE has existing primary voltage distribution Equipment installed in below-ground structures, the Equipment will continue to be operated and maintained below ground. Should the existing below-ground Equipment fail and result in an unplanned outage, service will be restored using below-ground Equipment when replacement Equipment is available. Where, however, existing below-ground Equipment is installed on customer's premises and is scheduled or required to be replaced in a planned process, such as a maintenance program or capacity upgrade, the replacement will be made on the customer's premises with similar, above-ground Equipment, to the extent technically feasible."

"Technically feasible" refers to the availability of the required physical space, either readily available or through architectural design, that can be set aside to accommodate the required electrical distribution Equipment necessary for SCE to serve the customer. The required space is defined by existing design

standards within the operation and maintenance requirements that are in compliance with applicable safety codes and regulations such as CPUC General Order 128.”

Under SCE’s proposal, the distribution conductors themselves will still be located above or below ground according to existing Rules 15, 16, and 20.

Past Commission support of pad mount design

Prior to the Commission’s approval of Rule 16 language identifying pad mount Equipment as part of SCE’s standard installation, the Commission issued Decision (D.) 92-03-065 which supported SCE’s position concerning pad mount Equipment by stating that SCE’s “standard transformer in a residential subdivision is a pad mount transformer.” Thus, the Commission has already approved above-ground facilities as the default option, but has allowed underground equipment in some circumstances where requested.

Advice Letter AL 2334-E

The original AL 2334-E dated March 27, 2009 proposed deletion of the Equipment undergrounding option for all distribution system Equipment. AL-2334 was protested by 24 cities, several State Assembly and Senate members, and various governmental agencies and associations. These and new parties filed comments on the Commission’s draft resolution E-4241. On February 25, 2010 the CPUC withdrew draft resolution E-4241 awaiting a modified proposal from SCE.

On March 12, 2010, SCE filed Supplemental Advice Letter 2334-E-A. Supplemental AL 2334-E-A commits SCE to consult with local government entities prior to installation of Equipment, and describes SCE’s outreach to protesting parties including local governments and building industry representatives. Subsequent to filing its original advice letter, SCE was encouraged by the Commission to conduct a workshop and other outreach to stakeholders, and SCE did so. Other aspects of the SCE proposal remain basically unchanged in the supplemental Advice Letter 2334-E-A.

NOTICE

Notice of AL 2334-E and AL 2334-E-A was made by publication in the Commission’s Daily Calendar. SCE states that a copy of the Advice Letter was mailed and distributed in accordance with Section 3.14 of General Order 96-B.

PROTESTS

SCE requests that CPUC not reopen the protest period because this supplemental AL merely limits what SCE previously proposed and because protests have been filed on the previous more expansive proposal. We have considered the protests on the previous version of the AL and the comments on the withdrawn draft resolution, E-4241, in drafting this resolution. Therefore, we agree not to reopen the protest period for the supplemental advice letter. This resolution is, however, being recirculated for a full comment period by interested parties.

DISCUSSION

Energy Division has reviewed the supplemental AL 2334-E-A. The section below presents analysis and rationale for Commission disposition of the issues raised in the advice letter, as well as a discussion of issues raised by protests to the original advice letter and comments on the withdrawn Draft of this Resolution.

Advisability of Installing Underground vs. Above-Ground Equipment

In general, SCE's proposal to move more toward installation of above-ground Equipment, where technically feasible, is advised, as discussed further below.

Disadvantages of below-ground equipment installations

Distribution Equipment in underground enclosed spaces (vaults, enclosures, etc.) is generally more difficult to install and maintain than above-ground Equipment. Although rare, Equipment failures in these underground spaces can occur and require significant safety precautions to repair.

Operating, maintaining and repairing below-ground Equipment in confined underground enclosures is difficult work. Electric service outages last longer than those occurring above ground since it takes longer to locate and repair a failed underground component. Once located, complex safety procedures are required for vault entry including heat scans for hot spots and testing for gases. Often water or contaminants must be trucked away before electrical work starts, and the facilities steam or pressure washed.

