

Decision 99-05-048 May 27, 1999

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

Application of Southern California Edison Company (U 338-E) for Order Approving Termination Agreement for Termination of a Negotiated Power Purchase Agreement Between Southern California Edison Company and O'Brien California Cogen Limited.

Application 98-12-021  
(Filed December 18, 1998)

**ORDER PURSUANT TO RULE 6.5 OF  
THE RULES OF PRACTICE AND PROCEDURE**

Rule 6.5 of the Rules of Practice and Procedure concerning changes in the need for hearing or preliminary categorization of a proceeding provides that:

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Pub. Util. Code Section (311(g)) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

Pursuant to Rule 6.1, the Commission has preliminarily determined in Resolution ALJ 176-3007 that the above-entitled matter is a ratesetting proceeding that was expected to go to hearing. By an assigned Commissioner's ruling dated April 16, 1999, the assigned Commissioner, Commissioner Duque, found the need for hearing determination should be changed.

We have considered our preliminary determinations on this matter and the assigned Commissioner's ruling. In addition, at the prehearing conference on March 16, 1999, Commissioner Duque and the assigned Administrative Law Judge, Meg Gottstein, denied Southern California Gas Company's motion for leave to file late protest. We reaffirm these rulings.

**IT IS ORDERED** that:

1. This proceeding does not require that hearings be held.
2. Under Rule 6.6, this order is a final determination that a hearing is not needed in this proceeding.
3. Ex parte communications shall be permitted, as provided in Rule 7(e). In all other respects, the rules and procedures in Article 2.5 of the Commission's Rules shall cease to apply to this proceeding. However, the proposed schedule and scope of issues contained in the scoping memo shall continue to apply.

This order is effective today.

Dated May 27, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
JOSIAH L. NEEPER  
Commissioner

Commissioner Henry M. Duque, being necessarily absent, did not participate.