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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the Talega-Escondido/Valley-Serrano 500 kV Interconnect Project.

Application 10-07-001
(Filed July 6, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING
ESTABLISHING DATE FOR SERVICE OF SUPPLEMENTAL TESTIMONY
AND SETTING BRIEFING DATES**

1. Summary

This ruling requires The Nevada Hydro Company (TNHC) to serve supplemental testimony by November 30, 2010. This ruling also establishes briefing dates for several issues discussed at the prehearing conference (PHC) on September 22, 2010.

2. Supplemental Testimony

At the PHC, TNHC indicated that the witnesses sponsoring the economic testimony are no longer available. TNHC proposes to provide supplemental testimony from substitute witnesses who will also provide updated testimony addressing economic issues such as the Sunrise Powerlink Project, impact of legislation addressing once-through cooling generation, the development of renewable energy, and reduced loads throughout California.

TNHC states that it will also provide testimony related to reliability and financial viability, as well as several other issues raised in my Ruling of

September 14, 2010. TNHC should carefully review and address those issues, including supplementing the showing on costs. Parties requested updated, detailed, and specific maps and TNHC should provide these, as well as detail on the proposed substations and impact on San Diego Gas & Electric Company and Southern California Edison Company. Today's ruling confirms that this testimony shall be served by November 30, 2010.

3. Briefing

Several threshold issues were addressed at the PHC. After consultation with assigned Commissioner Ryan, we require briefing on certain issues prior to issuing the Scoping Memo Ruling in the proceeding. Parties shall brief the following issues:

1. Entities applying for a Certificate of Public Convenience and Necessity (CPCN) at the Commission are generally certificated as public utilities if and when the project is approved. If the project is not approved, for some reason, the entity would not be determined to be a public utility. Is there a reason to proceed any differently in this matter? Why or why not?
2. There was some discussion at the PHC as to whether the transmission line proposed by TNHC is a stand-alone project. Since TNHC has co-applied with Elsinore Valley Municipal Water District to the Federal Energy Regulatory Commission for a license to construct and operate the Lake Elsinore Advanced Pumped Storage (LEAPS) facility, does this imply that TNHC will own any generation generated by LEAPS? If so, must TNHC seek a CPCN at this Commission for LEAPS?¹ If not, how is this different from the Helms pumped storage project?²

¹ Pub. Util. Code § 1001. Also, General Order 131-D provides, in pertinent part, that "no electric public utility, now subject, or which hereafter may become subject, to the jurisdiction of this Commission, shall begin construction in this state of any new electric generating plant, or of the modification, alteration, or addition to an existing electric

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3. If, for some reason, the Talega-Escondido/Valley-Serrano project is not approved and TNHC is not determined to be a public utility under Pub. Util. Code § 218, should eligible intervenors receive intervenor compensation under Pub. Util. Code §§ 1801 et seq.? If so, who would be responsible for paying those intervenors?
4. Should TNHC Should TNHC be required to post a bond or provide some other guarantee of payment for intervenors or for payment to the Division of Ratepayer Advocates for consultant services pursuant to Pub. Util. Code § 631?

Concurrent opening briefs shall be filed and served by November 19, 2010 and concurrent reply briefs shall be filed and served by December 10, 2010.

IT IS SO RULED.

Dated October 6 2010, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Administrative Law Judge

generating plant, or of electric transmission/power/distribution line facilities, or of new, upgraded or modified substations without first complying with the provisions of this General Order.”

² See Decision (D.) 85910 (80 CPUC 52); also discussed in D.85-08-102 (18 CPUC 2d 700).

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Dated October 6, 2010, at San Francisco, California.

/s/ CRISTINE FERNANDEZ
Cristine Fernandez

N O T I C E

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