Equipment degradation is more likely below-ground because of corrosion when Equipment is submerged in run-off water and contaminants.

Advantages of above-ground equipment installations

Electrical service may be restored sooner when Equipment is located above ground than when it is installed in below-ground structures. Routine maintenance takes longer, for example when multiple vaults are accessed for circuit switching each one must be opened and tested for gases.

While underground installations are relatively safe with proper precautions, transformers and other Equipment failures involving high pressures and hot gas can be catastrophic. Moving away from underground installations advances safety goals and reduces concentration of contaminants.

Some SmartGrid technologies, which enhance reliability, require that controls and antennas be located above ground, to support integrating them into SCE's electrical system.

Existing underground Equipment operating normally will remain below ground

Where SCE has existing underground primary voltage distribution Equipment installed in below-ground structures, the Equipment will and should continue to be operated and maintained below ground. Should existing below-ground Equipment fail and result in an unplanned outage, service will be restored on an emergency basis using below-ground Equipment when replacement Equipment is available.

Aesthetic Considerations

SCE says that it has assembled a team to research various options which would make pad mounted Equipment better blend, visually, into the surrounding landscape. Other utilities, vendors, and cities have been surveyed for relevant ideas. Safety, Equipment performance (heat dissipation, corrosion, etc.), operability, inspection, installation and replacement are issues that must be considered simultaneously for this Equipment.

SCE has developed a catalog of various approved aesthetic improvement options available to customers and developers to help minimize the visual impact of above-ground pad mounted Equipment. The catalog (*Above Ground Equipment Initiative Aesthetic Improvement Manual* or AIM) includes aesthetic treatments and enhancements for above-ground Equipment, such as use of certain colors, screening and landscaping. Aesthetic treatments may be available, at the customer's expense, subject to tariffs and applicable safety laws and regulations. SCE states it is open to suggestions from its customers and will evaluate them and include them in the catalog as options, upon approval.

In addition, several parties raise the issue of graffiti abatement for above-ground facilities. In all cases, SCE is responsible for the abatement of any graffiti on its facilities. SCE should respond within 48 hours (two business days) to any requests for graffiti abatement, absent inclement weather or other extenuating circumstances.

Issues Related to Placement of Above-Ground Facilities in Public Rights of Way (ROW)

Protesters to the original advice letter and commenters on the withdrawn Draft Resolution E-4241 raise significant legal, policy, and factual issues with respect to the application of SCE's new above-ground proposal to public rights of way. As summarized below, these issues relate to compliance with local, state, and federal laws, CPUC authority, easement costs, and aesthetic considerations. Due to the complexity of these issues and the significant number of protests, disposition of such matters is inappropriate for the informal advice letter process with respect to the public right of way.

Thus, this Resolution denies SCE's requested rule changes for above-ground Equipment installations in the public rights of way at this time. Application of the proposed rule changes is only authorized for private property via this Resolution. If SCE wishes to propose application of the rule changes to public rights of way, SCE must file an application to do so.

Compliance with local, state and federal laws governing vehicular and pedestrian safety

Protesters stated that use of the public ROW for pad mounted Equipment could impede traffic, restrict parking, impede sight at intersections and driveways, and

be exposed to vehicle strikes. Furthermore, cities are obligated to comply with the Americans with Disabilities Act (ADA) for clearances. Natural disasters may increase the liability from damage to above-ground Equipment.

SCE responded that these concerns arise where its concept of “technically feasible” is not understood. Sometimes there is no room for above-ground Equipment and SCE repeats that, since it holds public safety paramount, it will neither place Equipment above ground where there is not enough space, nor in areas that would impede traffic or ADA compliance. The size of SCE’s Equipment is comparable to other utility equipment, such as telecommunication cabinets, and some of it is smaller than a traffic signal control box.

SCE prefers private easements from the requesting applicant for service over public ROW installations, and states that its pad mounted Equipment enclosures meet rigorous industry standards for the safety and security of employees and the public. It asserts that these considerations are not new since more than 80% of all SCE service connections made over the last two years have been above ground and met SCE’s design standards for being “technically feasible”.

