

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation Into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and Their Impact on the Gas Price Spikes Experienced at the California Border from arch 2000 through May 2001.

Investigation 02-11-040
(Filed November 21, 2002)

**JOINT ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW
JUDGE'S RULING GRANTING MOTION FOR ISSUANCE
OF A DISCOVERY MANDATE**

On March 4, 2005, Southern California Edison Company (SCE) filed its Motion for a Discovery Mandate to the New York State Supreme Court for Issuance of a Subpoena Duces Tecum to Risk Capital Management Partners, LLC. SCE also requested an order shortening time for response. Sempra Energy filed a response on March 9, 2005, urging that time not be shortened. On March 21, 2005, Sempra Energy filed a substantive response for the purpose of ensuring "that the Commission has an accurate factual record on all matters that may be relevant both to Edison's motion and to this proceeding generally," but Sempra Energy did not specifically oppose the motion.

The Commissioner or an individual Commissioner has authority commensurate with the California Superior Court to compel the deposition of, or the production of records by, a non-party, out-of-state witness. See Joint Assigned Commissioner and ALJ Ruling, In re PG&E, A.92-12-043 (May 9, 1996 (applying Pub. Util. Code § 1794)).

SCE's pleadings have established good cause, materiality, and necessity for the requested discovery; and the mandate should issue.

IT IS RULED that:

1. Southern California Edison Company's (SCE) motion for an order shortening time is denied as moot.
2. SCE's motion for the issuance of a Discovery Mandate to the New York State Supreme Court is granted.
3. The Discovery Mandate shall issue coincident with this ruling.

Dated April 18, 2005, at San Francisco, California.

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

/s/ JOHN E. THORSON
John E. Thorson
Administrative Law Judge

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation Into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and Their Impact on the Gas Price Spikes Experienced at the California Border from arch 2000 through May 2001.

Investigation 02-11-040
(Filed November 21, 2002)

DISCOVERY MANDATE TO THE NEW YORK STATE SUPREME COURT FOR ISSUANCE OF A SUBPOENA DUCES TECUM TO RISK CAPITAL MANAGEMENT PARTNERS, LLC (ALSO KNOWN AS RISK CAPITAL, LLC)

Upon request of Southern California Edison Company (SCE) in the above-captioned proceeding, good cause for, materiality, and necessity of the requested discovery having been shown, the California Public Utilities Commission issues this Discovery Mandate to request the New York State Supreme Court or appropriate authority in the state of New York to accept this Discovery Mandate, and to authorize the issuance of a subpoena duces tecum in substantially the form attached hereto as Attachment A, requiring Risk Capital Management Partners, LLC (also known as Risk Capital, LLC) to produce the documents demanded therein.

This Discovery Mandate is issued pursuant to California Public Utilities Code section 1794, California Code of Civil Procedure section 2026(b)(2), and is in accordance with the New York Civil Practice Law and Rules, section 3102(e), which provides:

When under any mandate, writ or commission issue out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the

testimony of any witness in the state, he may be compelled to appear and testify in the same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition.

This Discovery Mandate is intended to be that form of mandate, writ, or commission pursuant to which the courts of the State of New York, under New York Civil Practice Law and Rules, section 3102(e) may issue orders, subpoenas, and process to compel the taking of testimony and production of documentary evidence.

Dated April 18, 2005.

THE CALIFORNIA PUBLIC UTILITIES COMMISSION

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

/s/ JOHN E. THORSON
John E. Thorson
Law and Motion
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Joint Assigned Commissioner and Administrative Law Judge's Ruling Granting Motion for Issuance of a Discovery Mandate on all parties of record in this proceeding or their attorneys of record.

Dated April 18, 2005, at San Francisco, California.

/s/ ERLINDA PULMANO
Erlinda Pulmano

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 ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

[Brown Thorson Ruling Attachment A](#)