

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**Public Utilities Commission of the
State of California**

v.

Docket No. RP00-241-000

**El Paso Natural Gas Company,
EL Paso Merchant Energy-Gas, L.P.
and EL Paso Merchant Energy Company**

**ORDER OF CHIEF JUDGE DENYING MOTION
FOR APPOINTMENT OF SETTLEMENT JUDGE**

(Issued September 13, 2001)

By motion filed on September 7, 2001, El Paso Merchant Energy, L.P. (EPME) and El Paso Natural Gas Co. (EPNG) requested the Chief Judge to appoint a settlement judge in this proceeding, that the settlement judge be given a 60-day period to facilitate settlement negotiations, and that the Chief Judge defer the date for the initial decision in this case until after the settlement period. The Chief Judge shortened the time to answer until noon on September 11. Because of the National tragedy on September 11, the Chief Judge informally extended the deadline until Noon on September 12. Answers opposing the appointment of a settlement judge at this period in time were filed by the Commission Staff, by the Public Utilities Commission of the State of California, and by Southern California Edison Company. Southern California Gas Company filed an answer opposing any deferral in the issuance of the initial decision, but taking no position on the appointment of a settlement judge.

On September 12, EPME and EPNG filed a joint response to the answers opposing their motion requesting the appointment of a settlement judge and requested that the responses be accepted by the Chief Judge. The Chief Judge accepts the filing. In that response, EPME and EPNG stated that if there was to be no deferral in the issuance of the initial decision by the Chief Judge, then they requested that any settlement negotiations before a settlement judge be delayed until after the initial decision is issued.

While the Chief Judge strongly urges the parties to settle this case, as he pointed out in his order Shortening The Time To Answer he does not feel that he has the authority to change the date for the issuance of the initial decision. In addition he feels that the issuance of the initial decision should be at the earliest possible date. Further, it is the Chief Judge's preception that when all parties are not agreeable to the appointment of a settlement judge, the process is usually unsuccessful.

In view of the foregoing, the Chief Judge hereby denies the motion requesting appointment of a settlement judge at this point in time. At the same time, he urges the parties, once they have filed their Reply Briefs tomorrow, to informally begin settlement discussions. This will give them a little more than three weeks to talk before the initial decision is issued.

Curtis L. Wagner, Jr.
Chief Administrative Law Judge