

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

In the Matter of the Application of  
San Diego Gas & Electric Company  
(U 902 G) and Southern California  
Gas Company (U 904 G) for  
Authority to Integrate Their Gas  
Transmission Rates, Establish Firm  
Access Rights, and Provide Off-  
System Gas Transportation Services.

Application 04-12-004  
(Filed December 2, 2004)

**RULING OF THE ASSIGNED COMMISSIONER  
AND ADMINISTRATIVE LAW JUDGE AND  
NOTICE OF PREHEARING CONFERENCE**

**Summary**

This ruling notices a prehearing conference for April 28, 2005 at 10:00 a.m. to discuss the scope of issues to be addressed in this proceeding and the procedural schedule for processing this application. Prehearing conference statements are to be filed on or before April 22, 2005.

The ruling also grants the motion of intervene that was filed by Kern Oil & Refining Company (Kern Oil).

**Background**

San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) filed the above-captioned application on December 2, 2004. The application makes three proposals. The first proposal is to integrate the gas transmission systems of SDG&E and SoCalGas, including the gas transmission

rates. The second proposal is to establish a system of firm access rights at various transmission zones on the SDG&E and SoCalGas gas transmission system. The third proposal is to provide off-system deliveries to Pacific Gas and Electric Company (PG&E) and to interconnections with interstate gas transmission lines serving California.

Thirteen protests and three responses to the application of SDG&E and SoCalGas were filed. SDG&E and SoCalGas filed a reply to the protests and responses on January 31, 2005.

The application before us was filed in response to the Phase I decision (D.04-09-022) in Rulemaking (R.) 04-01-025, which is addressing policies and rules to ensure reliable, long-term supplies of natural gas to California. SDG&E and SoCalGas had advocated for the adoption of their transmission system integration and firm access rights proposals in Phase I of R.04-01-025. In D.04-09-022, the Commission declined to adopt those proposals and directed SDG&E and SoCalGas to file an application regarding those proposals. D.04-09-022 also directed SoCalGas to make a showing of how it could provide off-system deliveries for natural gas to be consumed within California.

The origins of the proposal for firm access rights can be traced back to R.98-01-011, the rulemaking that was opened to assess the market and regulatory framework of California's natural gas industry. In that rulemaking, firm tradable access rights was identified in D.99-07-015 as a promising option. Following settlement discussions and hearings, a system of firm tradable rights was included as part of the Comprehensive Settlement Agreement (CSA) adopted in D.01-12-018 in Investigation (I.) 99-07-003. In D.01-12-018, the Commission ordered SoCalGas to file advice letters to implement the CSA. SoCalGas filed the advice letters, which were addressed by the Commission in

Resolution G-3334. The resolution denied the advice letters without prejudice, and SoCalGas was directed to file an application to implement D.01-12-018. In response to the resolution, SoCalGas filed Application (A.) 03-06-040. Following evidentiary hearings, SoCalGas' implementing tariffs were adopted with changes in D.04-04-015. However, the Commission stayed the implementation pending the issuance of the Phase I decision in R.04-01-025. As a result of making changes to the gas transmission systems of SDG&E and SoCalGas in the Phase I decision, the Commission in D.04-09-022 ordered that the stay in D.04-04-015 be continued until further notice.

### **Motion to Intervene**

Kern Oil's motion to intervene in this proceeding was filed on January 18, 2005. Kern Oil seeks to intervene due to the effect the application will have on its operations if the proposals are adopted. No responses to the motion were received.

Rule 54 of the Commission's Rules of Practice and Procedure govern intervention in an application proceeding. Normally, an appearance may be entered by appearing at the hearing and completing an appearance form. Since Kern Oil's motion disclosed Kern Oil's interest in the application and no one objected to the motion, Kern Oil's motion to intervene should be granted. Kern Oil shall be granted party status in this proceeding, and the four individuals listed in Kern Oil's motion shall be added to the service list for this proceeding.

### **Notice of Prehearing Conference**

The application, protests, responses, and reply have been reviewed. Based on these various pleadings, we have developed the following preliminary list of issues that may be included in the scope of this proceeding:

- Should the gas transmission systems of SDG&E and SoCalGas continue to be integrated on an operational basis?
- Should the gas transmission systems of SDG&E and SoCalGas be integrated on an economic basis, including the transmission component of the gas transportation rates of SDG&E and SoCalGas?
- Does the system integration proposal contemplate approval of any construction activities, and if so, shouldn't the approval of the construction activities be considered in a separate application?
- Should the firm access rights proposal of SDG&E and SoCalGas be adopted?
- Should the existing “windowing” system of gas nominations and transmission be retained, or should refinements be made to the existing system?
- How does the firm access rights proposal differ from a path-specific system, and what are the advantages and disadvantages of each system?
- Do the proposed transmission zones provide an advantage to liquefied natural gas (LNG) supplies that might enter through Otay Mesa using the proposed Southern Transmission Zone?
- Do the proposed transmission zones discriminate against California natural gas producers?
- Should there be a system of firm tradable rights for SDG&E and SoCalGas that more closely reflects the system contained in the CSA?
- Should SDG&E and SoCalGas bear part or all of the risk for gas transmission revenues?
- Should backbone transmission costs be unbundled from local transmission and distribution costs, as was done in the CSA?
- Does the firm access rights proposal contemplate approval of any construction activities, and if so, shouldn't the approval of the construction activities be considered in a separate application?