Where SCE is choosing to move Equipment above ground, SCE states it would not bring an eminent domain action to obtain an easement but would negotiate with a property owner. If an easement cannot be obtained at a reasonable price, there is often more than one candidate property where Equipment can be electrically located. Otherwise SCE states that it will consult with the city for an acceptable installation above ground in the public ROW.

Aesthetic Concerns

Protesters stated that the underground clearance requirements of General Order (G.O.) 128 could prevent effective visual screening of above-ground facilities and that graffiti would be unsightly. Their suggestions to reduce visual impact included sufficient set back from the curb, and placement of Equipment in side yards.

SCE acknowledged that above-ground Equipment creates visual impact but when located in new developments, it can be designed outside public areas and screened with plantings. SCE stated these means will be incorporated in its Aesthetic Improvement Manual. Where relocating Equipment to above ground, SCE states that it plans to continue close consultation with affected stakeholders

and to evaluate new industry trends , including film application of landscape scenes and use of portable planters for camouflaging. SCE has contracted with an abatement vendor for removal of graffiti blight within 48 hrs of notification.

SCE believes that most of the concerns of Protesters are sincere but misplaced or misinformed. SCE states that safety of employees and the public is paramount and SCE says that Protesters seek to force a choice between aesthetics and safety. According to SCE, where Equipment serves multiple customers, the aesthetic concerns of a few could adversely impact service reliability for many.

CPUC authority over design location

A number of Protesters claim that:

- SCE's proposal would impact the cities' authority over private development projects and use of public ROW, including fair compensation for it;
- The proposal fails to allow cities to set standards, e.g. in historic districts, and is contrary to undergrounding ordinances;
- Public Utilities (PU) Code Section 6294 provides that:
"The grantee of a franchise shall construct, install and maintain all ... appurtenances in accordance and in conformance with all of the ordinances and rules adopted by the legislative body of the municipality ...and not in conflict with the paramount authority of the State ...;"

and

- PU Code Section 2902 clearly allows cities to maintain control over the use of the public ROW and impose reasonable regulations as to the location of SCE facilities in the ROW.

SCE disputed the claims by local governments of absolute authority in matters relating to the broad authority given by the California Constitution to the CPUC to supervise and regulate public utilities, and it asserted that, relative to local governments, the CPUC's jurisdiction is paramount and exclusive. California courts have held that matters of "statewide concern," such as the design and construction of a utility's electrical infrastructure, are not subject to a "checkerboard of regulations" by local governments. The CPUC has implemented legislative mandates with rules and policies governing the construction and operation of above and below-ground electric facilities, such as General Orders (G.O.) 95, 96, 128, 131-D, and policy documents.

SCE stated that two CPUC decisions affirmed the CPUC's exclusive jurisdiction over power lines and other distribution facilities which local government cannot preempt. D.88642 denied Woodside's authority to require PG&E to underground a distribution system while upgrading it. D.96-02-024 denied the City of Santa Barbara's regulation of lower voltage lines, because the CPUC had "fully occupied the field of electric power line regulation," including all "transmission lines, power lines, distribution lines, substations and facilities." With regard to the electric facilities at issue in the Decision, the Commission stated that "local permit regulation[s] [are] preempted."

SCE also cited California appellate court decisions to refute the Protesters' claims. SCE cited *Southern California Gas Co. versus City of Vernon*, which rejected the City of Vernon's broad claim to regulate facilities in the public ROW. The Court interpreted PU Code Section 2902 to give the city authority over the location of facilities, control of traffic, and the repair of public streets, but not over the design, type, or construction of the distribution facilities themselves.

SCE also cited *Leslie versus Superior Court*, where the court ruled that Ventura County could enforce against SCE the grading standards in the county code because state housing law expressly required the cities to adopt minimum standards for it. The court found that the state housing law and the CPUC's mandate were of "equal dignity" and noted that the CPUC had never "purported to exercise its authority over" the construction, maintenance or grading of access roads.

