

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Washington D.C.

UTILITY WORKERS UNION OF AMERICA,
AFL-CIO (UWUA); INTERNATIONAL CHEMICAL
WORKERS UNION COUNCIL-UFCW (ICWUC); AND
THE UWUA-ICWUC JOINT STEERING COMMITTEE

and

Case 21-CB-14820

SOUTHERN CALIFORNIA GAS COMPANY

COUNSEL FOR THE ACTING GENERAL COUNSEL'S RESPONSE TO
THE REPLY TO ACTING GENERAL COUNSEL'S OPPOSITION TO MOTION TO
DISMISS LIMITED EXCEPTIONS AND THE OPPOSITION TO LIMITED EXCEPTIONS
FILED BY RESPONDENTS UTILITY WORKERS UNION OF AMERICA, AFL-CIO
AND UWUA-ICWUC JOINT STEERING COMMITTEE

I. Procedural Background.

1. This case was heard by Administrative Law Judge Mary Miller Cracraft (ALJ) pursuant to an Amended Complaint and Notice of Hearing dated June 4, 2010. The ALJ issued her decision and recommended order on November 4, 2010, and found that Respondents violated Section 8(b)(3) of the Act, by failing and refusing to sign the collective-bargaining agreement submitted to them on November 12, 2009, and by delaying, until March 23, 2010, the signing of the collective-bargaining agreement submitted to them on November 12, 2009.

2. On December 2, 2010, the Acting General Counsel timely filed limited exceptions and a brief in support of limited exceptions addressing, in part, the lack of an electronic-posting provision in the recommended order and the lack of proper locations for the notice posting.

3. On December 16, 2010, Respondents UWUA and JSC filed a motion to dismiss the Acting General Counsel's limited exceptions (the motion to dismiss), and on December 22, 2010, the Acting General Counsel filed an opposition to that motion. On January 6, 2011,

Respondents UWUA and JSC filed a reply to the Acting General Counsel's opposition to the motion to dismiss, and, alternatively, an opposition to the Acting General Counsel's limited exceptions (the reply).

II. The Reply Should be Struck.

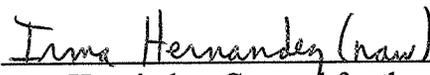
Respondents UWUA and JSC identify the document that they filed on January 6, 2011, as a *reply* to the Acting General Counsel's opposition to the motion to dismiss, and only alternatively do they call it an opposition to the Acting General Counsel's limited exceptions. Section 102.24 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended (Board Rules) provide that after the filing of a motion, an opposing party may file a response or an opposition to the motion. On December 22, 2010, the Acting General Counsel properly filed an opposition to the motion to dismiss.

However, the Board Rules contain no provision permitting the filing of a *reply* to the opposition. The reply filed by Respondents UWUA and JSC specifically and exclusively addresses the Acting General Counsel's opposition to the motion to dismiss. But these Respondents have cited no rule permitting the filing of this additional document. The Board Rules do not allow the reply; therefore it should be struck.

III. Conclusion.

Based on the foregoing, the Acting General Counsel submits that Respondents UWUA and JSC's reply document is improper, and it should be struck in its entirety.

Respectfully submitted,



Irma Hernández, Counsel for the Acting General Counsel
National Labor Relations Board, Region 21
888 South Figueroa Street, Ninth Floor
Los Angeles, CA 90017

Dated at Los Angeles, California, this 20th day of January, 2011.

STATEMENT OF SERVICE

I hereby certify that a copy of the Counsel for the Acting General Counsel's Response to the Reply to Acting General Counsel's Opposition to Motion to Dismiss Limited Exceptions and the Opposition to Limited Exceptions Filed by Respondents Utility Workers Union of America, AFL-CIO and UWUA-ICWUC Joint Steering Committee in Case 21-CB-14820 was submitted by E-Filing to the Office of the Executive Secretary of the National Labor Relations Board, on January 20, 2011. The following parties were served with a copy of the same document by electronic mail.

Randall Vehar, Assistant General Counsel
International Chemical Workers Union Council-UFCW
rvehar@icwuc.org; rvehar@ufcw.org

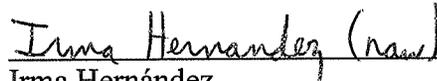
Robert W. Lowrey, Attorney at Law
International Chemical Workers Union Council-UFCW
rwl2168@ufcw.org

Ellen Greenstone, Attorney at Law
Rothner, Segall & Greenstone
egreenstone@rsgllabor.com

Christopher Bissonnette, Senior Counsel
Southern California Gas Company
cbissonnette@sempra.com

Linda Van Winkle Deacon, Attorney at Law
Bate, Peterson, Deacon, Zinn & Young LLP
ldeacon@bpdzylaw.com

Respectfully submitted,



Irma Hernández
Counsel for the Acting General Counsel
National Labor Relations Board, Region 21