# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric	)	
Company for Expedited Approval Of The	)	A.08-09-007
Amended Power Purchase Agreement For The	)	(Filed September 10, 2008)
Russell City Energy Company Project	)	

JOINT MOTION OF PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY ENERGY COMPANY, LLC, DIVISION OF RATEPAYER ADVOCATES AND CALIFORNIA UNIONS FOR RELIABLE ENERGY TO WITHDRAW WITHOUT PREJUDICE REQUEST FOR COST ALLOCATION AS PRESCRIBED BY SB 695

Jeffrey P. Gray DAVIS WRIGHT TREMAINE LLP 505 Montgomery Street, Suite 800

San Francisco, California 94111

Tel. (415) 276-6500 Fax. (415) 276-6599 Email: jeffgray@dwt.com

Attorneys for RUSSELL CITY ENERGY

COMPANY, LLC

Marc D. Joseph ADAMS BROADWELL JOSEPH & CARDOZO

601 Gateway Blvd., Suite 1000 South San Francisco, California 94080

Telephone: (650) 589-1660 Facsimile: (650) 589-5062

Email: mdjoseph@adamsbroadwell.com Attorneys for CALIFORNIA UNIONS FOR

RELIABLE ENERGY

Alice L. Reid

PACIFIC GAS AND ELECTRIC COMPANY

Post Office Box 7442 San Francisco, CA 94120 Telephone: (415) 973-2966 Facsimile: (415) 973-5520 Email: ALR4@pge.com

Attorneys for PACIFIC GAS AND ELECTRIC

**COMPANY** 

Joseph P. Como

DIVISION OF RATEPAYER ADVOCATES

California Public Utilities Commission

505 Van Ness Ave. San Francisco, CA 94102 Phone: (415) 703-2381 Email: joc@cpuc.ca.gov Fax: (415) 703-2057

Attorney for DIVISION OF RATEPAYER

**ADVOCATES** 

June 10, 2010

### BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric	)	
Company for Expedited Approval Of The	)	A.08-09-007
Amended Power Purchase Agreement For The	)	(Filed September 10, 2008)
Russell City Energy Company Project	)	

JOINT MOTION OF PACIFIC GAS AND ELECTRIC COMPANY, RUSSELL CITY ENERGY COMPANY, LLC, DIVISION OF RATEPAYER ADVOCATES AND CALIFORNIA UNIONS FOR RELIABLE ENERGY TO WITHDRAW WITHOUT PREJUDICE REQUEST FOR COST ALLOCATION AS PRESCRIBED BY SB 695

Pursuant to Rule 11.1 of the California Public Utilities Commission ("Commission") Rules of Practice and Procedure, Pacific Gas and Electric Company ("PG&E"), Russell City Energy Company, LLC ("RCEC"), the Division of Ratepayer Advocates ("DRA") and California Unions for Reliable Energy ("CURE") (collectively, "Joint Parties") submit this motion ("Joint Motion") to withdraw without prejudice the Joint Parties' request in its Joint Petition<sup>1/</sup> that Decision ("D.") 09-04-010 be modified to implement Senate Bill ("SB 695") for the RCEC Power Purchase Agreement ("PPA").<sup>2/</sup>

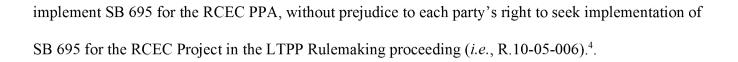
In the Joint Petition, filed on April 15, 2010, the Joint Parties noted that SB 695 had been enacted after D.09-04-010 was issued and addressed the allocation of net capacity costs associated with new generation resources, such as the RCEC Project. Thus, the Joint Parties requested as part of their Joint Petition, that D.09-04-010 be modified to implement SB 695 for the RCEC PPA.

Subsequent to the Joint Parties' filing of the Joint Petition, the Commission initiated its Long-Term Procurement Plan ("LTPP") rulemaking and identified implementation of SB 695 as one of the numerous rule and policy issues to be addressed in the LTPP Rulemaking.<sup>3/</sup> The Joint Parties now respectfully move to withdraw their request in the Joint Petition that D.09-04-010 be modified to

<sup>1/</sup> Joint Petition of Pacific Gas and Electric Company, Russell City Energy Company, LLC, Division of Ratepayer Advocates, California Unions for Reliable Energy, and The Utility Reform Network for Modification of Decision 09-04-010, as Modified by Decision 10-02-033, filed on April 15, 2010 ("Joint Petition").

<sup>2/</sup> The Utility Reform Network ("TURN") does not join in this Joint Motion but does not oppose the relief sought herein.

<sup>3/</sup> LTPP Rulemaking at 15.



Respectfully submitted,

4

<sup>&</sup>lt;sup>4</sup> In its comments in the LTPP Proceeding, PG&E noted that issues related to SB 695 have also been raised in the Partial Settlement in A.09-09-021 (concerning PG&E's 2008 Long-term request for Offers). PG&E is not withdrawing its request to seek SB 695 treatment as a part of the Partial Settlement in that proceeding, nor is the filing of this motion intended to explicitly or implicitly imply that SB 695 issues raised in A.09-09-021 should be resolved in the LTPP Proceeding.

# CERTIFICATE OF SERVICE BY ELECTRONIC MAIL, U.S. MAIL, OR HAND DELIVERY

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 10th day of June, 2010.

	/ <u>s</u> /	
Redacted		

# THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA EMAIL SERVICE LIST

Last updated: April 15, 2010

#### CPUC DOCKET NO. A0809007