Therefore SCE stated that these cases show that the municipalities can neither mandate the design and construction of Equipment, nor whether those facilities are placed above or below ground. The CPUC's jurisdiction is exclusive because there is no statewide law or policy of "equal dignity."

Nevertheless, pursuant to PU Code Section 6294, SCE states it would comply with local jurisdiction regulations that pertained to health and safety relating to the above-ground installation of electrical distribution Equipment. For example, SCE would: comply with local regulations prohibiting the installation of facilities where it would impair a motorists' vision around corners, comply with the ADA when locating facilities within the public ROW, and obtain non-discretionary local permits and approvals for construction and operation of electrical facilities, where not inconsistent with the CPUC's areas of exclusive jurisdiction.

SCE concluded that the CPUC has affirmed its primary jurisdiction over placing Equipment above-ground. SCE has also committed to continuing consultations with local governments about where to place facilities. The Commission has made clear on numerous occasions that utilities are expected to engage in meaningful dialogue with local agencies before finalizing the location of facilities.

Easement costs

Protesters are also concerned that SCE wants to save money by locating Equipment on public ROW, especially in retrofit projects. Protesters say that SCE has the means to acquire private easements and to enforce eminent domain.

SCE countered that, while it has the right to install Equipment in the public ROW under franchise agreements; it tries to avoid it because it has greater rights on private easements, which applicants must provide at no cost as a condition of service under existing Rules 15 and 16.

We note that a lower rate base and rates result from any capital cost savings that accrue to SCE from placing Equipment in the public ROW instead of acquiring easements. SCE would pay for an easement only when relocating Equipment not dedicated to a specific customer.

As stated above, due to the complexity of the legal, factual, and policy issues raised by the protesters with respect to applicability of the rule changes in the public rights of way, this aspect of SCE's proposal is denied without prejudice in this Resolution. SCE's proposed rule changes are approved for applicability only to private property at this time.

SCE should consult with Building Industries Association (BIA)

BIA is not opposed to SCE's proposal, but asked SCE to clarify these issues:

- Grandfathering existing developments and matching state legislation (AB 333) on extension of tentative tract maps.
- Coordination with cities that require below ground installation.
- Responsibility for claims and litigation at homes less than 10 years old which must accept relocation of Equipment above ground.

- Definition in writing of grandfathered submittal for the transition period.
- Definition in writing that projects with dry utility joint trench installed, but not transformers, and fees paid, are grandfathered.
- Allow extension of active projects for more than 12 months and tariff inclusion of requirement for notification of expiration.
- Relaxing of clearance standards for above ground Equipment, especially on three sides.
- SCE's action to facilitate city acceptance of above ground Equipment within parkway or ROW.
- SCE action to reduce density of transformer locations.

SCE largely responded to BIA's grandfathering (transitioning) concerns, but made no commitment to extend grandfathering to match certain pending legislation on tentative tract maps expiration.

SCE reiterated the need for developers to convene early meetings with the utility and city to reduce the possibility of last-minute issues, and SCE committed to continue working with cities and developers to coordinate solutions. This process would include optimally locating and sizing of transformers.

We note that BIA's concerns deal primarily with the logistics and timing issues of the proposed tariff changes. SCE responded adequately to these concerns but SCE's tariffs must also specify the events determining project schedules, and they must use the same terminology as SCE's filed forms.

SDG&E and IBEW support SCE's proposal

SDG&E supports SCE's AL based on its own decades-long experience with pad mounted Equipment for new services. SDG&E notes that subsurface Equipment often must be de-energized for servicing and therefore requires longer and geographically larger outages. According to SDG&E, the number of submersible Equipment manufacturers has declined, affecting availability. They also state that reliability of subsurface Equipment is negatively affected by the collection of water with contaminants, which also pose environmental hazards and breeding grounds for mosquitoes. Subsurface Equipment is 3 to 4 times more expensive than pad mounted Equipment.

