BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design. (U 39 M)	Application 04-06-024 (Filed June 17, 2004)

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING IN PART CLECA'S MOTION FOR EXTENTION AND DENYING CLECA'S MOTION TO SHORTEN TIME TO RESPOND

1. Background

On January 25, 2005, California Large Energy Consumers Association (CLECA) filed a motion seeking an order extending the date for distribution of intervenors' proposed testimony by one day for every day until the Office of Ratepayer Advocates (ORA) distributes workpapers supporting ORA's proposed testimony. CLECA also moved to shorten the time for filing responses, with responses due within four days from the date of CLECA's motion for extension.

Responses in support were filed by the California Manufacturers and Technology Association, Agricultural Energy Consumers Association, East Bay Municipal Utility District, California Farm Bureau Federation (CFBF), and California Street Light Association (CALSLA). CFBF and CALSLA support CLECA's motion (which they say at the time of their responses would result in about a two week extention), but they also argue that a three week extension would be more appropriate. Pacific Gas and Electric Company (PG&E or

applicant) responded in opposition to CLECA's motion, but suggested a possible compromise.

2. Discussion

2.1. Motion for Extension to Serve Proposed Testimony

CLECA's motion for extension is granted in part. As PG&E points out, it is important to keep this proceeding on track in order to meet the goal of implementing revised rates by January 1, 2006. Nonetheless, PG&E's proposed compromise is reasonable. ORA's proposed testimony was served on January 14, 2005, and there does not appear to be any dispute that its workpapers were available six business days later. The date for service of intervenor proposed direct testimony will be extended by six business days, from February 25, 2005 to March 7, 2005. (See Attachment A.)

Absent good cause otherwise, the final date by which a party may file a motion to revise or modify the scope is the date that intervenors serve their direct testimony. (See August 27, 2004 Scoping Memo, page 4.) This date is now March 7, 2005, consistent with granting CLECA's motion in part.

CFBF and CALSLA recommend a three week extension. In support, they argue that intervenors may then incorporate PG&E's updated testimony (due by February 25, 2005) in intervenors' proposed opening testimony and reduce, if not eliminate, the need for some parties to serve proposed rebuttal testimony. They also argue that workload and scheduling conflicts with Rulemaking 02-06-001 justify an extension here.

The CFBF and CALSLA recommendation for a three week delay is not adopted for three reasons. First, a three week delay could unreasonably compromise the schedule here.

Second, the delay is not an opportunity for intervenors to use updated data from PG&E's rate update testimony (due February 25, 2005) and potentially avoid the need for rebuttal. Rather, as PG&E correctly points out, the purpose of establishing the same date for intervenor direct testimony and PG&E update testimony is to have all proposed direct testimony (applicant, ORA, intervenor) on the same basis. Even with the delay for service of intervenor proposed direct testimony to March 7, 2005, intervenors should continue to honor this purpose and use the same basic data used by PG&E and ORA for their proposed direct testimonies so that all proposed direct testimonies will be on the same ("apples-to-apples") basis. On April 26, 2005, parties will serve proposed rebuttal testimony. All proposed rebuttal testimony (applicant, ORA, intevenors) should use PG&E's updated data (from PG&E's February 25, 2005 update material) so that it will similarly be on the same ("oranges-to-oranges") basis.

Third, potential workload and scheduling conflicts in many proceedings may argue for delay. The Commission, however, needs to keep this proceeding on track. Insufficiently compelling reasons are presented to justify a three week delay here. Nonetheless, the delay of six workdays should, at least in part, mitigate the burden on intervenors of these potential conflicts.

2.2 Motion to Shorten Time for Responses

CLECA's motion to shorten the time for responses is denied. Responses to motions regarding the schedule were already due on a shortened timeframe, and the requested relief is moot. (August 27, 2004 Scoping Memo, Ordering Paragraph 6.)

IT IS RULED that:

1. The January 25, 2005 motion of the California Large Energy Consumers Association (CLECA) to extend the date for service of proposed testimony is

granted in part. Intervenor proposed direct testimony shall be served by March 7, 2005. Intervenor proposed direct testimony should be based on the same underlying data used by applicant and the Office of Ratepayer Advocates for their proposed direct testimonies so that all proposed direct testimonies are on the same basis. The last day, absent good cause otherwise, to file a motion to revise the scope of issues is March 7, 2005. (See Attachment A.)

2. The January 25, 2005 motion of CLECA to shorten time for filing responses to its motion is denied.

Dated February 10, 2005, at San Francisco, California.

/s/ BURTON W. MATTSON
Burton W. Mattson
Administrative Law Judge

ATTACHMENT A

REVISED SCHEDULE
(February 9, 2005)
A.04-06-024

Item or Event	Date
Application	6 / 17 / 04
Prehearing Conference (PHC)-1	8 / 20
Scoping Memo filed and served	8 / 27
Office of Ratepayer Advocates serves proposed direct testimony	1 / 14 / 05
Public Participation Hearings	See Below[1]
Applicant serves proposed rate update testimony	2 / 25
Intervenors serve proposed direct testimony[2]	3 / 7[3]
Last day, absent good cause, to file motion to revise scope or issues	3 / 7[4]
Parties serve proposed rebuttal testimony	4 / 26
Parties file and serve Statement of Position and PHC Statements	5 / 12
PHC-2 at 10:00 a.m.	5 / 17
Evidentiary Hearings begin	5 / 23
Evidentiary Hearing end	6 / 10
Comparison exhibit filed and served (e.g., 7 days after end of hearing)	6 / 17
Concurrent opening briefs filed and served (e.g., 28 days after end of hearing)	7 / 8
Concurrent reply briefs filed and served (e.g., 21 days after opening briefs)	7 / 29
Projected submission date (e.g., upon receipt of reply briefs)	7 / 29
Proposed decision (PD) filed and served (e.g., 90 days after submission)	10 / 27
Motions for Final Oral Argument (FOA—20 days after PD)	11 / 16
Comments on PD (20 days after PD filed)	11 / 16
Replies to motions for FOA (2 days after motions)	11 / 18
Reply Comments on PD (5 days after comments)	11 / 21
FOA	11 / 28
Commission decision adopted and mailed	12 / 1
Advice Letters filed and served (e.g., 5 days after mailing)	12 / 6
Rates effective	1 / 1 / 06

(End of Attachment A)

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[1] January 19 in Chico, February 1 in San Francisco, February 2 in Santa Rosa, February 3 in San Jose, and February 7 in Tulare.

[2] Based on same underlying data used by applicant and Office of Ratepayer Advocates.

[3] Revised date.

[4] Revised date.

CERTIFICATE OF SERVICE

I certify that I have this day served the attached Administrative Law Judge's Ruling Granting in Part CLECA's Motion for Extension and Denying CLECA's Motion to Shorten Time to Respond 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 February 10, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

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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