

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

Order Instituting Rulemaking to Integrate and )  
Refine Procurement Policies and Consider )  
Long-Term Procurement Plans. )

R.12-03-014  
(Filed March 22, 2012)

**CITY OF REDONDO BEACH OPPOSITION TO SOUTHERN CALIFORNIA EDISON  
COMPANY'S MOTION TO STRIKE PORTIONS OF THE COMMENTS OF THE CITY  
OF REDONDO BEACH ON THE ADMINISTRATIVE LAW JUDGE'S QUESTIONS  
FROM THE PREHEARING CONFERENCE ON SEPTEMBER 4, 2013**

MICHAEL W. WEBB  
CITY ATTORNEY  
CITY OF REDONDO BEACH

LISA BOND  
TOUSSAINT S. BAILEY  
ANDREW BRADY  
RICHARDS WATSON GERSHON  
355 S. Grand Avenue  
40<sup>th</sup> Floor  
Los Angeles, CA 90071  
Telephone:(213) 626-8484  
Facsimile: (213) 626-0078  
E-mail: lbond@rwglaw.com  
tbailey@rwglaw.com

Attorneys for  
CITY OF REDONDO BEACH

Dated: October 18, 2013

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

Order Instituting Rulemaking to Integrate and )  
Refine Procurement Policies and Consider )  
Long-Term Procurement Plans. )

R.12-03-014  
(Filed March 22, 2012)

**CITY OF REDONDO BEACH OPPOSITION TO SOUTHERN CALIFORNIA EDISON  
COMPANY’S MOTION TO STRIKE PORTIONS OF THE COMMENTS OF THE CITY  
OF REDONDO BEACH ON THE ADMINISTRATIVE LAW JUDGE’S QUESTIONS  
FROM THE PREHEARING CONFERENCE ON SEPTEMBER 4, 2013**

**I. INTRODUCTION**

Southern California Edison Company’s (“SCE”) motion to strike (“Motion to Strike”) lacks merit and should be denied. SCE’s Motion to Strike seeks to strike portions of the comments (“Comments”) of the City of Redondo Beach (“City”) responding to the Administrative Law Judge’s (“ALJ Gamson”) questions at the September 4, 2013 prehearing conference. SCE’s Motion to Strike is based on false premise: that the City’s Comments introduced new, disputed facts without a detailed methodology and analysis in lieu of submitting the same as testimony. The City’s Comments, however, merely offered policy analysis based on study work whose methodology had previously been disclosed and subject matter previously dealt with by a number of parties in this proceeding, including SCE.

The City’s Comments were responsive to ALJ Gamson’s questions, and were in line with his ruling (“Ruling”) framing the scope of comments, which are expressly intended to be “in lieu” of testimony. Furthermore, the Comments raise no disputed factual issues because they are effectively consistent with SCE’s own study work. SCE may disagree with the City’s policy arguments, but that does not constitute a factual dispute.

As SCE’s Motion to Strike lacks a proper factual and legal basis, it should be denied. In the alternative, the City is willing to resubmit the challenged portions of the Comments as

testimony within five days of ALJ Gamson's ruling on SCE's Motion to Strike.

## **II. ARGUMENT**

### **a. Factual and Procedural Background**

SCE's Motion to Strike is directed at the Comments of the City of Redondo Beach in response to the questions posed by ALJ Gamson at the September 4, 2013 prehearing conference. After the September 4, 2013 prehearing conference, ALJ Gamson issued a Ruling that stated that "a number of details parties may wish to elaborate on in Track 4 testimony."<sup>1</sup> The Ruling went on to state that the "issues are policy related and not expected to involve disputed, material facts."<sup>2</sup>

In response to the Ruling, the City of Redondo Beach submitted responsive Comments on September 30, 2013. On October 10, 2013, SCE filed its Motion to Strike portions of the City's Comments.<sup>3</sup> In particular, SCE seeks to strike the Comments' introduction and the responses to questions 1a and 1b.<sup>4</sup>

SCE's Motion to Strike is based entirely on the argument that the City's Comments presented "disputed material facts," rather than "policy-related issues," insofar as the Comments allegedly presented "a new study and disclosed the existence of that study and its results, but not its detailed methodology or analysis, for the first time through comments, not testimony."<sup>5</sup>

SCE is mistaken.