The International Brotherhood of Electrical Workers (IBEW) also supports SCE's AL in the interests of safety for its members, and shorter outages, and stated that it raised these issues with SCE in the first place. IBEW states that the changes

would avoid high risk environments where members have experienced life-changing or fatal injuries from working inside electrical vaults. IBEW echoed SCE's commitment to working with cities and developers to minimize the visual impact of pad mounted Equipment, and mentions that the utilities of the Cities of Riverside and Azusa are among many utilities that have changed or are changing to pad mounted Equipment designs only.

Transition plans for above-ground installations on private property as authorized in this Resolution

Upon Commission approval of this Resolution, the types of above-ground equipment described above for installation on private property will be required to be located in above-ground pad mounted structures in new installations when technically feasible, whether designed by SCE or third-party developers.

Following a transitional grace period of 90 days after the effective date of this filing, SCE will no longer accept customer or developer requests for underground distribution system installations that call for specific pieces of electrical equipment (all primary-voltage electrical distribution system equipment, including, but not limited to, transformers, switches and fuses, capacitors, and junction bars) to be installed in below-ground structures in circumstances where it is technically feasible to install the equipment above ground on private property. Customers, developers, and governmental entities requesting SCE to install underground distribution systems would be required to utilize above-ground equipment if it is not to be located in the public right of way.

SCE believes the proposed Transitional Grace Period of 90 Days, coupled with Stakeholder Outreach activities, will allow customers ample time to prepare for this change and meet above-ground equipment design requirements on private property. SCE should implement this change in an effective and orderly manner.

Implementation (again, for private property only) will consist of a change in design requirements that will, following the Transitional Grace Period of 90 Days after the effective date of this filing, affect new residential and commercial

developments, as well as customer- and applicant-driven capacity increases (such as remodels and changes of use).

COMMENTS

Public Utilities Code section 311(g) (1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g) (2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments on Tuesday, March 23, 2010 and will be placed on the Commission's agenda no earlier than 30 days from that date.

FINDINGS AND CONCLUSIONS

1. SCE's standard Equipment installations that are paid for in rates are above ground.
2. Currently, when applicants request new service, SCE's standard design calls for the distribution system Equipment needed, such as transformers, switches, capacitors, and junction bars (Equipment), to be located above-ground.
3. Currently, Rules 2, 15 and 16 give applicants the option, at extra cost, to have conductors and/or distribution Equipment installed underground.
4. Over the last two years less than 20% of new SCE distribution system Equipment was requested by applicants for service to be installed underground.
5. Other California utilities have already discontinued the option of installing Equipment underground.
6. SCE seeks approval to delete the applicant-requested Equipment underground option in order to make its Equipment more accessible for installation, maintenance and repair, and safer for employees.
7. "Technically feasible" means that enough space is, or can be made, available above ground for the electrical distribution Equipment needed for SCE to serve customers and that other requirements, such as obtaining

non-discretionary permits, can be met. The required space is defined by existing design standards within the operation and maintenance requirements that are in compliance with applicable safety codes such as the Commission's General Orders 95 and 128.

8. When relocating existing Equipment, SCE should comply with local jurisdictional mandates in matters of health, public safety, and convenience if those regulations do not directly or effectively require the Equipment to be located underground or otherwise conflict with the design standards contained in SCE's Distribution Design Manual and similar documents, and also would comply with any state law of "equal dignity" to the PU Code, and federal laws, e.g., the Americans with Disabilities Act (ADA).
9. For new line and service extensions or upgrades and relocations, the customer must provide a private easement for the Equipment at no cost to SCE in accordance with SCE's Commission-approved tariffs (e.g., Rule 15 or Rule 16), unless the local authority authorizes placement of the Equipment in the above-ground public ROW.
10. For existing underground Equipment in the public ROW not dedicated to a specific customer and being modified by SCE, SCE proposes installation in a private easement above ground if SCE can obtain the easement at a reasonable cost.
11. Local laws and ordinances may apply aesthetic conditions, maintenance and location requirements (e.g., setbacks, screening requirements, etc.) to Equipment on private property if those conditions and requirements do not directly or effectively prevent Equipment from being located above-ground or otherwise conflict with design standards contained in SCE's Distribution Design Manual or similar documents.
12. It is not useful or practical to conclusively define all Equipment because the future needs of the distribution system require flexibility.
13. SCE's proposed rule changes for above-ground Equipment installation were heavily protested with respect to their application to public rights of way.
14. Because the protests to SCE's proposal, with respect to location of above-ground Equipment in public rights of way, raise a number of legal, policy, and factual issues, the application of SCE's proposed rule changes to public rights of way should be denied without prejudice as inappropriate for disposition via an Advice Letter and Resolution.

