

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

Application of Southern California Edison	)	
Company (U338E) for Applying the Market	)	
Index Formula and As-Available Capacity Prices	)	A.08-11-001
adopted in D.07-09-040 to Calculate Short-Run	)	(Filed November 4, 2008)
Avoided Cost for Payments to Qualifying	)	
Facilities beginning July 2003 and Associated	)	
Relief.	)	
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	)	
	)	R.06-02-013
And related matters	)	R.04-04-003
	)	R.04-04-025
	)	R.99-11-022
	)	
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**JOINT MOTION TO SHORTEN TIME**

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
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Application of Southern California Edison Company (U338E) for Applying the Market Index Formula and As-Available Capacity Prices adopted in D.07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities beginning July 2003 and Associated Relief.	)	
	)	A.08-11-001
	)	(Filed November 4, 2008)
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	)	
And related matters	)	R.06-02-013
	)	R.04-04-003
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**JOINT MOTION TO SHORTEN TIME**

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the Public Utilities Commission of the State of California (Commission), the California Municipal Utilities Association (CMUA) and the parties to the Qualifying Facility and Combined Heat and Power (CHP) Program Settlement Agreement (Settlement Agreement), namely Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), the California Cogeneration Council, the Independent Energy Producers Association, the Cogeneration Association of California, the Energy Producers and Users Coalition, the Division of Ratepayer Advocates, and The Utility Reform Network (the Settling Parties) (collectively, with CMUA, the Joint Parties) hereby file this Motion to Shorten Time (Motion) for responses to the Joint Petition for Modification of Decision (D. 10-12-035 (Petition) that is being filed at the same time as this Motion. The Petition proposes a means for fully resolving the discrete municipal departing load (MDL) issues raised in CMUA's Application for Rehearing of D.10-12-035, and, as further described in the Petition, the

MDL-related issues in the City and County of San Francisco (CCSF) Application for Rehearing of D.10-12-035.<sup>1</sup> In order to expeditiously resolve the MDL-related issues in CMUA and CCSF respective Applications for Rehearing, the Joint Parties seek to shorten the time for responding to the Petition from 30 days to 15 days.

**I. A Shortened Response Period is Appropriate.**

The Joint Parties respectfully request a shortened time for responding to the Petition pursuant to Rule 1.2, which provides: "These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. In special cases and for good cause shown, the Commission may permit deviations from the Rules."

As discussed in D.10-12-035, the Settlement Agreement resulted from more than a year and a half of negotiations and resolves numerous disputed qualifying facility issues. Protracted litigation over D.10-12-035 will delay implementation of the benefits intended by the CHP Program.

The modifications of D.10-12-035 proposed in the Petition would fully resolve the MDL-related issues in CMUA and CCSF respective Applications for Rehearing of D.10-12-035. If the Commission grants the Petition, parties will avoid additional litigation over the MDL-related issues raised in CMUA and CCSF respective Applications for Rehearing, which is an important step in bringing the benefits of the CHP Program to the State of California.

**II. No Party Will Be Prejudiced by a Shortened Response Time.**

There will be no prejudice to the Settling Parties, customers of PG&E, SCE, and SDG&E, or other parties to this proceeding if the time for responding to the Petition is shortened.

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<sup>1</sup> CCSF has authorized CMUA to state that while CCSF does not support the Petition it does not intend to oppose it, provided that, the Petition does not affect issues raised by CCSF in its Application for Rehearing of D.10-12-035 other than MDL-related issues, or CCSF's ability to pursue those non-MDL-related issues.

As described in the Petition, the matters addressed in the Petition affect discrete issues that only relate to MDL customers. As noted above, if the Commission grants the Petition, the Commission will help parties avoid additional litigation over the MDL issues raised in CMUA's and CCSF's respective Applications for Rehearing, which will in turn help avoid delay in implementing the Settlement Agreement.

Since no other party seeking rehearing of D.10-12-035 raised issues relating to MDL customers, no other party will be prejudiced if the time for filing responses to the Petition is shortened.

### III. Conclusion.

For all of the foregoing reasons, the Joint Parties respectfully request that the Commission timely grant this Motion.

Dated: April 1, 2011

Respectfully submitted,<sup>2</sup>



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<sup>2</sup> The Joint Parties submit this Motion jointly, but pursuant to Commission Rule 1.8(d), only CMUA's counsel has signed it.

**CERTIFICATE OF SERVICE**

I certify that the following is true and correct:

On April 1, 2011, I caused to be served via electronic mail, or first class mail in the event of no electronic mail address, true copies of the attached:

**JOINT MOTION TO SHORTEN TIME**

on all parties to A.08-11-001 (see attached service list).

Executed this 1st day of April, 2011 at Sacramento, California.

Ryan Bernardo

A handwritten signature in black ink, appearing to be 'RB' with a large flourish extending to the right.

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