

From: Brown, Carol A.
Sent: 1/1/2014 11:12:59 AM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE: OII - submitting the case?

OK. Do not use any other case as an example. In this case the judges will do something to indicate to the world that the pods will issue in 60 days. They have not done that yet - so we know no pods till at least late February.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Cherry, Brian K"
Date: 01/01/2014 8:21 AM (GMT-08:00)
To: "Brown, Carol A."
Subject: Fwd: OII - submitting the case?

Can you provide some procedural insight ?

Brian K. Cherry
PG&E Company
VP, Regulatory Relations
77 Beale Street
San Francisco, CA. 94105
(415) 973-4977

Begin forwarded message:

From: [Redacted]
Date: January 1, 2014 at 6:10:54 AM PST
To: "Cherry, Brian K" <BKC7@pge.com<mailto:BKC7@pge.com>>
Cc: "Doll, Laura" <LRDD@pge.com<mailto:LRDD@pge.com>>, "Murphy, Margaret" <m7mp@pge.com<mailto:m7mp@pge.com>>, [Redacted]
[Redacted] "Cherry, Sara" <SACr@pge.com<mailto:SACr@pge.com>>, "Ramaiya, Shilpa R" <SRRd@pge.com<mailto:SRRd@pge.com>>, "Allen, Meredith" <ME Ae@pge.com<mailto:ME Ae@pge.com>>
Subject: Re: OII - submitting the case?

Under Rule 13.14, the matter stands submitted after taking of evidence, submission of briefs, and oral argument, if any. In my experience, the ALJ usually says at the end of hearings that the matter shall be submitted after the submission of reply briefs, but that isn't a requirement.

I don't usually see the judge issuing a separate ruling confirming that the case was submitted. Again, in my experience, the judge either states it at the end of hearings or implicitly relies on rule 13.14.

Sent from my iPhone

On Dec 31, 2013, at 6:11 PM, "Cherry, Brian K" <BKC7@pge.com<mailto:BKC7@pge.com>> wrote:

Ann - can you give us a summary of the procedural process for submitting a decision ? Generally I thought there was a notice issued by the judge after the submission of reply briefs. It wasn't done in this case.

Sent from my iPad

On Dec 31, 2013, at 2:32 PM, "Doll, Laura" <LRDD@pge.com<mailto:LRDD@pge.com>> wrote:

Margaret

There is nothing hard and fast about deadlines in this case. And there is not an official step for the ALJs to take before they issue the PODs.

We consider that Oct 15, when we filed our last comments, closed the record. Obviously that didn't set a 60 day process in the view of the ALJs. I confirmed this with Joe Malkin a few minutes ago.

We continue to believe the next step will be issuance of a POD or, more likely, multiple PODs. Peevey's public comment about February is the most definitive thing we have now, but I would still consider that a target and not an absolute.

You understand the process as well as anyone -- and what is absolutely clear is that this is too big and has too many moving parts to put in a traditional regulatory process box.

Still, we will look to february with hope for closure in 2014!

All the best,
Laura

From: Murphy, Margaret
Sent: Tuesday, December 31, 2013 01:07 PM
To: Doll, Laura
Cc: [Redacted] Cherry, Sara; Ramaiya, Shilpa R
Subject: OII - submitting the case?

Hi Laura,

After we read Peevey's comments in the LA Times this morning about the San Bruno POD coming out in February, Brian Cherry mentioned to Sara that this timeline wasn't surprising since the ALJs haven't yet submitted the case, starting their 60-day statutory clock to issue a decision.

That is definitely a gap in IR's understanding of the process for an adjudicatory proceeding – we didn't realize there was an additional formal step that had to happen. Is this an accurate understanding, that the ALJs have to first officially/formally “submit” the case (and if so, what does that actually look like?) which then starts a clock requiring them to issue a POD in no more than 60 days? Did this submission of the case occur in the Rancho Cordova OII or another OII where I could find an example of what it looks like?

Thanks – and Happy New Year!
Margaret

Margaret Murphy

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