

(R-92-392)

RESOLUTION NUMBER R- 278659

ADOPTED ON SEP 16 1991

WHEREAS, the City of San Diego was fully engaged in proceedings before the California Public Utilities Commission and the Federal Energy Regulatory Commission regarding the proposed merger of Southern California Edison (SCE) and San Diego Gas & Electric Company (SDG&E); and

WHEREAS, the City Attorney was authorized on December 13, 1988 to full participate in said proceedings in behalf of the City and was further authorized to retain outside legal consultants and other specialized experts in furtherance of that effort; and

WHEREAS, the law firm of Arent, Fox, Kintner, Plotkin & Kahn was retained as lead outside counsel and funds were authorized for that undertaking; and

WHEREAS, the decision on the proposed merger was rendered in favor of the City of San Diego in 1991 after extended hearings; and

WHEREAS, Council authorized funds in the City Attorney's budget for fiscal year 1992 to defray all final expenses incurred in the merger hearing process; and

WHEREAS, it is now necessary to make full and final payment to the Arent, Fox firm for services rendered up to the successful conclusion of the hearing process; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego,  
that the Auditor and Comptroller be and he is hereby fully  
authorized to pay the sum of \$122,793.03 to the firm of Arent,  
Fox, Kintner, Plotkin & Kahn as payment in full for expert  
outside counsel services in the San Diego Gas & Electric/Southern  
California Edison proposed merger case.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Jack Katz  
Senior Chief Deputy

JK:smm  
09/10/91  
Or. Dept:Atty  
Aud. Cert:9200194  
R-92-39  
Form=r-t

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 9200194

ORIGINATING DEPT. NO.: 045

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_, 19\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 122,793.03

Vendor Arent, Fox, Kintner, Plotkin & Kahn

Purpose Authorizing the expenditure of funds for expert counsel services in the SDG&E/Southern California Edison Merger case.

Date September 6, 19 91

By: *Diane Sheeha*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		100	045	106	4141	004560				\$122,793.03
TOTAL AMOUNT										\$122,793.03

FUND OVERRIDE

#5402

SEP 16 1991

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 278659 Adopted SEP 16 1991

97011 7 1:55

1000000

1000000

1000000