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January 20, 2006

Honorable ALJ Kim Malcolm  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**Re: Application No. 05-12-014 – Sunrise Powerlink**

Dear Judge Malcolm:

Please find attached our Motion for Determination of Applicability of the California Environmental Quality Act and Request for Hearing and/or to Reschedule the Prehearing Conference for the Sunrise Powerlink Project.

Our motion seeks to clarify how San Diego Gas and Electric Company (“SDG&E”) and the Commission intend to comply with the California Environmental Quality Act in light of SDG&E’s “Motion to Set Procedures and to Defer Certain Filing Requirements” (“Motion to Defer”) and “Application for Certificate of Public Convenience and Necessity” (“Application”). It requests that you permit a reply brief on our motion and that you order a hearing to ensure that critical CEQA and utility law issues are fully and adequately considered.

Our motion also requests that you reschedule the planned January 31<sup>st</sup> prehearing conference to reasonably ensure that all concerns are at least raised and that protests, motions, and responses are all filed prior to attempting to establish a schedule for hearings and other matters pertaining to SDG&E’s Application. In the alternative, we request that you proceed with the January 31<sup>st</sup> prehearing conference but that you not allow any substantive consideration of SDG&E’s motion or any subsequent Commission decision on this matter until the close of briefing and a hearing.

We regret that our motion did not arrive before the Commission formally scheduled its prehearing conference. But we are also surprised that the prehearing conference is scheduled to take place prior to the February 17<sup>th</sup> close of the extended protest period and period to respond to SDG&E’s motions. Nonetheless, we propose the attached briefing and hearing schedule in an effort to help ensure full briefing on these matters before your decisions on schedule and scope.

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Thank you for your attention to this matter. If you have any questions, please contact me at 415-436-9682 ext. 302.

Sincerely,

/s/ Justin Augustine

Justin Augustine

### **PROPOSED PLEADING AND HEARING SCHEDULE**

- January 31, 2006: [Prehearing Conference rescheduled to February 27, 2006.]
- January 31, 2006: The Center/Sierra Club submit their Response to SDG&E's "Motion to Set Procedures and to Defer Certain Filing Requirements."
- February 6, 2006: SDG&E submits its Response to the Center/Sierra Club's "Motion for Determination of Applicability of the California Environmental Quality Act."
- February 10, 2006: SDG&E submits its Reply in support of its "Motion to Set Procedures and to Defer Certain Filing Requirements."
- February 16, 2006: The Center/Sierra Club submits a Reply in support of its "Motion for Determination of Applicability of the California Environmental Quality Act."
- No later than  
February 17, 2006: The Center/Sierra Club file their Protest to SDG&E's Application and "Motion to Set Procedures and to Defer Certain Filing Requirements."
- February 27, 2006: Prehearing Conference in San Diego