15. Local governments have a unique obligation as stewards of the public right-of-way, both above- and below-ground and unique responsibilities and prerogatives in matters of land use planning.
16. Nothing in this Resolution is intended to alter CPUC authority, the balance of jurisdiction between the Commission and other governing authorities, or the terms of any franchise agreement, with respect to the matters dealt with herein.

THEREFORE IT IS ORDERED THAT:

1. The revised tariff language of Electric Rules 2, 15 and 16 as proposed by SCE in supplemental Advice Letter AL 2334-E-A is approved for application to private property only.
2. The revised tariff language of Electric Rules 2, 15 and 16 as proposed by SCE in supplemental Advice Letter Al 2334-E-A is denied, without prejudice, for purposes of application to public rights of way.
3. If SCE wishes to propose tariff language changes related to public rights of way, SCE must file an application with the Commission for that purpose, and serve any such application on all protesters and parties that commented on either AL 2334-E CPUC or draft Resolution E-4241.
4. Design and installation of any above-ground Equipment as authorized in this Resolution for installation on private property shall comply with the typical installations depicted in SCE's Above-Ground Equipment Aesthetics Improvement Manual and SCE's Distribution Design Manual, as well as other local agency land use law to the extent the same would not directly or effectively require the Equipment to be located underground.
5. SCE will also be responsible for the cost of abating graffiti on equipment installed above ground under the terms of this Resolution, but not for the cost of maintenance of customer-selected aesthetic mitigation options. SCE will respond within 48 hours (two business days) to requests for graffiti abatement, absent inclement weather or other exigent circumstances.
6. Using consistent terminology, SCE shall also define in its tariffs and forms when inactive projects will be terminated.
7. SCE shall file a Supplementary Advice Letter within 45 days to modify Rules 2, 15, and 16, where applicable, to comply with Ordering Paragraphs 2, 4, 5 and 6 of this Resolution.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on April 22, 2010; the following Commissioners voting favorably thereon:

Paul Clanon
Executive Director

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 23, 2010

I.D.# 9316
E-4329

TO: PARTIES TO SCE's ADVICE LETTER 2334-E-A

Enclosed is draft Resolution E-4329 of the Energy Division. It will be on the agenda at the April 22 Commission meeting. The Commission may then vote on this Resolution or it may postpone a vote until later.

When the Commission votes on a draft Resolution, it may adopt all or part of it as written, amend, modify or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Parties may submit comments on the draft Resolution.

An original and two copies of the comments, with a certificate of service, should be submitted to:

Honesto Gatchalian/Maria Salinas
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

A copy of the comments should be submitted to:

Werner Blumer
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Fax: 415-703-2200
Email: wmb@cpuc.ca.gov

Any comments on the draft Resolution must be received by the Energy Division by April 10, 2010. Those submitting comments must serve a copy of their comments on 1) the entire service list attached to the draft Resolution, 2) all Commissioners, and 3) the Director of the Energy Division, on the same date that the comments are submitted to the Energy Division.

Comments shall be limited to five pages in length plus a subject index listing the recommended changes to the draft Resolution, a table of authorities and an appendix setting forth the proposed findings and ordering paragraphs.

Comments shall focus on factual, legal or technical errors in the proposed draft Resolution. Comments that merely reargue positions taken in the advice letter or protests will be accorded no weight and are not to be submitted.