---

<sup>1</sup> Assigned Commissioner and Administrative Law Judge's Ruling Regarding Track 2 and Track 4 Schedules ("Ruling"), September 16, 2013, at p. 4.

<sup>2</sup> *Id.*

<sup>3</sup> Motion of Southern California Edison (U 338-E) to Strike Portions of the Comments of the City of Redondo Beach on the Administrative Law Judge's Questions from the Pre-Hearing Conference on September 4, 2013, submitted October 10, 2013 ("motion to strike").

<sup>4</sup> *Id.* at pp. 2-3.

<sup>5</sup> *Id.* at p.3.

**b. The City's Comments Were Based on Study Work that was Previously Submitted in Prior Testimony that is Consistent with SCE's Own Study Results**

SCE misrepresents the City's Comments. The additional study work referenced in the Comments simply confirmed the validity of the study results described in the City's opening testimony.<sup>6</sup> The same power flow case and study methodology described in the City's opening testimony was used to confirm the limited question of whether the City's preferred resource additions would satisfy applicable reliability standards given a particular contingency event, the overlapping outage of the 500 kV Ocotillo-Suncrest line and the 500 kV Eco-Miguel line. Accordingly, no new methodologies were utilized, and there is nothing new to disclose.

The contingency event at issue—the overlapping outage of the 500 kV Ocotillo-Suncrest line and the 500 kV Eco-Miguel line—was well-documented in the opening testimonies of CAISO, SCE and SDG&E. The City's Comments merely regard the policy implications of that preexisting contingency issue in light of the City's preferred alternative resources for addressing it.

Furthermore, the results of the study work discussed in the City's Comments regarding the amount of dependable capacity needed in the Western LA basin local capacity requirement ("LCR") sub-area are consistent with SCE's results, so there is no legitimate factual dispute here. SCE's Track 4 testimony shows a need for 2802 MW in the Western LA basin LCR sub-area in year 2022. According to SCE's testimony, the Western LA basin sub-area capacity need can be met by new generation at the existing location of the Huntington Beach and Alamitos power plants. The City's Comments assert that this LCR can be met by the combination of about 3000 MW of dependable capacity at the existing Huntington Beach power plant and by 2000 MW of preferred resource additions distributed across the Western LA basin LCR sub-area. Accordingly, there is no legitimate factual dispute as to the basis of any of the City's Comments;

---

<sup>6</sup> See Comments, at pp. 1-2.

the only potential dispute is as to the policy issue of the type and location of the new generation to meet the need.

The City interjected no new disputed facts into these proceedings with the study work referenced in its Comments, nor did it introduce any new methodology and analysis. As these issues form the basis of SCE's Motion to Strike, the motion should be denied.

**c. The City's Comments were Relevant and Responsive to ALJ Gamson's  
September 4 Questions and Within The Scope of The Ruling**

The City's Comments were responsive to the issues raised by ALJ Gamson and were well within the scope of the Ruling's request for further comments. The essence of SCE's Motion to Strike is that the City discussed new items in its Comments rather than in testimony.<sup>7</sup> ALJ Gamson, however, expressly stated that "parties may file comments on the detailed issues from the September 4 PHC **in lieu of testimony** per the schedule below."<sup>8</sup> Thus, SCE's overly narrow view of the permissible scope of comments is not supported by ALJ Gamson's ruling. The City submitted Comments describing study work that has previously been at issue in these proceedings that addresses policy arguments not subject to any legitimate factual dispute. This is well in line with ALJ Gamson's Ruling, and the Comments are responsive to the questions posed.

It is important to note that SCE's Motion to Strike does not dispute the relevance, responsiveness, or correctness of the City's Comments. Rather, SCE's only point of contention is that the Comments presented allegedly new study work without a detailed methodology or analysis as comments, rather than as testimony. As indicated above, SCE's concerns are misplaced. Accordingly, SCE's Motion to Strike should be denied.

Alternatively, if SCE's objection to the form of the City's Comment is well-taken by ALJ

---

<sup>7</sup> Motion to Strike at p. 3 ("In sum, the City. . . conducted a new study and disclosed the existence of that study and its results, but not its detailed methodology or analysis, for the first time through comments, not testimony.")

<sup>8</sup> Ruling, at p. 4 (emphasis added).