- Are there potential capacity constraints along the Rainbow Corridor (Lines 6900, 1027 and 1028), and what impact will this have on the system integration and firm access rights proposals? (See draft Resolution G-3377.)
- Should the Rainbow Corridor be designated a receipt point and be included in a transmission zone, or should it be considered local transmission facilities? (See draft Resolution G-3377.)
- Should the gas balancing, diversion, and curtailment procedures be changed?
- Should gas storage of SoCalGas be unbundled, and should SoCalGas be at risk for recovery of its storage costs?
- Should off-system deliveries by SoCalGas and SDG&E be limited to connections with PG&E as provided for in D.04-09-022?
- Does the off-system delivery proposal contemplate approval of any construction activities, and if so, shouldn't the approval of the construction activities be considered in a separate application?
- Should SoCalGas' peaking rate be examined in this proceeding?
- If the Commission adopts a system of firm access rights in this proceeding, will D.01-12-018 and D.04-04-015 be rendered moot?
- If the Commission adopts a system of firm access rights in this proceeding, should SDG&E and SoCalGas be required to file their respective BCAPs sometime thereafter? (See D.04-05-039.)

A prehearing conference will be held on April 28, 2005 at 10:00 a.m. to discuss whether the preliminary list of issues noted above should be included in the scoping memo for this proceeding, and to identify any other issues that should be included in the scoping memo. The prehearing conference will also

address the impact of this application on the petitions for modification of D.01-12-018 and D.04-04-015.<sup>1</sup>

The prehearing conference will also discuss procedural issues such as the following: should public participation hearings be held; should this proceeding be bifurcated to address the system integration proposal before addressing the firm access rights proposal and the off-system delivery proposal; and the schedule for resolving this application.

Persons interested in this proceeding should file a prehearing conference statement with the Docket Office on or before April 22, 2005.<sup>2</sup> The prehearing conference statement, and all future filings in this proceeding, shall also be served in accordance with the service procedures described later in this ruling. The prehearing conference statements should indicate whether the preliminary list of issues noted above should be included in the scope of this proceeding, whether there are other issues that should be included within the scope of this proceeding, what issues require evidentiary hearings, and a proposed schedule.

A new service list for this proceeding will be created at the prehearing conference. Persons interested in participating in this proceeding as a party

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<sup>1</sup> Although D.01-12-018 and D.04-04-015 involve separate proceedings, the system integration and firm access rights proposals appear to impact those decisions. Thus, the petitions for modifications of those two decisions may be moot as a result of the non-implementation of the CSA and the filing of the application in this proceeding. If such a conclusion is drawn following the prehearing conference, a ruling would be issued in both of those proceedings describing why the petitions for modification of those two decisions should be dismissed, and provide the parties in those two dockets an opportunity to comment on the proposed course of action.

<sup>2</sup> The Commission's filing rules require an original and the appropriate number of copies to be tendered to the Commission's Docket Office in a timely manner. (See Article 2 of the Commission's Rules of Practice and Procedure.)

should appear at the prehearing conference and complete the appearance form. Those persons seeking “information only” or “state service” status may send a letter to the Commission’s Process Office requesting such status, or attend the prehearing conference.

Following the prehearing conference, a scoping memo and ruling for this proceeding will be issued.

Beginning on March 24, 2005, new service rules go into effect. (See D.04-12-057, revised Rule 2.3 and new Rule 2.3.1.) Service of documents in this proceeding shall be served by electronic mail (e-mail) on those on the service list who have provided e-mail addresses. Those on the service list who have not provided e-mail addresses shall have a copy delivered or mailed to them. The assigned ALJ shall be served by e-mail, and a paper copy of the document shall also be delivered or mailed to the ALJ. In the event of “failure of e-mail service,” as defined in Rule 2.3.1(e), the serving party must re-serve the document as provided for in that subdivision “no later than the business day after the business day on which notice of the failure of e-mail service is received by the serving party.”

Until the new service list is created for this proceeding, the preliminary service list in Attachment A of this ruling shall be used. Attachment A contains the names of parties who filed pleadings in this proceeding, and the service lists in I.99-07-003, R.04-01-025, and A.03-06-040.

Therefore, **IT IS RULED** that:

1. A prehearing conference shall be held on Thursday, April 28, 2005, at 10:00 a.m. at the Commission’s hearing room, State Office Building, 505 Van Ness Avenue, San Francisco, to identify issues raised by the application, and in

the protests and responses to the application, and to discuss the procedural schedule for processing this application.

2. Southern California Gas Company, San Diego Gas & Electric Company, and other interested parties, may file prehearing conference statements with the Docket Office on or before April 22, 2005.

a. The prehearing conference statements should address whether the preliminary list of issues identified in this ruling should be included in the scope of this proceeding, whether any other issues should be included within the scope of this proceeding, which issues require evidentiary hearings, and a proposed schedule for processing this application.

b. The prehearing conference statements shall be served as described in this ruling.

3. The January 18, 2005 motion to intervene in this proceeding, filed by Kern Oil & Refining Company (Kern Oil), is granted.

a. Kern Oil is granted party status.

b. The four individuals listed in Kern Oil's motion to intervene shall be added to the service list for this proceeding.

4. This ruling shall be served as described in this ruling on the preliminary service list, which is attached to this ruling as Attachment A.

a. Until the formal service list is established at the prehearing conference, any documents filed in this proceeding shall use the aforementioned service lists.

Dated March 24, 2005, at San Francisco, California.

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/s/ GEOFFREY F. BROWN  
Geoffrey F. Brown  
Assigned Commissioner

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/s/ JOHN S. WONG  
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Administrative Law Judge

**ATTACHMENT A**

**SERVICE LIST IN A.04-12-004**

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**(END OF ATTACHMENT A)**

## CERTIFICATE OF SERVICE

I certify that I have this day served the attached Ruling of the Assigned Commissioner and Administrative Law Judge and Notice of Prehearing Conference on all parties of record in this proceeding or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide e-mail addresses.

Dated March 24, 2005, at San Francisco, California.

/s/ FANNIE SID

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Fannie Sid

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

\* \* \* \* \*

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