

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

Application of Pacific Gas and Electric)
Company for Expedited Approval Of The)
Amended Power Purchase Agreement For The)
Russell City Energy Company Project)

A.08-09-007
(Filed September 10, 2008)

**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**

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June 10, 2010

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**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^{1/} that Decision (“D.”) 09-04-010 be modified to implement Senate Bill (“SB”) 695 for the RCEC Power Purchase Agreement (“PPA”).^{2/} This motion does not address any other aspect of the Joint Petition.

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 LTPP rulemaking and identified implementation of SB 695 as one of the numerous rule and policy issues to be

1/ *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”).*

2/ The Joint Parties have been informed that, while The Utility Reform Network (“TURN”) does not oppose the relief sought in this motion, TURN wishes to explain for purposes of clarification that this represents a change to the position expressed in TURN’s June 4, 2010, “COMMENTS ON THE PRELIMINARY SCOPING MEMO AND SCHEDULE” in R.10-05-006 (the new Long Term Procurement Plan (“LTPP”) Rulemaking), wherein TURN suggested that the SB 695 issue should be addressed in this and other individual utility applications, rather than in the Rulemaking docket..

addressed in the LTPP Rulemaking.^{3/} In light of these developments in the LTPP Rulemaking and the fact that the costs of the RCEC project will not impact PG&E's rates until several years from now, the Joint Parties now respectfully move to withdraw their request in the Joint Petition that D.09-04-010 be modified to implement SB 695 for the RCEC PPA at this time, on the condition that the Commission affirm that such withdrawal is without prejudice to any party's right to seek implementation of SB 695 for the RCEC Project in the LTPP Rulemaking proceeding (*i.e.*, R.10-05-006)⁴ or any other appropriate proceeding.

Respectfully submitted,

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^{3/} LTPP Rulemaking at 15.

^{4/} 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.

On the 10th day of June, 2010, I caused to be served a true copy of:

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

By Electronic Mail – by electronic mail on the official service lists for A08-09-007, who have provided an e-mail address.

By U.S. Mail – by U.S. mail on the official service lists for A08-09-007, who have not provided an e-mail address.

By hand delivery to the following:

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.

_____/s/_____
Redacted

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

Last updated: April 15, 2010

CPUC DOCKET NO. A0809007

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