

From: Churchill, Susannah
Sent: 4/14/2010 2:32:56 PM
To: Redacted
Cc: Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAE); Lawlor, Joe T (/O=PG&E/OU=Corporate/cn=Recipients/cn=JTL5)
Bcc:
Subject: RE: questions re AL 3577-E

Thanks, all, for answers to my questions. I have a couple follow-ups and thought email was easiest. Please let me know if you can reply by Thursday 4/15 close of business.

Follow-up questions:

Re. Question 1 on max /min price: What I am looking for is the max and min *levelized* price (both TOD adjusted and not) for the full length of the contract. I see from your reply that the max levelized price is \$137.09/\$141.09/MWh, but I do not see any min levelized price (both TOD adjusted and not). I assume it's lower than the base price b/c low fuel prices would result in the price decreasing below base.

Please state the min levelized price (both TOD adjusted and not).

Re. Question 2) on GHG change of law provision: You state that seller "refused to accept the potential risk of future GHG **legislation** under the prices offered since if GHG costs later came into effect it could make the plant unviable under the offered pricing." AB 32 regulations and resulting prices will not be as a result of new legislation, but rather will flow from new administrative rules promulgated under existing law; this is why I am unclear if AB 32-related cost increases are meant to be in this category. However, it looks from the PPA language like cost increases resulting from AB 32 rules would qualify. Please clarify.

Thanks again,
Susannah

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From: [Redacted]
Sent: Tuesday, April 13, 2010 1:29 PM
To: Churchill, Susannah
Cc: Lawlor, Joe T; Allen, Meredith
Subject: RE: questions re AL 3577-E

Confidential

Susannah:

Please see the answers to your questions in the attached document. Feel free to give us a call with additional questions.

Thanks,

[Redacted]

From: Churchill, Susannah [mailto:susannah.churchill@cpuc.ca.gov]
Sent: Friday, April 09, 2010 3:14 PM
To: Lawlor, Joe T; Allen, Meredith
Cc: [Redacted]
Subject: RE: questions re AL 3577-E

Thanks, Joe. After more AL review, I have another question to add to the list, since I can't find the answer in the AL materials:

How much fuel is the project estimated to use per year?

Thanks,
SC

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From: Lawlor, Joe T [mailto:JTL5@PGE.COM]
Sent: Friday, April 09, 2010 11:43 AM
To: Churchill, Susannah; Allen, Meredith
[Redacted]
Subject: Re: questions re AL 3577-E

Thx - got it and we'll get you the info by Tuesday COB latest. Joe

From: Churchill, Susannah <susannah.churchill@cpuc.ca.gov>
To: Allen, Meredith
Cc: Lawlor, Joe T; [Redacted]
Sent: Fri Apr 09 11:21:45 2010
Subject: questions re AL 3577-E

Hi Meredith, Joe and [Redacted]

Here are my questions regarding the DTE Stockton contract (to confirm my conversation with Joe this morning, this is not the Big Creek contract). Please email me replies by close of business on Tuesday, April 13. Questions and replies will be kept confidential pursuant to Commission rules.

1) What is the maximum and minimum allowable prices under the contract, both TOD-adjusted and non-TOD adjusted, assuming fuel prices increase but don't exceed the maximum allowable of \$75/ton? Please confirm that prices listed on Page D-26 of the AL (\$137.09/MWh or \$141.39 TOD-adjusted) are the maximum prices, and state the minimum prices, both TOD-adjusted and non-TOD adjusted-- I can't find the minimum price listed anywhere.

The IE report (page A10) makes reference to the price being allowed to rise by \$12.50/MWh, but I think they got it wrong, given what I think is the max price listed on page D-26.

2) Re. GHG change of law provision:

a) would any costs resulting from AB 32 implementation qualify as a change of law under this provision, even though AB 32 was enacted years ago, because implementation is not yet complete? Please explain why the developer should not be responsible for the risk of GHG emissions costs associated with their project's generation as anticipated under AB 32, if that is the case.

b) 10.1(c) in the PPA seems to say that if federal GHG legislation hasn't passed by Jan 2011 (very likely), the Seller can terminate the agreement. Please explain.

c) Would PG&E submit an amended AL at CPUC (or otherwise request CPUC approval) if prices change pursuant to this section of the contract? Please point to where in the AL you note this.

d) Have other PG&E RPS contracts included a similar provision? Please discuss.

3) What are the water needs and planned supply for the project? Could find no discussion in the AL.

4) Page D-7 of the AL states that DTE has to convert the existing grandfathered QF connection to a new CAISO LGIA and install CAISO revenue quality meters. Please describe the milestones that will be required for each, and the list the projected dates for reaching each milestone.

Thanks very much,
Susannah

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