Replies to comments on the draft resolution may be filed (i.e., received by the Energy Division) on April 16, 2010, 6 days after comments are filed, and shall be limited to identifying misrepresentations of law or fact in the comments of other parties. Replies

shall not exceed five pages in length, and shall be filed and served as set forth above for comments.

Late submitted comments or replies will not be considered

Julie Fitch
Director
Energy Division

Enclosure: Certificate of Service
Service List

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of Draft Resolution E-4329 on all parties in these filings or their attorneys as shown on the attached list.

Dated March 23, 2010 at San Francisco, California.

Honesto Gatchalian

NOTICE

Parties should notify the Energy Division, Public Utilities Commission, 505 Van Ness Avenue, Room 4002 San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the Resolution number on the service list on which your name appears.

FIRST	LAST	TITLE	ORGANIZATION	STR
Patrick	Lavin	Business Manager	IBEW	600
Fassil	Fenikile	AT&T CA Regulatory		525
Ross	Johnson	AT&T CA Regulatory		525
Ron	Van Der Leeden	Director - Rates Revenues & Tariffs	Sempra Energy Utilities	833
Robert A.	Risso	Chief Admin. Officer	City of Bell	633
Daniel	Schiada	Director of Public Works	City of Benicia	250
Donna	Landeros	City Manager	City of Brentwood	708
James A.	Biery	Director, Dept. of Public Works	City of Buena Park	P.O
Vince	Brar	Sr. Assistant City Manager	City of Cerritos	P.O
Andrew	Weissman	Mayor	City of Culver City	977
Greg	Gubman	Acting Community Development Director	City of Diamond Bar	218
Mario A.	Guerra	Mayor	City of Downey	P.O
Steve	Freedland	Mayor	City of Hidden Hills	616
Travis K.	Hopkins, PE	Director of Public Works	City of Huntington Beach	P.O
Bruce E.	Channing	City Manager	City of Laguna Hills	240
Bob	Ring	Mayor	City of Laguna Woods	242
Patrick H.	West	City Manager	City of Long Beach	333
Craig	Beck	Executive Director, Redevelopment Agency	City of Long Beach	333
Douglas C.	Holland	City Attorney	City of Palm Springs	320
Troy L.	Butzlaff	City Administrator	City of Placentia	401
Steven E.	Hayman	City Manager	City of Rancho Sant Margarita	221
Timm	Borden	Deputy Director of Public Works	City of San Jose	200
Dave	Adams	City Manager	City of San Juan Capistrano	324
Nasser	Abbaszadeh	Public Works Director	City of San Juan Capistrano	324
Steve	Apple	Community Development Director	City of San Juan Capistrano	324
Paul D.	Brotzman	Director of Community Development	City of Santa Clarita	239
Carol	Jacobs	City Manager	City of Stanton	780
Christopher	Norman	Assistant City Attorney	City of Thousand Oaks	210
G.	Holland	Attorney	Woodruff, Spradlin & Smart	555
Douglas C.	Arevalo	City Manager	City of West Hollywood	830
Paul D.	Helvey	City Manager	City of Whittier	132
Steven H.			Westside Cities Council of Governments	500
Laurie	Newman	Executive Director		500
Penny	Lilburn	Mayor	City of Highland	272
Laura	Stotler			258
Akbar	Jazayeri	VP of Regulator Operations	SCE	224
Bruce	Foster	Sr. Vice President c/o Karyn Gansecki	SCE	601
Brian M.	Starr	Deputy Executive Director	BIA Orange County Chapter	177
				255
Benjamin	Siegel	Assistant to the City Manager	City of Lake Forest	100
Brian	Mineghino	Office of Ass'blymember Warren Furutani	55th District	420

Zev	Yaroslavsky	Los Angeles County Supervisor	821 Kenneth Hahn Hall of Administration	500
Benjamin	Saltsman	Planning Deputy	821 Kenneth Hahn Hall of Administration	500