



JSJ/nd3 11/13/2019

FILED

11/13/19
12:37 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application Of
SOUTHERN CALIFORNIA EDISON
COMPANY (U338E) for a Certificate of
Public Convenience and Necessity:
Eldorado-Lugo-Mohave Series
Capacitor Project.

Application 18-05-007

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING THE CALIFORNIA
INDEPENDENT SYSTEM OPERATOR CORPORATION'S MOTION TO
MODIFY THE PROCEDURAL SCHEDULE**

On November 5, 2019, pursuant to Rule 11.1, the California Independent System Operator Corporation (CAISO) filed and served upon the proceeding service list its Motion to modify the procedural schedule. Given the now-limited time from the filing of this Motion to the scheduled evidentiary hearing in this proceeding, I am issuing this Ruling within the time limits set in Rule 11 for responses, exercising Administrative Law Judge prerogative pursuant to Rule 11(g) to rule upon the Motion in timely fashion to provide parties with scheduling certainty as to the evidentiary hearing. The Motion is denied in its entirety, without prejudice.

The Motion is premised upon two arguments. First, CAISO asserts that it "believes the [present scheduling] provides insufficient time to prepare for evidentiary hearing..." This argument is rejected, as the time for raising this assertion would have been in response to the requests made to set out the present scheduling. It appears from the content of the requests made to set out

the present scheduling that CAISO did not object to the requests for the present scheduling.

Second, CAISO states that its “policy witness, Mr. Neil Millar, has an unavoidable conflict and will be out of the country during the week of December 2, 2019 [the week that the evidentiary hearing is scheduled].” It is noted that the schedule establishing the evidentiary hearing for the week of December 2, 2019, is found in the Scoping Memo, which was issued August 12, 2019. It is the unfortunate reality that events in life may sometimes create scheduling conflicts, and for this CAISO has my sincere sympathy, but to change the evidentiary hearing date at this late point in the proceeding schedule on this basis would be unfairly prejudicial to the many parties, the Commission staff, and the Commission resources which have relied upon the Scoping Memo proceeding schedule.

Also, it is noted that on November 4, 2019, Mr. Millar served his testimony, and that testimony appears to indicate that there is a relatively limited scope of testimony that involves Mr. Millar’s unique opinion: specifically, it appears to be Question 13 on page 11-12. (Moreover, Mr. Millar’s answer to Question 13 refers to CAISO’s other witness, Mr. Sushant Barave, reading in part as follows: “Mr. Barave’s testimony provides CAISO’s updates analysis demonstrating the continued need for the Proposed Project.”) Therefore, CAISO’s alternative Motion request, for an additional evidentiary hearing date outside the week of December 2, 2019, is also denied.

This Ruling is without prejudice. One or more parties may make a similar motion at the evidentiary hearing for an additional evidentiary hearing date to cross-examine Mr. Millar. However, in the interests of efficiency, parties may

wish to consider whether they might pose interrogatories to Mr. Millar to obtain a form of equivalence to a cross-examination of his testimony.

IT IS SO RULED.

Dated November 13, 2019, at San Francisco, California.

/s/ JASON JUNGREIS
Jason Jungreis
Administrative Law Judge