
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

December 11, 2009

Agenda ID #8185

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-225

This draft resolution regarding Dismissing penalty issued to Sempra Energy Solutions LLC in Citation E-4017-0922-1, will be on the agenda at the January 29, 2009, Commission meeting. The Commission may then vote on this draft resolution, or it may postpone a vote.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution no later than January 16, 2009. Service is required on all persons on the attached service list. Comments shall be served consistent with the requirements of Pub. Util. Code § 311(g) and Rule 14.5 of the Rules of Practice and Procedure.

Finally, comments must be served separately on Administrative Law Judge Yacknin at hsy@cpuc.ca.gov, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief
Administrative Law Judge

ANG:jt2

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-225
Administrative Law Judge Division
January 29, 2009

RESOLUTION ALJ-225. Dismissing penalty issued to Sempra Energy Solutions LLC in Citation E-4017-0922-1.

The Commission's Energy Division issued Citation E-4017-0922-1 to Sempra Energy Solutions LLC (SES) on July 29, 2008, charging SES with the late delivery of its August 2008 Month-Ahead Resource Adequacy filing, and assessing a \$1,500 penalty. SES timely appealed the citation by notice of appeal dated August 25, 2008. Administrative Law Judge Hallie Yacknin heard the appeal at a hearing on December 2, 2008. This resolution dismisses the citation.

Findings of Fact:

1. SES's August 2008 Month-Ahead Resource Adequacy Compliance Filing was due to Energy Division by Monday, June 30, 2008, but was delivered on Tuesday, July 1, 2008.
2. SES personnel timely prepared the filing and deposited it in the Fed-Ex pick-up box located in the building in which it is headquartered on Friday, June 27, 2008, approximately 45 minutes prior to Fed-Ex's last scheduled pick-up for delivery on Monday, June 30, 2008.
3. In the three years that SES has been making these monthly compliance filings, it has relied on Fed-Ex to pick them up and deliver them based on Fed-Ex's scheduled pick-up and delivery times.
4. Since November 2006, all of SES's monthly compliance filings other than its August 2008 filing have been timely delivered to Energy Division.

Conclusions of Law

1. SES's failure to timely deliver its August 2008 Month-Ahead Resource Adequacy Compliance Filing to Energy Division by June 30, 2008, constitutes a Specified Violation under Resolution E-4017.

2. The issuance of a citation for a Specified Violation under Resolution E-4017 is not mandatory.
3. Under the present factual circumstances, the citation should be dismissed.

Comments

The Resolution was issued for public review and comment in accordance with Public Utilities Code Section 311, subdivision (g).

IT IS THEREFORE ORDERED that:

1. Citation E-4017-0922-1 is dismissed.
2. The appeal process for this citation is closed.
3. 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 _____, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

In the matter of Sempra Energy Solutions LLC, pursuant to Resolution E-4017

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INFORMATION REGARDING SERVICE

I have provided notification of the foregoing Draft Resolution ALJ-225 to the electronic mail addresses on the attached service lists, as well as a hard copy by U.S. mail.

Dated December 11, 2008, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom