

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners:

City of Corona, California)	
)	
v.)	Docket No. EL02-126-000
)	
Southern California Edison Company)	

ORDER DIRECTING FURTHER SETTLEMENT JUDGE PROCEDURES

()

1. This order sets for further settlement judge procedures the terms and conditions under which Southern California Edison Company's (SoCal Edison's) system will be physically interconnected with the City of Corona, California (Corona). This interconnection is in the public interest because a settlement, if reached, will avoid time-consuming and expensive litigation.

I. Background

2. The background of this proceeding is discussed at length in the Proposed Order issued in this proceeding.¹ In brief, Corona sought to interconnect Corona's distribution substation (Substation), located at the Golden Cheese Company of California (Golden Cheese), to SoCal Edison's transmission lines. On September 11, 2002, Corona filed a complaint against SoCal Edison alleging that SoCal Edison's refusal to interconnect the Substation to SoCal Edison's transmission lines violated sections 202,² 210³ and 212⁴ of

¹City of Corona California v. Southern California Edison Company, 101 FERC ¶ 61,240 (2002) (Proposed Order).

²16 U.S.C. § 824a (2000).

³16 U.S.C. § 824i (2000).

⁴16 U.S.C. § 824k (2000).

the FPA and SoCal Edison's transmission tariff. Corona requested an order directing the physical interconnection of the Substation.

3. On November 25, 2001, the Commission issued the Proposed Order, directing SoCal Edison to interconnect with Corona under section 210 of the FPA.⁵ The Commission also made preliminary findings that the relevant statutory standards of sections 210 and 212 of the FPA were met and, pursuant to section 212(c)(1) of the FPA, directed SoCal Edison and Corona to negotiate appropriate rates, terms and conditions of interconnection. SoCal Edison and Corona were unable to agree on rates, terms and conditions and filed with the Commission briefs and responses to those briefs, explaining their positions.

4. On April 1, 2003, the Commission set for settlement judge procedures the terms and conditions under which SoCal Edison's system would be physically interconnected with Corona, noting that the parties "have not provided sufficient detail of the existing layout of the facilities and proposed structure of the interconnection for the Commission to approve the interconnection."⁶

5. On April 30, 2003, the designated settlement judge recommended terminating the settlement judge procedures due to the low probability of settlement. The settlement judge stated that "[t]he low probability of settlement in this case is due, in large part, to the Commission's determination in Paragraph 13 of its [April 1 Order] that 'the issue of Corona's eligibility for transmission service is not properly before us.' As [Corona] does not believe interconnection alone to be beneficial, it does not wish to pursue settlement further." On that same date, the Chief Judge terminated the settlement judge procedures and returned the case to the Commission for appropriate action.

II. Discussion

Further Action

6. We are unable to issue a final order at this time. The parties still have not reached agreement on the rates, terms and conditions of the interconnection and have not provided sufficient detail of the existing layout of the facilities and proposed structure of the interconnection for the Commission to approve the interconnection.

⁵101 FERC at P 34.

⁶City of Corona, California v. Southern California Edison Company, 103 FERC ¶ 61,003 at P 19 (2003) (April 1 Order).

7. However, based upon the final report of the settlement judge, it appears that the parties may be confused as to Commission policy regarding transmission service and that, with some guidance from us, they may be able to reach an agreement.

8. Accordingly, without prejudging the issue of the provision of transmission service, we note that, based upon the information before us, we see no patent reason at this time why SoCal Edison would not have to provide transmission service to Corona if Corona files a request for an order under sections 211⁷ and 212 of the FPA. Furthermore, we note that Corona may qualify for transmission service under Order No. 888, in which case it would not need to file a complaint under sections 211 and 212 of the FPA for this service.⁸

9. Accordingly, we will remand this dispute to the settlement judge for an additional 60 days for further discussions in light of our clarification.

10. However, if Corona wishes to withdraw its request for interconnection, it should file with the Commission, within 10 days of the date of this order, a notice of withdrawal, pursuant to Rule 216 of the Commission Rule of Practice and Procedure, 18 C.F.R. § 385.216 (2003).

The Commission orders:

(A) This proceeding is hereby remanded to the settlement judge for further settlement discussions.

(B) Within 60 days of the date of this order, the settlement judge shall report to the Chief Judge and the Commission the results of the settlement discussions. At that time, the Commission will take appropriate action.

⁷16 U.S.C. § 824j (2000).

⁸We also note that Corona's December 20, 2001 application to SoCal Edison for both interconnection and transmission services appears to satisfy the open-access tariff requirement that a person desiring transmission must give the utility 60 days notice (section 17.1 of the pro forma tariff under the Open Access Rule).

(C) Corona is hereby directed, within 10 days of the date of this order, to inform the Commission if it desires to withdraw its request for interconnection.

By the Commission.

Secretary